

Rules

May 8, 2025

SERS

- 3309-1-20 Validity of marriage (Refiled)
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- 3309-1-46 Retirement – option selection

HPRS

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- 5505-9-08 Committees of the retirement board

3309-1-20

Validity of marriage.

- (A) For purposes of this rule, "age and service retiree" and "disability benefit recipient" have the same meaning as defined in rule 3309-1-35 of the Administrative Code, and "retiree" has the same meaning as defined in division (G) of section 3309.01 of the Revised Code.
- (B) For the purpose of qualifying for, or receiving, any benefit as a spouse under Chapter 3309. of the Revised Code, the member's or retiree's marriage must be recognized by the state of Ohio. The school employees retirement board shall accept the following as proof of marriage:
- (1) A valid marriage certificate, abstract of marriage or marriage record; or
 - (2) In the absence of a valid marriage certificate, abstract of marriage or marriage record, a decision rendered by a court, having jurisdiction in the state in which the member or retiree was domiciled at the time of death, that the relationship constituted a valid marriage at time of death, or the "spouse" would have the same status as a widow or widower for purposes of sharing in the distribution of the member's or retiree's intestate personal property if not otherwise prohibited by section 3105.12 of the Revised Code.
- (C) For purposes of this rule, the school employees retirement board shall not accept marriage licenses as proof of marriage.
- ~~(C) For any retiree or disability benefit recipient legally married in another state before June 26, 2015 whose marriage became recognized in the state of Ohio beginning on that date, the following rules apply:~~
- ~~(1) If a retiree makes an election under division (E)(3) of section 3309.46 of the Revised Code, the election must be made before June 26, 2016;~~
 - ~~(2) An eligible age and service retiree or disability benefit recipient may enroll himself and may enroll a spouse in the system's health care plan at any time between August 1, 2015 and November 30, 2015.~~
 - ~~(3) The surviving spouse of a deceased age and service retiree who is receiving a benefit pursuant to section 3309.46 of the Revised Code may enroll in the system's health care plan at any time between August 1, 2015 and November 30, 2015.~~

Effective:

Five Year Review (FYR) Dates: 1/6/2025

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3309.04
Rule Amplifies: 3309.44, 3309.45
Prior Effective Dates: 12/24/1976, 05/08/2004, 08/14/2004, 04/03/2009,
04/10/2014, 10/04/2015

3309-1-29

Purchase of service credit; out-of-state and other.

- (A) All service in public or private schools, colleges and universities or public service with another state or the United States government which is to be purchased shall be subject to the following requirements, governing eligibility and cost:
- (1) To be eligible to purchase service under this rule, after termination of the service to be purchased, a member must have one year of Ohio service in a year as defined in division (R) of section 3309.01 of the Revised Code.
 - (2) The service credit must be properly certified by the official employer or custodian of records on a form acceptable to the retirement board. The certification should be taken from a legitimate source of documentation such as payroll or retirement records. When records have been destroyed, affidavits may be used, but only in conjunction with other documented evidence as proof of service.
 - (3) Accrued interest shall be calculated from the date of membership in the school employees retirement system of Ohio following service to be purchased to the date of payment.
 - (4) The member will be entitled to purchase any portion of the service credit under this rule not to exceed five years, or the total accumulated number of years of Ohio contributing service credit, whichever is less.
 - (5) Service credit to be purchased shall be granted in accordance with the law and policy of the school employees retirement board current at the time each portion of service to be purchased was performed.
 - (6) School service purchased under this rule shall receive .125 per cent of a year service credit per month of service rendered prior to July 1, 1955, and .111 per cent of a year service credit per month of service rendered after June 30, 1955 and before July 1, 1977. School service performed after June 30, 1977 shall be determined by dividing the number of days paid by one hundred eighty, if the employee worked less than one hundred twenty days in the partial year to be purchased. All service other than school service purchased under this rule shall receive .083 per cent of a year service credit per month of service rendered.
 - (7) The Ohio service used for the purpose of establishing the purchase price of service under this rule shall be the first year of continuous full-time Ohio service following termination of the service to be purchased.
 - (8) No more than one year of service credit may be granted for any twelve-month period.

(B) The following types of service may be purchased under this rule:

(1) Employment in a public or private school, college or university, located in or out of Ohio and ~~service~~employment in any school operated by or for the United States government, provided any such school, college or university is recognized by an accrediting association approved by:

(a) The U.S. office of education;

(b) The appropriate state department of education; or

(c) The appropriate state department of higher education, and acceptable to the retirement board.

For purposes of this section, employment includes the performance of services that would qualify the individual to be an "employee" under division (B)(2) of section 3309.01 of the Revised Code.

(2) Employment with a public governmental entity of a state or of the United States government which would have been covered by the school employees retirement system, state teachers retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the public employees retirement system, if served in a comparable position in Ohio; and

(3) Except as provided in division (C) of section 3309.31 of the Revised Code, service for which contributions were made to a municipal retirement system in Ohio.

(C) For purposes of section 3309.31 of the Revised Code and this rule, "Ohio contributing service" and "Ohio service" means contributing service in this retirement system.

Effective:

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Certification

Date

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11/19/2001 (Emer.), 02/11/2002, 05/14/2005,
04/02/2010, 04/28/2013, 04/01/2024

3309-1-46

Retirement - option selection.

