Ohio Police & Fire Pension Fund

Member's Guide to:

Disability Benefits



Disability benefits are available to Ohio Police & Fire Pension Fund (OP&F) members who can no longer perform their official police or fire duties due to a disabling condition, or a combination of disabling conditions. A disabling condition may or may not be job–related, but it must be permanent, not temporary, in nature. As described in this guide, disability benefit grants are classified as either service–incurred (on–duty) or non–service incurred (off–duty), and differ in eligibility requirements and benefit formulas. It is important to contact OP&F when a member becomes disabled since there are filing requirements and critical deadlines that must be met.

This guide also explains how OP&F monitors continued disability benefits, what employment opportunities recipients cannot accept without the possibility of losing their disability benefits, and what happens when a recipient is determined to have recovered from a disability.

This publication summarizes the most important provisions of the governing law and administrative rules on the disability process, including the application process and post–award monitoring and employment restrictions. This summary cannot sufficiently represent all of the details applicable to this guide. Nothing contained in this summary is meant to interpret, extend or change, in any way, the governing statute, administrative rules or policies. As a result, your rights can only be determined by the provisions of OP&F's governing documents, which are subject to change.

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One–on–one interview to discuss the disability process

OP&F encourages you to schedule an interview with a Disability Case Manager at OP&F's office in Columbus to discuss all aspects of the disability process. An interview with a Disability Case Manager lasts approximately two hours. During this time, the Disability Case Manager will review the disability process and explain the types of supporting documentation necessary to complete a Disability Benefits Application. Please contact OP&F's Customer Service Department to schedule an interview.

Eligibility requirements

To apply for disability benefits you must be making contributions to OP&F. Or, if you are no longer contributing, your contributions must have remained on deposit and your ***Disability Benefits Application*** must be filed with OP&F within one year from the date in which you are placed on administrative leave or terminate your employment. Failure to meet the one–year deadline results in an automatic denial of your ***Disability Benefits Application***.

If you are a participant in the Deferred Retirement Option Plan (DROP), termination of active service at any time during the disability application process will render a disability application null and void, as well as immediately vest a DROP benefit.

Types of disability benefits

A disabling condition may or may not be job–related, but it must be permanent, not temporary, in nature. Unlike sick leave and certain workers' compensation benefits, which are designed to provide income maintenance for periods of temporary disability, the disability benefits sponsored by OP&F are only for permanent disabling conditions. As described in this section, disability grants are classified as either service–incurred (on-duty) or non–service incurred (off-duty). Each differs in eligibility requirements and benefit formulas.

Service–incurred grants

If a disabling condition results from the performance of your official duties and you are still an eligible OP&F member, then there is no minimum period of service required to be eligible for disability benefits. You have day–one, on–duty disability benefit coverage with OP&F. Service–incurred disability grants are divided into "permanent and total" and "on-duty partial" awards, which vary according to the degree of disability and loss of earnings capacity.

Under Ohio law, a member who is disabled as a result of heart disease or any cardiovascular or respiratory disease of a chronic nature is presumed to have incurred the disease in the line of duty if:

- a valid report of the pre–employment physical is on file with OP&F or a copy submitted to OP&F with the disability application;
- the report of the pre–employment physical confirms that the condition did not exist at the time of the member's entry into OP&F; and
- there is no other competent evidence that shows the disease was not incurred in the line of duty.

Also, Ohio law provides that a member of a fire department who is disabled as a result of cancer is presumed to have incurred the cancer while performing his or her official duties if:

- The member has been assigned to at least six years of hazardous duty as a firefighter (hazardous duty is defined as duty performed under circumstances in which an accident could result in serious injury or death); and
- The member was exposed to an agent classified by the International Agency for Research on Cancer or its successor (IARC) as a Group 1 or 2A carcinogen.
- The presumption does not apply if it has been more than 15 years since the member was last assigned to hazardous duty as a member of a fire department. The presumption can be rebutted in any of the following situations:
    - There is evidence that the firefighter incurred the type of cancer being alleged before becoming a member of the fire department, or the result of secondary employment.
    - There is evidence that the firefighter's exposure, outside of the scope of the firefighter's official duties, to cigarettes, tobacco products, or other conditions presenting an extremely high risk for the development of the cancer alleged, was probably a significant factor in the cause or progression of the cancer.
    - There is evidence that the firefighter was not exposed to an agent classified by the IARC as a Group 1 or 2A carcinogen.
    - The firefighter is 70 years of age or older.
    - There is evidence that shows, by a preponderance of competent scientific evidence, that exposure to the type of carcinogen alleged did not, or could not, have caused the cancer alleged.

