

EMPLOYER Notice

Ohio Public Employees Retirement System • 277 East Town Street • Columbus, Ohio 43215

Amended rules in effect with variable dates

Who should read this notice

Finance directors, payroll professionals and human resources professionals

Situation overview

Following is an overview of amended rules with variable effective dates.

The following rules were emergency-filed with an effective date of January 1, 2008; they have subsequently been filed as permanent rules with an effective date of January 19, 2008.

- **Retirement incentive plan (Amended rule 145-2-42)**
Rule requires employers to notify OPERS of the adoption of a retirement incentive plan at least 60 days before the plan goes into effect. (Note: All incentive plans submitted on or after January 1, 2008 must have an effective date that is at least 60 days after the date submitted to OPERS.)
- **Additional Annuity accounts (Amended rule 145-2-43)**
Rule has been amended so that:
 - o A retiree may receive an Additional Annuity payment in a lump-sum only;
 - o Those who do not apply for an Additional Annuity benefit or refund at the time of retirement will be paid an Additional Annuity benefit consistent with the marital status of the applicant, and
 - o Additional Annuity accounts transferred to the Income Fund as provided for by R.C. 145.41 will be credited with interest through December 31, 2007 upon distribution. Accounts will be deposited in the Stable Value Fund until paid out and will not be credited with interest or investment gains and losses for the period of January 1, 2008 through distribution date.

Following are amended rules with an effective date of December 30, 2007. Both rules were initially filed earlier in 2007 to provide for changes resulting from the passage of House Bill 272. Both rules were finalized and filed in the December 2007.

- **Guardianship and power of attorney (Amended rule 145-1-63)**
The rule lays out the authority of and responsibilities for guardianship and power of attorney for recipients, describes under what circumstances a guardianship and power of attorney are not required.
- **Additional service credit for elected officials (Amended rule 145-2-07)**
OPERS members with additional elected-official service credit may refund that credit under certain circumstances. Amendments to this rule describe when and how the purchase amounts are returned to the member.

(More information on back)

Note:

Employers who want to view the exact verbiage of the rules will find the information posted on the OPERS Web site at www.opers.org.



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The following rules have an effective date of January 12, 2008:

- **Service purchase (Amended rule 145-1-35)**
Rule changed to state that all service purchases must be completed prior to payment of the initial benefit.
- **Effective date of benefits (Amended rule 145-2-51)**
Change provides for consistency with changes listed above regarding service purchase.
- **Interim benefit payment (Amended rule 145-1-65)**
Technical changes were made for clarification and consistency. In addition, amendment to the rule allows members to continue to make deposits to an Additional Annuity account for up to 60 days after the initial Additional Annuity benefit has been paid. Member must indicate intention of making an Additional Annuity deposit after retirement so that an interim Additional Annuity benefit can be generated pending receipt of the final deposit.
- **Withdrawal of benefit application (Amended rule 145-1-71)**
Technical changes for clarification in the processing of a reinstated account. In addition, provides that a monthly Additional Annuity benefit application is withdrawn if the member has withdrawn the retirement application. The rule also prohibits a member from withdrawing a benefit application if OPERS has begun the benefit as required by law or if the member seeks to withdraw only an Additional Annuity benefit.
- **Withdrawal of application for refund of money purchase or Additional Annuity lump-sum payment (Amended rule 145-1-73)**
As above, technical changes for clarification in processing of reinstated accounts and provides for consistency of withdrawing and reinstating accounts.

What you need to do

OPERS is required to notify public employers of any amendment or change to the Ohio Administrative Rules. Please review any letters, forms or publications you produce or distribute and make the necessary changes to ensure accuracy with the new and amended rules.

Who to contact for more information

After you review this *Employer Notice*, contact your Employer Outreach representative with questions or comments at 1-888-400-0965 or via the Internet at employeroutreach@opers.org.

This Employer Notice is written in plain language for use by public employers who are subject to coverage under the Ohio Public Employees Retirement System. It is not intended as a substitute for the federal or state law, namely the Ohio Revised Code, the Ohio Administrative Code, or the Internal Revenue Code, nor will its interpretation prevail should a conflict arise between it and the Ohio Revised Code, Ohio Administrative Code, or Internal Revenue Code. Rules governing the retirement system are subject to change periodically either by statute of the Ohio General Assembly, regulation of the Ohio Public Employees Retirement Board, or regulation of the Internal Revenue Code. If you have questions about this material, please contact our office or seek legal advice from your attorney.



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