

Protestors Oppose Cuts At Lucasville Jail

Wednesday, September 9, 2009 8:29 PM

By Stephanie Mennecke

VIDEO

LUCASVILLE, Ohio —



Budget cuts may influence how the Southern Ohio Correctional Facility in Lucasville operates.

"It only takes one time for one to get out," said father and corrections officer Mike Dillow. Dillow has two little boys, Braxton and Isaac. They both attend the elementary school across the street from the prison.

A tight state budget means Ohio prison systems are taking a close look at overtime.

Warden Phillip Kerns says one of the several options they're looking at is to move guards down from the eight towers and bring them inside, "I have no doubt if we close a few towers or four towers or six towers, if we put a couple cars on perimeter, they'll do a fantastic job and respond to the fence alarm and do what they're supposed to do."

While on scene, ONN's Stephanie Mennecke saw many protestors, most of which were employees with the correctional facility. They claim armed guardsmen are essential to the safety of Lucasville and surrounding communities.

"The inmates know right now there is armed guards in those towers 24/7, and that's a deterrent for inmates to try to escape," said Gary Shepherd with Ohio Civil Service Employees Association who is also an employee of the prison.

This corrections officer doesn't want to see a repeat of the deadly 1993 riot, which killed nine inmates and one guard.

"Since 1993 this institution has just about entirely rebuilt its inside," said Kerns.

"They are wanting to cut the last line of defense between the schools, the kids and the community," said Shepherd.

It's a decision Dillow fears the most, "you can never say never, that it could never happen, because it can!"

Since Union representatives and prison officials are still in the negotiation process, Warden Kerns tells ONN this issue will most like go before a statewide committee where hopefully a compromise can be made.

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Debate Continues Over Prison Guard Towers

by G. Sam Piatt

09.09.09 - 11:00 pm



LUCASVILLE — A disagreement continues between the union and management at Southern Ohio Correctional Facility over whether guard towers along the perimeter fence of the state prison there are needed or obsolete.

Union members, about 50 strong, turned out for duty on a picket line set up along Ohio 728 (the Lucasville-Minford Road) in front of the prison early Wednesday morning.

“It’s an informational picket,” said Gary Shepherd, president of the Ohio Civil Service Employees Association’s Chapter 7330, which represents union workers at the Southern Ohio Correctional Facility. “We’re hoping the public will support our stand to keep these towers operating.”

The picket continued for nearly 12 hours Wednesday and Shepherd said it will continue throughout today. Nearly every motorist who passed by Wednesday morning blew their car horns as a show of support for their cause.

The union’s action follows the state’s decision to close at least four of the guard towers along the perimeter of the fence surrounding the prison. Like most other Ohio state institutions, the Southern Ohio Correctional Facility is facing budget cuts. Officials say closing at least four of the towers will help achieve its goal of eliminating 11 posts at Lucasville.

People working in those posts would work at other posts and the savings in overtime pay would be substantial, said Julie Walburn, communications chief at the prison.

“We believe we can safely close the towers at Lucasville and in doing so maintain either the same level of security or even increase security,” Walburn said. “We have not built an institution since the early 1970s that has included a tower. Technology today is such that the use of towers are outdated and we don’t believe that closing them will cause any problems.”

OCSEA’s statewide Corrections Assembly President Charlie Williamson said other chapters around the state dealing with post cuts have come to agreements with management, but the one at Lucasville is one that hasn’t.

“We’ve offered several counter proposals to cut the same amount of posts elsewhere, but all they want to talk about is closing the towers,” Williamson said.

Prison officials have talked of cutting 175 posts statewide, Shepherd said.

The union at Lucasville has offered a counter proposal calling for closure of Cellblock J1 for all three work shifts, plus eliminate the night recreation shift, the

mental health escort and the Communications Center One's third shift.

Closing the towers, union officials say, is a dangerous move and could endanger the surrounding community. Dillow said the towers played a critical role during the Easter Sunday prison riot just more than 16 years ago.

It was April 11, 1993, when about 450 prisoners in Cellblock L rioted at Lucasville. By the time the Ohio State Highway Patrol and the Ohio National Guard and other law enforcement agencies had restored order, corrections officer Robert Vallandingham, who had been taken hostage, was dead and nine inmates had been killed.

"Those guard towers at that time helped prevent that riot from getting worse than it was, that I firmly believe," Williamson said. "Some of us have kids who go to that school back there, and we don't want to take chances with their security."

Valley High School is located about half a mile from the highway directly across from the prison.

