

H. B. 288

135 O.L.

Sec. 742.01. As used in [sections 742.01 to 742.49, inclusive,]
CHAPTER 742. of the Revised Code:

(A) "Member of a police department" means any person who receives an original appointment as a full-time regular policewoman or policeman in the police department of a municipal corporation from a duly established civil service eligible list, or who is appointed under section 737.15 or 737.16 of the Revised Code as a full-time regular policeman and is paid solely out of public funds of the employing municipal corporation, or who, on October 1, 1965, was contributing four per cent of his or her annual salary to a police relief and pension fund established under section 741.32 of the Revised Code.

(B) "Member of a fire department" means any person who receives an original appointment as a full-time regular fireman in the fire department of a municipal corporation from a duly established civil service eligible list, or who is appointed to a position in a fire department under section 709.012 or 737.22 of the Revised Code, or who, on October 1, 1965, was contributing four per cent of his annual salary to a firemen's relief and pension fund established

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under section 741.02 of the Revised Code, or who is appointed to a position in a township fire department under section 505.38 of the Revised Code, or who, on October 1, 1965, was contributing four per cent of his annual salary to a township firemen's relief and pension fund established under section 521.02 of the Revised Code.

(C) "Employee" means any person who is in the employ of a municipal corporation as a member of a police or fire department or who is in the employ of a township as a member of the township fire department.

(D) "Employer" means the municipal corporation or township by which an employee is employed and paid.

(E) "Member of the fund" means any person who is contributing a percentage of his annual salary to the police and firemen's disability and pension fund created under section 742.02 of the Revised Code or who is receiving a disability benefit or pension from such fund as a result of service in a police or fire department of a municipal corporation or a fire department of a township, or if such person is dismissed, resigns, or is granted a leave of absence from a police or fire department, he shall be considered a "member of the fund" for a period of twelve months after the first day of such dismissal, resignation, or leave of absence, provided the sum deducted from such person's salary and credited to his account in the police and firemen's disability and pension fund remains on deposit in such fund.

(F) "Total disability" means inability to perform the duties of any gainful occupation for which the member of the fund is reasonably fitted by training, experience, and accomplishments; provided that absolute helplessness is not a prerequisite of total disability.

(G) "Permanent disability" means a condition of disability with respect to which the board of trustees of the police and firemen's disability and pension fund finds there is no present indication of recovery. For purposes of making such a determination, the board of trustees shall consider and base its findings on all competent evidence including medical testimony, opinions, and statements made available to it.

(H) "Year," for the purpose of determining benefits, means any twelve consecutive calendar months of active service as a member of the fund.

(I) "Average annual salary" means the highest average annual compensation of a member of the fund during any five years of contributions determined by dividing the total earnings as an employee during such years by five.