

125 C.L.

H.B. 1

Sec. 3309.41 (7896-104). Disability beneficiary; restoration to active service.

A disability beneficiary *** shall be considered on leave of absence during his first five years on the retired list and shall retain his membership in the *school employees* retirement system. The *school employees* retirement board may require any disability beneficiary under the minimum age for superannuation retirement to undergo a medical examination *** which shall be made at the place of residence of said beneficiary or other place mutually agreed upon. Upon completion of such examination by an examining physician *** selected by the *** board, the examiner shall report and certify to the board whether said beneficiary is physically and mentally capable of resuming service similar to that from which he was retired. If the *** board *** concurs in a report by the examining physician *** that the *** disability beneficiary is capable of resuming service similar to that from which he was retired, the board shall so certify to his last employer before retirement and said employer by the first day of the next succeeding year shall restore said beneficiary to his previous position and salary or to a position and salary similar thereto and the payment of the disability allowance shall be terminated not later than the following *** thirtieth day of June or upon employment as a school *** employee. The *** board may terminate disability retirement at the request of the disability beneficiary. Upon the death of any disability beneficiary the balance which remains to his credit shall be distributed as provided in sections *** 3309.44 and 3309.45 of the Revised Code. Should a disability beneficiary be restored to active service his retirement allowance shall cease and the annuity and pension reserves on his allowance at that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the *** employees' savings fund and the employers' accumulation fund respectively. Should any disability beneficiary, during his first five years on the retired list and while under the age of sixty years, refuse to submit to a medical examination ***, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited. Should a disability beneficiary return to active service, the period on disability retirement shall be included as service credit for the purpose of superannuation retirement as provided in sections *** 3309.36 and 3309.38 of the Revised Code.

Effective October 1, 1957