



FEDERAL TAX REPORTING INFORMATION 2003

For OP&F Members and Survivors

ohio
Police
&
Fire pension
FUND

BACKGROUND

The Ohio Police & Fire Pension Fund (OP&F), which was established by the Ohio General Assembly in 1965, is a qualified plan under the Internal Revenue Code 401(a) as a governmental defined benefit pension plan.

OP&F is required to report distributions related to Service, Disability, Annuity, Survivor, Death and Active Member Withdrawals on Form 1099-R. OP&F prepares and files a Form 1099-R for each benefit recipient or active member who has received a cash distribution of \$10 or more.

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This brochure provides a general overview on OP&F's tax reporting methods and is provided as a courtesy to our members and survivors. The information used in determining the taxability is based on OP&F's books and records as of the date the Form 1099-R is issued, as such information is provided to OP&F by the employers, members, and survivors. You should consult with a personal tax or financial advisor with respect to your individual circumstances and tax returns.

HIGHLIGHTS FOR 2003

IRS Inquiries

OP&F has received numerous inquiries from members and survivors regarding notices received from the IRS. The issues surround the IRS not recognizing the Private Letter Ruling for benefits that are considered non-taxable. Please contact OP&F if you receive a notice from the IRS contesting the non-taxable nature of your benefits. To the extent the Private Letter Ruling is applicable, we can then send you a letter that outlines the applicability of the Private Letter Ruling to your specific benefits so that you can forward this to the IRS. In the meantime, OP&F is working with the IRS to resolve this issue.

Distribution Code Change

The IRS has changed the method for reporting direct rollovers and rollover contributions. Code G will be entered in Box 7 of the Form 1099-R to show rollovers to eligible retirement plans—401(a) and 401(k) plans, 403(a) plans, 403(b) plans, 457(b) plans and IRA's. Code H has been eliminated for tax year 2003.

Taxable Amount Not Determined

If Box 2b of your Form 1099-R is marked with an "X," this means that OP&F could not determine the amount of your benefit that is considered to be taxable. In most cases, your benefit is taxable and you may be able to reduce your taxable income with basis recovery, but OP&F is not able to do this for you due to various methods available to members prior to November 19, 1996. There may be other exceptions where this applies, but in those cases, OP&F will notify the affected members before reporting the benefits in this fashion.

Health Care Premiums Not Deducted Pre-Tax

Currently, OP&F does not offer any pre-tax programs for health care premiums paid by our benefit recipients. Therefore, the premiums deducted from your benefit checks are not deducted on a pre-tax basis.

Pick-Up Plan Documentation

The IRS permits employers to participate in a contribution pick-up plan that results in a tax deferral of those contributions until the member receives them. Recently, OP&F adopted model pick-up resolutions that are to be used by participating employers electing to pick up all or a part of the 10% employee contributions for our active membership and will be filing a request for a Private Letter Ruling with the IRS. Since OP&F relies on the information provided by the employers, the use of the mandated resolutions will assist OP&F in the tracking and verification of these contributions as they will not constitute wages from which federal income taxes must be withheld.

PRIVATE LETTER RULING

The information reported on Form 1099-R is determined using the tax laws within the Internal Revenue Code, which are enacted by Congress. The IRS issues regulations to help interpret and apply the law.

In order to better serve members, OP&F obtained an IRS Private Letter Ruling regarding the taxability of certain types of benefits offered to OP&F members and survivors. Under the Private Letter Ruling, the IRS ruled that OP&F's governing statute for disability benefits is in the nature of a Workers' Compensation statute under Reg. Section 1.104-1(b), and that the disability benefits of a former police officer or firefighter whose disability resulted from an injury incurred in the line of duty were excludable from income under Section 104(a)(1), unless a portion of this benefit is based on years of service. When a member has 25 or more years of service at the time of retirement, a portion of their disability benefit amount is based on their service credit, which is taxable as a service benefit.

Copies of the Private Letter Ruling are available upon request and on the OP&F website (www.op-f.org).

DETERMINING TAXABILITY

OP&F strives to provide the best possible service and determines the taxability for as many distributions as possible by applying and interpreting current tax law.

