

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems
(New Administrative Regulation)

105 KAR 1:001. Definitions for KAR Title 105.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate all administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes definitions for Title 105 of the Kentucky Administrative Regulations.

Section 1. Definitions as used in Title 105 of the Kentucky Administrative Regulations, unless otherwise required by context or otherwise defined in a specific administrative regulation:

- (1) "AAC" means:
 - (a) Prior to April 1, 2021, the Administrative Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.
 - (b) Beginning April 1, 2021, the separate or joint Administrative Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.645(16) and 78.782(16).
- (2) "Accumulated employer credit" is defined in KRS 16.505(39), 61.510(40), and 78.510(37)
- (3) "Accumulated account balance" is defined in KRS 16.505(40), 61.510(41), and 78.510(38)
- (4) "Accumulated contributions" is defined in KRS 16.505(7), 61.510(12), and 78.510(12).
- (5) "Act in line of duty" or "in line of duty" is defined in KRS 16.505(19) and 78.510(48).
- (6) "Active member" means a member who is participating in the systems.
- (7) "Actuarial equivalent" is defined in KRS 16.505(13), 61.510(17), and 78.510(17).
- (8) "Agency" means:
 - (a) Prior to April 1, 2021, the Kentucky Retirement Systems, which administered the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System; and
 - (b) Beginning April 1, 2021, the Kentucky Public Pensions Authority, which is authorized to carry out the day-to-day administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.
- (9) "Agency reporting official" is defined in KRS 78.510(20).
- (10) "Alternate payee" is defined in KRS 16.505(38), 61.510(39), and 78.510(36).
- (11) "Authorized leave of absence" is defined in KRS 16.505(14).
- (12) "Beneficiary" is defined in KRS 16.505(25), 61.510(26), and 78.510(25).
- (13) "Boards" means the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System.
- (14) "Bona fide promotion or career advancement" is defined in KRS 61.598(1) and 78.545(22).

- (15) "Career threshold" is defined in KRS 61.702(4)(e).9.a. and 78.5536(4)(e)9.a.
- (16) "County" is defined in KRS 78.510(3).
- (17) "Creditable compensation" is defined in KRS 16.505(8), 61.510(13), and 78.510(13).
- (18) "Current rate of pay" is defined in KRS 16.505(24), 61.510(25), and 78.510(24).
- (19) "Current service" is defined in KRS 16.505(4), 61.510(10), and 78.510(10).
- (20) "DAC" means:
- (a) Prior to April 1, 2021, the Disability Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.
 - (b) Beginning April 1, 2021, the separate or joint Disability Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.665(4) and 78.545(11).
- (21) "Department" is defined in KRS 61.510(3).
- (22) "Dependent child" is defined in KRS 16.505(17) and 78.510(49).
- (23) "Disability retirement date" is defined in KRS 16.505(16), 61.590(5)(b), and 78.510(51).
- (24) "Duty-related injury" is defined in KRS 61.621(2) and 78.545(20).
- (25) "Early retirement date" is defined in KRS 16.505(20), 61.590(5)(c), and 78.545(4).
- (26) "Employee" is defined in KRS 61.510(5) and 78.510(6).
- (27) "Employer" is defined in KRS 16.505(3), 61.510(6), and 78.510(7).
- (28) "Employer's effective cessation date" is defined in KRS 61.522(1)(c) and 78.535(1)(c).
- (29) "End of day" means 11:59 p.m. Eastern Time, on the date referenced.
- (30) "Examiner" means the medical examiners as provided in KRS 61.665 and 78.545(11).
- (31) "File" means a form or document has been received at the retirement office by mail, fax, secure email, in-person delivery, or via Self Service on the Web site maintained by the agency (if available).
- (32) "Final compensation" is defined in KRS 16.505(9), 61.510(14), and 78.510(14).
- (33) "Final rate of pay" is defined in KRS 16.505(10), 61.510(15), and 78.510(15).
- (34) "Fiscal year" is defined in KRS 16.505(32), 61.510(19), and 78.510(19).
- (35) "Gainful employment" means work in any capacity that is, or may be, performed with regularity and is, or may be, usually done for pay, whether or not pay is received, including seasonal, volunteer, part-time, and on-call work.
- (36) "Grandfathered service" is defined in KRS 61.552(9)(b) and 78.545(7).
- (37) "Hazardous disability" is defined in KRS 16.505(23) and 78.510(47).
- (38) "Hazardous position" means a regular full-time officer as defined in 16.505(22), or a "hazardous position" as defined in 61.592(1)(a), 78.510(42), and 78.5520(1).
- (39) "Hospital and medical insurance plan" is defined in KRS 61.702(1)(a) and 78.5536(1)(a).
- (40) "In line of duty" or "act in line of duty" is defined in KRS 16.505(19) and 78.510(48).
- (41) "Inactive member" means a member who is not participating in the system.
- (42) "Increment" is defined in KRS 61.510(29) and 78.510(44).
- (43) "Instructional staff" is defined in KRS 61.510(48).
- (44) "Invalid," when used in reference to a form, means that the form does not meet the requirements to be valid, and shall not be processed by the agency.
- (45) "Last day of paid employment" is defined in KRS 16.505(30), 61.510(32), and 78.510(45).
- (46) "Level percentage of payroll amortization method" is defined in KRS 61.510(28) and 78.510(43).