"There is no way (prison officials) will take any action they thought would present a risk to the security of the institution or the safety of the community," Walburn said. "We will maintain the security with the towers closed. We're not going to talk about the security measures we have in place, of course, because we don't want to give inmates information."

She said no personnel at Lucasville are being laid off.

"The goal is to save overtime costs when we eliminate posts. No one will lose their job but it will present a significant savings," she said.

Bob Walton, member of Laborers Local 83 who was on the picket line supporting OCSEA's cause, said it was difficult for him to understand why the department could not come up with an alternate proposal to save money and leave the towers intact.

"These men and women who work here put their lives on the line every day. You've got people living and working so close to the prison, if there is another way to save money without sacrificing safety that is what they should try to do."

"The towers are the last line of defense between the prisoners and the community," Shepherd said. "They could use gloves or mattresses to get over that wire on top of the fences."

G. SAM PIATT can be reached at (740) 353-3101, ext. 236.

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Workers picket plan to close Ohio prison towers

September 09, 2009 06:58 EDT

LUCASVILLE, Ohio (AP) -- Corrections workers are protesting a plan to close guard towers at an Ohio prison that was the scene of a deadly 1993 riot.

Officers and other union employees planned to stage informational picketing Wednesday and Thursday at the Southern Ohio Correctional Facility in Lucasville.

Officials want to stop using six of the prison's eight towers and reassign the guards to duties inside the facility. Ohio prisons spokeswoman Julie Walbern says the move would not compromise public safety.


But the Ohio Civil Service Employees Association calls the towers the last line of defense between inmates and the community. The union said its members would be joined on the picket line by a man held hostage during the riot, which left nine inmates and a guard dead.

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EMH sues prison over unpaid medical bills

Brad Dicken

ELYRIA — EMH Regional Medical Center is locked in a dispute with the private contractor that runs the North Coast Correctional Treatment Facility in Grafton over unpaid medical bills for inmates treated at the hospital.

A lawsuit filed earlier this year accuses Utah-based Management and Training Corp. of failing to pay \$628,193.81 in medical bills it racked up for inmates between September 2006 and February 2009.

But Tim Reid, the company's attorney, said Management and Training doesn't actually owe the hospital the money. Instead, he said, a former subcontractor is responsible for the outstanding bills.

Management and Training has been paying its bills since severing ties with Arizona-based First Correctional Medical in May 2008, Reid said.

That company, he said, ran into financial problems and fell behind in paying the medical bills under a contract with the hospital.

But Management and Training didn't realize how much money was owed until after the lawsuit was filed in May of this year, Reid said.

"We realized there was a problem, but we didn't know the extent of the problem," he said.

First Correctional and the Ohio Department of Rehabilitation and Correction are not named as a party in the lawsuit, according to court records.

Julie Walburn, an ODRC spokeswoman, said the prison system paid Management and Training about \$15.4 million in fiscal year 2009 to operate the North Coast prison, which mostly houses prisoners convicted of drunken driving and other substance abuse crimes.

"They're responsible for providing medical care to inmates," she said.

Management and Training also was paid nearly \$25 million for operating Lake Erie Correctional in Conneaut in the last fiscal year, Walburn said.

After parting ways with First Correctional, Reid said the company hired its own medical staff to deal with inmate care at North Coast.

An attorney for the hospital declined to comment on the lawsuit and hospital officials familiar with the dispute could not be reached for comment.

Reid said he's hopeful a resolution to the case can be reached.

Contact Brad Dicken at 329-7147 or bdicken@chroniclet.com.



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September 9, 2009

Parole not impossible for 2-time killer

By Sheila McLaughlin
smclaughlin@enquirer.com

HAMILTON - Despite what defense attorneys hinted would happen, the head of the Ohio Parole Board didn't guarantee Wednesday that a twice-convicted killer would never receive parole if Butler County judges decided to switch his death sentence to life in prison.

Cynthia Mausser told the panel of three judges it would be "unlikely" that an inmate with Von Clark Davis' criminal history would receive parole.

But she conceded it wasn't a sure thing.

"As you sit here today, you could not say how you would vote if Von became parole eligible?" Butler County Assistant Prosecutor Michael Oster asked Mausser on cross examination.

"No," she replied.

"How the board would vote?" Oster asked.

"No, I cannot," Mausser said.

Davis, who fatally stabbed his wife, Ernestine, in 1970 and shot his girlfriend to death three years after he was released on parole for his wife's death, would be up for a parole review again in six years if a panel of Butler County judges decides to take him off Death Row and give him 30 years to life.

By law, Judges Andrew Nastoff, Charles Pater and Keith Spaeth must consider a number of factors, including the probability" that Clark could be released from prison in deciding whether he'll stay on Death Row.

