

# Rules

June 12, 2025

## OP&F

- 742-3-01 Effective date of retirement (No change)
- 742-3-06 Calculation of on-duty disability benefits on less than three years of salary (No change)
- 742-3-15 Procedures for claims asserted under division (J) of section 742.21 of the Revised Code (No change)
- 742-7-01 Issue date of pension checks
- 742-7-08 Cost-of-living allowance
- 742-8-13 Special penalty provisions (No change)
- 742-16-01 Policy for reimbursement of trustee business and educational travel expense (No change)

742-3-01

**Effective date of retirement.**

Except as provided in section 742.37 or division (D) of section 742.38 of the Revised Code and rule 742-3-05 of the Administrative Code, the effective date of any monthly pension or benefit payable under division (C) of section 742.37 or division (D) of section 742.38 of the Revised Code shall be the day following the final day for which compensation was last earned by virtue of working or using accrued leave to remain on active payroll status, unless the last day of compensation earned is on the thirtieth, which in that case, the effective date of retirement shall be the first day of the following month.

In no event shall there be overlapping salary and pension.

Five Year Review (FYR) Dates: 5/13/2025 and 05/23/2025

CERTIFIED ELECTRONICALLY

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Certification

05/13/2025

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Date

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Statutory Authority: 742.10  
Rule Amplifies: 742.37, 742.38  
Prior Effective Dates: 01/01/1977, 07/24/1986 (Emer.), 10/16/1986,  
09/16/1998 (Emer.), 12/10/1998, 07/17/2004,  
11/20/2014, 05/31/2020

742-3-06

**Calculation of on-duty disability benefits on less than the requisite years of salary.**

- (A) This rule shall only apply to a member who has been granted an on-duty disability and who has less than the requisite years of "salary," as set forth in divisions (G) and (L) of section 742.01 of the Revised Code and rule 742-3-02 of the Administrative Code, as of the effective date of retirement.
- (B) For purposes of calculating the on-duty disability benefit pursuant to section 742.39 of the Revised Code, the member's "average annual salary" shall be based on the actual "salary" paid during OP&F membership divided by the service credit applicable to the pay periods covered, with the balance of the months being based on the average "salary" over the reported time period calculated according to the aforementioned formula.

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Statutory Authority:	742.10
Rule Amplifies:	742.01, 742.39
Prior Effective Dates:	01/03/1977, 05/01/2000, 04/30/2005, 04/23/2015

742-3-15

**Procedures for claims asserted under division (J) of section 742.21 of the Revised Code.**

- (A) If a member makes a claim with the Ohio police and fire pension fund ("OP&F") pursuant to division (J) of section 742.21 of the Revised Code, the procedures set forth in this rule shall apply.
- (B) In computing a pension or benefit under section 742.37 or 742.39 of the Revised Code, OP&F's board of trustees shall give the member full credit for service credit purchased or transferred under section 742.21 of the Revised Code for service that was less than full-time service if the member files a claim with OP&F, and the board determines that clear and convincing documentary evidence exists to support the finding that all of the following criteria have been met:
- (1) The OP&F member is not receiving a pension or disability benefit from OP&F;
  - (2) Prior to the member changing or ceasing his/her employment, the member received written notice from OP&F indicating that the member would be permitted to purchase or transfer service credit for service that was less than full-time without any limitation or qualification;
  - (3) Based upon the written notification referenced in paragraph (B)(2) of this rule, the member changed or ceased the member's employment, which by virtue of such job assignment made such person an OP&F member; and
  - (4) The member's reliance on OP&F's written notice of the transfer of such service credit resulted in actual damage to the member, including, but not limited to the member's ineligibility for retirement benefits.
- (C) Upon receipt of a claim under division (J) of section 742.21 of the Revised Code and in accordance with this rule, OP&F shall schedule such claim for review by the benefits committee of the board or such other committee as the board may designate from time to time. The benefits committee shall then make a written recommendation to the board.
- (D) Based on the written recommendation of the benefits committee or such other committee as the board may designate from time to time, the board shall then review all evidence available and decide to:
- (1) Grant the claim;
  - (2) Deny the claim; or
  - (3) Postpone the determination pending receipt of additional information or the submission of additional facts.

(E) Any claim granted by the board under division (J) of section 742.21 of the Revised Code and this rule shall be effective as of the date that the board made its decision.

