

Sec. 145.39. 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 this chapter. The public employees retirement board may require any disability retirant to undergo a medical examination. If any disability retirant refuses to submit to a medical examination, his retirement allowance shall be discontinued until his withdrawal of the refusal. Should the refusal continue for one year, all his rights in and to such retirement allowance shall be forfeited. Upon 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 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 three months after such determination or upon employment as a public employee. If the 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 the employer shall restore the retirant to his previous position and salary or to a position and salary similar thereto.

THE BOARD MAY ADOPT RULES REQUIRING EACH DISABILITY RETIRANT TO FILE WITH THE BOARD AN ANNUAL STATEMENT OF EARNINGS AND CURRENT MEDICAL INFORMATION ON HIS CONDITION.

If a disability retirant is restored to service by an employer covered by this chapter, his retirement allowance shall cease and the annuity and pension reserves on his allowance at that time in the annuity and pension reserve fund shall be transferred from the annuity and pension reserve fund to the employees' savings fund and the employers' accumulation fund, respectively.

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

If a disability allowance is terminated for any reason, and the total disability allowance paid is less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of his disability retirement, 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.

If a former disability retirant again becomes a contributor to this system, the state teachers retirement system, or the public school employees 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.

If any employer employs any member who is receiving a disability allowance, 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 allowance paid during the period of employment prior to notice shall be charged to the employer and paid from funds supplied by the employer.

Effective
Feb 23, 1982.