

1 AN ACT relating to the Kentucky Retirement Systems.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 16.505 is amended to read as follows:

4 As used in KRS 16.505 to 16.652, unless the context otherwise requires:

- 5 (1) "System" means the State Police Retirement System created by KRS 16.505 to  
6 16.652;
- 7 (2) "Board" means the board of trustees of the Kentucky Retirement Systems;
- 8 (3) "Employer" or "State Police" means the Department of Kentucky State Police, or its  
9 successor;
- 10 (4) "Current service" means the number of years and completed months of employment  
11 as an employee subsequent to July 1, 1958, for which creditable compensation was  
12 paid by the employer and employee contributions deducted except as otherwise  
13 provided;
- 14 (5) "Prior service" means the number of years and completed months of employment as  
15 an employee prior to July 1, 1958, for which creditable compensation was paid to  
16 the employee by the Commonwealth. Twelve (12) months of current service in the  
17 system are required to validate prior service;
- 18 (6) "Service" means the total of current service and prior service;
- 19 (7) "Accumulated contributions" at any time means the sum of all amounts deducted  
20 from the compensation of a member and credited to his individual account in the  
21 member's account, including employee contributions picked up after August 1,  
22 1982, pursuant to KRS 16.545(4), together with interest credited on such amounts  
23 as provided in KRS 16.505 to 16.652, and any other amounts the member shall have  
24 contributed, including interest credited. For members who begin participating on or  
25 after September 1, 2008, "accumulated contributions" shall not include employee  
26 contributions that are deposited into accounts established pursuant to 26 U.S.C. sec.  
27 401(h) within the funds established in KRS 16.510, 61.515, and 78.520, as

1 prescribed by KRS 61.702(2)(b);

2 (8) "Creditable compensation":

3 **(a)** Means all salary and wages, including payments for compensatory time, paid  
 4 to the employee as a result of services performed for the employer or for time  
 5 during which the member is on paid leave, which are includable on the  
 6 member's federal form W-2 wage and tax statement under the heading "wages,  
 7 tips, other compensation," including employee contributions picked up after  
 8 August 1, 1982, pursuant to KRS 16.545(4);~~[-]~~

9 **(b) Includes:**~~[A]~~

10 **1.** Lump-sum **bonuses**~~[bonus]~~, severance pay, or employer-provided  
 11 **payments**~~[payment]~~ for purchase of service credit, **which**~~[shall be~~  
 12 ~~included as creditable compensation but]~~ shall be averaged over the  
 13 employee's total service with the system in which it is recorded if it is  
 14 equal to or greater than one thousand dollars (\$1,000);~~[-]~~

15 **2. Lump-sum payments or nonrecurring payments, which shall, as**  
 16 **determined by the board, be credited when earned or be classified as a**  
 17 **lump-sum bonus and credited as provided by subparagraph 1. of this**  
 18 **paragraph;**

19 **3. Amounts which are not includable in the member's gross income by**  
 20 **virtue of the member having taken a voluntary salary reduction**  
 21 **provided for under applicable provisions of the Internal Revenue**  
 22 **Code; and**

23 **4. Elective amounts for qualified transportation fringes paid or made**  
 24 **available on or after January 1, 2001, for calendar years on or after**  
 25 **January 1, 2001, that are not includable in the gross income of the**  
 26 **employee by reason of 26 U.S.C. sec. 132(f)(4); and**

27 **(c) Excludes:**

1           1. Living allowances, expense reimbursements, lump-sum payments for  
2 accrued vacation leave, and other items determined by the board;  
3 ~~and~~ shall be excluded. Creditable compensation shall also include  
4 amounts which are not includable in the member's gross income by  
5 virtue of the member having taken a voluntary salary reduction provided  
6 for under applicable provisions of the Internal Revenue Code. Creditable  
7 compensation shall also include elective amounts for qualified  
8 transportation fringes paid or made available on or after January 1, 2001,  
9 for calendar years on or after January 1, 2001, that are not includable in  
10 the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4).  
11 †

12           2. For employees who begin participating on or after September 1, 2008,  
13 ~~lump-sum~~ creditable compensation shall not include payments for  
14 compensatory time;

15 (9) "Final compensation" means:

16           (a) For a member who begins participating before September 1, 2008, the  
17 creditable compensation of a member during the three (3) fiscal years he was  
18 paid at the highest average monthly rate divided by the number of months of  
19 service credit during the three (3) year period, multiplied by twelve (12); the  
20 three (3) years may be fractional and need not be consecutive. If the number of  
21 months of service credit during the three (3) year period is less than twenty-  
22 four (24), one (1) or more additional fiscal years shall be used; or

23           (b) For a member who begins participating on or after September 1, 2008, but  
24 prior to January 1, 2014, the creditable compensation of the member during  
25 the three (3) complete fiscal years he or she was paid at the highest average  
26 monthly rate divided by three (3). Each fiscal year used to determine final  
27 compensation must contain twelve (12) months of service credit;

- 1 (10) "Final rate of pay" means the actual rate upon which earnings of a member were  
2 calculated during the twelve (12) month period immediately preceding the  
3 member's effective retirement date, including employee contributions picked up  
4 after August 1, 1982, pursuant to KRS 16.545(4). The rate shall be certified to the  
5 system by the employer and the following equivalents shall be used to convert the  
6 rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour  
7 workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7-  
8 1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12)  
9 months, or one (1) year;
- 10 (11) "Retired member" means any former member receiving a retirement allowance or  
11 any former member who has filed the necessary documents for retirement benefits  
12 and is no longer contributing to the retirement system;
- 13 (12) "Retirement allowance" means the retirement payments to which a retired member  
14 is entitled;
- 15 (13) "Actuarial equivalent" means a benefit of equal value when computed upon the  
16 basis of actuarial tables adopted by the board. In cases of disability retirement, the  
17 options authorized by KRS 61.635 shall be computed by adding ten (10) years to  
18 the age of the member, unless the member has chosen the Social Security  
19 adjustment option as provided for in KRS 61.635(8), in which case the member's  
20 actual age shall be used. For members who began participating in the system prior  
21 to January 1, 2014, no disability retirement option shall be less than the same option  
22 computed under early retirement;
- 23 (14) "Authorized leave of absence" means any time during which a person is absent from  
24 employment but retained in the status of an employee in accordance with the  
25 personnel policy of the Department of Kentucky State Police;
- 26 (15) "Normal retirement date" means:  
27 (a) For a member who begins participating before September 1, 2008, the first

1 day of the month following a member's fifty-fifth birthday, except that for  
2 members over age fifty-five (55) on July 1, 1958, it shall mean January 1,  
3 1959; or

4 (b) For a member who begins participating on or after September 1, 2008, the  
5 first day of the month following a member's sixtieth birthday;

6 (16) "Disability retirement date" means the first day of the month following the last day  
7 of paid employment;

8 (17) "Dependent child" means a child in the womb and a natural or legally adopted child  
9 of the member who has neither attained age eighteen (18) nor married or who is an  
10 unmarried full-time student who has not attained age twenty-two (22);

11 (18) "Optional allowance" means an actuarially equivalent benefit elected by the member  
12 in lieu of all other benefits provided by KRS 16.505 to 16.652;

13 (19) "Act in line of duty" means an act occurring or a thing done, which, as determined  
14 by the board, was required in the performance of the duties specified in KRS  
15 16.060. For employees in hazardous positions under KRS 61.592, an "act in line of  
16 duty" shall mean an act occurring which was required in the performance of the  
17 principal duties of the position as defined by the job description;

18 (20) "Early retirement date" means:

19 (a) For a member who begins participating before September 1, 2008, the  
20 retirement date declared by a member who is not less than fifty (50) years of  
21 age and has fifteen (15) years of service; or

22 (b) For a member who begins participating on or after September 1, 2008, but  
23 prior to January 1, 2014, the retirement date declared by a member who is not  
24 less than fifty (50) years of age and has fifteen (15) years of service credited  
25 under KRS 16.543(1), 61.543(1), or 78.615(1) or another state-administered  
26 retirement system;

27 (21) "Member" means any officer included in the membership of the system as provided

- 1 under KRS 16.520 whose membership has not been terminated under KRS 61.535;
- 2 (22) "Regular full-time officers" means the occupants of positions as set forth in KRS  
3 16.010;
- 4 (23) "Hazardous disability" as used in KRS 16.505 to 16.652 means a disability which  
5 results in an employee's total incapacity to continue as an employee in a hazardous  
6 position, but the employee is not necessarily deemed to be totally and permanently  
7 disabled to engage in other occupations for remuneration or profit;
- 8 (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
9 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
10 pay. The rate shall be certified by the employer;
- 11 (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the  
12 member in accordance with KRS 61.542 or 61.705 to receive any available benefits  
13 in the event of the member's death. As used in KRS 61.702, "beneficiary" does not  
14 mean an estate, trust, or trustee;
- 15 (26) "Recipient" means the retired member, the person or persons designated as  
16 beneficiary by the member and drawing a retirement allowance as a result of the  
17 member's death, or a dependent child drawing a retirement allowance. An alternate  
18 payee of a qualified domestic relations order shall not be considered a recipient,  
19 except for purposes of KRS 61.623;
- 20 (27) "Person" means a natural person;
- 21 (28) "Retirement office" means the Kentucky Retirement Systems office building in  
22 Frankfort;
- 23 (29) "Delayed contribution payment" means an amount paid by an employee for  
24 purchase of current service. The amount shall be determined using the same formula  
25 in KRS 61.5525, and the payment shall not be picked up by the employer. A  
26 delayed contribution payment shall be deposited to the member's account and  
27 considered as accumulated contributions of the individual member;

- 1 (30) "Last day of paid employment" means the last date employer and employee  
2 contributions are required to be reported in accordance with KRS 16.543, 61.543, or  
3 78.615 to the retirement office in order for the employee to receive current service  
4 credit for the month. Last day of paid employment does not mean a date the  
5 employee receives payment for accrued leave, whether by lump sum or otherwise, if  
6 that date occurs twenty-four (24) or more months after previous contributions;
- 7 (31) "Objective medical evidence" means reports of examinations or treatments; medical  
8 signs which are anatomical, physiological, or psychological abnormalities that can  
9 be observed; psychiatric signs which are medically demonstrable phenomena  
10 indicating specific abnormalities of behavior, affect, thought, memory, orientation,  
11 or contact with reality; or laboratory findings which are anatomical, physiological,  
12 or psychological phenomena that can be shown by medically acceptable laboratory  
13 diagnostic techniques, including but not limited to chemical tests,  
14 electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 15 (32) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
16 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
17 limitation year used to determine contribution and benefit limits established by 26  
18 U.S.C. sec. 415;
- 19 (33) "Participating" means an employee is currently earning service credit in the system  
20 as provided in KRS 16.543;
- 21 (34) "Month" means a calendar month;
- 22 (35) "Membership date" means the date upon which the member began participating in  
23 the system as provided by KRS 16.543;
- 24 (36) "Participant" means a member, as defined by subsection (21) of this section, or a  
25 retired member, as defined by subsection (11) of this section;
- 26 (37) "Qualified domestic relations order" means any judgment, decree, or order,  
27 including approval of a property settlement agreement, that:

- 1 (a) Is issued by a court or administrative agency; and
- 2 (b) Relates to the provision of child support, alimony payments, or marital
- 3 property rights to an alternate payee;
- 4 (38) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
- 5 participant, who is designated to be paid retirement benefits in a qualified domestic
- 6 relations order;
- 7 (39) "Accumulated employer credit" means the employer pay credit deposited to the
- 8 member's account and interest credited on such amounts as provided by KRS
- 9 16.583; and
- 10 (40) "Accumulated account balance" means:
- 11 (a) For members who began participating in the system prior to January 1, 2014,
- 12 the member's accumulated contributions; or
- 13 (b) For members who began participating in the system on or after January 1,
- 14 2014, in the hybrid cash balance plan as provided by KRS 16.583, the
- 15 combined sum of the member's accumulated contributions and the member's
- 16 accumulated employer pay credit.

17 ➔Section 2. KRS 16.520 is amended to read as follows:

- 18 (1) Membership in the system shall consist of all regular full-time officers of the
- 19 Department of Kentucky State Police appointed pursuant to KRS 16.050 who are
- 20 entitled to exercise the powers of peace officers~~except those who do not choose to~~
- 21 ~~participate pursuant to KRS 61.545(3)].~~
- 22 (2) Membership in the system shall not include those employees who are
- 23 simultaneously participating in another state-administered defined benefit plan
- 24 within Kentucky other than those administered by the Kentucky Retirement
- 25 Systems, except for employees who have ceased to contribute to one (1) of the
- 26 state-administered retirement plans as provided in KRS 21.360.

27 ➔Section 3. KRS 16.582 is amended to read as follows:



- 1 (1) (a) Total and permanent disability means a disability which results in the  
2 member's incapacity to engage in any occupation for remuneration or profit.  
3 Loss by severance of both hands at or above the wrists, or both feet at or  
4 above the ankles, or one (1) hand above the wrist and one (1) foot above the  
5 ankle, or the complete, irrevocable loss of the sight of both eyes shall be  
6 considered as total and permanent.
- 7 (b) Hazardous disability means a disability which results in the member's total  
8 incapacity to continue as a regular full-time officer or as an employee in a  
9 hazardous position, as defined in KRS 61.592, but which does not result in the  
10 member's total and permanent incapacity to engage in other occupations for  
11 remuneration or profit.
- 12 (c) In determining whether the disability meets the requirement of this section,  
13 any reasonable accommodation provided by the employer as provided in 42  
14 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 shall be considered.
- 15 (d) If the board determines that the total and permanent disability of a member  
16 receiving a retirement allowance under this section has ceased, then the board  
17 shall determine if the member has a hazardous disability.
- 18 (2) Any person may qualify to retire on disability, subject to the following:
- 19 (a) The person shall have sixty (60) months of service, twelve (12) of which shall  
20 be current service credited under KRS 16.543(1), 61.543(1), or 78.615(1). The  
21 service requirement shall be waived if the disability is a total and permanent  
22 disability or a hazardous disability and is a direct result of an act in line of  
23 duty;
- 24 (b) For a person whose membership date is prior to August 1, 2004, the person  
25 shall not be eligible for an unreduced retirement allowance;
- 26 (c) The person's application shall be on file in the retirement office no later than  
27 twenty-four (24) months after the person's last day of paid employment, as

- 1 defined in KRS 16.505, as a regular full-time officer or in a regular full-time  
 2 hazardous position under KRS 61.592;
- 3 (d) The person shall receive a satisfactory determination pursuant to KRS 61.665;  
 4 and
- 5 (e) A person's disability application based on the same claim of incapacity shall  
 6 be accepted and reconsidered for disability if accompanied by new objective  
 7 medical evidence. The application shall be on file in the retirement office no  
 8 later than twenty-four (24) months after the person's last day of paid  
 9 employment as a regular full-time officer or in a regular full-time hazardous  
 10 position.
- 11 (3) Upon the examination of the objective medical evidence by licensed physicians  
 12 pursuant to KRS 61.665, it shall be determined that:
- 13 (a) The incapacity results from bodily injury, mental illness, or disease. For  
 14 purposes of this section, "injury" means any physical harm or damage to the  
 15 human organism other than disease or mental illness;
- 16 (b) The incapacity is deemed to be permanent; and
- 17 (c) The incapacity does not result directly or indirectly from:
- 18 1. Injury intentionally self-inflicted while sane or insane; or  
 19 2. ~~Injury or disease resulting from military service; or~~  
 20 3. ~~—~~ Bodily injury, mental illness, disease, or condition which pre-existed  
 21 membership in the system or reemployment, whichever is most recent,  
 22 unless:
- 23 a. The disability results from bodily injury, mental illness, disease, or  
 24 a condition which has been substantially aggravated by an injury or  
 25 accident arising out of or in the course of employment; or
- 26 b. The person has at least sixteen (16) years' current or prior service  
 27 for employment with employers participating in the retirement

1 systems administered by the Kentucky Retirement Systems.

2 For purposes of this subparagraph, "reemployment" shall not mean a  
3 change of employment between employers participating in the  
4 retirement systems administered by the Kentucky Retirement Systems  
5 with no loss of service credit.

6 (4) (a) 1. An incapacity shall be deemed to be permanent if it is expected to result  
7 in death or can be expected to last for a continuous period of not less  
8 than twelve (12) months from the person's last day of paid employment  
9 in a position as regular full-time officer or a hazardous position.

10 2. The determination of a permanent incapacity shall be based on the  
11 medical evidence contained in the member's file and the member's  
12 residual functional capacity and physical exertion requirements.

13 (b) The person's residual functional capacity shall be the person's capacity for  
14 work activity on a regular and continuing basis. The person's physical ability  
15 shall be assessed in light of the severity of the person's physical, mental, and  
16 other impairments. The person's ability to walk, stand, carry, push, pull, reach,  
17 handle, and other physical functions shall be considered with regard to  
18 physical impairments. The person's ability to understand, remember, and carry  
19 out instructions and respond appropriately to supervision, coworkers, and  
20 work pressures in a work setting shall be considered with regard to mental  
21 impairments. Other impairments, including skin impairments, epilepsy, visual  
22 sensory impairments, postural and manipulative limitations, and  
23 environmental restrictions, shall be considered in conjunction with the  
24 person's physical and mental impairments to determine residual functional  
25 capacity.

26 (c) The person's physical exertion requirements shall be determined based on the  
27 following standards:

- 1           1. Sedentary work shall be work that involves lifting no more than ten (10)  
2           pounds at a time and occasionally lifting or carrying articles such as  
3           large files, ledgers, and small tools. Although a sedentary job primarily  
4           involves sitting, occasional walking and standing may also be required  
5           in the performance of duties.
- 6           2. Light work shall be work that involves lifting no more than twenty (20)  
7           pounds at a time with frequent lifting or carrying of objects weighing up  
8           to ten (10) pounds. A job shall be in this category if lifting is  
9           infrequently required but walking and standing are frequently required,  
10          or if the job primarily requires sitting with pushing and pulling of arm or  
11          leg controls. If the person has the ability to perform substantially all of  
12          these activities, the person shall be deemed capable of light work. A  
13          person deemed capable of light work shall be deemed capable of  
14          sedentary work unless the person has additional limitations such as the  
15          loss of fine dexterity or inability to sit for long periods.
- 16          3. Medium work shall be work that involves lifting no more than fifty (50)  
17          pounds at a time with frequent lifting or carrying of objects weighing up  
18          to twenty-five (25) pounds. If the person is deemed capable of medium  
19          work, the person shall be deemed capable of light and sedentary work.
- 20          4. Heavy work shall be work that involves lifting no more than one  
21          hundred (100) pounds at a time with frequent lifting or carrying of  
22          objects weighing up to fifty (50) pounds. If the person is deemed capable  
23          of heavy work, the person shall also be deemed capable of medium,  
24          light, and sedentary work.
- 25          5. Very heavy work shall be work that involves lifting objects weighing  
26          more than one hundred (100) pounds at a time with frequent lifting or  
27          carrying of objects weighing fifty (50) or more pounds. If the person is

1                   deemed capable of very heavy work, the person shall be deemed capable  
2                   of heavy, medium, light, and sedentary work.

3 (5) (a) The disability retirement allowance shall be determined as provided in KRS  
4 16.576, except if the member's total service credit on his last day of paid  
5 employment in a regular full-time position is less than twenty (20) years,  
6 service shall be added beginning with his last date of paid employment and  
7 continuing to his fifty-fifth birthday. The maximum service credit added shall  
8 not exceed the total service the member had on his last day of paid  
9 employment, and the maximum service credit for calculating his retirement  
10 allowance, including his total service and service added under this section,  
11 shall not exceed twenty (20) years.

12 (b) For a member whose participation begins on or after August 1, 2004, but prior  
13 to January 1, 2014, the disability retirement allowance shall be the higher of  
14 twenty-five percent (25%) of the member's monthly final rate of pay or the  
15 retirement allowance determined in the same manner as for retirement at his  
16 normal retirement date with years of service and final compensation being  
17 determined as of the date of his disability.

18 (c) For a member who begins participating on or after January 1, 2014, in the  
19 hybrid cash balance plan as provided by KRS 16.583, the disability retirement  
20 allowance shall be the higher of twenty-five percent (25%) of the member's  
21 monthly final rate of pay or the retirement allowance determined in the same  
22 manner as for retirement at his or her normal retirement date under KRS  
23 16.583.

24 (6) If the member receives a satisfactory determination of total and permanent disability  
25 or hazardous disability pursuant to KRS 61.665 and the disability is the direct result  
26 of an act in line of duty, the member's retirement allowance shall be calculated as  
27 follows:

- 1 (a) For the disabled member, benefits as provided in subsection (5) of this section  
2 except that the monthly retirement allowance payable shall not be less than  
3 twenty-five percent (25%) of the member's monthly final rate of pay; and
- 4 (b) For each dependent child of the member on his disability retirement date, who  
5 is alive at the time any particular payment is due, a monthly payment equal to  
6 ten percent (10%) of the disabled member's monthly final rate of pay;  
7 however, total maximum dependent children's benefit shall not exceed forty  
8 percent (40%) of the member's monthly final rate of pay. The payments shall  
9 be payable to each dependent child, or to a legally appointed guardian or as  
10 directed by the system.
- 11 (7) No benefit provided in this section shall be reduced as a result of any change in the  
12 extent of disability of any retired member who is age fifty-five (55) or older.
- 13 (8) If a regular full-time officer or hazardous position member has been approved for  
14 benefits under a hazardous disability, the board shall, upon request of the member,  
15 permit the member to receive the hazardous disability allowance while accruing  
16 benefits in a nonhazardous position, subject to proper medical review of the  
17 nonhazardous position's job description by the system's medical examiner.
- 18 (9) For a member of the State Police Retirement System, in lieu of the allowance  
19 provided in subsection (5) or (6) of this section, the member may be retained on the  
20 regular payroll and receive the compensation authorized by KRS 16.165, if he is  
21 qualified.