(F) The member shall be notified of the board's decision within thirty days after the board's final action.

If the claim is denied by the board, OP&F's notice of decision shall also inform the member of his or her right to appeal the board's decision.

(G) Appeal of board's decision.

(1) If the member's claim is denied by the board and the member wishes to appeal the board's decision, the member must file a written notice of appeal with OP&F within ninety days of the date of the board's notice of decision. The member shall also provide OP&F with all materials which he or she desires to submit in support of the appeal.

(2) Upon receipt of the notice of appeal and supporting materials, the board shall schedule a hearing on the appeal and shall give the member reasonable notice of the date, time and place thereof in writing. Notwithstanding the foregoing, any hearing may be postponed or continued by the board, either upon application of the aggrieved member or on its own motion. The member shall be given the opportunity to be present at the hearing, with counsel or other representation if he or she chooses. A recording of the hearing will be made to provide the board with a record for further review. Such recording shall be available to the aggrieved member and to those individuals who are authorized by the member to receive such information, with such authorization in the form required by OP&F.

(3) Following the hearing on appeal, the board may choose to:

(a) Affirm the original decision;

(b) Reverse the original decision; or

(c) Postpone a decision pending submission of additional documentation or information.

(4) The board's decision on appeal shall be the final determination of such claim.

(5) The member shall be advised of the board's action within thirty days after the board's final determination under this paragraph and such notice shall inform the member of his/her right to:

(a) Accept the board's decision on appeal; or

(b) File a mandamus action.

(H) All notices to the member provided for in this rule shall be either delivered personally, sent by express delivery service, certified mail, or first class U.S. mail, postage prepaid and addressed to the member at the most recent address set forth in OP&F's records, or to such other address as the member shall thereafter designate by proper notice in accordance with this paragraph. All notices to OP&F or the board shall be addressed at its principal place of business.

Five Year Review (FYR) Dates: 5/13/2025 and 05/23/2025

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Rule Amplifies:	742.21, 742.37, 742.39
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742-7-01

**Issue date of pension ~~checks~~ payments.**

The issue date of pension payments to police and fire retirees and their eligible survivors shall be the first business day of each month.

Effective:

Five Year Review (FYR) Dates: 5/13/2025

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Statutory Authority: 742.10  
Rule Amplifies: 742.352, 742.353  
Prior Effective Dates: 01/01/1977, 02/14/2005, 04/23/2015, 09/14/2020

742-7-08

**Cost-of-living allowance.**

- (A) The benefits and contributions of any member shall be calculated on the basis of the member's salary as defined by divisions (G) and (L) of section 742.01 of the Revised Code and rule 742-3-02 of the Administrative Code.
- ~~(B) All members having fifteen years of service credit as of January 1, 1989 shall be provided a form upon which they can elect the basis of benefit and contribution calculations under section 742.3716 of the Revised Code. For purposes of this determining a member's eligibility for this election, years of service credit shall include any credit purchased prior to January 1, 1989.~~
- ~~(C)~~(B) A beneficiary's "anniversary date" shall be July first, for those eligible for the first cost-of-living allowance on that date or the anniversary of the beneficiary's effective date of retirement or benefits for those not eligible for the first cost-of-living allowance. When a beneficiary's anniversary date does not fall on the first of a month, a pro rata payment of the first month's cost-of-living allowance shall be paid.
- ~~(D)~~(C) A beneficiary's "base benefit" shall be the amount of a benefit first calculated upon retirement, and shall exclude any medicare reimbursement, any amount by which a member reduces benefits under an optional plan of payment pursuant to section 742.3711 of the Revised Code, any actuarial reduction for early retirement, and any previous cost-of-living increases.
- ~~(E)~~(D) The benefit paid to an eligible survivor under an optional plan of payment shall be based upon the amount last received by the member, excluding medicare reimbursement and the amount of any reduction chosen by the member, but including any cost-of-living allowance received by the member. Such survivor shall be entitled to cost-of-living adjustments based upon the original base of the survivor under the optional plan of payment.
- ~~(F)~~(E) Upon the election by an eligible member to cancel an optional plan of payment and to return to a single life annuity, previously awarded cost-of-living allowances shall be adjusted to the amount the member would have received had the member always been paid a single life annuity.

