

Rules

February 11, 2016

PERS

145-1-44 Election Workers (Emergency)

145-1-81 Retirement plans

OP&F

742-3-05 Disability benefits procedure

742-3-17 Withdrawal of application for service retirement or disability benefits

742-5-04 Military service credit (No change)

742-5-05 Merchant marine service (No change)

742-8-07 Penalties and interest under R.C. 742.352

742-9-12 Employer's compliance (No change)

742-9-14 Reliance on records for purposes of determining taxability (No change)

742-21-03 Administration of method of payment section of approved division of property order format (No change)

SERS

3309-1-06 Ohio-qualified agents and investment managers

3309-1-12 Contributing service credit (No change)

3309-1-24 Ohio service credit and calculation of final average salary

3309-1-37 Surviving spouse or dependent may purchase credit

3309-1-43 Service credit established under retirement incentive plan

3309-1-44 Purchase of service credit; pregnancy and adoption resignation (No change)

3309-1-53 Rollover distributions and trustee-to-trustee transfers

- 3309-1-55 Responsibility for health care coverage
- 3309-1-56 Alternative retirement programs
- 3309-1-58 Retirement of member pursuant to R.C. 3309.343 (No change)
- 3309-1-62 Retirement plan required by court order
- 3309-1-63 Plan F – multiple beneficiaries

SHPRS

- 5505-1-01 Rule adoption – method of public notice (No change)
- 5505-3-01 Eligibility date of retirement benefits (No change)
- 5505-7-01 Calculation of retirement benefits
- 5505-7-07 Refund of contributions (Rescind)

145-1-44

Election workers.

As used in section 145.012 of the Revised Code, "election worker" means an individual who performs services as a ~~poll worker~~precinct election official or voting location manager for the board of elections ~~on~~ for a day the election polls are open and training or preparation for such service.

Effective: 01/21/2016

CERTIFIED ELECTRONICALLY

Certification

01/21/2016

Date

Promulgated Under: 111.15
Statutory Authority: 145.09
Rule Amplifies: 145.012
Prior Effective Dates: 7/7/13 (Emer.), 9/16/13

145-1-81

Retirement plans.

(A) As used in Chapters 145-1 to 145-4 of the Administrative Code:

- (1) "Traditional pension plan" means the PERS defined benefit plan established under sections 145.201 to ~~145.79~~145.70 of the Revised Code.
- (2) "Combined plan" means the PERS combined defined benefit/defined contribution plan established under section 145.81 of the Revised Code. Unless specifically identified otherwise within the text of the Administrative Code, references to the combined plan document refer to the version that includes amendments adopted through March 23, 2015.
- (3) "Member-directed plan" means the PERS defined contribution plan established under section 145.81 of the Revised Code. Unless specifically identified otherwise within the text of the Administrative Code, references to the member-directed plan document refer to the version that includes amendments adopted through March 23, 2015.

(B) The text of the combined and member-directed plan documents shall not be incorporated into this or any other rule of the Administrative Code. Current versions of the plan documents are available on the web site of the public employees retirement system at www.opers.org.

Effective:

Five Year Review (FYR) Dates: 09/29/2020

Certification

Date

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742-3-05

Disability benefits procedure.

(A) For purposes of divisions (C)(2), (C)(3), (C)(4), and (C)(5) of former section 742.37 of the Revised Code and section 742.38 of the Revised Code and this rule, the following terms shall have the meanings set forth herein:

- (1) "Board," shall mean the board of trustees of the Ohio police and fire pension fund ("OP&F").
- (2) "Applicant" shall mean a member of OP&F who has filed any type of application for disability retirement benefits or any person who has filed such application on behalf of an incapacitated member in accordance with division (B) of section 742.38 of the Revised Code and rules 742-3-12 and 742-3-13 of the Administrative Code and who does not have benefits vested under the deferred retirement option plan under section 742.444 of the Revised Code.
- (3) "Disability benefit recipient" shall have the meaning described in division (A) of section 742.40 of the Revised Code.
- (4) "On-duty illness or injury" means an illness or injury that occurred during or resulted from the performance of official duties under the direct supervision of a member's appointing authority.
- (5) "Off-duty illness or injury" means an illness or injury that did not occur during or result from the performance of official duties under the direct supervision of a member's appointing authority. Unless the illness or injury meets the presumption criteria outlined in division (A) of section 742.38 of the Revised Code or competent and credible evidence is submitted to OP&F, a disability condition is presumed to be the result of an off-duty illness or injury.
- (6) "Permanent disability" means a condition of disability with respect to which the board finds that there is no present indication of recovery or those presumptive conditions set forth in division (D)(3) of section 742.38 of the Revised Code, which shall be determined through the medical reports filed with OP&F, as required by the terms of division (A)(1) of section 742.38 of the Revised Code and rule 742-1-02 of the Administrative Code.
- (7) "Total disability" shall have the meaning set forth in division (D)(1)(a) of section 742.38 of the Revised Code.
- (8) "Partial disability" shall mean a condition of disability with respect to which the board finds the applicant is prevented from performing the member's official police or fire duties and member's earnings capacity is impaired.

- (9) "Guides" shall mean the American medical association's "Guides to the Evaluation of Permanent Impairment, fifth and sixth editions."
- (10) "Occupational characteristics" shall mean the U.S. department of labor's occupational characteristics for police officer (government service) and fire fighter (any industry) positions as the standards for determining the presence or absence of disability.
- (11) "Medical ~~advisor~~ Advisor," as referred to in this rule, shall mean the expert physician appointed by OP&F's board of trustees who advises the board during its deliberations of appeals of decisions relating to disability applications.
- (12) "Vocational Expert," as referred to in this rule, shall mean the expert in vocational evaluations appointed by OP&F's board of trustees who advises the board during its deliberations of appeals of decisions relating to disability applications.
- ~~(12)~~(13) "Disability evaluation panel (DEP)" shall mean that panel established by the board to make written recommendations to the board on pending disability applications. The DEP shall be comprised of three voting members and at least two non-voting members. The three voting members of the DEP shall be members of the board, who shall be the members of the disability committee, who shall be appointed to such committee by the chairman of the board, and shall be comprised of one active firefighter trustee, one active police officer trustee, and one retiree trustee. The non-voting members of the DEP shall be comprised of expert physicians, including the alternate, all of whom are appointed by the board of trustees and at least one of the non-voting members shall be an expert in vocational evaluations, including the alternate, who shall provide vocational assessments of disability applicants to the DEP. The alternate non-voting member of the DEP shall be a physician appointed by the board of trustees ~~who specializes in occupational medicine~~ and shall serve in the place of a non-voting member of the DEP in the absence or incapacity of any other non-voting physician member of the DEP.
- ~~(13)~~(14) "DEP medical advisor," as referred to in this rule, shall mean the expert physician appointed by the board of trustees to advise the DEP during its deliberations of initial disability applications and post-retirement disability reconsiderations, who shall be a different physician than the medical advisor.
- (15) "DEP vocational expert," as referred to in this rule, shall mean the expert in vocational evaluations appointed by the board of trustees to advise the DEP

during its deliberations of initial disability applications and post-retirement disability reconsiderations, who shall be a different evaluator than the vocational expert.

(14)(16) "Forms" shall mean the forms created, approved, and/or provided by OP&F for the administration of benefits found on the OP&F website at <http://www.op-f.org>.

(B) Impairment and disability evaluation criteria:

- (1) OP&F staff shall work with ~~the medical advisor~~ its advisors and/or physicians who are members of the DEP and shall assign a competent and disinterested physician and expert in vocational evaluations to conduct medical examinations for purposes of determining a member's disability, as provided by law, medical impairment and eligibility for disability retirement benefits.
- (2) In evaluating a member's disability, as provided by law, medical impairment and eligibility for disability retirement benefits, the DEP and the board will use the official duties provided by the employer, but in the event such information is not provided by the employer or does not clearly define the applicable job duties, the board and the DEP shall use the criteria contained in the "guides", the occupational characteristics adopted by the board and the criteria set forth in division (D) of section 742.38 of the Revised Code.
- (3) In evaluating a member's eligibility for disability retirement benefits, the physicians, the expert in vocational evaluations, the DEP, and the board shall consider the member's potential for retraining and reemployment and the eligibility criteria set forth in division (D) of section 742.38 of the Revised Code so that the person's ability to be retrained and reemployed shall include any positions, not just police or fire positions.
- (4) The consideration of a member's application shall be limited to the disabling condition(s) listed in the application if supporting medical documentation is provided to OP&F or disclosed by the examination of the physician(s) selected by OP&F. The DEP and the board shall consider and base its findings and recommendations on all competent evidence made available to it, including medical testimony, opinions, statements, and medical reports submitted by the member's employer under section 742.38 of the Revised Code and rule 742-1-02 of the Administrative Code.
- (5) One of the physician non-voting members of the DEP and one of the non-voting members of the DEP who is an expert in vocational evaluations shall submit to the board's disability committee or DEP a written recommendation on each

application evaluated followed by a report incorporating a summary of findings, as outlined in the DEP operating guidelines, which is approved by the board of trustees, along with their medical opinion as to whether or not the disabling condition results from an on-duty illness or injury and is waivable under the DEP operating guidelines for the DEP physicians and the vocational evaluation from the DEP vocational expert.

- (6) In reviewing applications for disability benefits, the DEP and the board shall rely upon the medical opinions of the DEP physicians and OP&F's medical advisor, who have given due consideration of medical and other evidence presented to OP&F.

(C) Initial application.

