

As Introduced

**135th General Assembly
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H. B. No. 310

Representative Jones

Cosponsors: Representatives Carruthers, Hillyer, Gross, Johnson, Miller, J.



A BILL

To amend sections 3307.70, 3307.751, and 3307.752 1
of the Revised Code regarding purchases of 2
military service credit by State Teachers 3
Retirement System members. 4

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

Section 1. That sections 3307.70, 3307.751, and 3307.752 5
of the Revised Code be amended to read as follows: 6

Sec. 3307.70. (A) A member of the state teachers 7
retirement system who elects to purchase service credit 8
described in section 3307.73, 3307.74, 3307.751, 3307.76, 9
3307.771, or 3307.78 of the Revised Code shall do both of the 10
following: 11

(1) Submit an application to the state teachers retirement 12
board in a manner or form approved by the board; 13

(2) (a) If the purchase will be completed not later than 14
December 31, 2013, for each year, or portion of a year, of 15
credit purchased, pay to the teachers' savings fund the amount 16
specified by former section 3307.73, 3307.74, 3307.751, 3307.76, 17
3307.771, or 3307.78 of the Revised Code as the appropriate 18

section existed immediately before January 7, 2013. 19

(b) If the purchase will not be completed until on or 20
after January 1, 2014, for each year, or portion of a year, of 21
credit purchased, pay to the teachers' savings fund an amount 22
specified by the board that is equal to one hundred per cent of 23
the actuarial liability resulting from the purchase of that year 24
or portion of a year of credit as determined by an actuary 25
employed by the board. 26

(c) If, on January 7, 2013, the purchase is being made 27
through a payroll deduction plan under section 3307.701 of the 28
Revised Code and at least one deduction has been made, pay to 29
the teachers' savings fund the amount specified by former 30
section 3307.73, 3307.74, 3307.751, 3307.76, 3307.771, or 31
3307.78 of the Revised Code as the appropriate section existed 32
immediately before January 7, 2013. 33

~~(B)(1)~~ (B) Division (A)(2)(b) of this section does not 34
apply to a member purchasing service credit under section 35
3307.751 of the Revised Code. 36

(C)(1) A purchase shall be considered completed for 37
purposes of division (A)(2)(a) of this section only if the 38
member's application is received by the retirement system as 39
completed not later than December 31, 2013, and all payments are 40
received by the retirement system not later than June 30, 2014. 41

(2) A member purchasing credit through a payroll deduction 42
plan under division (A)(2)(c) of this section may pay in a 43
single payment the balance of the cost of the credit. 44

~~(C)~~ (D) Subject to board rules, a member may choose to 45
purchase only part of any eligible service credit in any one 46
payment. 47

~~(D)~~ (E) The board shall adopt rules establishing criteria 48
for determining eligibility for purchases of service credit and 49
procedures for purchases of credit under this section. 50

Any determination of the board under this section shall be 51
final. 52

~~(E)~~ (F) Service credit purchased under this section shall 53
be included in the member's total service credit. 54

If a member dies or withdraws from service, any payment 55
made by the member under this section shall be considered as 56
accumulated contributions of the member. 57

Sec. 3307.751. (A) (1) A member participating in the STRS 58
defined benefit plan may purchase service credit under section 59
3307.70 of the Revised Code in an amount described in division 60
(E) of this section for each year or portion of a year of 61
service incurred by reason of having been on active duty as a 62
member of the armed forces of the United States, as defined in 63
section 3307.75 of the Revised Code. 64

(2) As used in division (A) (2) of this section, "reserves" 65
means a reserve component of any of the armed forces of the 66
United States enumerated in division (A) (1) of section 3307.75 67
of the Revised Code. 68

On presentation of documentation of the service and 69
subject to state teachers retirement board rules, a member 70
participating in the STRS defined benefit plan may purchase 71
service credit under section 3307.70 of the Revised Code in an 72
amount described in division (E) of this section for each year 73
or portion of a year of service incurred by reason of having 74
been on active duty as a member of the Ohio national guard or 75
reserves for which the member is not eligible to purchase credit 76

under division (A) (1) of this section. For purposes of division 77
(A) (2) of this section, active duty in the reserves or the Ohio 78
national guard includes assembly for drill and instruction; 79
training at encampments, maneuvers, outdoor target practice, or 80
other exercises; and any training or duty in this state ordered 81
by the governor. 82

(3) Credit shall not be granted for any period of duty 83
during which the member was contributing to the retirement 84
system. 85

The credit may be purchased at any time prior to the 86
effective date of a benefit. The number of years purchased under 87
this division shall not exceed five. 88

(B) For the purposes of this division, "prisoner of war" 89
means any regularly appointed, enrolled, enlisted, or inducted 90
member of the armed forces of the United States who was 91
captured, separated, and incarcerated by an enemy of the United 92
States. 93

A member participating in the STRS defined benefit plan 94
may purchase service credit under section 3307.70 of the Revised 95
Code in an amount described in division (E) of this section for 96
each year of service such member was a prisoner of war. The 97
number of years purchased shall not exceed five. Service credit 98
may be purchased for the same years of service used to purchase 99
service credit described in division (A) of this section. 100

(C) The total number of years described in this section 101
that may be purchased shall not exceed the member's total 102
accumulated number of years of Ohio service. 103

(D) The retirement system shall calculate the number of 104
years or portions of a year of credit the member is eligible to 105

purchase under division (A) (2) of this section by dividing the 106
number of days actually served by three hundred sixty-five. 107

A member of the state teachers retirement system is 108
ineligible to purchase service credit described in this section 109
for any year of military service that was: 110

