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Sec. 742.21. (A) As used in this section, "armed forces" of the United States includes both:

(1) Army, navy, air force, marine corps, coast guard, auxiliary corps as established by congress, army nurse corps, navy nurse corps, red cross nurse serving with the army, navy, air force, or hospital service of the United States, full-time service with the American red cross in a combat zone, and such other service as is designated by the congress as included therein;

(2) Personnel of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, and the reserve components of the armed forces enumerated in division (A)(1) of this section who are called to active duty pursuant to an executive order issued by the president of the United States or an act of congress.

(B) A member of the fund who is an employee of the A police department of a municipal corporation who, at any time after June 1, 1955, was or is called into active duty in the armed forces of the United States by action of the congress or the president of the United States shall, in computing years of service in such police department for the purpose of receiving pensions or benefits from the police and firemen's disability and pension fund, be given service credit, not to exceed two years, for such time served in the armed forces. Provided, such person has been discharged from such active duty under honorable conditions and has made application for reinstatement to such police department within ninety days from the date of such discharge.

(C) A member of the fund is ineligible to receive service credit under this section for any time served in the armed forces after January 1, 1967, that is used in the calculation of any retirement benefit currently being paid to the member or payable in the future under any other retirement program except social security. At the time such credit is requested the member shall certify on a form supplied by the retirement board that the member does and will conform to this requirement. Any benefit paid under this section to which the member is not entitled shall be recovered by any recovery procedures available under this chapter. This division does not cancel any military service credit earned prior to March 15, 1979.

SECTION 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that there are persons who would be eligible to retire under the Public Employees, School Employees, or State Teachers Retirement System as soon as the purchase of service credit the act authorizes becomes effective. Therefore, this act shall go into immediate effect.

144 OH
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NB 383

Emergency Clause
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