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SB 346

Sec. 3307.44. A disability ~~retirant~~ BENEFIT RECIPIENT, 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 from his position during ~~his~~ THE first five years ~~on the retired list~~ FOLLOWING THE EFFECTIVE DATE OF A DISABILITY BENEFIT. ~~The~~

THE state teachers retirement board may require any disability ~~retirant~~ BENEFIT RECIPIENT to submit at any time to a medical examination by a physician selected by the board. After the examination, the examiner shall report and certify to the board whether the ~~retirant~~ DISABILITY BENEFIT RECIPIENT is physically and mentally capable of resuming service similar to that from which he was ~~retired~~ FOUND DISABLED. If the board concurs in a report by the examining physician that the disability ~~retirant~~ BENEFIT RECIPIENT is capable of resuming service similar to that from which he was ~~retired~~ FOUND DISABLED, the payment of a disability ~~retirement~~ benefit 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~~ BEING FOUND DISABLED that the ~~retirant~~ DISABILITY BENEFIT RECIPIENT is capable of resuming service, and if ~~the retirant~~ HE was under contract at the time he was ~~retired~~ FOUND DISABLED, the employer by the first day of the next succeeding year shall restore ~~the retirant~~ HIM to his previous position and salary or to a position and salary similar thereto. ~~The~~ A disability benefit shall terminate if the disability ~~retirant~~ BENEFIT RECIPIENT becomes employed as a teacher IN ANY PUBLIC OR PRIVATE SCHOOL OR INSTITUTION IN THIS STATE OR ELSEWHERE. ~~If~~ A PERSON RECEIVING A DISABILITY BENEFIT 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 REEMPLOY SUCH PERSON PRIOR TO THE TERMINATION OF HIS DISABILITY BENEFIT, 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 BENEFIT 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 EMPLOYER OR TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE AMOUNT OF THE DISABILITY BENEFIT RECEIVED BY SUCH PERSON DURING SUCH EMPLOYMENT, WHICH AMOUNT SHALL BE DEDUCTED FROM ANY AMOUNT DUE THE EMPLOYING DISTRICT UNDER CHAPTER 3317. OF THE REVISED CODE OR SHALL BE PAID BY THE EMPLOYER TO THE ANNUITY AND PENSION RESERVE FUND.

IF any disability ~~retirant~~ BENEFIT RECIPIENT refuses to submit to a medical examination, his ~~retirement~~ DISABILITY benefit shall be discontinued until his withdrawal of such refusal, and if the refusal continues for one year, all his rights in and to the ~~retirement~~ DISABILITY benefit shall be forfeited.

The board may adopt rules requiring each disability ~~retirant~~ BENEFIT RECIPIENT to file an annual statement of earnings and current medical information on his condition.

A disability benefit also may be terminated by the board at the request of the disability ~~retirant~~ BENEFIT RECIPIENT.

If a disability ~~benefit~~ RETIREMENT UNDER SECTION 3307.43 OF THE REVISED CODE is terminated for any reason, and if THE ANNUITY AND PENSION RESERVES AT THAT TIME IN THE ANNUITY AND PENSION RESERVE FUND SHALL BE TRANSFERRED TO THE TEACHERS' SAVINGS FUND AND THE EMPLOYERS' TRUST FUND, RESPECTIVELY. IF the total disability ~~allowance~~ BENEFIT paid was less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of his disability retirement, then the difference shall be transferred from the annuity and pension reserve fund to such other fund as required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total ~~benefit~~ AMOUNT paid shall be charged against the member's refundable account.

IF A DISABILITY ALLOWANCE PAID UNDER SECTION 3307.431 OF THE REVISED CODE IS TERMINATED FOR ANY REASON, THE RESERVE ON THE ALLOWANCE AT THAT TIME IN THE ANNUITY AND PENSION RESERVE FUND SHALL BE TRANSFERRED FROM THAT FUND TO THE EMPLOYERS' TRUST FUND.

If a former disability ~~retirant~~ BENEFIT RECIPIENT again becomes a contributor, OTHER THAN AS AN OTHER SYSTEM RETIRANT UNDER SECTION 3307.381 OF THE REVISED CODE, to this retirement system, the school employees retirement system, or the public employees retirement system, and ~~complete~~ COMPLETES at least two additional years of service credit, he shall receive credit for the period ~~on~~ AS A disability ~~retirement~~ BENEFIT RECIPIENT.

Emergency
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