

**HOUSE BILL No. 2085**

By Representative Proctor

1-19

1 AN ACT concerning retirement and pensions; relating to the Kansas public  
2 employees retirement system; including certain juvenile corrections  
3 officer positions in the definition of "security officer" for purposes of  
4 determining retirement dates, benefits and the employer contribution  
5 rate for certain employees of the department of corrections; amending  
6 K.S.A. 74-4914a and 74-4914e and repealing the existing sections.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 74-4914a is hereby amended to read as follows: 74-  
10 4914a. (1) As used in K.S.A. 74-4914a ~~to through~~ 74-4914e, ~~inclusive~~, and  
11 amendments thereto, "security officer" means any person, as certified to  
12 the board by the secretary of corrections, who is employed on or after the  
13 effective date of this act as an employee of the department of corrections:

14 (a) Who is in any position in a job class in the corrections officer *or*  
15 *juvenile services corrections officer* class series, including, but not limited  
16 to, corrections officer I (A), *corrections officer I (B)*, corrections officer II,  
17 corrections supervisor I, corrections supervisor II ~~and~~, corrections  
18 supervisor III, ~~or in a position in the~~ corrections counselor I, corrections  
19 counselor II, unit team supervisor ~~or~~, corrections classification  
20 administrator, *juvenile corrections officer I (A)*, *juvenile corrections officer*  
21 *I (B)*, *juvenile corrections officer II*, *or juvenile corrections officer III* job  
22 class, as all such job classes are described on ~~the effective date of this act~~  
23 *July 1, 2023*, in the state job classification plan in effect for the classified  
24 service under the Kansas civil service act or who is in a position in any  
25 successor job class or classes that have been approved under K.S.A. 75-  
26 2938, and amendments thereto, and that have substantially the same duties  
27 and responsibilities thereof;

28 (b) who is promoted prior to or on or after the effective date of this  
29 act from a position in any job class under paragraph (a) to any position in  
30 any job class of warden or deputy warden of any correctional institution,  
31 the job class of *superintendent or deputy superintendent of any juvenile*  
32 *correctional facility*, the job class of work release supervisor, the job class  
33 of training officer, correctional institutions, or the job class of corrections  
34 administrator — security specialist as such job classes are described on ~~the~~  
35 ~~effective date of this act~~ *July 1, 2023*, in the state job classification plan in  
36 effect for the classified service under the Kansas civil service act or to any

1 successor job class or classes that are approved under K.S.A. 75-2938, and  
2 amendments thereto, and that have substantially the same duties and  
3 responsibilities, if the person was employed and had at least three  
4 consecutive years of service in any one or more positions in any one or  
5 more job classes described in paragraph (a) immediately preceding  
6 promotion to the position in a job class under this paragraph (b);

7 (c) who is in any position for which the duties and responsibilities  
8 directly and primarily involve operation of power plant facilities within  
9 any correctional institution and involve regular contact with inmates;

10 (d) who is in any position for which the duties and responsibilities  
11 directly and primarily involve the operation of the correctional industries  
12 activity of the department of corrections within a correctional institution  
13 and involve regular contact with inmates;

14 (e) who is in any position for which the duties and responsibilities  
15 directly and primarily involve supervision of food service operations  
16 within any correctional institution and involve regular contact with  
17 inmates; or

18 (f) who is in any position for which the duties and responsibilities  
19 directly and primarily involve supervision of maintenance operations  
20 within any correctional institution and involve regular contact with  
21 inmates.

22 (2) As used in K.S.A. 74-4914a ~~to through 74-4914e, inclusive~~, and  
23 amendments thereto, references to the department of corrections include  
24 correctional institutions as defined by K.S.A. 75-5202, and amendments  
25 thereto, *and juvenile correctional facilities as defined by K.S.A. 38-2302,*  
26 *and amendments thereto*, unless the context requires otherwise.