OP&F determines the taxability of distributions and OP&F benefits paid if any of the following apply: 1) the member is covered under the IRS Private Letter Ruling; 2) the member retired on or after November 19, 1996; or 3) the member withdrew contributions.

OP&F is not able to determine the taxability of certain benefits for members who retired prior to November 19, 1996 since OP&F determines the taxable portion of a member's benefits using the *Simplified Method* and these members have an alternate method available to them known as the *Simplified General Rule* or *Safe Harbor Method*. Therefore, Form 1099-Rs issued by OP&F are marked "Taxable amount not determined" in Box 2(b) if a member retired prior to November 19, 1996 and is not covered by OP&F's Private Letter Ruling from the IRS. These members should seek tax advice on the determination of the taxability of their OP&F benefit when preparing tax returns. *For more information, see "More Information" on the back of this brochure.*

MEDICARE B REIMBURSEMENTS

OP&F reports Medicare B reimbursements as non-taxable for all OP&F benefit recipients.

- For benefit recipients whose taxability was determined by OP&F, Medicare B reimbursements were included as a "Gross Distribution" in Box 1, but are not included in the taxable amount shown in Box 2a.
- For those benefit recipients whose **taxability could not be determined by OP&F**, the Medicare B amounts were NOT included in the gross amount.

CHANGING WITHHOLDING AMOUNTS

Changes to Federal and State of Ohio tax withholdings must be made in writing and include the signature of the benefit recipient or alternate payee and their Social Security number, subject to certain limitations.

Withholding Certificate for Ohio State Income Tax *is available on the OP&F website (www.op-f.org), and Federal Form W-4P is available upon request.*

STATEMENT OF CONTRIBUTIONS

All OP&F members receive a *Statement of Contributions* upon retirement (this statement may also be referred to as an Investment in Contract). This statement reflects the total amount of after-tax member contributions made to OP&F throughout the member's active career, as reported to OP&F by the member's employers. Because this amount reflects after-tax contributions, the applicable taxes have already been applied to these contributions and the member can recover these amounts based on IRS defined methods. *For more information, see "Basis Recovery" on page 9 of this publication.*

Upon request, OP&F will also issue a *Statement of Monies Paid* to alternate payees.

In addition, if an active member dies prior to retirement, or before fully recovering his or her after-tax member contributions and there are no additional survivors, then the estate is eligible to receive the *Statement of Contributions* of the member's account for finalizing the estate. These after-tax contributions may be recoverable as part of the final estate tax filings.

To request a duplicate copy of your Statement of Contributions or to report incorrect information provided to OP&F by your employer, please contact OP&F at 1-800-860-9599.

BASIS RECOVERY AND REDUCING TAXABLE INCOME

OP&F benefit recipients can sometimes reduce the taxable amount of their income. Basis recovery is the IRS defined process to recover a portion of the after-tax contributions paid into OP&F and is based on information reported to OP&F by the member's employer(s).

The method used to calculate a benefit recipient's basis recovery is based on methods required by the IRS, which depends on the retirement date and annuity type selection. OP&F uses either the *Simplified Method* or the *Revised Simplified Method* for calculations shown in Box 5 on Form 1099-R.

For those benefit recipients whose **retirement date with OP&F was on or after November 19, 1996 and before January 1, 1998**, the IRS requires OP&F to use the basis recovery method known as the *Simplified Method*. *Please refer to IRS Notice 98-2 or IRS Publication 575, Pension and Annuity Income, for further information or contact OP&F's Customer Service Department at 1-800-860-9599.*

For those benefit recipients whose **retirement date with OP&F was on or after January 1, 1998**, the IRS requires OP&F to utilize the method known as the *Revised Simplified Method*. *Please refer to IRS Notice 98-2 or IRS Publication 575, Pension and Annuity Income, or contact OP&F's Customer Service Department at 1-800-860-9599.*

In both instances, OP&F uses the *Statement of Contributions* issued upon retirement. This represents the member's Investment In Contract amount as referred to by the IRS. *To request a duplicate copy of your Statement of Contributions, please call OP&F's Customer Service Department at 1-800-860-9599.*

For those retirants whose **retirement date was prior to November 19, 1996**, information on the basis recovery method can be found in IRS Publication 939, *General Rule for Pension and Annuities*, or by contacting a tax advisor or preparer. OP&F is not able to determine the taxability for these benefits, due to the various methods available to members.

