

1 AN ACT relating to school safety and declaring an emergency.

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

3 ➔Section 1. KRS 158.441 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

5 (1) "Intervention services" means any preventive, developmental, corrective, supportive  
6 services or treatment provided to a student who is at risk of school failure, is at risk  
7 of participation in violent behavior or juvenile crime, or has been expelled from the  
8 school district. Services may include, but are not limited to, screening to identify  
9 students at risk for emotional disabilities and antisocial behavior; direct instruction  
10 in academic, social, problem solving, and conflict resolution skills; alternative  
11 educational programs; psychological services; identification and assessment of  
12 abilities; counseling services; medical services; day treatment; family services;  
13 work and community service programs;

14 (2) **"Kentucky State Police school resource officer" or "KSPSRO" means an officer,**  
15 **CVE R Class, or Trooper R Class, as defined in KRS 16.010, certified by the**  
16 **Kentucky Law Enforcement Council, that is employed by a school district**  
17 **pursuant to a contract for secondary employment with one (1) or more schools to**  
18 **promote safe learning environments in the Commonwealth;**

19 (3) **"School activities" means official functions on school property, including**  
20 **student attendance days as defined in KRS 158.070, athletic events, and**  
21 **graduation;**

22 (4) **"School property" means any public school building, bus, public school campus,**  
23 **grounds, recreational area, or athletic field in the charge of the school district;**

24 (5) "School resource officer" means a sworn law enforcement officer who has  
25 specialized training to work with youth at a school site. The school resource officer  
26 shall be employed:

27 (a) Through a contract between a local law enforcement agency and a school

1 district; or

2 (b) Through a contract as secondary employment for an officer, as defined in KRS  
3 16.010, between the Department of Kentucky State Police and a school  
4 district; and

5 ~~(6)~~~~(3)~~ "School security officer" means a person employed by a local board of  
6 education who has been appointed a special law enforcement officer pursuant to  
7 KRS 61.902 and who has specialized training to work with youth at a school site.

8 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
9 READ AS FOLLOWS:

10 **(1) A KSPSRO shall possess sworn law enforcement authority and shall be trained in**  
11 **school-based policing and crisis response. If a school district decides to utilize a**  
12 **KSPSRO, the school district and the officer shall first enter into a memorandum**  
13 **of understanding that clarifies the purpose of the KSPSRO program and the roles**  
14 **and expectations of the participating entities. Any contract entered into pursuant**  
15 **to this subsection shall include:**

16 **(a) A provision specifying that the KSPSRO shall follow the policies and**  
17 **procedures of the Department of Kentucky State Police and shall abide by**  
18 **federal, state, and local laws. The responsibility and decision to arrest or**  
19 **take other police action lies solely with the KSPSRO, respective to state law**  
20 **and the KSPSRO's departmental standard operating procedures or standing**  
21 **order. The KSPSRO's continual collaboration with school personnel and**  
22 **his or her understanding of each student's needs may impact the decision to**  
23 **arrest or take other police action, but the responsibility is that of the**  
24 **KSPSRO;**

25 **(b) A provision stipulating that the KSPSRO shall be an employee of the school**  
26 **district, but shall revert to Department of Kentucky State Police employee**  
27 **status during such time that the KSPSRO takes police action pursuant to**

- 1           state or federal law. The KSPSRO shall be under the immediate supervision  
2           and direction of the Department of Kentucky State Police when taking  
3           police action;
- 4           (c) A provision stipulating that the school district shall be responsible for  
5           worker's compensation coverage for the KSPSRO; and
- 6           (d) A provision detailing how liability coverage will be provided for any acts or  
7           omissions of the KSPSRO within the scope of his or her duties.
- 8           (2) (a) A KSPSRO shall maintain the safety and security of students and school  
9           personnel during school activities and on school property.
- 10           (b) A KSPSRO may assist with supportive activities and programs, including  
11           but not limited to:
- 12           1. Planning and implementing procedures that train and drill all school  
13           personnel to respond to crisis events, control access to the school  
14           property during the school day, and close or partially close the school  
15           property after students arrive;
- 16           2. Identifying risk and protective factors of students; and
- 17           3. Coordinating nurturing intervention and prevention efforts.
- 18           (c) The KSPSRO shall not address school discipline issues that do not  
19           constitute crimes or that do not impact the immediate health or safety of the  
20           students or school personnel.
- 21           (d) The KSPSRO shall not administer formal school discipline such as  
22           detentions, suspensions, or expulsions. These decisions are the sole  
23           responsibility of school personnel.
- 24           (3) Notwithstanding KRS Chapter 11A, the KSPSRO shall wear the uniform and  
25           utilize the vehicles, firearms, ammunition, and equipment issued to him or her by  
26           the Department of Kentucky State Police or other agency-authorized clothing or  
27           equipment. In the event additional weapons or gear is utilized than that which is

