

## FINANCE AND ADMINISTRATION CABINET

### Kentucky Retirement Systems (Amended at ARRS Committee)

#### 105 KAR 1:001. Definitions for ~~105 KAR Title~~ 105 KAR Chapter 1.

RELATES TO: KRS 16.505 ~~to~~ 16.652, 61.510 ~~to~~ 61.705, ~~and~~ 78.510 ~~to~~ 78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate ~~all~~ administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes definitions for ~~105 KAR Title~~ 105 KAR Chapter 1 ~~of the Kentucky Administrative Regulations~~.

Section 1. Definitions. The following definitions shall apply to 105 KAR Chapter 1 ~~as used in Title 105 of the Kentucky Administrative Regulations~~ unless otherwise required by context or otherwise defined in a specific administrative regulation:

(1) "AAC" means:

(a) Prior to April 1, 2021, the Administrative Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.

(b) Beginning April 1, 2021, the separate or joint Administrative Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.645(16) and 78.782(16).

(2) ~~"Accumulated employer credit" is defined in KRS 16.505(39), 61.510(40), and 78.510(37).~~

~~(3)~~ "Accumulated account balance" is defined ~~by~~ KRS 16.505(40), 61.510(41), and 78.510(38).

~~(3)~~ ~~(4)~~ "Accumulated contributions" is defined ~~by~~ KRS 16.505(7), 61.510(12), and 78.510(12).

~~(4)~~ "Accumulated employer credit" is defined by KRS 16.505(39), 61.510(40), and 78.510(37).

(5) "Act in line of duty" or "in line of duty" is defined ~~by~~ KRS 16.505(19) and 78.510(48).

(6) "Active member" means a member who is participating in the systems.

(7) "Actuarial equivalent" is defined ~~by~~ KRS 16.505(13), 61.510(17), and 78.510(17).

(8) "Agency" means:

(a) Prior to April 1, 2021, the Kentucky Retirement Systems, which administered the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System; and

(b) Beginning April 1, 2021, the Kentucky Public Pensions Authority, which is authorized to carry out the day-to-day administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.

(9) "Agency reporting official" is defined ~~by~~ KRS 78.510(20).

(10) "Alternate payee" is defined ~~by~~ KRS 16.505(38), 61.510(39), and 78.510(36).

(11) "Authorized leave of absence" is defined ~~by~~ KRS 16.505(14).

(12) "Beneficiary" is defined ~~by~~ KRS 16.505(25), 61.510(26), and 78.510(25).

(13) "Boards" means the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System.

