

**Status of disability retirant; medical examination; 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 allowance be terminated for any reason, and the total disability allowance paid be less than the amount of the accumulated contributions of the member transferred into 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 may be required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total allowance paid shall be charged against the member's refundable account.*

The board may terminate disability retirement at the request of the retirant. \*\*\*

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. (*Amended in Amended House Bill No. 590*)