

**61.546 Sick leave for employees who began participating before January 1, 2014.
(Declared void -- See LRC Note Below)**

- (1) Except as otherwise provided by this section, any member of the Kentucky Employees Retirement System or the State Police Retirement System whose retirement date is July 14, 1984, or thereafter, shall receive credit for unused sick leave accrued while contributing to the retirement system from which the retirement benefit is to be paid in accordance with this section.
- (2)
 - (a) Upon the member's notification of retirement as prescribed in KRS 16.576 or 61.590, the employer shall certify the retiring member's unused, accumulated sick leave balance to the system.
 - (b) The member's sick leave balance, expressed in days, shall be divided by the average number of working days per month in the state service and rounded to the nearest number of whole months.
 - (c) Except as provided by subsections (3) and (4) of this section, the member's sick leave balance, expressed in months, shall upon retirement be added to his service credit for the purpose of determining his annual retirement allowance under KRS 16.505 to 16.652 or 61.510 to 61.705 and for the purpose of determining whether the member is eligible to receive a retirement allowance under KRS 16.505 to 16.652 or 61.510 to 61.705.
- (3) For a member who begins participating in the Kentucky Employees Retirement System or the State Police Retirement System on or after September 1, 2008:
 - (a) The member shall receive no more than twelve (12) months of service credit upon retirement for accumulated unused sick leave accrued while contributing to the retirement system or systems from which the retirement benefit is to be paid;
 - (b) The service credited for accumulated unused sick leave as limited by this section and added to the member's service credit shall be used for purposes of determining the member's annual retirement allowance under KRS 16.505 to 16.652 and 61.510 to 61.705; and
 - (c) The service credited for accumulated unused sick leave and added to the member's service credit shall not be used to determine whether a member is eligible to receive a retirement allowance under any of the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 or to reduce any applicable actuarial reductions.
- (4) For a member who began participating in the Kentucky Employees Retirement System or the State Police Retirement System prior to September 1, 2008, who retires on or after July 1, 2023, the service credited for accumulated unused sick leave and added to the member's service credit shall not be used to determine whether a member is eligible to receive a retirement allowance under any of the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 or to reduce any applicable actuarial reductions.
- (5) Notwithstanding any other provision of this section to the contrary, the value of any accumulated sick leave that is added to the member's service credit in the Kentucky

Employees Retirement System or the State Police Retirement System on or after July 1, 2010, shall be paid to the retirement system by the last participating Kentucky Employees Retirement System or State Police Retirement System employer based upon a formula adopted by the board.

- (6) The provisions of this section shall not apply to a participating agency whose employees are not employed by the Commonwealth until the agency certifies to the system that a sick leave program has been formally adopted and is universally administered within the agency, except that any agency participating in the Kentucky Employees Retirement System who has not adopted a sick leave program prior to August 1, 2018, shall not be eligible to adopt a sick leave program under this section.
- (7) This section shall not apply to members who begin participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 107, sec. 16, effective July 14, 2018. -- Amended 2013 Ky. Acts ch. 120, sec. 49, effective July 1, 2013. -- Amended 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 11, effective June 27, 2008. -- Amended 1992 Ky. Acts ch. 240, sec. 20, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 483, sec. 3, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 276, sec. 1, effective July 15, 1988; and ch. 349, sec. 14, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 233, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 220, sec. 1, effective July 15, 1982; and ch. 423, sec. 6, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 165, sec. 1, effective July 15, 1980.

Legislative Research Commission (6/27/2008). A manifest clerical or typographical error in 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 11 (this statute), has been corrected in codification by the Reviser of Statutes under the authority of KRS 7.136(1)(h).

Legislative Research Commission Note (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.