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Sec. 145.35. AS USED IN THIS SECTION, "ON-DUTY ILLNESS OR INJURY" MEANS AN ILLNESS OR INJURY THAT OCCURRED DURING OR RESULTED FROM PERFORMANCE OF DUTIES UNDER THE DIRECT SUPERVISION OF A MEMBER'S APPOINTING AUTHORITY.

Application for disability retirement may be made by a member or by a person acting in his behalf, or by the member's employer provided the member has ~~at least five years of total service credit and~~ has not attained age sixty ~~and~~, is not receiving disability benefits under any other Ohio state or municipal retirement program, AND EITHER HAS AT LEAST FIVE YEARS OF TOTAL SERVICE CREDIT OR, REGARDLESS OF LENGTH OF SERVICE, IS A LAW ENFORCEMENT OFFICER DISABLED BY AN ON-DUTY ILLNESS OR INJURY. Application must be made within two years from the date the member's contributing service terminated, unless the disability has existed in some degree as evidenced by medical records, before the member's contributing service was terminated. Application may not be made by or for any person receiving age and service retirement benefits under section 145.33, 145.34, or 145.37 of the Revised Code or any person who, pursuant to section 145.40 of the Revised Code, has been paid the accumulated contributions standing to the credit of his individual account in the employees' savings fund. The application shall be made on a form provided by the public employees retirement board. Any member who is approved for disability retirement shall be placed on retirement as of the first day of the month immediately following the later of:

- (A) The last day for which compensation was paid; or
- (B) The attainment of eligibility for benefits provided under this section.

Medical examination of a member who has applied shall be conducted by a competent disinterested physician or physicians selected by the board to determine whether the member is mentally or physically incapacitated for the performance of duty by a disabling condition either permanent or presumed to be permanent. The disability must have occurred since last becoming a member or have increased since last becoming a member to such extent as to make the disability permanent or presumed to be permanent.

If the physician or physicians determine that the member qualifies for retirement by reason of disability, and the board concurs with such determination, the member shall be retired for disability and the action of the board shall be final.

In the event an employer files a disability retirement application to retire a member on disability retirement as a result of his having been separated from service because he is considered to be mentally or physically incapacitated for the performance of his present duty, and the physician or physicians selected by the board reports to the board that the member is physically and mentally capable of performing service similar to that from which he was separated and the board concurs in the report, the board shall so certify to the employer and the employer shall restore the member to his previous position and salary or to a similar position and salary.

142 Oh  
Am. Sub.  
HB 552

SECTION 4. 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 certain law enforcement personnel retiring in 1988 will otherwise not be eligible for the benefits provided under the act. Therefore, this act shall go into immediate effect.

Effective  
Emergency  
Clause  
12/15/88