

HB 642

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Rules and regulations.

Sec. 742.37. The board of trustees of the police and firemen's disability and pension fund shall adopt rules and regulations for the management of such funds and for the disbursement of benefits and pensions as set forth in this section.

(A) Persons who were receiving benefit or pension payments from a police relief and pension fund, established under section 741.32 of the Revised Code, or from a firemen's relief and pension fund, established under section 521.02 or 741.02 of the Revised Code, at the time the assets of such fund were transferred to the police and firemen's disability and pension fund, as provided by section 742.26 of the Revised Code, shall receive benefit

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and pension payments from the police and firemen's disability and pension fund in the same amount and subject to the same conditions as such payments were being made from such fund on the date of such transfer.

(B) A member of the fund who, pursuant to law, elected to receive benefits and pensions from a police relief and pension fund, established under section 741.32 of the Revised Code, or from a firemen's relief and pension fund, established under section 741.02 of the Revised Code, in accordance with the rules and regulations of such fund governing the granting of benefits or pensions therefrom in force on April 1, 1947, shall receive benefits and pensions from the police and firemen's disability and pension fund in accordance with such rules and regulations.

(C) Members of the fund who have not elected to receive benefits and pensions from a police relief and pension fund or a firemen's relief and pension fund in accordance with the rules and regulations of such fund in force on April 1, 1947, shall receive pensions and benefits in accordance with the following provisions.

(1) A member of the fund who has completed twenty-five years of active service in the police or fire department of a municipal corporation or a fire department of a township and has attained fifty-two years of age may, at his election, retire from the police or fire department, and upon notifying the board in writing of such election, shall receive an annual pension, payable in twelve monthly installments, in an amount equal to two per cent of his average annual salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest multiplied by the number of years he was in the active service of such department, or an annual pension of fifteen hundred dollars, whichever amount is the greater. Such annual pension shall not exceed sixty-six per cent of the member's average annual salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest.

(2) A member of the fund who is permanently and totally disabled as the result of the performance of his official duties as a member of a police or fire department of a municipal corporation or a fire department of a township, shall be paid annual disability benefits until death, payable in twelve monthly installments, in an amount equal to sixty-six per cent of his annual salary for the last year he was in the active service of such police or fire department.

(3) A member of the fund who is partially disabled as the result of the performance of his official duties as a member of a

police or fire department of a municipal corporation or a fire department of a township, and such disability prevents him from performing those duties and impairs his earning capacity, shall be paid monthly disability benefits in an amount to be fixed by the board. The board may increase or decrease such monthly benefits whenever the impairment of the member's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit paid to such member exceed fifty per cent of his average monthly salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest. Each such member who has completed twenty-five or more years of active service in the department shall receive annual disability benefits, payable in twelve monthly installments, in an amount equal to two per cent of his average annual salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest multiplied by the number of years he was in the active service of such department, or an annual disability benefit of fifteen hundred dollars, whichever amount is the greater. Such annual disability benefit shall not exceed sixty-six per cent of the member's average annual salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest.

(4) A member of the fund who is disabled as a result of heart disease, which disease or any evidence of which disease was not revealed by the physical examination passed by the member upon entry into the department, is presumed to have incurred the disease while performing his official duties as a member of such department unless the contrary is shown by competent evidence.

If such disability prevents the member from performing his official duties and impairs his earning capacity he shall be paid annual disability payments in accordance with the provisions of (C)(2) or (C)(3) of this division, as the case may be.

A member of the fund who applies for disability benefits as a result of heart disease not revealed by the physical examination passed by the member upon entry into the department shall be examined by three physicians; one of whom shall be designated by the municipal corporation; another of whom shall be designated by the board of trustees of the police and firemen's disability and pension fund and the third who shall be selected by the other two previously designated physicians. Each examining physician shall submit a written report of his findings to the board.

(5) A member of the fund who has completed five or more years of active service in the police or fire department of a municipal corporation or a fire department of a township and has incurred disability not caused or induced by the actual per-

formance of his official duties as a member of such department, or by his own negligence, and such disability prevents him from performing his official duties as a member of the department, and impairs his earning capacity, shall receive monthly benefits in an amount to be fixed by the board. The board may increase or decrease such monthly benefits whenever the impairment in the member's earning capacity warrants an increase or decrease, but in no event shall a monthly benefit paid to such member exceed two per cent of his average monthly salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest multiplied by the number of full years he was in the active service of the department, or fifty per cent of such average monthly salary, whichever amount is the smaller.

(6) A member of the fund who has served fifteen or more years as an active member of the police or fire department of a municipal corporation or a fire department of a township and is discharged from such department for any reason other than dishonesty, cowardice, intemperate habits, or conviction of a felony, shall receive an annual pension, payable in twelve monthly installments, in an amount equal to one and one-half per cent of his average annual salary for the five calendar years during which his total annual salary as a member of said police or fire department was the greatest multiplied by the number of full years he was in the active service of the department. Such pension payments shall not commence until the member has attained the age of fifty-two years and until twenty-five years have elapsed from the date on which he became a full-time regular policeman or fireman in the department.

(D) A widow of a deceased member of the fund shall receive a pension of ninety dollars per month during her natural life or until she remarries, provided she was married to the deceased while he was in the active service of a police or fire department of a municipal corporation or a fire department of a township.

(E) Each surviving child of a deceased member of the fund shall receive a pension of thirty-five dollars per month until such child attains the age of eighteen years, or marries, whichever event occurs first, provided, that in the event such surviving child, because of physical or mental disability, is totally dependent upon such deceased member for support at the time of his decease, he shall receive a pension of thirty-five dollars per month during his natural life or until he has recovered from such disability.

(F) If a deceased member of the fund leaves no widow or surviving children, but leaves two parents dependent upon him for support, each parent shall be paid a monthly pension

of thirty dollars. If there is only one parent dependent upon him for support, such parent shall be paid a monthly pension of sixty dollars. The pensions provided for in this division shall be paid during the natural life of the surviving parents or until dependency ceases, or until remarriage, whichever event occurs first.

(G) A member of the fund who voluntarily resigns or is removed from active service in a police or fire department of a municipal corporation or a fire department of a township is entitled to receive an amount equal to the sums deducted from his salary and credited to his account in the police and firemen's disability and pension fund. (*Enacted in Amended House Bill No. 642*)