- (14) "Bona fide promotion or career advancement" is defined ~~by~~*fin* KRS 61.598(1) and 78.545(22).
- (15) "Career threshold" is defined ~~by~~*fin* KRS 61.702(4)(e).9.a. and 78.5536(4)(e)9.a.
- (16) "County" is defined ~~by~~*fin* KRS 78.510(3).
- (17) "Creditable compensation" is defined ~~by~~*fin* KRS 16.505(8), 61.510(13), and 78.510(13).
- (18) "Current rate of pay" is defined ~~by~~*fin* KRS 16.505(24), 61.510(25), and 78.510(24).
- (19) "Current service" is defined ~~by~~*fin* KRS 16.505(4), 61.510(10), and 78.510(10).
- (20) "DAC" means:
- (a) Prior to April 1, 2021, the Disability Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.
  - (b) Beginning April 1, 2021, the separate or joint Disability Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.665(4) and 78.545(11).
- (21) "Department" is defined ~~by~~*fin* KRS 61.510(3).
- (22) "Dependent child" is defined ~~by~~*fin* KRS 16.505(17) and 78.510(49).
- (23) "Disability retirement date" is defined ~~by~~*fin* KRS 16.505(16), 61.590(5)(b), and 78.510(51).
- (24) "Duty-related injury" is defined ~~by~~*fin* KRS 61.621(2) and 78.545(20).
- (25) "Early retirement date" is defined ~~by~~*fin* KRS 16.505(20), 61.590(5)(c), and 78.545(4).
- (26) "Employee" is defined ~~by~~*fin* KRS 61.510(5) and 78.510(6).
- (27) "Employer" is defined ~~by~~*fin* KRS 16.505(3), 61.510(6), and 78.510(7).
- (28) "Employer's effective cessation date" is defined ~~by~~*fin* KRS 61.522(1)(c) and 78.535(1)(c).
- (29) "End of day" means 11:59 p.m. Eastern Time, on the date referenced.
- (30) "Examiner" means the medical examiners as provided in KRS 61.665 and 78.545(11).
- (31) "File" means a form or document has been received at the retirement office by mail, fax, secure email, in-person delivery, or via Self Service on the Web site maintained by the agency (if available).
- (32) "Final compensation" is defined ~~by~~*fin* KRS 16.505(9), 61.510(14), and 78.510(14).
- (33) "Final rate of pay" is defined ~~by~~*fin* KRS 16.505(10), 61.510(15), and 78.510(15).
- (34) "Fiscal year" is defined ~~by~~*fin* KRS 16.505(32), 61.510(19), and 78.510(19).
- (35) "Gainful employment" means work in any capacity that is, or may be, performed with regularity and is, or may be, usually done for pay, whether or not pay is received, including seasonal, volunteer, part-time, and on-call work.
- (36) "Grandfathered service" is defined ~~by~~*fin* KRS 61.552(9)(b) and 78.545(7).
- (37) "Hazardous disability" is defined ~~by~~*fin* KRS 16.505(23) and 78.510(47).
- (38) "Hazardous position" means a regular full-time officer as defined ~~by~~*fin* 16.505(22), or a "hazardous position" as defined ~~by~~*fin* 61.592(1)(a), 78.510(42), and 78.5520(1).
- (39) "Hospital and medical insurance plan" is defined ~~by~~*fin* KRS 61.702(1)(a) and 78.5536(1)(a).
- (40) "In line of duty" or "act in line of duty" is defined ~~by~~*fin* KRS 16.505(19) and 78.510(48).
- (41) "Inactive member" means a member who is not participating in the system.
- (42) "Increment" is defined ~~by~~*fin* KRS 61.510(29) and 78.510(44).
- (43) "Instructional staff" is defined ~~by~~*fin* KRS 61.510(48).
- (44) "Invalid," ~~if/when~~ used in reference to a form, means that the form does not meet the requirements to be valid, and shall not be processed by the agency.

(45) "Last day of paid employment" is defined ~~by~~ KRS 16.505(30), 61.510(32), and 78.510(45).

(46) "Level percentage of payroll amortization method" is defined ~~by~~ KRS 61.510(28) and 78.510(43).

(47) "Medical information" as used in KRS 61.610, 61.615, 61.665, 78.5526 and 78.5528 ~~is~~

~~(a)~~ Means reports of examinations or treatments; medical signs ~~that~~ are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs ~~that~~ are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings ~~that~~ are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including ~~but not limited to~~ chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests; ~~and~~  
~~(b)~~ Does not mean ~~the~~ written statements from medical providers alone ~~are not medical information~~ unless accompanied by supporting contemporaneous records as ~~established~~ ~~discussed~~ in paragraph (a) of this subsection.

(48) "Member" is defined ~~by~~ KRS 16.505(21), 61.510(8), and 78.510(8).

(49) "Membership date" is defined ~~by~~ KRS 16.505(35), 61.510(36), and 78.510(33).

(50) "Month" is defined ~~by~~ KRS 16.505(34), 61.510(35), and 78.510(32).

(51) "Monthly average pay" is defined ~~by~~ KRS 16.505(41), 61.510(45), and 78.510(52).

(52) "Monthly contribution rate" is defined ~~by~~ KRS 61.702(1)(b) and 78.5536(1)(b).

(53) "Nominal fee" is defined ~~by~~ KRS 61.510(43) and 78.510(40).

(54) "Non-core services independent contractor" is defined ~~by~~ KRS 61.5991(9).

