

Disability beneficiary considered on leave of absence; restoration to active service.

Sec. 3307.44 (7806-39). A disability beneficiary, notwithstanding section 3319.13 of the Revised Code, shall retain membership in the state teachers retirement system and shall be considered on leave of absence during his first five years on the retired list. The state teachers retirement board may require any disability beneficiary who has not attained the age of sixty to submit at any time to a medical examination by a physician selected by the board. Upon completion of any such examination, the examiner shall report and certify to the board whether said beneficiary is physically and mentally capable of resuming service similar to that from which he was retired. If the board concurs in a report by the examining physician that the said disability beneficiary is capable of resuming service similar to that from which he was retired, the payment of a disability retirement allowance shall be terminated not later than the following thirty-first day of August or upon employment as a teacher prior thereto. If the leave of absence has not expired, the board shall so certify to his last employer before retirement that said teacher is capable of resuming service, and if said beneficiary was under contract at the time he was retired, said employer by the first day of the next succeeding year shall restore said beneficiary to his previous position and salary or to a position and salary similar thereto. Should a disability beneficiary be removed from the re-

tired list, his retirement allowance shall cease and the *balance of the annuity and pension reserves* on his allowance at that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the teachers' savings fund and the employers' accumulation fund respectively. Should any disability beneficiary, while under the age of sixty years, refuse to submit to a medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited.

A disability allowance also may be terminated by the board at the request of the disability beneficiary.

Upon the death of any disability beneficiary the balance which remains to his credit in the teachers' savings fund shall be distributed as provided in section 3307.48 of the Revised Code. Should a *former disability beneficiary *** again become a contributor to this retirement system, the school employees retirement system, or the public employees retirement system, and complete at least two additional years of service credit*, the period on disability retirement shall be included as service credit for the purpose of superannuation retirement as provided in sections 3307.38 and 3307.40 of the Revised Code. *He may repay to his account in the teachers' savings fund an amount equal to the annuity portion of his disability allowance received as of each August 31st during such disability, plus interest at the rate of four per cent compounded annually from such date to the date of repayment.*

Effective October 26, 1953