

HOUSE BILL No. 2328

By Committee on Financial Institutions and Pensions

2-14

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system; participating service credit; requiring
3 certain concurrent military service to be credited as additional
4 participating service; amending K.S.A. 74-4913 and repealing the
5 existing section.
6

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

8 Section 1. K.S.A. 74-4913 is hereby amended to read as follows: 74-
9 4913. (1) Prior service shall be credited as follows:

10 (a) A member shall receive full credit for continuous employment
11 prior to the entry date with such member's employer on the entry date. If
12 the employee was also employed on March 15 of the year immediately
13 preceding the entry date of that employer, then all such previous
14 employment, whether or not continuous, shall be credited; otherwise no
15 credit shall be granted for employment prior to a break in continuous
16 employment. Any member or retirant who was employed by any
17 participating employer on March 15 of the year immediately preceding the
18 entry date of that employer, may apply to the board on such forms as it
19 may prescribe for prior service credit with a participating employer other
20 than the member's entry date employer. Upon receipt of written
21 verification of such employment from the participating employer, the
22 board shall grant such additional prior service credit and with respect to a
23 retirant, shall adjust the amount of the retirement benefit accordingly
24 commencing with the next monthly benefit payment due following receipt
25 of the written verification, except that such retirant shall not be entitled to
26 any retroactive adjustment in the amount of such retirement benefit as a
27 result of the board granting such additional prior service credit. In the case
28 of any person other than a retirant receiving a retirement benefit, such
29 person may make application for an adjustment in the benefit amount in
30 the same manner as a member or retirant, and in such case the adjustment
31 in the benefit amount shall be determined by the board upon the advice of
32 the actuary, and shall commence with the next monthly benefit payment
33 due following receipt of the written verification;

34 (b) leaves of absence and military service shall not be counted as
35 breaks in continuous employment; however, military service which is
36 immediately preceded and followed by employment with a participating

1 employer shall be credited, except that after July 1, 1974, not more than
2 five years' credit for military service shall be granted hereunder to the
3 extent required under USERRA, but leaves of absence shall not be
4 credited;

5 (c) any member who was employed in the Kansas state employment
6 service, now a section of the Kansas division of employment security,
7 during any of the time the Kansas state employment service was loaned by
8 the state to the federal government (January 1, 1942, for the duration of the
9 emergency period of world war II, which service was returned to the state
10 by the federal government effective November 16, 1946) shall be entitled
11 to prior service credit for the time so employed during the period stated for
12 any service rendered under the jurisdiction of the United States
13 employment service for the federal government in like manner as if the
14 employment service had remained under the jurisdiction of the state of
15 Kansas;

16 (d) any member who is not otherwise eligible for service credit as
17 provided for in subsection (1)(a) may be granted credit for the service
18 upon the attainment of 38 quarters of participating service;

19 (e) any member who was employed by the university of Wichita prior
20 to July 1, 1964, shall be entitled to prior service credit for such time of
21 employment under the Kansas public employees retirement system, when
22 such employment is not the basis for other pension rights.

23 (2) Participating service shall be credited as follows: (a) A member
24 shall receive credit for participating service with a participating employer
25 in accordance with the rules and regulations established by the board of
26 trustees. Any member employed as a fireman or policeman, as described in
27 K.S.A. 74-4952(11) and (12), and amendments thereto, who is away from
28 work or normal duties while in a paid status authorized and approved by a
29 participating employer on and after July 1, 2014, including, without
30 limitation, any administrative leave with pay and any paid vacation leave,
31 sick leave, personal leave, worker's compensation leave, light duty or
32 temporary duty assignment, shall constitute participating service and any
33 member shall receive full credit for such participating service with a
34 participating employer for any such period of time away from work or
35 normal duties. If the member does not return to work for the participating
36 employer in the same or a similar position at the conclusion of such leave,
37 except for reasons of death or disability, the period of the leave shall be
38 removed from service credit, and the employer and employee
39 contributions for such period of leave shall be reimbursed by the system to
40 the employee and the employer unless otherwise provided herein. In the
41 case of a decision to voluntarily terminate employment, the period of leave
42 exceeding 365 days shall be removed from service credit, and the
43 employer and employee contributions for such period of leave shall be

1 reimbursed by the system to the employee and the employer. However, no
2 more than one calendar quarter of participating service shall be credited
3 for any employment within any one calendar quarter, *except that military*
4 *service concurrent with any participating service within same calendar*
5 *quarter shall be credited as additional participating service to the extent*
6 *required under USERRA and subject to provisions of this section;*

7 (b) leaves of absence and military service shall not count as a break in
8 continuous employment. In the case of a leave of absence, the member
9 shall leave such member's accumulated contribution on deposit with the
10 fund; however, the period of military service shall be credited, except that
11 after July 1, 1974, not more than five years' credit for military service shall
12 be granted hereunder to the extent required under USERRA, but leaves of
13 absence shall not be credited. Employees who enter the military service
14 from their employment after the employer's entry date and who have not
15 completed one year of service at the time of their entry into the military
16 service, shall not become members of the retirement system until they
17 return to the employment of that or another participating employer. In the
18 case of such employee whose combined public employment and military
19 service does not equal one year at the time of such employee's return to
20 employment, the date of membership shall be the first day of the payroll
21 period coinciding with or following the completion of one combined
22 public employment and military year of service. Such service shall be
23 granted in accordance with this section;

24 (c) a period of retirement under the system or a period of total
25 disability, immediately followed by employment with a participating
26 employer, shall not count as a break in continuous employment, except
27 that such periods while not employed shall not be credited as participating
28 service;

29 (d) termination of employment, followed by employment with a
30 participating employer within five years after such termination, does not
31 constitute a break in continuous employment if such person has not
32 withdrawn such person's accumulated contribution. Such period while not
33 employed shall not be credited as participating service.

34 (3) In determining the number of years of credited prior service or
35 participating service a fractional year of six months or more shall be
36 considered as one year and a fractional year of less than six months shall
37 be disregarded.

38 Sec. 2. K.S.A. 74-4913 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.