

Sec. ~~3307.38~~ 3307.35. (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 OTHER system retirant" means a member or former member of the public employees retirement system, Ohio police and fire pension fund, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving age and service or commuted age and service retirement, or a disability benefit from a system of which the retirant 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 the superannuate's retirement UNDER THIS CHAPTER.

(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) The superannuate has received a ~~retirement~~ AN allowance OR BENEFIT from the state teachers retirement system UNDER THIS CHAPTER 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 the retirant's 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, the superannuate or retirant shall contribute to the state teachers retirement system in accordance with section ~~3307.51~~ 3307.26 of the Revised Code and the employer shall contribute in accordance with sections ~~3307.53~~ 3307.28 and ~~3307.56~~ 3307.31 of the Revised Code. Such contributions shall be received as specified in section ~~3307.65~~ 3307.14 of the Revised Code. A superannuate 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~~ 3307.39 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~~ 3307.31 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 a ~~retirement~~ AN allowance or ~~disability~~ benefit for less than the applicable period under division (B), (C), or (D) of this section when employment as a teacher commences shall forfeit the ~~retirement~~ allowance or ~~disability~~ benefit for any month the superannuate or retirant 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 the superannuate's or retirant's 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 Ohio police and fire 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 the superannuate's or retirant's accumulated contributions, AS DEFINED IN SECTION 3307.50 OF THE REVISED CODE, for the period of employment

and an equal amount from the employers' trust created by section ~~3307.65~~ **3307.14** 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 life or a lump-sum payment discounted to the present value using the current actuarial assumption rate of interest, except that if the monthly annuity would be less than twenty-five dollars per month the superannuate or retirant 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~~ **3307.562** of the Revised Code.

(b) If at the time of death a superannuate or other system retirant receiving a monthly annuity has received less than the superannuate or retirant would have received as a lump-sum payment, the difference between the amount received and the amount that would have been received as a lump-sum payment shall be paid to the superannuate's or retirant's beneficiary designated under division (D) of section ~~3307.48~~ **3307.562** of the Revised Code.

(4) No amount received under this section shall be included in determining an additional benefit under section ~~3307.403~~ **3307.67** of the Revised Code or any other post-retirement benefit increase.

(K) If the disability benefit of an other system retirant employed under this section is terminated, the retirant 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 the retirant's disability benefit, earns two years of service credit under this retirement system or under the public employees retirement system, Ohio police and fire pension fund, school employees retirement system, or state highway patrol retirement system, the retirant's prior contributions as an other system retirant under this section shall be included in the retirant's total service credit. **AS DEFINED IN SECTION 3307.50 OF THE REVISED CODE**, as a state teachers retirement system member, and the retirant 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~~ **PORTION OF AN** allowance OR BENEFIT THAT IS ATTRIB-

UTABLE TO CONTRIBUTIONS MADE UNDER SECTION 3307.28 OF THE REVISED CODE for any period for which the superannuate is compensated under a private contract, or through an independent contractor, whereby the superannuate is to perform personal or professional services for the employer by which the superannuate was employed at the time of retirement.

(M) 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~~ **BOARD** may make the necessary rules to carry into effect this section and to prevent the abuse of the rights and privileges thereunder.