



Ohio Administrative Code Rule 3307:1-10-01 Cost-of-living.

Effective: [May 3, 2018](#)

In determining benefit increases as authorized in section 3307.67 of the Revised Code, the following shall apply:

(A) For the purpose of that section and this rule:

(1) "Base benefit" shall mean the amount payable on the effective date of a benefit or the effective date of any subsequent reselection of plan of payment and does not include any benefit adjustments granted by statute after retirement.

(2) "COLA base benefit" shall mean the base benefit plus any applicable ad hoc increases granted by statutory amendment or enactment after the effective date of a benefit where a statute specifically identified such increase to be included in an individual's base for purposes of future increases in any benefit under section 3307.67 of the Revised Code.

(B) The amount of the increase for each person who receives an increase on the benefit anniversary date of the cost of living adjustment shall be a per cent of the COLA base benefit determined as follows:

(1) Effective January 1, 2008, and ending July 31, 2013, the retirement board shall annually increase each allowance or benefit payable under the defined benefit plan by three per cent of the COLA base benefit, subject to the provisions of paragraphs (B)(3) and (C) of this rule.

(2) Effective August 1, 2013, and ending June 30, 2017, the retirement board shall annually increase each allowance or benefit payable under the defined benefit plan by two per cent of the COLA base benefit, subject to the provisions of paragraphs (B)(3) and (C) of this rule.

(3) No increase will be made between July 1, 2013, and June 30, 2014, and for benefits granted with a benefit effective date of July 1, 2013, no increase will be made until July 1, 2015. Effective July 1,



2017, no increase will be made until the retirement board determines such an increase would not materially impair the fiscal integrity of the system.

(4) Effective January 1, 2008, the total annual allowance or benefit payable shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended, and such limit shall be adjusted automatically effective January first of each calendar year without amendment to the Revised Code for increases in the cost of living, in accordance with regulations issued by the secretary of the treasury pursuant to the provision of section 415(d) of the Internal Revenue Code in such manner as the secretary shall prescribe.

(C) Except as provided for in paragraph (B)(3) of this rule, for effective benefit dates on or after July 1, 1979 through July 31, 2013, an individual is eligible to receive an initial increase, provided such person has received an allowance or benefit for twelve months or more and has not received an initial increase under section 3307.67 of the Revised Code. For effective benefit dates on or after August 1, 2013, an individual is eligible to receive an initial increase, provided such person has received an allowance or benefit for sixty months and has not received an initial increase under that section.

(D) Except as provided for in paragraph (B)(3) of this rule, a qualified survivor pursuant to section 3307.66 of the Revised Code with an effective benefit date on or before July 1, 2013, shall be eligible for the initial increase twelve months from the effective benefit date. A qualified survivor pursuant to section 3307.66 of the Revised Code with an effective benefit date on or after August 1, 2013, shall be eligible for the initial increase sixty months from the effective benefit date. The date of the first increase in this paragraph becomes the anniversary date for future increases. A surviving spouse, who must wait until age sixty-two to qualify for monthly benefits as payable in section 3307.66 of the Revised Code or who received monthly benefits pursuant to that section but is now waiting to attain age sixty-two to resume monthly benefits, shall be eligible to receive, when monthly benefits become payable, any initial increase and any subsequent increases that would have occurred during the period of time the spouse was waiting for monthly benefits to become payable.

(E) Except as provided for in paragraph (B)(3) of this rule, a qualified survivor pursuant to section 3307.66 of the Revised Code, of a deceased member who at the time of the death was receiving disability benefits pursuant to section 3307.63 or 3307.631 of the Revised Code, shall have the same



annual increase anniversary date as the disability benefit recipient. The qualified survivor shall be eligible to receive increases for the time period the deceased disability benefit recipient received increases and the base benefit on which the increases shall be calculated is the qualified survivor's benefit amount payable pursuant to section 3307.66 of the Revised Code.

(F) For monthly benefits or allowances paid on a member's account that began as disability benefits and continued without interruption as service retirement benefits pursuant to section 3307.57, 3307.58, or 3307.59 of the Revised Code, the effective benefit date for purposes of section 3307.67 of the Revised Code shall be the effective date of the disability benefit.

(G) Payment of a cost-of-living adjustment, as apportioned between the alternate payee and the benefit recipient pursuant to division (B) of section 3307.67 of the Revised Code, shall occur with the next cost-of-living adjustment that becomes payable to the benefit recipient on or after October 27, 2006. The benefit recipient's subsequent cost-of-living adjustments shall also be apportioned between the benefit recipient and alternate payee while the order is in effect.