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Prior Effective Dates: 07/24/1986 (Emer.), 10/16/1986, 10/09/1987 (Emer.),  
01/10/1988, 02/07/2000 (Emer.), 05/01/2000,  
02/14/2005, 04/23/2015

742-8-13

**Special penalty provisions.**

- (A) In the event any of the following situations occur, which is documented by the employer to the satisfaction of OP&F and the other requirements of this rule are met, this rule shall govern how OP&F will administer the penalties provided for in section 742.352 of the Revised Code or section 742.353 of the Revised Code, as permitted by the provisions of division (C) of those sections:
- (1) The employer hired a new clerk within the past year and he/she did not undergo OP&F training prior to the filing that is in question;
  - (2) The employer is a new filer with OP&F within the past year and the employee responsible for the reports and payments to OP&F did not undergo OP&F training prior to the filing that is in question;
  - (3) There is an act of God (i.e. natural disaster, fire, flood.) that adversely impacts the employer's ability to timely file the report or pay the required contributions according to the governing statutory provisions, but this provision is not intended to apply to overall computer problems, a clerk being sick on or around the deadline date, and such other related items;
  - (4) There is a medical leave involved for the person who is responsible for filing the report and contributions with OP&F and the medical leave exceeds ninety days; subject to paragraph (A)(3) of this rule;
  - (5) Theft in office has occurred by the person responsible for the filing;
  - (6) The penalties arising out of the filing in question will result in the employer being declared in fiscal emergency;
  - (7) The employer is a new user of OP&F's online payment/reporting system and as a result of performing the new process, the employer missed the deadline and incurred a penalty.
- (B) In order for the provisions of this rule to apply, the employer must be in "good standing." For purposes of this rule, "good standing" shall mean that the employer has paid all prior penalties in the past year in accordance within the governing statutory provisions so that OP&F did not need to take further action to collect such employer's compliance (i.e. the penalties were paid within the grace period once added to the employer's billing statement).
- (C) In the event that any of the events under paragraph (A) of this rule apply and the employer is in good standing with OP&F, with the exception of the report or payment in question, OP&F shall apply the following reduction in penalties:

- (1) If the employer files the proper report of contributions and properly pays the contributions within six months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by seventy-five per cent;
  - (2) If the employer files the proper report of contributions and properly pays the contributions within twelve months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by fifty per cent; and
  - (3) If the employer files the proper report of contributions and properly pays the contributions more than one year after OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by twenty-five per cent or such lesser amount established by the board of trustees based on the applicable facts and circumstances.
- (D) This rule shall not adversely impact OP&F's remedies in the event an employer files a report and pays contributions to the wrong retirement system.
- (E) For purposes of this rule, "proper report of contributions" shall mean the report of contributions required under section 742.32 of the Revised Code, as more fully outlined in rule 742-9-10 of the Administrative Code, and "properly pay the contributions" shall mean the payment of contributions due under section 742.32 of the Revised Code and consistent with the terms of rule 742-9-10 of the Administrative Code.

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Prior Effective Dates:	12/22/2005 (Emer.), 03/20/2006, 06/24/2010, 09/14/2020, 09/22/2022

742-16-01

**Policy for reimbursement of trustee business and educational travel expense.**

- (A) Subject to the provisions of section 742.101 of the Revised Code and this rule, board members may receive reimbursement from police and fire pension fund for all proper, reasonable and necessary expenses actually incurred in the performance of their official duties, as more fully described in the board's travel policy. Eligible reimbursable expenses include, but are not limited to reasonable charges for meals, beverages, tips, lodging, airfare, ground transportation, telephone calls, and registration fees, subject to the limitations outlined in the board's travel policy.
- (B) Reimbursement from the fund for out-of-state travel shall require approval in advance by a majority of the board at a regularly scheduled board meeting after review and recommendation by the audit/administration committee, with the following exception. In the case of an emergency, out-of-state travel requires approval by the chairman of the board and the executive director of the fund. In the case of an emergency, reimbursement for in-state travel shall be approved by the chairman of the board or the executive director.
- (C) Official duties may include:
- (1) Attendance at a conference, convention, educational seminar, school or meeting which will serve to help the trustee become a better, more knowledgeable and active trustee.
  - (2) Meetings with OP&F staff, other trustees, members and associates on pension matters.
  - (3) Other travel on fund business, as required by the board or executive director.
- (D) For all travel and business expenses on which reimbursement is sought by a trustee, expense reports must be submitted on forms provided by OP&F.

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