

1 of 1

146 OL
Am Sub SB82

Sec. 3309.41. (A) A disability benefit recipient shall retain his membership status. ~~Also, he~~ AND shall be considered on leave of absence from his position of employment during the first five years following the effective date of a disability benefit, notwithstanding any contrary provisions in Chapter 124. or 3319. of the Revised Code.

(B) The school employees retirement board ~~may~~ SHALL require any A disability benefit recipient to undergo a AN ANNUAL medical examination, EXCEPT THAT THE BOARD MAY WAIVE THE MEDICAL EXAMINATION IF THE BOARD'S PHYSICIAN OR PHYSICIANS SPECIFY THAT THE RECIPIENT'S DISABILITY IS ONGOING. Should any disability benefit recipient refuse to submit to a medical examination, his THE RECIPIENT'S disability benefit shall be discontinued until his withdrawal of such THE refusal. Should such THE refusal continue for one year, all his THE RECIPIENT'S rights in and to such THE disability benefit shall be forfeited. Upon

(C) ON completion of such THE examination by an examining physician or physicians selected by the board, the physician or physicians shall report and certify to the board whether the disability benefit recipient is physically and mentally capable of resuming service similar to or related to that from which he THE RECIPIENT was found disabled. If the board concurs in the report that the disability benefit recipient is SO capable of resuming service similar to or related to that from which he was found disabled, the payment of the disability benefit shall be terminated not later than THREE MONTHS AFTER the following thirty first day of August DATE OF THE BOARD'S CONCURRENCE or upon employment as an employee. If the leave of absence has not expired, the retirement board shall certify to his THE DISABILITY BENEFIT RECIPIENT'S last employer before being found disabled that the disability benefit recipient is capable of resuming service and the employer, by the first day of the next succeeding September, shall restore him THE RECIPIENT to his THE RECIPIENT'S previous position and salary or to a position and salary similar thereto NOT LATER THAN THE FIRST DAY OF THE FIRST MONTH FOLLOWING TERMINATION OF THE DISABILITY BENEFIT.

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

(E) (E) If a disability benefit recipient is employed by an employer covered by this chapter, his THE RECIPIENT'S disability benefit shall cease.

(F) (F) If disability retirement under section 3309.40 of the Revised Code is terminated for any reason, the annuity and pension reserves at that time in the annuity and pension reserve fund shall be transferred to the employees' savings fund and the employers' trust fund, respectively. If the total disability benefit 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 THE MEMBER'S disability retirement, the difference shall be transferred from the annuity and pension reserve fund to such other ANOTHER fund as may be required. In determining

the amount of a member's account following the termination of disability retirement for any reason, the amount paid shall be charged against the member's refundable account.

If a disability allowance paid under section 3309.401 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' trust fund.

The board may terminate a disability benefit at the request of the recipient.

(G) (G) If A disability benefit is terminated and a former disability benefit recipient 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 termination of the disability benefit, he THE FORMER DISABILITY BENEFIT RECIPIENT shall be entitled to full service credit for the period as a disability benefit recipient.

(H) (H) If any employer employs any member who is receiving a disability benefit, the employer shall file notice of employment with the retirement board, designating the date of employment. In case such THE notice is not filed, the total amount of the benefit 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 disability benefit recipient was so employed.

ef 3-7-97