

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(New Administrative Regulation)

105 KAR 1:470. Agency Communications.

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 Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes how the Kentucky Public Pensions Authority shall communicate with members, retired members, beneficiaries, alternate payees, and other recipients of a retirement allowance, and the procedures to change communication preferences.

Section 1. Definitions.

- (1) "Agency account" means the member account or other agency issued account assigned to a COR.
- (2) "COR" means a communications recipient; including a member, retired member, beneficiary, alternate payee, or recipient.
- (3) "Electronic notification" means the process of delivering information, messages, or alerts through digital means, such as email, Short Message Service (SMS), Multimedia Messaging Service (MMS) notification, push notifications, or other digital communication methods.
- (4) "Invalid email address" means an email address that is not valid or is no longer operational or associated with the COR, as verified by the agency through a COR's self-report, an audit, or other means.
- (5) "Paperless communication" means communication provided by the agency in an electronic format through electronic notifications and the Self-Service Web site.
- (6) "Self-Service Web site" means the secure Member Self-Service or Retiree Self-Service agency Web site that allows a COR to access his or her agency account information and services related to that account.
- (7) "Valid email address" means an email address the agency has on file for a COR that is operational and able to receive messages, or has not otherwise been deemed an invalid email address by the agency.
- (8) "Valid physical mailing address" means the mailing address on file for a COR where he or she is able to receive U.S. mail, including:
 - (a) A current street address;
 - (b) A Post Office box registered with the United States Postal Service; or
 - (c) A private mailbox registered with a commercial mail receiving agency established pursuant to the United States Postal Service regulation.

Section 2. Agency default to paperless.

- (1) Beginning May 1, 2024, the agency shall default to paperless communications for all CORs who have a valid email address on file. The agency shall provide CORs with notification of the default to paperless communication and information on how to opt-out.
- (2)
 - (a) Any COR that has a valid email address on file as of May 1, 2024, that has not elected to opt-out in accordance with Section 5 of this administrative regulation, shall receive paperless communication from the agency, apart from limited exceptions as specified in Section 10 of this administrative regulation.

- (b) A COR who has a valid email address on file but does not have a valid physical mailing address on file, shall not be given the ability to opt-out.
- (3) Any COR that does not have a valid email address on file as of May 1, 2024, shall not receive paperless communication until the COR's communication preferences change in accordance with Section 6 of this administrative regulation.

Section 3. Email addresses.

- (1)
 - (a) If a COR needs to add or update his or her email address, the COR shall complete one of the following:
 - 1. Update and save the email address on the Self-Service Web site;
 - 2. Update the email address via phone by calling the agency and providing his or her agency issued personal identification number (PIN);
 - 3. File a valid Form 2040, Change of Contact Information; or
 - 4. Provide the email address on any valid filed agency form that has the option to update the email address.
 - (b)
 - 1. The most recent update to the COR's email address that complies with this subsection shall be the email address used for paperless communication.
 - 2. The agency shall notify the COR of the update to his or her email address.
- (2) If a participating employer provides an email address to the agency and the COR does not already have a valid email address on file, the agency shall use the email address provided by the employer until either:
 - (a) The email address is identified by the agency as invalid; or
 - (b) The COR changes the email address in accordance with subsection (1) of this section.
- (3) The agency shall perform tests and audits to assist in determining if an email address is valid.
- (4) A COR shall routinely be requested to confirm his or her email address on the Self-Service Web site.
- (5) If the agency determines an email address is invalid for a COR receiving paperless communication, he or she shall stop receiving paperless communication. The agency shall send the COR notification of the change via U.S. mail, which shall include information on how to update his or her email address and how to change his or her communication preferences.
- (6) The agency shall maintain an internal record of changes made to a COR's email address.

Section 4. Paperless communication notifications and access.

- (1) The agency shall provide paperless communication through the Self-Service Web site messaging center to all CORs with a valid email address on file who have not elected to opt-out in accordance with Section 5 of this administrative regulation.
- (2)
 - (a) When a new message becomes available for a COR on the Self-Service Web site, he or she shall receive an electronic notification indicating that there is a message in the message center on the Self-Service Web site.
 - (b) If a COR has not set up a Self-Service Web site account, the COR's electronic notification shall include a hyperlink to view details of how to set up his or her Self-Service Web site account and access the message.
 - (c) A COR shall access the message by logging into the Self-Service Web site and viewing the message in the message center.

Section 5. Opt-out of paperless communications.

- (1) To opt-out of paperless communications, a COR shall:
 - (a) File a valid Form 2040, Change of Contact Information, indicating the election to opt-out;
 - (b) Update via phone by calling the agency, providing his or her agency issued PIN, and notifying the agency of his or her election to opt-out; or
 - (c) Update and save the opt-out preference in his or her Self-Service Web site account.
- (2)
 - (a) A COR that does not update his or her communication preference in accordance with this subsection shall continue to receive paperless communication from the agency, apart from limited exceptions as specified in Section 10 of this administrative regulation.
 - (b) The COR shall stop receiving paperless communication as soon as the request is processed by the agency, apart from limited exceptions as specified in Section 9 of this administrative regulation.
 - (c) The agency shall provide the COR with notice of the change in communication preferences.