Even though you may not have a disabling condition that is presumed by law to have been incurred in the line of duty, this does not preclude you from being awarded a service–incurred disability grant.

Permanent and total disability

Permanent and total disability means that you are unable to perform either your official police or fire duties or the duties of any gainful occupation for which you are reasonably fit by training, experience, and accomplishments, and there is no present indication of recovery.

The annual benefit for a permanent and total disability is 72 percent of your average annual salary. For OP&F members with 15 years of service or more as of July 1, 2013, this is an average of the three years of highest allowable earnings. For members with less than 15 years of service credit as of July 1, 2013, this would be the average of the five years of highest allowable earnings. Your average annual salary includes salary, earnings, or compensation, regardless of when in your career the highest years occurred, but is subject to certain statutory and administrative limitations. Therefore, not all salary, earnings, or compensation may be used in the calculation.

Partial disability

Partial disability means that you are disabled to the extent that you are unable to perform your official police or fire duties and your earnings capacity is impaired. It is anticipated that you will be able to supplement your benefit with earnings from other gainful employment.

- If you have less than 25 years of service credit, the annual benefit payable under a partial

disability grant is set by the OP&F Board of Trustees to be a certain percentage of your average annual salary, as previously defined. The maximum percentage that the Board can award an individual with less than 25 years of service is 60 percent.

- If you have 25 or more years of service credit, then OP&F's Board of Trustees determines your partial disability. The amount of the annual benefit, however, is set by law to be equal to your normal service retirement pension, but cannot exceed 72 percent of your average annual salary, as previously defined. To determine the annual benefit, multiply the average annual salary, as previously defined, by a percentage equal to 60 percent plus 1.5 percent for each year of service from 26 to 33. For example, 28 years of service yields 64.5 percent of your annual average salary, as previously defined.

Non–service incurred grants

If your disabling condition is not job–related and you are an eligible OP&F member, you might qualify for an off–duty disability benefit provided that you have at least five years of service credit with OP&F. You can purchase or restore service credit in order to meet the five–year requirement, when applicable.

To be eligible for off–duty disability benefits, the disability must prevent you from performing your official duties and impair your earnings capacity. The annual benefit is set by OP&F's Board of Trustees to be a certain percentage of your average annual salary, as previously defined, but cannot exceed 60 percent. Please see the disability benefits chart below for more information on how disability benefit grants are calculated.

Disability benefits chart

This chart outlines the benefit formulas under the three types of disability benefit grants: permanent and total, on-duty partial, and off–duty.

Disability benefits	Years of service credit	Formula
Permanent and total	N/A	72% **x** average annual salary
Partial On-duty	Less than 25 years	Percentage awarded by Board* **x** average annual salary
	At least 25 years	(2.5% x 1 through 20 years) **+** (2.0% x 21 through 25 years) **+** (1.5% x 26 through 33 years) **x** average annual salary
Off–duty	At least 5 years	Percentage awarded by Board* **x** average annual salary

* Cannot exceed 60 percent.

Applying for disability benefits

Application

To apply for disability benefits, you must file a completed ***Disability Benefits Application*** with OP&F. It is not necessary to terminate employment before applying for disability benefits. If you are no longer contributing, your prior contributions must remain on deposit with OP&F, and your ***Disability Benefits Application*** must be filed within one year from the date in which you are placed on administrative leave or terminate your employment. Failure to meet the one-year deadline results in an automatic denial of your ***Disability Benefits Application***. Due to this limited time period, it is important to file your

disability application as soon as possible in order to preserve your ability to apply for a disability benefit. If you are close to the one–year deadline, you can file your ***Disability Benefits Application*** immediately and submit the remaining documentation at a later time.

If you are incapacitated, a person acting on your behalf may file your ***Disability Benefits Application***, but cannot designate himself/herself as a beneficiary without a power of attorney authorizing the designation or a court order authorizing the guardian to make the designation. If this occurs, the person acting on your behalf should call OP&F to determine the procedure for filing the disability application, or download the required forms and instructions online at www.op–f.org.

