

117.

(9) (b) If the medical board reports and certifies to the board of trustees that any disability beneficiary is engaged in or is able to engage in a gainful occupation that pays more than the difference between his retirement allowance and his average final compensation plus \$3,000, and if the board of trustees concurs in the report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, is equal to the amount of his average final compensation PLUS \$3,000. If his earning capacity changes later, the amount of his pension may be further modified, if the new pension does not exceed the amount of the pension originally granted nor an amount that, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation PLUS \$3,000. A beneficiary restored to active service at a salary that is less than the average final compensation [of] ON the basis of which he was retired may not become a member of the retirement system until his salary is at least equal to the average final compensation. In this paragraph, "retirement allowance" means the allowance payable without any optional modification as provided in subsection (12)(a) of this section. The allowed earnings of a disability beneficiary shall be determined by the difference between his retirement allowance at the time of his retirement and his average final compensation.

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(9) (b) If the medical board reports and certifies to the board of trustees that any disability beneficiary is engaged in or is able to engage in a gainful occupation that pays more than the difference between his retirement allowance and his average final compensation plus \$3,000, and if the board of trustees concurs in the report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall be equal to the amount of his average final compensation PLUS \$3,000. If his earning capacity changes later, the amount of his pension may be further modified, except that the new pension may not exceed the amount of the pension originally granted nor an amount that, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation PLUS \$3,000. A beneficiary restored to active service at a salary less than the average final compensation on the basis of which he was retired may not become a member of the retirement system until his salary is at least equal to the average final compensation. In this paragraph, "retirement allowance" means the allowance payable without optional modification as provided in subsection (12)(a) of this section. The allowed earnings of a disability pensioner shall be determined by the difference between his retirement allowance at the time of his retirement and his average final compensation.