

**Disability retirant shall be considered on leave of absence; restoration to active service.**

Sec. 3309.41. A disability retirant shall retain his membership status. Also, he shall be considered on leave of absence from his position of employment during his first five years on the retired list, notwithstanding any contrary provisions in Chapters 143. or 3319., respectively, of the Revised Code. The school employees retirement board may require any disability retirant to undergo a medical examination. Should any disability retirant refuse to submit to a medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal. Should such refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited. Upon completion of such examination by an examining physician or physicians selected by the board, the physician or physicians shall report and certify to the board whether said retirant is physically and mentally capable of resuming service similar to that from which he was retired. If the board concurs in the report that the disability retirant is capable of resuming service similar to that from which he was retired, the payment of the disability allowance shall be terminated not later than the following thirtieth day of June or upon employment as an employee. If the aforesaid leave of absence has not expired, the retirement board shall certify to his last employer before retirement that the retirant is capable of resuming service and said employer by the first day of the next succeeding year shall restore said retirant to his previous position and salary or to a position and salary similar thereto.

Should a disability retirant be restored to contributing service, his retirement allowance shall cease and 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 employees' savings fund and the employers' trust fund, respectively.

The board may terminate disability retirement at the request of the retirant. Upon the death of any disability retirant the balance which remains to his credit shall be distributed as provided in sections 3309.44 and 3309.45, respectively, of the Revised Code.

A disability retirant whose allowance has been terminated and who qualifies for superannuation or commuted superannuation retirement shall be eligible for the allowance provided by division (E) of section 3309.36 and division (E) of section 3309.38 of the Revised Code, provided application for such allowance is made within three years of such termination, notwithstanding the requirement of three years of total service credit within ten years preceding retirement as required by those sections.

Should a former disability retirant again become a contributor to this system, the public employees retirement system, or the state teachers retirement system, and complete an additional two years of service credit, he shall be entitled to full service credit for the period of disability retirement.

Should any employer employ any retirant who is receiving a disability allowance, such employer shall file notice of employment with the retirement board, designating the date of employment. In case such notice is not filed, the total amount of allowance paid during the period of employment prior to notice shall be paid from amounts allocated under the provisions

of section 3317.02 of the Revised Code prior to its distribution to the school district in which such retirant was so employed.

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.

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.