The filing of your ***Disability Benefits Application*** is the first step in the disability process. Before your application can be processed, however, you must send copies of the following documents in order to support the disabling conditions listed in your application:

- department injury reports signed by a supervisor, and/or notices of allowed Ohio Bureau of Workers' Compensation (BWC) claims to show duty-relatedness;
- ***Report of Medical Evaluation*** from each listed attending physician who has treated you;
- hospital records, specifically the discharge summaries of your pertinent inpatient hospital admissions, operative reports for outpatient procedures, the results of any special diagnostic tests (e.g. X-Ray, MRI, stress test) and/or consultation reports; and
- a copy of the report of your pre–employment physical examination, if one exists, or a letter stating one is not available.

After receiving your disability application, OP&F will assign you to a Disability Case Manager as your single point of contact overseeing your disability application. In addition, OP&F is required by law to notify your employer that a disability application has been filed. This notice must include your position or rank but will not include your name. OP&F will send a courtesy copy of this notice to you.

Any false statements made on your ***Disability Benefits Application*** or false documents submitted in support of your application may result in the termination of your disability benefits, the termination of any health care assistance that you may receive from OP&F, and may subject you to civil and criminal penalties.

Medical and vocational evaluations

Once all of the necessary medical reports and records are received, OP&F will schedule an appointment for you with an independent medical examiner appointed by OP&F. Often, only one examination is required, but in cases of multiple conditions, additional examinations by separate physicians may be required. For purposes of conducting medical evaluations, an OP&F–appointed medical examiner must use the:

- methods of analysis described in the American Medical Association's (AMA) ***Guides to the Evaluation of Permanent Impairment*** (the Guides), 5th Edition, and such other subsequent editions adopted by the Board, as the standard framework for evaluating permanent impairments, with the following exceptions: the ***Guides***, 6th Edition, is used for determining psychiatric and vision impairment percentages.
- job description provided to OP&F by the employer, and if not provided, OP&F will rely on the Characteristics of Occupational Titles,

1993, U.S. Department of Labor Dictionary of Occupational Titles, Volume 1, Fourth Edition, Revised 1991, U.S. Department of Labor as the work activities standards used in evaluating permanent impairments; and

- Report of Medical Evaluation (Permanent Medical Impairment), which is based on the sample medical report described in the AMA's guides and enhanced to include OP&F–specific criteria.

You will also undergo a vocational assessment by a professional specializing in evaluating potential for employment and/or training. OP&F bears the cost of these examinations.

Initial determination hearing

The Disability Evaluation Panel (DEP), which consists of the Board of Trustees' Disability Committee, expert physicians and vocational experts, meets once a month to review applications for disability benefits. The expert physicians make recommendations as to whether or not a condition or conditions are disabling and duty-related. The vocational specialists provide a rating of your relative disadvantage in seeking new, alternative employment. With this information in hand, the three trustees on the panel calculate and recommend the type of award to the Board by using a Board-approved formula. The DEP will prepare written recommendations for action by the entire Board of Trustees.

Appeal of Board action

If your application for benefits is denied or if you disagree with the grant awarded at the Initial Determination Hearing, you may appeal the action by filing a ***Notice of Disability Appeal*** form within the prescribed time period. The Board of Trustees meets regularly with its medical advisor and vocational expert to hear these appeals.

Partial grant reconsideration

You may apply to have the Board of Trustees reconsider a partial disability grant if you are receiving less than:

- maximum partial disability benefits based on less than 25 years of service credit and your earning capacity becomes further impaired or eliminated due to a deterioration of the disabling condition(s) for which you were granted disability benefits; or
- maximum off–duty benefits and your earning capacity becomes further impaired or eliminated due to a deterioration of the disabling condition(s) for which you were granted disability benefits.

Such a review may result in an increase or decrease in monthly benefits. However, OP&F cannot reconsider your grant for conditions not covered by the disabling condition for which you originally received disability benefits. Additionally, you may only have one hearing for reconsideration of your disability benefit in any calendar year. To file a reconsideration, please submit the ***Disability Reconsideration Application***.

Cost of Living Adjustments (COLAs)

Ohio law requires OP&F to pay annual COLAs to eligible members. Your eligibility to receive a COLA and the amount of the COLA will depend on your membership start date and your years of service. Members are eligible for a COLA once they have received pension benefits for at least one year and have reached age 55.

