

1 AN ACT relating to reemployment of elected officials.

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

3 ➔Section 1. KRS 61.637 is amended to read as follows:

- 4 (1) A retired member who is receiving monthly retirement payments under any of the
5 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed
6 as an employee by a participating agency prior to August 1, 1998, shall have his
7 retirement payments suspended for the duration of reemployment. Monthly
8 payments shall not be suspended for a retired member who is reemployed if he
9 anticipates that he will receive less than the maximum permissible earnings as
10 provided by the Federal Social Security Act in compensation as a result of
11 reemployment during the calendar year. The payments shall be suspended at the
12 beginning of the month in which the reemployment occurs.
- 13 (2) Employer and employee contributions shall be made as provided in KRS 61.510 to
14 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,
15 except where monthly payments were not suspended as provided in subsection (1)
16 of this section or would not increase the retired member's last monthly retirement
17 allowance by at least one dollar (\$1), and the member shall be credited with
18 additional service credit.
- 19 (3) In the month following the termination of reemployment, retirement allowance
20 payments shall be reinstated under the plan under which the member was receiving
21 payments prior to reemployment.
- 22 (4) (a) Notwithstanding the provisions of this section, the payments suspended in
23 accordance with subsection (1) of this section shall be paid retroactively to the
24 retired member, or his estate, if he does not receive more than the maximum
25 permissible earnings as provided by the Federal Social Security Act in
26 compensation from participating agencies during any calendar year of
27 reemployment.

- 1 (b) If the retired member is paid suspended payments retroactively in accordance
2 with this section, employee contributions deducted during his period of
3 reemployment, if any, shall be refunded to the retired employee, and no
4 service credit shall be earned for the period of reemployment.
- 5 (c) If the retired member is not eligible to be paid suspended payments for his
6 period of reemployment as an employee, his retirement allowance shall be
7 recomputed under the plan under which the member was receiving payments
8 prior to reemployment as follows:
- 9 1. The retired member's final compensation shall be recomputed using
10 creditable compensation for his period of reemployment; however, the
11 final compensation resulting from the recalculation shall not be less than
12 that of the member when his retirement allowance was last determined;
 - 13 2. If the retired member initially retired on or subsequent to his normal
14 retirement date, his retirement allowance shall be recomputed by using
15 the formula in KRS 61.595(1);
 - 16 3. If the retired member initially retired prior to his normal retirement date,
17 his retirement allowance shall be recomputed using the formula in KRS
18 61.595(2), except that the member's age used in computing benefits shall
19 be his age at the time of his initial retirement increased by the number of
20 months of service credit earned for service performed during
21 reemployment;
 - 22 4. The retirement allowance payments resulting from the recomputation
23 under this subsection shall be payable in the month following the
24 termination of reemployment in lieu of payments under subparagraph 3.
25 The member shall not receive less in benefits as a result of the
26 recomputation than he was receiving prior to reemployment or would
27 receive as determined under KRS 61.691; and

1 5. Any retired member who was reemployed prior to March 26, 1974, shall
2 begin making contributions to the system in accordance with the
3 provisions of this section on the first day of the month following March
4 26, 1974.

5 (5) A retired member, or his estate, shall pay to the retirement fund the total amount of
6 payments which are not suspended in accordance with subsection (1) of this section
7 if the member received more than the maximum permissible earnings as provided
8 by the Federal Social Security Act in compensation from participating agencies
9 during any calendar year of reemployment, except the retired member or his estate
10 may repay the lesser of the total amount of payments which were not suspended or
11 fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings
12 during reemployment if under age sixty-five (65), or one dollar (\$1) for every three
13 dollars (\$3) earned if over age sixty-five (65).

14 (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a
15 retired member who has been ordered reinstated by the Personnel Board under
16 authority of KRS 18A.095.

17 (b) A retired member who has been ordered reinstated by the Personnel Board
18 under authority of KRS 18A.095 or by court order or by order of the Human
19 Rights Commission and accepts employment by an agency participating in the
20 Kentucky Employees Retirement System or County Employees Retirement
21 System shall void his retirement by reimbursing the system in the full amount
22 of his retirement allowance payments received.