AGE AND SERVICE PENSIONS

OP&F reports the total amount of age and service pension payments, including Medicare B reimbursements, paid in 2003 as “Gross Distribution” in Box 1 of IRS Form 1099-R.

If OP&F did not determine the taxability of the benefit, Medicare B reimbursements were excluded from Box 1 and Box 2b was marked as “Taxable Amount Not Determined.”

If OP&F did determine the taxability of the benefit, Box 2a represents the taxable income or “Gross Distribution,” minus Medicare B reimbursements and minus Box 5 basis recovery.

DIVISION OF PROPERTY ORDERS (DPOS)

Distributions made to alternate payees, who are spouses or former spouses, will not be included as a deduction on the benefit recipient’s Form 1099-R. Alternate payees will receive a separate Form 1099-R from OP&F.

OP&F considers all distributions to an alternate payee, regardless of the nature of the original benefit and will report it as taxable income on the Form 1099-R. The only exception is if the benefit recipient retired prior to November 19, 1996. In that case, OP&F will not be able to calculate the taxable amount and will mark the form as “**taxable amount not determined.**”

OFF-DUTY DISABILITY BENEFITS

Disability benefits that are paid due to an injury or illness NOT resulting from the performance of the member’s official duties are reported to the IRS in the same manner as age and service pensions (i.e. taxable). Basis recovery, however, does not begin until the benefit recipient’s earliest eligible retirement date. Off-duty benefits do NOT receive the same tax treatment as on-duty benefits because they do not meet the test of being similar to a Workers’ Compensation benefit.

Determining the Amount of Off-Duty Disability Benefits That are Taxable

Off-duty disability awards are fully taxable to the benefit recipient. However, for benefit recipients who have reached minimum retirement age, a portion of their benefit checks may contain an amount on which they have previously paid income tax and the basis recovery method was used to reduce the member’s taxable income. This amount of annual reduction is shown in Box 5 of the Form 1099-R. The annual amount of Medicare B reimbursement is included in the gross distribution, Box 1 of the Form 1099-R, but is not taxable and not included in Box 2a.

For members who have NOT reached OP&F’s minimum retirement age as stated above, the total amount of the pension benefit is taxable. Medicare B reimbursements are included in the gross distribution amount in Box 1 of the Form 1099-R, but are not taxable and not included in Box 2a. Once the recipient reaches the minimum requirements, the taxable amount may be reduced based upon the *Statement of Contributions*.

ON-DUTY DISABILITY BENEFITS

The IRS Private Letter Ruling states that because the law under which OP&F's "on-duty" disability benefits are awarded is a statute in the nature of a Workers' Compensation Act, these benefits are partly or totally excludable from gross income under section 104(a)(1) of the Internal Revenue Code. The chart on page 14 explains the taxability and Form 1099-R treatment of the different disability types.

Determining the Non-Taxable Portion of Total Benefits Paid for On-Duty Disability Recipients with 25 or More Years of Service

OP&F uses the following formula to determine the non-taxable portion of on-duty disability benefits:

EXAMPLE 1:

To Determine the Taxable Portion of Disability Benefits Based on Years of Service:

$$\left(\frac{\text{Total \% of Disability Benefit} - 60\%^*}{\text{Total \% of Disability Benefit}} \right) \times \text{Total Benefits Paid (less Med. B reimbursements)} = \text{Benefits based on Years of Service (taxable)}$$

* Those who retired on or before 2/28/80 will use 50%.

To Determine Non-Taxable Portion of Benefits:

$$\text{Total Benefits Paid (less Med. B reimbursements)} - \text{Benefits based on Years of Service (taxable)} = \text{Non-taxable portion of total benefits paid for on-duty disability}$$

EXAMPLE 2:

Joe Member's disability benefit is 64.3% of his average annual salary. According to OP&F's Private Letter Ruling, he is entitled to receive a maximum of 60% as non-taxable benefits. Since Joe had more than 25 years of service, 4.3% of the total percentage of his disability benefits are taxable. Currently, Joe receives \$30,000 per year in benefits. To calculate his taxable and non-taxable portions, use the formulas below:

To Determine the Taxable Portion of Joe's Disability Benefits Based on Years of Service:

$$\left(\frac{64.3 - 60\%^*}{64.3\%} \right) \times \$30,000 = \$2,006.22$$

* Those who retired on or before 2/28/80 will use 50%.

