

Pg 1 of 4

135 O.L.

H.B. 1312

Sec. 145.33. (A) A member, OTHER THAN A MEMBER WHO QUALIFIES FOR AND ELECTS TO RECEIVE BENEFITS UNDER DIVISION (B) OR (C) OF THIS SECTION, with at least five years of total service credit [;] who has passed his sixtieth birthday or who has thirty-two years of total Ohio service credit [;] may apply for age and service retirement and on and after September 30, 1963, his retirement benefit shall consist of:

[~~(A)~~] (1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

[~~(B)~~] (2) A pension equal to the annuity provided by division (A) (1) of this section;

[~~(C)~~] (3) An additional pension, if such member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

[~~(D)~~] (4) A basic annual pension equal to one hundred eighty dollars, providing the member has ten or more years of total service credit as of October 1, 1956, except that such basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A) (1), [~~(B)~~] (A) (2), and [~~(C)~~] (A) (3) of this section. The cost of such basic annual pension shall be included in the deficiency contribution provided by sections 145.48 and 145.50 of the Revised Code.

Effective March 4, 1975

~~[(E)]~~ (5) When a member retires on age and service retirement, his total annual single lifetime allowance including the allowances provided in divisions (A) (1), ~~[(B), (C)]~~ (A) (2), (A) (3), and ~~[(D)]~~ (A) (4) of this section shall be not less than a base amount determined by multiplying his total Ohio service credit by the greater of eighty-six dollars or two per cent of his final average salary, which shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule:

Attained Birthday	Or	Years of Total Service Credit	Percentage of Base Amount
56		25	65%
57		26	70
58		27	75
59		28	80
60		29	85
61			88
		30	90
62			91
63			94
		31	95
64			97
65		32 or more	100
Until September 1, 1976:			
66			102
67			104
68			106
69			108
70 or more			110

~~[(F)]~~ (6) The total annual single lifetime allowance which a member shall receive under the provisions of division ~~[(E)]~~ (A) (5) OF THIS SECTION shall not exceed ninety per cent of his final average salary.

(B) A MEMBER WHO HAS AT LEAST TWENTY-FIVE YEARS OF TOTAL SERVICE CREDIT, INCLUDING CREDIT FOR MILITARY SERVICE UNDER DIVISION (D) (2) OF THIS SECTION, WHILE SERVING AS A SHERIFF OR DEPUTY SHERIFF AND WHO HAS PASSED HIS FIFTY-SECOND BIRTHDAY, MAY APPLY FOR AN AGE AND SERVICE RETIREMENT BENEFIT WHICH SHALL CONSIST OF AN ANNUAL SINGLE LIFETIME ALLOWANCE EQUAL TO THE SUM OF TWO AND ONE-HALF PER CENT OF HIS FINAL AVERAGE SALARY MULTIPLIED BY THE FIRST TWENTY YEARS OF HIS TOTAL SERVICE PLUS ONE AND ONE-HALF PER CENT OF HIS FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF HIS TOTAL SERVICE CREDIT IN EXCESS OF TWENTY YEARS, EXCEPT THAT NO ALLOW-

ANCE SHALL EXCEED SIXTY-SIX PER CENT OF HIS FINAL AVERAGE SALARY.

(C) A MEMBER WITH AT LEAST FIFTEEN YEARS OF TOTAL SERVICE CREDIT, INCLUDING CREDIT FOR MILITARY SERVICE UNDER DIVISION (D) (2) OF THIS SECTION, WHILE SERVING AS A SHERIFF OR DEPUTY SHERIFF AND WHO IS DISCHARGED FROM HIS POSITION FOR ANY REASON EXCEPT HIS RETIREMENT UNDER THIS CHAPTER, HIS DEATH, DISHONESTY, COWARDICE, INTEMPERATE HABITS, OR CONVICTION OF A FELONY, MAY APPLY FOR AN AGE AND SERVICE RETIREMENT BENEFIT WHICH SHALL CONSIST OF AN ANNUAL SINGLE LIFETIME ALLOWANCE EQUAL TO ONE AND ONE-HALF PER CENT OF HIS FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF HIS TOTAL SERVICE CREDIT. THE ALLOWANCE SHALL COMMENCE AT THE END OF THE CALENDAR MONTH IN WHICH THE APPLICATION IS FILED WITH THE PUBLIC EMPLOYEES RETIREMENT BOARD ON OR AFTER THE ATTAINMENT BY THE APPLICANT OF AGE FIFTY-FIVE.

(D) (1) IF AFTER THE EFFECTIVE DATE OF THIS SECTION, A MEMBER WITHDRAWS ANY PART OR ALL OF HIS ACCUMULATED CONTRIBUTIONS FROM THE EMPLOYEES' SAVINGS FUND, HE SHALL FORFEIT ANY RIGHT TO A PENSION UNDER DIVISION (B) OR (C) OF THIS SECTION.

(2) NOTWITHSTANDING SECTIONS 145.01 AND 145.30 OF THE REVISED CODE, NO MORE THAN FOUR YEARS OF MILITARY SERVICE CREDIT GRANTED UNDER SECTION 145.30 OF THE REVISED CODE AND THREE YEARS OF MILITARY SERVICE CREDIT PURCHASED UNDER SECTION 145.301 OF THE REVISED CODE SHALL BE USED IN CALCULATING SERVICE AS A SHERIFF OR DEPUTY SHERIFF, OR THE TOTAL SERVICE CREDIT OF SUCH PERSON.

(3) ANY PERSON WHO IS ORIGINALLY COMMISSIONED AND EMPLOYED AS A DEPUTY SHERIFF BY THE SHERIFF OF ANY COUNTY, OR WHO IS ORIGINALLY ELECTED SHERIFF, ON OR AFTER JANUARY 1, 1975 SHALL ONLY BE ELIGIBLE FOR BENEFITS UNDER DIVISIONS (B) AND (C) OF THIS SECTION FOR HIS SERVICE AS A DEPUTY SHERIFF OR SHERIFF. ALL SHERIFFS AND DEPUTY SHERIFFS WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ON OR BEFORE DECEMBER 31, 1974, SHALL INDICATE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ON FORMS SUPPLIED TO ALL SUCH MEMBERS BY THE SYSTEM, THEIR CHOICE OF BENEFIT PLANS UNDER DIVISION (A) OF THE SECTION, OR UNDER DIVISIONS (B) AND (C) OF THIS SECTION. THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM SHALL SUPPLY SAID FORMS TO THE MEMBERS BY DECEMBER 31, 1974. SAID

MEMBERS SHALL INDICATE, ON THE FORMS, THEIR CHOICE OF BENEFIT PLANS ON OR BEFORE APRIL 1, 1975. IF NO DESIGNATION OF CHOICE HAS BEEN MADE BY THAT DATE BY A MEMBER, HE SHALL NO LONGER BE ELIGIBLE FOR BENEFITS UNDER DIVISIONS (B) AND (C) OF THIS SECTION.

SECTION 4. Notwithstanding any provision of Chapter 145. of the Revised Code, the public employees retirement system shall be authorized to calculate the employee and employer contribution rates separately for those employees electing to receive benefits under divisions (B) or (C) of section 145.33 of the Revised Code.