23 (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this
24 section shall no longer apply to a retired member who is reemployed in a
25 position covered by the same retirement system from which the member
26 retired. Reemployed retired members shall be treated as new members upon
27 reemployment. Any retired member whose reemployment date preceded

1 August 1, 1998, who does not elect, within sixty (60) days of notification by
2 the retirement systems, to remain under the provisions of subsections (1) to
3 (4) of this section shall be deemed to have elected to participate under this
4 subsection.

5 (b) A retired member whose disability retirement was discontinued pursuant to
6 KRS 61.615 and who is reemployed in one (1) of the systems administered by
7 the Kentucky Retirement Systems prior to his or her normal retirement date
8 shall have his or her accounts combined upon termination for determining
9 eligibility for benefits. If the member is eligible for retirement, the member's
10 service and creditable compensation earned as a result of his or her
11 reemployment shall be used in the calculation of benefits, except that the
12 member's final compensation shall not be less than the final compensation last
13 used in determining his or her retirement allowance. The member shall not
14 change beneficiary or payment option designations. This provision shall apply
15 to members reemployed on or after August 1, 1998.

16 (8) A retired member or his employer shall notify the retirement system if he has
17 accepted employment or is serving as a volunteer with an employer that participates
18 in the retirement system from which the member retired. The retired member and
19 the participating employer shall submit the information required or requested by the
20 systems to confirm the individual's employment or volunteer status.

21 (9) If the retired member is under a contract, the member shall submit a copy of that
22 contract to the retirement system, and the retirement system shall determine if the
23 member is an independent contractor for purposes of retirement benefits. The
24 retired member and the participating employer shall submit the information required
25 or requested by the systems to confirm the individual's employment or volunteer
26 status.

27 (10) If a member is receiving a retirement allowance, or has filed the forms required for

1 a retirement allowance, and is employed within one (1) month of the member's
2 initial retirement date in a position that is required to participate in the same
3 retirement system from which the member retired, the member's retirement shall be
4 voided and the member shall repay to the retirement system all benefits received.
5 The member shall contribute to the member account established for him prior to his
6 voided retirement. The retirement allowance for which the member shall be eligible
7 upon retirement shall be determined by total service and creditable compensation.

8 (11) (a) If a member of the Kentucky Employees Retirement System retires from a
9 department which participates in more than one (1) retirement system and is
10 reemployed within one (1) month of his initial retirement date by the same
11 department in a position participating in another retirement system, the retired
12 member's retirement allowance shall be suspended for the first month of his
13 retirement and the member shall repay to the retirement system all benefits
14 received for the month.

15 (b) A retired member of the County Employees Retirement System who after
16 initial retirement is hired by the county from which the member retired shall
17 be considered to have been hired by the same employer.

18 (12) (a) If a hazardous member who retired prior to age fifty-five (55), or a
19 nonhazardous member who retired prior to age sixty-five (65), is reemployed
20 within six (6) months of the member's termination by the same employer, the
21 member shall obtain from his previous and current employers a copy of the
22 job description established by the employers for the position and a statement
23 of the duties performed by the member for the position from which he retired
24 and for the position in which he has been reemployed.

25 (b) The job descriptions and statements of duties shall be filed with the retirement
26 office.

27 (13) If the retirement system determines that the retired member has been employed in a

1 position with the same principal duties as the position from which the member
2 retired:

