



## Ohio Administrative Code

### Rule 145-1-74 Re-employment restrictions applicable to a member.

Effective: January 1, 2021

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(A) For the purpose of this rule and section 145.38 or 145.382 of the Revised Code:

(1) "Effective retirement benefit date" means the date upon which a retirement allowance begins.

(2) "Ohio retirement system" means public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, highway patrol retirement system, and Cincinnati retirement system.

(B)

(1) Forfeiture of a retirement allowance under section 145.38 of the Revised Code for employment in a position covered by another Ohio retirement system shall apply only to a PERS retirant whose effective retirement benefit date is on or after September 1, 1991.

(2) A PERS retirant who has received a retirement allowance for less than two months and who becomes employed in a position covered by an Ohio retirement system shall forfeit such allowance for any month in which the PERS retirant is so employed during the two month period immediately following such retirant's effective retirement benefit date.

(3) Notwithstanding paragraphs (B)(1) and (B)(2) of this rule, forfeiture of a retirement allowance shall not apply to a PERS retirant who is employed in a position covered by an Ohio retirement system if the retirant was continuously employed in the position for at least two months prior to the effective retirement benefit date in this system.

(C)

(1)



(a) Where a member of this system who also has established membership in another Ohio retirement system or systems is terminating all employment covered by all the systems, and is electing to take a retirement benefit from one or more of the other systems as of the effective retirement benefit date, the member shall elect to:

(i) Apply for a benefit if eligible pursuant to section 145.32, 145.33, 145.332, 145.37 or 145.46 of the Revised Code or article IX of the combined or member-directed plan document; or

(ii) Apply for a refund of contributions pursuant to section 145.40 of the Revised Code or article VIII of the combined or member-directed plan document.

(b) If, as of the effective retirement benefit date from an Ohio retirement system the member has sufficient service credit to qualify for a benefit in this system, the member's effective retirement benefit date shall be the first of the month following the later of the member's benefit date in the Ohio retirement system or attainment of eligibility for a benefit in this system, but not more than ninety days prior to receipt by the public employees retirement system of the member's completed retirement application.

(2)

(a) A member of this system who also is a member of an Ohio retirement system and who has applied for a retirement benefit in that system may continue employment in the position covered by this system, provided that contributions made to this system after the member's effective retirement benefit date in the Ohio retirement system shall accrue only a benefit as described in section 145.384 of the Revised Code.

(b) If the member does not terminate all employment as described in paragraph (C)(1)(a) of this rule, the member may, upon termination of all service, elect to apply for a refund of contributions to this system made prior to the effective retirement benefit date in the Ohio retirement system.

(c) A member described in paragraph (C)(2)(b) of this rule may elect, at any time prior to commencement of a benefit under section 145.384 of the Revised Code, to have deposited to an additional annuity account described in section 145.62 of the Revised Code the members refund



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DOCUMENT #283099

amount under paragraph (C)(2)(b) of this rule. The accrual of allowable interest shall not begin until the additional annuity account is established.