1 carried on his or her person, the storage of these items shall be defined by the  
2 Department of Kentucky State Police. If a vehicle or equipment is damaged  
3 during the scope of a KSPSRO's secondary employment with the school district,  
4 but not while the KSPSRO is engaged in police action, the school district is  
5 responsible for restitution to the Department of Kentucky State Police.

6 (4) Notwithstanding subsection (2) of this section, a KSPSRO shall be deemed an  
7 employee of the Department of Kentucky State Police whenever engaged in police  
8 action, including arrests, searches and seizures, uses of force, issuing citations,  
9 servicing warrants, pursuing suspects, or investigating criminal offenses or vehicle  
10 accidents.

11 (5) Nothing in this section shall be construed to require the Department of Kentucky  
12 State Police to assign or provide funding for KSPSROs.

13 (6) Nothing in this section shall be deemed to waive or otherwise limit the rights,  
14 privileges, immunities, and matters of defense, now available or hereafter made  
15 available, to school districts, the Department of Kentucky State Police, officers,  
16 sheriffs, constables, and police officers in any suit brought against them in  
17 consequence of acts done in the course of their employment.

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

19 (1) A retired member who is receiving monthly retirement payments under any of the  
20 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed  
21 as an employee by a participating agency prior to August 1, 1998, shall have his  
22 retirement payments suspended for the duration of reemployment. Monthly  
23 payments shall not be suspended for a retired member who is reemployed if he  
24 anticipates that he will receive less than the maximum permissible earnings as  
25 provided by the Federal Social Security Act in compensation as a result of  
26 reemployment during the calendar year. The payments shall be suspended at the  
27 beginning of the month in which the reemployment occurs.

- 1 (2) Employer and employee contributions shall be made as provided in KRS 61.510 to  
2 61.705 and 78.510 to 78.852 on the compensation paid during reemployment,  
3 except where monthly payments were not suspended as provided in subsection (1)  
4 of this section or would not increase the retired member's last monthly retirement  
5 allowance by at least one dollar (\$1), and the member shall be credited with  
6 additional service credit.
- 7 (3) In the month following the termination of reemployment, retirement allowance  
8 payments shall be reinstated under the plan under which the member was receiving  
9 payments prior to reemployment.
- 10 (4) (a) Notwithstanding the provisions of this section, the payments suspended in  
11 accordance with subsection (1) of this section shall be paid retroactively to the  
12 retired member, or his estate, if he does not receive more than the maximum  
13 permissible earnings as provided by the Federal Social Security Act in  
14 compensation from participating agencies during any calendar year of  
15 reemployment.
- 16 (b) If the retired member is paid suspended payments retroactively in accordance  
17 with this section, employee contributions deducted during his period of  
18 reemployment, if any, shall be refunded to the retired employee, and no  
19 service credit shall be earned for the period of reemployment.
- 20 (c) If the retired member is not eligible to be paid suspended payments for his  
21 period of reemployment as an employee, his retirement allowance shall be  
22 recomputed under the plan under which the member was receiving payments  
23 prior to reemployment as follows:
- 24 1. The retired member's final compensation shall be recomputed using  
25 creditable compensation for his period of reemployment; however, the  
26 final compensation resulting from the recalculation shall not be less than  
27 that of the member when his retirement allowance was last determined;

