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Sec. 145.35. (A) 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.

(B) THE PUBLIC EMPLOYEES RETIREMENT SYSTEM SHALL PROVIDE DISABILITY COVERAGE TO EACH MEMBER WHO HAS AT LEAST FIVE YEARS OF TOTAL SERVICE CREDIT AND DISABILITY COVERAGE FOR ON-DUTY ILLNESS OR INJURY TO EACH MEMBER WHO IS A LAW ENFORCEMENT OFFICER, REGARDLESS OF LENGTH OF SERVICE.

NOT LATER THAN OCTOBER 16, 1992, THE PUBLIC EMPLOYEES RETIREMENT BOARD SHALL GIVE EACH PERSON WHO IS A MEMBER ON THE EFFECTIVE DATE OF THIS AMENDMENT THE OPPORTUNITY TO ELECT DISABILITY COVERAGE EITHER UNDER SECTION 145.36 OF THE REVISED CODE OR UNDER SECTION 145.361 OF THE REVISED CODE. THE BOARD SHALL MAIL NOTICE OF THE ELECTION, ACCOMPANIED BY AN EXPLANATION OF THE COVERAGE UNDER EACH OF THE REVISED CODE SECTIONS AND A FORM ON WHICH THE ELECTION IS TO BE MADE, TO EACH MEMBER AT HIS LAST KNOWN ADDRESS. THE BOARD SHALL ALSO PROVIDE THE EXPLANATION AND FORM TO ANY MEMBER AT HIS REQUEST.

REGARDLESS OF WHETHER THE MEMBER ACTUALLY RECEIVES NOTICE OF HIS RIGHT TO MAKE AN ELECTION, A MEMBER WHO FAILS TO FILE A VALID ELECTION UNDER THIS SECTION SHALL BE CONSIDERED TO HAVE ELECTED DISABILITY COVERAGE UNDER SECTION 145.36 OF THE REVISED CODE. TO BE VALID, AN ELECTION MUST BE MADE ON THE FORM PROVIDED BY THE RETIREMENT BOARD, SIGNED BY THE MEMBER, AND FILED WITH THE BOARD NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE THE NOTICE WAS MAILED, OR, IN THE CASE OF A FORM PROVIDED AT THE REQUEST OF A MEMBER, A DATE SPECIFIED BY RULE OF THE RETIREMENT BOARD. ONCE MADE, AN ELECTION IS IRREVOCABLE, BUT IF THE MEMBER CEASES TO BE A MEMBER OF THE RETIREMENT SYSTEM, THE ELECTION IS VOID. IF A PERSON WHO MAKES AN ELECTION UNDER THIS SECTION ALSO MAKES AN ELECTION UNDER SECTION 3307.42 OR 3309.39 OF THE REVISED CODE, THE ELECTION MADE FOR THE SYSTEM THAT PAYS A DISABILITY BENEFIT TO THAT PERSON SHALL GOVERN THE BENEFIT.

DISABILITY COVERAGE SHALL BE PROVIDED UNDER SECTION 145.361 OF THE REVISED CODE FOR PERSONS WHO BECOME MEMBERS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT AND FOR MEMBERS WHO ELECT UNDER THIS DIVISION TO BE COVERED UNDER SECTION 145.361 OF THE REVISED CODE.

THE RETIREMENT BOARD MAY ADOPT RULES GOVERNING ELECTIONS MADE UNDER THIS DIVISION.

(C) Application for A disability ~~retirement~~ BENEFIT may be made by a member ~~or~~, by a person acting in his behalf, or by the member's employer, provided the member has ~~not attained age sixty~~, DISABILITY COVERAGE UNDER SECTION 145.36 OR 145.361 OF THE REVISED CODE AND is not receiving A disability ~~benefits~~ BENEFIT 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~~ RETIREMENT BOARD DETERMINES THAT THE MEMBER'S MEDICAL RECORDS DEMONSTRATE CONCLUSIVELY THAT AT THE TIME THE TWO-YEAR PERIOD EXPIRED, THE MEMBER WAS PHYSICALLY OR MENTALLY INCAPACITATED FOR DUTY AND UNABLE TO MAKE AN APPLICATION. Application may not be made by or for any person receiving age and service retirement benefits under section 145.33, 145.331, 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 employ-

ees' savings fund. The application shall be made on a form provided by the public employees retirement board. ~~Any~~

(D) THE BENEFIT PAYABLE TO ANY member who is approved for A disability ~~retirement~~ BENEFIT shall be placed on retirement as of BECOME EFFECTIVE ON the first day of the month immediately following the later of THE FOLLOWING:

~~(A)~~(1) The last day for which compensation was paid; or

~~(B)~~(2) The attainment of eligibility for ~~benefits provided under this section~~ A DISABILITY BENEFIT.

(E) Medical examination of a member who has applied FOR A DISABILITY BENEFIT 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. A DISABILITY IS PRESUMED TO BE PERMANENT IF IT IS EXPECTED TO LAST FOR A CONTINUOUS PERIOD OF NOT LESS THAN TWELVE MONTHS FOLLOWING THE FILING OF THE APPLICATION.

If the physician or physicians determine that the member qualifies for ~~retirement by reason of~~ A disability BENEFIT, and the board concurs with such determination, the member shall be ~~retired for~~ RECEIVE A disability ~~and the~~ BENEFIT UNDER SECTION 145.36 OR 145.361 OF THE REVISED CODE. THE action of the board shall be final.

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(F) In the event an employer files AN APPLICATION FOR a disability ~~retirement application to retire a member on disability retirement~~ BENEFIT as a result of ~~his~~ A MEMBER 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.

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