



## STEP 2: Employment Information Continued

- 1. A benefit recipient hired as a public employee or elected to office.
- 2. A benefit recipient hired under a personal service contract as an independent contractor.

In all cases of doubt, the OPERS Board shall determine whether any person is a public employee, and its decision is final. An independent contractor is not a public employee and shall not become a contributor to the retirement system. Generally, independent contractors are not included on the employer's payroll and receive a Form 1099-MISC for income tax reporting purposes.

To the extent an employer improperly classifies the benefit recipient as an independent contractor on this form, and the benefit recipient receives (1) a monthly retirement benefit from the retirement system, or (2) reimbursements from the OPERS HRA or the OPERS RMA, the employer and/or the individual may be liable to OPERS and/or the applicable plan(s) for any amounts incorrectly paid under the plan(s) and the employer may also be liable to OPERS for any unpaid employee or employer contributions to the retirement system.

- 3. A benefit recipient employed in a position described in Ohio Revised Code Section 101.31, 121.03, or 121.04, or as the head of a division of a state department, or in a position to which appointment is made by the governor with the advice and consent of the Senate.
- 4. A retired judge assigned to active duty by the Chief Justice of the Ohio Supreme Court. Please forward a copy of the assignment papers.
- 5. A benefit recipient re-employed or re-hired in the same position by a public employer in a position that is customarily filled by a vote of the members of a board or commission or by the legislative authority of a county, municipal corporation, or township and the following conditions have been met.
  - a. Not less than 60 days before the employment as a re-employed benefit recipient commenced, the public employer gave public notice (containing the time, date, and location at which a public meeting was to take place) that the benefit recipient would be receiving a benefit and was seeking employment with the public employer; and
  - b. Between 15 and 30 days before the employment as a re-employed benefit recipient commenced, the public employer held a public meeting on the issue of the benefit recipient being employed by the public employer.
- 6. An elected official receiving a benefit who is elected or appointed to the same position for the remainder of the term or the term immediately following retirement. Please mark a, b, c or d below.
  - a. The director of the Board of Elections has been notified in writing, at least 90 days prior to the primary election for the next term, of the elected official's intent to retire.
  - b. The elected official was already retired at least 90 days prior to the general election.
  - c. The appointing authority has been notified that the official was already retired or intends to retire prior to the end of the term.
  - d. None of these apply.
- 7. An elected official receiving a benefit who is elected or appointed to a different elected office.





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