- 1           2. If the retired member initially retired on or subsequent to his normal  
2           retirement date, his retirement allowance shall be recomputed by using  
3           the formula in KRS 61.595(1);
- 4           3. If the retired member initially retired prior to his normal retirement date,  
5           his retirement allowance shall be recomputed using the formula in KRS  
6           61.595(2), except that the member's age used in computing benefits shall  
7           be his age at the time of his initial retirement increased by the number of  
8           months of service credit earned for service performed during  
9           reemployment;
- 10          4. The retirement allowance payments resulting from the recomputation  
11          under this subsection shall be payable in the month following the  
12          termination of reemployment in lieu of payments under subparagraph 3.  
13          The member shall not receive less in benefits as a result of the  
14          recomputation than he was receiving prior to reemployment or would  
15          receive as determined under KRS 61.691; and
- 16          5. Any retired member who was reemployed prior to March 26, 1974, shall  
17          begin making contributions to the system in accordance with the  
18          provisions of this section on the first day of the month following March  
19          26, 1974.
- 20 (5) A retired member, or his estate, shall pay to the retirement fund the total amount of  
21          payments which are not suspended in accordance with subsection (1) of this section  
22          if the member received more than the maximum permissible earnings as provided  
23          by the Federal Social Security Act in compensation from participating agencies  
24          during any calendar year of reemployment, except the retired member or his estate  
25          may repay the lesser of the total amount of payments which were not suspended or  
26          fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings  
27          during reemployment if under age sixty-five (65), or one dollar (\$1) for every three

1           dollars (\$3) earned if over age sixty-five (65).

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

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

11      (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this  
12          section shall no longer apply to a retired member who is reemployed in a  
13          position covered by the same retirement system from which the member  
14          retired. Reemployed retired members shall be treated as new members upon  
15          reemployment. Any retired member whose reemployment date preceded  
16          August 1, 1998, who does not elect, within sixty (60) days of notification by  
17          the retirement systems, to remain under the provisions of subsections (1) to  
18          (4) of this section shall be deemed to have elected to participate under this  
19          subsection.

20      (b) A retired member whose disability retirement was discontinued pursuant to  
21          KRS 61.615 and who is reemployed in one (1) of the systems administered by  
22          the Kentucky Retirement Systems prior to his or her normal retirement date  
23          shall have his or her accounts combined upon termination for determining  
24          eligibility for benefits. If the member is eligible for retirement, the member's  
25          service and creditable compensation earned as a result of his or her  
26          reemployment shall be used in the calculation of benefits, except that the  
27          member's final compensation shall not be less than the final compensation last

1           used in determining his or her retirement allowance. The member shall not  
2           change beneficiary or payment option designations. This provision shall apply  
3           to members reemployed on or after August 1, 1998.

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

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

15 (10) If a member is receiving a retirement allowance, or has filed the forms required for  
16          a retirement allowance, and is employed within one (1) month of the member's  
17          initial retirement date in a position that is required to participate in the same  
18          retirement system from which the member retired, the member's retirement shall be  
19          voided and the member shall repay to the retirement system all benefits received.  
20          The member shall contribute to the member account established for him prior to his  
21          voided retirement. The retirement allowance for which the member shall be eligible  
22          upon retirement shall be determined by total service and creditable compensation.

23 (11) (a) If a member of the Kentucky Employees Retirement System retires from a  
24          department which participates in more than one (1) retirement system and is  
25          reemployed within one (1) month of his initial retirement date by the same  
26          department in a position participating in another retirement system, the retired  
27          member's retirement allowance shall be suspended for the first month of his



1 retirement and the member shall repay to the retirement system all benefits  
2 received for the month.

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

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

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

15 (13) If the retirement system determines that the retired member has been employed in a  
16 position with the same principal duties as the position from which the member  
17 retired:

18 (a) The member's retirement allowance shall be suspended during the period that  
19 begins on the month in which the member is reemployed and ends six (6)  
20 months after the member's termination;

21 (b) The retired member shall repay to the retirement system all benefits paid from  
22 systems administered by Kentucky Retirement Systems under reciprocity,  
23 including medical insurance benefits, that the member received after  
24 reemployment began;

25 (c) Upon termination, or subsequent to expiration of the six (6) month period  
26 from the date of termination, the retired member's retirement allowance based  
27 on his initial retirement account shall no longer be suspended and the member

1 shall receive the amount to which he is entitled, including an increase as  
2 provided by KRS 61.691;

3 (d) Except as provided in subsection (7) of this section, if the position in which a  
4 retired member is employed after initial retirement is a regular full-time  
5 position, the retired member shall contribute to a second member account  
6 established for him in the retirement system. Service credit gained after the  
7 member's date of reemployment shall be credited to the second member  
8 account; and

9 (e) Upon termination, the retired member shall be entitled to benefits payable  
10 from his second retirement account.