- (47) "Medical information" as used in KRS 61.610, 61.615, 61.665, 78.5526 and 78.5528, means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests. Written statements from medical providers alone are not medical information unless accompanied by supporting contemporaneous records as discussed in this subsection.
- (48) "Member" is defined in KRS 16.505(21), 61.510(8), and 78.510(8).
- (49) "Membership date" is defined in KRS 16.505(35), 61.510(36), and 78.510(33).
- (50) "Month" is defined in KRS 16.505(34), 61.510(35), and 78.510(32).
- (51) "Monthly average pay" is defined in KRS 16.505(41), 61.510(45), and 78.510(52).
- (52) "Monthly contribution rate" is defined in KRS 61.702(1)(b) and 78.5536(1)(b).
- (53) "Nominal fee" is defined in KRS 61.510(43) and 78.510(40).
- (54) "Non-core services independent contractor" is defined in KRS 61.5991(9).
- (55) "Nonhazardous position" is defined in KRS 61.510(44) and 78.510(41).
- (56) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date.
- (57) "Normal retirement date" is defined in KRS 16.505(15), 61.510(18), 61.590(5)(a), and 78.510(18).
- (58) "Objective medical evidence" is defined in KRS 16.505(31), 61.510(33), and 78.510(46).
- (59) "Officers and employees of the General Assembly" is defined in KRS 61.510(20).
- (60) "Optional allowance" is defined in KRS 16.505(18).
- (61) "Participant" is defined in KRS 16.505(36), 61.510(37), and 78.510(34).
- (62) "Participating" is defined in KRS 16.505(33), 61.510(34), and 78.510(31).
- (63) "Participating employer" means any employer that participates in one (1) of the systems operated by the agency.
- (64) "Participation date" means the earlier of "membership date" as defined in this section or the date on which the member began participating in another state-administered retirement system if the member has not retired or taken a refund from the other state-administered retirement system.
- (65) "Past service" is defined in KRS 61.552(5)(a) and 78.545(7).
- (66) "Person" means a natural person.
- (67) "Premium" means the monthly dollar cost required to provide hospital and medical insurance plan coverage for a recipient, a recipient's spouse, or a disabled or dependent child.
- (68) "Prior service" is defined in KRS 16.505(5), 61.510(11), and 78.510(11).
- (69) "Provide," when used in reference to a form or other document, means the agency makes a form or document available on its Web site (if appropriate) or by mail, fax, secure email, or via Self Service on the Web site maintained by the agency (if available).
- (70) "Qualified domestic relations order" is defined in KRS 16.505(37), 61.510(38), and 78.510(35).
- (71) "Recipient" is defined in KRS 16.505(26), 61.510(27), and 78.510(26).
- (72) "Reemployment" means the retired member's first date of employment with a participating employer following his or her most recent retirement date.
- (73) "Regular full-time officers" is defined in KRS 16.505(22),
- (74) "Regular full-time position" is defined in KRS 61.510(21) and 78.510(21).
- (75) "Retired member" is defined in KRS 16.505(11), 61.510(24), and 78.510(23).

- (76) "Retirement allowance" is defined in KRS 16.505(12), 61.510(16), and 78.510(16).
(77) "Retirement office" is defined in KRS 16.505(28), 61.510(31), and 78.510(29).
(78) "School board" is defined in KRS 78.510(4).
(79) "School term or year" is defined in KRS 78.510(28).
(80) "Service" is defined in KRS 16.505(6), 61.510(9), and 78.510(9).
(81) "State" means the Commonwealth of Kentucky.
(82) "Systems" means the State Police Retirement System (KRS 16.505 to 16.652), the Kentucky Employees Retirement System (KRS 61.510 to 61.705), and the County Employees Retirement System (KRS 78.510 to 78.852).
(83) "Total and permanent disability" is defined in KRS 16.582(1)(a) and 78.5524(1)(a)1.
(84) "Valid," when used in reference to a form, means that all required sections of a form are filled out, the form has been fully executed by the required person or the person's legal representative, and all supporting documentation required by the form is included with the form.
(85) "Volunteer" is defined in KRS 61.510(42) and 78.510(39).

DAVID L. EAGER, Executive Director

APPROVED BY AGENCY: December 7, 2022

FILED WITH LRC: December 14, 2022 at 10:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, February 23, 2023, at 2:00 p.m. at the Kentucky Public Pension Authority, 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until Tuesday, February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jessica Beaubien, Policy Specialist, Kentucky Public Pension Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8800 ext. 8570, fax (502) 696-8615, email Legal.Non-Advocacy@kyret.ky.gov.