OP&F members who have 15 or more years of service credit as of July 1, 2013 and who are not receiving a

benefit from OP&F, and members who are receiving a pension that became effective before July 1, 2013, will receive a COLA equal to three percent of the member's base pension benefit.

OP&F members who have less than 15 years of service credit as of July 1, 2013 will receive a COLA of either three percent or the increase, if any, of the Consumer Price Index (CPI), whichever is less. The CPI increase is based on the 12-month period that ends on Sept. 30 of the immediately preceding year, rounded to the nearest one-tenth of one percent.

For those who retire before turning age 55, you will receive a pro-rated COLA on your 55th birthday (as long as you have been receiving benefits for one year), subject to statutory and administrative limitations. Permanent and total disability benefits are not subject to the age 55 restriction.

Types of service credit

Service credit

Service credit is used in calculating disability benefits and is measured in years, months and days. It is earned in one of the following ways:

- contributing a certain percentage of your salary to OP&F by working as a full-time police officer or firefighter;
- purchasing credit for active military duty, certain types of full–time Ohio public service, and full–time federal or public out–of–state service, with interest, from OP&F;
- transferring credit for full–time Ohio public service from one of the other Ohio retirement systems to OP&F;
- restoring previous OP&F cancelled credit by re–depositing withdrawn contributions, with interest, with OP&F; or
- qualifying for grants of service credit.

Contributing credit

The bulk of your credit is earned by being appointed and working as a full–time police officer or firefighter, as defined by applicable rules, with a qualifying employer in Ohio and making contributions to OP&F. You may work as either a police officer or firefighter under any number of employers covered by OP&F and full–time contributing service will count toward your pension, subject to certain statutory and administrative limitations.

Contributions for volunteer or part–time service will not be accepted by OP&F and credit will not be granted for periods of service that were cancelled due to a refund of contributions, unless a restoration of the withdrawn contributions plus interest occurs. In addition, you cannot earn OP&F service credit while also earning service credit in another retirement system during the same time period. Please note that if you have selected a defined contribution plan with another Ohio retirement system, you may want to contact that system to determine whether your service credit is available for transfer. In any event, no more than 12 months of credit may be earned in any calendar year.

Restoration of cancelled credit

If you resign, were laid off, or otherwise removed from active service in a police or fire department, and you withdrew contributions from OP&F, you may want to restore your cancelled service credit upon

reinstatement to active service with a police or fire department to potentially increase the amount of your benefits. The cost of re–establishing this credit equals the amount of the contributions refunded plus compounded interest from the date of the refund to the date you restore the credit. The interest rate for the entire period is OP&F's actuarial interest assumption rate adopted by OP&F's Board of Trustees for the year in which the credit was purchased. You will not receive credit for refunded service unless restoration is made.

Purchased credit

Subject to certain restrictions, you may purchase credit for full–time service rendered under any of the following Ohio retirement systems:

- Cincinnati Retirement System (CRS);
- Ohio Public Employees Retirement System (OPERS);
- School Employees Retirement System (SERS);
- State Highway Patrol Retirement System (SHPRS); and
- State Teachers Retirement System (STRS).

If you joined OP&F on or after Sept. 16, 1998, and transferred or purchased service credit, you can pay the difference between the employee and employer contribution rates of OP&F and the other retirement system, plus interest, if you wish to receive the full credit. Otherwise, service credit will be prorated based on the difference in the retirement systems' contribution rates.

In addition, you may purchase credit for time served:

- in active military duty;
- in active military duty for training;
- during initial active military duty for training;
- during inactive military duty training;
- in full–time national guard duty;
- during an absence for an examination to determine your fitness to perform military duty, provided you were honorably discharged and the appropriate paperwork is filed with OP&F supporting such service, subject to certain conditions and limitations; and
- during which you were a prisoner of war.

If you are placed on a leave of absence due to a pregnancy or medical disability, you may purchase service credit for such a break in service, up to one year per event.

The cost of purchasing service credit varies considerably among the types of service or leaves for which credit may be purchased. For specific information, you should contact OP&F. In most cases, however, interest is assessed to defray the higher future pension expenses for the period between the dates the retirement contributions were earned or refunded and when payment is made.

In order to purchase full–time federal or public out–of–state service, you must retire within 90 days of the purchase of this service credit and you are only eligible to purchase this service credit if you are eligible to retire, or it is used to satisfy the service eligibility requirements for retirement. This form of purchased service credit can be expensive since you must pay the present value of the predicted increase in benefits.

