



Ohio Administrative Code

Rule 145-2-67 Eligible rollover distributions from this plan.

Effective: [March 24, 2013](#)

(A) A distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

Effective January 1, 2010, a non-spouse beneficiary may elect to make a direct rollover to an inherited individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code, or a Roth individual retirement account or annuity described in section 408A of the Internal Revenue Code that is established on behalf of the beneficiary. Such rollover shall be made in a manner consistent with the section 402(c)(11) of the Internal Revenue Code and any other applicable guidance.

(B) The following definitions apply to this rule:

(1) "Eligible rollover distribution" means a lump sum distribution from the member or contributor's account pursuant to section 145.40, 145.63, or division (H) of section 145.384 of the Revised Code, except that "eligible rollover distribution" does not include either of the following:

(a) Any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code;

(b) The portion of any distribution that is not includible in gross income, unless the distribution is being rolled over to either (1) a traditional individual retirement account or individual retirement annuity under section 408(a) or 408(b) of the Internal Revenue Code or (2) a qualified trust which is part of a plan which is a defined contribution plan under section 401(a) or 403(a) of the Internal Revenue Code that will separately account for the distribution, including the taxable and non-taxable portions of the distribution, in a direct trustee-to-trustee transfer.

(2) "Eligible retirement plan" means any program defined in sections 401(a)(31) and 402(c)(8)(B) of



the Internal Revenue Code that accepts the member or contributors eligible rollover distribution, as follows:

- (a) An individual retirement account under section 408(a) of the Internal Revenue Code;
 - (b) An individual retirement annuity under section 408(b) of the Internal Revenue Code (other than an endowment contract);
 - (c) A qualified trust;
 - (d) An annuity plan under section 403(a) of the Internal Revenue Code;
 - (e) An eligible deferred compensation plan under section 457(b) of the Internal Revenue Code that is maintained by an eligible employer under section 457(e)(1)(A) of the Internal Revenue Code (so long as the plan agrees to separately account for amounts rolled into the plan);
 - (f) An annuity contract under section 403(b) of the Internal Revenue Code; and
 - (g) Effective January 1, 2008, a Roth individual retirement account or annuity described in section 408A of the Internal Revenue Code, subject to the limitations set forth in such Internal Revenue Code provision; provided, however, that the plan is not responsible for assuring that a distributee is eligible to make such a rollover.
- (3) "Distributee" means a member or contributor, as well as the surviving spouse of a member or contributor.
- (4) "Direct rollover" means a payment by the retirement system to the eligible retirement plan specified by the distributee.