To Determine Joe's Non-Taxable Portion of His Benefits:

$$\$30,000 - \$2,006.22 = \$27,993.78 \text{ Non-Taxable Portion}$$

ON-DUTY DISABILITY BENEFITS CHART

Type of Disability	Taxability	FORM 1099-R Shows:		
		Box 1— Gross Distribution	Box 2a— Taxable Amount	Box 5
Permanent & Total (P&T) Disability	Entirely excluded from gross income.	Gross amount paid, including Medicare B reimbursements.	\$0.00 taxable	N/A
Partial Disability, less than 25 years of service	Disability recipients whose benefit award is based on a percentage of disability—benefits may be completely excluded from gross income.	Gross amount paid, including Medicare B reimbursements.	\$0.00 taxable	N/A
Pre-Minimum retirement age partial disability, 25 years of service or more*	Benefits for partial disability recipients with 25 years of service or more are based on percentage of disability and are partially based on years of service.	Gross amount paid, including Medicare B reimbursements.	Benefit portion based on service over 25 years is taxable.	N/A
	For recipients who have NOT reached OP&F's minimum retirement age, the total amount of pension benefit that is based on years of service is taxable.	Gross amount paid, including Medicare B reimbursements.	Box 1 <i>minus</i> the non-taxable portion of your total benefits paid <i>minus</i> any Medicare B reimbursements. Please note your taxable amount may be reduced once you reach the minimum retirement age.	N/A
Post-Minimum retirement age partial disability, 25 years of service or more*	For recipients who have reached OP&F's minimum retirement, a portion of their monthly benefit checks may contain an amount on which they have previously paid income tax and the basis recovery method was used to reduce the taxable income.	Gross amount paid, including Medicare B reimbursements.	Box 1 <i>minus</i> the non-taxable portion of your total benefits paid <i>minus</i> any Medicare B reimbursements <i>minus</i> Box 5. Please note that your taxable amount may be reduced once you reach the minimum retirement age.	This box will show the amount of annual reduction known as "basis recovery." See page 9 of this brochure for a complete explanation.

* This chart does not apply to disability retirees who retired prior to 11/19/96 since OP&F is unable to determine taxability, as previously explained. For these cases, Box 2b will be marked "taxable amount not determined."

SURVIVOR BENEFITS

Statutory Survivor Pensions

Statutory survivor pensions are paid to eligible survivors of OP&F members regardless of whether or not the member's death was duty related. These benefits are reported to the IRS on a Form 1099-R and may or may not be taxable.

Line of Duty Deaths

If the member died in the line of duty and was not subject to an exception listed below (such as suicide), then these benefits paid to survivors (other than parents) were non-taxable. In a 2002 change to the tax law, the date of death was lifted as a determination factor for taxability. The only determination still required for these benefits to be considered non-taxable is whether there is an applicable exception under Internal Revenue Code Section 101(h).

Under Internal Revenue Code Section 101(h), the non-taxable treatment for line-of-duty death benefits will not apply if: the death of the public safety officer was caused by the intentional misconduct of the officer or by the officer's intention to bring about the officer's death; the officer was voluntarily intoxicated at the time of death; the officer was performing his or her duties in a grossly negligent manner at the time of death; or the payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

For those benefit recipients who qualify for the favorable tax treatment, the Form 1099-R will show the total amount paid to the survivor, including any Medicare B reimbursements, in Box 1. Box 2a, the taxable amount, will show zero dollars as being taxable. *Please refer to Internal Revenue Code 101(h) for more information.*

Non Line of Duty Deaths or Line of Duty Deaths Where an Exception Applies

The total benefit may be taxable for survivors receiving a statutory benefit resulting from a member's death that was not incurred from a line of duty injury or an exception applies to a death incurred on duty, as described above. For these

survivors, the Form 1099-R will show the total amount paid to the survivor, including any Medicare B reimbursements, in Box 1. Medicare B reimbursements are not taxable and will not be included in Box 2a, but the remaining amount will be reported as taxable. **In any event, if the member's death was not incurred in the line of duty or not as a result of injuries incurred in the line of duty, the statutory survivor benefit is taxable.**

