

145-1-49

**Mental health and developmental disability boards.**

(A) "648 board" means a county or community mental health and developmental disability board established pursuant to Am. H.B. 648 of the 107th General Assembly.

(1) A 648 board is a public employer as defined in division (D) of section 145.01 of the Revised Code.

(2) An employee of a 648 board is a public employee as defined in division (A) of section 145.01 of the Revised Code.

(B)

(1) "Contract agency" means an agency with whom a 648 board contracts for services pursuant to section 340.03 of the Revised Code. A "public contract agency" means any public agency as specifically named in division (D) of section 145.01 of the Revised Code. A "private contract agency" means one other than a public contract agency.

(2) The following are public employees.

(a) An employee of a public contract agency.

(b) An employee of a private contract agency who was a member of public employees retirement system at the time of his employment with the private contract agency and who continues to perform the same or similar duties under the direction of the private contract agency.

(3) Except as provided in paragraph (B)(2)(b) of this rule, an employee of a private contract agency is not a public employee and is not subject to retirement system coverage during their employment with the private contract agency.

(C)

(1) On or before September 30, 1975, each 648 board shall certify a list showing, as of September 30, 1975, each of the following:

(a) All of its own employees;

(b) All employees of contract agencies who qualify as public employees under paragraph (B) of this rule; and,

(c) All employees of contract agencies who although members are not public employees as defined in paragraph (B) of this rule.

(2)

- (a) Employees who are certified as public employees shall continue membership.
  - (b) Employees who are not certified by a 648 board as public employees shall receive refunds of unauthorized contributions for their employment.
  - (c) Employees who are not certified as public employees, but who have accounts from other public employment may apply for a refund or may leave their funds on deposit. A refund application shall be certified by the executive director of the 648 board.
- (D) All individuals employed by either a 648 board or a contract agency after September 30, 1975, who are public employees as defined in paragraph (A) or (B) of this rule shall be certified as such by a 648 board by letter accompanying the report of deductions on which the first deduction is reported.
- (E) A 648 board shall report all deductions for its own employees and for employees of a private contract agency who are defined in paragraph (B)(2)(b) of this rule. Membership and employee and employer contributions begun must continue as long as the employment continues. All members appearing on the report of retirement contributions of a 648 board shall be deemed to be employees of that board.

Five Year Review (FYR) Dates: 9/30/2020 and 09/30/2025

CERTIFIED ELECTRONICALLY

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Certification

09/30/2020

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Date

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Statutory Authority:	145.09
Rule Amplifies:	145.01, 145.03
Prior Effective Dates:	08/20/1975, 09/27/1998, 01/01/2003, 01/01/2006, 01/01/2010