11 (14) (a) If the retirement system determines that the retired member has not been  
12 reemployed in a position with the same principal duties as the position from  
13 which he retired, the retired member shall continue to receive his retirement  
14 allowance.

15 (b) If the position is a regular full-time position, the member shall contribute to a  
16 second member account in the retirement system.

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

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

25 (16) A retired member who is reemployed and contributing to a second member account  
26 shall not be eligible to purchase service credit under any of the provisions of KRS  
27 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he was eligible to

1 purchase prior to his initial retirement.

2 (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this  
3 section, the following shall apply to retired members who retired prior to January 1,  
4 2019, and who are reemployed by an agency participating in one (1) of the systems  
5 administered by Kentucky Retirement Systems on or after September 1, 2008:

6 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is  
7 receiving a retirement allowance from one (1) of the systems administered by  
8 Kentucky Retirement Systems, or has filed the forms required to receive a  
9 retirement allowance from one (1) of the systems administered by Kentucky  
10 Retirement Systems, and is employed in a regular full-time position required  
11 to participate in one (1) of the systems administered by Kentucky Retirement  
12 Systems or is employed in a position that is not considered regular full-time  
13 with an agency participating in one (1) of the systems administered by  
14 Kentucky Retirement Systems within three (3) months following the member's  
15 initial retirement date, the member's retirement shall be voided, and the  
16 member shall repay to the retirement system all benefits received, including  
17 any health insurance benefits. If the member is returning to work in a regular  
18 full-time position required to participate in one (1) of the systems  
19 administered by Kentucky Retirement Systems:

20 1. The member shall contribute to a member account established for him or  
21 her in one (1) of the systems administered by Kentucky Retirement  
22 Systems, and employer contributions shall be paid on behalf of the  
23 member by the participating employer; and

24 2. Upon subsequent retirement, the member shall be eligible for a  
25 retirement allowance based upon total service and creditable  
26 compensation, including any additional service or creditable  
27 compensation earned after his or her initial retirement was voided;

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

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

1 contributions as specified by KRS 61.565 and 61.702 on all creditable  
2 compensation earned by the employee during the period of  
3 reemployment. The additional contributions paid shall be used to reduce  
4 the unfunded actuarial liability of the systems; and

5 4. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for  
6 any retiree employed as a school resource officer *or school security*  
7 *officer* as defined by KRS 158.441, the employer shall be required to  
8 reimburse the systems for the cost of the health insurance premium paid  
9 by the systems to provide coverage for the retiree, not to exceed the cost  
10 of the single premium. Effective July 1, 2015, local school boards shall  
11 not be required to pay the reimbursement required by this subparagraph  
12 for retirees employed by the board for eighty (80) days or less during the  
13 fiscal year;

14 (c) If a member is receiving a retirement allowance from the State Police  
15 Retirement System or from hazardous duty retirement coverage with the  
16 Kentucky Employees Retirement System or the County Employees Retirement  
17 System, or has filed the forms required to receive a retirement allowance from  
18 the State Police Retirement System or from hazardous duty retirement  
19 coverage with the Kentucky Employees Retirement System or the County  
20 Employees Retirement System, and is employed in a regular full-time position  
21 required to participate in the State Police Retirement System or in a hazardous  
22 duty position with the Kentucky Employees Retirement System or the County  
23 Employees Retirement System within one (1) month following the member's  
24 initial retirement date, the member's retirement shall be voided, and the  
25 member shall repay to the retirement system all benefits received, including  
26 any health insurance benefits. If the member is returning to work in a regular  
27 full-time position required to participate in one (1) of the systems

1 administered by Kentucky Retirement Systems:

2 1. The member shall contribute to a member account established for him or  
3 her in one (1) of the systems administered by Kentucky Retirement  
4 Systems, and employer contributions shall be paid on behalf of the  
5 member by the participating employer; and

6 2. Upon subsequent retirement, the member shall be eligible for a  
7 retirement allowance based upon total service and creditable  
8 compensation, including any additional service or creditable  
9 compensation earned after his or her initial retirement was voided;