Joint and Survivor Annuities (JSA)

Survivor benefits paid as a continuation of a member's pension or benefit under a JSA are reported on Form 1099-R in the same manner as the original benefit. If the original benefit was a permanent and total disability, the JSA benefit remains non-taxable. If the original benefit was partially taxable due to a partial disability benefit award, the amount based on years of service is the same percentage as the continuation benefit. *For more information on this calculation, see "Disability Benefits" on page 11 of this brochure.*

Determining the Taxable Amount of a JSA

Joint and survivor recipients' monthly benefit checks may contain an amount on which the member had previously paid income tax and the basis recovery method was used to determine the taxable amount. The annual amount of the reduction is shown in Box 5 of the Form 1099-R. Box 1, gross distribution amount, includes the total benefit paid to the survivor, including any Medicare B reimbursements. Since Medicare B reimbursements are not taxable, they are not included in Box 2a.

Public Safety Officers Death Fund

Section 742.63 of the Ohio Revised Code provides benefits to the families of Ohio firefighters and law enforcement officers who die in the line of duty. This program is funded by the State of Ohio and administered by OP&F. Under the IRS Private Letter Ruling, benefits paid under the Public Safety Officers Death Fund are considered to be in the nature of Workers' Compensation benefits and are entirely excludable from income. OP&F reports payments made to Death Fund recipients on a Form 1099-R showing the gross distribution in Box 1. The taxable amount in Box 2a will be zero.

CONTRIBUTION WITHDRAWALS

OP&F makes distributions in the form of various types of withdrawals including:

- Refunds
- Rollovers made to other plans
- Erroneous contribution refunds
- Refunds of excess service or military service credit purchases
- Estate payments

While OP&F is able to determine the taxability of the amount for all of these withdrawals based on the amount of the distribution and the nature of the withdrawal, OP&F strongly encourages members to seek tax advice prior to applying for a withdrawal to ensure all options are explored prior to distribution.

This is primarily due to the fact that recent tax law changes now offer more flexibility to rollover contributions and OP&F only withholds mandatory amounts required by law and additional taxes upon request. There may be an additional 10% penalty for early withdrawals depending on the member's age or other circumstances.

OP&F is able to determine the taxability on these distributions based on the way OP&F tracks the after-tax and pre-tax member contributions that OP&F receives from employers, other Ohio Retirement Systems and sources of contributions as directed by the member for the purchase of service credit. Each time a member contribution is made to OP&F, it is posted to the member ledger as either after-tax contributions or pre-tax contributions. This posting determines how the distribution will be reflected on Form 1099-R when a withdrawal occurs.

Contribution amounts that were considered after-tax contributions have already been taxed at the member level and cannot be taxed at the time of distribution from OP&F. On the other hand, amounts that were received as pre-tax contributions have not been taxed at the member level and are fully taxable at the time of the distribution.

Box 1 of Form 1099-R will reflect the total amount of the distribution and Box 2a will reflect the taxable portion. The difference between the two amounts represents the amount of after-tax contributions made to OP&F and will be displayed in Box 5.

Active members will not receive a Form 1099-R for transfers made from OP&F to another Ohio Retirement System, since these are considered to be "Trustee to Trustee" transfers.

DISTRIBUTION CODES

Box 7 of Form 1099-R contains a distribution code as required by the IRS. These distribution codes as used by OP&F are as follows:

- 1 Early Distribution, Not Age 59½, no known exceptions
- 2 Early Distribution, Not Age 59½, exception applies
- 3 Disability Benefits
- 4 Death Payments to a Beneficiary
- 7 Normal Distribution and Over Age 59½
- E Excess Contributions or Purchase Refunds
- G Direct Rollovers and Rollover Contributions

QUESTIONS & ANSWERS

Can someone else contact OP&F to receive information on my account or copies of my Form 1099-Rs?

OP&F can only provide information pertaining to your account to a third party with **prior** written authorization from you.

Why didn't I receive a Form 1099-R?