- (1) Applications for disability benefits shall be made on the disability application form approved by the board and must be in proper form in order to be processed. The member shall provide necessary substantiating documentation, including but not limited to pertinent hospital records, statements from attending physicians, departmental injury reports, the results of any special diagnostic tests, notice of allowed workers' compensation claims, and any pre-employment physicals or records required or requested under section 742.38 of the Revised Code and rule ~~742-3-01~~742-1-02 of the Administrative Code.
- (2) OP&F shall notify the member's employer that an application has been filed and will send a courtesy copy of such notice to the member within fourteen days after receiving an application for disability benefits from a member or a person acting on behalf of a member, as required by the terms of division (B) of section 742.38 of the Revised Code. The notice shall state only the position or rank, as required by the terms of division (B) of section 742.38 of the Revised Code.
- (3) For those notices sent under paragraph (C)(2) of this rule, the member's employer shall forward to the board a statement certifying the job description for the position or rank and any other information required by the board to process the application and such report or statement shall be filed with the board not later than twenty-eight days after the employer's receipt of the notice referred to in paragraph (C)(2) of this rule or filing an application on behalf of a member, whichever is the first to occur.
- (4) The member's employer shall forward the physician's report of the member's physical examination taken on entry into the police or fire department, as more fully provided in division (A)(1) of section 742.38 of the Revised Code.

If the employer fails to forward such report to OP&F on or before the date that is sixty days after the member becomes an OP&F member, division (A)(2) of section 742.38 of the Revised Code requires OP&F to assess against the employer a penalty determined under section 742.353 of the Revised Code and rule 742-8-08 of the Administrative Code. Even though a member may not have a disabling condition that is presumed, by law, to have been incurred in the member's performance of his/her official duties, that does not foreclose the member from being awarded a service-incurred disability grant.

- (5) OP&F shall schedule the member covered by the pending disability benefit application for examination by at least one medical examiner and one expert in vocational evaluations designated by OP&F, unless it is medically inadvisable to do so.
 - (a) Payment of any fees connected with the acquisition of records or the preparation of reports of the attending physicians shall be the responsibility of the member.
 - (b) Payment of any fees connected with the preparation of report of the examining physicians or vocational evaluators of OP&F shall be the responsibility of OP&F.
- (6) When all the necessary medical reports and records have been received by OP&F, including those reports required or requested under paragraphs (C)(3) and (C)(4) of this rule, OP&F shall schedule such application for review and consideration by the DEP, who shall make a written recommendation to the board based upon the criteria set forth in paragraph (B) of this rule. The board, based on the written recommendation of the DEP, will then consider the application and make an initial determination of disability. The board may:
 - (a) Grant a disability benefit;
 - (b) Deny disability benefits; or
 - (c) Postpone determination, pending an additional examination, or the submission of additional fact.

The member covered by a pending disability retirement application may withdraw the application through a written authorization filed with OP&F at any time prior to the board's award of the initial determination of disability. To the extent that a pending disability application is withdrawn by a member, the withdrawn application shall not be

presented to the DEP or the board, depending on when it's received by OP&F.

- (7) Copies of the reports of the independent medical and vocational evaluators will be sent to the member and the member's agent upon their request, unless the release of such reports is otherwise prohibited by law. The DEP recommendations will not, however, be released until the board has made an initial determination of disability. For purposes of the initial determination hearing, OP&F will not consider any documents from a member or a member's agent that seek to rebut or comment on the reports of the independent medical and vocational evaluators.
- (8) Any disability benefit award determined by the board shall be effective as of the date that the board made its initial determination of disability on such pending disability retirement application.
- (9) The member covered by the pending disability retirement application shall be notified of the board's initial determination of disability within thirty days after the board's final action and such notice shall be sent by certified mail, return receipt requested. The member covered by the pending disability retirement application shall be advised of his or her right to:
 - (a) Accept the benefit grant;
 - (b) Waive the benefits and continue working; or
 - (c) Appeal the initial determination of the board.

(D) Acceptance or waiver of benefits.

Not later than ninety days after receipt of the notice of the board provided for in paragraph (C), (E), or (F) of this rule, the disability benefit recipient shall accept or waive the board's determination of disability on the disability benefit election form provided by OP&F. For purposes of making the determination whether the disability applicant has accepted or waived the board's determination of disability, the fund may conclusively rely upon the fund's books and records.

~~(1) Not later than ninety days after receipt of the notice of the board provided for in paragraph (C), (E), or (F) of this rule, the disability benefit recipient shall accept or waive the board's determination of disability on the disability benefit election form provided by OP&F. For purposes of making the determination whether the disability applicant has accepted or waived the board's determination of disability, the fund may conclusively rely upon the~~

~~fund's books and records.~~

~~(a) If no such election is filed with OP&F within the time period provided in paragraph (D)(1) of this rule, the award shall be rescinded, effective immediately upon the expiration of the ninety day time period provided for in this paragraph.~~

~~(b) Subject to the requirement set forth in paragraph (D)(1)(a) of this rule, if a member accepts the award and then fails to establish an effective date of retirement by terminating police or fire employment within ninety days of receipt of notice of the board's determination of disability, as provided under paragraph (C)(8) or (E)(5) of this rule, the disability benefit shall be rescinded, effective immediately upon the expiration of such notice period.~~

~~(c) Notwithstanding the foregoing rescission of disability benefits, such member shall not be foreclosed from later filing another disability benefit application with OP&F and any subsequent applications shall be treated as a new application for disability benefits, except to the extent that such member does not meet the eligibility requirements set forth in division (D) of section 742.38 of the Revised Code.~~

(1) If no such election is filed with OP&F within the ninety-day time period provided in paragraph (D) of this rule, the award shall be rescinded.

(2) Subject to the requirement set forth in paragraph (D) of this rule, if a member accepts the award and then fails to establish an effective date of retirement by terminating police or fire employment within ninety days of receipt of notice of the board's determination of disability, as provided under paragraph (C)(9) or (E)(5) of this rule, the disability benefit shall be rescinded.

(3) A member whose benefits are rescinded pursuant to paragraphs (D)(1) or (D)(2) of this rule shall not be foreclosed from later filing another disability benefit application with OP&F and any subsequent applications shall be treated as a new application for disability benefits, except to the extent that such member does not meet the eligibility requirements set forth in division (D) of section 742.38 of the Revised Code.

(E) Appeal of initial determination.

(1) Upon a member's appeal of the board's initial determination of disability, the board shall be advised by its medical advisor and vocational expert. The board shall not be under any obligation to adopt the recommendation of its medical advisor or vocational expert if there is some evidence to support a contrary finding.

- ~~(1)~~(2) ~~Any member aggrieved by an action of the board with respect to an application for disability retirement must~~A member who wishes to appeal the board's initial determination of disability shall file the notice of disability appeal form provided by OP&F within ninety days of receipt of the board's initial determination of disability referred to in paragraph (C)(6) of this rule. The notice of appeal must contain the member's name, social security number and a brief description of the decision upon which the appeal is based.
- ~~(2)~~(3) Within sixty days of filing of the notice of appeal, the ~~aggrieved~~ member shall file with OP&F ~~all materials which he or she desires to submit in support of the appeal, including doctors' reports, statements, memoranda, etc.~~any new evidence not previously considered by the board on the initial disability application. Failure to submit supporting materials or to request an extension of time within which to do so will be sufficient cause for the director of member services to dismiss the appeal provided OP&F gives the member prior written notice of such dismissal and a deadline date by which all materials must be filed with OP&F and the member fails to file the required documentation with OP&F before the designated deadline. Upon application to OP&F before the expiration of the original sixty day period referred to in this paragraph, the director of member services, for good cause shown, may grant the appellant an extension of sixty days within which to file supporting materials. The director of member services may grant the appellant an additional extension based on a recommendation from the DEP medical advisor that there is solid evidence of a medical reason to grant the extension for a period of time recommended by the DEP medical advisor. In no event shall the hearing be postponed more than three times and in no event shall the extensions, in the aggregate, exceed one year.
- ~~(3)~~(4) ~~Upon receipt of the supporting materials, OP&F shall schedule the member for an appointment with an expert in vocational evaluations if a vocational evaluation was not done as part of the initial determination of disability. For all appeals of the board's initial determination of disability, OP&F shall provide the supporting materials submitted by the member to the expert in vocational evaluations and the physician for consideration and both the vocational evaluator and physician shall submit to the board an addendum to their original reports.~~Depending on the basis for the appeal and the new evidence submitted by the member, OP&F may request that the member undergo a new medical examination and/or vocational evaluation by an OP&F-appointed examining physician and/or vocational evaluator. OP&F may also provide the new evidence to the original OP&F-appointed examining physician and/or vocational evaluator and request that they review the new evidence and provide OP&F with an addendum to their original reports. The new evidence submitted by the member and any additional medical and/or vocational reports, including addendum reports, shall be

forwarded to the board's medical advisor and vocational expert for review and consideration. The medical advisor and vocational expert will then provide recommendations to the board regarding the member's disability application.