OP&F active members who participate in the Ohio Public Employees Deferred Compensation Program may transfer funds from their Deferred Compensation (457) account to OP&F to purchase

service credit or repay contributions that previously had been refunded. Please contact the Deferred Compensation Customer Service Center at 877–644–6457 for more information.

Service credit grants

If you are granted disability benefits and you are later restored to active duty as a police officer or firefighter, you will receive service credit for the period of compensated disability.

Also, up to five years of service credit can be granted if your police or fire service was interrupted by active military duty. In order to receive a grant for this time, you must have been honorably discharged from the armed forces or from active duty therein, applied for reinstatement with your former employer within 90 days of discharge, and filed the appropriate paperwork with OP&F.

Termination of employment

It is not necessary to terminate employment before applying for disability benefits. If a member is enrolled in DROP, they cannot terminate employment if applying for disability; if a termination does occur, DROP vests and a service pension must be paid.

Your disability benefits will become effective the day following the last day for which you earned compensation by virtue of working or using vacation, sick leave, holidays or compensatory time to remain on payroll. If you fail to terminate employment within the time period prescribed by OP&F, your disability grant will be cancelled and no longer effective.

Interim and final calculation of disability benefits payment

If the Board of Trustees awards you a disability grant, and you timely file an election accepting this grant, your employer is sent a form requesting verification of your termination date and separation pay. OP&F pays your interim benefits while your final, exact benefit calculation is being completed. Your first interim payment generally occurs within 45 days after you terminated employment, accepted the benefit, and OP&F receives certification of your termination date from your employer as well as other documents. The interim benefit is calculated on your most recent salary and, in most cases, will be an amount less than your final pension amount. Once your final benefit has been calculated, it will be paid retroactively to the date in which you terminated employment, less any interim benefit payments already paid. In the rare event that your interim benefit was overpaid, OP&F will make arrangements to recoup these funds according to its governing rules.

Although you have the opportunity to change the payment plan selection while accepting interim payments, in most cases, the amount of the interim payment will remain the same and the changes in the payment plan will be recognized as part of the final calculation. Also during the interim period, you will be permitted to change the amount of designation for beneficiaries you named but will not be permitted to change the beneficiaries, provided that you selected multiple beneficiaries on your ***Annuity Payment Plan Selection for OP&F Benefits*** form.

Annuity selections

At the time you terminate employment and accept disability benefits from OP&F, you may opt to receive a reduced monthly allowance so that, upon your death, your designated beneficiary can receive a monthly cash benefit for his or her lifetime.

If you are married as of the effective date of your benefits, 50 percent of your reduced monthly retirement allowance continues to your surviving spouse for life, unless your spouse consents in writing for a different amount using OP&F's prescribed form. If the required spousal consent is not obtained, OP&F must treat your election as a 50 percent continuation to your surviving spouse, payable upon your death, unless a court order requires the designation of a former spouse as a beneficiary.

For more information, please refer to OP&F's ***Member's Guide to Annuity Payment Plans.***

Survivor benefits

Your survivors may be eligible to receive survivor benefits under certain circumstances. For more information on survivor benefits, please contact OP&F or reference OP&F's ***Members' Guide to Survivor Benefits and Ohio Public Safety Officers Death Benefit Fund.*** These booklets can be requested or found on the OP&F website.

Monitoring and terminating disability benefits

By granting disability benefits, the OP&F Board of Trustees has determined that you are unable to work at police or fire employment or any similar employment. Your disability benefits can be terminated if an OP&F–appointed physician certifies that you have recovered or if you return to work as a police officer or firefighter. This section explains the procedures that OP&F has in place to monitor your continued disability, as well as what happens if it is determined that you have recovered from your disability.

Mandatory medical evaluation, treatment and recovery from disability

If you are receiving disability benefits, OP&F is required to conduct an annual medical evaluation of your condition. However, if an OP&F–appointed physician determines that your disability is ongoing and the conditions meet certain criteria, these annual evaluations may be waived. This annual medical evaluation may not be required if you become eligible for a normal service retirement pension at the end of the reporting year. However, the OP&F Board of Trustees reserves the right to require a medical evaluation at any time.

