

Sec. 742.39. (A) A member of the police and firemen's disability and pension fund determined to be eligible for a disability benefit under division (D)(1) of section 742.38 of the Revised Code shall be paid annual disability benefits, payable in twelve monthly installments, in an amount equal to seventy-two per cent of the member's average annual salary.

(B) A member of the fund determined to be eligible for a disability benefit under division (D)(2) of section 742.38 of the Revised Code shall be paid annual disability benefits, payable in twelve monthly installments. If the member has fewer than twenty-five years of active service in a police or fire department, the benefit shall be in an amount fixed by the board of trustees of the police and firemen's disability and pension fund. The board may increase or decrease the benefit whenever the board determines that the impairment of the member's earning capacity warrants an increase or decrease based on the standards adopted under division (C) of section 742.38 of the Revised Code applicable to the determination, but in no event shall the benefit exceed sixty per cent of the member's average annual salary.

A 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 a percentage of the

member's average annual salary. The percentage shall be the sum of two and one-half per cent for each of the first twenty years the member was in the active service of the department, plus two per cent for each of the twenty-first to twenty-fifth years the member was in the active service of the department, plus one and one-half per cent for each year in excess of twenty-five years the member was in the active service of the department. The annual disability benefit shall not exceed seventy-two per cent of the member's average annual salary.

(C) A member of the fund determined to be eligible for a disability benefit under division (D)(4) of section 742.38 of the Revised Code shall be paid annual disability benefits, payable in twelve monthly installments, in an amount to be fixed by the board. The board may increase or decrease the benefits whenever the board determines that the impairment of the member's earning capacity warrants an increase or decrease based on the standards adopted under division (C) of section 742.38 of the Revised Code applicable to the determination, but in no event shall a benefit paid to the member exceed the greater of the following:

- (1) Five thousand dollars;
- (2) An amount fixed by the board, not exceeding sixty per cent of the member's average annual salary.

(D) EACH OF THE FOLLOWING PERSONS WHO ON JULY 1, 1999, IS RECEIVING ANNUAL BENEFITS OF LESS THAN SIX THOUSAND SIX HUNDRED DOLLARS SHALL HAVE THE BENEFITS INCREASED TO THAT AMOUNT EFFECTIVE JULY 1, 1999:

- (1) A PERSON RECEIVING ANNUAL BENEFITS DESCRIBED IN DIVISION (A) OF THIS SECTION;
- (2) A PERSON RECEIVING ANNUAL BENEFITS DESCRIBED IN DIVISION (C) OF THIS SECTION BASED ON AN AWARD MADE PRIOR TO SEPTEMBER 16, 1998.

(E) Benefits payable under this section continue until death unless adjusted under division (D)(5) of section 742.38 of the Revised Code or adjusted or terminated under division (C)(3) of section 742.40 of the Revised Code.

SECTION 5. Not later than the first day of the second month after the effective date of this act, the Police and Firemen's Disability and Pension Fund shall make a one-time payment for the purpose of increasing certain pensions and benefits as if the provisions of this act had taken effect on January 1, 1998. The Fund shall make the payment to all eligible persons receiving a pension or benefit on the effective date of this act. The payment shall be made, for each month the person was or will be eligible to receive a pension or benefit during the period beginning on January 1, 1998, and ending on June 30, 1999, as follows:

(A) To a person described in division (C) of section 742.3718 or division (D) of section 742.39 of the Revised Code, as amended by this act, the payment shall be the lesser of the following:

- (1) One hundred forty dollars;
- (2) The difference between:
  - (a) Five hundred fifty dollars; and
  - (b) The amount of the person's monthly pension or benefit.

(B) To a person described in division (D)(1) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be one hundred forty dollars.

(C) To a person described in division (E) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be thirty-two dollars.

(D) To a person described in division (F) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be:

- (1) In the case of one dependent parent, forty-two dollars;
- (2) In the case of two dependent parents, twenty-one dollars.

In the event that the recipient of a payment under this section dies prior to July 1, 1999, no part of the payment under this section shall be recovered by the Fund.

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