22 ➔Section 4. KRS 61.510 is amended to read as follows:

23 As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- 24 (1) "System" means the Kentucky Employees Retirement System created by KRS  
25 61.510 to 61.705;
- 26 (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- 27 (3) "Department" means any state department or board or agency participating in the

1 system in accordance with appropriate executive order, as provided in KRS 61.520.  
2 For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the  
3 General Assembly and any other body, entity, or instrumentality designated by  
4 executive order by the Governor, shall be deemed to be a department,  
5 notwithstanding whether said body, entity, or instrumentality is an integral part of  
6 state government;

7 (4) "Examiner" means the medical examiners as provided in KRS 61.665;

8 (5) "Employee" means the members, officers, and employees of the General Assembly  
9 and every regular full-time, appointed or elective officer or employee of a  
10 participating department, including the Department of Military Affairs. The term  
11 does not include persons engaged as independent contractors, seasonal, emergency,  
12 temporary, interim, and part-time workers. In case of any doubt, the board shall  
13 determine if a person is an employee within the meaning of KRS 61.510 to 61.705;

14 (6) "Employer" means a department or any authority of a department having the power  
15 to appoint or select an employee in the department, including the Senate and the  
16 House of Representatives, or any other entity, the employees of which are eligible  
17 for membership in the system pursuant to KRS 61.525;

18 (7) "State" means the Commonwealth of Kentucky;

19 (8) "Member" means any employee who is included in the membership of the system or  
20 any former employee whose membership has not been terminated under KRS  
21 61.535;

22 (9) "Service" means the total of current service and prior service as defined in this  
23 section;

24 (10) "Current service" means the number of years and months of employment as an  
25 employee, on and after July 1, 1956, except that for members, officers, and  
26 employees of the General Assembly this date shall be January 1, 1960, for which  
27 creditable compensation is paid and employee contributions deducted, except as

1 otherwise provided, and each member, officer, and employee of the General  
2 Assembly shall be credited with a month of current service for each month he  
3 serves in the position;

4 (11) "Prior service" means the number of years and completed months, expressed as a  
5 fraction of a year, of employment as an employee, prior to July 1, 1956, for which  
6 creditable compensation was paid; except that for members, officers, and employees  
7 of the General Assembly, this date shall be January 1, 1960. An employee shall be  
8 credited with one (1) month of prior service only in those months he received  
9 compensation for at least one hundred (100) hours of work; provided, however, that  
10 each member, officer, and employee of the General Assembly shall be credited with  
11 a month of prior service for each month he served in the position prior to January 1,  
12 1960. Twelve (12) months of current service in the system are required to validate  
13 prior service;

14 (12) "Accumulated contributions" at any time means the sum of all amounts deducted  
15 from the compensation of a member and credited to his individual account in the  
16 members' account, including employee contributions picked up after August 1,  
17 1982, pursuant to KRS 61.560(4), together with interest credited on such amounts  
18 and any other amounts the member shall have contributed thereto, including interest  
19 credited thereon. For members who begin participating on or after September 1,  
20 2008, "accumulated contributions" shall not include employee contributions that are  
21 deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
22 funds established in KRS 16.510, 61.515, and 78.520, as prescribed by KRS  
23 61.702(2)(b);

24 (13) "Creditable compensation":

25 (a) Means all salary, wages, tips to the extent the tips are reported for income tax  
26 purposes, and fees, including payments for compensatory time, paid to the  
27 employee as a result of services performed for the employer or for time during



1 which the member is on paid leave, which are includable on the member's  
 2 federal form W-2 wage and tax statement under the heading "wages, tips,  
 3 other compensation," including employee contributions picked up after  
 4 August 1, 1982, pursuant to KRS 61.560(4). For members of the General  
 5 Assembly, it shall mean all amounts which are includable on the member's  
 6 federal form W-2 wage and tax statement under the heading "wages, tips,  
 7 other compensation," including employee contributions picked up after  
 8 August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);~~[-]~~

9 **(b) Includes:**~~[A]~~

10 **1.** Lump-sum **bonuses**~~[bonus]~~, severance pay, or employer-provided  
 11 **payments**~~[payment]~~ for purchase of service credit, **which**~~[shall be~~  
 12 ~~included as creditable compensation but]~~ shall be averaged over the  
 13 employee's total service with the system in which it is recorded if it is  
 14 equal to or greater than one thousand dollars (\$1,000);~~[-]~~

15 **2.** ~~[In]~~ Cases where compensation includes maintenance and other  
 16 perquisites, **but** the board shall fix the value of that part of the  
 17 compensation not paid in money;~~[-]~~

18 **3. Lump-sum payments or nonrecurring payments, which shall, as**  
 19 **determined by the board, be credited when earned or be classified as a**  
 20 **lump-sum bonus and credited as provided by subparagraph 1. of this**  
 21 **paragraph;**

22 **4. Amounts which are not includable in the member's gross income by**  
 23 **virtue of the member having taken a voluntary salary reduction**  
 24 **provided for under applicable provisions of the Internal Revenue**  
 25 **Code; and**

26 **5. Elective amounts for qualified transportation fringes paid or made**  
 27 **available on or after January 1, 2001, for calendar years on or after**

1 January 1, 2001, that are not includable in the gross income of the  
 2 employee by reason of 26 U.S.C. sec. 132(f)(4); and

3 (c) Excludes:

4 1. Living allowances, expense reimbursements, lump-sum payments for  
 5 accrued vacation leave, and other items determined by the board; ~~shall~~  
 6 ~~be excluded. Creditable compensation shall also include amounts which~~  
 7 ~~are not includable in the member's gross income by virtue of the member~~  
 8 ~~having taken a voluntary salary reduction provided for under applicable~~  
 9 ~~provisions of the Internal Revenue Code. Creditable compensation shall~~  
 10 ~~also include elective amounts for qualified transportation fringes paid or~~  
 11 ~~made available on or after January 1, 2001, for calendar years on or after~~  
 12 ~~January 1, 2001, that are not includable in the gross income of the~~  
 13 ~~employee by reason of 26 U.S.C. sec. 132(f)(4).]~~

14 2. For employees who begin participating on or after September 1, 2008,  
 15 lump-sum ~~creditable compensation shall not include~~ payments for  
 16 compensatory time; and ~~]~~

17 3. For employees who begin participating on or after August 1, 2016,  
 18 ~~creditable compensation shall exclude~~ nominal fees paid for services  
 19 as a volunteer;

20 (14) "Final compensation" of a member means:

21 (a) For a member who begins participating before September 1, 2008, who is not  
 22 employed in a hazardous position, as provided in KRS 61.592, the creditable  
 23 compensation of the member during the five (5) fiscal years he was paid at the  
 24 highest average monthly rate divided by the number of months of service  
 25 credit during that five (5) year period multiplied by twelve (12). The five (5)  
 26 years may be fractional and need not be consecutive. If the number of months  
 27 of service credit during the five (5) year period is less than forty-eight (48),

1 one (1) or more additional fiscal years shall be used;

2 (b) For a member who is not employed in a hazardous position, as provided in  
3 KRS 61.592, whose effective retirement date is between August 1, 2001, and  
4 January 1, 2009, and whose total service credit is at least twenty-seven (27)  
5 years and whose age and years of service total at least seventy-five (75), final  
6 compensation means the creditable compensation of the member during the  
7 three (3) fiscal years the member was paid at the highest average monthly rate  
8 divided by the number of months of service credit during that three (3) years  
9 period multiplied by twelve (12). The three (3) years may be fractional and  
10 need not be consecutive. If the number of months of service credit during the  
11 three (3) year period is less than twenty-four (24), one (1) or more additional  
12 fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the  
13 funding for this paragraph shall be provided from existing funds of the  
14 retirement allowance;

15 (c) For a member who begins participating before September 1, 2008, who is  
16 employed in a hazardous position, as provided in KRS 61.592, the creditable  
17 compensation of the member during the three (3) fiscal years he was paid at  
18 the highest average monthly rate divided by the number of months of service  
19 credit during that three (3) year period multiplied by twelve (12). The three (3)  
20 years may be fractional and need not be consecutive. If the number of months  
21 of service credit during the three (3) year period is less than twenty-four (24),  
22 one (1) or more additional fiscal years shall be used;

23 (d) For a member who begins participating on or after September 1, 2008, but  
24 prior to January 1, 2014, who is not employed in a hazardous position, as  
25 provided in KRS 61.592, the creditable compensation of the member during  
26 the five (5) complete fiscal years immediately preceding retirement divided by  
27 five (5). Each fiscal year used to determine final compensation must contain

1 twelve (12) months of service credit. If the member does not have five (5)  
2 complete fiscal years that each contain twelve (12) months of service credit,  
3 then one (1) or more additional fiscal years shall be used; or

4 (e) For a member who begins participating on or after September 1, 2008, but  
5 prior to January 1, 2014, who is employed in a hazardous position, as  
6 provided in KRS 61.592, the creditable compensation of the member during  
7 the three (3) complete fiscal years he was paid at the highest average monthly  
8 rate divided by three (3). Each fiscal year used to determine final  
9 compensation must contain twelve (12) months of service credit;

10 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were  
11 calculated during the twelve (12) month period immediately preceding the  
12 member's effective retirement date, including employee contributions picked up  
13 after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the  
14 system by the employer and the following equivalents shall be used to convert the  
15 rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour  
16 workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour  
17 workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months,  
18 one (1) year;

19 (16) "Retirement allowance" means the retirement payments to which a member is  
20 entitled;

21 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the  
22 basis of the actuarial tables that are adopted by the board. In cases of disability  
23 retirement, the options authorized by KRS 61.635 shall be computed by adding ten  
24 (10) years to the age of the member, unless the member has chosen the Social  
25 Security adjustment option as provided for in KRS 61.635(8), in which case the  
26 member's actual age shall be used. For members who began participating in the  
27 system prior to January 1, 2014, no disability retirement option shall be less than the

1 same option computed under early retirement;

2 (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless  
3 otherwise provided in KRS 61.510 to 61.705;

4 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
5 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
6 limitation year used to determine contribution and benefit limits as established by  
7 26 U.S.C. sec. 415;

8 (20) "Officers and employees of the General Assembly" means the occupants of those  
9 positions enumerated in KRS 6.150. The term shall also apply to assistants who  
10 were employed by the General Assembly for at least one (1) regular legislative  
11 session prior to July 13, 2004, who elect to participate in the retirement system, and  
12 who serve for at least six (6) regular legislative sessions. Assistants hired after July  
13 13, 2004, shall be designated as interim employees;

14 (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean  
15 all positions that average one hundred (100) or more hours per month determined by  
16 using the number of months actually worked within a calendar or fiscal year,  
17 including all positions except:

18 (a) Seasonal positions, which although temporary in duration, are positions which  
19 coincide in duration with a particular season or seasons of the year and which  
20 may recur regularly from year to year, the period of time shall not exceed nine  
21 (9) months;

22 (b) Emergency positions which are positions which do not exceed thirty (30)  
23 working days and are nonrenewable;

24 (c) Temporary positions which are positions of employment with a participating  
25 department for a period of time not to exceed nine (9) months **and are**  
26 **nonrenewable**;

27 (d) Part-time positions which are positions which may be permanent in duration,

1 but which require less than a calendar or fiscal year average of one hundred  
2 (100) hours of work per month, determined by using the number of months  
3 actually worked within a calendar or fiscal year, in the performance of duty;  
4 and

5 (e) Interim positions which are positions established for a one-time or recurring  
6 need not to exceed nine (9) months. Interim positions shall not be renewable  
7 by the participating employer for the same employee, unless the employee  
8 has not been employed with the participating employer for a period of at  
9 least twelve (12) months;

10 (22) "Delayed contribution payment" means an amount paid by an employee for  
11 purchase of current service. The amount shall be determined using the same formula  
12 in KRS 61.5525, and the payment shall not be picked up by the employer. A  
13 delayed contribution payment shall be deposited to the member's account and  
14 considered as accumulated contributions of the individual member. In determining  
15 payments under this subsection, the formula found in this subsection shall prevail  
16 over the one found in KRS 212.434;

17 (23) "Parted employer" means a department, portion of a department, board, or agency,  
18 such as Outwood Hospital and School, which previously participated in the system,  
19 but due to lease or other contractual arrangement is now operated by a publicly held  
20 corporation or other similar organization, and therefore is no longer participating in  
21 the system. The term "parted employer" shall not include a department, board, or  
22 agency that ceased participation in the system pursuant to KRS 61.522;

23 (24) "Retired member" means any former member receiving a retirement allowance or  
24 any former member who has filed the necessary documents for retirement benefits  
25 and is no longer contributing to the retirement system;

26 (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
27 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of

- 1 pay. The rate shall be certified by the employer;
- 2 (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by  
3 the member in accordance with KRS 61.542 or 61.705 to receive any available  
4 benefits in the event of the member's death. As used in KRS 61.702, "beneficiary"  
5 does not mean an estate, trust, or trustee;
- 6 (27) "Recipient" means the retired member or the person or persons designated as  
7 beneficiary by the member and drawing a retirement allowance as a result of the  
8 member's death or a dependent child drawing a retirement allowance. An alternate  
9 payee of a qualified domestic relations order shall not be considered a recipient,  
10 except for purposes of KRS 61.623;
- 11 (28) "Level-percentage-of-payroll amortization method" means a method of determining  
12 the annual amortization payment on the unfunded actuarial accrued liability as  
13 expressed as a percentage of payroll over a set period of years. Under this method,  
14 the percentage of payroll shall be projected to remain constant for all years  
15 remaining in the set period and the unfunded actuarially accrued liability shall be  
16 projected to be fully amortized at the conclusion of the set period;
- 17 (29) "Increment" means twelve (12) months of service credit which are purchased. The  
18 twelve (12) months need not be consecutive. The final increment may be less than  
19 twelve (12) months;
- 20 (30) "Person" means a natural person;
- 21 (31) "Retirement office" means the Kentucky Retirement Systems office building in  
22 Frankfort;
- 23 (32) "Last day of paid employment" means the last date employer and employee  
24 contributions are required to be reported in accordance with KRS 16.543, 61.543, or  
25 78.615 to the retirement office in order for the employee to receive current service  
26 credit for the month. Last day of paid employment does not mean a date the  
27 employee receives payment for accrued leave, whether by lump sum or otherwise, if

- 1           that date occurs twenty-four (24) or more months after previous contributions;
- 2   (33) "Objective medical evidence" means reports of examinations or treatments; medical  
3       signs which are anatomical, physiological, or psychological abnormalities that can  
4       be observed; psychiatric signs which are medically demonstrable phenomena  
5       indicating specific abnormalities of behavior, affect, thought, memory, orientation,  
6       or contact with reality; or laboratory findings which are anatomical, physiological,  
7       or psychological phenomena that can be shown by medically acceptable laboratory  
8       diagnostic techniques, including but not limited to chemical tests,  
9       electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 10   (34) "Participating" means an employee is currently earning service credit in the system  
11       as provided in KRS 61.543;
- 12   (35) "Month" means a calendar month;
- 13   (36) "Membership date" means:
- 14       (a) The date upon which the member began participating in the system as  
15           provided in KRS 61.543; or
- 16       (b) For a member electing to participate in the system pursuant to KRS  
17           196.167(4) who has not previously participated in the system or the Kentucky  
18           Teachers' Retirement System, the date the member began participating in a  
19           defined contribution plan that meets the requirements of 26 U.S.C. sec.  
20           403(b);
- 21   (37) "Participant" means a member, as defined by subsection (8) of this section, or a  
22       retired member, as defined by subsection (24) of this section;
- 23   (38) "Qualified domestic relations order" means any judgment, decree, or order,  
24       including approval of a property settlement agreement, that:
- 25       (a) Is issued by a court or administrative agency; and
- 26       (b) Relates to the provision of child support, alimony payments, or marital  
27       property rights to an alternate payee;



- 1 (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
2 participant, who is designated to be paid retirement benefits in a qualified domestic  
3 relations order;
- 4 (40) "Accumulated employer credit" mean the employer pay credit deposited to the  
5 member's account and interest credited on such amounts as provided by KRS  
6 16.583 and 61.597;
- 7 (41) "Accumulated account balance" means:
- 8 (a) For members who began participating in the system prior to January 1, 2014,  
9 the member's accumulated contributions; or
- 10 (b) For members who began participating in the system on or after January 1,  
11 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597,  
12 the combined sum of the member's accumulated contributions and the  
13 member's accumulated employer credit;
- 14 (42) "Volunteer" means an individual who:
- 15 (a) Freely and without pressure or coercion performs hours of service for an  
16 employer participating in one (1) of the systems administered by Kentucky  
17 Retirement Systems without receipt of compensation for services rendered,  
18 except for reimbursement of actual expenses, payment of a nominal fee to  
19 offset the costs of performing the voluntary services, or both; and
- 20 (b) If a retired member, does not become an employee, leased employee, or  
21 independent contractor of the employer for which he or she is performing  
22 volunteer services for a period of at least twenty-four (24) months following  
23 the retired member's most recent retirement date; and
- 24 (43) "Nominal fee" means compensation earned for services as a volunteer that does not  
25 exceed five hundred dollars (\$500) per month. Compensation earned for services as  
26 a volunteer from more than one (1) participating employer during a month shall be  
27 aggregated to determine whether the compensation exceeds the five hundred dollars

1 (\$500) per month maximum provided by this subsection.

2 ➔Section 5. KRS 61.525 is amended to read as follows:

3 Membership in the system shall consist of the following:

- 4 (1) All persons who become employees of a participating department after the date such  
5 department first participates in the system~~], except a person who did not elect~~  
6 ~~membership pursuant to KRS 61.545(3)]~~;
- 7 (2) (a) All persons who are employees of a department on the date the department  
8 first participates in the system, either in service or on authorized leave from  
9 service, and who elect within thirty (30) days following the department's  
10 participation, or in the case of persons on authorized leave, within thirty (30)  
11 days of their return to active service, to become members and thereby agree to  
12 make contributions as provided in KRS 61.515 to 61.705;
- 13 (b) All persons who are employees of a department who did not elect to  
14 participate within thirty (30) days of the date the department first participated  
15 in the system or within thirty (30) days of their return to active service and  
16 who subsequently elect to participate the first day of a month after the  
17 department's date of participation;
- 18 (3) All persons who are employees of any credit union whose membership was initially  
19 limited to employees of state government and their families and which subsequently  
20 may have been extended to local government employees and their families;
- 21 (4) All persons who were professional staff employees of the Council on Postsecondary  
22 Education or the Higher Education Assistance Authority and were contributing to  
23 the system on the effective date of Executive Order 74-762 or 75-964, respectively,  
24 and file a written election of their desire to continue in the system and all  
25 administrative and professional staff employees of the Higher Education Assistance  
26 Authority who, on or after January 1, 1993, are not participating in another  
27 retirement plan sponsored by the Higher Education Assistance Authority;

- 1 (5) All persons who were professional staff employees of the Kentucky Authority for  
2 Educational Television on and after July 1, 1974;
- 3 (6) All persons who are employees of the Teachers' Retirement System except  
4 employees who are required to participate under the Teachers' Retirement System  
5 under KRS 161.220(4)(d);
- 6 (7) Membership in the system shall not include persons who are not eligible to  
7 participate in the system as provided by KRS 61.522 or those employees who are  
8 simultaneously participating in another state-administered defined benefit plan  
9 within Kentucky other than those administered by the Kentucky Retirement  
10 Systems, except for employees who have ceased to contribute to one (1) of the  
11 state-administered retirement plans as provided in KRS 21.360; and
- 12 (8) Effective January 1, 1998, employees of the Kentucky Community and Technical  
13 College System who were previously contributing members and are not required to  
14 participate in the Teachers' Retirement System as a member; employees who were  
15 previously contributing members transferred from the former Cabinet for  
16 Workforce Development as provided in KRS 164.5805(1)(a) and who have not  
17 exercised the option to participate in the new Kentucky Community and Technical  
18 College personnel system as provided in KRS 164.5805(1)(e); and new employees  
19 as of July 1, 1997, who are not eligible under the Teachers' Retirement System or  
20 who are not contributing to an optional retirement plan established by the board of  
21 regents for the Kentucky Community and Technical College System.

22 ➔Section 6. KRS 61.526 is amended to read as follows:

- 23 (1) Each employee on becoming a member of the Kentucky Employees Retirement  
24 System ~~may~~~~shall have on~~ file in the retirement office, in the form as the board  
25 may prescribe, a statement of facts pertaining to the member. The statement shall  
26 include a record of military service, previous employment with the employer, and  
27 such other information as the system may require.

1 (2) If the records of the Personnel Cabinet or the department employing the member  
2 during the time the service was rendered do not substantiate the statement of  
3 service, the member shall be notified of any discrepancy. The member shall be  
4 advised that he has the responsibility of supplying verification of any  
5 unsubstantiated service.

6 (3) At the request of the member, or the beneficiary if the member is deceased, the  
7 executive director shall arrange a time and place to receive additional information in  
8 regard to the unverified service. After filing the request, the member or the  
9 beneficiary if the member is deceased, shall have a reasonable time but no more  
10 than six (6) months to present the additional information to substantiate the  
11 unverified service.

