



**Am. Sub. H.B. 71\***

126th General Assembly

(As Reported by S. Health, Human Services, and Aging)

**Reps. J. Stewart, Martin, Hartnett, Seitz, Faber, Seaver, Reidelbach, White, Taylor, D. Evans, Bulp, Barrett, C. Evans, Latta, Perry, Ujvagi, Carano, Coley, G. Smith, Wagoner, T. Patton, Hagan, Gibbs, Widener, Blessing, Brown, Calvert, Cassell, Chandler, Collier, Combs, Core, DeBose, Distel, Domenick, Fende, Flowers, Garrison, Hughes, Key, Luckie, Mason, J. McGregor, Oelslager, Otterman, Sayre, Schaffer, Schlichter, Schneider, D. Stewart, Webster, Widowfield, Williams, Yuko, Driehaus**

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**BILL SUMMARY**

- Permits a member of the Public Employees Retirement System, State Teachers Retirement System, School Employees Retirement System, or State Highway Patrol Retirement System to purchase credit for active duty, including training activities, in the Ohio National Guard or a reserve component of the United States armed forces.
- Authorizes a school district board of education or the governing body of a chartered nonpublic school to grant a high school diploma to any woman who left high school to support her family or the war effort during World War II, the Korean Conflict, or the Vietnam Conflict.

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**CONTENT AND OPERATION**

**Service credit purchases for military service--current law**

Under current law, members of Ohio's five public retirement systems<sup>1</sup> who, had active service with the United States armed forces<sup>2</sup> are eligible to purchase up

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\* *This analysis was prepared before the report of the Senate Health, Human Services, and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

<sup>1</sup> *The five retirement systems are the Public Employees Retirement System (PERS), Ohio Police and Fire Pension Fund (OP&F), State Teachers Retirement System (STRS),*

to five years of credit for that service (R.C.145.301, 742.52, 3307.751, 3309.021, and 5505.25).<sup>3</sup> In PERS and STRS, to purchase the credit, the member must pay to the retirement system an amount specified by the system's board that is not less than 50% of the additional liability resulting from the purchase.<sup>4</sup> In OP&F, SERS, and SHPRS, it is an amount determined by statutory formula.

In PERS, STRS, SERS, and SHPRS a member who was called to active duty with a reserve component of the armed forces or with the Ohio National Guard is currently eligible to purchase credit for that military service only if the service is pursuant to an executive order issued by the President of the United States or an act of Congress. (See **COMMENT**.)

**Service credit purchases for reserves and National Guard duty**

(R.C. 145.30, 145.301, 3307.751, 3309.021, and 5505.25)

Under the bill, a member of PERS, STRS, SERS, or SHPRS may purchase up to five years of service credit for each year or portion of a year of active duty as a member of Ohio National Guard or a reserve component of the United States armed forces on presentation of documentation of the service, subject to each retirement board's rules.<sup>5</sup> The bill provides that active duty as a member of the

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*School Employees Retirement System (SERS), and State Highway Patrol Retirement System (SHPRS).*

<sup>2</sup> *"Armed forces of the United States" includes the Army, Navy, Air Force, Marine Corps, Coast Guard, auxiliary corps as established by Congress, Red Cross nurse serving with the Army, Navy, Air Force, or Hospital Service of the United States, Army Nurse Corps, Navy Nurse Corps, full-time service with the American Red Cross in a combat zone, and such other service as may be designated by Congress, personnel of the Ohio National Guard and the reserve components of any of the armed forces who are called to active duty pursuant to an executive order issued by the President of the United States or an act of Congress, and persons on whom United States merchant marine veteran status has been conferred for service aboard oceangoing merchant ships in service to the United States during World War II. (R.C. 145.30.)*

<sup>3</sup> *Members of PERS, STRS, SERS, and SHPRS may be eligible for credit without charge under certain circumstances or may purchase credit under other provisions (see **COMMENT**).*

<sup>4</sup> *In STRS this applies to service that commenced on or after July 1, 1989. The charge for service that began prior to that date is determined by a statutory formula.*

<sup>5</sup> *Current law already permits members of the Ohio Police and Fire Pension Fund to purchase service credit for active service in the reserve components of the United States armed forces and in the Ohio National Guard.*



reserves or Ohio National Guard includes "assembly for drill and instruction; training at encampments, maneuvers, outdoor target practice, or other exercises; and any training or duty in this state ordered by the Governor."<sup>6</sup> To purchase service credit for active duty as a member of the reserves or Ohio National Guard, a member must pay to the appropriate retirement system 100% of additional liability resulting from the purchase as determined by an actuary employed by the retirement system's board.

The bill provides that service credit may not be purchased for any period of military duty during which a member of PERS, STRS, SERS, or SHPRS was contributing to the retirement system.

### **High school diplomas**

(R.C. 3313.616)

Under the bill, the board of education of any city, exempted village, or local school district or the governing authority of any chartered nonpublic school may grant a high school diploma to any woman who left high school in any state during World War II, the Korean Conflict, or the Vietnam Conflict if the woman either:

(a) Left to join the workforce to support her family or to join the war effort; or

(b) Left due to family circumstances and subsequently joined the workforce or war effort.

The woman must either be a current resident of Ohio or have been previously enrolled in an Ohio high school.

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## **COMMENT**

The bill applies to the purchase of service credit for military service that generally occurs prior to public service. Current law provides for certain retirement system members to receive service credit--without charge to the member--for time spent in the military that interrupts the member's public service. A member of PERS, STRS, SERS, or OP&F who had at least a year of contributing service at the time of leaving public employment for active duty with the armed forces may be granted up to ten years of service credit for that duty without charge (R.C. 145.30, 742.521, 3307.75, and 3309.02).

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<sup>6</sup> *This language mirrors that of federal law, 32 U.S.C. 502.*

PERS, STRS, and SERS members who leave public service and return to the same employer but are not eligible for free service credit may be eligible to purchase credit by paying the employee contributions for that period (R.C. 145.302, 3307.752, and 3309.022).

SHPRS permits members to purchase service credit for active duty in the uniformed services of the United States that interrupts Highway Patrol service. An SHPRS member may purchase up to seven years of credit for such service by paying the employee contribution for the service (R.C. 5505.16).

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## HISTORY

ACTION	DATE
Introduced	02-17-05
Reported, H. Financial Institutions, Real Estate & Securities	06-21-05
Passed House (92-1)	12-13-06
Reported, S. Health, Human Services, & Aging	---

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