(A) If an applicant is married at the time of filing an application for retirement, the applicant shall receive a retirement allowance designated as "Plan A" under division (B)(1) of section 3309.46 of the Revised Code, unless:

(1) The spouse consents on a form provided by the school employees retirement system to the applicant's election to receive an annuity or payment pursuant to an optional plan under division (B)(3) or (B)(4) of section 3309.46 of the Revised Code; or

(2) The school employees retirement board waives the requirement of a spousal consent upon receipt of one of the following:

(a) The written statement of the spouse's physician certifying that the spouse is medically incapable of consenting to the plan of payment elected by the applicant; or

(b) A certified copy of a probate court order appointing a guardian for the spouse due to a finding of incompetence; or

(c) The affidavits of the applicant and at least two other persons, one of whom must be unrelated to the applicant, attesting that the whereabouts of the spouse is unknown; or

(d) An application for retirement in which the applicant elects a plan of payment specified as "Plan D" and designates the applicant's current spouse as beneficiary under the plan.

(3) The applicant is required to elect a plan of payment providing a specified amount to a former spouse after the applicant's death pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property, and

(a) The applicant elects a plan of payment designated as "Plan F" under division (B)(3)(e) of section 3309.46 of the Revised Code that is in accordance with the court order and also designates the applicant's current spouse as a beneficiary under the plan; or

(b) The total amount required by court order, or orders, is equal to or greater than one hundred per cent of the applicant's lesser allowance.

(B) An applicant's current spouse must also consent to the election of a plan of payment described in division (B)(3)(e) of section 3309.46 of the Revised Code if the applicant is required to elect a plan of payment providing a specified amount to a former spouse

after the applicant's death pursuant to a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property and also designates a beneficiary under the plan other than the former spouse and current spouse.

Effective:

Five Year Review (FYR) Dates: 2/1/2029

Certification

Date

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Rule Amplifies: 3309.46
Prior Effective Dates: 09/20/1990, 11/09/1998, 01/02/2002, 10/27/2006,
05/04/2007, 03/31/2011

5505-5-06

Service credit purchases by payroll deduction.

- (A) A member of the state highway patrol retirement system (HPRS) may purchase service credit pursuant to this rule, rule 5505-5-02 of the Administrative Code, rule 5505-5-03 of the Administrative Code, and sections 5505.16, 5505.17, 5505.20, 5505.201, 5505.25, and 5505.40 of the Revised Code through:
- (1) Post-tax payroll deduction, lump sum payment, partial payment, or any combination thereof.
 - (2) Pre-tax payroll deductions designated by the state highway patrol as picked-up contributions in compliance with Internal Revenue Code section 414(h)(2). HPRS will accept new elections to purchase service credit through pre-tax payroll deduction only if the election is received by December 31, 2014.
- (B) Upon a member's request to HPRS to purchase service credit by payroll deduction for service credit, HPRS will prepare an application form which states the following:
- (1) The service to be purchased, including the total years of service and the type of service;
 - (2) The total cost of the service credit to be purchased through payroll deduction;
 - (3) The total number of payroll deductions in the stated amount, starting with the proposed start date and ending on the proposed completion date; provided, however, that the payroll deduction cannot exceed the member's net compensation after all deductions and withholdings required by law.
- (C) The payroll deduction plan shall not be effective until it is signed by the member and filed with HPRS.
- (D) Upon receipt of a signed payroll deduction application, HPRS shall report to the state highway patrol the amount of the payroll deduction and when the deductions shall begin.
- (E) HPRS will grant the service credit to the member only upon receipt of the applicable payroll deduction or lump sum payment.
- (F) All payroll deduction plans may last no longer than five years for each year of service that is to be purchased.
- (G) No member may participate in more than one payroll deduction plan to purchase service credit provided for in section 5505.203 of the Revised Code and this rule.

- (H) Pre-tax payroll deduction plans (i.e. pick-up plans) shall be irrevocable and may only be terminated upon the member's termination of employment with the employer who is implementing the member's payroll deduction plan.
- (I) Except for pre-tax payroll deduction plans (i.e. pick-up plans), a member can increase or decrease the member's payroll deduction by written notice to the state highway patrol and HPRS, except that in no event shall a deduction be decreased to less than fifty dollars per pay period.
- (J) Except for pre-tax payroll deduction plans (i.e. a pick-up plan), a payroll deduction plan may be terminated or suspended upon any of the following events:
- (1) The failure of the state highway patrol to forward to HPRS the payroll deduction for four consecutive pay periods;
 - (2) Upon the member's termination of employment with the state highway patrol;
 - (3) In cases where a payroll deduction exceed the member's net pay after all deductions and withholdings required by law; or
 - (4) When the payroll deductions received by HPRS equal the total cost of the eligible service credit, as originally outlined in HPRS' application form duly signed by the member.

Five Year Review (FYR) Dates: 4/9/2025 and 04/09/2030

CERTIFIED ELECTRONICALLY

Certification

04/09/2025

Date

Promulgated Under: 111.15
Statutory Authority: 5505.07, 5505.203, 5505.40
Rule Amplifies: 5505.16, 5505.17, 5505.20, 5505.201, 5505.203,
5505.25, 5505.40
Prior Effective Dates: 03/23/2015

5505-9-08

Committees of the retirement board.

(A) The following are standing committees of the retirement board:

- (1) Health, wellness, and disability;
- (2) Administration;
- (3) Investment;
- (4) Audit;
- (5) Health care funding.

(B) At the discretion of the chair:

- (1) Work may be assigned to a committee;
- (2) Special committees may be formed;
- ~~(3) Committee members may be assigned and reassigned.~~

(C) Committee members may be assigned and reassigned by the chair, with approval by the board.

~~(C)~~(D) The annual election of each committee chair and vice-chair shall occur at the first regular committee meeting following the first regular board meeting after July thirty-first. In the event that a committee officer does not serve the entire term, the board chair will select a replacement.

~~(D)~~(E) The minutes shall be the record of the proceedings of a committee. Draft copies of the written minutes shall be circulated to the committee for approval. After approval, the minutes shall be retained as a permanent record.

Effective:

Five Year Review (FYR) Dates: 4/6/2028

Certification

Date

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