

**161.507 Prior service credit for veterans -- Credit for military service and uniformed service by active contributing member. (Declared void -- See LRC Note Below)**

- (1) An active contributing member of the Teachers' Retirement System may receive service credit for active service rendered in the uniformed services of the Armed Forces of the United States, including the commissioned corps of the Public Health Service, subject to the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, the provisions of this section as applicable, and the administrative regulations promulgated by the board of trustees. Military service includes service in the uniformed services that occurs before the employment of a member in a position covered by the retirement system or where a member leaves covered employment without giving advance written or verbal notice of performing duty in the uniformed services. Service in the uniformed services also includes uniformed service that occurs after employment in a position covered by the retirement system where the member has given advance written or verbal notice of performing duty in the uniformed services and the member returns directly from uniformed services to covered employment. Military service may be credited only if discharge was honorable or was not terminated upon the occurrence of any of the events listed in 38 U.S.C. sec. 4304. Service shall be considered as Kentucky teaching service, except that service may not be used for meeting the service requirements set forth in KRS 161.600(1)(a) or 161.661(1) unless the service occurred after the member gave written or verbal notice of performing duty in the uniformed services and the member returned directly from uniformed services to covered employment. A maximum of six (6) years of military service may be credited, but in no case a greater number of years than the actual years of contributing service in Kentucky.
- (2) No credit shall be granted for military service which has been or will be used in qualifying for annuity benefit payments from another retirement system financed wholly or in part by public funds.
- (3) A member having twenty (20) years or more of active duty in the military service, and who is qualified for regular federal retirement benefits based on this military service, may not receive credit for any military service in the Teachers' Retirement System. This subsection shall apply to service presented for credit on July 1, 1975, and after this date.
- (4) (a) An individual who became a member prior to January 1, 2019, who desires to receive retirement credit for active duty in the armed services of the United States prior to employment in a position covered by the retirement system or where the member leaves covered employment without giving advance written or verbal notice of performing duty in the uniformed services shall pay to the retirement system the full actuarial cost of the service credit purchased as provided under KRS 161.220(22). These contributions shall not be picked up, as described in KRS 161.540(2). In purchasing retirement credit for active duty in the armed services, the latest years of service shall be considered first in allowing credit toward retirement. The board of trustees shall adopt a table

of actuarial factors to be used in calculating the amount of contribution required for crediting this service.

- (b) If military service occurred after the member gave written or verbal notice of performing duty in the uniformed services and the member returns directly from uniformed services to covered employment, the member shall contribute the regular member contribution required by KRS 161.540. The member may make the payment of delayed contributions in a lump sum payment or in installments not to exceed five (5) years beginning with the member's date of reemployment. Interest at the rate of eight percent (8%) per annum shall be charged for delayed contributions beginning with the member's date of reemployment until paid. Members participating in the hybrid cash balance plan as provided by KRS 161.235 who make the regular member contribution required by this paragraph, shall receive employer credits for the period of service purchased.
- (5) An active contributing member of the Teachers' Retirement System who became a member of the system prior to January 1, 2019, may receive service credit for service in the military reserves of the United States or the National Guard. The member may purchase one (1) month of service for each six (6) months of service in the reserves or the National Guard. Notwithstanding any other statute, regulation, or policy to the contrary, the system shall provide a member, upon request, the estimated actuarial cost of the National Guard or military reserves service purchase based upon the information available at the time of the request. The member shall be entitled to enter into a contract with the system at the time of the request to purchase the National Guard or military reserve service by paying to the system the estimated actuarial cost, either by installments or in lump sum. The member shall pay the full actuarial cost of this service in the military reserves or the National Guard as provided in KRS 161.220(22). Service in the military reserves or the National Guard shall be treated as service earned prior to participation in the system and shall not be used for meeting the service requirements set forth in KRS 161.600(1)(a) or 161.661(1). The payment shall not be picked up by the employer, as described in KRS 161.540(2).

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 107, sec. 52, effective July 14, 2018. -- Amended 2004 Ky. Acts ch. 121, sec. 7, effective July 1, 2004. -- Amended 2002 Ky. Acts ch. 275, sec. 13, effective July 1, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 41, effective July 14, 2000; and ch. 498, sec. 10, effective July 1, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 27, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 359, sec. 4, effective July 1, 1996. -- Amended 1992 Ky. Acts ch. 293, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 442, sec. 5, effective July 1, 1990; and ch. 476, Pt. V, sec. 507, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 440, sec. 6, effective July 1, 1986. -- Amended 1984 Ky. Acts ch. 253, sec. 11, effective July 1, 1984; and ch. 302, sec. 3, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 166, sec. 31, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 206, sec. 3, effective July 1, 1980. -- Amended 1976 Ky. Acts ch. 351, sec. 7, effective July 1, 1976. -- Amended 1974 Ky. Acts ch. 395, sec. 8. -- Amended 1972 Ky. Acts ch. 82, sec. 11; and ch. 342, sec. 1. -- Amended 1968 Ky. Acts ch. 136, sec. 5. -- Created 1962 Ky. Acts ch. 64, sec. 20.

**Legislative Research Commission Note (7/14/2000).** This section was amended by 2000 Ky. Acts chs. 385 and 498. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 498, which was last enacted by the General Assembly, prevails under KRS 446.250.

**Legislative Research Commission Note (7/13/90).** The Act amending this section prevails over the repeal and reenactment in House Bill 940, Acts ch. 476, pursuant to sec. 653(1) of Acts ch. 476.

**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.