27 (3) The words and phrases used in K.S.A. 74-4914a ~~to through 74-~~  
28 ~~4914e, inclusive~~, and amendments thereto, ~~shall have the meanings~~  
29 ~~ascribed thereto~~ *mean the same as defined* in K.S.A. 74-4902, and  
30 amendments thereto, unless a different meaning is plainly required by the  
31 context.

32 Sec. 2. K.S.A. 74-4914e is hereby amended to read as follows: 74-  
33 4914e. (1) As used in this section:

34 (a) "Correctional employee" means any member of the system who is  
35 a security officer or other employee of the department of corrections and  
36 who is in a position for which the duties and responsibilities involve  
37 regular contact with inmates *or juvenile offenders* as certified by the  
38 secretary of corrections;

39 (b) "disability" means the total inability to perform permanently the  
40 duties of the position of a correctional employee in which the correctional  
41 employee was employed at the time of disability;

42 (c) "service-connected" means any physical or mental disability  
43 resulting from external force, violence or disease occasioned by an act of

1 duty as a correctional employee and includes, for any correctional  
2 employee after five years of credited service, any death or disability  
3 resulting from a heart disease or disease of the lung or respiratory tract,  
4 except that in the event that the correctional employee ceases to be a  
5 contributing member except by reason of a service-connected disability for  
6 a period of six months or more and then again becomes a contributing  
7 member the provision relating to death or disability resulting from a heart  
8 disease or disease of the lung or respiratory tract shall not apply until such  
9 correctional employee has again become a contributing member for a  
10 period of not less than two years or unless clear and precise evidence is  
11 presented that the heart disease or disease of the lung or respiratory tract  
12 was in fact occasioned by an act of duty as a correctional employee; and

13 (d) "final average salary" means the average highest annual  
14 compensation paid to a correctional employee for any three of the last five  
15 years of participating service immediately preceding the date of disability,  
16 or if participating service is less than three years, then the average annual  
17 compensation paid to the correctional employee during the full period of  
18 participating service or if a correctional employee has less than one  
19 calendar year of participating service the correctional employee's final  
20 average salary shall be computed by multiplying the correctional  
21 employee's highest monthly salary received in that year by 12.

22 (2) If any active contributing correctional employee becomes totally  
23 and permanently disabled due to service-connected causes as defined in  
24 subsection (1), such correctional employee shall be retired and the  
25 following benefits shall become payable and shall continue until the  
26 correctional employee's death or until the correctional employee recovers  
27 from the disability if a report of the event in a form acceptable to the board  
28 is filed in the office of the executive director of the board within 220 days  
29 after the date of the event or act of duty causing such disability and an  
30 application for such benefit, in such form and manner as the board shall  
31 prescribe, is filed by the correctional employee or the correctional  
32 employee's authorized representative in the office of the executive director  
33 of the board within two years of the date of disability:

34 (a) The correctional employee shall receive a retirement benefit equal  
35 to 50% of the correctional employee's final average salary. Such benefit  
36 shall accrue from the day upon which the correctional employee ceases to  
37 draw compensation.

38 (b) Each of the correctional employee's unmarried children under the  
39 age of 18 years or each of the correctional employee's children under the  
40 age of 23 years who are full-time students as provided in K.S.A. 74-  
41 49,117, and amendments thereto, shall receive an annual benefit equal to  
42 10% of the correctional employee's final average salary. Such benefit shall  
43 accrue from the day upon which the correctional employee ceases to draw

1 compensation and shall end on the first day of the month in which each  
2 such child or children attains the age of 18 years, die or marry, whichever  
3 occurs earlier or in which each such child or children attains the age of 23  
4 years, if such child or children are full-time students as provided in K.S.A.  
5 74-49,117, and amendments thereto.

6 (c) In no case shall the total benefits payable under paragraphs (a) and  
7 ~~(b) of this subsection (2)~~ be in excess of 75% of the correctional  
8 employee's final average salary.

9 (d) In the event a correctional employee who is retired under  
10 paragraph (a) ~~of this subsection (2)~~, dies within two years after the date of  
11 such retirement, then benefits may be payable under ~~subsection (2) of~~  
12 K.S.A. 74-4916(2), and amendments thereto.