~~Upon receipt of such updated report(s), the board shall schedule a hearing on the appeal and shall give the appellant reasonable notice of the date, time and place thereof in writing. Such hearings shall be held within sixty days of the receipt of the vocational assessment specialist's report by the board; provided, however, that any hearing may be postponed or continued by the board, either upon application of the appellant or on its own motion. The appellant shall be given the opportunity to be present, with counsel or other representation if he or she chooses, at the hearing. A tape recording of the hearing will be made to provide the board and the medical advisor with a record for further review. Such tape recording of the hearing shall be available to the disability applicant and to those individuals who are authorized by the disability applicant to receive such information on the authorization to release medical records form provided by OP&F.~~

(5) Upon receipt of the recommendations from the medical advisor and vocational expert, the board shall schedule a hearing on the appeal and shall give the appellant reasonable notice of the date, time and place thereof in writing. Such hearings shall be scheduled within sixty days of the receipt of the reports of the medical advisor and vocational expert. Any hearing may be postponed or continued by the board, either upon application of the appellant or on its own motion. The appellant shall be given the opportunity to be present, with counsel or other representation if he or she chooses, at the hearing. A recording of the hearing will be made to provide the board and the medical advisor with a record for further review. Such recording of the hearing shall be available to the disability applicant and to those individuals who are authorized by the disability applicant to receive such information on the authorization to release medical records form provided by OP&F.

~~(4)~~(6) Following the hearing on appeal, the board may choose to:

(a) Affirm the original determination of disability;

(b) Modify the original determination of disability; ~~or~~

(c) Deny the disability application; or

~~(e)~~(d) Postpone a decision pending additional examinations or documentation. The board's decision on appeal shall be the final determination of the initial disability application, subject to the

foregoing time limitations on extensions that can be granted.

~~(5)~~(7) The applicant shall be advised of the board's action within thirty days after the board's final determination of disability and such notice shall be sent by certified mail, return receipt requested. The member covered by the disability appeal shall be advised of the member's right to:

- (a) Accept the benefit granted;
- (b) Waive the benefit and continue working; or
- (c) File a mandamus action.

(F) Post-retirement disability reconsideration.

(1) A member who is receiving a less than maximum partial ~~or off-duty~~ disability and who believes that deterioration of the disabling physical or mental condition awarded by the board has increased the amount of disability, may apply for a reconsideration. Such application shall be on the disability reconsideration application form prepared by OP&F, which shall be dealt with on not less favorable terms than the process used by the DEP for recommendation to the board on initial determinations of disability. The member shall supply substantiating documentation including:

- (a) Recent medical reports and physician's statements;
- (b) A wage statement including taxable earnings for the last five years of retirement, primary employers and occupations, and rehabilitation and training programs pursued.

(2) The DEP shall review such evidence and shall make a written recommendation to the board. The board shall, based on the written recommendation of the DEP, review the evidence submitted, and may decide to:

- (a) Deny the application for reconsideration;
- (b) Approve the application and modify the disability benefit effective the first of the month following the decision; or,
- (c) Postpone a determination of the application pending further physical examination, or further documentation.

The board's decision shall be the final determination of an application for reconsideration.

- (3) The member shall be advised of the board's final determination within thirty days after the board's final action and such notice shall be sent by certified mail, return receipt requested. The letter shall include notice of the member's right to request a new reconsideration, but the board will consider only one application for reconsideration from a member ~~induring any calendar year~~ twelve-month period.
- (G) Notwithstanding anything herein to the contrary, once a member has deposited, negotiated, or cashed a disability benefit check from OP&F, accepted health care benefits from OP&F from and after the date of the board's initial determination of disability, or failed to withdraw his/her retirement application, as outlined in rule 742-3-17 of the Administrative Code, that member may not apply for any new, increased, or additional benefit for the disabling condition(s) described in such application, except for a member who is granted an off-duty disability less than the maximum amount permitted under division (D)(4) of section 742.38 or former division (C)(5) of section 742.37 of the Revised Code, or a member who had fewer than twenty-five years of service credit and was granted a partial disability in an amount less than the maximum permitted by division (D)(2) of section 742.38 or former division (C)(3) of section 742.37 of the Revised Code, may apply for an increase in payments to the maximum amount provided by those sections upon evidence of deteriorating earning capacity. Any subsequent request by that member shall be treated as a new application under this rule. In addition, a member may elect to receive interim payments without waiving the member's right to appeal a disability award, as provided for in paragraph (E) of this rule.
- (H) Additional medical treatment:
- (1) As a condition to granting an applicant disability benefits or continuing disability benefits under an existing award, as provided in division (B) of section 742.40 of the Revised Code, the member shall agree in writing to obtain any medical treatment recommended by the board's physician(s) and submit the required medical reports over the course of the treatment period.
 - (2) Such additional medical treatment shall be of common medical acceptance and readily available, and may include, but is not limited to, medicine, alcohol and/or drug rehabilitation, or mechanical devices.
 - (3) Such additional medical treatment must be an allowable medical expense under OP&F's medical expense benefits program.

(I) If the member fails to:

(1) Obtain the recommended treatment required under division (B) of section 742.40 of the Revised Code, as referenced in paragraph (H) of this rule,

(2) File the required medical report or

(3) Comply with the required treatment regimen, the board may suspend the awarded disability benefits and medical expense benefits upon ninety days prior written notice to the disability benefit recipient.

(a) If the disability benefit recipient fails to comply within the aforementioned ninety day notice period, the suspension of medical expense benefits and disability benefits shall be effective on the first day of the month immediately following the expiration of such notice period until the treatment is obtained, the required report is received by the board, or the board's physician certifies that the treatment is no longer helpful or advisable.

(b) In the event the disability benefit recipient complies within the aforementioned ninety day notice period or the board's physician certified that the treatment is no longer helpful or advisable, the fund will not suspend the disability benefit recipient's medical expense benefits and disability benefits.

(J) If, after the aforementioned ninety day notice period, referred to in paragraph (I) of the rule, the disability benefit submits to the requested treatment, submits the required reports, or complies with the required treatment regimen or the board's physician certifies that the treatment is no longer helpful or advisable, the fund will reinstate the disability and medical expense benefits of such disability benefit recipient, effective as of the first day of the month immediately following the month in which the past due statement(s) were received in proper form by the fund; ~~subject to the terms of rule 742-7-06 of the Administrative Code.~~ In such event, the disability benefit recipient shall fully cooperate with the fund on the coordination of claims filed for medical expenses incurred during such suspension period. Notwithstanding the reinstatement of disability and medical expense benefits provided for in this paragraph, the fund shall not be obligated to restore the identical benefits previously provided to the disability benefit recipient, if such benefits are not available at the time of such disability benefit recipient's reinstatement of medical expense benefits under the applicable health care plans, and the fund shall not be obligated to pay for certain medical expenses that were incurred after the effective date of the disability benefit recipient's suspension,

including, but not limited to dental, vision, and prescription expenses, and in such event, the fund shall not be responsible for any additional out-of-pocket expenses and deductibles incurred by the disability benefit recipient arising out of such replacement benefits.

- (K) If the refusal to submit to the medical examination, as required by the terms of division (C)(2) of section 742.40 of the Revised Code and such failure continues for one year, whether documented by the fund's books or records or as presumed as provided in rule 742-3-10 of the Administrative Code, then the disability benefit recipient's disability and medical expense benefits shall be forfeited, as required by the terms of division (C)(2) of section 742.40 of the Revised Code effective as of the date of the original suspension, as referenced in a writing provided to the disability benefit recipient from the fund or the board.
- (L) For purposes of determining whether the recipient has refused to comply with the provisions of this division (C)(2) of section 742.40 of the Revised Code and this rule, the fund may conclusively rely upon the fund's books and records.
- (M) Except as expressly provided in this rule or section 742.40 of the Revised Code, all notices to the disability benefit recipient or applicant shall be either delivered personally, sent by express delivery service, certified mail, or first class U.S. mail, postage prepaid and addressed to the disability benefit recipient at the most recent address set forth in such recipient's file with the fund, or to such other address as the disability benefit recipient shall thereafter designate by proper notice in accordance with this paragraph. All notices to the fund or the board shall be addressed at its principal place of business. Except as otherwise specifically provided for in this rule, notices will be deemed given as of the earlier of:
- (1) The date of actual receipt;
 - (2) The next business day when notice is sent via express mail or personal delivery;
or
 - (3) Three days after mailing in the case of first class or certified U.S. mail.
- (N) If an initial application for disability, an appeal, or a post-retirement application has been filed pursuant to paragraph (C), (E), or (F) of this rule and the supporting documentation has not been filed with OP&F or the applicant has not taken any action to prosecute his/her claims within six months of the filing with OP&F, the director of member services shall have full authority to dismiss the application, appeal, or post-retirement application, as the case may be, for failure to prosecute the claim provided OP&F gives ninety days prior written notice to the member of the need to file certain documentation with OP&F and the member fails to file the

necessary documentation with OP&F before the expiration of such ninety day time period.

(O) In determining whether a member had a physical examination before entry into the department, as required in division (D)(3) of section 742.38 of the Revised Code, OP&F shall use the following criteria:

(1) For disability benefit applicants who became "members" of OP&F prior to September 16, 1998, OP&F will consider the physical examination requirement set forth in division (D)(3) of section 742.38 of the Revised Code to have been met if OP&F receives the following:

- (a) A writing signed by a licensed physician that documents the examination of the member prior to his/her entry into the police or fire department, as the case may be, and the writing is dated prior to the person becoming a "member" of OP&F, as such term is defined in division (E) of section 742.01 of the Revised Code or the person's entry into the department where the person is employed at the time of the filing of the disability application, provided such date is not more than nine months prior to such date; and
- (b) The writing signed by a licensed physician does not document the existence of any heart disease or any cardiovascular or respiratory disease.

If the foregoing conditions are met, OP&F will then grant the disability applicant a disability that is presumed to be on-duty, as provided for in section 742.38 of the Revised Code.