OP&F mailed the Form 1099-Rs on or before January 31st to all benefit recipients who received a cash distribution of \$10 or more in 2003. Please allow 10 business days for the form to reach you. If you still do not receive a form, please request another copy from OP&F. If you moved or changed your address and we do not have it on file, OP&F probably mailed your 1099-R to the incorrect address. Please send a completed OP&F *Change of Address Form* (available on www.op-f.org) and request a duplicate copy of your Form 1099-R.

How do I request another Form 1099-R?

You can contact OP&F's Customer Service Department at 1-800-860-9599 to request a duplicate copy. Please verify your current address with the OP&F representative as OP&F can only mail the forms to the address that is on file.

How do I request another copy of my Statement of Contributions?

OP&F mailed a *Statement of Contributions* document to you upon retirement. *You can request a duplicate copy by contacting OP&F's Customer Service at 1-800-860-9599.*

What should I do if I disagree with the information reported on my Form 1099-R?

Contact OP&F's Customer Service Department at 1-800-860-9599 and be prepared to provide information that supports your concern.

What does the amount in Box 5 represent?

Box 5 of the Form 1099-R represents a portion of after-tax contributions that were recovered by a member for a given year. Box 5 does NOT represent health care or insurance premiums. If Box 5 of the Form 1099-R is showing a dollar amount, then this amount was calculated by OP&F using the IRS-required basis recovery methods or, for a total withdrawal, represents the total amount of after-tax contributions. If Box 5 of the Form 1099-R is blank, then either OP&F could not determine this amount, no after-tax contributions were received, or your benefit is fully non-taxable and no basis recovery is necessary.

How much of my benefit is taxable?

In an effort to better serve our members, OP&F calculates the amount of the annual benefit that is taxable for members who retire on or after November 19, 1996. For some members, a portion of their monthly benefit checks may contain an amount on which the member had previously paid income tax and the appropriate basis recovery method was used to determine the taxable amount. Therefore, if OP&F calculated your taxable income, the amount that you previously paid income tax on will be shown in Box 5 of the form.

Why did I receive more than one Form 1099-R?

- **Age-service retirees who turned 59½ in 2003**—You will receive two Form 1099-Rs because the IRS-required distribution code changes from 2 to 7 at that age.
- **More than one benefit type received**—You will receive a Form 1099-R for each type of benefit received in 2003.
- **Refund issued in 2003**—You will receive a Form 1099-R for any refund of excess employee contributions or service or military purchases that did not enhance your benefit at retirement.
- **Active member withdrawal issued in 2003**—You may receive a Form 1099-R for any withdrawal or rollover of contributions you received this year. If you selected a combination of withdrawals and rollovers, they are printed on separate forms.

Why doesn't the year-to-date total on my December benefit check match the gross distribution on my Form 1099-R?

- **Retirement benefit finalized**—If your retirement benefit was finalized in 2003, the year-to-date total on your benefit check started over at “0” when you switched from an interim payment to a final payment. The amount on your Form 1099-R is your combined income of both accounts for 2003.
- **Partial Disability**—Only the portion of benefit based on years of service is reportable income and is noted on your Form 1099-R, *see “Disability Benefits” on page 12 for more information.*
- **Medicare B Reimbursements**—Amounts for Medicare B reimbursement were only included if OP&F calculates your taxable amount.

Do I have to file a tax return with the IRS?

OP&F is not able to determine whether or not you are required to file an annual tax return. *Please contact the IRS directly for information on filing requirements.*

MORE INFORMATION

If you need additional information, the IRS has the following resources available which may be helpful:

Publications

You can order the publications listed below from the IRS by calling 1-800-TAX-FORM or writing to the IRS Forms Distribution Center near you. They may also be available at your local library, post office or the IRS website listed below.

- Publication 575, *Pension and Annuity Income*
- Publication 939, *General Rule for Pensions and Annuities*

Phone Counselors

Contact the IRS with your tax questions by calling:
1-800-829-1040

On the Internet

Visit the IRS website: www.irs.gov

Visit the OP&F website: www.op-f.org



Ohio Police & Fire Pension Fund

140 East Town Street
Columbus, Ohio 43215

Active Members: 1-888-864-8363

Retirees/Survivors: 1-800-860-9599

Fax: (614) 628-1777

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