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Sec. 145.298. (A) AS USED IN THIS SECTION:

(1) "STATE EMPLOYING UNIT" MEANS AN EMPLOYING UNIT DESCRIBED IN DIVISION (A)(2) OF SECTION 145.297 OF THE REVISED CODE.

(2) "STATE INSTITUTION" MEANS A STATE CORRECTIONAL FACILITY, A STATE INSTITUTION FOR THE MENTALLY ILL, OR A STATE INSTITUTION FOR THE CARE, TREATMENT, AND TRAINING OF THE MENTALLY RETARDED.

(B) IN THE EVENT OF A PROPOSAL TO CLOSE A STATE INSTITUTION OR LAY OFF, WITHIN A SIX-MONTH PERIOD, A NUMBER OF PERSONS EMPLOYED AT AN INSTITUTION THAT EQUALS OR EXCEEDS THE LESSER OF FIFTY OR TEN PER CENT OF THE PERSONS EMPLOYED AT THE INSTITUTION, THE EMPLOYING UNIT RESPONSIBLE FOR THE INSTITUTION'S OPERATION SHALL ESTABLISH A RETIREMENT INCENTIVE PLAN FOR PERSONS EMPLOYED AT THE INSTITUTION.

(C) IN THE EVENT OF A PROPOSAL, OTHER THAN A PROPOSAL DESCRIBED IN DIVISION (B) OF THIS SECTION, TO LAY OFF, WITHIN A SIX-MONTH PERIOD, A NUMBER OF EMPLOYEES OF A STATE EMPLOYING UNIT THAT EQUALS OR EXCEEDS THE LESSER OF FIFTY OR TEN PER CENT OF THE EMPLOYING UNIT'S EMPLOYEES, THE EMPLOYING UNIT SHALL ESTABLISH A RETIREMENT INCENTIVE PLAN FOR EMPLOYEES OF THE EMPLOYING UNIT.

(D) A RETIREMENT INCENTIVE PLAN ESTABLISHED UNDER THIS SECTION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF SECTION 145.297 OF THE REVISED CODE EXCEPT THAT THE PLAN SHALL GO INTO EFFECT AT THE TIME THE LAYOFFS OR PROPOSED CLOSINGS ARE ANNOUNCED AND SHALL REMAIN IN EFFECT UNTIL THE DATE OF THE LAYOFFS OR CLOSINGS. IF THE EMPLOYING UNIT ALREADY HAS A RETIREMENT INCENTIVE PLAN IN EFFECT, THE PLAN SHALL REMAIN IN EFFECT AT LEAST UNTIL THE DATE OF THE LAYOFFS OR CLOSINGS. THE EMPLOYING UNIT MAY REVISE THE EXISTING PLAN TO PROVIDE GREATER BENEFITS, BUT IF IT REVISES THE PLAN, IT SHALL GIVE WRITTEN NOTICE OF THE CHANGES TO ALL EMPLOYEES WHO HAVE ELECTED TO PARTICIPATE IN THE ORIGINAL PLAN, AND IT SHALL PROVIDE THE GREATER BENEFITS TO ALL EMPLOYEES WHO PARTICIPATE IN THE PLAN, WHETHER THEIR ELECTIONS TO PARTICIPATE WERE MADE BEFORE OR AFTER THE DATE OF THE REVISION.

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