(2) For ~~members~~disability benefit applicants who became "members" of OP&F after September 16, 1998, OP&F will consider the physical examination requirement set forth in division (D)(3) of section 742.38 of the Revised Code to have been met if ~~OP&F receives the physician's report or copies of one of the tests or diagnostic procedures~~meets the requirements set forth in paragraph (A)(3) of rule 742-1-02 of the Administrative Code ~~(but not the medical questionnaire completed by the member)~~ prior to the person becoming a "member" of OP&F or before the person's entry into the department where the person is employed at the time of the filing of the disability application, ~~except that in the case where OP&F sent a notice of deficiency to the employer, a subsequent examination will satisfy these requirements if the employer corrected the noted deficiency(ies) within the time period prescribed by OP&F and in all cases, the physician's report does not diagnose the existence of any heart disease or any cardiovascular or respiratory disease.~~

If the foregoing conditions are met, OP&F will then grant the disability applicant a disability that is presumed to be on-duty, as provided for in section 742.38 of the Revised Code.

- (3) In the event the record of a member's pre-employment physical is lost, destroyed or unavailable, the board may waive the requirement that the absence of disease be evidenced by a physical examination prior to employment as described in paragraphs (O)(1) and (O)(2) of this rule if there is competent medical evidence, as determined by the board's physicians and/or medical advisor, that the cardiovascular or respiratory disease was not evident prior to or at the time of entry into the department.
- (4) For members who do not meet the criteria set forth in division (D)(3) of section 742.38 of the Revised Code and this rule, this will not preclude the member from being granted a duty-related disability if the member is able to document that the disability resulted from the performance of the member's official duties as a member of the police or fire department, as the case may be.

Effective:

Five Year Review (FYR) Dates: 12/16/2018

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.38, 742.353
Prior Effective Dates: 1/1/77, 5/12/83, 7/26/86 (Emer.), 10/16/86, 10/12/89,
7/28/95, 10/15/97, 10/10/98 (Emer.), 3/29/99, 5/1/00,
10/23/00, 3/19/01, 9/7/01 (Emer.), 11/23/01, 3/22/04,
2/16/06, 7/24/08, 10/16/08, 01/22/09, 8/12/10 (Emer.),
10/17/10, 06/07/2013, 12/16/2013, 01/20/2016
(Emer.)

742-3-17

Withdrawal of retirement application for service retirement or disability benefits.

- (A) For a member of Ohio police and fire pension fund ("OP&F") who wishes to withdraw ~~the retirement an~~ application, ~~whether for~~ service retirement or disability benefits, the provisions of paragraph B; or C; ~~or D~~ shall govern, depending on which paragraph applies to the particular situation. For pending disability benefit applications, the withdrawal of the application is also governed by paragraph (C)(6) of rule 742-3-05 of the Administrative Code.
- (B) In cases where OP&F has not issued a warrant for the payment of the ~~pension~~ benefit or made a payment of the benefit through direct deposit, the member can withdraw the ~~retirement~~ application for service retirement or disability benefits by filing a written statement authorizing OP&F to withdraw the application. ~~For pending disability applications, the withdrawal of the application is also governed by the provisions of paragraph (C)(6) of rule 742-3-05 of the Administrative Code.~~
- ~~(C) In cases where OP&F has already issued a warrant for the payment of the benefit, whether on a final or interim payment basis, whichever is the first to occur, the member must return the first and any subsequent warrants for the benefits uncashed to OP&F along with a written statement from the member authorizing OP&F to withdraw the application and revoke any direct deposit authorizations, if one exists and such writing and uncashed warrant(s) is(are) received by OP&F no later than thirty days after the date on which the first warrant was sent to the member by OP&F.~~
- ~~(D)~~(C) In cases where OP&F has already issued a warrant for the payment of the benefit, whether on a ~~final or an~~ interim or final payment basis, whichever is the first to occur, ~~and made a payment through direct deposit~~, the member ~~must~~shall return the first warrant and any subsequent warrants uncashed to OP&F ~~along with the payment of any benefits made through direct deposit and~~. For benefit payments made through direct deposit, OP&F must be able to reverse the electronic funds transfer from the member's financial institution. The member shall also file with OP&F a written statement authorizing OP&F to withdraw the application for benefits and revoke any direct deposit authorizations, if any exists, and this must authorization. The member's written statement, uncashed warrants, and return of payments made through direct deposit shall be received by OP&F no later than thirty days after the date on which the first warrant was sent to the member or deposited into the member's account by OP&F.
- ~~(E)~~(D) For a member of OP&F who fails to withdraw the ~~retirement~~ application for service retirement or disability benefits in accordance with paragraph (B); or (C); ~~or (D)~~ of this rule, such person will be deemed to have accepted the benefit and no withdrawal will be permitted. In the case of disability benefit recipients, they will be prohibited from applying for any new, changed, or different benefit, except as

expressly provided for in division (D)(5) of section 742.38 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 01/22/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.38
Prior Effective Dates: 3/19/01, 2/16/06, 4/14/11

742-5-04 **Military service credit.**

- (A) The first full-time Ohio public service covered under any state or in a municipal retirement system of this state which is subject to purchase or transfer under section 742.21, 742.212, 742.51, 742.511, 742.512, 742.513, 742.514, or 742.515 of the Revised Code, subject to purchase under section 742.23, 742.24, 742.371, 742.375, 742.376, 742.511, or 742.512 of the Revised Code, or subject to redeposit under section 742.371 of the Revised Code, shall be considered "the first year of full-time service in Ohio" covered by any state or municipal retirement system of this state following termination of military service as used in section 742.52 of the Revised Code in reference to the purchase of military service credit.

As used in section 742.52 of the Revised Code, "annual compensation" means the initial annual salary rate for the full-time position used to compute the cost of purchasing credit for military service.

- (B) The employer contribution required under section 742.521 of the Revised Code shall be based on the base salary the police officer or fire fighter would have earned had military service not interrupted the member's police or fire service. Base salary is the hourly rate equivalent upon which the overtime compensation rate, if any, is based.

The employer contribution required under section 742.521 of the Revised Code shall not be levied in connection with any credit granted for military service that occurred prior to October 29, 1996.

- (C) For purposes of section 742.52 of the Revised Code, a person shall be deemed to be receiving a disability benefit or pension if the person fails to withdraw his/her application, as outlined in rule 742-3-17 of the Administrative Code.
- (D) The recovery procedures outlined in division (E)(2) of section 742.52 of the Revised Code shall include, but not be limited to, the recovery procedures outlined in rule 742-3-08 of the Administrative Code.
- (E) Prior to September 21, 2000, the nominal method shall be used for the calculation of compounded interest at the rate established by the board of trustees. Beginning on September 21, 2000, the effective method shall be used for the calculation of compounded interest at the rate established by the board of trustees.

Five Year Review (FYR) Dates: 01/22/2016 and 01/22/2021

CERTIFIED ELECTRONICALLY

Certification

01/22/2016

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.21, 742.212, 742.23, 742.24, 742.371, 742.375,
742.376, 742.51, 742.511, 742.512, 742.513, 742.514,
742.515, 742.52, 742.521
Prior Effective Dates: 6/30/76, 1/18/97, 3/19/01, 4/28/06

742-5-05

Merchant marine service.

Merchant marine service during wartime shall be considered service in the "armed forces of the United States" for the purpose of purchasing service credit to be used in making pension benefit calculations under section 742.52 of the Revised Code.

Five Year Review (FYR) Dates: 01/22/2016 and 01/22/2021

CERTIFIED ELECTRONICALLY

Certification

01/22/2016

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.52
Prior Effective Dates: 1/1/77, 4/28/06

742-8-07 **Penalties and interest under section 742.352 of the Ohio Revised Code.**

- (A) Pursuant to the authority outlined in division (C) of section 742.352 of the Revised Code, the board of trustees hereby modifies the statutory penalties and interest in accordance with the following provisions.
- (B) Subject to the provisions of paragraph (D) of this rule, an employer with no more than twenty members shall be penalized for failing to transmit reports and payment in accordance with sections 742.32 and 742.56 of the Revised Code and corresponding administrative rules or payments in accordance with section 742.35 of the Revised Code as follows:
- (1) If a report or payment is at least one but not more than fifteen days past due, fifty dollars;
 - (2) If a report or payment is at least sixteen but not more than sixty days past due, one hundred dollars;
 - (3) If a report or payment is at least sixty-one but not more than one hundred eighty days past due, the greater of five hundred dollars or two per cent of the payment.
 - (4) If a report or payment is at least one hundred eighty-one days but not more than two hundred forty days past due, the greater of one thousand dollars or three per cent of the payment;
 - (5) If a report or payment is at least than two hundred forty-one days past due, the greater of three thousand dollars or four per cent of the payment.
- (C) Pursuant to division (C) of section 742.352 of the Revised Code, an employer with twenty-one or more members shall be penalized for failing to transmit reports and payment in accordance with sections 742.32 and 742.56 of the Revised Code and corresponding administrative rules or payments in accordance with section 742.35 of the Revised Code as follows:
- (1) If a report or payment is at least one but not more than fifteen days past due, one hundred dollars;
 - (2) If a report or payment is at least sixteen but not more than sixty days past due, the greater of five hundred dollars or one per cent of the payment;
 - (3) If a report or payment is at least sixty-one but not more than one hundred eighty

days past due, the greater of one thousand dollars or two per cent of the payment.

(4) If a report or payment is at least one hundred eighty-one days but not more than two hundred forty days past due, the greater of three thousand dollars or three per cent of the payment;

(5) If a report or payment is at least two hundred forty-one days past due, the greater of seven thousand five hundred dollars or four per cent of the payment.