10 (d) If a member is receiving a retirement allowance from the State Police  
11 Retirement System or from hazardous duty retirement coverage with the  
12 Kentucky Employees Retirement System or the County Employees Retirement  
13 System and is employed in a regular full-time position required to participate  
14 in the State Police Retirement System or in a hazardous duty position with the  
15 Kentucky Employees Retirement System or the County Employees Retirement  
16 System after a one (1) month period following the member's initial retirement  
17 date, the member may continue to receive his or her retirement allowance  
18 during the period of reemployment subject to the following provisions:

19 1. Both the employee and participating agency shall certify in writing on a  
20 form prescribed by the board that no prearranged agreement existed  
21 between the employee and agency prior to the employee's retirement for  
22 the employee to return to work with the participating agency. If an  
23 elected official is reelected to a new term of office in the same position  
24 and retires following the election but prior to taking the new term of  
25 office, he or she shall be deemed by the system as having a prearranged  
26 agreement under the provisions of this subparagraph and shall have his  
27 or her retirement voided. If the participating agency or employer fail to

- 1 complete the certification, the member's retirement shall be voided and  
2 the provisions of paragraph (c) of this subsection shall apply to the  
3 member and the employer;
- 4 2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to  
5 the contrary, the member shall not contribute to the systems and shall  
6 not earn any additional benefits for any work performed during the  
7 period of reemployment;
- 8 3. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for  
9 any retiree employed as a school resource officer *or school security*  
10 *officer* as defined by KRS 158.441, the employer shall pay employer  
11 contributions as specified by KRS 61.565 and 61.702 on all creditable  
12 compensation earned by the employee during the period of  
13 reemployment. The additional contributions paid shall be used to reduce  
14 the unfunded actuarial liability of the systems; and
- 15 4. Except as provided by KRS 70.291 to 70.293 and 95.022 and except for  
16 any retiree employed as a school resource officer *or school security*  
17 *officer* as defined by KRS 158.441, the employer shall be required to  
18 reimburse the systems for the cost of the health insurance premium paid  
19 by the systems to provide coverage for the retiree, not to exceed the cost  
20 of the single premium;
- 21 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member  
22 who qualifies as a volunteer for an employer participating in one (1) of the  
23 systems administered by Kentucky Retirement Systems and who is receiving  
24 reimbursement of actual expenses, a nominal fee for his or her volunteer  
25 services, or both, shall not be considered an employee of the participating  
26 employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
- 27 1. Prior to the retired member's most recent retirement date, he or she did

- 1 not receive creditable compensation from the participating employer in  
2 which the retired member is performing volunteer services;
- 3 2. Any reimbursement or nominal fee received prior to the retired  
4 member's most recent retirement date has not been credited as creditable  
5 compensation to the member's account or utilized in the calculation of  
6 the retired member's benefits;
- 7 3. The retired member has not purchased or received service credit under  
8 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for  
9 service with the participating employer for which the retired member is  
10 performing volunteer services; and
- 11 4. Other than the status of volunteer, the retired member does not become  
12 an employee, leased employee, or independent contractor of the  
13 employer for which he or she is performing volunteer services for a  
14 period of at least twenty-four (24) months following the retired  
15 member's most recent retirement date.

16 If a retired member, who provided volunteer services with a participating  
17 employer under this paragraph violates any provision of this paragraph, then  
18 he or she shall be deemed an employee of the participating employer as of the  
19 date he or she began providing volunteer services and both the retired member  
20 and the participating employer shall be subject to paragraphs (a) to (d) of this  
21 subsection for the period of volunteer service; and

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

- 27 1. Required to resign from his or her position as mayor or as a member of



1 the city legislative body in order to begin drawing benefits from the  
2 Kentucky Employees Retirement System or the State Police Retirement  
3 System; or

