

Medical examination for disability; employment of persons receiving disability allowance.

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Sec. 3309.39. Medical examination of a member for disability shall be made upon the application of the employer or upon the application of the member or of a person acting in his behalf stating that said member is physically or mentally incapacitated for the performance of duty and ought to be retired because the disability is considered permanent, provided the said member has service credit for not less than ten years. If such medical examination, conducted by a competent, disinterested physician, selected by the school employees retirement board shows that the said member is physically or mentally incapacitated for the performance of duty and ought to be retired because the disability is considered permanent, the examining physician shall so report, and if the board concurs with such report, the said member shall be retired for disability and the action of the board shall be final. ***

Any member whose application for disability retirement has been approved shall be placed on retirement as of the first of the month following the date of application. Any member who has attained the age of sixty and who applies for disability retirement shall be placed on superannuation retirement the first of the month following the date of application, without medical examination, but upon the basis of a certificate by his family physician that he is unable to perform his duties until he is eligible to retire on superannuation. A member of the school employees retirement system shall not be eligible for disability retirement if there is an interval of more than two years between the date of filing the application and the last date of contributing service, but this limitation may be waived where proof is established to the satisfaction of the retirement board that the alleged disability existed prior to the termination of the two-year limitation. ***

A disability beneficiary whose allowance has been terminated shall be eligible for the allowance provided by division (E) of sections 3309.36 and 3309.38, respectively, of the Revised Code, provided application is made within three years of such termination.

Should any employer employ any member who is receiving a disability allowance, such employer shall file a notice of employment with the retirement board designating the date of employment and in case the notice has not been filed the total amount of the allowance paid during the period prior to notice shall be paid from the state public school fund to the retirement system from any amount due the school district in which such person was so employed.

Effective June 29, 1955