(D) Notwithstanding the provisions of paragraph (B) of this rule, employers with no more than five members shall have a cap on penalties equal to five hundred dollars for each failure to transmit reports and payment in accordance with sections 742.32 and 742.56 of the Revised Code or payments in accordance with section 742.35 of the Revised Code. Such employers shall also be eligible to participate in the payment plan outlined in rule 742-7-15 of the Administrative Code to the extent that they require an additional amount of time to repay penalties and interest.

~~(E) The provisions of this rule shall apply to employers that have incurred or outstanding penalties and interest after December 31, 2004 so OP&F will make a refund or credit for any employers who have paid penalties and interest after December 31, 2004 that would be entitled to reduction after the application of the provisions of this rule.~~

Effective:

Five Year Review (FYR) Dates: 01/22/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 742.10, 742.352
Rule Amplifies: 742.352
Prior Effective Dates: 5/15/06, 4/14/11

742-9-12

Employer's compliance.

For purposes of determining whether an employer has met the requirements set forth in sections 742.32 and 742.33 of the Revised Code, as more fully described in Chapters 742-7, 742-8 and 742-9 of the Administrative Code, OP&F may conclusively rely upon its books and records.

Five Year Review (FYR) Dates: 01/22/2016 and 01/22/2021

CERTIFIED ELECTRONICALLY

Certification

01/22/2016

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.32, 742.33
Prior Effective Dates: 2/5/2000, 5/18/06

742-9-14

Reliance on records for purposes of determining taxability.

In furtherance of the policy adopted by the board of trustees of the Ohio police and fire pension fund ("OP&F"), the information used in determining the taxability of benefits payable to those members outlined in OP&F's policy will be based on OP&F's books and records as of the date the form 1099 is issued, as such information is provided to OP&F by the employers, members, and benefit recipients.

Five Year Review (FYR) Dates: 01/22/2016 and 01/22/2021

CERTIFIED ELECTRONICALLY

Certification

01/22/2016

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.10, 742.32, 742.37, 742.63
Prior Effective Dates: 3/9/01 (Emer.), 5/24/01

742-21-03

Administration of method of payment section of approved division of property order format.

- (A) As used in this rule, “the approved DPO format” shall mean the division of property order form required by sections 3105.82 and 3105.90 of the Revised Code and adopted by OP&F in rule 742-21-01 of the Administrative Code.
- (B) For purposes of administering the method of payment section of the approved DPO format, “a plan of payment that consists of either periodic benefits or a lump sum payment” shall apply to all of the following OP&F benefits or payments: age and service retirement benefit, disability monthly benefit, account refund, and reemployed retiree monthly annuity or lump sum refund.
- (C) For purposes of administering the method of payment section of the approved DPO format, “a plan of payment consisting of both a lump sum benefit and a periodic benefit” shall apply to distributions from the deferred retirement option plan (“DROP”).
- (D) Partial distributions from DROP, as outlined in paragraph (A)(1) of rule 742-4-16 of the Administrative Code, shall be considered lump sum payments for purposes of administering the DPO method of payment.

Five Year Review (FYR) Dates: 01/22/2016 and 01/22/2021

CERTIFIED ELECTRONICALLY

Certification

01/22/2016

Date

Promulgated Under: 111.15
Statutory Authority: 742.10
Rule Amplifies: 742.462
Prior Effective Dates: 4/16/06

3309-1-06

Ohio-qualified agents and investment managers.

- (A) For purposes of division (A)(4) of section 3309.157 and section 3309.159 of the Revised Code, an investment manager may be designated as an "Ohio-qualified investment manager" if the investment manager and/or any parents, affiliates, or subsidiaries of the investment manager meets the requirements of divisions (A)(1) and (A)(2) of section 3309.159 of the Revised Code.
- (B) For purposes of sections 3309.157 and 3309.159 of the Revised Code, "principal place of business" includes an office in which the agent or investment manager regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.
- ~~(C) For purposes of division (E)(4) of section 3309.157 of the Revised Code, "compensation" shall mean the commissions paid on equity securities transactions and the cost or proceeds on fixed income securities transactions.~~

Effective:

Five Year Review (FYR) Dates: 02/01/2019

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.157, 3309.159
Prior Effective Dates: 4/10/05

3309-1-12

Contributing service credit; determination of.

- (A) Any contribution or contributions received for a particular month, beginning with September 1, 1937 and ending June 30, 1955, for credit to a member's savings account shall receive .125% of a year's service credit for that particular month, provided, that no more than one year of service credit shall be granted for all service rendered in any one fiscal year.
- (B) Any contribution or contributions received for a particular month, subsequent to June 30, 1955, but prior to July 1, 1977, for credit to a member's savings account, shall receive one-ninth of a year's service credit for that particular month, provided that not more than one year of service credit shall be granted for all service rendered in any one fiscal year.
- (C) Service credit granted under the provisions of paragraphs (A) and (B) of this rule, shall be subject to such adjustment by the retirement board as provided by law.
- (D) Contributing service credit for school employment rendered on or after July 1, 1977 shall be credited to members as follows:
- (1) A full year of service credit will be credited for one hundred twenty or more days of paid school employment during a year.
 - (2) For less than the above described one hundred twenty days during a year, a fraction of a year credit shall be credited, and shall be determined by dividing the actual number of days paid in a year by one hundred eighty days.
- (E) Contributing service as a school board member or governing board member will be credited as provided in paragraph (D) of this rule. A day of "paid school employment" for a board member shall mean any day for which the board member was compensated for attending a regular or special meeting of the board or an approved training program. Payment or reimbursement of fees or expenses by the school district or educational service center does not constitute compensation.
- (F) The number of days and the number of hours of paid school employment shall be certified by the employer in a manner specified by the retirement board.
- (G) A "year" shall mean the period July first through the following June thirtieth.
- (H) Any portion of a day paid shall be considered a full day.
- (I) Credit for school service rendered before July 1, 1977 shall continue to be determined pursuant to paragraphs (A) to (C) of this rule.

Five Year Review (FYR) Dates: 02/01/2016 and 02/01/2021

CERTIFIED ELECTRONICALLY

Certification

02/01/2016

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.30; 3309.012
Prior Effective Dates: 12/24/76, 2/18/77, 2/1/92, 2/6/98, 10/28/02, 11/3/08

3309-1-24**Ohio service credit and calculation of final average salary.**

Service credit that is purchased or obtained under section 3309.022, 3309.474, 3309.73, 3309.731, or 3309.75 of the Revised Code, shall be used in determining eligibility for a retirement allowance or a benefit as provided in Chapter 3309. of the Revised Code, including the calculation of the member's final average salary and total service credit in the school employees retirement system.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.022, 3309.474, 4409.73, 3309.731, 3309.75

3309-1-37

Surviving spouse or dependent may purchase credit.

(A) For purposes of this rule, "dependent" means a "child" or "parent" as those terms are defined in division (A) of section 3309.44 of the Revised Code.

~~(A)~~(B) The spouse or eligible dependent(s) of a member who died prior to receipt of a disability benefit or service retirement may purchase any service credit that the member would have been eligible to purchase had the member not died. Eligibility shall be determined upon receipt of a written request from the spouse or eligible dependent.

~~(B)~~(C) The ~~first~~ benefit payment shall begin ~~or adjusted benefit payment shall be effective~~ on the first of the month following the date of purchase or restoration of service credit under this section. If the purchase or restoration of service credit is not necessary to be eligible to receive a benefit under division (A) of section 3309.45 of the Revised Code, the retirement system shall issue a retroactive payment for the period the benefit was payable prior to the date of purchase or restoration.

(D) Any purchase or restoration of service credit under section 3309.451 of the Revised Code must be completed before receipt of the first benefit payment by the spouse or eligible dependent.

~~(C)~~(E) The service credit to be purchased under this section shall be granted in accordance with the ~~current~~ laws and policies of the school employees retirement system in effect at the time of purchase.

Effective:

Five Year Review (FYR) Dates: 01/05/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.451
Prior Effective Dates: 12/24/76, 1/2/93

3309-1-43

Service credit established under retirement incentive plan.

Authority provided in section 3309.33 of the Revised Code as enacted in Substitute H.B. 410 in the 115th General Assembly.

(A) Upon adoption of a retirement incentive plan in accordance with section 3309.33 of the Revised Code, the employer shall notify the school employees retirement system on an official form approved by the school employees retirement board and attached as an appendix to this rule.

(B) The cost to the employer for each year of credit purchased will be determined by factors recommended by the school employees retirement system actuary which yield an amount equal to the additional liability of the amount purchased. Actuarial cost will be revised no more than once annually and shall apply only to new credit established after such revision is approved by the school employees retirement board.

(C)

~~(C)(1)~~ Employers may make equal payments to the school employees retirement system for the cost of the year or years of credit purchased over the a number of years equal to the number of years purchased under the employer adopted plan. ~~Purchase of partial years is not permitted.~~

After the thirtieth of June of the year in which the service is purchased, interest shall be calculated on the remaining payments at the rate established for other purchased credit.

(2) Purchase of partial years is not permitted.

(3) Notwithstanding paragraph (C)(1) of this rule, governing authorities of community schools shall pay the cost of the service credit purchased in one payment made within thirty days of receipt from SERS of the calculated cost.

(D) An employee may initiate action to retire under the locally adopted retirement incentive plan in accordance with section 3309.33 of the Revised Code by completing the employee section of a form adopted by the school employees retirement board, attached as an appendix to this rule, and filing such form with the employer. Subsequently, the form must be completed by the employer and filed with the school employees retirement board within ninety days of the effective date of retirement, but in no event shall it be filed later than the earlier of the last day of the month preceding the date of retirement or the expiration date of the plan. For purposes of section 3309.33 of the Revised Code and this rule, the effective date of the purchase of service under a retirement incentive plan shall be the date SERS receives the completed form.

