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**Allowance upon disability retirement; subsequent employment.**

Sec. 145.36. Upon disability retirement, a member retiring on or after July 1, 1955, shall receive a disability retirement allowance in an annual amount which shall consist of:

(A) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(B) A pension which shall be the difference between his annuity and an annual amount determined by multiplying the number of years of total service credit of such member, and in addition thereto the number of years and fraction thereof between the effective date of his disability retirement and his sixtieth birthday, assuming continuous service,

by sixty-three dollars or by one and one-half per cent of his final average salary, whichever is greater. Such disability retirement allowance shall not exceed sixty per cent of his final average salary. When benefits are paid from the state insurance fund on account of the same disability, the allowance payable as provided herein together with such other benefits shall not exceed seventy-five per cent of the final average salary. Any amount of deficiencies in the annuity and pension reserve fund due to the increased allowances provided in this section shall be collected by a rate which shall be included in the \*\*\* *employer contribution*.

For the purposes of this section final average salary shall not exceed fifteen thousand dollars.

A year of service for the purpose of disability retirement is a complete year of full-time employment, or the equivalent thereof. The public employees retirement board is the final authority in determining the eligibility of a member for such form of retirement.

A disability allowance also may be terminated by the public employees retirement board at the request of a disability beneficiary. A disability beneficiary whose allowance has been terminated shall be eligible for the allowance provided by division (E) of section 145.33, or division (E) of section 145.34, of the Revised Code.

In addition thereto, upon attaining sixty years of age a member shall receive any additional annuity which he may have purchased as provided by division (C) of section 145.23 of the Revised Code.

Should any employer employ or re-employ any member who is receiving a disability allowance, such employer shall file a notice of employment with the public employees retirement board designating the date of employment. In case of employment of a member receiving a disability allowance without having filed such notice such employer shall pay from funds provided by the employer to the board an amount equal to the portion of the disability retirement allowance paid to such member subsequent to the date of employment.

Should a former disability beneficiary again become a contributor to this retirement system, the state teachers retirement system, or the public school employees retirement system, and complete an additional two years of service credit, he shall be entitled to full service credit for the period of disability retirement. He may repay to his account in the employees' savings fund an amount equal to the amount of annuity received as provided by division (A) of section 145.36 of the Revised Code while a disability beneficiary, plus interest at \*\*\* *three* per cent per annum, compounded annually to the date of such restoration.

§ Effective September 16, 1957