- 3 (a) The member's retirement allowance shall be suspended during the period that
4 begins on the month in which the member is reemployed and ends six (6)
5 months after the member's termination;
- 6 (b) The retired member shall repay to the retirement system all benefits paid from
7 systems administered by Kentucky Retirement Systems under reciprocity,
8 including medical insurance benefits, that the member received after
9 reemployment began;
- 10 (c) Upon termination, or subsequent to expiration of the six (6) month period
11 from the date of termination, the retired member's retirement allowance based
12 on his initial retirement account shall no longer be suspended and the member
13 shall receive the amount to which he is entitled, including an increase as
14 provided by KRS 61.691;
- 15 (d) Except as provided in subsection (7) of this section, if the position in which a
16 retired member is employed after initial retirement is a regular full-time
17 position, the retired member shall contribute to a second member account
18 established for him in the retirement system. Service credit gained after the
19 member's date of reemployment shall be credited to the second member
20 account; and
- 21 (e) Upon termination, the retired member shall be entitled to benefits payable
22 from his second retirement account.
- 23 (14) (a) If the retirement system determines that the retired member has not been
24 reemployed in a position with the same principal duties as the position from
25 which he retired, the retired member shall continue to receive his retirement
26 allowance.
- 27 (b) If the position is a regular full-time position, the member shall contribute to a

1 second member account in the retirement system.

2 (15) (a) If a retired member is reemployed at least one (1) month after initial
3 retirement in a different position, or at least six (6) months after initial
4 retirement in the same position, and prior to normal retirement age, the retired
5 member shall contribute to a second member account in the retirement system
6 and continue to receive a retirement allowance from the first member account.

7 (b) Service credit gained after reemployment shall be credited to the second
8 member account. Upon termination, the retired member shall be entitled to
9 benefits payable from the second member account.

10 (16) A retired member who is reemployed and contributing to a second member account
11 shall not be eligible to purchase service credit under any of the provisions of KRS
12 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he was eligible to
13 purchase prior to his initial retirement.

14 (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this
15 section, the following shall apply to retired members who retired prior to January 1,
16 2019, and who are reemployed by an agency participating in one (1) of the systems
17 administered by Kentucky Retirement Systems on or after September 1, 2008:

18 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is
19 receiving a retirement allowance from one (1) of the systems administered by
20 Kentucky Retirement Systems, or has filed the forms required to receive a
21 retirement allowance from one (1) of the systems administered by Kentucky
22 Retirement Systems, and is employed in a regular full-time position required
23 to participate in one (1) of the systems administered by Kentucky Retirement
24 Systems or is employed in a position that is not considered regular full-time
25 with an agency participating in one (1) of the systems administered by
26 Kentucky Retirement Systems within three (3) months following the member's
27 initial retirement date, the member's retirement shall be voided, and the

1 member shall repay to the retirement system all benefits received, including
2 any health insurance benefits. If the member is returning to work in a regular
3 full-time position required to participate in one (1) of the systems
4 administered by Kentucky Retirement Systems:

- 5 1. The member shall contribute to a member account established for him or
6 her in one (1) of the systems administered by Kentucky Retirement
7 Systems, and employer contributions shall be paid on behalf of the
8 member by the participating employer; and
- 9 2. Upon subsequent retirement, the member shall be eligible for a
10 retirement allowance based upon total service and creditable
11 compensation, including any additional service or creditable
12 compensation earned after his or her initial retirement was voided;

13 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member is
14 receiving a retirement allowance from one (1) of the systems administered by
15 Kentucky Retirement Systems and is employed in a regular full-time position
16 required to participate in one (1) of the systems administered by Kentucky
17 Retirement Systems after a three (3) month period following the member's
18 initial retirement date, the member may continue to receive his or her
19 retirement allowance during the period of reemployment subject to the
20 following provisions:

- 21 1. Both the employee and participating agency shall certify in writing on a
22 form prescribed by the board that no prearranged agreement existed
23 between the employee and agency prior to the employee's retirement for
24 the employee to return to work with the participating agency. If an
25 elected official is reelected to a new term of office in the same position
26 and has retired from the elected office within twelve (12)
27 months~~[retires following the election but]~~ prior to taking the new term

