

Employment of retired teachers.

Sec. 3307.381. (A) A former teacher receiving a *** *service* 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 *** *does not exceed *** one hundred* 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.

(3) *The compensation of any superannuate so employed shall not exceed that for persons employed for substitute service.*

Any person so employed shall not be considered as "regularly employed" as provided by division (C) of section 3307.01 of the Revised Code, and shall not make contributions as provided by section 3307.51 of the Revised Code.

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

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

(2) The employer *** *requests* 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 *** *section 3307.38 **** 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 *** repaid to the system by the superannuate, or shall be recovered by a withholding from his subsequent monthly retirement allowance checks.

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. 19)