The series of hearings this week in Butler County Common Pleas Court comes 25 years after Davis was convicted of aggravated murder for shooting his last victim, Suzette Butler, execution-style on a Hamilton street with four bullets to her head.

A series of appeals and finally a federal court decision has put Davis in court for the third time to be sentenced on the aggravated murder conviction. Twice he has been given the death penalty, and twice it has been overturned.

On Wednesday, Mausser also told the judges that inmates convicted of aggravated murder but spared the death penalty serve an average of 27 years in prison for their crimes, according to state corrections data.

Four of seven parole board members are required to approve a release in order for a convict to go free, said Mausser, who acknowledged that she and the rest of board members serve by appointment and could be replaced at any time.

A handful of Davis' family members also testified on his behalf Wednesday, asking the judges to spare his life.

Daughter Sherry Davis, who works at the Butler County Sheriff's Office, said she has forgiven her

father despite holding a grudge for years because he had taken her mother away from her.

A sister, Carol Smith, of Forest Park, encouraged a life sentence.

"I know it's hard on everybody - the Butlers and my family. But I don't see where it will serve any purpose," she said.

"Some people say, it's closure. But it's not closure running out to the cemetery, looking at a (head) stone."

Smith hugged Butler's daughter in the courtroom gallery after she left the witness stand.

The daughter, Fonseca Butler fears that Davis eventually will be set free if he doesn't go back to Death Row. But, she said she doesn't hold any animosity toward Davis' family.

"We're just in a different place," she said.

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September 10, 2009

INMATE FACING CHARGES OF CONVEYANCE

LANCASTER -- Law enforcement officials said a substance allegedly smuggled into the Fairfield County Jail by an inmate was heroin.

Joseph Michael Miller, 23, of Lancaster, faces charges of conveyance into detention facility, a third-degree felony, and possession of heroin, a fourth-degree felony.

Conveyance is punishable by as many as five years in prison and a \$10,000 fine, while possession of heroin carries a sentence of as many as 18 months confinement and a \$5,000 fine.

Jail officials allegedly found Miller in his cell at 8:37 a.m. Saturday searching through feces in the cell's toilet and sink. Miller allegedly resisted arrest when approached by a deputy.

Upon questioning, Miller reportedly said he swallowed the balloons of heroin when he was arrested.

Jail officials had called in members of the Fairfield-Hocking Major Crimes Unit to conduct a field test on the substance.

Ohio convict admits murder, wants to live

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Published: Wednesday, September 9, 2009 @ 9:00 p.m.

HAMILTON, Ohio (AP) — A convicted murderer hoping to avoid the death penalty has admitted killing his former girlfriend 26 years ago.

Sixty-two-year-old Von Clark Davis testified before a three-judge panel that will decide whether he should face his original sentence of execution. Davis expressed remorse Tuesday for what he called a senseless, cowardly act in which he fatally shot former girlfriend Suzette Butler in 1983.

The southwest Ohio woman's family, including her daughter, said it was the first time they had heard Davis admit to the slaying of the 24-year-old woman in Hamilton.

Appeals judges have twice ordered new sentencing hearings for Davis because of lower-court errors on what factors should be used in determining whether he should get death.

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Article published September 10, 2009

Overhaul proposed for Ohio pensions Plan seeks more in contributions

By **JIM PROVANCE**
BLADE COLUMBUS BUREAU CHIEF

COLUMBUS - Ohio taxpayers and most public employees would pay more, and some workers would have to stay on the job longer before retiring under plans proposed to ensure the long-term solvency of Ohio pension funds badly wounded in the stock market decline.

The five public retirement funds representing state and local government employees, highway patrolmen, local police and firefighters, teachers and school administrators, and other school employees presented lawmakers with plans that largely ask government, current workers, and retirees to share in the pain.

"We cannot invest our way out of this situation," said Rep. Todd Book (D., Portsmouth), chairman of the Ohio Retirement Study Council. "... That would require the market to go up 20 percent each of the next five years. That's not likely to occur."

The panel asked each retirement system to develop a 30-year financial plan to ensure all its pension, health care, and other benefits obligations would be covered by income, whether from the workers, the governments that pay them, or investment earnings.

Losses suffered in the last year with the implosion of the stock market do not include investments that went sour long before the current recession. The public employees' and teachers' retirement systems suffered a combined \$500 million investment loss from the collapse of Enron and Worldcom early in the decade.

The pension funds range in size from the Ohio Public Employees Retirement System, which with \$60.5 billion in assets is the largest pension fund in the state and among the largest in the nation, to the Ohio Highway Patrol Retirement System, with assets of \$750 million.

