

Effective 8-25-1995

rights, privileges, or obligations of membership except as provided in this division.

Sec. 742.3720. AS USED IN THIS SECTION, "DISABILITY BENEFIT RECIPIENT" MEANS A MEMBER OF THE FUND WHO IS RECEIVING A DISABILITY BENEFIT PURSUANT TO DIVISION (C)(2), (3), (4), OR (5) OF SECTION 742.37 OF THE REVISED CODE.

(A) FOR PURPOSES OF THIS SECTION, A DISABILITY BENEFIT RECIPIENT SHALL BE CONSIDERED ON LEAVE OF ABSENCE FROM THE RECIPIENT'S POSITION OF EMPLOYMENT AS A MEMBER OF A POLICE OR FIRE DEPARTMENT DURING THE FIRST THREE YEARS FOLLOWING THE EFFECTIVE DATE OF THE RECIPIENT'S DISABILITY BENEFIT, NOTWITHSTANDING ANY CONTRARY PROVISIONS IN THIS CHAPTER.

(B) THE BOARD OF TRUSTEES OF THE POLICE AND FIREMEN'S DISABILITY AND PENSION FUND MAY REQUIRE A DISABILITY BENEFIT RECIPIENT TO UNDERGO A MEDICAL EXAMINATION AT ANY TIME THE BOARD CONSIDERS NECESSARY. IF A DISABILITY BENEFIT RECIPIENT REFUSES TO SUBMIT TO A MEDICAL EXAMINATION, THE RECIPIENT'S DISABILITY BENEFIT SHALL BE DISCONTINUED UNTIL THE RECIPIENT WITHDRAWS THE REFUSAL. IF THE REFUSAL CONTINUES FOR ONE YEAR, ALL THE RECIPIENT'S RIGHTS UNDER AND TO THE DISABILITY BENEFIT SHALL BE FORFEITED.

(C) THE BOARD SHALL SELECT ONE OR MORE PHYSICIANS TO CONDUCT AN EXAMINATION REQUIRED UNDER THIS SECTION. UPON COMPLETION OF THE EXAMINATION, THE PHYSICIANS SHALL DETERMINE AND CERTIFY TO THE BOARD WHETHER THE DISABILITY BENEFIT RECIPIENT IS PHYSICALLY AND MENTALLY CAPABLE OF RESUMING EMPLOYMENT SIMILAR TO THAT FROM WHICH THE RECIPIENT WAS FOUND DISABLED, EITHER AS AN EMPLOYEE OR IN ANOTHER EMPLOYMENT POSITION IN THE PUBLIC OR PRIVATE SECTOR. IF THE BOARD CONCURS IN THE REPORT THAT THE DISABILITY BENEFIT RECIPIENT IS SO CAPABLE, THE PAYMENT OF THE DISABILITY BENEFIT SHALL BE TERMINATED NINETY DAYS AFTER THE DATE OF THE BOARD'S CONCURRENCE OR UPON EMPLOYMENT AS AN EMPLOYEE, WHICHEVER IS EARLIER. THE BOARD SHALL ADOPT RULES ESTABLISHING A PROCEDURE FOR APPEALING THE BOARD'S CONCURRENCE IN THE PHYSICIANS' REPORT. IF THE LEAVE OF ABSENCE PROVIDED UNDER THIS SECTION HAS NOT EXPIRED, THE BOARD SHALL CERTIFY TO THE RECIPIENT'S LAST EMPLOYER BEFORE BEING FOUND DISABLED THAT THE RECIPIENT IS CAPABLE OF RESUMING SERVICE AND, IF THE RECIPIENT REQUESTS, THE EMPLOYER SHALL RESTORE THE RECIPIENT TO THE PREVIOUS POSITION AND

SALARY OR TO A POSITION AND SALARY SIMILAR TO IT, WITH ALL PREVIOUS RIGHTS, INCLUDING CIVIL SERVICE STATUS.

(D) THE BOARD SHALL ADOPT RULES REQUIRING EACH DISABILITY BENEFIT RECIPIENT TO FILE WITH THE BOARD AN ANNUAL STATEMENT OF EARNINGS AND CURRENT MEDICAL INFORMATION ON THE RECIPIENT'S HEALTH CONDITION.

Sec. 742.3721. IN LIEU OF RECEIVING A BENEFIT PURSUANT TO DIVISION (C)(3), (4), OR (5) OF SECTION 742.37 OF THE REVISED CODE FOR PARTIAL DISABILITY, A MEMBER OF THE POLICE AND FIREMEN'S DISABILITY AND PENSION FUND MAY REQUEST THAT THE EMPLOYING POLICE OR FIRE DEPARTMENT EMPLOY THE MEMBER IN ANOTHER POSITION WITH DUTIES THE MEMBER IS PHYSICALLY AND MENTALLY CAPABLE OF PERFORMING. NOTWITHSTANDING CHAPTER 124. OF THE REVISED CODE OR MUNICIPAL CIVIL SERVICE REQUIREMENTS, THE POLICE OR FIRE DEPARTMENT MAY EMPLOY THE MEMBER IN ANY POSITION WITH DUTIES THE MEMBER IS PHYSICALLY AND MENTALLY CAPABLE OF PERFORMING.

Sec. 3307.10. (A) The members of the state teachers retirement board shall serve without compensation, except that members shall be reimbursed from the expense fund for all actual necessary expenses incurred while serving on the board.

(B) The board may secure insurance coverage designed to indemnify board members and employees for their actions or conduct in the performance of official duties, and may pay required premiums for such coverage from the expense fund.

(C) If the officers of the board determine that a meeting of the entire membership, or any part thereof, is necessary, such determination shall be final, and teacher members shall be given time off from their employment to attend any such meeting. The employer of a teacher member shall not reduce the member's earned compensation as a teacher or any contribution required under section 3307.51 of the Revised Code, because of the teacher member's absence from employment to attend any such meeting.

The portion of the employer contribution required under section 3307.53 of the Revised Code that represents earned compensation of a teacher member paid for the period of an absence from employment to attend a board meeting, shall be annually transferred from the expense fund and forwarded to the employer of the teacher member.

(D) THE BOARD SHALL ADOPT RULES IN ACCORDANCE WITH SECTION 111.15 OF THE REVISED CODE ESTABLISHING A POLICY FOR REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY BOARD MEMBERS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. AS PART OF ANY AUDIT PERFORMED UNDER CHAPTER 117. OF THE REVISED CODE, AN INQUIRY SHALL BE MADE INTO WHETHER BOARD MEMBERS HAVE COMPLIED WITH THESE RULES.