

Page 1071

Sec. 3309.35. (A) As used in this section:

(1) "State retirement system" means the public employees retirement system, state teachers retirement system, or school employees retirement system.

(2) "Total service credit" means all service credit earned in all state retirement systems, except credit for service subject to section 3309.341 of the Revised Code. Total service credit shall not exceed one year of credit for any twelve-month period.

(3) IN ADDITION TO THE MEANING GIVEN IN DIVISION (O) OF SECTION 3309.01 OF THE REVISED CODE, "DISABILITY BENEFIT" MEANS "DISABILITY BENEFIT" AS DEFINED IN SECTIONS 145.01 AND 3307.01 OF THE REVISED CODE.

(B) To coordinate and integrate membership in the state retirement systems, the following provisions apply:

(1) At the option of a member, total contributions and service credit in all state retirement systems shall be used in determining the eligibility and total retirement ~~allowance~~ OR DISABILITY BENEFIT payable. When total contributions and service credit are so combined, the following provisions apply:

(a) ~~Disability, service,~~ SERVICE and commuted service retirement OR A DISABILITY BENEFIT is effective no sooner than the first day of the month next following the last day of employment for which compensation was paid. If the application is filed after that date, the board may retire the member on the first day of the month next following the last day of employment for which compensation was paid.

(b) In determining eligibility for a disability ~~retirement allowance~~ BENEFIT, the medical examiner's report to the retirement board of any state retirement system, showing that the member's disability incapacitates him for the performance of duty ~~and that he ought to be retired~~, may be accepted by the state retirement boards as sufficient for granting A disability ~~retirement~~ BENEFIT.

(c) The state retirement system in which the member had the greatest service credit, without adjustment, shall determine and pay the total retirement ~~allowance~~ OR DISABILITY BENEFIT. Where his credit is equal in two or more state retirement systems, the system having the largest total contributions of the member shall determine and pay the total ~~retirement allowance~~ BENEFIT.

(d) In determining the total credit to be used in calculating the A retirement allowance OR DISABILITY BENEFIT, credit shall not be reduced below that certified by the system or systems transferring credit, except that such total combined service credit shall not exceed one year of credit for any one "year" as defined in the law of the system making the calculation.

144 Oh
Ann Sub
JB 344

(e) The state retirement system determining and paying the A retirement ~~allowance~~ OR DISABILITY BENEFIT shall receive from the other system or systems the member's refundable account at retirement OR THE EFFECTIVE DATE OF A DISABILITY BENEFIT plus an equal amount from the employers' trust fund.

(i) The annuity rates and mortality tables of the state retirement system making the calculation and paying the ~~retirement allowance~~ BENEFIT shall be exclusively applicable.

(ii) Deposits made for the purchase of an additional annuity, and including guaranteed interest, upon the request of the member, shall be transferred to the state retirement system paying the retirement ~~allowance~~ OR DISABILITY BENEFIT. The return upon such deposits shall be that offered by the state retirement system making the calculation and paying the retirement ~~allowance~~ OR DISABILITY BENEFIT.

(C) A former member receiving a retirement ~~allowance~~ OR DISABILITY BENEFIT under this section, who accepts employment amenable to coverage in any state retirement system ~~which~~ THAT participated in his combined ~~retirement~~ BENEFIT, shall be subject to the

applicable provisions of law governing such re-employment. If the former member is subject to section 3307.381 of the Revised Code and exceeds the limits on re-employment established by that section, the state retirement system paying a combined ~~retirement allowance~~ BENEFIT shall terminate the entire pension portion of ~~such allowance being paid such former member~~ THE BENEFIT for the period of re-employment that exceeds the limit in that section. If a former member should be paid any amount in a retirement allowance, to which he is not entitled under the applicable provisions of law governing such re-employment, such amount shall be recovered by the state retirement system paying such allowance by utilizing any recovery procedure available under the code provisions of the state retirement system covering such re-employment.

(D) An SERS retirant or other system retirant, as defined in section 3309.341 of the Revised Code, is not eligible to receive any benefit under this section for service subject to section 3309.341 of the Revised Code.

Emergency
Eff. 7-29-92