12 (4) The system may at any time conduct an audit of the employing department pursuant  
13 to KRS 61.675.

14 **(5) The system may allow a member to retire or obtain a refund without the member**  
15 **submitting a statement of facts pertaining to the member as described by this**  
16 **section.**

17 ➔Section 7. KRS 61.542 is amended to read as follows:

18 (1) Prior to the first day of the month in which the member receives his or her first  
19 retirement allowance and prior to the member filing a notification of retirement or a  
20 request for refund:

21 (a) Each member may designate on the form prescribed by the board a principal  
22 beneficiary and contingent beneficiary for his or her account. The principal  
23 beneficiary or contingent beneficiary designated by the member shall be:

- 24 1. One (1) or more persons; or  
25 2. The member's estate; or  
26 3. A trust;

27 (b) If multiple persons are designated as provided by paragraph (a)1. of this

1 subsection, the member shall indicate the percentage of total benefits each  
2 person is to receive.

- 3 1. If percentages are not indicated, payments will be disbursed equally to  
4 the named beneficiaries.
- 5 2. If the percentages indicated do not total one hundred percent (100%),  
6 each beneficiary shall receive an increased or decreased percentage  
7 which is proportional to the percentage allotted him or her by the  
8 member.
- 9 3. If any of the multiple beneficiaries die prior to the member's death, the  
10 remaining beneficiaries shall be entitled to the deceased beneficiary's  
11 percentage of the total benefits, and each shall receive a percentage of  
12 the deceased's share which is equal to the percentage allotted them by  
13 the member;~~and~~

14 (c) The principal and contingent beneficiary designation established by the  
15 member pursuant to paragraph (a) of this subsection shall remain in full force  
16 and effect until changed by the member, except:

- 17 1. A final divorce decree terminates an ex-spouse's status as beneficiary,  
18 unless the member has on file in the retirement office a beneficiary  
19 designation that redesignates the ex-spouse as beneficiary subsequent to  
20 the issuance of the divorce decree;
- 21 2. If a beneficiary or beneficiaries are convicted of any crime which  
22 prohibits that person or persons from receiving the benefits under KRS  
23 381.280, the beneficiary or beneficiaries shall not be eligible for any of  
24 the benefits and the remaining beneficiary or beneficiaries or, if none,  
25 the member's estate, shall become the beneficiary; ***and***
- 26 3. When a notification of retirement has been filed at the retirement office,  
27 the designation of beneficiary on the notification of retirement, which

1 shall be one (1) person, his estate, or a trust, shall supersede the  
2 designation of all previous beneficiaries, unless the notification of  
3 retirement is withdrawn, invalid, or voided. If the notification of  
4 retirement is withdrawn, invalid, or voided, the prior beneficiary  
5 designation on file with the system shall remain in full force and effect  
6 until changed by the member; and

7 ~~[4. When a request for refund has been filed at the retirement office, the~~  
8 ~~member's estate shall become the member's beneficiary if the member~~  
9 ~~dies.]~~

10 **(d) Except as provided by paragraph (c)3. of this subsection, if the member fails**  
11 **to designate a beneficiary for his or her account or if the beneficiary**  
12 **designation is determined to be void by the system, the member's estate shall**  
13 **become the beneficiary.**

14 (2) If the member dies prior to the first day of the month in which the member would  
15 have received his or her first retirement allowance and prior to filing a notification  
16 of retirement or a request for refund, any retirement benefits shall be payable to the  
17 principal beneficiary, except that:

18 (a) If the death of the principal beneficiary or beneficiaries precedes the death of  
19 the member, or if the principal beneficiary is terminated by a divorce decree,  
20 the contingent beneficiary or beneficiaries become the principal beneficiary or  
21 beneficiaries;

22 (b) If the principal beneficiary is one (1) person and is the member's spouse and  
23 they are divorced on the date of the member's death, the contingent beneficiary  
24 or beneficiaries become the principal beneficiary or beneficiaries;

25 (c) If the member is survived by his principal beneficiary or beneficiaries who  
26 subsequently die prior to having on file at the retirement office the necessary  
27 forms prescribed under authority of KRS 61.590, the contingent beneficiary

- 1           shall become the principal beneficiary or beneficiaries; and
- 2           (d) If the deaths of all the principal beneficiaries and all of the contingent
- 3           beneficiaries precede the death of the member, the estate of the member
- 4           becomes the beneficiary.
- 5           (3) Prior to the first day of the month in which the member would have received his or
- 6           her first retirement allowance, a monthly benefit payable for life shall not be offered
- 7           if the beneficiary designated under subsection (1) of this section is more than one
- 8           (1) person, the member's estate, or a trust.
- 9           (4) When a notification of retirement has been filed at the retirement office:
- 10          (a) The designation of beneficiary on the notification of retirement shall
- 11          supersede the designation of all previous beneficiaries;
- 12          (b) The beneficiary designated by the member on the member's notification of
- 13          retirement shall be one (1) person, the member's estate, or a trust; and
- 14          (c) If the death of the beneficiary named on the notification of retirement precedes
- 15          the first day of the month in which the member receives his or her first
- 16          retirement allowance, the member may designate another beneficiary on the
- 17          member's notification of retirement.
- 18          (5) **On or** after the first day of the month in which the member receives his or her first
- 19          retirement allowance ~~and subsequent thereto~~, **the**~~[a]~~ member shall not have the
- 20          right to change his beneficiary, except that:
- 21          (a) The estate of the retired member becomes the beneficiary if the date of death
- 22          of the beneficiary precedes or coincides with the date of death of the retired
- 23          member;
- 24          (b) The estate of the retired member becomes the beneficiary if the retired
- 25          member had designated a person as beneficiary who was the spouse or who
- 26          later married the member and they were divorced on the date of the retired
- 27          member's death. An ex-spouse who was the named beneficiary on the

1 member's notification of retirement shall be reinstated as the member's  
2 beneficiary for the payment options provided by KRS 61.635(2), (3), (4), and  
3 (8)(b) if they are remarried to each other as of the date of the retired member's  
4 death; and

5 (c) The estate of the member shall not receive monthly payments if the member  
6 selected one (1) of the payment options provided by KRS 61.635(2), (3), (4),  
7 and (8)(b).

8 **(6) Following cessation of membership as provided by KRS 61.535, no beneficiary**  
9 **designation in one (1) account shall be effective for any new retirement account**  
10 **established pursuant to KRS 61.637 or 61.680. If the member fails to designate a**  
11 **beneficiary for his or her new retirement account or if the beneficiary**  
12 **designation is determined to be void by the system, the member's estate shall**  
13 **become the beneficiary.**

14 ➔Section 8. KRS 61.545 is amended to read as follows:

15 (1) The board shall determine by appropriate administrative regulations how much  
16 service in any year is the equivalent of a year of service credit and how much  
17 service in any calendar month is the equivalent of a month of service credit. It shall  
18 not allow credit for more than one (1) year of service for all service rendered in any  
19 period of twelve (12) consecutive months except as provided in KRS 61.546 and in  
20 subsection (2) of this section.

21 (2) (a) Employees participating in one (1) of the state-administered retirement  
22 systems who are or have been employed by a school board participating in the  
23 County Employees Retirement System, a state-operated school under KRS  
24 Chapter 167, a participating community action agency, or a Kentucky  
25 institution of higher education which participates in the Kentucky Employees  
26 Retirement System, and who receive service credit for less than twelve (12)  
27 months each year, may purchase the additional months of service credit



1 needed to total one (1) year of service credit except the amount purchased  
2 shall not exceed three (3) months. The employee may purchase the service  
3 credit by paying the retirement system a delayed contribution payment *in*  
4 *accordance with the payment options and restrictions established by*  
5 *subsection (14) of Section 9 of this Act.* Employees who have service credit  
6 prior to July 1, 1992, or their employers, the state-operated school under KRS  
7 Chapter 167, the Kentucky institution of higher education, or the school board  
8 may purchase service credit on behalf of the employee for previous years by  
9 paying the retirement system the delayed contribution payment *in accordance*  
10 *with the payment options and restrictions established by subsection (14) of*  
11 *Section 9 of this Act.*

12 (b) The cost of service under this subsection may be paid by both the employer  
13 and employee. The employer shall pay fifty percent (50%) of the cost and the  
14 employee shall pay fifty percent (50%) of the cost. The payment by the  
15 employer shall not be deposited to the member's account. Service credit shall  
16 not be credited to the member's account until both the employer's and  
17 employee's payment are received by the retirement system.

18 (c) If the employee has purchased service credit under this subsection based on  
19 months reported by the employer for the fiscal year, and an audit of the  
20 employee's account reduces the number of months of service credit for which  
21 the employee is eligible to no fewer than nine (9) months, the employee shall  
22 retain credit for the months purchased unless the employee is ineligible for  
23 any service in the fiscal year. The employee shall be eligible to purchase the  
24 additional months under this subsection to total one (1) year.

25 (d) This subsection shall not apply to members who begin participating in the  
26 systems administered by Kentucky Retirement Systems on or after January 1,  
27 2014.

1 (3) (a) ~~[An employee who is simultaneously eligible for membership in more than~~  
 2 ~~one (1) retirement system administered by the Kentucky Retirement Systems~~  
 3 ~~may, at his option, choose to participate in only one (1) of those systems. The~~  
 4 ~~choice, once made, shall remain in effect so long as the employee is eligible~~  
 5 ~~for membership in more than one (1) system.]~~

6 (b) ~~—~~ If an~~[the]~~ employee participates in more than one (1) of the retirement  
 7 systems administered by the Kentucky Retirement Systems, the employee's  
 8 service credit shall be divided between each system determined by dividing  
 9 the employee's creditable compensation in each system by the employee's total  
 10 creditable compensation in all systems.

11 ~~(b)(c)~~ If an~~[the]~~ employee earns creditable compensation in both a hazardous  
 12 position, as defined by KRS 61.592, and a nonhazardous position, the  
 13 employee's service credit shall be divided between the employee's hazardous  
 14 and nonhazardous positions determined by dividing the employee's creditable  
 15 compensation in the hazardous and nonhazardous positions by the employee's  
 16 combined hazardous and nonhazardous creditable compensation.

17 ➔Section 9. KRS 61.552 is amended to read as follows:

18 (1) (a) Any employee participating in one (1) of the state-administered retirement  
 19 systems who has been refunded his accumulated account balance under the  
 20 provisions of KRS 16.645(21), 61.625, or 78.545(15), thereby losing service  
 21 credit, may regain the credit by paying to the system from which he received  
 22 the refund or refunds the amount or amounts refunded with interest at a rate  
 23 determined by the board of the respective retirement system.~~[The payment,~~  
 24 ~~including interest as determined by the board, shall be deposited to the~~  
 25 ~~member's account and considered as accumulated contributions of the~~  
 26 ~~individual member. The payments shall not be picked up, as described in KRS~~  
 27 ~~61.560(4), by the employer.]~~

1       **(b) Service purchased under this subsection shall not be used in determining a**  
 2       **retirement allowance until the member has accrued at least six (6) months**  
 3       **of service credit in a state-administered retirement system, excluding the**  
 4       **service purchased under this subsection. If the member does not accrue at**  
 5       **least six (6) months of service credit in a state-administered retirement**  
 6       **system, excluding service purchased under this subsection, then the**  
 7       **payment plus interest as provided in KRS 61.575 shall be refunded upon**  
 8       **retirement, death, or written request following termination of employment.**  
 9       **The service requirement shall be waived if the member dies or becomes**  
 10       **disabled as provided for by KRS 16.582, 61.600, or 61.621.**

11       **(c)** Service purchased under this subsection on or after January 1, 2014, shall not  
 12       be used to determine the member's participation date in the system.

13       (2) Any employee participating in one (1) of the retirement systems administered by  
 14       Kentucky Retirement Systems, who has at least forty-eight (48) months of service if  
 15       age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
 16       (65) in the systems administered by the Kentucky Retirement Systems, and who did  
 17       not elect membership in the County Employees Retirement System, as provided in  
 18       KRS 78.540(2), may **purchase service**~~obtain~~ credit in the County Employees  
 19       Retirement System for ~~prior service and for current service by paying to the County~~  
 20       ~~Employees Retirement System a delayed contribution payment for~~ the service he  
 21       would have received had he elected membership. ~~The delayed contribution~~  
 22       ~~payment shall not be picked up, as described in KRS 61.560(4), by the employer.~~  
 23       ~~Payment may be by lump sum or the employee may pay by increments.~~

24       (3) Any employee participating in one (1) of the retirement systems administered by  
 25       Kentucky Retirement Systems, who has at least forty-eight (48) months of service if  
 26       age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
 27       (65) in the systems administered by the Kentucky Retirement Systems, and who did

1 not elect membership in the Kentucky Employees Retirement System, as provided  
2 in KRS 61.525(2), may *purchase service*~~[obtain]~~ credit in the Kentucky Employees  
3 Retirement System for ~~[prior service and for current service by paying to the system~~  
4 ~~a delayed contribution payment for ]~~the service he would have received had he  
5 elected membership.~~[The delayed contribution payment shall not be picked up, as~~  
6 ~~described in KRS 61.560(4), by the employer. Payment may be by lump sum or the~~  
7 ~~employee may pay by increments.]~~

8 (4) An employee participating in one (1) of the retirement systems administered by  
9 Kentucky Retirement Systems, who has at least forty-eight (48) months of service if  
10 age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
11 (65) in the systems administered by the Kentucky Retirement Systems, may  
12 *purchase service*~~[obtain]~~ credit in the Kentucky Employees Retirement System for  
13 ~~[current ]~~service between July 1, 1956, and the effective date of participation of his  
14 department~~[ by paying to the system a delayed contribution payment for the service~~  
15 ~~he would have received had his department participated on July 1, 1956. The~~  
16 ~~delayed contribution payment shall not be picked up, as described in KRS~~  
17 ~~61.560(4), by the employer. Payment may be by lump sum or the employee may pay~~  
18 ~~by increments].~~

19 (5) (a) An employee participating in one (1) of the retirement systems administered  
20 by Kentucky Retirement Systems, who has at least forty-eight (48) months of  
21 service if age sixty-five (65) or at least sixty (60) months of service if under  
22 age sixty-five (65) in the systems administered by the Kentucky Retirement  
23 Systems, may *purchase service*~~[obtain]~~ credit in the County Employees  
24 Retirement System for ~~[current ]~~service between July 1, 1958, and the  
25 effective date of participation of his county~~[ by paying to the County~~  
26 ~~Employees Retirement System a delayed contribution payment for the service~~  
27 ~~he would have received had his county participated on July 1, 1958. The~~

1           ~~delayed contribution payment shall not be picked up, as described in KRS~~  
2           ~~61.560(4), by the employer].~~

3           (b) An employee participating in one (1) of the retirement systems administered  
4           by Kentucky Retirement Systems, who has at least forty-eight (48) months of  
5           service if age sixty-five (65) or at least sixty (60) months of service if under  
6           age sixty-five (65) in the systems administered by Kentucky Retirement  
7           Systems may ***purchase service***~~[obtain]~~ credit for the period of his service with  
8           an area development district created pursuant to KRS 147A.050 or with a  
9           business development corporation created pursuant to KRS 155.001 to  
10          155.230 if that service was not covered by a state-administered retirement  
11          system. ~~[The member shall pay to the retirement system in which he~~  
12          ~~participates a delayed contribution payment, as determined by the board's~~  
13          ~~actuary.]~~The employee may obtain credit for employment with a business  
14          development corporation only if the Kentucky Retirement Systems receives a  
15          favorable private letter ruling from the United States Internal Revenue Service  
16          or a favorable opinion letter from the United States Department of Labor.~~[~~  
17          ~~Payment may be by lump sum or the employee may pay by increments.]~~

18          (6) ~~[After August 1, 2000, service credit obtained under the subsections of this section~~  
19          ~~which do not require the employee to have a minimum number of years of service~~  
20          ~~credit to be eligible to make a purchase shall be disallowed and the recontribution of~~  
21          ~~refund, including interest as determined by the board or other payment, if any, shall~~  
22          ~~be paid to the member if the member does not obtain for service performed six (6)~~  
23          ~~months' additional current service credit in one (1) of the state-administered~~  
24          ~~retirement systems. The service requirement shall be waived if the member dies or~~  
25          ~~becomes disabled as provided for by KRS 16.582 or 61.600.~~

26          (7) ~~]~~The ***member***~~[members]~~ shall not receive ~~[benefit of ]~~service ***credit*** for the same  
27          period of time in ***which the member has service credit in one (1) of the systems***

1        administered by Kentucky Retirement Systems or another public defined benefit  
2        retirement fund.

3        ~~(7)~~~~(8)~~ Any employee participating in one (1) of the retirement systems administered  
4        by Kentucky Retirement Systems who has at least forty-eight (48) months' service if  
5        age sixty-five (65) or at least sixty (60) months' service if under age sixty-five (65)  
6        in the retirement systems administered by the Kentucky Retirement Systems, who  
7        formerly worked for a state university in a nonteaching position which would have  
8        qualified as a regular full-time position had the university been a participating  
9        department, and who did not participate in a defined benefit retirement program at  
10       the university, may purchase service~~[obtain]~~ credit in any of the systems  
11       administered by Kentucky Retirement Systems in which the employee is a  
12       member~~[ in the employee's account in the County Employees Retirement System,~~  
13       ~~the Kentucky Employees Retirement System, or the State Police Retirement System~~  
14       ~~for prior and current service by paying either retirement system a delayed~~  
15       ~~contribution payment]~~ for the service he would have received had his period of  
16       university employment been covered by the County Employees Retirement System,  
17       Kentucky Employees Retirement System, or State Police Retirement System.~~[The~~  
18       ~~delayed contribution payment shall not be picked up, as described in KRS~~  
19       ~~61.560(4), by the employer. Payment may be by lump sum, or the employee may~~  
20       ~~pay by increments.]~~

21       ~~(8)~~~~(9)~~ (a) Effective August 1, 1980, any county participating in the County  
22       Employees Retirement System may purchase current service, between July 1,  
23       1958, and participation date of the county, for present employees of the county  
24       who have obtained coverage under KRS 78.540(2);

25       (b) Effective July 1, 1973, any department participating in the Kentucky  
26       Employees Retirement System may purchase current service between July 1,  
27       1956, and participation date of the department, for present employees of the

- 1 department who were employees on the participation date of the department  
2 and elected coverage under KRS 61.525(2);
- 3 (c) Cost of the service credit purchased under this subsection shall be determined  
4 by computing the discounted value of the additional service credit based on an  
5 actuarial formula recommended by the board's consulting actuary and  
6 approved by the board. A department shall make payment for the service  
7 credit within the same fiscal year in which the option is elected. The county  
8 shall establish a payment schedule subject to approval by the board for  
9 payment of the service credit. The maximum period allowed in a payment  
10 schedule shall be ten (10) years with interest at the rate actuarially assumed by  
11 the board; however, a shorter period is desirable and the board may approve  
12 any schedule provided it is not longer than a ten (10) year period;
- 13 (d) If a county or department elects the provisions of this subsection, any present  
14 employee who would be eligible to receive service credit under the provisions  
15 of this subsection and has purchased service credit under subsection (4) or (5)  
16 of this section shall have his payment for the service credit refunded with  
17 interest at the rate paid under KRS 61.575 or 78.640;
- 18 (e) Any payments made by a county or department under this subsection shall be  
19 deposited to the retirement allowance account of the proper retirement system  
20 and these funds shall not be considered accumulated contributions of the  
21 individual members.
- 22 ~~(9)~~<sup>(10)</sup> Interest paid by a member of the Kentucky Employees Retirement System,  
23 County Employees Retirement System, or State Police Retirement System under  
24 this section or other similar statutes under KRS 16.505 to 16.652, 61.510 to 61.705,  
25 or 78.510 to 78.852 prior to June 19, 1976, shall be credited to the individual  
26 member's account in the appropriate retirement system and considered as  
27 accumulated contributions of the member.