Your disability benefits can be terminated if this evaluation finds that you have recovered so that you could return to your official police or fire duties. Before terminating the benefits, however, the physician's certification must be approved by OP&F's Board. If the Board agrees with the physician's certification, your disability benefits will terminate 90 days after the Board's concurrence with the physician's determination. If you disagree with the physician's certification, you may appeal the Board's decision.

Also, Ohio law allows OP&F's Board to require you to undergo medical treatment recommended by

the Board's physicians and submit medical reports regarding the treatment. In the event that you do not comply with these applicable requirements, your disability benefit will be suspended and, if the failure continues for one year, the disability benefit will be terminated as of the effective date of the original suspension.

Annual earnings statement and improvement in earnings capacity

By Sept. 1 of each year, disability benefit recipients must submit an annual earnings statement (AES) to OP&F to report income earned for the previous calendar year. If you are required to complete an AES, the form will be annually mailed by OP&F. In the event that you do not comply with this requirement, your disability benefit will be suspended. If the failure to comply continues for one year, your disability benefit will be terminated as of the effective date of the original suspension.

The requirement to file an annual earnings statement may be waived by OP&F's Board of Trustees if an OP&F–appointed physician has certified your disability as ongoing and your disabling conditions meet the policy established by OP&F's Board.

If you are receiving partial on-duty disability benefits (and had less than 25 years of service), or off-duty disability benefits, your benefits can be reduced due to an improvement in your earnings capacity. While there is currently no set amount for acceptable or unacceptable earnings, Ohio law grants OP&F the authority to increase or decrease the benefit as a result of your earnings statement.

Re–employment as a police officer or firefighter

If you are receiving disability benefits, your benefits can be terminated if you become employed as a police officer or firefighter. If you return to employment or volunteer as a police officer or firefighter, Ohio law requires the termination of your benefits on the day you return to such service.

OP&F's Board adopted an administrative rule, 742-3-20, which provides that the following positions will be regarded as being employed as a police officer or firefighter and will trigger the termination of your disability benefits. You may also reference this rule on OP&F's website at www.op–f.org.

(A) The person is appointed, commissioned, compensated, designated, employed, engaged, volunteering, or otherwise serving as one of the following:

(1) A sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a metropolitan housing authority police force established under division (D) of section 3735.31 of the Revised Code, or township constable or a similar job position outside the state of Ohio;

(2) A railroad company police officer governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;

(3) A person engaged in the enforcement of Chapter 5743. of the Revised Code on behalf of the department of taxation and designated by the

tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code or a similar job position outside the state of Ohio;

(4) An undercover drug agent or a similar job position outside the state of Ohio;

(5) A department of public safety enforcement agent governed by section 5502.14 of the Revised Code or a similar job position outside the state of Ohio;

(6) A natural resources law enforcement staff officer in the department of natural resources governed by section 1501.013, or a similar job position outside the state of Ohio;

(7) A forest-fire investigator in the department of natural resources governed by section 1503.09 of the Revised Code or a similar job position outside the state of Ohio;

(8) A natural resources officer on the department of natural resources governed by section 1501.64 of the Revised Code or a similar job position outside the state of Ohio;

(9) A wildfire officer in the department of natural resources governed by section 1531.13 or a similar job position outside the state of Ohio;

(10) A park district law enforcement officer governed by section 511.232 or 1545.13 of the Revised Code or a similar job position outside the state of Ohio;

(11) A conservancy district police officer governed by section 6101.75 of the Revised Code or a similar job position outside the state of Ohio;

(12) A member of a hospital police or security department governed by sections 4973.17 to 4973.22 of the Revised Code or a similar job position outside the state of Ohio;

(13) A veterans home police officer established by section 5907.02 of the Revised Code or a similar job position outside the state of Ohio;

(14) A member of a qualified nonprofit corporation police department established by section 1702.80 of the Revised Code or a similar job position outside the state of Ohio;

(15) A state university law enforcement officer governed by section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

(16) A special police officer in the department of mental health governed by section 5119.08 of the Revised Code or a similar job position outside the state of Ohio;

(17) A special police officer in the department of mental retardation and developmental disabilities governed by section 5123.13 of the Revised Code or a similar job position outside the state of Ohio;

(18) A member of a campus police department established under section 1713.50 of the Revised

Code or a similar job position outside the state of Ohio;

(19) A regional transit authority police officer governed by division (Y) of section 306.35 of the Revised Code or a similar job position outside the state of Ohio;

