

Sec. 145.36. Upon disability retirement, a retirant shall receive a retirement benefit in an annual amount which shall consist of:

(A) An annuity having a reserve equal to the amount of the retirant's accumulated contributions;

(B) A pension which shall be the difference between his annuity and an annual amount determined by multiplying the total service credit of the retirant, and in addition thereto the projected number of years and fractions thereof between the effective date of his disability retirement and attained age sixty, assuming continuous service, by eighty-six dollars or two AND ONE-TENTH per cent of his final average salary whichever is greater. Where the retirant does not retire for disability under the provisions of section 145.37 of the Revised Code and is receiving a disability retirement benefit from either the state teachers retirement system or the school employees retirement system, then the retirant shall not be eligible for service credit based upon the number of years and fractions thereof between the date of disability and attained age sixty as provided for in this division. In no case shall a disability retirement benefit be less than thirty per cent or more than seventy-five per cent of his final average salary.

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.

**SECTION 3.** The Public Employees Retirement Board shall recalculate the annual amount of the allowance, pension, or benefit of each person to whom a pension, allowance, or benefit became payable under section 145.33 or 145.36 of the Revised Code on or after February 1, 1984 but prior to the effective date of this act. The annual pension, allowance, or benefit of each such person shall be the recalculated amount, which shall be the amount that would have been payable to such person if this act had gone into effect February 1, 1984.

Each person to whom a pension, allowance, or benefit is payable from the Public Employees Retirement System, the State Teachers Retirement System, or the School Employees Retirement System on the effective date of this act whose pen-

sion, allowance, or benefit is increased by this act shall receive a payment in an amount equal to the additional amount, if any, he would have received if this act had gone into effect February 1, 1984. The payment shall be included in the first monthly benefit payment made to such person following the effective date of this act that is computed in accordance with this act.

**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 the necessity is that certain members of the Public Employees Retirement System became subject to Social Security taxes on January 1, 1984, and they and their employers are now subject to the financial burden of being required to contribute a substantial percentage of their earnings to each of the two retirement systems. Therefore, this act shall go into immediate effect.

Emergency  
EFFECTIVE  
FEB. 16, 1984