1 ~~(10)~~~~(11)~~ Employees who served as assistants to officers and employees of the General  
2 Assembly who have at least forty-eight (48) months of service if age sixty-five (65)  
3 or at least sixty (60) months of service if under age sixty-five (65) in the systems  
4 administered by Kentucky Retirement Systems and who were unable to acquire  
5 service under KRS 61.510(20) may purchase credit for the service performed after  
6 January 1, 1960.~~Service credit under this section shall be obtained by the payment~~  
7 ~~of a delayed contribution which shall not be picked up by the employer as described~~  
8 ~~in KRS 61.560(4).~~

9 ~~(11)~~~~(12)~~ (a) Effective August 1, 1988, any employee participating in one (1) of the  
10 retirement systems administered by Kentucky Retirement Systems who has at  
11 least forty-eight (48) months of service if age sixty-five (65) or at least sixty  
12 (60) months of service if under age sixty-five (65) in the systems administered  
13 by Kentucky Retirement Systems may purchase service credit for interim,  
14 seasonal, emergency, ~~for temporary employment~~, **probationary**, or part-  
15 time employment averaging one hundred (100) or more hours of work per  
16 month on a calendar or fiscal year basis. If the average number of hours of  
17 work is less than one hundred (100) per month, the member shall be allowed  
18 credit only for those months he receives creditable compensation for one  
19 hundred **(100) or more** hours of work.~~The cost will be determined as a~~  
20 ~~delayed contribution payment for the period of time involved, which shall not~~  
21 ~~be picked up by the employer as described in KRS 61.560(4).~~

22 (b) Any noncertified employee of a school board who has at least forty-eight (48)  
23 months of service if age sixty-five (65) or at least sixty (60) months of service  
24 if under age sixty-five (65) in the systems administered by Kentucky  
25 Retirement Systems may purchase service credit **in the County Employees**  
26 **Retirement System** for part-time employment prior to the 1990-91 school year  
27 which averaged eighty (80) or more hours of work per month on a calendar or



1 fiscal year basis~~[ by paying to the County Employees Retirement System a~~  
 2 ~~delayed contribution payment. The delayed contribution payment shall not be~~  
 3 ~~picked up, as described in KRS 78.610(4), by the employer. Payment may be~~  
 4 ~~by lump sum or the employee may pay by increments].~~ If the average number  
 5 of hours of work is less than eighty (80) per month, the noncertified employee  
 6 of a school board shall be allowed ***to purchase service*** credit only for those  
 7 months he ***received***~~[receives]~~ creditable compensation for eighty (80) ***or more***  
 8 hours of work.~~[ The cost will be determined as a delayed contribution~~  
 9 ~~payment, which shall not be picked up by the employer as described in KRS~~  
 10 ~~78.610(4).~~

11 ~~(13) A retired member, who is contributing to one (1) of the state administered~~  
 12 ~~retirement programs under the provisions of KRS 61.637(1) to (4) and~~  
 13 ~~purchases service credit under this section in the system or systems from~~  
 14 ~~which he is retired, shall have his retirement allowance recomputed:~~

15 ~~(a) Upon termination from employment, if the member is contributing to the same~~  
 16 ~~system or systems from which he was retired; or~~

17 ~~(b) Upon completion of six (6) months' service credit as required under~~  
 18 ~~subsection (6) of this section, if the member is contributing to a system other~~  
 19 ~~than the system or systems from which he is retired.]~~

20 ~~(12)~~~~[(14)]~~ Any employee participating in one (1) of the systems administered by  
 21 Kentucky Retirement Systems who has at least forty-eight (48) months of service if  
 22 age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
 23 (65) in the systems administered by Kentucky Retirement Systems may ***purchase***  
 24 ***service***~~[obtain]~~ credit for ~~[prior or current service for]~~ any period of approved  
 25 educational leave, or for agency-approved leave to work for a work-related labor  
 26 organization if the agency subsequently participated in the County Employees  
 27 Retirement System~~[, by paying to the respective retirement system a delayed~~

1 ~~contribution payment~~. The employee may also **purchase service**~~[obtain]~~ credit for  
 2 agency-approved leave to work for a work-related labor organization if the agency  
 3 subsequently participated in the County Employees Retirement System, but only if  
 4 the Kentucky Retirement Systems receives a favorable private letter ruling from the  
 5 United States Internal Revenue Service or a favorable opinion letter from the United  
 6 States Department of Labor~~[-. The delayed contribution payment shall not be picked~~  
 7 ~~up, as described in KRS 61.560(4), by the employer, and shall be deposited to the~~  
 8 ~~individual member's account]~~.

9 ~~(13)~~~~[(15)]~~ Any employee participating in one (1) of the retirement systems administered  
 10 by Kentucky Retirement Systems who has at least forty-eight (48) months of service  
 11 if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
 12 (65) in the systems administered by Kentucky Retirement Systems may **purchase**  
 13 **service**~~[obtain]~~ credit for ~~[prior or current service for ]~~any period of authorized  
 14 maternity leave, unpaid leave authorized under the Federal Family and Medical  
 15 Leave Act, or for any period of authorized sick leave without pay~~[-, by paying to the~~  
 16 ~~respective retirement system a delayed contribution payment. The delayed~~  
 17 ~~contribution payment shall not be picked up, as described in KRS 61.560(4), by the~~  
 18 ~~employer, and shall be deposited to the individual member's account]~~.

19 ~~(14)~~~~[(16)]~~ **(a)** Any employee participating in one (1) of the retirement systems  
 20 administered by Kentucky Retirement Systems may purchase service credit  
 21 under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or  
 22 78.510 to 78.852, **or as otherwise required by 38 U.S.C. ch. 43**, by: ~~[making~~  
 23 ~~installment payments in lieu of a lump-sum payment.]~~

24 ~~1.~~~~[(a)]~~ **Making a lump-sum payment on a before-tax basis as provided**  
 25 **in subparagraph 3. of this paragraph, or on an after-tax basis if the**  
 26 **employee is purchasing service credit under subsection (1) or (20) of**  
 27 **this section, service available pursuant to 38 U.S.C. ch. 43 not**

1 otherwise provided for in this section, or grandfathered service as  
2 defined in paragraph (b) of this subsection;

3 2. Entering into an agreement to purchase service credit through an  
4 installment purchase of service agreement with the systems as  
5 provided by paragraph (c) of this subsection:

6 a. On a before-tax basis in which the service is purchased pursuant  
7 to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2); or

8 b. On an after-tax basis if the employee is purchasing service credit  
9 under subsection (1) or (2) of this section, service available  
10 pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this  
11 section, or grandfathered service as defined in paragraph (b) of  
12 this subsection; or

13 3. Transferring funds to the systems through a direct trustee-to-trustee  
14 transfer as permitted under the applicable sections of the Internal  
15 Revenue Code and any regulations or rulings issued thereunder,  
16 through a direct rollover as contemplated by and permitted under 26  
17 U.S.C. sec. 401(a)(31) and any regulations or rulings issued  
18 thereunder, or through a rollover of funds pursuant to and permitted  
19 under the rules specified in 26 U.S.C. secs. 402(c) and 408(d)(3). The  
20 Kentucky Retirement Systems shall accept the transfer or rollover to  
21 the extent permitted under the rules specified in the applicable  
22 provisions of the Internal Revenue Code and any regulations and  
23 rulings issued thereunder.

24 (b) For purposes of this subsection, "grandfathered service" means service  
25 purchases for which a member, whose membership date in the system is  
26 prior to July 1, 1999, is eligible to purchase under KRS 16.505 to 16.652,  
27 61.510 to 61.705, or 78.510 to 78.852, that were available for all members of

1 *the system to purchase on August 5, 1997.*

2 *(c) 1. For service purchased under a before-tax or after-tax installment*  
3 *purchase of service agreement as provided by paragraph (a)2. of this*  
4 *subsection,* the cost of the service shall be computed in the same manner  
5 as for a lump-sum payment which shall be the principal~~[,]~~, *except*  
6 *that*~~[and]~~ interest *compounded annually*~~[,]~~ at the actuarial rate in effect  
7 at the time the member elects to make the purchase~~[compounded~~  
8 ~~annually,]~~ shall be added for the period that the installments are to be  
9 made.

10 *2.* Multiple service purchases may be combined under a single installment  
11 *agreement, except that*~~[purchase ; however,]~~ no employee may make  
12 more than one (1) installment purchase at the same time.

13 *3. For after-tax installment purchase of service agreements,* the  
14 employee may elect to stop the installment payments by notifying the  
15 retirement system; may have the installment purchase recalculated to  
16 add one (1) or more additional service purchases; or may pay by lump  
17 sum the remaining principal or a portion of the remaining principal.

18 *4. Before-tax installment purchase of service agreements shall be*  
19 *irrevocable, and the employee shall not be able to stop installment*  
20 *payments or to pay off the remaining balance of the purchase of*  
21 *service agreement, except upon termination of employment or death.*

22 *5.[(b)]* One (1) year of installment payments shall be made for each one  
23 thousand dollars (\$1,000) or any part thereof of the total cost, except that  
24 the total period allowed for installments shall not be less than one (1)  
25 year and shall not exceed five (5) years.

26 *6.[(e)]* The employee shall pay the installments by payroll deduction *for*  
27 *after-tax purchase of service agreements, and the employer shall pick*

1            up installments for before-tax purchase of service agreements. Upon  
 2 notification by the retirement system, the employer shall report the  
 3 installment payments either monthly or semimonthly continuously over  
 4 each twelve (12) month period at the same time as, but separate from,  
 5 regular employee contributions on the forms or by the computer format  
 6 specified by the board~~]. The payments made under this subsection shall~~  
 7 ~~be considered accumulated contributions of the member and shall not be~~  
 8 ~~picked up by the employer pursuant to KRS 61.560(4) and no employer~~  
 9 ~~contributions shall be paid on the installments].~~

10        ~~7.(d)]~~        The retirement system shall determine how much of the total cost  
 11 represents payment for one (1) month of the service to be purchased and  
 12 shall credit one (1) month of service to the member's account each time  
 13 this amount has been paid. The first service credited shall represent the  
 14 first calendar month of the service to be purchased and each succeeding  
 15 month of service credit shall represent the succeeding months of that  
 16 service.

17        ~~8.(e)]~~        If the employee utilizing an installment purchase of service  
 18 agreement dies, retires, does not continue employment in a position  
 19 required to participate in the retirement system, or elects to stop an  
 20 after-tax installment purchase of service agreement~~stop the~~  
 21 ~~installment payments, dies, retires, or does not continue employment in~~  
 22 ~~a position required to participate in the retirement system],~~ the member,  
 23 or in the case of death, the beneficiary, shall have sixty (60) days to pay  
 24 the remaining principal or a portion of the remaining principal of the  
 25 installment purchase of service agreement by lump sum, subject to the  
 26 restrictions of paragraph (a)1. of this subsection, or by transfer of  
 27 funds under paragraph (a)3. of this subsection, except that payment by

1 the member shall be filed with the system~~[made]~~ prior to the member's  
2 effective retirement date. If the member or beneficiary does not pay the  
3 remaining cost, the retirement system shall refund to the member or the  
4 beneficiary the payment, payments, or portion of a payment that does not  
5 represent a full month of service purchased, except as provided by  
6 subsection (22) of this section.

7 ~~9.(f)~~ If the employer does not report installment payments on an  
8 employee for sixty (60) days for an after-tax installment purchase of  
9 service agreement, except in the case of employees on military leave or  
10 sick leave without pay, the installment purchase shall cease and the  
11 retirement system shall refund to the employee the payment, payments,  
12 or portion of a payment that does not represent a full month of service  
13 purchased.

14 10. Installment payments of employees on military leave or sick leave  
15 without pay shall be suspended during the period of leave and shall  
16 resume without recalculation upon the employee's return from leave.

17 ~~11.(g)~~ If payments have ceased under subparagraph 8. or 9. of this  
18 paragraph~~[paragraph (e) or (f) of this subsection]~~ and the member later  
19 becomes a participating employee in one (1) of the three (3) systems  
20 administered by Kentucky Retirement Systems, the employee may  
21 complete the adjusted original installment purchase by lump sum or  
22 installment payments, subject to the restrictions of this subsection. If  
23 the employee elects to renew the installment purchase, the cost of the  
24 remaining service shall be recalculated in accordance with paragraph (a)  
25 of this subsection.

26 (d) Except as provided by paragraph (a)2.a. of this subsection, the cost of  
27 purchasing service shall not be picked up, as described in KRS 16.545(4),

1                   61.560(4), or 78.610(4), by the employer.

2                   (e) The cost of purchasing service credit under any provision of this section,  
 3                   except as provided by subsections (1) and (20) of this section, shall be  
 4                   determined by the delayed contribution method as provided by KRS 61.5525.

5                   (f) Member payments, including interest, properly received pursuant to this  
 6                   subsection shall be deposited to the member's account and considered as  
 7                   accumulated contributions of the individual member.

8   ~~[(17) Any employee participating in one (1) of the retirement systems administered by~~  
 9   ~~Kentucky Retirement Systems may purchase service credit under any of the~~  
 10   ~~provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 by~~  
 11   ~~transferring funds through a direct trustee to trustee transfer as permitted under the~~  
 12   ~~applicable sections of the Internal Revenue Code and any regulations or rulings~~  
 13   ~~issued thereunder, or through a direct rollover as contemplated by and permitted~~  
 14   ~~under 26 U.S.C. sec. 401(a)(31) and any regulations or rulings issued thereunder.~~  
 15   ~~Service credit may also be purchased by a rollover of funds pursuant to and~~  
 16   ~~permitted under the rules specified in 26 U.S.C. sec. 402(e) and 26 U.S.C. sec.~~  
 17   ~~408(d)(3). The Kentucky Retirement Systems shall accept the transfer or rollover to~~  
 18   ~~the extent permitted under the rules specified in the applicable provisions of the~~  
 19   ~~Internal Revenue Code and any regulations and rulings issued thereunder. The~~  
 20   ~~amount shall be credited to the individual member's account in the appropriate~~  
 21   ~~retirement system and shall be considered accumulated contributions of the~~  
 22   ~~member.]~~

23   (15)~~[(18)]~~ After August 1, 1998, any employee participating in one (1) of the retirement  
 24   systems administered by Kentucky Retirement Systems who is age sixty-five (65) or  
 25   older and has forty-eight (48) months of service credit or, if younger, who has sixty  
 26   (60) months of service credit in systems administered by Kentucky Retirement  
 27   Systems may purchase service credit in the system in which the employee has the

1 service credit for up to ten (10) years service in a regular full-time position that was  
2 credited to a state or local government-administered public defined benefit plan in  
3 another state other than a defined benefit plan for teachers.~~[The employee shall pay~~  
4 ~~a delayed contribution payment. Payment may be by lump sum, or the employee~~  
5 ~~may pay by increments.]~~ The employee ~~[may transfer funds directly from the other~~  
6 ~~state's plan if eligible to the extent permitted under subsection (17) of this section~~  
7 ~~and to the extent permitted by the other state's laws and ]~~ shall provide proof that he  
8 is not eligible for a retirement benefit for the period of service from the other state's  
9 plan.

10 (16)~~[(19)]~~ After August 1, 1998, any employee participating in one (1) of the retirement  
11 systems administered by Kentucky Retirement Systems, who has sixty (60) or more  
12 months of service in the State Police Retirement System or in a hazardous position  
13 in the Kentucky Employees Retirement System or the County Employees  
14 Retirement System, may purchase service credit in the system in which the  
15 employee has the sixty (60) months of service credit for up to ten (10) years of  
16 service in a regular full-time position that was credited to a defined benefit  
17 retirement plan administered by a state or local government in another state, if the  
18 service could be certified as hazardous pursuant to KRS 61.592.~~[The employee~~  
19 ~~shall pay a delayed contribution payment. Payment may be by lump sum or by~~  
20 ~~increments.]~~ The employee~~[ may transfer funds directly from the other unit of~~  
21 ~~government's plan if eligible to the extent permitted under subsection (17) of this~~  
22 ~~section and to the extent permitted by the other state's laws, and the employee]~~ shall  
23 provide proof that he is not eligible for a retirement benefit for the period of service  
24 from the other unit of government's plan.

25 (17)~~[(20)]~~ Any employee participating in one (1) of the retirement systems administered  
26 by Kentucky Retirement Systems who has at least forty-eight (48) months of service  
27 if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five



1 (65) in the systems administered by Kentucky Retirement Systems and who has  
2 completed service as a volunteer in the Kentucky Peace Corps, created by KRS  
3 154.1-720, may purchase service credit for the time served in the corps~~[by making~~  
4 ~~delayed contribution payments]~~.

5 ~~(18)~~~~(21)~~ An employee participating in any retirement system administered by Kentucky  
6 Retirement Systems who has at least forty-eight (48) months of service if age sixty-  
7 five (65), or at least sixty (60) months of service if under age sixty-five (65) in the  
8 systems administered by Kentucky Retirement Systems, and who was formerly  
9 employed in a regional community services program for mental health and  
10 individuals with an intellectual disability, organized and operated under the  
11 provisions of KRS 210.370 to 210.480, which does not participate in a state-  
12 administered retirement system may *purchase service*~~[obtain]~~ credit for the period  
13 of his service in the regional community program for mental health and individuals  
14 with an intellectual disability~~[by paying to the state retirement system in which he~~  
15 ~~participates a delayed contribution payment. Payment to one (1) of the retirement~~  
16 ~~systems administered by the Kentucky Retirement Systems may be made by lump~~  
17 ~~sum or in increments]~~.

18 ~~(19)~~~~(22)~~ An employee participating in one (1) of the retirement systems administered  
19 by Kentucky Retirement Systems who has at least forty-eight (48) months of service  
20 if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
21 (65) in the systems administered by the Kentucky Retirement Systems, who was  
22 employed by a vocational technical school in a noncertified part-time position  
23 averaging eighty (80) or more hours per month, determined by using the number of  
24 months actually worked within a calendar or fiscal year, may purchase service credit  
25 in the Kentucky Employees Retirement System.~~[The cost of the service shall be a~~  
26 ~~delayed contribution payment, which shall not be picked up by the employer as~~  
27 ~~described in KRS 61.560(4).]~~

- 1 ~~(20)~~~~(23)~~ (a) Any person who is entitled to service credit for employment which was  
2 not reported in accordance with KRS 16.543, 61.543, or 78.615 may obtain  
3 credit for the service by paying the employee contributions due within six (6)  
4 months of notification by the system. No interest shall be added to the  
5 contributions. The service credit shall not be credited to the member's account  
6 until the employer contributions are received. If a retired member makes the  
7 payment within six (6) months, the retired member's retirement allowance  
8 shall be adjusted to reflect the added service after the employer contributions  
9 and any interest or penalties on the delinquent employer contributions are  
10 received by the retirement system.
- 11 (b) Any employee participating in one (1) of the state-administered retirement  
12 systems who is entitled to service credit under paragraph (a) of this subsection  
13 and who has not repaid the employee contributions due within six (6) months  
14 of notification by the system may regain the credit after the six (6) months by  
15 paying to the system the employee contributions plus interest at the actuarially  
16 assumed rate from the date of initial notification under paragraph (a) of this  
17 subsection. Service credit shall not be credited to the member's account until  
18 the employer contributions and any interest or penalties on the delinquent  
19 employer contributions are received by the retirement system.~~[The payments~~  
20 ~~shall not be picked up, as described in KRS 61.560(4), by the employer.]~~
- 21 (c) Service purchased under this subsection by employees who begin participating  
22 on or after September 1, 2008, shall be considered service credited under KRS  
23 16.543(1), 61.543(1), or 78.615(1) for purposes of determining eligibility for  
24 retirement benefits under KRS 16.505 to 16.652, 61.510 to 61.705, and  
25 78.510 to 78.852.
- 26 (d) Employees who begin participating on or after January 1, 2014, in the hybrid  
27 cash balance plan provided by KRS 16.583 and 61.597 shall, upon payment of

1 the employee and employer contributions due under this subsection, have their  
 2 accumulated account balance increased by the employee contributions,  
 3 employer pay credits, and interest credits that would have been credited to  
 4 their member's account if the contributions had been paid on time.

5 **(e) Employer contributions payable under this subsection shall be considered**  
 6 **delinquent and the employer shall be required to pay interest and any other**  
 7 **penalties on the delinquent contributions in accordance with KRS**  
 8 **61.675(3)(b) and 78.625(2)(a) from the date the employee should have been**  
 9 **reported and received service credit in accordance with KRS 16.543, 61.543,**  
 10 **and 78.615.**

11 ~~(21)~~[(24)] Any employee participating in one (1) of the retirement systems administered  
 12 by Kentucky Retirement Systems who has at least forty-eight (48) months of service  
 13 if age sixty-five (65) or at least sixty (60) months of service if under age sixty-five  
 14 (65) in the systems administered by the Kentucky Retirement Systems may  
 15 purchase service credit for employment with a public agency that would have been  
 16 eligible to participate under KRS 61.520 but which did not participate in the  
 17 Kentucky Employees Retirement System or a political subdivision that would have  
 18 been eligible to participate under KRS 78.530 but which did not participate in the  
 19 County Employees Retirement System if the former public agency or political  
 20 subdivision has merged with or been taken over by a participating department or  
 21 county. ~~The cost of the service shall be determined as a delayed contribution~~  
 22 ~~payment for the respective retirement system. Payment may be made by lump sum~~  
 23 ~~or [in] increments. The payment shall not be picked up, as described in KRS~~  
 24 ~~61.560(4) or 78.610(4), by the employer.]~~

25 ~~(22)~~[(25)] Any employee participating in one (1) of the retirement systems administered  
 26 by the Kentucky Retirement Systems prior to July 15, 2002, who has accrued at  
 27 least forty-eight (48) months of service if age sixty-five (65) or at least sixty (60)

1 months of service if under age sixty-five (65) in the systems administered by the  
2 Kentucky Retirement Systems and who has total service in all state-administered  
3 retirement systems of at least one hundred eighty (180) months of service credit  
4 may purchase a combined maximum total of five (5) years of retirement service  
5 credit which is not otherwise purchasable under any of the provisions of KRS  
6 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. **The purchase shall be**  
7 **made in any of the systems administered by Kentucky Retirement Systems in**  
8 **which the employee is a member**~~[The purchase price for the retirement service~~  
9 ~~credit shall be calculated and paid for as a delayed contribution payment. The~~  
10 ~~payment shall not be picked up, as described in KRS 16.545(4), 61.560(4), or~~  
11 ~~78.610(4), by the employer, and the employee's payment shall be paid into the~~  
12 ~~individual member's account in the appropriate retirement system and shall be~~  
13 ~~considered accumulated contributions of the member. Payment by the member may~~  
14 ~~be by lump sum or by increments]. The service purchased under this subsection~~  
15 shall not be used in determining a retirement allowance until the member has  
16 accrued at least two hundred forty (240) months of service, excluding service  
17 purchased under this subsection. If the member does not accrue at least two hundred  
18 forty (240) months of service, excluding service purchased under this subsection,  
19 upon retirement, death, or written request following termination, the payment, plus  
20 interest as provided in KRS 61.575, shall be refunded.

