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Sec. 3307.381. (A) As used in this section:

(1) "Superannuate" means a former teacher receiving a service retirement allowance UNDER SECTION 3307.38 OR 3307.39 OF THE REVISED CODE from the state teachers retirement system or a combined SERVICE RETIREMENT benefit paid in accordance with section 3307.41 of the Revised Code, regardless of which retirement system is paying the benefit.

(2) "Other system retirant" means a MEMBER OR former member of the public employees retirement system, police and firemen's disability and pension fund, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving ~~an~~ age and service, OR commuted age and service RETIREMENT, or A disability retirement allowance or benefit from a system of which he is a MEMBER OR former member.

(B) A superannuate may be employed for temporary service as a teacher, provided:

(1) At least two months have elapsed since the effective date of his retirement.

(2) Such employment does not exceed eighty-five school days, or the equivalent thereof in fractional service, during any school year.

(C) A superannuate may be employed as a full-time 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.

(D) An other system retirant may be employed as a teacher, provided at least two months have elapsed since the effective date of his retirement OR RECEIPT OF A DISABILITY BENEFIT.

(E) If a superannuate or other system retirant is employed in accordance with division (B), (C), or (D) of this section, he shall contribute to the state teachers retirement system in accordance with section 3307.51 of the Revised Code and the employer shall contribute in accordance with sections 3307.53 and 3307.56 of the Revised Code. Such contributions shall be received as specified in section 3307.65 of the Revised Code. A superannu-

ate or other system retirant employed as a teacher is not a member of the state teachers retirement system, does not have any of the rights, privileges, or obligations of membership, except as provided in this section, and is not eligible to receive health, medical, hospital, or surgical benefits under section 3307.74 of the Revised Code for employment subject to this section.

(F) The employer that employs a superannuate or other system retirant shall notify the state teachers retirement board of the employment not later than the end of the month in which the employment commences. Any overpayment of benefits to a superannuate by the retirement system resulting from an employer's failure to give timely notice may be charged to the employer and may be certified and deducted as provided in section 3307.56 of the Revised Code.

(G) On receipt of notice from an employer that a person who is an other system retirant has been employed, the state teachers retirement system shall notify the state retirement system of which the other system retirant was a member of such employment.

(H) A superannuate or other system retirant who has received his retirement allowance OR DISABILITY BENEFIT for less than the applicable period under division (B), (C), or (D) of this section when his employment as a teacher commences shall forfeit his retirement allowance OR DISABILITY BENEFIT for any month he is employed prior to the expiration of such period. Contributions shall be made to the retirement system from the first day of such employment, but service and contributions for that period shall not be used in the calculation of any benefit payable to the superannuate or other system retirant, and those contributions shall be refunded on his death or termination of the employment. Contributions made on compensation earned after the expiration of such period shall be used in calculation of the benefit or payment due under this section.

(I) On receipt of notice from the police and firemen's disability and pension fund, public employees retirement system, or school employees retirement system of the re-employment of a superannuate, the state teachers retirement system shall not pay, or if paid shall recover, the amount to be forfeited by the superannuate in accordance with section 145.38, 742.26, or 3309.341 of the Revised Code.

(J)(1) On termination of employment under this section, a superannuate or other system retirant may file an application with the state teachers retirement system for a benefit under this division, which shall consist of a single life annuity having a reserve equal to the amount of his accumulated contributions for the period of employment and an equal amount from the employers' trust created by section 3307.65 of the Revised Code, plus interest credited to the date of retirement at the then current actuarial rate of interest. The superannuate or other system retirant shall elect either to receive the benefit as a monthly annuity for his life or a lump sum payment discounted to the present value using the current actuarial assumption rate of interest, except that if his monthly annuity would be less than twenty-five dollars per month he shall receive a lump sum payment.

(2) A benefit payable under this division shall commence on the latest of the following:

(a) The last day for which compensation for employment as a teacher was paid;

(b) Attainment by the superannuate or other system retirant of age sixty-five;

(c) If the superannuate or other system retirant was previously employed under this section and previously received or is receiving a benefit under this division, completion of a period of twelve months since the effective date of the last benefit under this division.

(3)(a) If a superannuate or other system retirant dies while employed in employment subject to this section, a lump sum payment calculated in accordance with division (J)(1) of this section shall be paid to the beneficiary designated under division (D) of section 3307.48 of the Revised Code.

(b) If at the time of his death a superannuate or other system retirant receiving a monthly annuity has received less than he would have received as a lump sum payment, the difference between the amount he received and the amount he would have received as a lump sum payment shall be paid to his beneficiary designated under division (D) of section 3307.48 of the Revised Code.

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(4) No amount received under this section shall be included in determining an additional benefit under section 3307.403 of the Revised Code or any other post-retirement benefit increase.

(K) If the disability ~~retirement~~ BENEFIT of an other system retirant employed under this section is terminated, he shall become a member of the state teachers retirement system, effective on the first day of the month next following the termination, with all the rights, privileges, and obligations of membership. If such person, after the termination of his disability ~~retirement~~ BENEFIT, earns two years of service credit under this retirement system or under the public employees retirement system, police and firemen's disability and pension fund, school employees retirement system, or state highway patrol retirement system, his prior contributions as an other system retirant under this section shall be included in his total service credit as a state teachers retirement system member, and he shall forfeit all rights and benefits of this section. Not more than one year of credit may be given for any period of twelve months.

(L) 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.

~~(M) If a superannuate should be paid any amount of pension allowance to which he is not entitled under 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.~~

~~(N)~~ This section does not affect the receipt of benefits by or eligibility for benefits of any person who on August 20, 1976, was receiving a disability benefit or service retirement pension or allowance from a state

or municipal retirement system in Ohio and was a member of any other state or municipal retirement system of this state.

~~(N)~~ The retirement board of the state teachers retirement system may make the necessary rules to carry into effect this section and to prevent the abuse of the rights and privileges thereunder.

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