(1) Used in the calculation of any retirement benefit 111
currently being paid to such member or payable in the future 112
under any other retirement program, except for retired pay for 113
non-regular service under Chapter 1223 of Section 1662 of Title 114
XVI of the "National Defense Authorization Act for Fiscal Year 115
1995," 108 Stat. 2998 (1994), 10 U.S.C.A. 12731 to 12739, or 116
social security; 117

(2) Used to obtain service credit pursuant to section 118
3307.75 or 3307.752 of the Revised Code. 119

At the time the credit is purchased, the member shall 120
certify on a form furnished by the board that the member does 121
and will conform to this requirement. 122

~~(E)~~ (E) (1) The board shall calculate the cost for each 123
year of service credit a member elects to purchase under this 124
section separately. For each year or portion of a year of 125
service purchased under this section, the member, subject to 126
board rules, shall pay to the system for credit to the member's 127
accumulated account an amount equal to the sum of the amount of 128
contributions that would have been paid pursuant to section 129
3307.26 of the Revised Code plus the amount of contributions 130
that would have been paid by the member's employer pursuant to 131
section 3307.28 of the Revised Code as if the member had been in 132
active service as a teacher during the year or portion of a year 133
of military service for which the member is purchasing credit. 134

(2) The board shall not require the member to pay any amount to the system in addition to the amount required under division (E) (1) of this section to purchase the service credit, including interest or an amount equal to any percentage of the actuarial liability resulting from the purchase.

(F) Credit described in this section may be combined pursuant to section 3307.57 of the Revised Code with credit for military service purchased under sections 145.301, 742.52, 3309.021, and 5505.25 of the Revised Code or military service credit purchased in the Cincinnati retirement system, except that not more than a total of five years of credit described in division (A) of this section, division (B) of section 145.301, division (A) of section 742.52, division (A) of section 3309.021, and division (A) of section 5505.25 of the Revised Code and not more than a total of five years of credit described in division (B) of this section, division (C) of section 145.301, division (B) of section 742.52, division (B) of section 3309.021 and division (B) of section 5505.25 of the Revised Code or military service credit purchased in the Cincinnati retirement system shall be used in determining retirement eligibility or calculating benefits under section 3307.57 of the Revised Code.

Sec. 3307.752. (A) As used in this section:

(1) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the

fitness of the person to perform any such duty. 165

(2) "Uniformed services" means the army, navy, air force, 166
marine corps, coast guard, or any reserve components of such 167
services; national guard; the commissioned corps of the United 168
States public health service; service as a red cross nurse with 169
the army, navy, air force, or hospital service of the United 170
States, army nurse corps, navy nurse corps, or serving full-time 171
with the American red cross in a combat zone; and any other 172
category of persons designated by the president in time of war 173
or emergency. 174

(B) On the re-employment of a member participating in the 175
STRS defined benefit plan as a teacher by the same public 176
employer that employed the member prior to the member's service 177
in the uniformed services, the member may apply to the state 178
teachers retirement system on a form provided by the system to 179
purchase service credit for service in the uniformed services 180
that shall be considered the equivalent of Ohio service credit. 181
On receipt of the application, the system shall request from the 182
employer that employed the member as a teacher prior to the 183
military service a certification that the member was employed by 184
the employer prior to, and returned to employment with the 185
employer within three months of honorable discharge or release 186
from, service in the uniformed services. If the employer can so 187
certify, it shall do so and shall pay to the system the 188
employer's contribution required by this section. The service 189
credit shall be granted the member if all of the following 190
requirements are met: 191

(1) The member was a member of and maintained membership 192
in the state teachers retirement system throughout service in 193
the uniformed services; 194

(2) The member was out of active service as a teacher by reason of service in the uniformed services;	195 196
(3) The member was honorably discharged or released from service in the uniformed services;	197 198
(4) The member pays contributions to the system in accordance with this section.	199 200
(C) Credit may be purchased pursuant to this section at any time prior to receipt of a benefit. The member may choose to purchase only part of the credit in any one payment, subject to board rules. The system shall grant service credit under this section, not to exceed five years, for service in the uniformed services for which contributions have been received.	201 202 203 204 205 206
(D) For service purchased under this section, the member and the member's employer, subject to board rules, shall pay to the system for credit to the member's accumulated account an amount equal to the contributions that would have been paid pursuant to sections 3307.26 and 3307.28 of the Revised Code if the member had not been out of active service as a teacher by reason of service in the uniformed services.	207 208 209 210 211 212 213
If a member pays all or any portion of the contributions required by section 3307.26 of the Revised Code later than the lesser of five years or a period that is three times the member's period of service in the uniformed services beginning from the later of the member's date of re-employment as a teacher or October 29, 1996, an amount equal to compound interest at a rate established by the board from the later of the member's date of re-employment as a teacher or October 29, 1996, to the date of payment shall be added to the remaining amount to be paid by the member to purchase service credit under	214 215 216 217 218 219 220 221 222 223

~~this section~~The board shall not require the member to pay 224
interest on the amount paid to the system to purchase service 225
credit under this section. 226

(E) This section does not cancel any military service 227
credit or service in the uniformed services earned or granted 228
under this chapter prior to October 29, 1996. 229

(F) If a member purchased service credit under section 230
3307.751 of the Revised Code prior to October 29, 1996, is not 231
receiving a benefit, and would have been eligible to obtain 232
service credit pursuant to this section had it been in effect at 233
the time of purchase, the system shall refund the amounts paid 234
by the member for the purchase if both of the following 235
requirements are met: 236

(1) The member makes a written request for a refund on a 237
form provided by the system; 238

(2) The member pays to the system the contributions 239
required by this section. 240

(G) If the member meets the requirements of division (F) 241
of this section, the employer shall pay to the system the 242
employer's contributions required by this section. 243

Section 2. That existing sections 3307.70, 3307.751, and 244
3307.752 of the Revised Code are hereby repealed. 245