21 ~~(23)~~~~(26)~~ An employee participating in one (1) of the retirement systems administered  
22 by Kentucky Retirement Systems, who has at least forty-eight (48) months of  
23 service if age sixty-five (65), or at least sixty (60) months of service if under age  
24 sixty-five (65), in the systems administered by Kentucky Retirement Systems, may  
25 obtain credit in the County Employees Retirement System for the period of that  
26 employee's service with a community action agency created under KRS 273.405 to  
27 273.453 if that service was not covered by a state-administered retirement system.}]

1       ~~The member shall pay to the retirement system a delayed contribution payment.~~  
2       ~~Payment may be made by lump sum or in increments. The payment shall not be~~  
3       ~~picked up, as described in KRS 61.560(4) or 78.610(4), by the employer.~~

4       ~~(27) The board of trustees is authorized to establish a program, subject to a favorable~~  
5       ~~ruling from the Internal Revenue Service, to provide for the purchase of service~~  
6       ~~credit under any of the provisions of KRS 16.505 to 16.552, 61.510 to 61.705, and~~  
7       ~~78.510 to 78.852, pursuant to the employer pick up provisions in 26 U.S.C. sec.~~  
8       ~~414(h)(2).]~~

9       (24)~~[(28)]~~ An employee may obtain credit for regular full-time service with an agency  
10       prior to August 1, 1998, for which the employee did not receive credit due to KRS  
11       61.637(1)~~], by paying a delayed contribution. The payment shall not be picked up~~  
12       ~~by the employer, except as provided in subsection (27) of this section, and shall be~~  
13       ~~credited to the employee's second retirement account].~~ Service credit obtained under  
14       this subsection shall not be used in determining benefits under KRS 61.702. The  
15       employee may purchase credit for service prior to August 1, 1998, if:

- 16       (a) The employee retired from one (1) of the retirement systems administered by  
17       the Kentucky Retirement Systems and was reemployed prior to August 1,  
18       1998, earning less than the maximum permissible earnings under the Federal  
19       Social Security Act;
- 20       (b) The employee elected to participate in a second retirement account effective  
21       August 1, 1998, in accordance with KRS 61.637(7); and
- 22       (c) The employee has at least forty-eight (48) months of service if age sixty-five  
23       (65), or at least sixty (60) months of service if under age sixty-five (65), in a  
24       second account in the systems administered by Kentucky Retirement Systems.

25       (25)~~[(29)]~~ An employee participating in one (1) of the retirement systems administered  
26       by the Kentucky Retirement Systems, who has at least forty-eight (48) months of  
27       service if age sixty-five (65) or at least sixty (60) months of service if under age

1 sixty-five (65) in the systems administered by the Kentucky Retirement Systems,  
 2 may obtain credit for the service in a regular full-time position otherwise creditable  
 3 under the Kentucky Employees Retirement System, the County Employees  
 4 Retirement System, or the State Police Retirement System for service in the United  
 5 States government, other than service in the Armed Forces, for which service is not  
 6 otherwise given~~[, by paying to the system a delayed contribution payment. Payment~~  
 7 ~~may be made by lump sum or in increments. No payment made pursuant to this~~  
 8 ~~section shall be picked up by the employer, as described in KRS 61.560(4)].~~

9 ~~(26)~~~~[(30)]~~ An employee participating in a hazardous position in one (1) of the retirement  
 10 systems administered by the Kentucky Retirement Systems, who has at least forty-  
 11 eight (48) months of service if age sixty-five (65) or at least sixty (60) months of  
 12 service if under age sixty-five (65) in the systems administered by the Kentucky  
 13 Retirement Systems, may obtain credit for service in a regular full-time position in  
 14 an urban-county government that would qualify for hazardous duty coverage under  
 15 KRS 61.592~~[by paying to the system a delayed contribution payment. Payment may~~  
 16 ~~be made by lump sum or in increments. No payment made pursuant to this section~~  
 17 ~~shall be picked up by the employer, as described in KRS 61.560(4)].~~

18 ~~(27)~~~~[(31)]~~ Subsections (2) to (5), ~~(7)~~~~[(8)]~~ to ~~(13)~~~~[(15)]~~, ~~(15)~~~~[(18)]~~ to ~~(19)~~~~[(22), (24) to~~  
 19 ~~(26)]~~, and ~~(21)~~~~[(28)]~~ to ~~(26)~~~~[(30)]~~ of this section shall not apply to members who  
 20 begin participating in the systems administered by Kentucky Retirement Systems on  
 21 or after January 1, 2014.

22 **(28) Service purchases made pursuant to subsections (2) to (5), (7), (10) to (13), (15) to**  
 23 **(19), (21) to (23), (25), and (26) of this section shall be purchased by the entire**  
 24 **amount of service available pursuant to that subsection or by increments. Service**  
 25 **purchases made pursuant to subsections (1), (20), and (24) shall be purchased by**  
 26 **the entire amount of service available.**

27 ➔Section 10. KRS 61.5525 is amended to read as follows:

- 1 (1) Effective July 1, 2001, purchase of service under the provisions of KRS 16.505 to  
2 16.652, 61.510 to 61.705, and 78.510 to 78.852, except as provided in subsection  
3 (2) of this section, shall be determined by multiplying the higher of the employee's  
4 current rate of pay, final rate of pay, or final compensation as of the end of the  
5 month in which the purchase is made times the actuarial factor times the number of  
6 years of service being purchased. Effective September 1, 2008, the actuarial factor  
7 used to determine the cost of purchasing service credit shall assume the earliest date  
8 the member may retire without a reduction in benefits and the cost-of-living  
9 adjustments provided to members upon retirement under KRS 61.691.
- 10 (2) **Subsection (1) of this section**~~[This provision]~~ shall not apply to KRS 61.552(1) and  
11 ~~(20)~~~~(23)~~ or 61.592(3)(c).
- 12 (3) Service purchased on or after August 1, 2004, under the provisions of KRS 16.505  
13 to 16.652, 61.510 to 61.705, and 78.510 to 78.852, except for service purchased  
14 under KRS 61.552(1) and ~~(20)~~~~(23)~~, shall not be used to determine eligibility for or  
15 the amount of the monthly insurance contribution under KRS 61.702.
- 16 (4) For a member whose participation begins on or after August 1, 2004, service  
17 purchased under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and  
18 78.510 to 78.852, except for service purchased under KRS 61.552(1) and  
19 ~~(20)~~~~(23)~~, shall not be used to determine eligibility for a retirement allowance  
20 under disability retirement, early retirement, normal retirement, or death under any  
21 of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852.  
22 Purchased service shall only be used to determine the amount of the retirement  
23 allowance of a member who is eligible for a retirement allowance under disability,  
24 early retirement, normal retirement, or death under any of the provisions of KRS  
25 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852, based on service earned  
26 as a participating employee.
- 27 ➔Section 11. KRS 61.555 is amended to read as follows:

1 (1) **(a)** After August 1, 1998, any employee entering the Armed Forces of the United  
2 States after he first participates in the system, who joins the Armed Forces  
3 within three (3) months of the last day of paid employment, being on leave of  
4 absence from service and not withdrawing his accumulated account balance,  
5 shall be credited for retirement purposes with service credit and creditable  
6 compensation as provided in 38 U.S.C. sec. 4318 for his period of active  
7 military duty in the Armed Forces of the United States, not to exceed six (6)  
8 years, if:

9 **1. The member's military service was terminated in a manner other than**  
10 **as described in 38 U.S.C. sec. 4304;**~~His discharge therefrom is~~  
11 ~~honorable~~ and

12 **2. The member**~~He~~ returns to work with an employer participating in one  
13 (1) of the retirement systems administered by the Kentucky Retirement  
14 Systems within two (2) years after completion of the period of active  
15 military duty, or upon the subsequent termination of any total disability  
16 which existed at the expiration of the two (2) years after discharge.

17 **(b)** A member eligible for the benefit prescribed by this subsection who  
18 participates in the hybrid cash balance plan as provided by KRS 16.583 and  
19 61.597 shall also have his or her member account credited with employee  
20 contributions **if remitted to the retirement systems**, employer pay credits, and  
21 interest credits, as provided by KRS 16.583 and 61.597, as though the member  
22 were employed during the member's period of active military duty described  
23 by this subsection.

24 **(c) The employer shall remit to the retirement systems the employer**  
25 **contributions that would have been due under KRS 61.565 and 61.702 for**  
26 **periods of service credited under this subsection.**

27 (2) **(a)** After August 1, 1998, any employee who, prior to the date he first participated



1 in the system, terminated his employment with an agency participating in one  
2 (1) of the systems administered by the Kentucky Retirement Systems and  
3 within three (3) months entered the Armed Forces of the United States and  
4 who returns to work with an employer participating in one (1) of the  
5 retirement systems administered by the Kentucky Retirement Systems within  
6 two (2) years after completion of the period of active military duty, or upon  
7 the subsequent termination of any total disability which existed at the  
8 expiration of the two (2) years after discharge, shall be credited for retirement  
9 purposes with service credit and creditable compensation as provided in 38  
10 U.S.C. sec. 4318 for his period of active military duty in the Armed Forces,  
11 not to exceed six (6) years **if his military service was terminated in a manner**  
12 **other than as described in 38 U.S.C. sec. 4304.**

13 **(b)** A member eligible for the benefit prescribed by this subsection who  
14 participates in the hybrid cash balance plan as provided by KRS 16.583 and  
15 61.597 shall also have his or her member account credited with employee  
16 contributions **if remitted to the retirement systems**, employer pay credits, and  
17 interest credits, as provided by KRS 16.583 and 61.597, as though the member  
18 were employed during the member's period of active military duty described  
19 by this subsection.

20 **(c) The employer shall remit to the retirement systems the employer**  
21 **contributions that would have been due under KRS 61.565 and 61.702 for**  
22 **periods of service credited under this subsection.**

23 (3) Any National Guard technician involuntarily serving on active military duty during  
24 the period between January 26, 1968, and January 1, 1970, who completes his eight  
25 (8) years' service while on military duty during this period, shall have that portion of  
26 his active military duty, necessary to the completion of eight (8) years' current  
27 service, credited to his account, as current service without having to meet the

1       reemployment criteria.

2       (4) Any employee eligible for retirement as prescribed in KRS 61.559 or any employee  
3       upon completion of five (5) years of service shall receive current service credit for a  
4       maximum of four (4) years for his period of active military duty in the Armed  
5       Forces of the United States, if his **military service was terminated in a manner**  
6       **other than as described in 38 U.S.C. sec. 4304**~~[discharge therefrom is honorable]~~  
7       and he has not been credited with the service under subsections (1) to (3) of this  
8       section if he pays thirty-five percent (35%) of the cost of the service based on the  
9       formula adopted by the board. The payment by the member shall not be picked up  
10      by the employer, as described in KRS 61.560(4), and shall be deposited to his  
11      individual member's account. The remaining sixty-five percent (65%) shall be paid  
12      by the state from funds appropriated specifically for the purpose and these payments  
13      shall be deposited to the respective retirement allowance accounts. If no funds are  
14      available in the special appropriation account, the system shall not accept employee  
15      payments until funds are available in the account.

16     (5) Any employee participating in one (1) of the retirement systems administered by  
17     Kentucky Retirement Systems eligible to purchase military service credit under  
18     subsection (4) of this section shall receive current service credit for active military  
19     duty as provided under subsection (4) of this section without payment of the current  
20     employee contribution ratio if the member was taken prisoner by a hostile power at  
21     any time during active military service.

22     (6) Any employee participating in one (1) of the retirement systems administered by  
23     Kentucky Retirement Systems age sixty-five (65) or older who has forty-eight (48)  
24     months of service, at least twelve (12) of which are current service, or if younger  
25     who has sixty (60) months of service, at least twelve (12) of which are current  
26     service shall receive current service for his period of active military duty in the  
27     Armed Forces of the United States, if his **military service was terminated in a**

1 manner other than as described in 38 U.S.C. sec. 4304~~[discharge therefrom is not~~  
2 ~~dishonorable]~~ and he has not been credited with the service under subsections (1) to  
3 (4) of this section, by paying the retirement system a delayed contribution payment  
4 in accordance with the payment options and restrictions established by subsection  
5 (14) of Section 9 of this Act. Service purchases made pursuant to this subsection  
6 shall be purchased by the entire amount of service available pursuant to this  
7 subsection or by increments~~[Payment may be made by lump sum or in increments.~~  
8 ~~The payment shall not be picked up by the employer as described in KRS 16.545(4),~~  
9 ~~61.560(4), or 78.610(4) and shall be deposited in the member's individual~~  
10 ~~retirement account].~~

11 (7) Any employee participating in one (1) of the retirement systems administered by the  
12 Kentucky Retirement Systems age sixty-five (65) or older who has forty-eight (48)  
13 months of service, at least twelve (12) of which are current service, or if younger  
14 who has sixty (60) months of service, at least twelve (12) of which are current  
15 service, shall receive one (1) month of current service for each six (6) months of  
16 service in the National Guard or the military reserves of the United States, by  
17 paying the retirement system a delayed contribution payment in accordance with  
18 the payment options and restrictions established by subsection (14) of Section 9 of  
19 this Act. The service shall be treated as service earned prior to participation in the  
20 system and shall not be included in the member's final compensation. Service  
21 purchases made pursuant to this subsection shall be purchased by the entire  
22 amount of service available pursuant to this subsection or by increments~~[Payment~~  
23 ~~may be made by lump sum or in increments. The payment shall not be picked up by~~  
24 ~~the employer, as described in KRS 16.545(4), 61.560(4), or 78.610(4) and shall be~~  
25 ~~deposited in the member's individual retirement account].~~

26 (8) For members who begin participating in the systems administered by Kentucky  
27 Retirement Systems on or after January 1, 2014, in the hybrid cash balance plan

1 prescribed by KRS 16.583 and 61.597, the provisions of subsections (4) to (7) of  
2 this section shall not apply.

3 ➔Section 12. KRS 61.557 is amended to read as follows:

4 (1) Inasmuch as the takeover of the Kentucky State Employment Service by the federal  
5 government, through its United States Employment Service and War Manpower  
6 Commission, was recognized by both federal and state governments as a temporary  
7 measure during the war emergency, and the employment service was, in fact,  
8 returned to the state government at the close of the emergency period, the  
9 employees of the service are recognized as employees of the Commonwealth for the  
10 purposes of KRS 61.510 to 61.692 during the period of control by the federal  
11 government, in the same manner as if they had been employed in another  
12 department of the government of the Commonwealth during that period.

13 (2) If a parted employer rejoins a department as a result of the cancellation of a contract  
14 or lease arrangement, thereby causing each employee thereof to again become an  
15 employee as defined in KRS 61.510(5), the system may negotiate with the publicly  
16 held corporation or other similar organizations for payment for the years of service  
17 credit under the system for all employees working on the date the contract or other  
18 lease arrangement is canceled in order to avoid an impairment in the retirement  
19 benefits of the employees, if any payment accepted by the system for the service is  
20 ~~based on a formula~~ consistent with the provisions of **subsections (6) and (8) of**  
21 **Section 9 of this Act**~~[KRS 61.552(7)]~~. No payment made pursuant to this section  
22 shall be picked up by the employer, as described in KRS 61.560(4).

23 ➔Section 13. KRS 61.560 is amended to read as follows:

24 (1) Each employee shall, commencing on August 1, 1986, contribute for each pay  
25 period for which he receives compensation five percent (5%) of his creditable  
26 compensation, ~~unless he did not elect membership pursuant to KRS 61.545(3), and~~  
27 ~~except that members of the General Assembly, who elect the survivorship option~~

1 provided in KRS 61.635(13), shall each contribute six and six-tenths percent (6.6%)  
2 of creditable compensation commencing with the payroll period immediately  
3 following his election of the option. Any other provisions of KRS 61.515 to 61.705  
4 notwithstanding, any reemployed retiree, as described in KRS 61.637, **who became**  
5 **reemployed prior to September 1, 2008, and began participating in another**  
6 **retirement account** shall contribute five percent (5%) of his creditable  
7 compensation, or the amount required by KRS 61.592(3) if applicable~~, if he~~  
8 ~~anticipates that he will receive more than the maximum permissible earnings, as~~  
9 ~~provided by the Federal Social Security Act, in compensation as a result of~~  
10 ~~reemployment during the calendar year].~~

11 (2) Each employer shall cause to be deducted from the creditable compensation of each  
12 employee for each and every payroll period the contribution payable by each such  
13 employee as provided in KRS 61.515 to 61.705.

14 (3) The deductions provided for herein shall be made notwithstanding that the  
15 minimum compensation provided by law for any employee shall be reduced  
16 thereby. Every employee shall be deemed to consent and agree to the deductions  
17 made as provided herein; and payment of salary or compensation less such  
18 deductions shall be a full and complete discharge of all claims for services rendered  
19 by such person during the period covered by such payment, except as to any  
20 benefits provided by KRS 61.515 to 61.705.

21 (4) Each employer shall, solely for the purpose of compliance with Section 414(h) of  
22 the United States Internal Revenue Code, pick up the employee contributions  
23 required by this section for all compensation earned after August 1, 1982, and the  
24 contributions so picked up shall be treated as employer contributions in determining  
25 tax treatment under the United States Internal Revenue Code and KRS 141.010(10).  
26 These contributions shall not be included as gross income of the employee until  
27 such time as the contributions are distributed or made available to the employee.

1 The picked-up employee contribution shall satisfy all obligations to the retirement  
2 system satisfied prior to August 1, 1982, by the employee contribution, and the  
3 picked-up employee contribution shall be in lieu of an employee contribution. Each  
4 employer shall pay these picked-up employee contributions from the same source of  
5 funds which is used to pay earnings to the employee. The employee shall have no  
6 option to receive the contributed amounts directly instead of having them paid by  
7 the employer to the system. Employee contributions picked up after August 1, 1982,  
8 shall be treated for all purposes of KRS 61.515 to 61.705 in the same manner and to  
9 the same extent as employee contributions made prior to August 1, 1982.

10 (5) The provisions of this section shall not apply to individuals who are not eligible for  
11 membership as provided by KRS 61.522.

12 ➔Section 14. KRS 61.590 is amended to read as follows:

13 (1) A member or beneficiary eligible to receive retirement benefits under any of the  
14 provisions of KRS 61.510 to 61.705, 78.510 to 78.852, and 16.510 to 16.652 shall  
15 have on file at the retirement office on the form prescribed by the board, **a correctly**  
16 **completed** notification of retirement, giving his name, address, Social Security  
17 number **or Kentucky Retirement Systems member identification number**, last day  
18 of employment, and other information the system may require. The form entitled  
19 "Notification of Retirement" shall not be filed more than six (6) months before the  
20 member's effective retirement date.

21 (2) **After receipt**~~[Within ten (10) days of the receipt]~~ of the **correctly completed** form  
22 entitled "Notification of Retirement"~~[submitted within two (2) months of the~~  
23 ~~effective date of retirement]~~, the system shall cause to be prepared an estimate of  
24 the amounts the member or beneficiary may expect to receive under the various  
25 plans available to the member or beneficiary. This information shall be recorded on  
26 a form entitled "Estimated Retirement Allowance" and forwarded to the member or  
27 beneficiary.~~[If the member submits a form entitled "Notification of Retirement"~~

- 1        ~~more than two (2) months prior to the effective retirement date, the system shall~~  
2        ~~provide the form entitled "Estimated Retirement Allowance" within forty five (45)~~  
3        ~~days of the member's effective retirement date.]~~
- 4        (3) The member or beneficiary shall file at the retirement office the form entitled  
5        "Estimated Retirement Allowance" after he has checked one (1)~~the~~ payment  
6        option of his choice, signed the document, and had his signature witnessed. A  
7        member shall not have the right to select a different payment option on or after the  
8        first day of the month in which the member receives his or her first retirement  
9        allowance or after the effective date of a deferred retirement option as provided by  
10       subsection (6) of this section. A beneficiary shall not have the right to select a  
11       different payment option after the effective date of the beneficiary's retirement  
12       allowance as provided in subsection (7) of this section.
- 13       (4) A member or beneficiary choosing a monthly payment option shall have on file at  
14       the retirement office his birth certificate or other acceptable evidence of date of  
15       birth. If a survivorship option is chosen, proof of dates of birth of the beneficiary  
16       and member shall be on file at the retirement office.
- 17       (5) (a) The effective date of normal retirement shall be the first month following the  
18       month in which employment from all employers participating in any of the  
19       systems administered by Kentucky Retirement Systems was terminated ~~from~~  
20       ~~a regular full-time position].~~
- 21       (b) The effective date of disability retirement shall be the first month following  
22       the month in which the member's last day of paid employment in a regular  
23       full-time position occurred, provided the member files the form entitled  
24       "Estimated Retirement Allowance" no later than six (6) months following the  
25       date the notification of approval for disability retirement benefits is mailed. If  
26       the member fails to file the form entitled "Estimated Retirement Allowance"  
27       within six (6) months of the date the notification of approval for disability

1 retirement benefits is mailed, then the member's form entitled "Notification of  
2 Retirement" shall be void. The member shall be required to submit a new  
3 form entitled "Notification of Retirement" to apply for disability retirement  
4 and reestablish eligibility for disability retirement benefits.

5 (c) The effective date of early retirement shall be the first month following the  
6 month a correctly completed~~the~~ form entitled "Notification of Retirement"  
7 is filed at the retirement office or a future month designated by the member, if  
8 employment from all employers participating in any of the systems  
9 administered by Kentucky Retirement Systems~~in a regular full-time~~  
10 ~~position~~ has been terminated and if the member files the form entitled  
11 "Estimated Retirement Allowance" no later than six (6) months following  
12 termination. If the member fails to file the form entitled "Estimated  
13 Retirement Allowance" within six (6) months following the effective  
14 retirement date of the member, then the member's form entitled "Notification  
15 of Retirement" shall be void and the member shall be required to submit a  
16 new form entitled "Notification of Retirement" to apply for early retirement.