Even with the proposed changes, two of the systems - representing teachers and police and firefighters - would improve their long-term outlooks but still fall short of meeting the 30-year goal. That means the funds would take in less in the long term than they would pay out, forcing them to tap reserves.

HIGHLIGHTS OF OHIO PENSION PROPOSALS

Due primarily to a decrease in investment income caused by the stock market decline, Ohio's five public employee pension plans are proposing changes to ensure long-term stability:

STATE TEACHERS RETIREMENT SYSTEM

- Increase member contributions from 10 percent of salary to 12.5 percent between 2011 and 2015.
- Increase school contributions from 14 percent of employee salary to 16.5 percent between 2016 and 2020.
- Calculate benefits on average of five highest-earning years beginning in 2015 instead of three.
- Beginning in 2015, employees may retire at any age after 35 years of service, at age 60 with 30 years of service, and age 65 with five years of service. Employees may retire early with reduced benefits at age 55 with 30 years of service and age 60 with five years.

SCHOOL EMPLOYEES RETIREMENT SYSTEM

- Raise retirement age from 65 to 67 years with 10 years of service, or from age 55 with 30 years of service to 57 with 32 years. The latter would be age 57 with 30 years for those retiring as of Aug. 1, 2015, or later.
- Early retirement age with reduced benefits would remain unchanged at age 62 with 10 years of service. Those retiring at age 60 with 25 years could retire earlier at age 57 with 25 years.
- Reduce earlier retirement age from age 60 to 57 with 25 years of service, but those retiring after Aug. 1, 2015, would have to wait until age 60 with 25 years.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

- Add two years to normal retirement age for general employees, to age 67 with five years of service or at any age with 32 years. Reduced benefits would be available for someone retiring at 62 with five years or age 57 with 25 years.
- Tie annual cost-of-living increase to rate of inflation up to 3 percent.
- Calculate benefits based on the average of the five highest-earning years as opposed to three.

HIGHWAY PATROL RETIREMENT SYSTEM

- Increase employee contributions from 10 percent of salary to 11 percent.
- Calculate retirement benefits on average of five highest-earning years instead of three for new retirees beginning in 2015.
- Decrease cost-of-living adjustment from 3 percent to 2 percent for all but lowest-earning retirees.
- Raise the age to qualify for retiree cost-of-living adjustment from 53 to 60.

POLICE AND FIRE PENSION FUND

- Increase over five years active employee contribution rate from 10 percent of salary to 12 percent.
- Gradually equalize government employer rates at 25 percent of employee salary. Employers of firefighters and police currently pay 24 percent and 19.5 percent, respectively.
- Raise normal retirement age from 48 to 52 for new hires beginning in 2011.
- Calculate benefits on average of five highest-paying years rather than three for those with less than 15 years of service as of effective date of changes.

Ohio public pension funds

THE BLADE

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"It's not easy being a police officer," he said. "It's not easy being a firefighter ... To change [retirement promises] in midstream, they felt, was unfair. Start it with new hires so that you know exactly how many years you've got to work."

The fund has proposed raising the normal retirement age for police and firefighters from the current 48 with 25 years of service to age 52 for all members entering the system beginning in 2011. New hires could still retire at age 48 but with reduced benefits.

Mr. Wachtmann countered with something he said he used to tell his kids.

"The sooner you understand that life is not fair the better off you are," he said.

In many cases, the changes would affect employees newly coming into the retirement systems or those newly retiring.

Contact Jim Provance at:

"There's no way this fund is going to get to 30-year funding," said William Estabrook, executive director of the Ohio Police and Fire Pension Fund. The fund still has about \$40 million in debt left on its books owed by local governments from \$440 million it took on four decades ago when the state absorbed local pension systems.

The teacher, highway patrol, and local police and fire funds all asked lawmakers to approve increases in what employees pay into their retirement as percentages of their salaries. The teachers' system called for a 2.5 percent hike; police and fire, 2 percent, and highway patrol, 1 percent.

The two systems for the teacher and police and firefighters also sought hikes in what taxpayers will pay through school district and municipal employers. The schools' share would climb 2.5 percent to 16.5 percent of their employee salaries. The share local governments pay for police and firefighters would gradually climb to 25 percent for each, up from 19.5 percent and 24 percent, respectively.

The Ohio Public Employees Retirement System, representing state and local government workers, and the School Employees Retirement System, representing lower-paid employees who are not teachers or administrators, are not seeking increased contributions from either government or employees.