- 1 of office, he or she shall be deemed by the system as having a
2 prearranged agreement under the provisions of this subparagraph and
3 shall have his or her retirement voided. If the participating agency or
4 employer fail to complete the certification, the member's retirement shall
5 be voided and the provisions of paragraph (a) of this subsection shall
6 apply to the member and the employer;
- 7 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to
8 the contrary, the member shall not contribute to the systems and shall
9 not earn any additional benefits for any work performed during the
10 period of reemployment;
- 11 3. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for
12 any retiree employed as a school resource officer as defined by KRS
13 158.441, the employer shall pay employer contributions as specified by
14 KRS 61.565 and 61.702 on all creditable compensation earned by the
15 employee during the period of reemployment. The additional
16 contributions paid shall be used to reduce the unfunded actuarial liability
17 of the systems; and
- 18 4. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for
19 any retiree employed as a school resource officer as defined by KRS
20 158.441, the employer shall be required to reimburse the systems for the
21 cost of the health insurance premium paid by the systems to provide
22 coverage for the retiree, not to exceed the cost of the single premium.
23 Effective July 1, 2015, local school boards shall not be required to pay
24 the reimbursement required by this subparagraph for retirees employed
25 by the board for eighty (80) days or less during the fiscal year;
- 26 (c) If a member is receiving a retirement allowance from the State Police
27 Retirement System or from hazardous duty retirement coverage with the

1 Kentucky Employees Retirement System or the County Employees Retirement
2 System, or has filed the forms required to receive a retirement allowance from
3 the State Police Retirement System or from hazardous duty retirement
4 coverage with the Kentucky Employees Retirement System or the County
5 Employees Retirement System, and is employed in a regular full-time position
6 required to participate in the State Police Retirement System or in a hazardous
7 duty position with the Kentucky Employees Retirement System or the County
8 Employees Retirement System within one (1) month following the member's
9 initial retirement date, the member's retirement shall be voided, and the
10 member shall repay to the retirement system all benefits received, including
11 any health insurance benefits. If the member is returning to work in a regular
12 full-time position required to participate in one (1) of the systems
13 administered by Kentucky Retirement Systems:

- 14 1. The member shall contribute to a member account established for him or
15 her in one (1) of the systems administered by Kentucky Retirement
16 Systems, and employer contributions shall be paid on behalf of the
17 member by the participating employer; and
 - 18 2. Upon subsequent retirement, the member shall be eligible for a
19 retirement allowance based upon total service and creditable
20 compensation, including any additional service or creditable
21 compensation earned after his or her initial retirement was voided;
- 22 (d) If a member is receiving a retirement allowance from the State Police
23 Retirement System or from hazardous duty retirement coverage with the
24 Kentucky Employees Retirement System or the County Employees Retirement
25 System and is employed in a regular full-time position required to participate
26 in the State Police Retirement System or in a hazardous duty position with the
27 Kentucky Employees Retirement System or the County Employees Retirement

1 System after a one (1) month period following the member's initial retirement
2 date, the member may continue to receive his or her retirement allowance
3 during the period of reemployment subject to the following provisions:

- 4 1. Both the employee and participating agency shall certify in writing on a
5 form prescribed by the board that no prearranged agreement existed
6 between the employee and agency prior to the employee's retirement for
7 the employee to return to work with the participating agency. If an
8 elected official is reelected to a new term of office in the same position
9 and has retired from the elected office within twelve (12)
10 months~~[retires following the election but]~~ prior to taking the new term
11 of office, he or she shall be deemed by the system as having a
12 prearranged agreement under the provisions of this subparagraph and
13 shall have his or her retirement voided. If the participating agency or
14 employer fail to complete the certification, the member's retirement shall
15 be voided and the provisions of paragraph (c) of this subsection shall
16 apply to the member and the employer;
- 17 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to
18 the contrary, the member shall not contribute to the systems and shall
19 not earn any additional benefits for any work performed during the
20 period of reemployment;
- 21 3. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for
22 any retiree employed as a school resource officer as defined by KRS
23 158.441, the employer shall pay employer contributions as specified by
24 KRS 61.565 and 61.702 on all creditable compensation earned by the
25 employee during the period of reemployment. The additional
26 contributions paid shall be used to reduce the unfunded actuarial liability
27 of the systems; and