(55) "Nonhazardous position" is defined ~~by~~ KRS 61.510(44) and 78.510(41).

(56) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date.

(57) "Normal retirement date" is defined ~~by~~ KRS 16.505(15), 61.510(18), 61.590(5) (a), and 78.510(18).

(58) "Objective medical evidence" is defined ~~by~~ KRS 16.505(31), 61.510(33), and 78.510(46).

(59) "Officers and employees of the General Assembly" is defined ~~by~~ KRS 61.510(20).

(60) "Optional allowance" is defined ~~by~~ KRS 16.505(18).

(61) "Participant" is defined ~~by~~ KRS 16.505(36), 61.510(37), and 78.510(34).

(62) "Participating" is defined ~~by~~ KRS 16.505(33), 61.510(34), and 78.510(31).

(63) "Participating employer" means any employer that participates in one (1) of the systems operated by the agency.

(64) "Participation date" means the earlier of "membership date" as defined in this section or the date on which the member began participating in another state-administered retirement system if the member has not retired or taken a refund from the other state-administered retirement system.

(65) "Past service" is defined ~~by~~ KRS 61.552(5)(a) and 78.545(7).

(66) "Person" means a natural person.

(67) "Premium" means the monthly dollar cost required to provide hospital and medical insurance plan coverage for a recipient, a recipient's spouse, or a disabled or dependent child.

(68) "Prior service" is defined ~~by~~ KRS 16.505(5), 61.510(11), and 78.510(11).

(69) "Provide," ~~if~~ ~~when~~ used in reference to a form or other document, means the agency makes a form or document available on its Web site (if appropriate) or by mail,

fax, secure email, or via Self Service on the Web site maintained by the agency (if available).

(70) "Qualified domestic relations order" is defined ~~by fin~~ KRS 16.505(37), 61.510(38), and 78.510(35).

(71) "Recipient" is defined ~~by fin~~ KRS 16.505(26), 61.510(27), and 78.510(26).

(72) "Reemployment" means the retired member's first date of employment with a participating employer following his or her most recent retirement date.

(73) "Regular full-time officers" is defined ~~by fin~~ KRS 16.505(22), ~~ff~~

(74) "Regular full-time position" is defined ~~by fin~~ KRS 61.510(21) and 78.510(21).

(75) "Retired member" is defined ~~by fin~~ KRS 16.505(11), 61.510(24), and 78.510(23).

(76) "Retirement allowance" is defined ~~by fin~~ KRS 16.505(12), 61.510(16), and 78.510(16).

(77) "Retirement office" is defined ~~by fin~~ KRS 16.505(28), 61.510(31), and 78.510(29).

(78) "School board" is defined ~~by fin~~ KRS 78.510(4).

(79) "School term or year" is defined ~~by fin~~ KRS 78.510(28).

(80) "Service" is defined ~~by fin~~ KRS 16.505(6), 61.510(9), and 78.510(9).

(81) "State" means the Commonwealth of Kentucky.

(82) "Systems" means the State Police Retirement System (KRS 16.505 to 16.652), the Kentucky Employees Retirement System (KRS 61.510 to 61.705), and the County Employees Retirement System (KRS 78.510 to 78.852).

(83) "Total and permanent disability" is defined ~~by fin~~ KRS 16.582(1)(a) and 78.5524(1)(a)1.

(84) "Valid," ~~iff when~~ used in reference to a form, means that all required sections of a form are filled out, the form has been fully executed by the required person or the person's legal representative, and all supporting documentation required by the form is included with the form.

(85) "Volunteer" is defined ~~by fin~~ KRS 61.510(42) and 78.510(39).

(18 Ky.R. 1692; 2195; eff. 1-10-1992; 22 Ky.R. 1325; 3-7-1996; 31 Ky.R. 785; 1049; eff. 1-4-2005; 33 Ky.R. 2-2-2007; 44 Ky.R. 258; eff. 11-3-2017; 49 Ky.R. 1535, 1899; eff. 7-5-2023.)

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