

**Allowance upon disability retirement.**

Sec. 3309.40. Upon disability retirement, a member retiring on or after July 1, 1959, shall receive a 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;

(B) A pension which shall be the difference between his annuity and an annual amount determined by multiplying the total service credit of such member, and in addition thereto, the number of years and fractions thereof 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. Where the member does not retire for disability under the provisions of section 3309.35 of the Revised Code and is receiving a disability retirement allowance from either the public employees retirement system or the state teachers retirement system, then such member shall not be eligible for service credit based upon the number of years and fractions thereof between the effective date of disability retirement and attained age sixty as provided for in this division. Such disability retirement allowance shall not exceed sixty per cent of his final average salary.

The school employees retirement board is the final authority in determining the eligibility of a member for such form of retirement.

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

Any amount of deficiencies in the annuity and pension reserve fund due to the allowances provided in this section shall be collected by a rate which shall be included in the contribution rate provided by section 3309.49 of the Revised Code.

SECTION 2. That existing sections 145.01, 145.02, 145.03, 145.05, 145.11, 145.23, 145.28, 145.29, 145.291, 145.30, 145.32, 145.33, 145.34, 145.35, 145.36, 145.37, 145.381, 145.39, 145.40, 145.41, 145.43, 145.44, 145.45, 145.46, 145.47, 145.51, 145.54, 145.561, 3307.01, 3307.02, 3307.07, 3307.28, 3307.31, 3307.33, 3307.38, 3307.40, 3307.41, 3307.42, 3307.43, 3307.44, 3307.48, 3307.49, 3307.51, 3309.01, 3309.02, 3309.07, 3309.20, 3309.21, 3309.23, 3309.26, 3309.27, 3309.28, 3309.30, 3309.31, 3309.32, 3309.34, 3309.341, 3309.35, 3309.36, 3309.37, 3309.38, 3309.39, 3309.40, 3309.41, 3309.42, 3309.43, 3309.44, 3309.45, 3309.46, 3309.47, 3309.56, 3309.60, 3309.61, 3309.62, 3309.661, and 3309.67 of the Revised Code and section 3307.02 of the Revised Code as enacted by the Amended House Bill No. 203, passed May 7, 1959, approved May 15, 1959, and filed in the office of the secretary of state May 15, 1959, are hereby repealed.

Effective August 1, 1959

SECTION 3. Any member, eligible for any of the retirement allowances or other benefits provided in Chapters 145., 3307., and 3309. of the Revised Code as of June 30, 1959, or July 1, 1959, and who terminated his public service during the month of June, 1959, but did not file an application for retirement, may file, as provided by law, during the month of July, 1959, and shall be eligible for retirement as of June 30, 1959, or July 1, 1959, and such allowances or benefits shall be payable from and after July 1, 1959, and any such member or any member retiring on June 30, 1959, or July 1, 1959, voluntarily or otherwise, shall be eligible for allowances or benefits as computed under the provisions of this act.