

Sec. 145.19. (A) Except as provided in division (D) of this section, an individual who becomes employed in a member of the public employees retirement system position subject to this chapter on or after the date on which the public employees retirement board first establishes a PERS defined contribution plan under section 145.81 of the Revised Code shall make an election under this section. Not later than one hundred eighty days after the date on which employment begins, the individual shall elect to participate either in the PERS defined benefit plan described in sections 145.201 to 145.79 of the Revised Code or one of the plans established under section 145.81 of the Revised Code a PERS defined contribution plan. If a form evidencing an election under this section is not on file with received by the employer at the end of public employees retirement system not later than the last day of the one-hundred-eighty-day period, the individual is deemed to have elected to participate in the PERS defined benefit plan described in sections 145.201 to 145.79 of the Revised Code.

(B) An election under this section shall be made in writing on a form provided by the retirement system and filed with the employer's personnel officer. Not later than ten days after receiving the form evidencing the election, the employer shall transmit to the system a copy that includes a statement certifying that it is a true and accurate copy of the original system.

(C) An election under this section shall take effect on the date employment began and, except as provided in section 145.814 of the Revised Code or rules governing the PERS defined benefit plan, is irrevocable on receipt by the employer system.

(D) An individual is ineligible to make an election under this section if one of the following applies:

(1) At the time employment begins, the individual is already a member or contributor participating in the plan described in sections 145.201 to 145.79 of the Revised Code or a PERS retiree or other system retiree, as those terms are defined in section 145.38 of the Revised Code, or is retired under section 145.383 of the Revised Code.

(2) An election to participate The individual is participating or has elected to participate in an alternative retirement plan under section 3305.05 of the Revised Code is in effect for employment covered by the system and the employment is in a position that is subject to division (E) of that section.

(3) The individual is a contributor who, as of the last day of the month prior to the date employment begins, has five or more years of total service credit.

(4) The individual is employed in a position covered under this chapter to which section 145.193 of the Revised Code applies.

(5) The individual is a PERS law enforcement officer or Hamilton county municipal court bailiff.

Eff:

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