



Ohio Legislative Service Commission

Final Analysis

Kailey M. Henry

Am. Sub. H.B. 305 131st General Assembly (As Passed by the General Assembly)

Reps. Schuring, Barnes, Kuhns, Lepore-Hagan, Ramos, Sykes, Amstutz, Anielski, Antonio, Arndt, Ashford, Baker, Boggs, Boyd, Brown, Buchy, Burkley, Celebrezze, Cera, Craig, Dever, DeVitis, Dovilla, Driehaus, Fedor, Ginter, Green, Grossman, Hagan, Hall, Hambley, Hayes, Howse, G. Johnson, T. Johnson, Leland, Manning, McClain, McColley, M. O'Brien, S. O'Brien, Patterson, Perales, Phillips, Reece, Retherford, Roegner, Rogers, Ruhl, Ryan, Schaffer, Sheehy, Slaby, Slesnick, K. Smith, Strahorn, Sweeney, Thompson, Young

Sens. Uecker, Brown, LaRose, Balderson, Eklund, Faber, Hackett, Hite, Hottinger, Lehner, Obhof, Patton, Yuko

Effective date: September 28, 2016

ACT SUMMARY

- Includes in Public Employees Retirement System membership nonteaching University of Akron employees who either (1) are initially employed on or after the act's effective date or (2) terminate employment after that date and are reemployed by the University at least 12 months after termination.
- Retroactively extends eligibility for benefits from the Volunteer Peace Officers' Dependents Fund to survivors of volunteer peace officers killed in the line of duty and officers totally and permanently disabled in the line of duty on or after December 22, 2015.
- Retroactively extends eligibility for Fund benefits to survivors of volunteer peace officers killed in the line of duty between January 1, 2012, and December 22, 2015, if the Director of Commerce determines that initial premiums paid by Fund members are sufficient to pay benefits to those survivors.

* This version updates the effective date.

CONTENT AND OPERATION

University of Akron nonteaching employees

The act includes as members of the Public Employees Retirement System (PERS) the following persons employed by the University of Akron in positions not covered by the State Teachers Retirement System:

--Persons initially employed by the University on or after the act's effective date;

--Persons employed by the University on the act's effective date who terminate employment after that date and are reemployed by the University at least 12 months after the date of termination.¹

Other than certain law enforcement officers, nonteaching employees of the University participate in the School Employees Retirement System (SERS).² The law enforcement officers not in SERS are those who were hired on or after September 16, 1998 or elected to join PERS.³

SERS members who are nonteaching employees of the University when the act takes effect will continue to participate in SERS. An employee who terminates employment and is later reemployed by the University will be in SERS unless the reemployment occurs 12 months or longer after the date of termination.⁴

Volunteer Peace Officers' Dependents Fund

The act retroactively extends eligibility for benefits from the Volunteer Peace Officers' Dependents Fund. The Fund was created by S.B. 11 of the 131st General Assembly, effective March 23, 2016. The act specifies that modifying the eligibility date for Fund benefits is not intended to change S.B. 11's effective date.⁵

Disabled or killed in the line of duty on or after December 22, 2015

Instead of S.B. 11's March 23, 2016, effective date, the act extends eligibility to survivors of volunteer peace officers killed in the line of duty and officers totally and

¹ R.C. 145.011(D).

² R.C. 3309.01(B)(3), not in the act.

³ R.C. 145.011(C) and 3309.312, not in the act.

⁴ R.C. 145.011(D) and 3309.011(F).

⁵ Section 3.



permanently disabled in the line of duty if the death or injury occurred on or after December 22, 2015, the date the Governor signed S.B. 11.⁶

Killed in the line of duty on or after January 1, 2012

The act requires the Director of Commerce to determine whether initial premiums paid by Fund members are sufficient for benefits to be paid from the Fund to survivors of volunteer peace officers killed in the line of duty on or after January 1, 2012, but before December 22, 2015. If the Director determines that initial premiums are sufficient and that no additional assessments are necessary to fund the benefits, the act requires benefits to be paid from the Fund to the survivors described above.⁷

Continuing law makes each county, municipal corporation, township, township police district, and joint police district with a police or sheriff's department that employs volunteer peace officers a member of the Fund.⁸ To pay for benefits, each Fund member must pay the Treasurer of State an initial premium of \$300-\$500 based on the member's assessed property valuation. When claims against the Fund have reduced it to 95% or less of its basic capital account, each Fund member must pay an additional assessment of \$90-\$150, depending on assessed property valuation.⁹

Under S.B. 11, a "volunteer peace officer" is any person who is employed as a police officer, sheriff's deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity by a county sheriff's department or the police department of a municipal corporation, township, township police district, or joint police district and is not a member of PERS, the Ohio Police and Fire Pension Fund, State Highway Patrol Retirement System, or Cincinnati Retirement System.¹⁰

S.B. 11 provides for the following death benefits to be paid from the Fund to the survivors of a volunteer peace officer killed in the line of duty:

--A surviving spouse receives a lump-sum award of \$1,000 and a benefit of \$300 per month.

--Each dependent child under age 18, or under age 22 if in school, receives a benefit of \$125 per month.

⁶ R.C. 143.09(A) and (B).

⁷ R.C. 143.09(B)(1)(b) and 143.091.

⁸ R.C. 143.02(A), not in the act.

⁹ R.C. 143.06(B) and 143.07, not in the act.

¹⁰ R.C. 143.01(C), not in the act.



A volunteer peace officer who is totally and permanently disabled as a result of discharging the duties of a volunteer peace officer will receive a disability benefit from the Fund of \$300 per month, except during any time the officer is receiving the officer's full salary.¹¹

HISTORY

ACTION	DATE
Introduced	08-25-15
Reported, H. Health & Aging	12-09-15
Re-referred to H. Finance	02-02-16
Reported, H. Finance	02-17-16
Passed House (97-0)	02-23-16
Reported, S. State & Local Gov't	05-10-16
Passed Senate (31-1)	05-17-16
House concurred in Senate amendments (97-0)	05-24-16

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¹¹ R.C. 143.09(A) and (B)(2).

