

Page 1 of 1

Sec. 3309.41. (A) A disability retirant shall retain his membership status. Also, he shall be considered on leave of absence from his position of employment during his first five years on the retired list, notwithstanding any contrary provisions in Chapter 124. or 3319.7, respectively, of the Revised Code. The school employees retirement board may require any

disability retirant to undergo a medical examination. Should any disability retirant refuse to submit to a medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal. Should such refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited. Upon completion of such examination by an examining physician or physicians selected by the board, the physician or physicians shall report and certify to the board whether ~~said~~ THE retirant is physically and mentally capable of resuming service similar to or related to that from which he was retired. If the board concurs in the report that the disability retirant is capable of resuming service similar to or related to that from which he was retired, the payment of the disability allowance shall be terminated not later than the following thirty-first day of August or upon employment as an employee. If the aforesaid leave of absence has not expired, the retirement board shall certify to his last employer before retirement that the retirant is capable of resuming service and ~~said~~ THE employer, by the first day of the next succeeding September, shall restore ~~said~~ THE retirant to his previous position and salary or to a position and salary similar thereto.

(B) The board may adopt rules requiring each disability retirant to file with the board an annual statement of earnings and current medical information on his condition.

(C) IF A DISABILITY RETIRANT IS EMPLOYED BY AN EMPLOYER COVERED BY THIS CHAPTER, HIS RETIREMENT ALLOWANCE SHALL CEASE AND THE ANNUITY AND PENSION RESERVES ON HIS RETIREMENT ALLOWANCE IN THE ANNUITY AND PENSION RESERVE FUND SHALL BE TRANSFERRED FROM THAT FUND TO THE EMPLOYEES' SAVINGS FUND AND EMPLOYERS' ACCUMULATION FUND, RESPECTIVELY.

(D) If a disability allowance is terminated for any reason, and the total disability allowance paid is less than the amount of the accumulated contributions of the member transferred into the annuity and pension reserve fund at the time of his disability retirement, the difference shall be transferred from the annuity and pension reserve fund to such other fund as may be required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total allowance paid shall be charged against the member's refundable account.

The board may terminate disability retirement at the request of the retirant.

(E) A disability retirant whose allowance has been terminated and who qualifies for service or commuted service retirement shall be eligible for the allowance provided by division (E) of section 3309.36 of the Revised Code.

(F) If DISABILITY RETIREMENT IS TERMINATED AND a former disability retirant again becomes a contributor, OTHER THAN AS AN OTHER SYSTEM RETIRANT AS DEFINED IN SECTION 3309.341 OF THE REVISED CODE, to this system, the public employees retirement system, or the state teachers retirement system, and completes an additional two years of service credit AFTER THE TERMINA-

TION OF THE DISABILITY RETIREMENT, he shall be entitled to full service credit for the period of disability retirement.

If any employer employs any retirant who is receiving a disability allowance, the employer shall file notice of employment with the retirement board, designating the date of employment. In case such notice is not filed, the total amount of allowance paid during the period of employment prior to notice shall be paid from amounts allocated under Chapter 3317. of the Revised Code prior to its distribution to the school district in which the retirant was so employed.

144 02  
Am Sub  
NB 382

Emergency  
6/30/91