

Sec. 3305.01. As used in this chapter:

(A) "Public institution of higher education" means a state university as defined in section 3345.011 of the Revised Code, the medical college of Ohio at Toledo, the northeastern Ohio universities college of medicine, or a university branch, technical college, state community college, community college, or municipal university established or operating under Chapter 3345., 3349., **3354.**, 3355., 3357., or 3358. of the Revised Code.

(B) "State retirement system" means the public employees retirement system created under Chapter 145. of the Revised Code, the state teachers retirement system created under Chapter 3307. of the Revised Code, or the school employees retirement system created under Chapter 3309. of the Revised Code.

(C) "Academic or administrative employee" means any full-time employee NOT RECEIVING ANY BENEFIT, ALLOWANCE, OR OTHER PAYMENT GRANTED ON THE EMPLOYEE'S ACCOUNT FROM A STATE RETIREMENT SYSTEM who MEETS ONE OF THE FOLLOWING REQUIREMENTS:

(1) THE EMPLOYEE is a member of the faculty or OF A PUBLIC INSTITUTION OF HIGHER EDUCATION.

(2) THE EMPLOYEE IS A MEMBER OF THE administrative staff of a public institution of higher education serving in a position in the unclassified civil service pursuant to section 124.11 of the Revised Code and is not receiving any benefit, allowance, or other payment from a state retirement system. In.

(3) IF SECTION 124.11 OF THE REVISED CODE DOES NOT APPLY TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION, THE EMPLOYEE IS A MEMBER OF THE ADMIN-

ISTRATIVE STAFF OF A PUBLIC INSTITUTION OF HIGHER EDUCATION SERVING IN A POSITION COMPARABLE TO A POSITION IN THE UNCLASSIFIED CIVIL SERVICE.

IN all cases of doubt, the board of trustees of the public institution of higher education shall determine whether any person is an academic or administrative employee for purposes of this chapter, and the board's decision shall be final.

(D) "Electing employee" means any academic or administrative employee who elects, pursuant to section 3305.05 of the Revised Code, to participate in an alternative retirement plan provided pursuant to this chapter OR AN EMPLOYEE WHO IS REQUIRED TO PARTICIPATE IN AN ALTERNATIVE RETIREMENT PLAN PURSUANT TO DIVISION (E) OF SECTION 3305.05 OF THE REVISED CODE.

(E) An electing employee is "continuously employed" if no more than one year intervenes between each period of employment by a public institution of higher education in a position for which three or more alternative retirement plans are available under this chapter.

(F) "Compensation," for purposes of an electing employee, has the same meaning as the applicable one of the following:

(1) If the electing employee would be subject to Chapter 145. of the Revised Code had the employee not made an election pursuant to section 3305.05 of the Revised Code, "earnable salary" as defined in division (R) of section 145.01 of the Revised Code;

(2) If the electing employee would be subject to Chapter 3307. of the Revised Code had the employee not made an election pursuant to section 3305.05 of the Revised Code, "compensation" as defined in division (L) of section 3307.01 of the Revised Code;

(3) If the electing employee would be subject to Chapter 3309. of the Revised Code had the employee not made an election pursuant to section 3305.05 of the Revised Code, "compensation" as defined in division (V) of section 3309.01 of the Revised Code.

(F) "PROVIDER" MEANS AN ENTITY DESIGNATED UNDER SECTION 3305.03 OF THE REVISED CODE AS A PROVIDER OF INVESTMENT OPTIONS FOR AN ALTERNATIVE RETIREMENT PLAN.