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

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

13 (a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired  
14 member is receiving a retirement allowance from the systems administered by  
15 the Kentucky Retirement Systems and is reemployed in any position with an  
16 agency participating in any of the systems administered by the Kentucky  
17 Retirement Systems, regardless of whether or not the position is considered  
18 regular full-time under KRS 61.510(21), 78.510(21), or paragraph (g) of this  
19 subsection, within a three (3) month period following the member's initial  
20 retirement date from the systems, the member's retirement shall be voided and  
21 the member shall repay to the system all benefits received, including any  
22 health insurance benefits. If the member's retirement is voided as provided by  
23 this paragraph and the member has returned to work in a position that is  
24 considered a regular full-time position in the systems administered by  
25 Kentucky Retirement Systems as defined in KRS 61.510(21) or 78.510(21), as  
26 applicable:

27 1. The member shall contribute to a member account established for him or

- 1 her in one (1) of the systems administered by the Kentucky Retirement  
2 Systems and employer contributions shall be paid on behalf of the  
3 member by the participating employer; and
- 4 2. Upon subsequent retirement, the member shall be eligible for a  
5 retirement allowance based upon total service, accumulated account  
6 balance, and creditable compensation, including any additional service,  
7 creditable compensation, or accumulated account balance earned after  
8 his or her initial retirement was voided, subject to the limitations of KRS  
9 6.525, 21.374, 61.5955, or 61.5956;
- 10 (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired  
11 member, annuitant, or retiree is receiving a retirement allowance from the  
12 systems administered by the Kentucky Retirement Systems and is reemployed  
13 or elected to a position with an agency participating in the systems  
14 administered by the Kentucky Retirement Systems after a three (3) month  
15 period following the member's initial retirement date from the system:
- 16 1. Both the employee and participating agency shall certify in writing on a  
17 form prescribed by the board that no prearranged agreement existed  
18 between the employee and agency prior to the employee's retirement for  
19 the employee to return to work with the participating agency. If an  
20 elected official is reelected to a new term of office in the same position  
21 and retires following the election but prior to taking the new term of  
22 office, he or she shall be deemed by the system as having a prearranged  
23 agreement under the provisions of this subparagraph and shall have his  
24 or her retirement voided. If the participating agency or employer fails to  
25 complete the certification, the member's retirement shall be voided and  
26 the provisions of paragraph (a) of this subsection shall apply to the  
27 member and the employer;

- 1           2.    The member shall not contribute to the systems and shall not earn any  
2           additional benefits for any work performed during the period of  
3           reemployment;
- 4           3.    The retired member may continue to draw his or her retirement  
5           allowance during the period of reemployment if:
- 6           a.    The period of reemployment is not considered regular full-time as  
7           defined by paragraph (g) of this subsection; or
- 8           b.    The period of reemployment is considered regular full-time but the  
9           member has not returned to reemployment for at least a twelve  
10          (12) month period following his or her initial retirement. If the  
11          member returns to reemployment in a regular full-time position  
12          after a three (3) month but prior to a twelve (12) month period  
13          following his or her initial retirement, then the member's  
14          retirement allowance shall be suspended until twelve (12) months  
15          following his or her initial retirement; and
- 16          4.    The employer shall pay the employer normal cost contributions as  
17          specified by KRS 61.565(1)(b) and 61.702, on all creditable  
18          compensation earned by the employee during the period of regular full-  
19          time reemployment, based upon the system in which the member is  
20          reemployed. The employer normal cost contributions shall be payable on  
21          the employee's behalf for the period of regular full-time reemployment  
22          and shall be used to pay down the unfunded liability of the systems;
- 23          (c)  If a member is receiving a retirement allowance from the State Police  
24          Retirement System or from hazardous duty retirement coverage with the  
25          Kentucky Employees Retirement System or the County Employees Retirement  
26          System or is a certified peace officer as provided in KRS Chapter 15, and is  
27          reemployed in any position with an agency participating in the systems or

1 plans administered by the Kentucky Retirement Systems, regardless of  
2 whether or not the position is considered regular full-time under KRS  
3 61.510(21), 78.510(21), or paragraph (g) of this subsection, within a one (1)  
4 month period following the member's initial retirement date from the system,  
5 the member's retirement shall be voided and the member shall repay to the  
6 system or plan all benefits received, including any health insurance benefits. If  
7 the member's retirement is voided as provided by this paragraph and the  
8 member has returned to work in a position that qualifies for participation in a  
9 position that is considered a regular full-time position in the systems  
10 administered by Kentucky Retirement Systems as defined in KRS 61.510(21)  
11 or 78.510(21), as 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 (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 or is a certified peace officer as provided in KRS Chapter 15, and is  
26 reemployed with an agency participating in the systems administered by the  
27 Kentucky Retirement Systems after a one (1) month period following the

