

Sec. 3309.38. (A) A member retiring on commuted service retirement on or after September 30, 1963, shall be granted a retirement allowance consisting of:

~~(A)~~ (1) An annuity having a reserve equal to the amount of the employee's accumulated contributions at the time;

~~(B)~~ (2) A pension of equivalent amount;

~~(C)~~ (3) An additional pension, if such employee has prior service credit, the reserve for which, based upon regular interest and the service tables approved by the board, shall be the present worth of the reserve required for the payment of the prior service pension provided by section 3309.36 of the Revised Code, after either age sixty or thirty-two years of service credit, whichever can be first attained. The annual prior service pension shall be determined by the amount of such commuted reserve divided by the service annuity rate for the attained annuity age of retirement;

~~(D)~~ (4) For members who have ten or more years of service credit accumulated prior to October 1, 1956, a basic annual pension equal to one hundred eighty dollars, which shall be commuted in the same manner as provided for the prior service pension in division ~~(C)~~ (A)(3) of this section, provided such commuted basic annual pension shall not exceed the sum of the total annual benefits provided by divisions (A)(1), ~~(B)~~ (2), and ~~(C)~~ (3) of this section.

~~(E)~~ (B) When a member retires on commuted service retirement, ~~his~~ THE MEMBER'S annual single lifetime allowance including the allowances provided in divisions (A)(1), ~~(B)~~ (2), ~~(C)~~ (3), and ~~(D)~~ (4) of this section shall not be less than the allowances provided under the provisions of division ~~(E)~~ (B) of section 3309.36 of the Revised Code and shall not exceed the limit established by division ~~(E)~~ (B)(3) of that section.

~~(F)~~ (C) Retirement allowances determined under this section shall be paid as provided in section 3309.46 of the Revised Code.

SECTION 4. Not later than sixty days after the effective date of this act, the School Employees Retirement Board shall recalculate each allowance calculated under section 3309.36 or 3309.38 of the Revised Code that is based on more than thirty years of service credit and is effective on or after July 1, 1998, but before the effective date of this act.

If the recalculated allowance is greater than the recipient's allowance prior to the recalculation, the Board shall do both of the following:

(A) Begin payment of the recalculated allowance on the first day of the month immediately following the date the recalculation is made;

(B) Make one additional payment to the recipient equal to the difference between the amount of allowance the recipient received between July 1, 1998, and the date of the payment described in division (A) of this section and the increased allowance the recipient would have received had the act gone into effect on July 1, 1998.

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