SENATE BILL No. 210

By Committee on Ways and Means

2-20

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; eligible employees; direct support positions of community developmental disability organizations; amending K.S.A. 74-4911 and repealing the existing section.

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

Section 1. K.S.A. 74-4911 is hereby amended to read as follows: 74-4911. (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later, except that an employee of a participating employer who was first employed by a participating employer on or after July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009, and except that an employee who is first employed by a participating employer on or after July 1, 2009, shall be a member of the system on the first day of employment of such employee with such participating employer. On and after July 1, 2019, employees employed in direct support positions of an affiliated employer organized under K.S.A. 19-4001, and amendments thereto, and defined under K.S.A. 39-1803, and amendments thereto, may become a member of the system on the first day of the payroll period coinciding with or following the completion of a two-year period of training, whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Except as otherwise provided in this subsection, any employee other than an elected official who is employed by a participating employer after the entry date of such employer shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a
result of a merger or consolidation of services provided by local
governmental units, which occurred on January 1, 1994, may count service
with such local governmental unit in determining whether such employee
has met the one year of continuous service requirement contained in this
subsection.

(3) Any employee who is an elected official and is eligible to join the
system shall file, within 90 days after taking the oath of office, an
irrevocable election to become or not to become a member of the system.
Such election shall become effective immediately upon making such
election, if such election is made within 14 days of taking the oath of
office or, otherwise, on the first day of the first payroll period of the first
quarter following receipt of the election in the office of the retirement
system. In the event that such elected official fails to file the election to
become a member of the retirement system, it shall be presumed that such
person has elected not to become a member.

(4) Except as otherwise required by USERRA, any employee other
than an elected official who is in military service or on leave of absence on
the entry date of such employee's employer shall become a member of the
system upon returning to active employment or on the first day of the
payroll period coinciding with or following the completion of one year of
service, whichever is later. For purposes of this act, occasional breaks in
service which shall not exceed an aggregate of 10 days in any such year
shall not constitute a break in service for purposes of determining the
membership date of such employee.

(5) Any employee of the state of Kansas other than an elected
official, who is receiving or is eligible for assistance by the state board of
regents in the purchase of a retirement annuity under K.S.A. 74-4925, and
amendments thereto, and who becomes ineligible for such assistance
because such employee's position is reclassified to a position in the
classified service under the Kansas civil service act, or who becomes
ineligible for such assistance because such person accepts and transfers to
a position in the classified service under the Kansas civil service act shall
be a member of the system on the first day of the payroll period coinciding
with or following the effective date of such reclassification or transfer. Any
such employee who became ineligible for such assistance prior to the
effective date of this act because of such a reclassification or such a
transfer occurring prior to the effective date of this act and who is not a
member of the system on the effective date of this act shall be a member of
the system on the first day of the payroll period coinciding with or
following the effective date of this act.

(6) Any employee of the state board of regents or of an educational
institution under its management, other than an elected official, who is a
member of the system and who becomes ineligible to be a member of the
system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925, and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

(7) Any elected official who at the time of becoming an elected official is already a member of the system by being or having been an employee of a participating employer shall continue as a member of the system.

Sec. 2. K.S.A. 74-4911 is hereby repealed.

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