17 (6) The effective date of a deferred retirement option as provided under KRS 16.576(5)  
18 shall be the month following age sixty-five (65), or the month following written  
19 notification from the member that he wishes to begin receiving retirement  
20 payments. In the event of the death of a member who has deferred his retirement  
21 allowance, the effective date of retirement shall be the month following the  
22 member's death.

23 (7) Notwithstanding the provisions of KRS 16.578 or 61.640, the effective date of a  
24 beneficiary's retirement allowance under normal, early, or disability retirement shall  
25 be as prescribed in subsection (5) or (6) of this section if the member dies before the  
26 first day of the month in which the member would have received his or her first  
27 retirement allowance and his beneficiary becomes eligible for payments under KRS



1 16.578 or 61.640.

2 ➔Section 15. KRS 61.592 is amended to read as follows:

3 (1) (a) "Hazardous position" for employees participating in the Kentucky Employees  
4 Retirement System, and for employees who begin participating in the County  
5 Employees Retirement System before September 1, 2008, means:

- 6 1. Any position whose principal duties involve active law enforcement,  
7 including the positions of probation and parole officer and  
8 Commonwealth detective, active fire suppression or prevention, or other  
9 positions, including, but not limited to, pilots of the Transportation  
10 Cabinet and paramedics and emergency medical technicians, with duties  
11 that require frequent exposure to a high degree of danger or peril and  
12 also require a high degree of physical conditioning;
- 13 2. Positions in the Department of Corrections in state correctional  
14 institutions and the Kentucky Correctional Psychiatric Center with  
15 duties that regularly and routinely require face-to-face contact with  
16 inmates; and
- 17 3. Positions of employees who elect coverage under KRS 196.167(3)(b)2.  
18 and who continue to provide educational services and support to inmates  
19 as a Department of Corrections employee.

20 (b) "Hazardous position" for employees who begin participating in the County  
21 Employees Retirement System on or after September 1, 2008, means police  
22 officers and firefighters as defined in KRS 61.315(1), paramedics, correctional  
23 officers with duties that routinely and regularly require face-to-face contact  
24 with inmates, and emergency medical technicians if:

- 25 1. The employee's duties require frequent exposure to a high degree of  
26 danger or peril and a high degree of physical conditioning; and
- 27 2. The employee's duties are not primarily clerical or administrative.

- 1 (c) The effective date of participation under hazardous duty coverage for  
2 positions in the Department of Alcoholic Beverage Control shall be April 1,  
3 1998. The employer and employee contributions shall be paid by the employer  
4 and forwarded to the retirement system for the period not previously reported.
- 5 (2) (a) Each employer may request of the board hazardous duty coverage for those  
6 positions as defined in subsection (1) of this section. Upon request, each  
7 employer shall certify to the system, in the manner prescribed by the board,  
8 the names of all employees working in a hazardous position as defined in  
9 subsection (1) of this section for which coverage is requested. The  
10 certification of the employer shall bear the approval of the agent or agency  
11 responsible for the budget of the department or county indicating that the  
12 required employer contributions have been provided for in the budget of the  
13 employing department or county. The system shall determine whether the  
14 employees whose names have been certified by the employer are working in  
15 positions meeting the definition of a hazardous position as provided by  
16 subsection (1) of this section. This process shall not be required for employees  
17 who elect coverage under KRS 196.167(3)(b)2.
- 18 (b) Each employer desiring to provide hazardous duty coverage to employees who  
19 begin participating in the County Employees Retirement System on or after  
20 September 1, 2008, may request that the board approve hazardous duty  
21 coverage for those positions that meet the criteria set forth in subsection (1)(b)  
22 of this section. Each employer shall certify to the system, in the manner  
23 prescribed by the board, the names of all employees working in a hazardous  
24 position as defined in subsection (1)(b) of this section for which coverage is  
25 requested and a job description for each position or employee. The  
26 certification of the employer shall bear the approval of the agent or agency  
27 responsible for the budget of the department or county indicating that the

1 required employer contributions have been provided for in the budget of the  
2 employing department or county. Each employer shall also certify, under  
3 penalty of perjury in accordance with KRS Chapter 523, that each employee's  
4 actual job duties are accurately reflected in the job description provided to the  
5 system. The system shall determine whether the employees whose names have  
6 been certified by the employer are working in positions meeting the definition  
7 of a hazardous position as defined in subsection (1)(b) of this section. The  
8 board shall have the authority to remove any employee from hazardous duty  
9 coverage if the board determines the employee is not working in a hazardous  
10 duty position or if the employee is classified in a hazardous duty position but  
11 has individual job duties that do not meet the definition of a hazardous duty  
12 position or are not accurately reflected in the job descriptions filed by the  
13 employer with the system.

14 (3) (a) An employee who elects coverage under KRS 196.167(3)(b)2., and an  
15 employee participating in the Kentucky Employees Retirement System who is  
16 determined by the system to be working in a hazardous position in accordance  
17 with subsection (2) of this section, shall contribute, for each pay period for  
18 which he receives compensation, eight percent (8%) of his creditable  
19 compensation. An employee participating in the County Employees  
20 Retirement System who is determined by the system to be working in a  
21 hazardous duty position in accordance with subsection (2) of this section shall  
22 contribute, for each pay period for which he receives compensation, eight  
23 percent (8%) of his creditable compensation.

24 (b) Each employer shall pay employer contributions based on the creditable  
25 compensation of the employees determined by the system to be working in a  
26 hazardous position at the employer contribution rate as determined by the  
27 board. The rate shall be determined by actuarial methods consistent with the

1 provisions of KRS 61.565.

2 (c) If the employer participated in the system prior to electing hazardous duty  
3 coverage, the employer may pay to the system the cost of converting the  
4 nonhazardous service to hazardous service from the date of participation to  
5 the date the payment is made, or the employer may establish a payment  
6 schedule for payment of the cost of the hazardous service above that which  
7 would be funded within the existing employer contribution rate. The employer  
8 may extend the payment schedule to a maximum of thirty (30) years.  
9 Payments made by the employer under this subsection shall be deposited to  
10 the retirement allowance account of the proper retirement system and these  
11 funds shall not be considered accumulated contributions of the individual  
12 members. If the employer elects not to make the additional payment, the  
13 employee may pay the cost of converting the service and provide payment  
14 for the cost as provided by subsection (14) of Section 9 of this Act~~make the~~  
15 ~~lump sum payment in his own behalf or may pay by increments~~. Payments  
16 made by the employee under this subsection shall not be picked up, as  
17 described in KRS 61.560(4), by the employer. If neither the employer nor  
18 employee makes the payment, the service prior to hazardous coverage shall  
19 remain nonhazardous. The provisions of this paragraph shall not apply to  
20 members who begin participating in the systems administered by Kentucky  
21 Retirement Systems on or after January 1, 2014.

22 (4) The normal retirement age, retirement allowance, hybrid cash balance plans, other  
23 benefits, eligibility requirements, rights, and responsibilities of a member in a  
24 hazardous position, as prescribed by subsections (1), (2), and (3) of this section, and  
25 the responsibilities, rights, and requirements of his employer shall be as prescribed  
26 for a member and employer participating in the State Police Retirement System as  
27 provided for by KRS 16.505 to 16.652.

1 (5) Any person employed in a hazardous position after July 1, 1972, shall be required to  
2 undergo a thorough medical examination by a licensed physician, and a copy of the  
3 medical report of the physician shall be retained on file by the employee's  
4 department or county and made available to the system upon request.

5 (6) If doubt exists regarding the benefits payable to a hazardous position employee  
6 under this section, the board shall determine the benefits payable under KRS 61.510  
7 to 61.705, or 78.510 to 78.852, or 16.505 to 16.652.

8 ➔Section 16. KRS 61.680 is amended to read as follows:

9 (1) Prior to August 1, 1982, every employee shall be deemed to consent and agree to  
10 any deduction from his compensation required by KRS 6.500 to 6.535, 16.505 to  
11 16.652, 61.510 to 61.692, 78.510 to 78.852, and to all other provisions thereof.  
12 Thereafter, employee contributions shall be picked up by the employer pursuant to  
13 KRS 61.560(4).

14 (2) (a) Notwithstanding any other provisions of KRS 6.500 to 6.535, 16.505 to  
15 16.652, 61.510 to 61.692, 78.510 to 78.852 and 161.220 to 161.714;~~;~~

16 1. Upon death, disability, or service retirement, a member's accounts under  
17 the Legislators' Retirement Plan, State Police Retirement System,  
18 Kentucky Employees Retirement System, County Employees Retirement  
19 System, and Teachers' Retirement System, except for service prohibited  
20 by KRS 161.623(2), shall be consolidated for the purpose of determining  
21 eligibility and amount of benefits, including those members who  
22 participate in the hybrid cash balance plan within the Kentucky  
23 Employees Retirement System, the County Employees Retirement  
24 System, and the State Police Retirement System on or after January 1,  
25 2014;~~;~~

26 2. Vested service credit in a retirement system, other than the Teachers'  
27 Retirement System, sponsored by a Kentucky institution of higher

1 education and accepted by the Kentucky Employees Retirement System  
 2 or the County Employees Retirement System, may be used to determine  
 3 eligibility for twenty-seven (27) year retirement for an employee who  
 4 begins participating before September 1, 2008, but not the amount of  
 5 benefits;~~[-]~~

6 **3.** The computation of benefits shall be based on the applicable formula in  
 7 each system and service credit in each system, but the final  
 8 compensation, excluding compensation earned under KRS 161.155(10),  
 9 shall be determined as if all service were in one (1) system;~~[-]~~

10 **4.** If the member has prior service in more than one (1) system  
 11 **administered by Kentucky Retirement Systems**, he shall obtain at least  
 12 twelve (12) months' current service in each system in which he has prior  
 13 service in order to validate the prior service in each system for purposes  
 14 of determining consolidated benefits under this **subsection;**  
 15 **and**~~[section.]~~

16 **5.** Upon the determination of benefits, each system shall pay the applicable  
 17 **amount of benefits due the member**~~[percentage of total benefits].~~

18 (b) The provisions of paragraph (a) of this subsection shall be waived if the  
 19 member;~~[-]~~

20 **1.** Notifies the system of his desire to maintain separate retirement  
 21 accounts in the State Police Retirement System, Kentucky Employees  
 22 Retirement System, or County Employees Retirement System;~~[-]~~ **or**

23 **2.** **Fails to simultaneously retire from all state-administered retirement**  
 24 **systems in which the member has an account or fails to retire from**  
 25 **any other systems not administered by Kentucky Retirement Systems**  
 26 **within one (1) month of the member's effective retirement date in the**  
 27 **systems administered by Kentucky Retirement Systems.**

- 1 (c) If the member has not contributed at least one (1) year in a system in which he  
2 has prior service, his current service in the system shall be valid for purposes  
3 of determining eligibility and in computation of benefits on a consolidated  
4 basis.
- 5 (3) (a) A member with service credit in the Kentucky Employees Retirement System,  
6 State Police Retirement System, or the County Employees Retirement System  
7 who becomes the holder of an office entitling him to membership in the  
8 Judicial Retirement Plan or the Legislators' Retirement Plan, but who does not  
9 elect within thirty (30) days after taking office in such service to participate in  
10 the plan, in accordance with KRS 6.505 or 21.360, shall be deemed to have  
11 elected to retain membership in the system in which he is a member, either the  
12 Kentucky Employees Retirement System, State Police Retirement System, or  
13 the County Employees Retirement System. In that event, the agency  
14 employing the member shall withhold employee contributions, or picked-up  
15 employee contributions after August 2, 1982, make employer contributions  
16 and remit these contributions to the system in which the member retained his  
17 membership.
- 18 (b) Any person entitled to membership in the Judicial Retirement Plan or the  
19 Legislators' Retirement Plan, who does not elect within thirty (30) days after  
20 taking office to participate in the plan, in accordance with KRS 6.505 or  
21 21.360, and who at the time of taking office is not a contributing member of,  
22 or does not have service credit in, any of the retirement systems mentioned in  
23 this section, or the Teachers' Retirement System, shall participate in the  
24 Kentucky Employees Retirement System.
- 25 (c) A member of one (1) of the state-administered retirement plans who ceases to  
26 contribute to the plan as provided in KRS 21.360 and who is employed in a  
27 nonelected position by an agency participating in the Kentucky Retirement

1 Systems or Kentucky Teachers' Retirement System shall be deemed to have  
2 elected membership in the system in which the employer of the nonelected  
3 position participates. A member of one (1) of the state-administered  
4 retirement plans who ceases to contribute to the plan as provided in KRS  
5 21.360 and who is not employed in a nonelected position by an agency  
6 participating in the Kentucky Retirement Systems shall be deemed to have  
7 elected membership in the Kentucky Employees Retirement System.

8 (4) (a) Prior to July 1, 1976, a person entering the service of an employer  
9 participating in the Kentucky Employees Retirement System or the County  
10 Employees Retirement System with service credit in the Teachers' Retirement  
11 System and who desires to retain membership in the Teachers' Retirement  
12 System, and who is permitted by that system to continue, shall be exempt  
13 from participating in the Kentucky Employees Retirement System or the  
14 County Employees Retirement System.

15 (b) Any person who has elected to retain membership in the Teachers' Retirement  
16 System as provided in paragraph (a) of this subsection may cancel his election  
17 and participate in the system under which his position would normally  
18 participate, if he elects to cancel his option prior to January 1, 1977.

19 (c) Any member of the General Assembly who upon election is a contributing  
20 member of the Teachers' Retirement System and who does not elect within  
21 thirty (30) days after taking office to participate in the Legislators' Retirement  
22 Plan, in accordance with KRS 6.505, shall during his term of office participate  
23 in the Kentucky Employees Retirement System unless an election to retain  
24 membership in the Teachers' Retirement System is filed in writing within  
25 ninety (90) days after his term of office begins. No contributions may be made  
26 to the Teachers' Retirement System for the same period of service under the  
27 Legislators' Retirement Plan or the Kentucky Employees Retirement System



1 as a member of the General Assembly, but contributions made to the Teachers'  
2 Retirement System while a member of the General Assembly shall be  
3 transferred to the Legislators' Retirement Plan, as provided for in KRS 6.535,  
4 when the member elects to join the Legislators' Retirement Plan, and service  
5 credit in the Legislators' Retirement Plan shall be granted as provided for in  
6 KRS 6.505(5).

7 (5) ~~[Effective July 1, 1974, ]~~Any member of the Kentucky Employees Retirement  
8 System or County Employees Retirement System who is working in a position  
9 covered by one (1) of these retirement systems and his employee contributions,  
10 service credit and employer contributions made on his behalf are being transferred  
11 to the other retirement system shall contribute to the system in which his employer  
12 participates, or after August 1, 1982, the employer shall pick up the employee  
13 contributions, and no further contributions or service credit shall be transferred to  
14 the system in which he elected to retain membership, as subsection (2) of this  
15 section eliminates the necessity of the transfers.

16 (6) Any member of the Kentucky Employees Retirement System or County Employees  
17 Retirement System who is working in more than one (1) position covered by the  
18 same retirement system, shall have his wages and contributions consolidated and his  
19 retirement account administered as a single account. If part-time positions are  
20 involved, an accumulation of all hours worked within the same retirement system  
21 shall be used to determine eligibility under KRS 61.510(21).

22 (7) (a) Notwithstanding the provisions of subsection (2) of this section, a person who  
23 does not have the amount of service required for service retirement in the  
24 State Police Retirement System, Kentucky Employees Retirement System,  
25 County Employees Retirement System, Legislators' Retirement Plan, or  
26 Teachers' Retirement System, but who is a member of one (1) of the systems  
27 or is a former member of one (1) or more of the systems with valid service

1 credit therein, shall become eligible for service retirement benefits attributable  
2 to the amount of his actual service credit in each system in which he has  
3 service credit when his combined service credit in all the systems, plus any  
4 service credit he has in the Judicial Retirement Plan, is equal to that required  
5 for service retirement in each respective system. The computation of benefits  
6 shall be based on the applicable formula in each system and service credit in  
7 each system, except that total service in all systems, unless prohibited by KRS  
8 161.623(2), shall be used to determine the reduction for early retirement, if  
9 any. Except as provided in KRS 21.360, the final compensation shall be  
10 determined by using the creditable compensation reported to the State Police  
11 Retirement System, Kentucky Employees Retirement System, County  
12 Employees Retirement System, Legislators' Retirement Plan, or Teachers'  
13 Retirement System and only as much of the compensation earned in the  
14 Judicial Retirement Plan as is needed to satisfy the final compensation  
15 requirement applicable in the respective retirement systems.

16 **(b) Paragraph (a) of this subsection shall be waived if the member fails to**  
17 **simultaneously retire from all state-administered retirement systems in**  
18 **which the member has an account or fails to retire from any other systems**  
19 **not administered by Kentucky Retirement Systems within one (1) month of**  
20 **the member's effective retirement date in the systems administered by the**  
21 **Kentucky Retirement Systems.**

22 (8) Each retirement system from which the member retires shall pay a retirement  
23 allowance upon receipt of required forms and documents, except that no retirement  
24 system shall pay a retirement allowance or annuity until all forms and documents  
25 are filed at all retirement systems in compliance with each system's requirements.

26 ➔Section 17. KRS 78.510 is amended to read as follows:

27 As used in KRS 78.510 to 78.852, unless the context otherwise requires:

- 1 (1) "System" means the County Employees Retirement System;
- 2 (2) "Board" means the board of trustees of the system as provided in KRS 78.780;
- 3 (3) "County" means any county, or nonprofit organization created and governed by a  
4 county, counties, or elected county officers, sheriff and his employees, county clerk  
5 and his employees, circuit clerk and his deputies, former circuit clerks or former  
6 circuit clerk deputies, or political subdivision or instrumentality, including school  
7 boards, charter county government, or urban-county government participating in the  
8 system by order appropriate to its governmental structure, as provided in KRS  
9 78.530, and if the board is willing to accept the agency, organization, or  
10 corporation, the board being hereby granted the authority to determine the eligibility  
11 of the agency to participate;
- 12 (4) "School board" means any board of education participating in the system by order  
13 appropriate to its governmental structure, as provided in KRS 78.530, and if the  
14 board is willing to accept the agency or corporation, the board being hereby granted  
15 the authority to determine the eligibility of the agency to participate;
- 16 (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- 17 (6) "Employee" means every regular full-time appointed or elective officer or employee  
18 of a participating county and the coroner of a participating county, whether or not he  
19 qualifies as a regular full-time officer. The term shall not include persons engaged  
20 as independent contractors, seasonal, emergency, temporary, and part-time workers.  
21 In case of any doubt, the board shall determine if a person is an employee within the  
22 meaning of KRS 78.510 to 78.852;
- 23 (7) "Employer" means a county, as defined in subsection (3) of this section, the elected  
24 officials of a county, or any authority of the county having the power to appoint or  
25 elect an employee to office or employment in the county;
- 26 (8) "Member" means any employee who is included in the membership of the system or  
27 any former employee whose membership has not been terminated under KRS

1 61.535;

2 (9) "Service" means the total of current service and prior service as defined in this  
3 section;

4 (10) "Current service" means the number of years and months of employment as an  
5 employee, on and after July 1, 1958, for which creditable compensation is paid and  
6 employee contributions deducted, except as otherwise provided;

7 (11) "Prior service" means the number of years and completed months, expressed as a  
8 fraction of a year, of employment as an employee, prior to July 1, 1958, for which  
9 creditable compensation was paid. An employee shall be credited with one (1)  
10 month of prior service only in those months he received compensation for at least  
11 one hundred (100) hours of work. Twelve (12) months of current service in the  
12 system shall be required to validate prior service;

13 (12) "Accumulated contributions" means the sum of all amounts deducted from the  
14 compensation of a member and credited to his individual account in the members'  
15 account, including employee contributions picked up after August 1, 1982, pursuant  
16 to KRS 78.610(4), together with interest credited on the amounts, and any other  
17 amounts the member shall have contributed thereto, including interest credited  
18 thereon. For members who begin participating on or after September 1, 2008,  
19 "accumulated contributions" shall not include employee contributions that are  
20 deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the  
21 funds established in KRS 16.510, 61.515, and 78.520, as prescribed by KRS  
22 61.702(2)(b);

23 (13) "Creditable compensation":

24 (a) Means all salary, wages, and fees, including payments for compensatory time,  
25 paid to the employee as a result of services performed for the employer or for  
26 time during which the member is on paid leave, which are includable on the  
27 member's federal form W-2 wage and tax statement under the heading "wages,

1 tips, other compensation", including employee contributions picked up after  
 2 August 1, 1982, pursuant to KRS 78.610(4);~~[-]~~

3 **(b) Includes:**~~[A]~~

4 **1.** Lump-sum **bonuses**~~[bonus]~~, severance pay, or employer-provided  
 5 **payments**~~[payment]~~ for purchase of service credit, **which**~~[shall be~~  
 6 ~~included as creditable compensation but]~~ shall be averaged over the  
 7 employee's service with the system in which it is recorded if it is equal  
 8 to or greater than one thousand dollars (\$1,000);~~[-]~~

9 **2. Cases where**~~[If]~~ compensation includes maintenance and other  
 10 perquisites, **but** the board shall fix the value of that part of the  
 11 compensation not paid in money;~~[-]~~

