

1 AN ACT relating to hazardous duty retirement for code enforcement personnel of a
2 consolidated local government.

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

4 ➔Section 1. KRS 78.5520 is amended to read as follows:

5 (1) For purposes of this section:

6 (a) "Hazardous position" for employees who began participating in the County
7 Employees Retirement System prior to September 1, 2008, means:

8 1. Any position whose principal duties involve active law enforcement,
9 including the positions of probation and parole officer, active fire
10 suppression or prevention, correctional officers with duties that
11 routinely and regularly require face-to-face contact with inmates, or
12 other positions, including but not limited to paramedics and emergency
13 medical technicians, with duties that require frequent exposure to a high
14 degree of danger or peril and also require a high degree of physical
15 conditioning; and

16 2. Code enforcement officers employed by a consolidated local
17 government pursuant to KRS Chapter 67C with duties including but
18 not limited to investigation, inspection, and issuance of citations for
19 violations of ordinances relating to facilities, hazardous materials,
20 land development, and zoning, and with duties that require frequent
21 exposure to a high degree of danger or peril and also require a high
22 degree of physical conditioning; and

23 (b) "Hazardous position" for employees who begin participating in the County
24 Employees Retirement System on or after September 1, 2008, means:

25 1. Police officers and firefighters as defined in KRS 61.315(1),
26 paramedics, correctional officers with duties that routinely and regularly
27 require face-to-face contact with inmates, and emergency medical

1 technicians, if:

2 a.~~[1.]~~ The employee's duties require frequent exposure to a high degree
3 of danger or peril and a high degree of physical conditioning; and

4 b.~~[2.]~~ The employee's duties are not primarily clerical or administrative;
5 and

6 2. Code enforcement officers employed by a consolidated local
7 government pursuant to KRS Chapter 67C with duties including but
8 not limited to investigation, inspection, and the issuance of citations
9 for violations of ordinances relating to facilities, hazardous materials,
10 land development, and zoning, if:

11 a. The employee's duties require frequent exposure to a high
12 degree of danger or peril and a high degree of physical
13 conditioning; and

14 b. The employee's duties are not primarily clerical or
15 administrative.

16 (2) (a) Each employer may request of the board hazardous coverage for those
17 positions as defined in subsection (1) of this section. Upon request, each
18 employer shall certify to the system, in the manner prescribed by the board,
19 the names of all employees working in a hazardous position as defined in
20 subsection (1) of this section for which coverage is requested. The
21 certification of the employer shall bear the approval of the agent or agency
22 responsible for the budget of the employer indicating that the required
23 employer contributions have been provided for in the budget of the employer.
24 The system shall determine whether the employees whose names have been
25 certified by the employer are working in positions meeting the definition of a
26 hazardous position as provided by subsection (1) of this section.

27 (b) Each employer shall also certify, under penalty of perjury in accordance with

1 KRS Chapter 523, that each employee's actual job duties are accurately
2 reflected in the job description provided to the system. The system shall
3 determine whether the employees whose names have been certified by the
4 employer are working in positions meeting the definition of a hazardous
5 position as defined in subsection (1) of this section.

6 (c) The board shall have the authority to remove any employee from hazardous
7 coverage if the board determines the employee is not working in a hazardous
8 position or if the employee is classified in a hazardous position but has
9 individual job duties that do not meet the definition of a hazardous position or
10 are not accurately reflected in the job descriptions filed by the employer with
11 the system.

12 (3) (a) If the employer participated in the system prior to electing hazardous
13 coverage, the employer may pay to the system the cost of converting the
14 nonhazardous service to hazardous service from the date of participation to
15 the date the payment is made, or the employer may establish a payment
16 schedule for payment of the cost of the hazardous service above that which
17 would be funded within the existing employer contribution rate. The employer
18 may extend the payment schedule to a maximum of thirty (30) years.
19 Payments made by the employer under this subsection shall be deposited to
20 the retirement allowance account of the proper retirement or retiree health
21 fund and shall not be considered accumulated contributions of the individual
22 members.

23 (b) If the employer elects not to make the additional payment as provided by
24 paragraph (a) of this subsection, the employee may pay the cost of converting
25 the service and provide payment for the cost as provided by KRS 61.552(9).
26 Payments made by the employee under this subsection shall not be picked up,
27 as described in KRS 78.610(4), by the employer.

- 1 (c) If neither the employer nor employee makes the payment, the service prior to
2 hazardous position coverage shall remain nonhazardous.
- 3 (d) The provisions of this subsection shall not apply to members who begin
4 participating in the system on or after January 1, 2014.
- 5 (4) Any person employed in a hazardous position shall be required to undergo a
6 thorough medical examination by a licensed physician, and a copy of the medical
7 report of the physician shall be retained on file by the person's employer and made
8 available to the system upon request.
- 9 (5) If doubt exists regarding the benefits payable to a hazardous position employee
10 under this section, the board shall determine the benefits payable under KRS 78.510
11 to 78.852.