(E) Employees who retire under section 3309.33 of the Revised Code shall not forfeit any rights or privileges provided in rules of Chapter 3309-1 of the Administrative Code in existence at the time of retirement.

Effective:

Five Year Review (FYR) Dates: 01/05/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.33
Prior Effective Dates: 9/16/83

3309-1-43



SCHOOL EMPLOYEES RETIREMENT SYSTEM OF OHIO

300 East Broad Street, Suite 100, Columbus, Ohio 43215-3746
614-222-5853 • Toll-Free 1-866-280-7377 • www.ohsers.org

EARLY RETIREMENT INCENTIVE

NOTICE OF ADOPTION OF
AN EARLY RETIREMENT INCENTIVE PLAN

This is to certify that _____ has established a
EMPLOYER NAME

retirement incentive plan in accordance with Section 3309.33, Ohio Revised Code. The effective date of the incentive plan is _____ and the plan terminates

MONTH, DAY, YEAR

on _____
MONTH, DAY, YEAR

The maximum service credit purchasable under our plan is _____ year(s) per employee.

The last date an employee can retire with ERI credit is _____.

Signature _____
TREASURER/FISCAL OFFICER

District Name _____

Date _____

District Number _____

Address _____

Phone (_____) _____

3309-1-43

Appendix B

Page 1 of 1



SCHOOL EMPLOYEES RETIREMENT SYSTEM OF OHIO

300 E. BROAD ST., SUITE 100 • COLUMBUS, OHIO 43215-3746
614-222-5853 • Toll-Free 800-878-5853 • www.ohsers.org

EARLY RETIREMENT INCENTIVE

**EMPLOYEE'S INTENT TO PARTICIPATE IN PLAN
AND EMPLOYER'S ACCEPTANCE OF LIABILITY**

EMPLOYEE
PORTION

I, _____,
EMPLOYEE NAME SOCIAL SECURITY NUMBER

hereby request service credit be purchased for me under the Early Retirement Incentive plan adopted in accordance with Section 3309.33 of the Ohio Revised Code. I have attained age 57 and understand that I must retire within 90 days after receipt of notice from the School Employees Retirement System of Ohio (SERS) that service credit has been purchased in my behalf or I will forfeit the right to such credit.

I authorize release of necessary information by SERS to my employer in connection with the retirement incentive plan.

Signature _____ Date _____

EMPLOYER
PORTION

The above named employee is considering retirement under our retirement incentive plan. The effective date of retirement will be

DATE

Please certify the total cost of purchasing _____ year(s) of service for the above named employee. NUMBER OF YEARS

We accept the liability for purchase of the above listed service credit.

Signature _____ District Name _____
AUTHORIZED OFFICER

Date _____ District Number _____

Address _____

Phone (____) _____

This form should be submitted no earlier than 90 days before the employee's retirement date, and no later than the earlier of the retirement date or expiration date of the plan.

3309-1-44 **Purchase of service credit; pregnancy and adoption resignation.**

A member who resigned due to pregnancy or adoption of a child may purchase service credit for such period(s) of resignation during which no contributions were made to the system and no service credit granted under any other section of the Revised Code in accordance with section 3309.473 of the Revised Code and this rule.

(A)

- (1) The member must have resigned from a contributing position under Chapter 3309. of the Revised Code due to pregnancy or adoption of a child;
- (2) The member must have returned to a contributing position under Chapter 3309. of the Revised Code not later than the first day of classes of the third school year following the date of the resignation; and
- (3) The member must have earned a minimum of one year of school employees retirement system contributing service credit after the resignation.

(B)

- (1) A member who meets the requirements of paragraph (A) of this rule shall apply to the system to purchase service credit for a period of resignation on a form provided by the system;
- (2) The member shall provide, with the application to purchase service credit, documentation satisfactory to the system that the resignation was due to pregnancy or adoption of a child. Such documentation may include, but is not limited to:
 - (a) In case of resignation due to pregnancy, copies of the member's child's birth certificate, copies of hospital or medical records, or an attending physician's statement; or
 - (b) In the case of resignation due to adoption, copies of the adoption decree.
- (3) The employer who accepted the resignation shall certify on a form provided by the system, the date of the member's resignation and the reason, if any, given for the resignation;
- (4) For each year of service credit purchased, the member shall pay to the system for credit to the member's accumulated account an amount equal to the

member's retirement contributions for full-time employment for the first year of contributing service subsequent to the member's return from the period of resignation, plus interest thereon compounded annually at a rate set by the board of the school employees retirement system from the date of the member's return to contributing service to the date of payment.

- (5) For each year of service credit purchased, the employer who accepted the resignation shall pay to the system an amount equal to the employer contribution for full-time employment for the member's first year of contributing service subsequent to the member's return from the period of resignation, plus interest thereon compounded annually at a rate set by the board of the school employees retirement system from the date of the member's return to contributing service to the date of payment. Payment shall be made:
 - (a) In one lump-sum payment from the employer directly to the school employees retirement system; or
 - (b) By authorization of the employer from the amounts allocated to the employer under Chapter 3317. of the Revised Code.
- (C) A member who meets the foregoing requirements is eligible to purchase service credit for the lesser of the actual period of time from the resignation to the return to employment in a contributing position or two years.

Five Year Review (FYR) Dates: 02/01/2016 and 02/01/2021

CERTIFIED ELECTRONICALLY

Certification

02/01/2016

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.473
Prior Effective Dates: 5/2/01, 5/11/06

3309-1-53

Rollover distributions and trustee-to-trustee transfers.

(A) For purpose of SERS rules, "eligible rollover distribution," or "rollover distribution," means all or any portion of an amount that qualifies as an eligible rollover distribution under section 402(c)(4) of the Internal Revenue Code of 1986, as amended, 26 U.S.C. 402(c)(4), and is paid to a member or the surviving spouse of the member from either:

- (1) Another employer plan qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a);
- (2) An individual retirement account, or annuity other than an endowment contract, under section 408 of the Internal Revenue Code, 26 U.S.C. 408, to the extent that the amount would be a taxable event;
- (3) A tax-sheltered annuity under section 403(b) of the Internal Revenue Code, 26 U.S.C. 403(b);
- (4) A governmental deferred compensation plan under section 457 of the Internal Revenue Code, 26 U.S.C. 457; or
- (5) An annuity plan under section 403(a) of the Internal Revenue Code, 26 U.S.C. 403(a).

(B)

- (1) The school employees retirement system may accept direct trustee-to-trustee transfers from a 26 U.S.C. 457 deferred compensation plan, a 26 U.S.C. 403(b) tax-sheltered annuity plan, or a plan qualified under 26 U.S.C. 401(k) and eligible rollover distributions only for the purchase of service credit pursuant to section 3309.021, 3309.022, 3309.26, 3309.301, 3309.31, 3309.311, 3309.41, 3309.451, 3309.473, 3309.474, 3309.73, 3309.731 or 3309.75 of the Revised Code, for the payment of back contributions under rule 3309-1-13 of the Administrative Code, or for the payment of additional liability pursuant to division (A)(1)(c) of section 3309.34 of the Revised Code.
- (2) A member or surviving spouse of a member must be otherwise eligible to purchase the service credit or pay the back contributions pursuant to Chapter 3309. of the Revised Code and SERS rules.
- (3) The amount of the rollover distribution accepted by the retirement system shall not exceed the amount necessary to fund the benefit attributable to the service

credit.

- (C) A member, alternate payee, or otherwise qualified beneficiary of a deceased member who is entitled to a distribution from the retirement system that qualifies as an eligible rollover distribution pursuant to sections 401(a)(31) and 402(f)(2)(A) of the Internal Revenue Code, 26 U.S.C. 401(a)(31) and 402(f)(2)(A), may request that the distribution be paid in a direct rollover to another eligible retirement plan to the extent permitted by sections 401(a)(31) or 408A of the Internal Revenue Code, 26 U.S.C. 401(a)(31) or 26 U.S.C. 408A. A qualified nonspouse beneficiary of a deceased member may only rollover directly to an inherited individual retirement account or annuity to the extent permitted by section 402(c)(11) of the Internal Revenue Code, 26 U.S.C. 402(c)(11).

Effective:

Five Year Review (FYR) Dates: 01/05/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.021, 3309.022, 3309.26, 3309.301, 3309.31,
3309.311, 3309.41, 3309.451, 3309.46, 3309.473,
3309.474, 3309.73, 3309.731, 3309.75
Prior Effective Dates: 3/7/97, 5/2/01, 4/5/02, 5/11/06, 6/1/07, 12/24/07,
4/30/09, 1/7/13 (Emer.), 3/8/13, 10/18/13 (Emer),
1/6/14

3309-1-55

Responsibility for health care coverage.

(A) This rule amplifies division (F) of section 3309.69 of the Revised Code.

(B) For the purpose of this rule:

- (1) "Age and service retirant" means a former member who is receiving a retirement allowance pursuant to section 3309.34, 3309.35, 3309.36 or 3309.381 of the Revised Code.
- (2) "Cost paid by the benefit recipient" means the amount equal to the percentage as of January 1, 1998 paid by the benefit recipient multiplied by the system's cost per benefit recipient.
- (3) "Disability benefit recipient" means a member who is receiving a benefit or allowance pursuant to section 3309.35, 3309.39, 3309.40 or 3309.401 of the Revised Code.
- (4) "Eligible benefit recipient" means an age and service retirant, disability or survivor benefit recipient who is eligible for health care coverage under this system.
- (5) "Eligible dependent" means an eligible spouse or child of an eligible benefit recipient.
- (6) "Health care coverage" means the medical plan and the prescription drug plan offered by this system and the medicare part B premium reimbursement.
- (7) "Ohio retirement system" means public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, or highway patrol retirement system.
- (8) "Survivor benefit recipient" means a beneficiary receiving a benefit pursuant to section 3309.45 or 3309.46 of the Revised Code.

