

1 AN ACT relating to hazardous duty coverage in the Kentucky Employees
2 Retirement System.

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

4 ➔Section 1. KRS 61.592 is amended to read as follows:

5 (1) (a) "Hazardous position" for employees participating in the Kentucky Employees
6 Retirement System means:

7 1. Any position whose principal duties involve active law enforcement,
8 including the positions of probation and parole officer and
9 Commonwealth detective, active fire suppression or prevention, or other
10 positions, including but not limited to pilots of the Transportation
11 Cabinet and paramedics and emergency medical technicians, with duties
12 that require frequent exposure to a high degree of danger or peril and
13 also require a high degree of physical conditioning;

14 2. Positions in the Department of Corrections in state correctional
15 institutions and the Kentucky Correctional Psychiatric Center with
16 duties that regularly and routinely require face-to-face contact with
17 inmates;~~and~~

18 3. Positions of employees who elect coverage under KRS 196.167(3)(b)2.
19 and who continue to provide educational services and support to inmates
20 as a Department of Corrections employee; **and**

21 **4. Positions in the Department of Kentucky State Police in state forensics**
22 **labs with duties that regularly and routinely require the handling of**
23 **chemicals, narcotics, and biohazardous materials, or duties that**
24 **require physical presence at crime scenes which may contain**
25 **chemicals, narcotics, and biohazardous materials.**

26 (b) The effective date of participation under hazardous duty coverage for
27 positions in the Department of Alcoholic Beverage Control shall be April 1,

1 1998. The employer and employee contributions shall be paid by the
2 employer and forwarded to the retirement system for the period not previously
3 reported.

4 (2) Each employer may request of the board hazardous duty coverage for those
5 positions as defined in subsection (1) of this section. Upon request, each employer
6 shall certify to the system, in the manner prescribed by the board, the names of all
7 employees working in a hazardous position as defined in subsection (1) of this
8 section for which coverage is requested. The certification of the employer shall bear
9 the approval of the agent or agency responsible for the budget of the department or
10 county indicating that the required employer contributions have been provided for
11 in the budget of the employing department or county. The system shall determine
12 whether the employees whose names have been certified by the employer are
13 working in positions meeting the definition of a hazardous position as provided by
14 subsection (1) of this section. This process shall not be required for employees who
15 elect coverage under KRS 196.167(3)(b)2.

16 (3) (a) An employee who elects coverage under KRS 196.167(3)(b)2., and an
17 employee participating in the Kentucky Employees Retirement System who is
18 determined by the system to be working in a hazardous position in accordance
19 with subsection (2) of this section, shall contribute, for each pay period for
20 which he or she receives compensation, eight percent (8%) of his or her
21 creditable compensation.

22 (b) Each employer shall pay employer contributions based on the creditable
23 compensation of the employees determined by the system to be working in a
24 hazardous position at the employer contribution rate as determined by the
25 board. The rate shall be determined by actuarial methods consistent with the
26 provisions of KRS 61.565.

27 (c) If the employer participated in the system prior to electing hazardous duty

1 coverage, the employer may pay to the system the cost of converting the
2 nonhazardous service to hazardous service from the date of participation to
3 the date the payment is made, or the employer may establish a payment
4 schedule for payment of the cost of the hazardous service above that which
5 would be funded within the existing employer contribution rate. The employer
6 may extend the payment schedule to a maximum of thirty (30) years.
7 Payments made by the employer under this subsection shall be deposited to
8 the retirement allowance account of the proper retirement system and these
9 funds shall not be considered accumulated contributions of the individual
10 members. If the employer elects not to make the additional payment, the
11 employee may pay the cost of converting the service and provide payment for
12 the cost as provided by KRS 61.552(9). Payments made by the employee
13 under this subsection shall not be picked up, as described in KRS 61.560(4),
14 by the employer. If neither the employer nor employee makes the payment,
15 the service prior to hazardous coverage shall remain nonhazardous. The
16 provisions of this paragraph shall not apply to members who begin
17 participating in the systems administered by Kentucky Retirement Systems on
18 or after January 1, 2014.

19 (4) The normal retirement age, retirement allowance, hybrid cash balance plans except
20 as provided by KRS 16.583(2)(b)2. and 16.584, other benefits, eligibility
21 requirements, rights, and responsibilities of a member in a hazardous position, as
22 prescribed by subsections (1), (2), and (3) of this section, and the responsibilities,
23 rights, and requirements of his or her employer shall be as prescribed for a member
24 and employer participating in the State Police Retirement System as provided for by
25 KRS 16.505 to 16.652.

26 (5) Any person employed in a hazardous position after July 1, 1972, shall be required
27 to undergo a thorough medical examination by a licensed physician, and a copy of

- 1 the medical report of the physician shall be retained on file by the employee's
2 department or county and made available to the system upon request.
- 3 (6) If doubt exists regarding the benefits payable to a hazardous position employee
4 under this section, the board shall determine the benefits payable under KRS 61.510
5 to 61.705 or 16.505 to 16.652.