12 **3. Lump-sum payments or nonrecurring payments, which shall, as**  
 13 **determined by the board, be credited when earned or be classified as a**  
 14 **lump-sum bonus and credited as provided by subparagraph 1. of this**  
 15 **paragraph;**

16 **4. Amounts which are not includable in the member's gross income by**  
 17 **virtue of the member having taken a voluntary salary reduction**  
 18 **provided for under applicable provisions of the Internal Revenue**  
 19 **Code; and**

20 **5. Elective amounts for qualified transportation fringes paid or made**  
 21 **available on or after January 1, 2001, for calendar years on or after**  
 22 **January 1, 2001, that are not includable in the gross income of the**  
 23 **employee by reason of 26 U.S.C. sec. 132(f)(4); and**

24 **(c) Excludes:**

25 **1.** Living allowances, expense reimbursements, lump-sum payments for  
 26 accrued vacation leave, sick leave except as provided in KRS 78.616(5),  
 27 and other items determined by the board;~~[- shall be excluded. Creditable~~

1           ~~compensation shall also include amounts that are not includable in the~~  
 2           ~~member's gross income by virtue of the member having taken a~~  
 3           ~~voluntary salary reduction provided for under applicable provisions of~~  
 4           ~~the Internal Revenue Code. Creditable compensation shall also include~~  
 5           ~~elective amounts for qualified transportation fringes paid or made~~  
 6           ~~available on or after January 1, 2001, for calendar years on or after~~  
 7           ~~January 1, 2001, that are not includable in the gross income of the~~  
 8           ~~employee by reason of 26 U.S.C. sec. 132(f)(4).]~~

9           2. For employees who begin participating on or after September 1, 2008,  
 10           *lump-sum*~~[creditable compensation shall not include ]~~payments for  
 11           compensatory time; and~~[.]~~

12           3. ~~[Creditable compensation shall not include ]~~Training incentive payments  
 13           for city officers paid as set out in KRS 64.5277 to 64.5279. For  
 14           employees who begin participating on or after August 1, 2016,  
 15           creditable compensation shall exclude nominal fees paid for services as  
 16           a volunteer;

17 (14) "Final compensation" means:

18           (a) For a member who begins participating before September 1, 2008, who is not  
 19           employed in a hazardous position, as provided in KRS 61.592, the creditable  
 20           compensation of the member during the five (5) fiscal years he was paid at the  
 21           highest average monthly rate divided by the number of months of service  
 22           credit during that five (5) year period multiplied by twelve (12). The five (5)  
 23           years may be fractional and need not be consecutive. If the number of months  
 24           of service credit during the five (5) year period is less than forty-eight (48),  
 25           one (1) or more additional fiscal years shall be used;

26           (b) For a member who is not employed in a hazardous position, as provided in  
 27           KRS 61.592, whose effective retirement date is between August 1, 2001, and

1 January 1, 2009, and whose total service credit is at least twenty-seven (27)  
2 years and whose age and years of service total at least seventy-five (75), final  
3 compensation means the creditable compensation of the member during the  
4 three (3) fiscal years the member was paid at the highest average monthly rate  
5 divided by the number of months of service credit during that three (3) year  
6 period multiplied by twelve (12). The three (3) years may be fractional and  
7 need not be consecutive. If the number of months of service credit during the  
8 three (3) year period is less than twenty-four (24), one (1) or more additional  
9 fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the  
10 funding for this paragraph shall be provided from existing funds of the  
11 retirement allowance;

12 (c) For a member who begins participating before September 1, 2008, who is  
13 employed in a hazardous position, as provided in KRS 61.592, the creditable  
14 compensation of the member during the three (3) fiscal years he was paid at  
15 the highest average monthly rate divided by the number of months of service  
16 credit during that three (3) year period multiplied by twelve (12). The three (3)  
17 years may be fractional and need not be consecutive. If the number of months  
18 of service credit during the three (3) year period is less than twenty-four (24),  
19 one (1) or more additional fiscal years shall be used;

20 (d) For a member who begins participating on or after September 1, 2008, but  
21 prior to January 1, 2014, who is not employed in a hazardous position, as  
22 provided in KRS 61.592, the creditable compensation of the member during  
23 the five (5) complete fiscal years immediately preceding retirement divided by  
24 five (5). Each fiscal year used to determine final compensation must contain  
25 twelve (12) months of service credit. If the member does not have five (5)  
26 complete fiscal years that each contain twelve (12) months of service credit,  
27 then one (1) or more additional fiscal years shall be used; or

- 1 (e) For a member who begins participating on or after September 1, 2008, but  
2 prior to January 1, 2014, who is employed in a hazardous position, as  
3 provided in KRS 61.592, the creditable compensation of the member during  
4 the three (3) complete fiscal years he was paid at the highest average monthly  
5 rate divided by three (3). Each fiscal year used to determine final  
6 compensation must contain twelve (12) months of service credit;
- 7 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were  
8 calculated during the twelve (12) month period immediately preceding the  
9 member's effective retirement date, and shall include employee contributions picked  
10 up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to  
11 the system by the employer and the following equivalents shall be used to convert  
12 the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour  
13 workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half  
14 (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve  
15 (12) months, one (1) year;
- 16 (16) "Retirement allowance" means the retirement payments to which a member is  
17 entitled;
- 18 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the  
19 basis of the actuarial tables adopted by the board. In cases of disability retirement,  
20 the options authorized by KRS 61.635 shall be computed by adding ten (10) years  
21 to the age of the member, unless the member has chosen the Social Security  
22 adjustment option as provided for in KRS 61.635(8), in which case the member's  
23 actual age shall be used. For members who begin participating in the system prior to  
24 January 1, 2014, no disability retirement option shall be less than the same option  
25 computed under early retirement;
- 26 (18) "Normal retirement date" means the sixty-fifth birthday of a member unless  
27 otherwise provided in KRS 78.510 to 78.852;



- 1 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the  
2 following June 30, which shall also be the plan year. The "fiscal year" shall be the  
3 limitation year used to determine contribution and benefits limits as set out in 26  
4 U.S.C. sec. 415;
- 5 (20) "Agency reporting official" means the person designated by the participating agency  
6 who shall be responsible for forwarding all employer and employee contributions  
7 and a record of the contributions to the system and for performing other  
8 administrative duties pursuant to the provisions of KRS 78.510 to 78.852;
- 9 (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean  
10 all positions that average one hundred (100) or more hours per month, determined  
11 by using the number of hours actually worked in a calendar or fiscal year, or eighty  
12 (80) or more hours per month in the case of noncertified employees of school  
13 boards, determined by using the number of hours actually worked in a calendar or  
14 school year, unless otherwise specified, except:
- 15 (a) Seasonal positions, which although temporary in duration, are positions which  
16 coincide in duration with a particular season or seasons of the year and that  
17 may recur regularly from year to year, in which case the period of time shall  
18 not exceed nine (9) months, except for employees of school boards, in which  
19 case the period of time shall not exceed six (6) months;
- 20 (b) Emergency positions that are positions that do not exceed thirty (30) working  
21 days and are nonrenewable;
- 22 (c) Temporary~~[, also referred to as probationary,]~~ positions that are positions of  
23 employment with a participating agency for a period of time not to exceed  
24 twelve (12) months and not renewable;~~[or]~~
- 25 (d) **Probationary positions which are positions of employment with a**  
26 **participating employer that do not exceed twelve (12) months and that are**  
27 **used uniformly by the participating agency on new employees who would**

1                   *otherwise be eligible for participation in the system. Probationary positions*  
 2                   *shall not be renewable by the participating employer for the same employee,*  
 3                   *unless the employee has not been employed with the participating employer*  
 4                   *for a period of at least twelve (12) months; or*

5           (e) Part-time positions that are positions that may be permanent in duration, but  
 6           that require less than a calendar or fiscal year average of one hundred (100)  
 7           hours of work per month, determined by using the number of months actually  
 8           worked within a calendar or fiscal year, in the performance of duty, except in  
 9           case of noncertified employees of school boards, the school term average shall  
 10          be eighty (80) hours of work per month, determined by using the number of  
 11          months actually worked in a calendar or school year, in the performance of  
 12          duty;

13          (22) "Alternate participation plan" means a method of participation in the system as  
 14          provided for by KRS 78.530(3);

15          (23) "Retired member" means any former member receiving a retirement allowance or  
 16          any former member who has on file at the retirement office the necessary  
 17          documents for retirement benefits and is no longer contributing to the system;

18          (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,  
 19          monthly, or yearly rate of pay converted to an annual rate as defined in final rate of  
 20          pay. The rate shall be certified by the employer;

21          (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the  
 22          member in accordance with KRS 61.542 or 61.705 to receive any available benefits  
 23          in the event of the member's death. As used in KRS 61.702, beneficiary shall not  
 24          mean an estate, trust, or trustee;

25          (26) "Recipient" means the retired member, the person or persons designated as  
 26          beneficiary by the member and drawing a retirement allowance as a result of the  
 27          member's death, or a dependent child drawing a retirement allowance. An alternate

- 1 payee of a qualified domestic relations order shall not be considered a recipient,  
2 except for purposes of KRS 61.623;
- 3 (27) "Person" means a natural person;
- 4 (28) "School term or year" means the twelve (12) months from July 1 through the  
5 following June 30;
- 6 (29) "Retirement office" means the Kentucky Retirement Systems office building in  
7 Frankfort;
- 8 (30) "Delayed contribution payment" means an amount paid by an employee for current  
9 service obtained under KRS 61.552. The amount shall be determined using the  
10 same formula in KRS 61.5525, except the determination of the actuarial cost for  
11 classified employees of a school board shall be based on their final compensation,  
12 and the payment shall not be picked up by the employer. A delayed contribution  
13 payment shall be deposited to the member's account and considered as accumulated  
14 contributions of the individual member. In determining payments under this  
15 subsection, the formula found in this subsection shall prevail over the one found in  
16 KRS 212.434;
- 17 (31) "Participating" means an employee is currently earning service credit in the system  
18 as provided in KRS 78.615;
- 19 (32) "Month" means a calendar month;
- 20 (33) "Membership date" means the date upon which the member began participating in  
21 the system as provided in KRS 78.615;
- 22 (34) "Participant" means a member, as defined by subsection (8) of this section, or a  
23 retired member, as defined by subsection (23) of this section;
- 24 (35) "Qualified domestic relations order" means any judgment, decree, or order,  
25 including approval of a property settlement agreement, that:
- 26 (a) Is issued by a court or administrative agency; and  
27 (b) Relates to the provision of child support, alimony payments, or marital

1 property rights to an alternate payee;

2 (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a  
3 participant, who is designated to be paid retirement benefits in a qualified domestic  
4 relations order;

5 (37) "Accumulated employer credit" means the employer pay credit deposited to the  
6 member's account and interest credited on such amounts as provided by KRS  
7 16.583 and 61.597;

8 (38) "Accumulated account balance" means:

9 (a) For members who began participating in the system prior to January 1, 2014,  
10 the member's accumulated contributions; or

11 (b) For members who began participating in the system on or after January 1,  
12 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597,  
13 the combined sum of the member's accumulated contributions and the  
14 member's accumulated employer credit;

15 (39) "Volunteer" means an individual who:

16 (a) Freely and without pressure or coercion performs hours of service for an  
17 employer participating in one (1) of the systems administered by Kentucky  
18 Retirement Systems without receipt of compensation for services rendered,  
19 except for reimbursement of actual expenses, payment of a nominal fee to  
20 offset the costs of performing the voluntary services, or both; and

21 (b) If a retired member, does not become an employee, leased employee, or  
22 independent contractor of the employer for which he or she is performing  
23 volunteer services for a period of at least twenty-four (24) months following  
24 the retired member's most recent retirement date; and

25 (40) "Nominal fee" means compensation earned for services as a volunteer that does not  
26 exceed five hundred dollars (\$500) per month. Compensation earned for services as  
27 a volunteer from more than one (1) participating employer during a month shall be

1 aggregated to determine whether the compensation exceeds the five hundred dollars  
2 (\$500) per month maximum provided by this subsection.

3 ➔Section 18. KRS 78.540 is amended to read as follows:

4 Membership in the system shall consist of the following:

5 (1) All persons who become employees of a participating county after the date the  
6 county first participates in the system, ~~except a person who did not elect~~  
7 ~~membership pursuant to KRS 61.545(3), and~~ except that mayors and members of  
8 city legislative bodies may decline prior to their participation in the system and city  
9 managers or other appointed local government executives who participate in a  
10 retirement system, other than Social Security, may decline prior to their  
11 participation in the system;

12 (2) (a) All persons who are employees of a county on the date the county first  
13 participates in the system, either in service or on authorized leave from  
14 service, and who elect within thirty (30) days next following the county's  
15 participation, or in the case of persons on authorized leave, within thirty (30)  
16 days of their return to active service, to become members and thereby agree to  
17 make contributions as provided in KRS 78.520 to 78.852;

18 (b) All persons who are employees of a county who did not elect to participate  
19 within thirty (30) days of the date the county first participated in the system or  
20 within thirty (30) days of their return to active service and who subsequently  
21 elect to participate the first day of a month after the county's date of  
22 participation;

23 (3) All persons who declined participation in subsection (1) of this section and who  
24 later elect to participate. Persons who elect to participate under this subsection may  
25 purchase service credit for any prior years by paying a delayed contribution  
26 payment, provided the person began participating in the system prior to January 1,  
27 2014. The service shall not be included in the member's total service for purposes of

1 determining benefits under KRS 61.702; and

2 (4) All persons electing coverage in the system under KRS 78.530(3)(d).

3 (5) The provisions of subsections (1) and (2) of this section notwithstanding, cities  
4 which participate in the CERS and close existing local pension systems to new, or  
5 all members pursuant to the provisions of KRS 78.530, 95.520, 95.621, or 95.852  
6 shall not be required to provide membership in the County Employees Retirement  
7 System to employees in any employee category not covered by a city pension  
8 system at the date of participation.

9 (6) Membership in the system shall not include persons who are not eligible to  
10 participate in the system as provided by KRS 61.522 or those employees who are  
11 simultaneously participating in another state-administered defined benefit plan  
12 within Kentucky other than those administered by the Kentucky Retirement  
13 Systems, except for employees who have ceased to contribute to one (1) of the  
14 state-administered retirement plans as provided in KRS 21.360.

15 ➔Section 19. KRS 78.610 is amended to read as follows:

16 (1) Each employee shall, commencing on August 1, 1990, contribute, for each pay  
17 period for which he receives compensation, five percent (5%) of his creditable  
18 compensation~~[unless he did not elect membership pursuant to KRS 61.545(3)].~~

19 (2) The agency reporting official of a participating county shall cause to be deducted  
20 from the "creditable compensation" of each employee for each and every payroll  
21 period subsequent to the date the county participated in the system the contribution  
22 payable by the member as provided in KRS 78.510 to 78.852. The agency reporting  
23 official shall promptly pay the deducted employee contributions to the system in  
24 accordance with KRS 78.625.

25 (3) The deductions provided for in subsection (2) of this section shall be made  
26 notwithstanding that the minimum compensation provided by law for any employee  
27 shall be reduced thereby. Every employee shall be deemed to consent and agree to

1 the deductions made as provided in subsection (2) of this section; and payment of  
2 salary or compensation less the deductions shall be a full and complete discharge of  
3 all claims for services rendered by the person during the period covered by the  
4 payment, except as to any benefits provided by KRS 78.510 to 78.852.

5 (4) Each employer shall, solely for the purpose of compliance with Section 414(h) of  
6 the United States Internal Revenue Code, pick up the employee contributions  
7 required by this section for all compensation earned after August 1, 1982, and the  
8 contributions picked up shall be treated as employer contributions in determining  
9 tax treatment under the United States Internal Revenue Code and KRS 141.010(10).  
10 These contributions shall not be included as gross income of the employee until the  
11 contributions are distributed or made available to the employee. The picked-up  
12 employee contribution shall satisfy all obligations to the retirement system satisfied  
13 prior to August 1, 1982, by the employee contribution, and the picked-up employee  
14 contribution shall be in lieu of an employee contribution. Each employer shall pay  
15 these picked-up employee contributions from the same source of funds which is  
16 used to pay earnings to the employee. The employee shall have no option to receive  
17 the contributed amounts directly instead of having them paid by the employer to the  
18 system. Employee contributions picked up after August 1, 1982, shall be treated for  
19 all purposes of KRS 78.510 to 78.852 in the same manner and to the same extent as  
20 employee contributions made prior to August 1, 1982.

21 (5) The provisions of this section shall not apply to individuals who are not eligible for  
22 membership as provided by KRS 61.522.

23 ➔Section 20. KRS 78.615 is amended to read as follows:

24 (1) Employee contributions shall be deducted each payroll period from the creditable  
25 compensation of each employee of an agency participating in the system while he is  
26 classified as regular full-time as defined in KRS 78.510 unless the person did not  
27 elect to become a member as provided by ~~KRS 61.545(3) or by~~ KRS 78.540(2) or

1 is not eligible to participate in the system as provided by KRS 61.522. After August  
2 1, 1982, employee contributions shall be picked up by the employer pursuant to  
3 KRS 78.610(4).

4 (a) For employees who are not employed by a school board, service credit shall  
5 be allowed for each month contributions are deducted or picked up during a  
6 fiscal or calendar year, if the employee receives creditable compensation for  
7 an average of one hundred (100) hours or more of work per month based on  
8 the actual hours worked in a calendar or fiscal year. If the average number of  
9 hours of work is less than one hundred (100) hours per month, the employee  
10 shall be allowed credit only for those months he receives creditable  
11 compensation for one hundred (100) hours of work.

12 (b) For noncertified employees of school boards, for service prior to July 1, 2000,  
13 service credit shall be allowed for each month contributions are deducted or  
14 picked up under the employee's employment contract during a school year  
15 determined by dividing the actual number of contracted calendar days worked  
16 by twenty (20) and rounded to the nearest whole month if the employee  
17 receives creditable compensation for an average of eighty (80) or more hours  
18 of work per month based on the employee's employment contract. The school  
19 board shall certify the number of calendar days worked, the rate of pay, and  
20 the hours in a work day for each employee monthly or annually. The employer  
21 shall file at the retirement office the final monthly report or the annual report  
22 for a fiscal year no later than twenty (20) days following the completion of the  
23 fiscal year. The retirement system shall impose a penalty on the employer of  
24 one thousand dollars (\$1,000) if the information is not submitted by the date  
25 required with an additional two hundred and fifty dollars (\$250) for each  
26 additional thirty (30) day period the information is reported late.

27 1. If the employee works fewer than the number of contracted calendar



- 1 days, the employee shall receive service credit determined by dividing  
2 the actual number of contracted calendar days worked by twenty (20)  
3 and rounded to the nearest whole month, provided that the number of  
4 hours worked during the period averages eighty (80) or more hours.
- 5 2. If the employee works fewer than the number of contracted calendar  
6 days and the average number of hours worked is less than eighty (80) per  
7 month, then the employee shall receive service credit for each calendar  
8 month in which he worked eighty (80) or more hours.
- 9 3. The retirement system shall refund contributions and service credit for  
10 any period for which the employee is not given credit under this  
11 subsection.
- 12 (c) For noncertified employees of school boards, for service on and after July 1,  
13 2000, at the close of each fiscal year, the retirement system shall add service  
14 credit to the account of each employee who made contributions to his or her  
15 account during the year. Employees shall be entitled to a full year of service  
16 credit if their total paid calendar days were not less than one hundred eighty  
17 (180) calendar days for a regular school or fiscal year. In the event an  
18 employee is paid for less than one hundred eighty (180) calendar days, the  
19 employee may purchase credit according to administrative regulations  
20 promulgated by the system. In no case shall more than one (1) year of service  
21 be credited for all service performed in one (1) fiscal year. Employees who  
22 complete their employment contract prior to the close of a fiscal year and elect  
23 to retire prior to the close of a fiscal year shall have their service credit  
24 reduced by eight percent (8%) for each calendar month that the retirement  
25 becomes effective prior to July 1. Employees who are employed and paid for  
26 less than the number of calendar days required in their normal employment  
27 year shall be entitled to pro rata service credit for the fractional service. This

1 credit shall be based upon the number of calendar days employed and the  
2 number of calendar days in the employee's annual employment agreement or  
3 normal employment year. Service credit may not exceed the ratio between the  
4 school or fiscal year and the number of months or fraction of a month the  
5 employee is employed during that year.

6 (d) Notwithstanding paragraph (c) of this subsection, a noncertified employee of a  
7 school board who retires between July 1, 2000, and August 1, 2001, may  
8 choose to have service earned between July 1, 2000, and August 1, 2001,  
9 credited as described in paragraph (b) of this subsection, if the employee or  
10 retired member notifies the retirement system within one (1) year of his initial  
11 retirement. The decision once made shall be irrevocable.

12 (2) Employee contributions shall not be deducted from the creditable compensation of  
13 any employee or picked up by the employer while he is seasonal, emergency,  
14 temporary, or part-time. No service credit shall be earned.

15 (3) Contributions shall not be made or picked up by the employer and no service credit  
16 shall be earned by a member while on leave except:

17 (a) A member on military leave shall be entitled to service credit in accordance  
18 with KRS 61.555; and

19 (b) A member on educational leave who meets the criteria established by the state  
20 Personnel Cabinet for approved educational leave, who is receiving seventy-  
21 five percent (75%) or more of full salary, shall receive service credit and shall  
22 pay member contributions in accordance with KRS 78.610, and his employer  
23 shall pay employer contributions or the contributions shall be picked up in  
24 accordance with KRS 61.565. If a tuition agreement is broken by the member,  
25 the member and employer contributions paid or picked up during the period of  
26 educational leave shall be refunded.