(C) Health care coverage provided by this retirement system under sections 3309.69 and 3309.375 of the Revised Code shall pay covered medical expenses for eligible benefit recipients of this retirement system prior to payment under any available coverage from another Ohio retirement system if the available coverage is provided to the individual as the spouse or dependent of another person.

(D) Health care coverage provided by this system shall pay only the covered medical

expenses not paid or reimbursed by any available coverage from another Ohio retirement system if either of the following occur:

- (1) In the case of an eligible benefit recipient, the available coverage is not provided as a dependent of another person, and has been in effect for a longer time than the health care coverage provided by this system;
 - (2) In the case of a dependent, the available coverage is not provided as the dependent of another person or is provided as the dependent of another person but has been in effect for a longer time than the health care coverage provided by this system.
- (E) Except as otherwise provided in this rule, the school employees retirement system shall not be the system responsible for health care coverage for eligible benefit recipients or eligible dependents of eligible benefit recipients of this system who waive or are otherwise eligible for any available coverage from another Ohio retirement system after December 31, 2007.
- (F) Each eligible benefit recipient and eligible dependent enrolled in health care coverage provided by this system shall annually make a report to the system or, an entity designated by the system, stating whether the person has other available coverage. The report shall include any information requested by the system or entity.
- (G)
- (1) If an eligible benefit recipient of this system who also was an eligible benefit recipient of another Ohio retirement system irrevocably waived such health care coverage in this system on or before December 31, 2007 in order to be covered by the other Ohio retirement system, this system shall transfer to the other system annually for covered benefit recipients and dependents for each month covered an amount equal to the sum of:
 - (a) The lesser of this system's average monthly medical including health maintenance organization cost per benefit recipient less the cost paid by the benefit recipient, or the other system's average monthly medical cost including health maintenance organization cost per benefit recipient.
 - (b) The lesser of this system's average monthly cost of the prescription drug program per benefit recipient, or the other system's average monthly cost of the prescription drug program per benefit recipient.

- (c) The lesser of the monthly cost of the medicare part B premium that would be reimbursed by this system for the benefit recipient, or the monthly cost of the medicare part B premium that would be reimbursed by the other system for the benefit recipient.
 - (2) This system shall transfer the amounts due pursuant to paragraph (G)(1) of this rule no later than the last business day of February each year for the preceding calendar year after the following occur:
 - (a) This system receives from the other system a list containing the names of benefit recipients and the number of months during which the recipients were covered by the other system for the preceding calendar year; and
 - (b) This system prepares an itemized accounting of the amount transferred for each such benefit recipient.
- (H) Where an eligible benefit recipient or dependent of an eligible benefit recipient of this system has waived health care coverage in another Ohio retirement system on or before December 31, 2007, this system shall be responsible to provide health care coverage only if the other system pays annually to this system for covered benefit recipients and dependents for each month covered an amount equal to the sum of:
 - (1) The lesser of this system's average monthly medical including health maintenance organization cost per benefit recipient less the cost paid by the benefit recipient, or the other system's average monthly medical cost including health maintenance organization cost per benefit recipient.
 - (2) The lesser of this system's average monthly cost of the prescription drug program per benefit recipient, or the other system's average monthly cost of the prescription drug program per benefit recipient.
 - (3) The lesser of the monthly cost of the medicare part B premium that would be reimbursed by this system for the benefit recipient, or the monthly cost of the medicare part B premium that would be reimbursed by the other system for the benefit recipient.
- (I)
 - (1)

- (a) Paragraph (G) of this rule is rescinded effective January 1, 2016.
- (b) This system shall transfer the amounts due pursuant to paragraph (G)(1) of this rule for calendar year 2015 no later than the last business day of February 2016 after the following occur:
- (i) This system receives from the other system a list containing the names of benefit recipients and the number of months during which the recipients were covered by the other system for the preceding calendar year; and
 - (ii) This system prepares an itemized accounting of the amount transferred for each such benefit recipient.

(2) Paragraph (H) of this rule is rescinded effective January 1, 2016.

(J) Except as otherwise provided in this rule, where an eligible benefit recipient's benefit effective date in this system is the same date as the benefit effective date in another Ohio retirement system, this system shall not be the system responsible for health care coverage if the benefit recipient has less service credit in this system than in the other system. Where the benefit effective dates and service credit are the same in each system, this system shall not be the system responsible for health care coverage if the employee contributions in the account upon which the benefit in this system is based are less than the employee contributions in the account upon which the benefit in the other system is based.

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Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.375, 3309.69
Prior Effective Dates: 8/10/98, 5/2/01, 3/1/07, 12/10/09, 1/7/13, 7/12/14

3309-1-56

Alternative retirement programs.

(A) For the purpose of this rule:

- (1) "Administrative employee" means an administrative employee as defined in division (A) of section 3305.05 of the Revised Code for whom the school employees retirement system would be the applicable state retirement system.
- (2) "Eligible employee" means an employee as defined in division (C) of section 3305.01 of the Revised Code for whom this retirement system would be the applicable state retirement system.
- (3) "Election period" means:
 - (a) For administrative employees who made elections under division (B) of section 3305.051 of the Revised Code, the one hundred twenty days after the employee's first day on the institution's payroll.
 - (b) For administrative employees who made elections under division (C) of section 3305.051 of the Revised Code, the one hundred twenty days after the effective date of the alternative retirement program adopted by the institution.
 - (c) For eligible employees who make elections under division (B)(1) of section 3305.05 of the Revised Code, the one hundred twenty days after August 1, 2005.
 - (d) For eligible employees who make elections under division (B)(2) or (B)(3) of section 3305.05 of the Revised Code, the one hundred twenty days after the employee's first day on the institution's payroll.
- (4) "Employee" means either an administrative employee or an eligible employee.
- (5) "Institution" means a public institution of higher education as defined in division (A) of section 3305.01 of the Revised Code.

(B) Within thirty days of its adoption of an alternative retirement plan under Chapter 3305. of the Revised Code, an institution shall file notice with the retirement system of its adoption of the plan. The notice shall:

- (1) Be given in the manner and form prescribed by the retirement system.

- (2) Include a copy of the plan adopted.
- (3) Include a report in the manner and form prescribed by the retirement system of all current employees.

(C)

- (1) Each institution of higher education that employs an employee eligible to elect an alternative retirement program shall:
 - (a) Notify the retirement system at the time it employs the employee, but in no event later than ten days after the employee's first day on the institution's payroll.
 - (b) Notify the retirement system at the time an employee of the institution changes to a classification which qualifies the employee to elect an alternative retirement plan but in no event later than ten days after the effective date of the employee's reclassification.
- (2) The notice required under paragraph (C)(1) of this rule shall be given in the manner and form prescribed by the retirement system, and shall include the employee's name, address, social security number, date of birth, sex, annual compensation, first date on the institution's payroll, and any other information required by the school employees retirement system.

(D)

- (1) Elections by an employee of an alternative retirement plan shall be made on forms provided by the retirement system and completed by the employee and the institution.
- (2) Not later than ten days after an election is filed with the institution, the institution shall file a certified copy with the retirement system.

(E)

- (1) Elections made by employees under divisions (B)(2) and (B)(3) of section 3305.05 or division (B) of section 3305.051 of the Revised Code will be implemented no later than thirty days after a certified copy of the employee's election is filed with the retirement system.

- (2) The election, when implemented, shall be effective as of the first day upon which the employee appears on the institution's payroll or was reclassified to a position as an administrative or eligible employee.
- (3) Once an election is filed with the system, it is not affected by the death of the employee and it shall be implemented and effective as set forth in this rule.

(F)

- (1) Elections made by employees under division (B)(1) of section 3305.05 of the Revised Code will be implemented no later than thirty days after a certified copy of the employee's election is filed with the retirement system.
- (2) The election, when implemented shall be effective as of the day the employee's election is irrevocable:
- (3) Once an election is filed with the system, it is not affected by the death of the employee and it shall be implemented and effective as set forth in this rule.

(G)

- (1) Elections made by administrative employees under division (C) of section 3305.051 of the Revised Code will be implemented no later than thirty days after the certified copy of the employee's election is filed with the retirement system.
- (2) The elections when implemented shall be effective as of the following dates:
 - (a) On March 31, 1998 where the public institution's alternative retirement program is established on or after December 8, 1998 but no later than March 31, 1999; or
 - (b) On the first day of the month in which the public institution's alternative retirement program is established where the program is established after March 31, 1999.
- (3) Once an election is filed with the system, it is not affected by the death of the employee and it shall be implemented and effective as set forth in this rule.

(H)

- (1) Employee and employer contributions for an employee shall be collected and remitted to the retirement system until an election is implemented pursuant to paragraph (E)(1), (F)(1) or (G)(1) of this rule.
- (2) Those employee and employer contributions received after the effective date of an election as determined by this rule for an employee who elects an alternative retirement plan shall be refunded as unauthorized contributions to the provider identified as provided in paragraph (D) of this rule. The amount of employer contributions refunded shall be less the amount due pursuant to division (D) of the section 3305.06 of the Revised Code.