Section 6. Changing to paperless communications.

- (1) A COR who previously did not have a valid email address on file, shall complete one of the following to change his or her communication preferences to paperless communications:
 - (a) File a valid Form 2040, Change of Contact Information, indicating the election to receive paperless communication and provided a valid email address;
 - (b) Update the email address via phone by calling the agency, providing his or her agency issued PIN and valid email address, and notifying the agency of his or her communication preferences;
 - (c) Update and save the preference to receive paperless communications in his or her Self-Service Web site account; or
 - (d) Provide the agency with a valid email address on any filed valid agency form that has the option to update the email address, except if the COR simultaneously elects to opt-out in accordance with Section 5 of this administrative regulation.
- (2) A COR who previously elected to opt-out of paperless communications shall complete one of the following to change his or her communication preferences to paperless communications:
 - (a) File a valid Form 2040, Change of Contact Information, indicating the election to receive paperless communication;
 - (b) Update via phone by calling the agency, providing his or her agency issued PIN, confirming the email address, and notifying the agency of his or her communication preference; or
 - (c) Update and save the preference to receive paperless communications in his or her Self-Service Web site account.
- (3)
 - (a) A COR that does not update his or her communication preference in accordance with this subsection shall not receive paperless communication from the agency, apart from limited exceptions as specified in Section 9 of this administrative regulation.
 - (b) The agency shall provide the COR with notice of the change in communication preferences.

Section 7. New CORs.

- (1) Beginning May 1, 2024, a default to paperless communications for a new COR shall occur when:
 - (a) A member with a valid email address on file begins participating in the systems; or

(b) An agency account is created for a new beneficiary, new alternate payee, or other new recipient.

(2) The agency shall provide the persons indicated in subsection (1) of this section notification of the default to paperless communication, how to access the Self-Service Web site, and how to update paperless communication preferences.

(3) If the person indicated in subsection (1) of this section does not opt-out in accordance with Section 5 of this administrative regulation, he or she shall receive paperless communication from the agency, apart from limited exceptions as specified in Section 10 of this administrative regulation.

(4) Beginning May 1, 2024, when a member begins participating in the systems, or an agency account is created for a new beneficiary, new alternative payee, or other new recipient, and there is no valid email address on file, the agency shall provide the person with information on how to update his or her email address and communication preferences, and how to access the Self-Service Web site. The person shall not receive paperless communication from the agency until the person changes his or her communication preferences in accordance with Section 6 of this administrative regulation and provides a valid email address.

Section 8. Termination of employment with a participating employer.

(1) Except as provided in subsection (2) of this section, when the agency becomes aware that a member has terminated employment with a participating employer, the agency shall provide the member with notification indicating:

- (a) The status of the member's current communication preference;
- (b) If applicable, the valid email address currently on file for the member; and
- (c) Information on how to update his or her email address and paperless communication preferences.

(2) If the member has requested an accumulated account balance refund in accordance with KRS 61.625(1) and 78.545, the agency shall not provide the member with the notification required in subsection (1) of this section.

Section 9. Exceptions to paperless communication opt-out. A COR who is not receiving paperless communication, but has a valid email address on file, shall at times receive general member information that is not specific to the COR through his or her email address.

Section 10. Exceptions to paperless communication. A COR who is receiving paperless communication shall, at times, receive communication via other methods when required by:

- (1) Local, state, or federal law, including tax laws;
- (2) Third-party vendors;
- (3) Medicare or other hospital and medical insurance; or
- (4) At the discretion of the agency.

Section 11. Updating a physical mailing address.

(1) For a COR to update his or her physical mailing address, the COR shall do one of the following:

- (a) Update and save the physical mailing address on the Self-Service Web site;
- (b) Update the physical mailing address via phone by calling the agency and providing his or her agency issued PIN and the updated physical mailing address; or
- (c) Provide the physical mailing address on any filed agency form that has the option to update the physical mailing address.

(2) The most recent update to the COR's physical mailing address that complies with this subsection (1) of this section shall be the physical mailing address used for non-paperless communication.

Section 12. Guardianship or Power of Attorney communication.

(1) If a COR has a valid Guardianship Order, Conservatorship Order, or a Power of Attorney on file:

(a) All changes to the COR's agency account shall be made by filing the appropriate valid form or document; and

(b) No changes to the COR's agency account shall be made through the Self-Service Web site or by phone.

(2) Nothing in this section shall prevent the agency from providing paperless communications in compliance with Section 4 of this administrative regulation for a COR with a valid Guardianship Order, Conservatorship Order, or Power of Attorney on file.

Section 13. Incorporation by reference.

(1) Form 2040, Change of Contact Information, updated December 2023, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, from 8:00 a.m. to 4:30 p.m. This material is also available on the agency's Web site at kyret.ky.gov.

DAVID L. EAGER, Executive Director

APPROVED BY AGENCY: December 6, 2023

FILED WITH LRC: December 7, 2023 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing to allow for public comment on this administrative regulation shall be held on February 21, 2024 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment 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.

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