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149 O.L.

Am Sub SB 247

Sec. 145.814. (A) As used in this section:

(1) "Additional liability" means an amount that, when added to the amount on deposit, will provide the remaining portion of the pension reserve for the period of service that corresponds to the contributions made by or on behalf of a member.

(2) "Amount on deposit" means the sum of a member's employee and employer contributions and, if applicable, any earnings or losses on those contributions.

(3) "Eligible member" means a member who was eligible to make an election under section 145.19 or 145.191 of the Revised Code, regardless of whether the member elected to participate in a PERS defined contribution plan.

(B) If permitted to do so by the plan documents for a PERS defined contribution plan or rules governing the PERS defined benefit plan, an eligible member may elect, at intervals specified by the plan document or rules, to participate in a different defined contribution plan or in the PERS defined benefit plan. The election is subject to this section and rules adopted by the public employees retirement board under sections 145.09 and 145.80 of the Revised Code. An election to participate in a different plan shall be made in writing on a form provided by the public employees retirement system and filed with the system. The election shall take effect on the first day of the month following the date the election is filed and, except as provided in the plan documents or rules governing the PERS defined benefit plan, is irrevocable on receipt by the system.

(C)(1) Except as provided in division (C)(2) of this section, an election to participate in a different plan shall apply only to employee and employer contributions made and, if applicable, service credit earned after the effective date of the election.

(2) An eligible member may elect to have the member's amount on deposit and, if applicable, service credit earned prior to the effective date of the election deposited and credited in accordance with the member's new plan if one of the following applies:

(a) The member, by an election under this section, will cease participation in a PERS defined contribution plan that does not include definitely determinable benefits.

(b) The member, by an election under division (A) of this section, will begin participating in the PERS defined benefit plan.

(3) If a member described in division (C)(2) of this section makes the election described in that division, the board's actuary shall determine the additional liability to the system, if any. If the actuary determines that there is an additional liability, the member shall elect one of the following:

(a) To receive the total amount of service credit that the member would have received had the member been participating in the new plan, pay to the system an amount equal to the additional liability;

(b) Receive an amount of service credit that corresponds to the amount on deposit.

For each member who makes the election described in division (C)(2) of this section, the system shall deposit and credit to the new plan the amount on deposit and, if applicable, the amount paid by the member.

Eff!

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