(I)

- (1) An application under division (B) of section 3309.42 of the Revised Code for payment of a member's accumulated contributions to the provider of an alternative retirement plan shall be made in a manner and form prescribed by the retirement system.
- (2) The institution shall certify:
 - (a) The name and address of the institution's plan administrator; and
 - (b) The plan is eligible to receive a trustee-to-trustee transfer from the retirement system which is a plan qualified under Internal Revenue Code section 401(a).
- (3) The death of the employee prior to payment of the accumulated contributions to an alternative retirement plan cancels the application for payment.

(J) Not later than the fifteenth day of each month following a month in which an institution employed an employee who elected an alternative retirement, plan the institution shall:

- (1) Remit to the retirement system the contributions required under division (D) of section 3305.06 of the Revised Code.
- (2) Submit a report on all employees who have elected an alternative retirement plan in a form and manner prescribed by the retirement system.

Five Year Review (FYR) Dates: 02/01/2016 and 02/01/2021

CERTIFIED ELECTRONICALLY

Certification

02/01/2016

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3305.05, 3305.051, 3305.052, 3305.06, 3309.011,
3309.42
Prior Effective Dates: 8/10/98, 4/11/99, 5/2/01, 8/11/05

3309-1-58

Retirement of member pursuant to section 3309.343 of the Revised Code.

(A) For purposes of section 3309.343 of the Revised Code and this rule:

- (1) "Active position" means a position for which contributions were being received by a state retirement system at the time of retirement pursuant to section 3309.343 of the Revised Code.
- (2) "SERS annual compensation" means a member's compensation for an active position reported by an employer to the school employees retirement system for the most recent twelve-month period. If the compensation has been reported for less than a twelve-month period, the system shall convert the compensation to an annual basis.
- (3) "Other retirement system annual compensation" means a member's annual earnable salary or compensation for an active position as certified to this system by the public employees retirement system or the state teachers retirement system.
- (4) "Highest annual compensation" means the highest of the SERS annual compensation or the other retirement system annual compensation for an active position.
- (5) "Position" means employment for which a member is covered and contributes to a state retirement system.
- (6) "State retirement system" means the school employees retirement system, the public employees retirement system or the state teachers retirement system.
- (7) "Other retirement system" means the public employees retirement system or the state teachers retirement system.

(B)

- (1) When a member holds more than one active position in this system, no active positions in an other retirement system, and is electing to take a retirement benefit pursuant to section 3309.343 of the Revised Code, the member shall:
 - (a) Apply for a benefit pursuant to section 3309.35, 3309.36, 3309.38, or 3309.46 of the Revised Code, for the active position which has the highest SERS annual compensation; and

(b) Select which other active position or positions upon which the member shall continue to contribute to this system.

(2) In computing the benefit described in paragraph (B)(1) of this rule all service credit in this system shall be used.

(C)

(1) When a member holds one or more active positions in this system and one or more active positions in an other retirement system, and the active position which has the highest annual compensation is in this system, the member shall:

(a) Apply for a benefit pursuant to section 3309.35, 3309.36, 3309.38, or 3309.46 of the Revised Code, for the active position which has the highest annual compensation; and

(b) Select which other active position or positions upon which the member shall continue to contribute to this system or to an other retirement system.

(2) In computing the benefit described in paragraph (C)(1) of this rule, all service credit in any state retirement system shall be used.

(D) Employment in any position covered by this system subsequent to the effective retirement benefit date under section 3309.343 of the Revised Code shall be subject to section 3309.341 of the Revised Code, and rule 3309-1-50 of the Administrative Code.

Five Year Review (FYR) Dates: 02/01/2016 and 02/01/2021

CERTIFIED ELECTRONICALLY

Certification

02/01/2016

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.343
Prior Effective Dates: 5/2/01, 5/11/06

3309-1-62

Retirement plan required by court order.

The specified amount that a member is required to elect pursuant to a court order in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code shall be expressed only as a specified percentage of the member's retirement allowance.

Effective:

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Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.46
Prior Effective Dates: 10/27/06

3309-1-63

Plan F - multiple beneficiaries.

- (A) Amounts due to a retirant receiving a retirement allowance under the plan described in division (B)(3)(e) of section 3309.46 of the Revised Code and unpaid at death shall be paid to the retirant's surviving beneficiaries under the plan on a prorated basis based on the monthly benefit payable to the beneficiary compared to the total monthly benefits payable to all beneficiaries.
- (B) Beneficiaries designated in a plan described in division (B)(3)(e) of section 3309.46 of the Revised Code shall be prioritized for purposes of calculation.
- (1) A beneficiary who is a former spouse whom the member has been ordered to provide a specified amount to in an order described in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code shall have priority over all other beneficiaries. When a member is subject to more than one order described in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code, the former spouses shall be entitled to beneficiary priority in order of earliest retention by the retirement system.
 - (2) A current spouse shall have priority over any beneficiaries who are not the subject of an order described in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code.
 - (3) The member shall designate the priority of any beneficiary who is not a former spouse and the subject of an order described in division (B)(1)(b)(ii) of section 3309.46 of the Revised Code or a current spouse.
- (C) In no event shall a member have more than four beneficiaries under the plan described in division (B)(3)(e) of section 3309.46 of the Revised Code.

Five Year Review (FYR) Dates: 02/01/2016 and 02/01/2021

CERTIFIED ELECTRONICALLY

Certification

02/01/2016

Date

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Statutory Authority: 3309.04
Rule Amplifies: 3309.44, 3309.46
Prior Effective Dates: 10/27/06

5505-1-01

Rule adoption - method of public notice.

(A) The board shall distribute all adopted rules to

- (1) The state highway patrol with instructions to distribute to each facility where members of the state highway patrol retirement system are assigned and
- (2) Each recognized statewide organization representing members and/or benefit recipients of the state highway patrol retirement system.

Five Year Review (FYR) Dates: 01/06/2016 and 01/06/2021

CERTIFIED ELECTRONICALLY

Certification

01/06/2016

Date

Promulgated Under: 111.15
Statutory Authority: 5505.07
Rule Amplifies: 5505.04
Prior Effective Dates: 2/15/1981, 1/1/1986, 4/1/1995, 10/21/2005, 4/26/2011

5505-3-01

Eligibility date of retirement benefits.

- (A) For age and service retirement benefits, the eligibility date shall be the date following the last working date as a member, with no duplication of salary and pension.
- (B) For reduced retirement benefits, the eligibility date shall be the later of the date following the last working date as a member or the date the member is eligible and elects to receive a reduced retirement benefit, with no duplication of salary and pension.
- (C) For disability benefits, the eligibility date shall be the later of the date following the last working date as a member or the date disability benefits are approved by the board, with no duplication of salary and pension.
- (D) A member shall apply for benefits on a form prescribed by the board.
 - (1) A retirement application is considered filed when a completed retirement application has been received by the staff of the retirement system unless the applicant has requested in writing that the application be held until further direction. Upon receipt of the applicant's written intent to activate the application, the application shall be considered to be filed.
 - (2) Member communications with retirement system staff about the potential filing of a retirement application shall be considered confidential.
 - (3) The retirement system shall notify the superintendent of the state highway patrol upon the filing of a retirement application.
 - (4) A member may withdraw a retirement application in writing at any time prior to the retirement board's approval of the application.

Five Year Review (FYR) Dates: 01/06/2016 and 01/06/2021

CERTIFIED ELECTRONICALLY

Certification

01/06/2016

Date

Promulgated Under: 111.15
Statutory Authority: 5505.07, 5505.18
Rule Amplifies: 5505.16, 5505.17, 5505.18
Prior Effective Dates: 1/1/1986, 10/21/2005, 4/26/2011

5505-7-01**Calculation of retirement benefits.**

- (A) For the purpose of this rule and section 5505.01(M) of the Revised Code, "year" shall mean any calendar year.
- (B) Final average salary shall be the average of the highest annual salary paid to a member during any five years of service, which may be nonconsecutive. Final average salary shall be calculated as follows:
- (1) Each year's salary shall be calculated as twenty-six consecutive payroll periods, beginning with the first full pay period of the year, multiplied by 1.00275 in order to adjust for three hundred sixty-five days.
 - (2) Whenever a final average salary computation requires the inclusion of a partial pay period, the average of the pro-rated pay period shall be used.
 - (3) If the member has a partial year of contributing service in the year the member's employment terminates and the compensation for the partial year is at a rate higher than the rate of compensation for any one of the member's highest five years of compensation, the board shall substitute the compensation for the partial year for the compensation for the same period of time of the lowest of the member's five highest years of compensation.
 - (4) Final average salary shall include longevity, hazard duty, shift differential, and professional achievement pay.
 - (5) Final average salary shall not include paid overtime, doubleback, reportback, and standby pay.
- (C) A retirant on deferred status may elect to receive reduced retirement benefits at any time between the ages of forty-eight and fifty-two.
- (D) Final average salary is calculated from employee contributions in accordance with records and data provided by the Ohio department of administrative services and the state highway patrol.

Replaces: 5505-7-01

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5505.07
Rule Amplifies: 5505.16, 5505.17, 5505.18
Prior Effective Dates: 1/1/1986, 11/1/1990, 10/21/2005, 4/27/2006, 2/1/2013

TO BE RESCINDED

5505-7-07

Refund of contributions.

Upon request of a former member on a prescribed form, and in lieu of the payment of a retirement benefit, the retirement system shall refund the former member's accumulated employee contributions.

Effective:

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Certification

Date

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Statutory Authority: 5505.07
Rule Amplifies: 5505.19
Prior Effective Dates: 1/1/1986, 2/2/1992, 10/21/2005, 4/26/2011