(20) An investigator of the auditor of state governed by section 117.091 of the Revised Code who is engaged in the enforcement of Chapter 117. of the Revised Code or a similar job position outside the state of Ohio;

(21) A special police officer serving on state property pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

(22) A port authority special police officer governed by section 4582.04 or 4582.28 of the Revised Code or a person serving as a port authority special police officer on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program or a similar job position outside the state of Ohio;

(23) A municipal corporation special police officer who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is serving at a municipal airport or other municipal air navigation facility that is governed by aviation security rules of the transportation security administration of the United States department of transportation and required by federal laws and regulations to be under a security program or a similar job position outside the state of Ohio;

(24) A PERS law enforcement officer, as defined in section 145.01 of the Revised Code or a similar job position outside the state of Ohio;

(25) A bailiff or deputy bailiff of a court of record in this state who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code or a similar job position outside the state of Ohio;

(26) A parole, corrections, or probation officer or a similar job position outside the state of Ohio;

(27) An employee of the department of youth services who is designated by the director of youth services pursuant to division (A)(1) of section 5139.53 of the Revised Code and who has received the training described in division (B)(1) of that section;

(28) A federal protective service officer or a federal marshal, including, but not limited to, a court security officer hired by the U.S. marshal service;

(29) A gaming agent employed under section 3772.03 of the Revised Code or a similar job position outside the state of Ohio. (B) The person is a "member of the police department," as such term is defined in division (A)(2) of section 742.01 of the Revised Code or such corresponding statutory provision, whether in Ohio or a similar job position outside the state of Ohio or is serving as a volunteer to a "police department," as such term is defined in division (A)(l) of section 742.01 of the Revised Code or such corresponding statutory provision;

(B) The person is a "member of the police department", as such term is defined in division (A)(2) of section 742.01 of the Revised Code or such corresponding statutory provision, whether in Ohio or a similar job position outside the state of Ohio or is serving as a volunteer to a "police department," as such term is defined in division (A)(1) of section 742.01 of the Revised Code or such corresponding statutory provision; or

(C) The person is classified as a firefighter who is a "member of a fire department," as such term is defined in division (B)(2) of section 742.01 of the Revised Code or such corresponding statutory provision, whether in Ohio or a similar job position outside the state of Ohio or is serving as a volunteer to a "fire department," as such term is defined in division (B)(l) of section 742.01 of the Revised Code or such corresponding statutory provision.

If a job you are considering requires any of the above duties, the Board may consider it to be similar to police or fire employment. Since Ohio law requires termination of disability benefits upon employment as a police officer or firefighter, your disability benefits will be terminated. Please carefully review these items. The Board can amend the rule at any time. If changes occur, notification will be sent to you.

Determining if accepting a position will terminate disability benefits

If you are concerned that you may be accepting a position that might jeopardize your disability benefits, please send a written inquiry and include a copy of the official job description to OP&F at: 140 East Town Street, Columbus, OH 43215. OP&F will respond in writing to address your issue.

Reinstatement to OP&F–covered employment

Under Ohio law, you are considered to be on a leave of absence from your position of employment as a member of a police or fire department during the first five years following the effective date of your disability benefit. During this leave of absence period, if you recover or return to police or fire employment your disability benefits will be terminated by OP&F, and the employer at the time of your disability award must reinstate you, upon your request, subject to certain exceptions. Your active membership will then be reestablished with OP&F. You will receive service credit for the period of time you were receiving disability benefits, and your contributions will be reduced by the total amount of disability benefits you received.

Qualifying for service retirement upon termination of disability benefits

If your disability benefit is terminated by OP&F and you meet the eligibility requirements for service retirement, you could receive that service retirement upon satisfying all other conditions for retirement. You would also be able to purchase eligible service credit within the prescribed time period established by OP&F.

Notification of the termination of a disability benefit

If you are a disability benefit recipient and the Board terminates your benefit for any of the reasons previously discussed in this guidebook, you will be notified via certified mail of the Board's decision within 30 days. You will also be notified of your right to appeal the Board's decision and the right to apply for service retirement if eligibility requirements are met.

