



**Ohio
Retirement
Study
Council**

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To: ORSC Members
From: Jeffery A. Bernard, Senior Research Associate *JAB*
Date: February 18, 2021
Subject: Am. Sub. H.B. 197 (COVID-19 Omnibus Bill) and H.B. 404
(COVID-19 Omnibus Extension)

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H.B. 197 of the 133rd General Assembly (Omnibus COVID-19 Emergency Response Bill) includes three provisions of note to the state retirement systems. This memo details only the provisions relating specifically to the state retirement systems. H.B. 404 extended certain of those provisions to July 1, 2021.

Telephone, Video Conference, or other Electronic Hearings (Section 12)

Under the Act, the state retirement systems are authorized to hold, attend, and conduct retirement board meetings through telephone, video conference, or other electronic technology. The retirement board *must* provide public notice and public access to be authorized to conduct the meeting electronically under this section. This authorization was provided until December 1, 2020. H.B. 404 extended this provision to July 1, 2021.

Postponement of Elections (Section 23)

Under the Act, the state retirement systems are authorized, but not required, to postpone any election occurring between March 9, 2020, and December 1, 2020. This is the effective period of the emergency declared by Executive Order 2020-01D (state of emergency regarding COVID-19).

Each of the state retirement system board are composed of members appointed by the House of Representatives, Senate, and Governor, and members elected by the retired and active members of the respective state retirement systems. The bill does not affect appointed members of the boards, but does permit the retirement systems to postpone any election of retired or active members of the board occurring during the period of the emergency. The elections are to occur as provided for in the Revised Code subsequent to the emergency period.

According to the state retirement systems, five elections fall within the delay period. Three are for board members of OP&F, one for HPRS, and one for STRS. At its March 27, 2020, emergency board meeting, the OP&F Board of Trustees voted to postpone the three elections until December 1.

Temporary Removal of Re-employment Penalties (Section 13)

Typically, when a public employee retires and immediately returns to employment, they are subject to a temporary forfeiture of retirement benefits. During the period of the emergency under Executive Order 2020-01D, and for those employees of the following departments, the forfeiture does not apply (this would encourage those who have retired from high need departments to return to employment temporarily and not suffer a forfeiture of benefits):

- 1) The Department of Rehabilitation and Correction;
- 2) The Department of Youth Services;
- 3) The Department of Mental Health and Addiction Services;
- 4) The Department of Veterans Services;
- 5) The Department of Developmental Disabilities.

The exemption of the forfeiture applies only to the period of the current emergency order, not to extend after December 1, 2020. H.B. 404 extended this provision to July 1, 2021.