

As Introduced

135th General Assembly

Regular Session

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H. B. No. 94

Representatives Click, Willis

**Cosponsors: Representatives Barhorst, Fowler Arthur, Gross, Hillyer,
Klopfenstein**

A BILL

To amend section 145.295 of the Revised Code 1
regarding transfers or purchases of certain 2
retirement service credit. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 145.295 of the Revised Code be 4
amended to read as follows: 5

Sec. 145.295. (A) As used in this section and section 6
145.2913 of the Revised Code: 7

(1) "Uniform retirement system" or "uniform system" means 8
the Ohio police and fire pension fund or state highway patrol 9
retirement system. 10

(2) "Military service credit" means credit purchased or 11
obtained under this chapter or Chapter 742. or 5505. of the 12
Revised Code for service in the armed forces of the United 13
States. 14

(B) A member of the public employees retirement system who 15
has contributions on deposit with, but is no longer contributing 16

to, a uniform retirement system shall, in computing years of service, be given full credit for service credit earned under Chapter 742. or 5505. of the Revised Code or for military service credit if a transfer to the public employees retirement system is made under this division. At the request of the member a transfer shall be made if all of the following conditions are met:

~~(1) The member's service credit in the public employees retirement system is greater than the amount of credit that would be transferred under this division.~~

~~(2)~~ The member is eligible, or with the credit will be eligible, for a retirement or disability benefit.

~~(3)~~ (2) The member agrees to retire or accept a disability benefit not later than ninety days after receiving notice from the public employees retirement system that the credit has been obtained.

~~(4)~~ (3) For each year of service the uniform system transfers to the public employees retirement system the sum of the following:

(a) An amount equal to the member's accumulated contributions to the uniform system making the transfer and any payments by the member for military service credit;

(b) An amount equal to the lesser of the employer's contributions to the uniform system or the appropriate employer contribution under section 145.48 or 145.49 of the Revised Code;

(c) Interest, determined as provided in division (H) of this section, on the amounts specified in divisions ~~(B) (4) (a)~~ (B) (3) (a) and (b) of this section for the period from the last day of the year for which the service credit in the uniform

system was earned or in which the military service credit was 46
purchased or obtained to the date the transfer is made. 47

(C) A member of the public employees retirement system who 48
has at least eighteen months of contributing service credit with 49
the public employees retirement system, who is a former member 50
of a uniform retirement system, and who has received a refund of 51
the member's accumulated contributions to that uniform system 52
may obtain credit for service credit earned under Chapter 742. 53
or 5505. of the Revised Code or for military service credit if 54
all of the following conditions are met: 55

~~(1) The member's service credit in the public employees~~ 56
~~retirement system is greater than the amount of credit that~~ 57
~~would be transferred under this division.~~ 58

~~(2)~~ The member is eligible, or with the credit will be 59
eligible, for a retirement or disability benefit. 60

~~(3)~~ (2) The member agrees to retire or accept a disability 61
benefit not later than ninety days after receiving notice from 62
the public employees retirement system that the credit has been 63
obtained. 64

~~(4)~~ (3) For each year of service, the public employees 65
retirement system receives the sum of the following: 66

(a) An amount, which shall be paid by the member, equal to 67
the amount refunded by the uniform system to the member for that 68
year for accumulated contributions and payments for military 69
service credit, with interest at a rate established by the 70
public employees retirement board on that amount from the date 71
of the refund to the date of the payment; 72

(b) Interest, which shall be transferred by the uniform 73
system, on the amount refunded to the member that is 74

attributable to the year of service from the last day of the 75
year for which the service credit was earned or in which payment 76
was made for military service credit to the date the refund was 77
made; 78

(c) An amount, which shall be transferred by the uniform 79
system, equal to the lesser of the employer's contributions to 80
the uniform system or the appropriate employer contribution 81
under section 145.48 or 145.49 of the Revised Code, with 82
interest on that amount from the last day of the year for which 83
the service credit was earned or in which payment was made for 84
military service credit to the date of the transfer. 85

On receipt of payment from the member, the public 86
employees retirement system shall notify the uniform system, 87
which, on receipt of the notice, shall make the transfer 88
required by this division. Interest shall be determined as 89
provided in division (H) of this section. 90

(D) A member of the public employees retirement system who 91
purchased credit under former division (A)(1) of this section, 92
as it existed before August 25, 1995, for service as a member of 93
a uniform retirement system may elect to have the amount the 94
member paid for this service credit refunded to the member under 95
this division if the member agrees to repurchase this service 96
credit pursuant to division (C) of this section. 97

(E) Service credit purchased or otherwise obtained under 98
this section shall be considered the equivalent of Ohio service 99
credit. 100

The public employees retirement system shall withdraw the 101
credit and refund all amounts paid or transferred under this 102
section if either of the following occurs: 103

(1) The member fails to retire or accept a disability benefit not later than ninety days after receiving notice from the public employees retirement system that credit has been obtained.

(2) The member's application for a disability benefit is denied.

A member may choose to purchase only part of the credit the member is eligible to purchase under division (C) of this section, subject to rules of the public employees retirement board. A member is ineligible to purchase or otherwise obtain credit under this section for service to be used in calculation of any retirement benefit currently being paid or payable to the member in the future under any other retirement program or for service credit that may be transferred under section 145.2913 of the Revised Code.

(F) If a member of the public employees retirement system who is not a current contributor elects to receive credit under section 742.21 or 5505.40 of the Revised Code for service for which the member contributed to the system or made payment for military service credit, the system shall transfer to the Ohio police and fire pension fund or the state highway patrol retirement system, as applicable, the amount specified in division (D) of section 742.21 or division (B) (2) of section 5505.40 of the Revised Code.

(G) A member of the public employees retirement system who earned service credit in the public employees retirement system for full-time service as a township or municipal police officer and received service credit in the Ohio police and fire pension fund under section 742.511 or 742.512 of the Revised Code for such service may elect to have the credit restored as public

employees retirement system service credit by paying the public 134
employees retirement system an amount equal to the accumulated 135
contributions paid by the member to the Ohio police and fire 136
pension fund under section 742.511 or 742.512 of the Revised 137
Code. When such an election is made, the Ohio police and fire 138
pension fund shall transfer to the public employees retirement 139
system the amount previously transferred under section 742.511 140
or 742.512 of the Revised Code from the public employees 141
retirement system to the Ohio police and fire pension fund. 142

(H) Interest charged under this section shall be 143
calculated separately for each year of service credit. Unless 144
otherwise specified in this section, it shall be calculated at 145
the lesser of the actuarial assumption rate for that year of the 146
public employees retirement system or of the uniform retirement 147
system in which the credit was earned. The interest shall be 148
compounded annually. 149

(I) At the request of the public employees retirement 150
system, the uniform retirement system shall certify to the 151
public employees retirement system a copy of the records of the 152
service and contributions of a public employees retirement 153
system member who seeks service credit under this section. 154

Section 2. That existing section 145.295 of the Revised 155
Code is hereby repealed. 156