13 (e) In the event a correctional employee who is retired under  
14 paragraph (a) ~~of this subsection (2)~~, dies more than two years after the date  
15 of such retirement, and the proximate cause of such death is the service-  
16 connected cause from which the disability resulted, then benefits may be  
17 payable under ~~subsection (2) of~~ K.S.A. 74-4916(2), and amendments  
18 thereto.

19 (f) (i) In the event a correctional employee who is retired under  
20 subsection (2) dies after the date of retirement and no benefits are payable  
21 under paragraphs (d) and (e), the following benefits shall be payable:

22 ~~(i)(A)~~ To the correctional employee's spouse, if lawfully wedded to  
23 the correctional employee at the time of the correctional employee's death,  
24 a lump-sum benefit equal to 50% of the correctional employee's final  
25 average salary at the time of the correctional employee's retirement.

26 ~~(i)(B)~~ To the correctional employee's spouse, if lawfully wedded to  
27 the correctional employee at the time of the correctional employee's death,  
28 an annual benefit equal to 50% of the correctional employee's retirement  
29 benefit payable in monthly installments, to accrue from the first day of the  
30 month following the correctional employee's date of death and ending on  
31 the first day of the month in which the spouse dies. If there is no surviving  
32 spouse, or if after the death of the spouse there remain one or more  
33 children under the age of 18 years or one or more children under the age of  
34 23 years who is a full-time student as provided in K.S.A. 74-49,117, and  
35 amendments thereto, the annual spouse's benefit shall be payable in equal  
36 shares to such children and each child's share shall end on the first day of  
37 the month in which such child attains the age of 18 years or dies,  
38 whichever occurs earlier or in which such child attains the age of 23 years,  
39 if such child is a full-time student as provided in K.S.A. 74-49,117, and  
40 amendments thereto.

41 (ii) The provisions of this subsection shall apply in all cases of such  
42 correctional employees who die after October 1, 1996.

43 (3) If any correctional employee who is an active contributing

1 member prior to such correctional employee's normal retirement becomes  
2 totally and permanently disabled for a period of 180 days from causes not  
3 service-connected, and not as the result of a willfully negligent or  
4 intentional act of the correctional employee, such correctional employee  
5 shall be retired and the following benefit shall become payable and shall  
6 continue until the correctional employee's death or until the correctional  
7 employee recovers from such disability whichever occurs first if a report  
8 of the disability in a form acceptable to the board is filed in the office of  
9 the executive director of the board within 220 days after the date of the  
10 commencement of such disability and if an application for such benefit in  
11 such form and manner as the board shall prescribe is filed in the office of  
12 the executive director of the board within two years of the date of  
13 disability:

14 A retirement benefit equal to 2% of the correctional employee's final  
15 average salary multiplied by the number of years of credited service,  
16 except that such retirement benefit shall be at least equal to 25% of the  
17 member's final average salary but not to exceed the amount of the  
18 retirement benefit provided in ~~paragraph (a) of subsection (2)(a)~~. Such  
19 benefit shall not become payable until satisfactory evidence is presented to  
20 the board that the correctional employee is and has been for a period of  
21 180 days totally and permanently disabled, but benefits shall accrue from  
22 the day upon which the correctional employee ceases to draw  
23 compensation.

24 (4) Any correctional employee who is employed for compensation by  
25 an employer other than the department of corrections and whose disability  
26 is incurred in the course of such other employment shall not be eligible for  
27 any of the benefits provided in subsection (3).

28 (5) If a correctional employee becomes totally and permanently  
29 disabled and no benefits are payable under ~~subsections~~ *subsection (2)* or  
30 (3), the sum of the correctional employee's accumulated contributions shall  
31 be paid to the correctional employee.

