

Employment of retired teachers.

Sec. 3307.381. (A) A former teacher receiving a superannuation retirement allowance from the state teachers retirement system, and *** referred to in this section as a superannuate, may be employed *** for temporary service as a teacher, provided:

(1) At least sixty calendar days have elapsed since the effective date of his retirement.

(2) Such employment shall not exceed fifty-nine school days, or the equivalent thereof in fractional service, during any year beginning the first day of September and ending with the thirty-first day of August next following.

(B) A superannuate may be employed as a regular teacher, provided:

(1) *** He shall have received a retirement allowance from the state teachers retirement system for at least eighteen months ***.

(2) The employer shall request the retirement board of the state teachers retirement system to authorize such employment. ***

During such employment as a regular teacher, the pension portions of the monthly payments of the retirement allowance provided by sections 3307.38 and 3307.40 of the Revised Code shall be terminated on the first day of the month of such employment and thereafter shall be forfeited until the first of the month after such superannuate ceases to be a regular teacher at which time the pension portions of his allowance shall be resumed. ***

Such employment shall not be considered as service qualifying for continuing contract status and the salary of a superannuate so employed shall be fixed at an amount at least equal to that paid other teachers in the district with similar training and experience for the same type of service. A superannuate employed as a regular teacher shall make contributions as provided in section 3307.51 of the Revised Code. However, such membership as a new entrant shall not include the survivor benefit rights provided for in sections 3307.48 and 3307.49 of the Revised Code.

A superannuate shall not receive the pension portions of a retirement allowance for any period for which he is compensated under a private contract, or through an independent contractor, whereby he is to perform personal or professional services for the employer by which he was employed at the time of retirement.

If a superannuate should be paid any amount of pension allowance to which he is not entitled under the provisions of this section, such amount shall be certified by the retirement board of the state teachers retirement system to the superintendent of public instruction who shall order such amount repaid from the state public school fund to the retirement system from any amount due the school district in which such superannuate was employed.

The retirement board of the state teachers retirement system may make the necessary rules and regulations to carry into effect the provisions of this section and to prevent the abuse of the rights and privileges thereunder. (Amended in Amended House Bill No. 590)