- 1 4. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for
2 any retiree employed as a school resource officer as defined by KRS
3 158.441, the employer shall be required to reimburse the systems for the
4 cost of the health insurance premium paid by the systems to provide
5 coverage for the retiree, not to exceed the cost of the single premium;
- 6 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member
7 who qualifies as a volunteer for an employer participating in one (1) of the
8 systems administered by Kentucky Retirement Systems and who is receiving
9 reimbursement of actual expenses, a nominal fee for his or her volunteer
10 services, or both, shall not be considered an employee of the participating
11 employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
- 12 1. Prior to the retired member's most recent retirement date, he or she did
13 not receive creditable compensation from the participating employer in
14 which the retired member is performing volunteer services;
- 15 2. Any reimbursement or nominal fee received prior to the retired
16 member's most recent retirement date has not been credited as creditable
17 compensation to the member's account or utilized in the calculation of
18 the retired member's benefits;
- 19 3. The retired member has not purchased or received service credit under
20 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for
21 service with the participating employer for which the retired member is
22 performing volunteer services; and
- 23 4. Other than the status of volunteer, the retired member does not become
24 an employee, leased employee, or independent contractor of the
25 employer for which he or she is performing volunteer services for a
26 period of at least twenty-four (24) months following the retired
27 member's most recent retirement date.

1 If a retired member, who provided volunteer services with a participating
2 employer under this paragraph violates any provision of this paragraph, then
3 he or she shall be deemed an employee of the participating employer as of the
4 date he or she began providing volunteer services and both the retired member
5 and the participating employer shall be subject to paragraphs (a) to (d) of this
6 subsection for the period of volunteer service; and

7 (f) Notwithstanding any provision of this section, any mayor or member of a city
8 legislative body who has not participated in the County Employees Retirement
9 System prior to retirement, but who is otherwise eligible to retire from the
10 Kentucky Employees Retirement System or the State Police Retirement
11 System, shall not be:

12 1. Required to resign from his or her position as mayor or as a member of
13 the city legislative body in order to begin drawing benefits from the
14 Kentucky Employees Retirement System or the State Police Retirement
15 System; or

16 2. Subject to any provision of this section as it relates solely to his or her
17 service as a mayor or member of the city legislative body.

18 (18) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (17) of this
19 section, the following shall apply to retired members, retirees, or annuitants of the
20 systems or plans administered by the Kentucky Retirement Systems, the Judicial
21 Form Retirement System, and the Teachers' Retirement System, who retire and
22 begin drawing a retirement allowance on or after January 1, 2019, and are
23 reemployed on or after January 1, 2019, by an agency participating in the systems
24 administered by the Kentucky Retirement Systems:

25 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired
26 member is receiving a retirement allowance from the systems administered by
27 the Kentucky Retirement Systems and is reemployed in any position with an

1 agency participating in any of the systems administered by the Kentucky
2 Retirement Systems, regardless of whether or not the position is considered
3 regular full-time under KRS 61.510(21), 78.510(21), or paragraph (g) of this
4 subsection, within a three (3) month period following the member's initial
5 retirement date from the systems, the member's retirement shall be voided and
6 the member shall repay to the system all benefits received, including any
7 health insurance benefits. If the member's retirement is voided as provided by
8 this paragraph and the member has returned to work in a position that is
9 considered a regular full-time position in the systems administered by
10 Kentucky Retirement Systems as defined in KRS 61.510(21) or 78.510(21), as
11 applicable:

- 12 1. The member shall contribute to a member account established for him or
13 her in one (1) of the systems administered by the Kentucky Retirement
14 Systems and employer contributions shall be paid on behalf of the
15 member by the participating employer; and
 - 16 2. Upon subsequent retirement, the member shall be eligible for a
17 retirement allowance based upon total service, accumulated account
18 balance, and creditable compensation, including any additional service,
19 creditable compensation, or accumulated account balance earned after
20 his or her initial retirement was voided, subject to the limitations of KRS
21 6.525, 21.374, 61.5955, or 61.5956;
- 22 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired
23 member, annuitant, or retiree is receiving a retirement allowance from the
24 systems administered by the Kentucky Retirement Systems and is reemployed
25 or elected to a position with an agency participating in the systems
26 administered by the Kentucky Retirement Systems after a three (3) month
27 period following the member's initial retirement date from the system:

