



## Ohio Administrative Code

### Rule 145-1-43 Alternative retirement programs.

Effective: January 1, 2016

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(A) For the purpose of this rule:

(1) "Administrative employee" means an administrative employee as defined in division (A) of section 3305.05 of the Revised Code for whom the public employees retirement system would be the applicable state retirement system.

(2) "Eligible employee" means an employee as defined in division (C) of section 3305.01 of the Revised Code for whom this retirement system would be the applicable state retirement system.

(3) "Election period" means:

(a) For an administrative employee who was eligible to make an election under division (B) of section 3305.051 of the Revised Code, the one hundred twenty days after the employee's first day on the institution's payroll or the employee was reclassified as an administrative employee.

(b) For administrative employees who were eligible to make elections under division (C) of section 3305.051 of the Revised Code, the one hundred twenty days after the effective date of the alternative retirement program adopted by the institution.

(c) For an eligible employee who is eligible to make an election under division (B)(2) or (B)(3) of section 3305.05 of the Revised Code, the one hundred twenty days after the employees first day on the institutions payroll or, in the case of a part-time employee who is transferred to a full-time position, one hundred twenty days from the first date of full-time employment.

(4) "Employee" means either an administrative employee or an eligible employee.

(5) "Institution" means a public institution of higher education as defined in division (A) of section 3305.01 of the Revised Code.



(B) Within thirty days of its adoption of an alternative retirement plan under Chapter 3305. of the Revised Code, an institution shall notify the retirement system of its adoption of the plan on a form provided by the retirement system. A copy of the plan adopted shall be attached to the form. The institution also shall file a report in the manner and form prescribed by the retirement system of all current employees.

(C)

(1) Each institution that employs an employee eligible to elect an alternative retirement program shall:

(a) Notify the retirement system at the time it employs the employee, but in no event later than ten days after the employee's first day on the institution's payroll.

(b) Notify the retirement system at the time an employee of the institution changes to a classification which qualifies the employee to elect an alternative retirement plan, but in no event later than ten days after such change.

(2) The notice required under paragraph (C)(1) of this rule shall be given on a form provided by the retirement system, and shall include the employee's name, address, social security number, date of birth, and any other information required by the retirement system.

(D)

(1) Elections by an employee of an alternative retirement plan shall be made on a form provided by the retirement system and completed by the employee and the institution.

(2) Not later than ten days after an election is filed with the institution, the institution shall file a copy with the retirement system of the election made by an employee.

(E)



(1) Elections made by employees under division (B)(2) or (B)(3) of section 3305.05 of the Revised Code or division 3305.051 of the Revised Code will be implemented no later than thirty days after a copy of the employee's election is filed with the retirement system.

(2) The election, when implemented, shall be effective as of the first day upon which the employee appears on the institution's payroll or was reclassified to a position as an administrative or eligible employee.

(3) Once an election is filed with the retirement system, the death of the employee shall not affect such election and the election shall be implemented and effective as set forth in this rule.

(F)

(1) Elections made by employees under division (C) of section 3305.051 of the Revised Code will be implemented no later than thirty days after the copy of the employee's election is filed with the retirement system.

(2) The election, when implemented, shall be effective as of the following dates:

(a) On March 31, 1998, where the public institutions alternative retirement program is established on or after December 8, 1998, but no later than March 31, 1999; or

(b) On the first day of the month in which the public institution's alternative retirement program is established where the program is established after March 31, 1999.

(3) Once an election is filed with the retirement system, the death of the employee shall not affect such election and the election shall be implemented and effective as set forth in this rule.

(G)

(1) Employee and employer contributions for an employee shall be collected and remitted to the retirement system until an election is implemented pursuant to paragraph (E)(1) or (F)(1) of this rule.



(2) Those employee and employer contributions received after the effective date of an election as determined by this rule for an employee who elects an alternative retirement plan shall be returned as unauthorized contributions to the provider identified on the form required by paragraph (D) of this rule. The amount of employer contributions refunded shall be less the amount due pursuant to division (D) of section 3305.06 of the Revised Code.

(H)

(1) An application under division (B) of section 145.40 of the Revised Code for transfer of a member's accumulated contributions to the provider of an alternative retirement plan shall be made on a form provided by the retirement system.

(2) The institution shall certify:

(a) The name and address of the institution's plan administrator; and

(b) The plan is eligible to receive a trustee-to-trustee transfer from the retirement system, which is a plan qualified under Internal Revenue Code section 401(a).

(3) If an employee dies prior to the transfer of their account to an alternative retirement plan, the application shall be cancelled.

(I) Not later than the thirtieth day of each month following a month in which an employee who elected an alternative retirement plan was on the institution's payroll, the institution shall:

(1) Remit to the retirement system the contributions required under division (D) of section 3305.06 of the Revised Code.

(2) Submit a report in a form and manner prescribed by the retirement system of all employees who elected an alternative retirement plan and appeared on the institution's payroll for the preceding month.