32 (6) Any correctional employee receiving benefits under this section  
33 shall submit to medical examination, not oftener than annually, by one or  
34 more physicians or any other practitioners of the healing arts holding a  
35 valid license issued by Kansas state board of healing arts, as the board of  
36 trustees may direct. If upon such medical examination the examiners  
37 report to the board that the retirant is physically able and capable of  
38 resuming employment with the participating employer from whose  
39 employment the correctional employee retired, the disability benefits shall  
40 terminate. A retirant who has been receiving benefits under the provisions  
41 of this section and who returns to employment of a participating employer  
42 shall immediately commence accruing service credit which shall be added  
43 to that which has been accrued by virtue of previous service.

1 (7) Any retirant who has been receiving benefits under the provisions  
2 of this section for a period of five years shall be deemed finally retired and  
3 shall not be subject to further medical examinations, except that if the  
4 board of trustees shall have reasonable grounds to question whether the  
5 retirant remains totally and permanently disabled, a further medical  
6 examination or examinations may be required.

7 (8) Refusal or neglect to submit to examination as provided in  
8 subsection (6) shall be sufficient cause for suspending or discontinuing  
9 benefit payments under this section and if such refusal or neglect shall  
10 continue for a period of one year, the correctional employee's rights in and  
11 to all benefits under the system may be revoked by the board.

12 (9) Any retirement benefits payable under the provisions of this  
13 section shall be in lieu of all other benefits under the system.

14 (10) Each correctional employee shall report to such member's  
15 participating employer any event or act of duty causing disability within  
16 200 days after such event or act of duty. The department of corrections  
17 shall file in the office of the executive director of the board, in a form  
18 acceptable to the board, a report of the event or act of duty causing  
19 disability within 220 days after the event or act of duty.

20 (11) Benefits payable under this section shall be reduced by the  
21 original amount of any disability benefits received under the federal social  
22 security act or the workers compensation act. For any correctional  
23 employee already retired on the effective date of this act, no reduction of  
24 the original social security benefits shall be applicable to benefits paid  
25 prior to the effective date of this act. In no case shall a correctional  
26 employee who is entitled to receive benefits under this section receive less  
27 than \$100 per month.

28 (12) The provisions of this section shall apply to disabilities  
29 occurring after June 30, 1982, and prior to July 1, 1995. At the direction of  
30 the board of trustees, the actuary shall conduct an experience evaluation of  
31 benefits payable under this section and the board shall provide copies of  
32 such study to the governor and members of the legislature.

33 (13) The provisions of K.S.A. 74-4927, and amendments thereto,  
34 relating to insured disability benefits shall not be applicable to correctional  
35 employees subject to the provisions of this section.

36 (14) (i) In the event a correctional employee who is retired under  
37 subsection (3) dies after the date of retirement and no benefits are payable  
38 under that subsection, the following benefits shall be payable:

39 (i)(A) To the correctional employee's spouse, if lawfully wedded to  
40 the correctional employee at the time of the correctional employee's death,  
41 a lump-sum benefit equal to 50% of the correctional employee's final  
42 average salary at the time of the correctional employee's retirement.

43 (i)(B) To the correctional employee's spouse, if lawfully wedded to

1 the correctional employee at the time of the correctional employee's death,  
2 an annual benefit equal to 50% of the correctional employee's retirement  
3 benefit payable in monthly installments, to accrue from the first day of the  
4 month following the correctional employee's date of death and ending on  
5 the first day of the month in which the spouse dies. If there is no surviving  
6 spouse, or if after the death of the spouse there remain one or more  
7 children under the age of 18 years or one or more children under the age of  
8 23 years who is a full-time student as provided in K.S.A. 74-49,117, and  
9 amendments thereto, the annual spouse's benefit shall be payable in equal  
10 shares to such children and each child's share shall end on the first day of  
11 the month in which such child attains the age of 18 years or dies,  
12 whichever occurs earlier or in which such child attains the age of 23 years,  
13 if such child is a full-time student as provided in K.S.A. 74-49,117, and  
14 amendments thereto.

15 *(ii)* The provisions of this subsection shall apply in all cases of such  
16 correctional employees who die after October 1, 1996.

17 Sec. 3. K.S.A. 74-4914a and 74-4914e are hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its  
19 publication in the statute book.