



Ohio Administrative Code

Rule 5505-3-03.1 Disability retiree employment as a law enforcement officer.

Effective: August 8, 2022

(A) For the purpose of division (F)(1) of section 5505.18 of the Revised Code, "law enforcement officer" includes any "member of a police department" as defined by section 742.01 of the Revised Code and the associated administrative rules and any person that is appointed, commissioned, compensated, designated, employed, engaged, volunteering, or otherwise serving as one of the following:

(1) A sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a metropolitan housing authority police force established under division (D) of section 3735.31 of the Revised Code, or township constable or a similar job position outside the state of Ohio;

(2) A railroad company police officer governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;

(3) A person engaged in the enforcement of Chapter 5743. of the Revised Code on behalf of the department of taxation and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code or a similar job position outside the state of Ohio;

(4) An undercover drug agent or a similar job position outside the state of Ohio;

(5) A department of public safety enforcement agent governed by section 5502.14 of the Revised Code or a similar job position outside the state of Ohio;

(6) A natural resources law enforcement staff officer in the department of natural resources governed by section 1501.013 of the Revised Code or a similar job position outside the state of Ohio;



- (7) A forest-fire investigator in the department of natural resources governed by section 1503.09 of the Revised Code or similar job position outside the state of Ohio;
- (8) A natural resources officer in the department of natural resources governed by section 1501.24 of the Revised Code or a similar job position outside the state of Ohio;
- (9) A wildlife officer in the department of natural resources governed by section 1531.13 of the Revised Code or a similar job position outside the state of Ohio;
- (10) A park district law enforcement officer governed by section 511.232 or 1545.13 of the Revised Code or a similar job position outside the state of Ohio;
- (11) A conservancy district police officer governed by section 6101.75 of the Revised Code or a similar job position outside the state of Ohio;
- (12) A member of a hospital police or security department governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;
- (13) A veterans home police officer established by section 5907.02 of the Revised Code or a similar job position outside the state of Ohio;
- (14) A member of a qualified nonprofit corporation police department established by section 1702.80 of the Revised Code or a similar job position outside the state of Ohio;
- (15) A state university law enforcement officer governed by section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;
- (16) A special police officer in the department of mental health governed by section 5119.08 of the Revised Code or a similar job position outside the state of Ohio;



(17) A special police officer in the Ohio department of developmental disabilities governed by section 5123.13 of the Revised Code or a similar job position outside the state of Ohio;

(18) A member of a campus police department established under section 1713.50 of the Revised Code or a similar job position outside the state of Ohio;

(19) A regional transit authority police officer governed by division (Y) of section 306.35 of the Revised Code or a similar job position outside the state of Ohio;

(20) An investigator of the auditor of state governed by section 117.091 of the Revised Code who is engaged in the enforcement of Chapter 117. of the Revised Code or a similar job position outside the state of Ohio;

(21) A special police officer serving on state property pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

(22) A port authority special police officer governed by section 4582.04 or 4582.28 of the Revised Code or a person serving as a port authority special police officer on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

(23) A municipal corporation special police officer who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is serving at a municipal airport or other municipal air navigation facility that is governed by aviation security rules of the transportation security administration of the United States department of transportation and required by federal



laws and regulations to be under a security program or a similar job position outside the state of Ohio;

(24) A PERS law enforcement officer, as defined in section 145.01 of the Revised Code or a similar job position outside the state of Ohio; or

(25) A bailiff or deputy bailiff of a court of record in this state who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code or a similar job position outside the state of Ohio;

(26) A parole, corrections, or probation officer or a similar job position outside the state of Ohio;

(27) An employee of the department of youth services who is designated by the director of youth services pursuant to division (A)(1) of section 5139.53 of the Revised Code and who has received the training described in division (B)(1) of that section;

(28) A federal protective service officer or a federal marshal, including, but not limited to, a court security officer hired by the U.S. marshals service;

(29) A gaming agent employed under section 3772.03 of the Revised Code or a similar job position outside the state of Ohio.

(B) For the purpose of this rule, "Benefit Recipient" shall have the same meaning as rule 5505-3-03 of the Administrative Code.

(C) If the executive director determines that a benefit recipient is employed in a position described in division (A) of this rule, HPRS staff and medical advisor shall present the benefit recipient's file to the board at the next board meeting. If the board concurs with the executive directors determination, disability benefits shall terminate effective the date the benefit recipient accepted employment that resulted in the termination of benefits. Unless requested by the board, the benefit recipient may not appear before the board.

(D) The benefit recipient will be sent notification of the board's action no more than five days after



the board meets and such notice will be sent by regular U.S. mail to the benefit recipient's last known address. The notice will inform the benefit recipient of the date his or her benefits will terminate and his or her right to appeal.

(E) Within twenty days of the board's decision, the benefit recipient may file a written notice of appeal. The notice of appeal shall reference the decision being appealed and shall include the reason(s) why the decision is being appealed. If the benefit recipient does not file a notice of appeal as described in this rule, the board's determination made under paragraph (C) of this rule is final.

(1) The notice of appeal will be considered at the next regularly scheduled meeting of the board. Except as provided in this rule, benefits shall not be terminated while an appeal is pending.

(2) Within forty days of the board's determination made under paragraph (C) of this rule, the benefit recipient must file any evidence he or she would like considered by the board. No extensions shall be granted. HPRS shall void the notice of appeal if new evidence is not received by HPRS in the time described in this paragraph.

(3) The applicant has the right to appear at the hearing, with or without counsel, to present new testimony.

(4) Evidence, information, or other documentation not already submitted in accordance with this rule will not be permitted.

(5) The board's decision is final.