

HOUSE BILL No. 2090

By Joint Committee on Pensions, Investments and Benefits

1-27

9 AN ACT concerning retirement and pensions; relating to the Kansas
10 public employees retirement system; affiliation by county for county
11 detention officers; normal retirement date; costs.
12

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

14 Section 1. (a) (1) As used in this section, “detention officer” means
15 any person certified to the board of trustees of the Kansas public em-
16 ployees retirement system by such person’s participating employer who
17 is employed on or after July 1, 2010, as an employee of such participating
18 employer who:

19 (A) Is in any position in a job class in the detention officer series
20 including, but not limited to, detention officer or deputy, corrections of-
21 ficer or deputy, sheriff’s deputy, youth worker, case manager, counselor
22 or mental health worker in which the person’s primary job responsibilities
23 are the supervision and control of adult inmates or juvenile residents
24 while the inmates or residents are incarcerated within the county’s de-
25 tention facility, including primary responsibilities to assist in the manage-
26 ment and control of facility emergencies and to physically restrain dis-
27 ruptive inmates or residents and who is exposed to significant risk of harm
28 during the person’s normal duties;

29 (B) is promoted prior to or on or after July 1, 2010, from a position
30 in any job class under paragraph (A) to any position in any job class that
31 directly or indirectly supervises staff in the job classes under paragraph
32 (A) including, but not limited to, sheriff, detention supervisor, jail or de-
33 tention administrator, work release supervisor and training officer;

34 (C) is in any position for which the duties and responsibilities directly
35 and primarily involve the operation of industries, commissary, library or
36 other detention programs within a detention facility and involve regular
37 contact with the inmates or juvenile residents;

38 (D) is in any position for which the duties and responsibilities directly
39 and primarily involve food service operations within any detention facility
40 and involve regular contact with inmates or juvenile residents; and

41 (E) is in any position for which the duties and responsibilities directly
42 and primarily involve maintenance operations within any detention facility
43 and involve regular contact with inmates or juvenile residents.

1 (2) The words and phrases used in this section shall have the mean-
2 ings ascribed thereto in K.S.A. 74-4902 and K.S.A. 2008 Supp. 74-49,202,
3 and amendments thereto, as appropriate, unless a different meaning is
4 plainly required by the context.

5 (b) Except as otherwise provided in this section, the provisions of
6 K.S.A. 74-4901 et seq., and K.S.A. 2008 Supp. 74-49,201 et seq., and
7 amendments thereto, as appropriate, shall apply to all detention officers.

8 (c) (1) On January 1, 2010, and on January 1 of any year thereafter,
9 any county employing one or more detention officers, which is currently
10 a participating employer in the Kansas public employees retirement sys-
11 tem, may make an irrevocable election to affiliate to have such employer's
12 detention officers covered under the provisions of this section by sub-
13 mitting a written application with the system in a manner provided by
14 the system. Such affiliation shall be effective on July 1 next following such
15 election. Initial employers electing to affiliate on or after July 1, 2010,
16 shall have a combined group of counties electing to affiliate to have such
17 employer's detention officers covered under this section reach a mini-
18 mum membership of 500 employees.

19 (2) Each county making the election to affiliate provided for in sub-
20 section (c)(1), before filing an application for affiliation for coverage pur-
21 suant to subsection (c)(1), shall submit such membership data determined
22 necessary by the board of trustees of the Kansas public employees retire-
23 ment system that shall be forwarded to the actuary of the retirement
24 system, who shall prepare an estimate of the county's contribution rate
25 for the participating employer based on such data furnished. The actuary
26 shall furnish a written statement regarding its estimation study to the
27 board and to such employer. The cost of the estimation study by the
28 actuary shall be paid by such employer which is the subject of the study.
29 The actuary shall prepare a written statement of the costs of the study
30 and such employer shall make payment directly to the actuary.

31 (d) (1) Notwithstanding the provisions of subsection (23) of K.S.A.
32 74-4902, 74-4914 and 74-4915 and K.S.A. 2008 Supp. 74-49,204 and 74-
33 49,205, and amendments thereto, the normal retirement date for all de-
34 tention officers, as defined by subsection (a)(1)(A) and (a)(1)(B), with at
35 least three consecutive years of service as such detention officer imme-
36 diately preceding the date of retirement, shall be as follows:

37 (A) For each detention officer who is first employed by a participating
38 employer before July 1, 2009, the first day of the month coinciding with
39 or following the attainment of age 55, or the first day of the month co-
40 inciding with or following the date that the total of the number of years
41 of credited service and the number of years of attained age of such de-
42 tention officer is equal to or more than 85; or

43 (B) for each detention officer who is first employed by a participating

1 employer on or after July 1, 2009, the first day of the month coinciding
2 with or following the attainment of age 55 with the completion of 10 years
3 of service.

4 (2) Any such detention officer may retire before such normal retire-
5 ment date on the first day of any month coinciding with or following the
6 attainment of age 50 or completion of 10 years of credited service, which-
7 ever occurs later.

8 (3) Notwithstanding the provisions of subsection (23) of K.S.A. 74-
9 4902, 74-4914 and 74-4915 and K.S.A. 2008 Supp. 74-49,204 and 74-
10 49,205, and amendments thereto, the normal retirement date for all such
11 detention officers, as defined by subsection (a)(1)(C), (a)(1)(D) and
12 (a)(1)(E), with at least three consecutive years of service as such detention
13 officer immediately preceding the date of retirement, shall be as follows:

14 (A) For each detention officer who is first employed by a participating
15 employer before July 1, 2009, the first day of the month coinciding with
16 or following the attainment of age 60, or the first day of the month co-
17 inciding with or following the date that the total of the number of years
18 of credited service and the number of years of attained age of such de-
19 tention officer is equal to or more than 85; or

20 (B) for each detention officer who is first employed by a participating
21 employer on or after July 1, 2009, the first day of the month coinciding
22 with or following the attainment of age 60 with the completion of 10 years
23 of service.

24 (4) Any such detention officer may retire before such normal retire-
25 ment date on the first day of any month coinciding with or following the
26 attainment of age 55 or completion of 10 years of credited service, which-
27 ever occurs later.

28 (5) Any such detention officer who retires before the normal retire-
29 ment date as provided in subsection (d)(2) or (d)(4) shall receive an annual
30 retirement benefit as calculated pursuant to the provisions of K.S.A. 74-
31 4915 or K.S.A. 2008 Supp. 74-49,205, and amendments thereto, actuarially
32 reduced for early retirement. Such reduction for early retirement
33 shall produce a benefit that is actuarially equivalent to, and has the same
34 present value of, the annual benefit determined pursuant to the provisions
35 of K.S.A. 74-4915 or K.S.A. 2008 Supp. 74-49,205, and amendments
36 thereto, payable to such member's normal retirement date in accordance
37 with the provisions of this section. The actuarial basis for the reduction
38 of such annual retirement benefit shall be determined by the board.

39 (e) Any additional cost resulting from the normal retirement date and
40 retirement before such normal date for detention officers as provided in
41 subsection (d) shall be paid as follows: (1) The unfunded actuarial liability
42 calculated by the actuary shall be paid by the participating employer as
43 determined by the board; and (2) the increase in the normal cost for the

1 detention officers shall be added to the employer rate of contribution for
2 the participating employer as otherwise determined under K.S.A. 74-
3 4920, and amendments thereto.

4 (f) The provisions of this section shall be part of and supplemental to
5 the provisions of K.S.A 79-4901 et seq., and 74-49,201 et seq., and amend-
6 ments thereto.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the statute book.