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Sec. 3309.41. (A) A disability benefit recipient shall retain membership status and shall be considered on leave of absence from employment during the first five years following the effective date of a disability benefit, notwithstanding any contrary provisions in Chapter 124. or 3319. of the Revised Code.

(B) The school employees retirement board shall require a disability benefit recipient to undergo an annual medical examination, except that the board may waive the medical examination if the board's physician or physicians ~~specify~~ CERTIFY that the recipient's disability is ongoing. Should any disability benefit recipient refuse to submit to a medical examination, the recipient's disability benefit shall be ~~discontinued~~ SUSPENDED until withdrawal of the refusal. Should the refusal continue for one year, all the recipient's rights in and to the disability benefit shall be ~~forfeited~~ TERMINATED AS OF THE EFFECTIVE DATE OF THE ORIGINAL SUSPENSION.

(C) On completion of the examination by an examining physician or physicians selected by the board, the physician or physicians shall report and certify to the board whether the disability benefit recipient is NO LONGER physically and mentally ~~capable~~ INCAPABLE of resuming THE service ~~similar to or related to that~~ from which the recipient was found disabled. If the board concurs in the report that the disability benefit recipient is ~~no capable~~ NO LONGER INCAPABLE, the payment of the disability benefit shall be terminated not later than three months after the date of the board's concurrence or upon employment as an employee. If the leave of absence has not expired, the retirement board shall certify to the disability benefit recipient's last employer before being found disabled that the recipient is ~~capable~~ NO LONGER PHYSICALLY AND MENTALLY INCAPABLE of resuming service ~~and the~~ THAT IS THE SAME OR SIMILAR TO THAT FROM WHICH THE RECIPIENT WAS FOUND DISABLED. THE employer shall restore the recipient to the recipient's previous position and salary or to a position and salary similar thereto not later than the first day of the first month following termination of the disability benefit, UNLESS THE RECIPIENT WAS DISMISSED OR RESIGNED IN LIEU OF DISMISSAL FOR DISHONESTY, MISFEASANCE, MALFEASANCE, OR CONVICTION OF A FELONY.

(D) ~~The board may adopt rules requiring each~~ EACH disability benefit recipient ~~to~~ SHALL file with the board an annual statement of earnings ~~and~~ current medical information on ~~his~~ THE RECIPIENT'S

condition, AND ANY OTHER INFORMATION REQUIRED IN RULES ADOPTED BY THE BOARD. THE BOARD MAY WAIVE THE REQUIREMENT THAT A DISABILITY BENEFIT RECIPIENT FILE AN ANNUAL STATEMENT OF EARNINGS OR CURRENT MEDICAL INFORMATION ON THE RECIPIENT'S CONDITION IF THE BOARD'S PHYSICIAN OR PHYSICIANS CERTIFY THAT THE RECIPIENT'S DISABILITY IS ONGOING.

THE BOARD SHALL ANNUALLY EXAMINE THE INFORMATION SUBMITTED BY THE RECIPIENT. IF A DISABILITY BENEFIT RECIPIENT REFUSES TO FILE THE STATEMENT OR INFORMATION, THE DISABILITY BENEFIT SHALL BE SUSPENDED UNTIL THE STATEMENT AND INFORMATION ARE FILED. IF THE REFUSAL CONTINUES FOR ONE YEAR, THE RECIPIENT'S RIGHT TO THE DISABILITY BENEFIT SHALL BE TERMINATED AS OF THE EFFECTIVE DATE OF THE ORIGINAL SUSPENSION.

(E) If a disability benefit recipient is employed by an employer covered by this chapter, the recipient's disability benefit shall cease.

(F) If disability retirement under section 3309.40 of the Revised Code is terminated for any reason, the annuity and pension reserves at that time in the annuity and pension reserve fund shall be transferred to the employees' savings fund and the employers' trust fund, respectively. If the total disability benefit paid is less than the amount of the accumulated contributions of the member transferred into the annuity and pension reserve fund at the time of the member's disability retirement, the difference shall be transferred from the annuity and pension reserve fund to another fund as may be required. In determining the amount of a member's account following the termination of disability retirement for any reason, the amount paid shall be charged against the member's refundable account.

If a disability allowance paid under section 3309.401 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' trust fund.

The board may terminate a disability benefit at the request of the recipient.

(G) If a disability benefit is terminated and a former disability benefit recipient again becomes a contributor, other than as an other system retiree as defined in section 3309.341 of the Revised Code, to this system, the public employees retirement system, or the state teachers retirement system, and completes an additional two years of service credit after the termination of the disability benefit, the former disability benefit recipient shall be entitled to full service credit for the period as a disability benefit recipient.

(H) If any employer employs any member who is receiving a disability benefit, the employer shall file notice of employment with the retirement board, designating the date of employment. In case the notice is not filed, the total amount of the benefit paid during the period of employment prior to notice shall be paid from amounts allocated under Chapter 3317. of the

Revised Code prior to its distribution to the school district in which the disability benefit recipient was so employed.

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