



## Ohio Administrative Code Rule 742-8-13 Special penalty provisions.

Effective: September 22, 2022

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(A) In the event any of the following situations occur, which is documented by the employer to the satisfaction of OP&F and the other requirements of this rule are met, this rule shall govern how OP&F will administer the penalties provided for in section 742.352 of the Revised Code or section 742.353 of the Revised Code, as permitted by the provisions of division (C) of those sections:

- (1) The employer hired a new clerk within the past year and he/she did not undergo OP&F training prior to the filing that is in question;
- (2) The employer is a new filer with OP&F within the past year and the employee responsible for the reports and payments to OP&F did not undergo OP&F training prior to the filing that is in question;
- (3) There is an act of God (i.e. natural disaster, fire, flood.) that adversely impacts the employers ability to timely file the report or pay the required contributions according to the governing statutory provisions, but this provision is not intended to apply to overall computer problems, a clerk being sick on or around the deadline date, and such other related items;
- (4) There is a medical leave involved for the person who is responsible for filing the report and contributions with OP&F and the medical leave exceeds ninety days; subject to paragraph (A)(3) of this rule;
- (5) Theft in office has occurred by the person responsible for the filing;
- (6) The penalties arising out of the filing in question will result in the employer being declared in fiscal emergency;
- (7) The employer is a new user of OP&F's online payment/reporting system and as a result of performing the new process, the employer missed the deadline and incurred a penalty.



(B) In order for the provisions of this rule to apply, the employer must be in "good standing." For purposes of this rule, "good standing" shall mean that the employer has paid all prior penalties in the past year in accordance within the governing statutory provisions so that OP&F did not need to take further action to collect such employers compliance (i.e. the penalties were paid within the grace period once added to the employers billing statement).

(C) In the event that any of the events under paragraph (A) of this rule apply and the employer is in good standing with OP&F, with the exception of the report or payment in question, OP&F shall apply the following reduction in penalties:

(1) If the employer files the proper report of contributions and properly pays the contributions within six months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by seventy-five per cent;

(2) If the employer files the proper report of contributions and properly pays the contributions within twelve months of OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by fifty per cent; and

(3) If the employer files the proper report of contributions and properly pays the contributions more than one year after OP&F's written notice of deficiency, then OP&F will reduce the statutory penalties by twenty-five per cent or such lesser amount established by the board of trustees based on the applicable facts and circumstances.

(D) This rule shall not adversely impact OP&F's remedies in the event an employer files a report and pays contributions to the wrong retirement system.

(E) For purposes of this rule, "proper report of contributions" shall mean the report of contributions required under section 742.32 of the Revised Code, as more fully outlined in rule 742-9-10 of the Administrative Code, and "properly pay the contributions" shall mean the payment of contributions due under section 742.32 of the Revised Code and consistent with the terms of rule 742-9-10 of the Administrative Code.