

3307:2-3-01

Election by new members.

(A) For purposes of section 3307.25 of the Revised Code and Chapter 3307:2-3 of the Administrative Code:

- (1) "Employer" shall be an employer as defined by division (A) of section 3307.01 of the Revised Code.
- (2) "Employment begins" shall mean the first date teaching services are rendered by a teacher for which a teacher is paid by an employer.
- (3) "New member" shall mean:
 - (a) An individual who is employed for the first time as a teacher and who has never previously been a member of the retirement system; or
 - (b) An individual who is not a member of the retirement system upon employment as a teacher, notwithstanding prior membership in the retirement system if:
 - (i) The individual terminated covered employment and withdrew contributions pursuant to section 3307.56 of the Revised Code before July 1, 2001; and
 - (ii) On June 30, 2001 the individual was not a member of the retirement system; and
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 - ~~(ii) The individual terminated covered employment and withdrew contributions pursuant to section 3307.56 of the Revised Code before July 1, 2001; and~~
 - (iii) The individual thereafter returned to teaching service; or
 - (c) An individual who is not a member of the retirement system upon employment as a teacher, notwithstanding prior membership in the retirement system, if:
 - (i) On June 30, 2001, the individual was a member of the retirement system with more than five years of service credit; and

- (ii) The individual terminated covered employment and withdrew contributions pursuant to section 3307.56 of the Revised Code after July 1, 2001; and
 - (iii) The individual thereafter returns to teaching service; or
- (d) An individual who is not a member of the retirement system upon employment as a teacher, notwithstanding prior membership in the retirement system if:
 - (i) The prior membership in the system was established on or after July 1, 2001; and
 - (ii) Upon such prior membership, the individual made an election pursuant to section 3307.25 of the Revised Code to participate in the defined contribution plan or the combined plan; and
 - (iii) The individual thereafter terminated covered employment and withdrew all contributions or had the account exhausted through fees under the terms of the plan in which he or she was participating prior to the June thirtieth following the fourth anniversary of the employment; and
 - (iv) The individual thereafter returns to teaching service.
- (B) Pursuant to section 3307.25 of the Revised Code, a new member shall within one hundred eighty days after employment begins elect ~~in writing~~ on a form provided and received by ~~and filed with~~ the retirement system to participate in the defined benefit plan or one of the plans established pursuant to section 3307.81 of the Revised Code.
- (C) Except as otherwise specified by the Revised Code, the Administrative Code or the plan document, an election of the defined contribution or combined plans made pursuant to section 3307.25 of the Revised Code and paragraph (B) of this rule shall be effective on the date employment began, shall be irrevocable at the end of the one hundred eighty day election period and shall govern future participation in the retirement system, notwithstanding subsequent terminations of employment as a teacher, changes of employer, ~~withdrawal from membership~~ or new employment as a teacher.
- (D) An individual eligible to make an election under section 3307.25 of the Revised Code

and this rule who fails to file an election form with the retirement system within the one hundred eighty day period shall be deemed to have elected participation in the defined benefit plan. Such an election or an active election of the defined benefit plan made pursuant to section 3307.25 of the Revised Code shall be effective on the date employment began, shall be irrevocable at the end of the one hundred eighty day election period and shall govern future participation in the retirement system, notwithstanding subsequent terminations of employment as a teacher, changes of employer, withdrawal from membership or new employment as a teacher except as otherwise specifically provided by the Revised Code, the Administrative Code or the plan document.

- (E) The retirement system shall establish an account in the defined contribution fund created by division (G) of section 3307.14 of the Revised Code for an individual who elects participation in a plan established under section 3307.81 of the Revised Code within fourteen days of receipt of a ~~complete election~~ form with a valid plan election.

Effective: 06/18/2009

R.C. 119.032 review dates: 04/01/2009 and 06/18/2014

CERTIFIED ELECTRONICALLY

Certification

06/08/2009

Date

Promulgated Under: 111.15
Statutory Authority: 3307.80
Rule Amplifies: 3307.25
Prior Effective Dates: 7/1/2001 (Emer.), 9/17/01, 7/16/04