
RETIREMENT SYSTEMS

PERS law enforcement and public safety officers

- Includes in the Public Employees Retirement System (PERS) law enforcement and PERS public safety divisions a PERS member who, after the bill's effective date, becomes employed full time as a State Fire Marshal (SFM) law enforcement officer.
- Allows a PERS member who, on the bill's effective date, is employed as an SFM law enforcement officer to elect to participate in the PERS law enforcement or PERS public safety division rather than regular PERS for the member's future service.

Intersystem retirement service credit transfers

- Temporarily allows certain PERS members to transfer or purchase certain service credit from the Ohio Police and Fire Pension Fund (OP&F) even if the member does not have more PERS service credit than the amount of credit to be transferred or purchased.
- Temporarily removes a requirement that a PERS law enforcement officer with OP&F service credit be in the active service of a police or fire department to be eligible to purchase OP&F credit for service under PERS, the State Teachers Retirement System, or School Employees Retirement System or have credit for that service transferred to OP&F.

PERS law enforcement and public safety officers

(R.C. 145.01 and 145.334)

Under continuing law, the Public Employees Retirement System (PERS) has special retirement and benefit provisions for PERS members who are considered law enforcement officers or public safety officers. PERS law enforcement officers are officers whose primary duties are to preserve the peace, protect life and property, and enforce Ohio law. PERS public safety officers are officers who are in law enforcement but whose primary duties are other than to preserve the peace, protect life and property, and enforce Ohio law. Both groups include certain deputy sheriffs, township police officers, and university police officers.

The bill includes in the PERS law enforcement division and PERS public safety division a PERS member who is a state fire marshal law enforcement officer (SFM-LEO). An SFM-LEO is a PERS member who is employed full time by the Fire and Explosion Investigation Bureau created by the State Fire Marshal (SFM) and to whom both of the following apply:

- The SFM has appointed the member as an assistant fire marshal and designated the member to act as a law enforcement officer (1) for purposes of investigating the cause, origin, and circumstances of fires and explosions in Ohio and arresting, or causing a person to be arrested, and charging a person with arson or a similar offense as a result of an investigation and (2) to enforce criminal prohibitions relating to fire safety and fireworks;

- The SFM has appointed the member as an SFM-LEO and the member has received a certificate attesting to the member's satisfactory completion of the peace officer basic training program for arrest power purposes.¹²⁰

A member's participation in the PERS law enforcement or PERS public safety division as an SFM-LEO depends on when the member began employment as an SFM-LEO in relation to the provision's effective date. A member who starts employment as an SFM-LEO after the provision's effective date is automatically included in the PERS law enforcement or PERS public safety division.

A member who, on the provision's effective date, is employed as an SFM-LEO may elect to participate in the PERS law enforcement or PERS public safety division rather than regular PERS. To make an election, a member must notify PERS on a form provided by the PERS Board, and PERS must receive the notice not later than 90 days after the provision's effective date. The election, once made, is irrevocable and causes the member to be considered a PERS law enforcement officer or PERS public safety officer for future SFM-LEO service. Any service credit the member earned before the first day of the first month following the system's receipt of the election will be treated as regular PERS credit. Service credit earned on or after that date will be considered credit as a PERS law enforcement officer or PERS public safety officer.

A member who is employed as an SFM-LEO on the provision's effective date and is close to retirement may find it more advantageous to remain in regular PERS than make the election described above. This is because, in determining eligibility for retirement under the law enforcement and public safety provisions, typically only law enforcement or public safety service credit is considered. A member with both regular service credit and law enforcement or public safety credit can retire under regular PERS but receives no additional benefit for the higher contributions made for law enforcement or public safety service.¹²¹

Intersystem service credit transfers

(Section 701.20)

PERS – purchase or transfer of credit from OP&F

Continuing law allows a PERS member who contributed to the Ohio Police and Fire Pension Fund (OP&F) to have OP&F contributions and service credit transferred to PERS. Similarly, if the member received a refund of OP&F contributions, the member may purchase PERS service credit for service under OP&F.

¹²⁰ By reference to R.C. 109.71, 109.77, 2935.01, 2935.03, 3737.01, and 3737.22, not in the bill, and R.C. Chapters 3737 and 3743.

¹²¹ R.C. 145.32, 145.33, and 145.332, not in the bill, and see [Law Enforcement/Public Safety Officers \(PDF\)](#), which may be accessed by conducting a keyword "law enforcement" search on the Public Employees Retirement System (PERS) website: opers.org.

The bill temporarily allows a PERS member to obtain credit without meeting the requirement that the member have more PERS service credit than the amount of credit to be transferred for one of the following:

- If the member, on the provision's effective date, is a PERS law enforcement officer or PERS public safety officer, service for which the member contributed to OP&F as a member of a police department;
- If the member was a PERS member who, on May 4, 1992, was employed as a firefighter in a position requiring firefighter training and elected to remain in PERS as a firefighter, service for which the member contributed to OP&F as a member of a fire department.

Thus, to purchase the service credit or have contributions and service credit transferred, continuing law requires the member to:

- Be eligible, or with the credit be eligible, for a retirement or disability benefit; and
- Agree to retire or accept a disability benefit not later than 90 days after receiving notice from PERS that the credit has been obtained.

To obtain the service credit, the bill requires the member to apply to PERS not later than 90 days after the provision's effective date. A PERS member is ineligible to obtain the service credit if the member is eligible to obtain service credit under OP&F as described below.¹²²

OP&F – purchase or transfer of credit from PERS, STRS, or SERS

Continuing law allows an OP&F member who has contributed to PERS, the State Teachers Retirement System (STRS), or School Employees Retirement System (SERS) to have contributions and service credit transferred to OP&F. Similarly, if the member received a refund of contributions from one of those systems, the member may purchase OP&F service credit for service under that system. An OP&F member also may transfer or purchase certain PERS, STRS, or SERS service credit that was originally purchased or obtained from OP&F or the State Highway Patrol Retirement System before the member began employment with an OP&F-covered employer. An OP&F member who elects to transfer or purchase this service credit must be in the active service of a police or fire department.

The bill temporarily allows an OP&F member to obtain this service credit without being in the active service of a police or fire department if the member is:

- A PERS law enforcement officer on the provision's effective date; and
- Eligible, or with the credit will be eligible, to retire under OP&F.

To obtain the service credit, the member must apply to OP&F not later than 90 days after the provision's effective date.

The bill revises the amount of employer contributions that must be paid to OP&F to transfer or purchase the credit under the temporary provisions. Under the bill, the amount of

¹²² By reference to R.C. 145.013 and 145.295, not in the bill.

employer contributions to be paid or transferred is the applicable OP&F employer contribution. Currently, the amount of employer contributions that must be transferred or paid to OP&F is the lesser of (1) the employer's contributions to PERS, STRS, or SERS or (2) the contributions the employer would have made had the member been in OP&F at the time of service.¹²³

¹²³ By reference to R.C. 742.21, 742.214, 742.33, and 742.34, not in the bill.