1 member's initial retirement date from the system, the member may continue to  
2 receive his or her retirement allowance during the period of reemployment  
3 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 retires following the election but prior to taking the new term of  
10 office, he or she shall be deemed by the system as having a prearranged  
11 agreement under the provisions of this subparagraph and shall have his  
12 or her retirement voided. If the participating agency or employer fails to  
13 complete the certification, the member's retirement shall be voided and  
14 the provisions of paragraph (c) of this subsection shall apply to the  
15 member and the employer;

16 2. The member shall not contribute to the systems and shall not earn any  
17 additional benefits for any work performed during the period of  
18 reemployment; and

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

26 (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member  
27 who qualifies as a volunteer for an employer participating in one (1) of the

1 systems administered by Kentucky Retirement Systems and who is receiving  
2 reimbursement of actual expenses, a nominal fee for his or her volunteer  
3 services, or both, shall not be considered an employee of the participating  
4 employer and shall not be subject to paragraphs (a) to (d) of this subsection if:

- 5 1. Prior to the retired member's most recent retirement date, he or she did  
6 not receive creditable compensation from the participating employer for  
7 which the retired member is performing volunteer services;
- 8 2. Any reimbursement or nominal fee received prior to the retired  
9 member's most recent retirement date has not been credited as creditable  
10 compensation to the member's account or utilized in the calculation of  
11 the retired member's benefits;
- 12 3. The retired member has not purchased or received service credit under  
13 any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for  
14 service with the participating employer for which the retired member is  
15 performing volunteer services; and
- 16 4. Other than the status of volunteer, the retired member does not become  
17 an employee, leased employee, or independent contractor of the  
18 employer for which he or she is performing volunteer services for a  
19 period of at least twenty-four (24) months following the retired  
20 member's most recent retirement date.

21 If a retired member, who provided volunteer services with a participating  
22 employer under this paragraph violates any provision of this paragraph, then  
23 he or she shall be deemed an employee of the participating employer as of the  
24 date he or she began providing volunteer services, and both the retired  
25 member and the participating employer shall be subject to paragraphs (a) to  
26 (d) of this subsection for the period of volunteer service;

- 27 (f) Notwithstanding any provision of this section, any mayor or member of a city

1 legislative body who has not participated in the County Employees Retirement  
2 System prior to retirement, but who is otherwise eligible to retire from the  
3 Kentucky Employees Retirement System or the State Police Retirement  
4 System, shall not be:

- 5 1. Required to resign from his or her position as mayor or as a member of  
6 the city legislative body in order to begin drawing benefits from the  
7 Kentucky Employees Retirement System or the State Police Retirement  
8 System; or
- 9 2. Subject to any provision of this section as it relates solely to his or her  
10 service as a mayor or member of the city legislative body; and

11 (g) For purposes of this subsection, "regular full-time" shall mean any position  
12 that requires an average of one hundred (100) or more hours per month over a  
13 calendar or fiscal year basis, except that in the case of classified school board  
14 employees it shall be more than one hundred (100) days of work during the  
15 fiscal year. Interim, temporary, or seasonal positions as defined and time  
16 limited by KRS 61.510(21) or 78.510(21) shall not be considered regular full-  
17 time; and

18 (h) Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the  
19 contrary, an individual who retires and begins drawing a retirement allowance  
20 from one (1) or more of the systems or plans administered by the Teachers'  
21 Retirement System or the Judicial Form Retirement System on or after  
22 January 1, 2019, who is reemployed with an agency participating in one (1) of  
23 the systems administered by Kentucky Retirement Systems, shall not be  
24 eligible to earn benefits in the Kentucky Employees Retirement System,  
25 County Employees Retirement System, or the State Police Retirement System  
26 for reemployment that occurs on or after January 1, 2019.

27 ➔Section 4. Whereas the General Assembly hereby finds, determines, and

- 1 declares that this Act is necessary for the immediate preservation of public peace, health,
- 2 and safety, an emergency is declared to exist and this Act takes effect upon its passage
- 3 and approval by the Governor or upon its otherwise becoming law.