

Allowances upon disability retirement.

Sec. 3307.43. Upon disability retirement, a member retiring on or after July 1, 1959, shall receive a disability retirement allowance in an annual amount which shall consist of:

(A) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(B) A pension which shall be the difference between the annuity and an annual amount determined by multiplying the number of years of total service credit of such member, and in addition the number of years and fraction of a year between the effective date of his disability retirement and attained age sixty, assuming continuous service, by seventy-two dollars, or by one and sixty-five hundredths per cent of his final average salary, whichever is greater. Such disability retirement allowance shall not exceed sixty per cent of his final average salary. It shall be paid in twelve equal monthly installments on the first day of each calendar month. Any amount of deficiencies in the annuity and pension reserve fund on account of the allowances provided in this section shall be collected by a rate which shall be included in the *** employer contribution rate provided in section 3307.53 of the Revised Code.

For the purposes of this section final average salary shall not exceed eighteen thousand dollars.

If the member does not retire on a combined basis under the provisions of section 3307.41 of the Revised Code, but is receiving a disability retirement allowance from either the public employees retirement system or the school employees retirement system, then such member shall not be eligible for service credit based upon the number of years and fractions thereof between the date of disability and attained age sixty as otherwise provided in this section.

A person receiving a disability retirement allowance from the state teachers retirement system shall be ineligible for any employment as a teacher and it shall be unlawful for any employer to employ such person as a teacher. If any employer should employ or re-employ such person prior to the termination of his disability retirement allowance, such employer shall file notice of such employment with the state teachers retirement board designating the date of such employment. If such person should be paid both a disability retirement allowance and also compensation for teaching service for all or any part of the same month, the secretary of the state teachers retirement board shall certify to the superintendent of public instruction the amount of such retirement allowance received by such person during such employment, which amount shall be deducted from any amount due the employing district under the provisions of section 3317.02 of the Revised Code, and such amount shall be paid into the annuity and pension reserve fund.

A disability beneficiary whose allowance has been terminated, shall be eligible for the allowance provided by division (E) of section 3307.38 or division (E) of section 3307.40 of the Revised Code, provided application is made within three years of such termination.

Any member who has attained the age of sixty shall be ineligible for disability retirement. *** *Such member, or any other member, who qualifies for superannuation or commuted superannuation retirement as provided in sections 3307.38 and 3307.40 of the Revised Code, may be granted superannuation retirement effective on the last day of the month in which application is filed, or for which compensation was paid, whichever is the later date, and under the following conditions:*

(1) *A medical examiner acceptable to the retirement board shall recommend such retirement because of permanent disability for the performance of duty as a teacher.*

(2) *The employer of the member shall request such retirement. (Amended in Amended House Bill No. 590)*