

161.623 Use of unused sick-leave days to determine service credit -- Applicability to individuals becoming members on or after July 1, 2008 -- Maximum amount -- Limitation of program on and after August 1, 2018. (Declared void -- See LRC Note Below)

- (1) Effective July 1, 1982, and thereafter, a district board of education or other employer of members of the Teachers' Retirement System may compensate, at the time of retirement for service, an active contributing member for unused sick-leave days in accordance with this section.
- (2) Upon the member's application for service retirement, the employer shall certify the retiring member's unused accumulated sick-leave balance to the board of trustees of the Kentucky Teachers' Retirement System. The member's sick-leave balance, expressed in days, shall be divided by one hundred eighty-five (185) days to determine the amount of service credit that may be considered for addition to the member's retirement account for the purpose of determining the retirement allowance under KRS 161.620, subject to the limitation of subsection (9)(a) of this section. Notwithstanding any statute to the contrary, sick-leave credit that is accredited under this section or by one (1) of the other state-administered retirement systems shall not be used for the purpose of determining whether the member is eligible to receive a retirement allowance from the Kentucky Teachers' Retirement System.
- (3) The board shall compute the cost to the retirement system of the sick-leave credit for each retiring member and shall bill the last employer of the retiring member for such cost. The employer shall pay the cost of such service credit to the retirement system within fifteen (15) days after receiving notification of the cost from the board.
- (4) Retiring members who receive service credit under this section shall not be eligible to receive compensation for accrued sick leave under KRS 161.155(10) or any other statutory provision.
- (5) Employer participation is optional and the employer may opt to purchase less service credit than the member is eligible to receive provided the same percentage of reduction is made applicable to all retiring members of the employer during a school fiscal year.
- (6) The board of trustees shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions.
- (7) Payments to the retirement system for service credit obtained under this section or for compensation credit obtained under KRS 161.155(10) shall be based on the full actuarial cost as defined in KRS 161.220(22).
- (8) For an individual who becomes a member on or after July 1, 2008, the maximum amount of unused accumulated sick leave that may be considered for addition to the member's retirement account for purposes of determining the retirement allowance under KRS 161.620 shall not exceed three hundred (300) days or the amount specified by subsection (9)(a) of this section.
- (9) Notwithstanding any other provision of KRS 161.220 to 161.716 to the contrary:

- (a) The maximum amount of sick leave converted to additional service credit under the provisions of this section shall not exceed the service credit based upon the level of sick leave accumulated on December 31, 2018, by a member whose employer participates in the sick leave program authorized by this section; and
- (b) On or after August 1, 2018, no employers may opt to participate in the sick leave program authorized by this section.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 107, sec. 74, effective July 14, 2018. -- Amended 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 40, effective June 27, 2008. -- Amended 2008 Ky. Acts ch. 78, sec. 18, effective July 1, 2008. -- Amended 2006 Ky. Acts ch. 52, sec. 4, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 275, sec. 29, effective July 1, 2002. -- Amended 2000 Ky. Acts ch. 498, sec. 19, effective July 1, 2000. -- Amended 1998 Ky. Acts ch. 530, sec. 2, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 476, Pt. V, sec. 530, effective July 13, 1990; and ch. 483, sec. 5, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 450, sec. 2, effective July 15, 1986. -- Created 1982 Ky. Acts ch. 326, sec. 10, effective July 1, 1982.

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 Section 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.