The teachers' system alone projected that its proposed savings on the benefits and income side would be nearly \$9 billion over the life of its plan, more than \$6 billion of which would come from reducing annual cost-of-living increases from 2 percent to 1.5 percent for new retirees.

Rep. Lynn Wachtmann (R., Napoleon) questioned Mr. Estabrook as to whether the Police and Fire Pension Fund went far enough on the benefits side to bring itself into compliance with the 30-year sustainability goal, noting that increases in local government contributions are passed on to taxpayers.

"There are very few Ohioans out there who haven't had to rethink retirement age, taking a second job, or a lot of things because the world changed for everybody," he said. "Evidently your board feels there should be a very privileged group of people that should be exempt ... and that taxpayers should foot a substantial part of the bill."

Mr. Estabrook objected to the suggestion that police and firefighters consider themselves "privileged."

Pension plans outline reforms

Cost to taxpayers could hit \$1 billion in next 10 years

Thursday, September 10, 2009 3:16 AM

BY STEVE WARTENBERG

THE COLUMBUS DISPATCH

Changes proposed by two of Ohio's public pension plans could cost taxpayers about \$1 billion by 2020, if approved by the state legislature.

• [Click here for pension plans](#)

The proposals came during a meeting of the Ohio Retirement Study Council, which met yesterday to address the financial problems of the state's five public pension funds. The state's pension funds lost billions in assets when the Dow Jones industrial average plummeted 33.8 percent in 2008 and even further the first few months of this year, before the stock market began a turnaround.

Two funds -- the State Teachers Retirement System of Ohio and Ohio Police & Fire Pension -- asked for an increase in the contributions schools and municipalities make into employee accounts.

"If no changes are made we will eventually be unable to pay benefits," Michael Nehf, executive director of the State Teachers Retirement System, told the retirement council.

The teacher's pension fund asked for schools to increase their contribution from 14 percent to 16.5 percent over five years, starting in 2016.

The pension fund would receive an additional \$50 million the first year, a sum that would increase to \$250 million a year in 2020, based on the current state teacher's payroll of about \$10 billion a year.

The police and fire fund plan calls for a phased-in contribution increase by municipalities that eventually would reach 25 percent.

The increase, coupled with an employee contribution jump from 10 percent to 12 percent, would bring the fund an additional \$1.2 billion over the next 30 years, said William Estabrook, executive director of the police and fire fund.

He was not able to provide a breakdown of how much of this total would come from employers and how much from employees.

"It's a no-sell for me," said state Rep. Lynn Wachtmann, R-Napoleon, a member of the study council. "And for the overall legislature it's a tough sell. But don't underestimate the political power of the (Ohio Education Association). There's no end to their greed in asking taxpayers for more money."

Under Ohio law, public pensions must balance their income and expenditures to pay current liabilities for pension benefits within a 30-year period.

Each of the five pension funds presented a plan to achieve this at yesterday's meeting.

The plans of the state's three other public pensions -- Ohio Public Employees Retirement System, School Employees Retirement System and Highway Patrol Retirement System -- do not call for an increase in employer contributions.

Instead, they rely on increases in employee contributions, reductions in cost-of-living adjustments, increases to the minimum retirement age and changes in how a member's final average salary is determined.

The pension plans for teachers and for fire and police also include changes in many of these areas.

Health-care benefits will remain unchanged, for now, pension officials said, adding that there could be funding problems down the road.

Officials from the Public Employees Retirement System and School Employees Retirement System said they already were within the 30-year requirement.

The plan by the State Teachers Retirement System will reduce its 30-year requirement from infinity to 33.4 years, while the Ohio Police & Fire number would go from infinity to 39 years.

The Highway Patrol plan would reduce its liability from infinity to 30 years.

"There's no way any fund can invest itself out of this dilemma we're in," Estabrook said. "For us to be whole, we'd have to average a 24 percent return (on our investment) for the next four years, and that's not going to happen."

Jim Winfree, executive director of the School Employees Retirement System, said longer life spans mean longer payouts.

"We have 55 people receiving benefits over 100 years of age," he said.

Rep. Todd Book, D-Portsmouth, chairman of the study council, said the proposed increases to employer contributions could be a stumbling block for legislators.

"The state is not in a good financial situation and it's a tough sell," he said. "But we realize the importance of pensions to the retirees and other sectors of the state."

Book said that the plans proposed by the five pension funds are a starting point "and we could look at other options."

The study council, which meets again Oct. 14, eventually will make recommendations to the General Assembly.

"There is a need to act prudently but quickly," Book said. "We could have a bill later this year and start the legislative process."

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