27 (4) The retirement office, upon detection, shall refund any erroneous employer and

1 employee contributions made to the retirement system and any interest credited in  
2 accordance with KRS 78.640.

3 ➔Section 21. KRS 61.702 is amended to read as follows:

- 4 (1) (a) 1. The board of trustees of Kentucky Retirement Systems shall arrange by  
5 appropriate contract or on a self-insured basis to provide a group  
6 hospital and medical insurance plan for present and future recipients of a  
7 retirement allowance from the Kentucky Employees Retirement System,  
8 County Employees Retirement System, and State Police Retirement  
9 System, except as provided in subsection (8) of this section. The board  
10 shall also arrange to provide health care coverage through an insurer  
11 licensed pursuant to Subtitle 38 of KRS Chapter 304 and offering a  
12 managed care plan as defined in KRS 304.17A-500, as an alternative to  
13 group hospital and medical insurance for any person eligible for hospital  
14 and medical benefits under this section.
- 15 2. Any person who chooses coverage under a hospital and medical  
16 insurance plan shall pay, by payroll deduction from the retirement  
17 allowance or by another method, the difference in premium between the  
18 cost of the hospital and medical insurance plan coverage and the benefits  
19 to which he would be entitled under this section.
- 20 3. For purposes of this section, "hospital and medical insurance plan" may  
21 include, at the board's discretion, any one (1) or more of the following:
- 22 a. Any hospital and medical expense policy or certificate, provider-  
23 sponsored integrated health delivery network, self-insured medical  
24 plan, health maintenance organization contract, or other health  
25 benefit plan;
- 26 b. Any health savings account as permitted by 26 U.S.C. sec. 223 or  
27 health reimbursement arrangement or a similar account as may be

1 permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or  
2 account, in the board's discretion, may reimburse any medical  
3 expense permissible under 26 U.S.C. sec. 213; or

4 c. A medical insurance reimbursement program established by the  
5 board through the promulgation of administrative regulation under  
6 which members purchase individual health insurance coverage  
7 through a health insurance exchange established under 42 U.S.C.  
8 sec. 18031 or 18041.

9 (b) The board may authorize present and future recipients of a retirement  
10 allowance from any of the three (3) retirement systems to be included in the  
11 state employees' group for hospital and medical insurance and shall provide  
12 benefits for recipients equal to those provided to state employees having the  
13 same Medicare hospital and medical insurance eligibility status, except as  
14 provided in subsection (8) of this section. Notwithstanding the provisions of  
15 any other statute, recipients shall be included in the same class as current state  
16 employees in determining medical insurance policies and premiums.

17 (c) For recipients of a retirement allowance who are not eligible for the same  
18 level of hospital and medical benefits as recipients living in Kentucky having  
19 the same Medicare hospital and medical insurance eligibility status, the board  
20 shall provide a medical insurance reimbursement plan as described in  
21 subsection (7) of this section.

22 (d) Notwithstanding anything in KRS Chapter 61 to the contrary, the board of  
23 trustees, in its discretion, may take necessary steps to ensure compliance with  
24 42 U.S.C. secs. 300bb-1 et seq., including but not limited to receiving  
25 contributions and premiums from, and providing benefits pursuant to this  
26 section to, persons entitled to continuation coverage under 42 U.S.C. secs.  
27 300bb-1 et seq., regardless of whether such persons are recipients of a

1 retirement allowance.

2 (2) (a) Each employer participating in the State Police Retirement System as  
3 provided for in KRS 16.505 to 16.652, each employer participating in the  
4 County Employees Retirement System as provided in KRS 78.510 to 78.852,  
5 and each employer participating in the Kentucky Employees Retirement  
6 System as provided for in KRS 61.510 to 61.705 shall contribute to the  
7 Kentucky Retirement Systems insurance trust fund the amount necessary to  
8 provide hospital and medical insurance as provided for under this section.  
9 Such employer contribution rate shall be developed by appropriate actuarial  
10 method as a part of the determination of each respective employer  
11 contribution rate to each respective retirement system determined under KRS  
12 61.565.

13 (b) 1. Each employer described in paragraph (a) of this subsection shall deduct  
14 from the creditable compensation of each member having a membership  
15 date on or after September 1, 2008, an amount equal to one percent (1%)  
16 of the member's creditable compensation. The deducted amounts shall  
17 be credited to accounts established pursuant to 26 U.S.C. sec. 401(h),  
18 within the funds established in KRS 16.510, 61.515, and 78.520.

19 2. The employer shall file the contributions as provided by subparagraph 1.  
20 of this paragraph at the retirement office in accordance with KRS 61.675  
21 and 78.625. Any interest or penalties paid on any delinquent  
22 contributions shall be credited to accounts established pursuant to 26  
23 U.S.C. sec. 401(h), within the funds established in KRS 16.510, 61.515,  
24 and 78.520. Notwithstanding any minimum compensation requirements  
25 provided by law, the deductions provided by this paragraph shall be  
26 made, and the compensation of the member shall be reduced  
27 accordingly.

- 1           3. Each employer shall submit payroll reports, contributions lists, and other  
2           data as may be required by administrative regulation promulgated by the  
3           board of trustees pursuant to KRS Chapter 13A.
- 4           4. Every member shall be deemed to consent and agree to the deductions  
5           made pursuant to this paragraph, and the payment of salary or  
6           compensation less the deductions shall be a full and complete discharge  
7           of all claims for services rendered by the person during the period  
8           covered by the payment, except as to any benefits provided by KRS  
9           16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. No member  
10          may elect whether to participate in, or choose the contribution amount to  
11          accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds  
12          established in KRS 16.510, 61.515, and 78.520. The member shall have  
13          no option to receive the contribution required by this paragraph directly  
14          instead of having the contribution paid to accounts established pursuant  
15          to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510,  
16          61.515, and 78.520. No member may receive a rebate or refund of  
17          contributions. If a member establishes a membership date prior to  
18          September 1, 2008, pursuant to KRS 61.552(1) or 61.552~~(20)~~~~(23)~~, then  
19          this paragraph shall not apply to the member and all contributions  
20          previously deducted in accordance with this paragraph shall be refunded  
21          to the member without interest. The contribution made pursuant to this  
22          paragraph shall not act as a reduction or offset to any other contribution  
23          required of a member or recipient under KRS 16.505 to 16.652, 61.510  
24          to 61.705, and 78.510 to 78.852.
- 25          5. The board of trustees, at its discretion, may direct that the contributions  
26          required by this paragraph be accounted for within accounts established  
27          pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS

1                   16.510, 61.515, and 78.520 through the use of separate accounts.

2 (3) (a) The premium required to provide hospital and medical benefits under this  
3 section shall be paid:

- 4           1. Wholly or partly from funds contributed by the recipient of a retirement  
5 allowance, by payroll deduction, or otherwise;
- 6           2. Wholly or partly from funds contributed by the Kentucky Retirement  
7 Systems insurance trust fund;
- 8           3. Wholly or partly from funds contributed to accounts established  
9 pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS  
10 16.510, 61.515, and 78.520;
- 11          4. Wholly or partly from funds contributed by another state-administered  
12 retirement system under a reciprocal arrangement, except that any  
13 portion of the premium paid from the Kentucky Retirement Systems  
14 insurance trust fund or accounts established pursuant to 26 U.S.C. sec.  
15 401(h) within the funds established in KRS 16.510, 61.515, and 78.520  
16 under a reciprocal agreement shall not exceed the amount that would be  
17 payable under this section if all the member's service were in one (1) of  
18 the systems administered by the Kentucky Retirement Systems;
- 19          5. Partly from subparagraphs 1. to 4. of this paragraph, except that any  
20 premium for hospital and medical insurance over the amount contributed  
21 by the Kentucky Retirement Systems insurance trust fund; accounts  
22 established pursuant to 26 U.S.C. sec. 401(h) within the funds  
23 established in KRS 16.510, 61.515, and 78.520; or another state-  
24 administered retirement system under a reciprocal agreement shall be  
25 paid by the recipient by an automatic electronic transfer of funds. If the  
26 board provides for cross-referencing of insurance premiums, the  
27 employer's contribution for the working member or spouse shall be

1 applied toward the premium, and the Kentucky Retirement Systems  
2 insurance trust fund or accounts established pursuant to 26 U.S.C. sec.  
3 401(h) within the funds established in KRS 16.510, 61.515, and 78.520  
4 shall pay the balance, not to exceed the monthly contribution; or

5 6. In full from the Kentucky Retirement Systems insurance trust fund or  
6 accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds  
7 established in KRS 16.510, 61.515, and 78.520 for all recipients of a  
8 retirement allowance from any of the three (3) retirement systems where  
9 such recipient is a retired former member of one (1) or more of the three  
10 (3) retirement systems (not a beneficiary or dependent child receiving  
11 benefits) and had two hundred and forty (240) months or more of service  
12 upon retirement. Should such recipient have less than two hundred forty  
13 (240) months of service but have at least one hundred eighty (180)  
14 months of service, seventy-five percent (75%) of such premium shall be  
15 paid from the insurance trust fund or accounts established pursuant to 26  
16 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515,  
17 and 78.520, provided such recipient agrees to pay the remaining twenty-  
18 five percent (25%) by payroll deduction from his retirement allowance  
19 or by another method. Should such recipient have less than one hundred  
20 eighty (180) months of service but have at least one hundred twenty  
21 (120) months of service, fifty percent (50%) of such premium shall be  
22 paid from the insurance trust fund or accounts established pursuant to 26  
23 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515,  
24 and 78.520, provided such recipient agrees to pay the remaining fifty  
25 percent (50%) by payroll deduction from his retirement allowance or by  
26 another method. Should such recipient have less than one hundred  
27 twenty (120) months of service but have at least forty-eight (48) months



1 of service, twenty-five percent (25%) of such premium shall be paid  
2 from the insurance trust fund or accounts established pursuant to 26  
3 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515,  
4 and 78.520, provided such recipient agrees to pay the remaining seventy-  
5 five percent (75%) by payroll deduction from his retirement allowance  
6 or by another method. Notwithstanding the foregoing provisions of this  
7 subsection, an employee participating in one (1) of the retirement  
8 systems administered by the Kentucky Retirement Systems who  
9 becomes disabled in the line of duty as defined in KRS 16.505(19) or  
10 61.621, shall have his premium paid in full as if he had two hundred  
11 forty (240) months or more of service. Further, an employee  
12 participating in one (1) of the retirement systems administered by the  
13 Kentucky Retirement Systems who is killed in the line of duty as  
14 defined in KRS 16.505(19) or 61.621, shall have the premium for the  
15 beneficiary, if the beneficiary is the member's spouse, and for each  
16 dependent child paid so long as they individually remain eligible for a  
17 monthly retirement benefit. "Months of service" as used in this section  
18 shall mean the total months of combined service used to determine  
19 benefits under any or all of the three (3) retirement systems, except  
20 service added to determine disability benefits shall not be counted as  
21 "months of service." For current and former employees of the Council  
22 on Postsecondary Education who were employed prior to January 1,  
23 1993, and who earn at least fifteen (15) years of service credit in the  
24 Kentucky Employees Retirement System, "months of service" shall also  
25 include vested service in another retirement system other than the  
26 Kentucky Teachers' Retirement System sponsored by the Council on  
27 Postsecondary Education.

- 1 (b) 1. For a member electing insurance coverage through the Kentucky  
2 Retirement Systems, "months of service" shall include, in addition to  
3 service as described in paragraph (a) of this subsection, service credit in  
4 one (1) of the other state-administered retirement plans.
- 5 2. Effective August 1, 1998, the Kentucky Retirement Systems shall  
6 compute the member's combined service, including service credit in  
7 another state-administered retirement plan, and calculate the portion of  
8 the member's premium to be paid by the insurance trust fund accounts  
9 established pursuant to 26 U.S.C. sec. 401(h) within the funds  
10 established in KRS 16.510, 61.515, and 78.520, according to the criteria  
11 established in paragraph (a) of this subsection. Each state-administered  
12 retirement plan annually shall pay to the insurance trust fund the  
13 percentage of the system's cost of the retiree's monthly contribution for  
14 single coverage for hospital and medical insurance which shall be equal  
15 to the percentage of the member's number of months of service in the  
16 other state-administered retirement plan divided by his total combined  
17 service. The amounts paid by the other state-administered retirement  
18 plans and the insurance trust fund or accounts established pursuant to 26  
19 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515,  
20 and 78.520 shall not be more than one hundred percent (100%) of the  
21 monthly contribution adopted by the respective boards of trustees.
- 22 3. A member may not elect coverage for hospital and medical benefits  
23 under this subsection through more than one (1) of the state-  
24 administered retirement plans.
- 25 4. A state-administered retirement plan shall not pay any portion of a  
26 member's monthly contribution for medical insurance unless the member  
27 is a recipient or annuitant of the plan.

1           5.    The premium paid by the Kentucky Retirement Systems insurance trust  
2           fund or accounts established pursuant to 26 U.S.C. sec. 401(h) within  
3           the funds established in KRS 16.510, 61.515, and 78.520 shall not  
4           exceed one hundred percent (100%) of the monthly contribution rate  
5           toward hospital and medical insurance coverage approved by the board  
6           of trustees of the Kentucky Retirement Systems.

7   (4)   (a)   Group rates under the hospital and medical insurance plan shall be made  
8           available to the spouse, each dependent child, and each disabled child,  
9           regardless of the disabled child's age, of a recipient who is a former member  
10          or the beneficiary, if the premium for the hospital and medical insurance for  
11          the spouse, each dependent child, and each disabled child, or beneficiary is  
12          paid by payroll deduction from the retirement allowance or by another  
13          method. For purposes of this subsection only, a child shall be considered  
14          disabled if he has been determined to be eligible for federal Social Security  
15          disability benefits or meets the dependent disability standard established by  
16          the Department of Employee Insurance in the Personnel Cabinet.

17       (b)   The other provisions of this section notwithstanding, the insurance trust fund  
18          or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds  
19          established in KRS 16.510, 61.515, and 78.520 shall pay a percentage of the  
20          monthly contribution for the spouse and for each dependent child of a  
21          recipient who was a member of the General Assembly and is receiving a  
22          retirement allowance based on General Assembly service, of the Kentucky  
23          Employees Retirement System and determined to be in a hazardous position,  
24          of the County Employees Retirement System, and determined to be in a  
25          hazardous position or of the State Police Retirement System. The percentage  
26          of the monthly contribution paid for the spouse and each dependent child of a  
27          recipient who was in a hazardous position shall be based solely on the

1 member's service with the State Police Retirement System or service in a  
2 hazardous position using the formula in subsection (3)(a) of this section,  
3 except that for any recipient of a retirement allowance from the County  
4 Employees Retirement System who was contributing to the system on January  
5 1, 1998, for service in a hazardous position, the percentage of the monthly  
6 contribution shall be based on the total of hazardous service and any  
7 nonhazardous service as a police or firefighter with the same agency, if that  
8 agency was participating in the County Employees Retirement System but did  
9 not offer hazardous duty coverage for its police and firefighters at the time of  
10 initial participation.

11 (c) The insurance trust fund or accounts established pursuant to 26 U.S.C. sec.  
12 401(h) within the funds established in KRS 16.510, KRS 61.515, and 78.520  
13 shall continue the same level of coverage for a recipient who was a member of  
14 the County Employees Retirement System after the age of sixty-five (65) as  
15 before the age of sixty-five (65), if the recipient is not eligible for Medicare  
16 coverage. If the insurance trust fund or accounts established pursuant to 26  
17 U.S.C. sec. 401(h) within the funds established in KRS 16.510, 61.515, and  
18 78.520 provides coverage for the spouse or each dependent child of a former  
19 member of the County Employees Retirement System, the insurance trust fund  
20 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds  
21 established in KRS 16.510, 61.515, and 78.520 shall continue the same level  
22 of coverage for the spouse or each dependent child after the age of sixty-five  
23 (65) as before the age of sixty-five (65), if the spouse or dependent child is not  
24 eligible for Medicare coverage.

25 (5) After July 1, 1998, notwithstanding any other provision to the contrary, a member  
26 who holds a judicial office but did not elect to participate in the Judicial Retirement  
27 Plan and is participating instead in the Kentucky Employees Retirement System, the

1 County Employees Retirement System, or the State Police Retirement System, as  
2 provided in KRS 61.680, and who has at least twenty (20) years of total service,  
3 one-half (1/2) of which is in a judicial office, shall receive the same hospital and  
4 medical insurance benefits, including paid benefits for spouse and dependents, as  
5 provided to persons retiring under the provisions of KRS 21.427. The  
6 Administrative Office of the Courts shall pay the cost of the medical insurance  
7 benefits provided by this subsection.

8 (6) Premiums paid for hospital and medical insurance coverage procured under  
9 authority of this section shall be exempt from any premium tax which might  
10 otherwise be required under KRS Chapter 136. The payment of premiums by the  
11 insurance trust fund or accounts established pursuant to 26 U.S.C. sec. 401(h)  
12 within the funds established in KRS 16.510, 61.515, and 78.520 shall not constitute  
13 taxable income to an insured recipient. No commission shall be paid for hospital  
14 and medical insurance procured under authority of this section.

15 (7) The board shall promulgate an administrative regulation to establish a medical  
16 insurance reimbursement plan to provide reimbursement for hospital and medical  
17 insurance premiums of recipients of a retirement allowance who are not eligible for  
18 the same level of hospital and medical benefits as recipients living in Kentucky and  
19 having the same Medicare hospital and medical insurance eligibility status. An  
20 eligible recipient shall file proof of payment for hospital and medical insurance at  
21 the retirement office. Reimbursement to eligible recipients shall be made on a  
22 quarterly basis. The recipient shall be eligible for reimbursement of substantiated  
23 medical insurance premiums for an amount not to exceed the total monthly  
24 premium determined under subsection (3) of this section. The plan shall not be  
25 made available if all recipients are eligible for the same coverage as recipients  
26 living in Kentucky.

27 (8) (a) 1. For employees having a membership date on or after July 1, 2003, and

1 before September 1, 2008, participation in the insurance benefits  
2 provided under this section shall not be allowed until the employee has  
3 earned at least one hundred twenty (120) months of service in the state-  
4 administered retirement systems.

5 2. For an employee having a membership date on or after September 1,  
6 2008, participation in the insurance benefits provided under this section  
7 shall not be allowed until the employee has earned at least one hundred  
8 eighty (180) months of service credited under KRS 16.543(1),  
9 61.543(1), or 78.615(1) or another state-administered retirement system.

10 (b) An employee who meets the minimum service requirements as provided by  
11 paragraph (a) of this subsection shall be eligible for benefits as follows:

12 1. For employees who are not in a hazardous position, a monthly insurance  
13 contribution of ten dollars (\$10) for each year of service as a  
14 participating employee.

15 2. For employees who are in a hazardous position or who participate in the  
16 State Police Retirement System, a monthly insurance contribution of  
17 fifteen dollars (\$15) for each year of service as a participating employee  
18 in a hazardous position or as a participating member of the State Police  
19 Retirement System. Upon the death of the retired member, the  
20 beneficiary, if the beneficiary is the member's spouse, shall be entitled to  
21 a monthly insurance contribution of ten dollars (\$10) for each year of  
22 service the member attained as a participating employee in a hazardous  
23 position or as a participating member of the State Police Retirement  
24 System.

25 (c) 1. The minimum service requirement to participate in benefits as provided  
26 by paragraph (a) of this subsection shall be waived for a member who is  
27 disabled or killed in the line of duty as defined in KRS 16.505(19), and

- 1           the member or his spouse and eligible dependents shall be entitled to the  
2           benefits payable under this subsection as though the member had twenty  
3           (20) years of service in a hazardous position.
- 4           2.    The minimum service required to participate in benefits as provided by  
5           paragraph (a) of this subsection shall be waived for a member who is  
6           disabled in the line of duty as defined in KRS 61.621, and the member  
7           shall be entitled to the benefits payable under this subsection as though  
8           the member has twenty (20) years of service in a nonhazardous position.
- 9           3.    The minimum service required to participate in benefits as provided by  
10          paragraph (a) of this subsection shall be waived for a member who is  
11          killed in the line of duty as described in KRS 61.621, and the member's  
12          spouse and eligible dependents shall be entitled to the benefits payable  
13          under this subsection as though the member has twenty (20) years of  
14          service in a hazardous position.
- 15         (d)   The monthly insurance contribution amount shall be increased July 1 of each  
16         year by one and one-half percent (1.5%). The increase shall be cumulative and  
17         shall continue to accrue after the member's retirement for as long as a monthly  
18         insurance contribution is payable to the retired member or beneficiary.
- 19         (e)   The benefits of this subsection provided to a member whose participation  
20         begins on or after July 1, 2003, shall not be considered as benefits protected  
21         by the inviolable contract provisions of KRS 61.692, 16.652, and 78.852. The  
22         General Assembly reserves the right to suspend or reduce the benefits  
23         conferred in this subsection if in its judgment the welfare of the  
24         Commonwealth so demands.
- 25         (f)   An employee whose membership date is on or after September 1, 2008, who  
26         retires and is reemployed in a regular full-time position required to participate  
27         in one (1) of the systems administered by Kentucky Retirement Systems shall

1           not be eligible for health insurance coverage or benefits provided by this  
2           section and shall take coverage with his or her employing agency during the  
3           period of reemployment in a regular full-time position.