Appealing the termination of disability benefits

If you wish to appeal the action of the Board to terminate your disability benefit, you must file a written notice of appeal to OP&F on the approved form within the required time period. The notice of appeal must contain your name and a brief description of the basis upon which the appeal is based, and all materials in support of the appeal. Failure to submit supporting materials or to request an extension of time to submit the supporting materials will be sufficient cause for OP&F's Member Services Director to dismiss the appeal, provided OP&F gives you prior written notice of the dismissal along with a deadline to file the supporting materials with OP&F. Upon receipt of your request to appeal, OP&F's Member Services Director may, for good cause shown, grant an extension within which to file supporting materials.

When receiving the supporting materials for an appeal, OP&F will then schedule a hearing and notify you in writing of the date, time and place. The hearing will take place after OP&F's receipt of the supporting materials, unless postponed or continued by the Board. You will be given the opportunity to be present at the hearing, with counsel or other representation. Although you are not required to attend the hearing, it is recommended that you do, so you may be able to present your case and answer any questions.

Following the appeal hearing, the Board may choose to:

- affirm the decision to terminate your disability benefit;
- reverse the decision to terminate your disability benefit; or
- postpone a decision pending additional documentation.

The Board's decision on appeal will be the final determination on the statutory termination of your disability benefit. You will be notified via certified mail of the Board's decision within 30 days.

Collection of overpayment due to the termination of a disability benefit

If a disability benefit is overpaid, OP&F has established a procedure for the recovery of these funds. OP&F will collect overpayment of the benefits that resulted from becoming reemployed in a prohibited position and results in the statutory termination of disability benefits.

If you are not eligible to apply for a service retirement pension, and OP&F has not recovered all contributions, OP&F will offset the remaining contributions against any overpayment due OP&F.

Eligibility for the OP&F health care plan will also be terminated if a disability benefit is terminated. In such case, you will be responsible for remitting to OP&F stipend amounts used to fund your Health Reimbursement Account that were used during the period in which it was determined you were ineligible. You may also become ineligible to receive Medicare Part B reimbursement as well as be responsible for repaying all reimbursements you previously received from OP&F.

If the overpayment amount is not promptly repaid in full, OP&F requires you to sign a promissory note, which provides for equal monthly payments to be paid to OP&F over a period not to exceed five years, with interest paid at the current actuarial rate of interest. If you refuse to sign a promissory note, OP&F will seek to recover the amounts due by exercising all rights available by law.

In the event the payments required exceed the limits provided for in the Consumer Credit Protection Act, the payments will be modified in order to comply with such limits.

Tax liens and court orders

The payment of your disability benefit may be subject to federal tax liens and court ordered deductions, such as division of property orders, withholding orders for child or spousal support and restitution orders.

Deferred Retirement Option Plan

You may still have a ***Disability Benefits Application*** pending while participating in OP&F's Deferred Retirement Option Plan (DROP). If you are a DROP participant and are awarded a disability benefit, you will have a choice of either staying in DROP and declining your disability benefit or accepting a disability benefit and forfeiting your DROP benefits. If you choose to accept the disability benefit, any service credit earned and salary paid during DROP participation may be used for the calculation of the disability benefit as applicable, but your DROP benefits are forfeited.

If you are a participant in DROP, termination of active service at any time during the disability application process will render a disability application null and void, as well as immediately vest a DROP benefit. If this occurs, the OP&F member must apply for a service pension. Furthermore, if a disability grant is offered the member must accept the grant on a form provided by OP&F prior to termination of active employment. Should active service be terminated, the member must agree to immediately notify OP&F in writing of the date of termination.

For more information about DROP, please contact OP&F to request a ***Members' Guide to DROP*** or visit OP&F's website at www.op–f.org.

Public re–employment by a disability benefit recipient

If you are receiving disability benefits from OP&F and you become employed as a police officer or firefighter, as described in this guide, Ohio law requires the termination of your disability benefits on the date that you commenced your employment.

If you become employed in other public employment (non-police or fire) within two months of receiving retirement benefits from OP&F, then up to two months of your benefit payments and contributions for such period must be forfeited under law. A limited exception can be applied to you if you had been continuously employed in the other Ohio retirement system-covered position two months before retirement and you submit the appropriate documentation to OP&F. This penalty does not apply to the OP&F health care plan.

For additional information, refer to OP&F's ***Member's Guide to Public Re-employment***, or email OP&F's Customer Service Department should you have any questions.



Ohio Police & Fire Pension Fund

140 East Town Street
Columbus, OH 43215

www.op-f.org
questions@op-f.org

Prudence • Integrity • Empathy

Securing the future for Ohio's police and firefighters.