

Allowances where employer failed to deduct employee contribution.

Sec. 3309.48. Any employee who left the service of an employer after attaining age sixty-five or over and such employer had failed or refused to deduct and transmit to the school employees retirement system the employee contributions as required by section 3309.47 of the Revised Code during any year for which membership was compulsory as determined by the school employees retirement board, shall be granted service credit without cost, which shall be considered as total service credit for the purposes of meeting the qualifications for superannuation retirement provided by the law in effect on and retroactive to the first eligible retirement date following the date such employment terminated but shall not be paid until formal application for such allowance on a form provided by the retirement board is received in the office of the retirement system. The total service credit granted under this section shall not exceed ten years for any such employee.

The liability incurred by the retirement board because of the service credit granted under this section shall be determined by the retirement board, the cost of which shall be equal to an amount which is determined by applying the combined employee and employer rate of contributions against the total earnings of such employee at the rates of contributions and maximum salary provision in effect during such employment for each year for which credit is granted, together with interest at the rate to be credited accumulated contributions at retirement, compounded annually from the first of the month payment was due the retirement system to and including the month of deposit, the total amount of which shall be certified by the retirement board to the superintendent of public instruction who shall deduct the amount due the system from any funds due the affected school district under section 3317.02 of the Revised Code. The superintendent shall certify to the auditor of state the amount due the system and the auditor of state shall draw his voucher in favor of the system for the said amount. The total amount so paid shall be deposited into the employers' trust fund, and shall not be considered as accumulated contributions of the employee in the event of his death or withdrawal of funds. (*Enacted in Amended House Bill No. 598*)