

OPINION NO. 77-013**Syllabus:**

A member of the School Employees Retirement System may not, pursuant to R.C. 3309.31, purchase service credit for service as an employee of the federal government if such service was not rendered in a school, college or university chartered or accredited by the appropriate governmental agency.

To: James O. Brennan, Executive Director, School Employees Retirement System, Columbus, Ohio

By: William J. Brown, Attorney General, March 15, 1977

I have before me your request for my opinion which reads in part as follows:

May a member of the School Employees Retirement System purchase service credit for service as an employee of the federal government if such service was not rendered in an accredited school, college or university, as provided in Section 3309.31, Revised Code?

I understand that your primary concern is with individuals who have held various positions with agencies of the federal government. Your request further indicates that these agencies were not schools, colleges or universities accredited by the appropriate governmental agency. Although you fail to expressly so state in your request, I shall assume, for purposes of this opinion, that these agencies were not chartered by the appropriate governmental agency.

The purchase of service credit for services previously rendered by individuals who are currently enrolled in the School Employees Retirement System is governed by R.C. 3309.31. This statute, as recently amended by H.B. 268, effective August 20, 1976, provides in part as follows:

Service credit purchased under this section shall be considered the equivalent of Ohio service credit. Credit may be purchased for service in a public or private school, college or university, and service in any school operated by or for the United States government, that, if served in a comparable public position in Ohio, would be covered by the school employees retirement system, the state teachers retirement system, or the public

employees retirement system. Credit purchased under this section shall be limited to services rendered in schools, colleges, or universities chartered or accredited by the appropriate agency. The number of years purchased shall not exceed five years or the total accumulated number of years of Ohio service, whichever is lesser.

Whatever confusion may have arisen under previous statutes concerning the types of employment for which service credit might be purchased, the current provision seems quite clear. R.C. 3309.31 authorizes any member of the School Employees Retirement System to purchase credit for service in specified types of institutions. These institutions include public and private schools, colleges or universities and any school operated by or for the federal government.

The statute, however, places two conditions on the service which may be purchased. The service must be such that, if served in a comparable public position in Ohio, it would be covered by the School Employees, State Teachers or Public Employees Retirement Systems. In addition, the service must have been rendered in schools, colleges or universities chartered or accredited by the appropriate governmental agency. Both of the foregoing conditions must be satisfied.

Application of these conditions is, in this instance, so clear that further discussion of the statute's meaning or the intent of the General Assembly in enacting it is unnecessary. Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to rules of statutory interpretation. Sears v. Weimer, 143 Ohio St. 312 (1944); State, ex rel. Stanton v. Zangerle, 117 Ohio St. 436 (1927).

In specific answer to your question, it is my opinion and you are so advised, that a member of the School Employees Retirement System may not, pursuant to R.C. 3309.31, purchase service credit for service as an employee of the federal government if such service was not rendered in a school, college or university chartered or accredited by the appropriate governmental agency.