

Sec. 3307.39. (A) A RECIPIENT OF A DISABILITY ALLOWANCE UNDER SECTION 3307.431 OF THE REVISED CODE WHO IS SUBJECT TO DIVISION (C)(3) OF THAT SECTION MAY MAKE APPLICATION FOR SERVICE RETIREMENT UNDER THIS SECTION. RETIREMENT SHALL BE EFFECTIVE ON THE FIRST DAY OF THE FIRST MONTH FOLLOWING THE LAST DAY FOR WHICH THE DISABILITY ALLOWANCE IS PAID.

(B) THE ANNUAL ALLOWANCE PAYABLE UNDER THIS SECTION SHALL CONSIST OF THE SUM OF THE AMOUNTS DETERMINED UNDER DIVISIONS (B)(1) AND (2) OF THIS SECTION:

(1) THE GREATER OF THE FOLLOWING:

(a) AN ALLOWANCE CALCULATED AS PROVIDED IN SECTION 3307.38 OF THE REVISED CODE, EXCLUDING ANY PERIOD DURING WHICH THE APPLICANT RECEIVED A DISABILITY BENEFIT UNDER SECTION 3307.431 OF THE REVISED CODE;

(b) AN ALLOWANCE CALCULATED BY MULTIPLYING THE APPLICANT'S TOTAL SERVICE CREDIT, INCLUDING SERVICE CREDIT FOR THE LAST CONTINUOUS PERIOD DURING WHICH HE RECEIVED A DISABILITY BENEFIT UNDER SECTION 3307.431 OF THE REVISED CODE, BY TWO AND ONE-TENTH PER CENT OF HIS FINAL AVERAGE SALARY, EXCEPT THAT THE ALLOWANCE SHALL BE DETERMINED WITHOUT APPLICATION OF DIVISION (B) OF SECTION 3307.013 OF THE REVISED CODE AND SHALL NOT EXCEED FORTY-FIVE PER CENT OF THE APPLICANT'S FINAL AVERAGE SALARY.

(2) AN AMOUNT EQUAL TO THE ADDITIONAL ALLOWANCE THE RECIPIENT WOULD RECEIVE UNDER SECTION 3307.403 OF THE REVISED CODE, PLUS ANY OTHER ADDITIONAL AMOUNT HE WOULD RECEIVE UNDER THIS CHAPTER, HAD HE RETIRED UNDER SECTION 3307.38 OF THE REVISED CODE EFFECTIVE ON THE EFFECTIVE DATE OF HIS MOST RECENT CONTINUOUS PERIOD OF RECEIPT OF A DISABILITY BENEFIT UNDER SECTION 3307.431 OF THE REVISED CODE.

(C) THE ALLOWANCE CALCULATED UNDER DIVISION (B) OF THIS SECTION, EXCLUSIVE OF ANY AMOUNT ADDED UNDER DIVISION (B)(2) OF THIS SECTION BASED ON SECTION 3307.403 OF THE REVISED CODE, SHALL BE THE BASE FOR ALL FUTURE ADDITIONAL ALLOWANCES UNDER SECTION 3307.403 OF THE REVISED CODE.

THE ANNIVERSARY DATE FOR FUTURE ADDITIONAL ALLOWANCES UNDER SECTION 3307.403 OF THE REVISED CODE SHALL BE THE EFFECTIVE DATE OF THE RECIPIENT'S MOST

RECENT CONTINUOUS PERIOD OF RECEIPT OF A DISABILITY BENEFIT UNDER SECTION 3307.431 OF THE REVISED CODE.

(D) THE RETIREMENT ALLOWANCE DETERMINED UNDER THIS SECTION SHALL BE PAID AS PROVIDED IN SECTION 3307.38 OF THE REVISED CODE.