- 1 1. Both the employee and participating agency shall certify in writing on a
2 form prescribed by the board that no prearranged agreement existed
3 between the employee and agency prior to the employee's retirement for
4 the employee to return to work with the participating agency. If an
5 elected official is reelected to a new term of office in the same position
6 and has retired from the elected office within twelve (12)
7 months~~[retires following the election but]~~ prior to taking the new term
8 of office, he or she shall be deemed by the system as having a
9 prearranged agreement under the provisions of this subparagraph and
10 shall have his or her retirement voided. If the participating agency or
11 employer fails to complete the certification, the member's retirement
12 shall be voided and the provisions of paragraph (a) of this subsection
13 shall apply to the member and the employer;
- 14 2. The member shall not contribute to the systems and shall not earn any
15 additional benefits for any work performed during the period of
16 reemployment;
- 17 3. The retired member may continue to draw his or her retirement
18 allowance during the period of reemployment if:
- 19 a. The period of reemployment is not considered regular full-time as
20 defined by paragraph (g) of this subsection; or
- 21 b. The period of reemployment is considered regular full-time but the
22 member has not returned to reemployment for at least a twelve
23 (12) month period following his or her initial retirement. If the
24 member returns to reemployment in a regular full-time position
25 after a three (3) month but prior to a twelve (12) month period
26 following his or her initial retirement, then the member's
27 retirement allowance shall be suspended until twelve (12) months

1 following his or her initial retirement; and

2 4. The employer shall pay the employer normal cost contributions as
3 specified by KRS 61.565(1)(b) and 61.702, on all creditable
4 compensation earned by the employee during the period of regular full-
5 time reemployment, based upon the system in which the member is
6 reemployed. The employer normal cost contributions shall be payable on
7 the employee's behalf for the period of regular full-time reemployment
8 and shall be used to pay down the unfunded liability of the systems;

9 (c) If a member is receiving a retirement allowance from the State Police
10 Retirement System or from hazardous duty retirement coverage with the
11 Kentucky Employees Retirement System or the County Employees Retirement
12 System or is a certified peace officer as provided in KRS Chapter 15, and is
13 reemployed in any position with an agency participating in the systems or
14 plans administered by the Kentucky Retirement Systems, regardless of
15 whether or not the position is considered regular full-time under KRS
16 61.510(21), 78.510(21), or paragraph (g) of this subsection, within a one (1)
17 month period following the member's initial retirement date from the system,
18 the member's retirement shall be voided and the member shall repay to the
19 system or plan all benefits received, including any health insurance benefits. If
20 the member's retirement is voided as provided by this paragraph and the
21 member has returned to work in a position that qualifies for participation in a
22 position that is considered a regular full-time position in the systems
23 administered by Kentucky Retirement Systems as defined in KRS 61.510(21)
24 or 78.510(21), as applicable:

25 1. The member shall contribute to a member account established for him or
26 her in one (1) of the systems administered by the Kentucky Retirement
27 Systems and employer contributions shall be paid on behalf of the

- 1 member by the participating employer; and
- 2 2. Upon subsequent retirement, the member shall be eligible for a
- 3 retirement allowance based upon total service, accumulated account
- 4 balance, and creditable compensation, including any additional service,
- 5 creditable compensation, or accumulated account balance earned after
- 6 his or her initial retirement was voided, subject to the limitations of KRS
- 7 6.525, 21.374, 61.5955, or 61.5956;
- 8 (d) If a member is receiving a retirement allowance from the State Police
- 9 Retirement System or from hazardous duty retirement coverage with the
- 10 Kentucky Employees Retirement System or the County Employees Retirement
- 11 System or is a certified peace officer as provided in KRS Chapter 15, and is
- 12 reemployed with an agency participating in the systems administered by the
- 13 Kentucky Retirement Systems after a one (1) month period following the
- 14 member's initial retirement date from the system, the member may continue to
- 15 receive his or her retirement allowance during the period of reemployment
- 16 subject to the following provisions:
- 17 1. Both the employee and participating agency shall certify in writing on a
- 18 form prescribed by the board that no prearranged agreement existed
- 19 between the employee and agency prior to the employee's retirement for
- 20 the employee to return to work with the participating agency. If an
- 21 elected official is reelected to a new term of office in the same position
- 22 and has retired from the elected office within twelve (12)
- 23 months~~[retires following the election but]~~ prior to taking the new term
- 24 of office, he or she shall be deemed by the system as having a
- 25 prearranged agreement under the provisions of this subparagraph and
- 26 shall have his or her retirement voided. If the participating agency or
- 27 employer fails to complete the certification, the member's retirement

- 1 shall be voided and the provisions of paragraph (c) of this subsection
2 shall apply to the member and the employer;
- 3 2. The member shall not contribute to the systems and shall not earn any
4 additional benefits for any work performed during the period of
5 reemployment; and
- 6 3. The employer shall pay the employer normal cost contributions as
7 specified by KRS 61.565(1)(b) and 61.702 on all creditable
8 compensation earned by the employee during the period of regular full-
9 time reemployment, based upon the system in which the member is
10 reemployed. The employer normal cost contributions shall be payable on
11 the employee's behalf for the period of regular full-time reemployment
12 and shall be used to pay down the unfunded liability of the systems;
- 13 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member
14 who qualifies as a volunteer for an employer participating in one (1) of the
15 systems administered by Kentucky Retirement Systems and who is receiving
16 reimbursement of actual expenses, a nominal fee for his or her volunteer
17 services, or both, shall not be considered an employee of the participating
18 employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
- 19 1. Prior to the retired member's most recent retirement date, he or she did
20 not receive creditable compensation from the participating employer for
21 which the retired member is performing volunteer services;
- 22 2. Any reimbursement or nominal fee received prior to the retired
23 member's most recent retirement date has not been credited as creditable
24 compensation to the member's account or utilized in the calculation of
25 the retired member's benefits;
- 26 3. The retired member has not purchased or received service credit under
27 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for

1 service with the participating employer for which the retired member is
2 performing volunteer services; and

3 4. Other than the status of volunteer, the retired member does not become
4 an employee, leased employee, or independent contractor of the
5 employer for which he or she is performing volunteer services for a
6 period of at least twenty-four (24) months following the retired
7 member's most recent retirement date.

8 If a retired member, who provided volunteer services with a participating
9 employer under this paragraph violates any provision of this paragraph, then
10 he or she shall be deemed an employee of the participating employer as of the
11 date he or she began providing volunteer services, and both the retired
12 member and the participating employer shall be subject to paragraphs (a) to
13 (d) of this subsection for the period of volunteer service;

14 (f) Notwithstanding any provision of this section, any mayor or member of a city
15 legislative body who has not participated in the County Employees Retirement
16 System prior to retirement, but who is otherwise eligible to retire from the
17 Kentucky Employees Retirement System or the State Police Retirement
18 System, shall not be:

19 1. Required to resign from his or her position as mayor or as a member of
20 the city legislative body in order to begin drawing benefits from the
21 Kentucky Employees Retirement System or the State Police Retirement
22 System; or

23 2. Subject to any provision of this section as it relates solely to his or her
24 service as a mayor or member of the city legislative body; and

25 (g) For purposes of this subsection, "regular full-time" shall mean any position
26 that requires an average of one hundred (100) or more hours per month over a
27 calendar or fiscal year basis, except that in the case of classified school board

1 employees it shall be more than one hundred (100) days of work during the
2 fiscal year. Interim, temporary, or seasonal positions as defined and time
3 limited by KRS 61.510(21) or 78.510(21) shall not be considered regular full-
4 time; and

5 (h) Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the
6 contrary, an individual who retires and begins drawing a retirement allowance
7 from one (1) or more of the systems or plans administered by the Teachers'
8 Retirement System or the Judicial Form Retirement System on or after
9 January 1, 2019, who is reemployed with an agency participating in one (1) of
10 the systems administered by Kentucky Retirement Systems, shall not be
11 eligible to earn benefits in the Kentucky Employees Retirement System,
12 County Employees Retirement System, or the State Police Retirement System
13 for reemployment that occurs on or after January 1, 2019.