

HOUSE BILL No. 2596

By Committee on Pensions and Benefits

2-10

1 AN ACT concerning state officers and employees; relating to furloughs or
2 reduction in compensation; the Kansas public employees retirement
3 system and systems thereunder, ***{excluding certain non-covered***
4 ***employees;}*** computation of benefits; amending K.S.A. 74-49,115 ***{and***
5 ***K.S.A. 2013 Supp. 74-4932}*** and repealing the existing ~~section~~
6 ***{sections}***;
7

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

9 ***{Section 1. K.S.A. 2013 Supp. 74-4932 is hereby amended to read as***
10 ***follows: 74-4932. As used in this act, unless the context otherwise***
11 ***requires:***

12 ***(1) "Accumulated contributions" means the sum of all***
13 ***contributions by a member to the system which shall be credited to such***
14 ***member's account, with interest allowed thereon, plus such member's***
15 ***contributions transferred from the school employees savings fund of the***
16 ***state school retirement system;***

17 ***(2) "compensation" means the same as defined in subsection (9) of***
18 ***K.S.A. 74-4902, and amendments thereto;***

19 ***(3) "school year" means the twelve-month period beginning***
20 ***September 1 and ending August 31;***

21 ***(4) "employee" means any employee of a participating employer***
22 ***which is an eligible employer, as specified in K.S.A. 74-4931, and***
23 ***amendments thereto, whose employment is not seasonal or temporary***
24 ***and whose employment requires at least 630 hours of work per year or***
25 ***3.5 hours of work per day for at least 180 days or any employee who is***
26 ***concurrently employed by two or more eligible employers, as specified in***
27 ***K.S.A. 74-4931, and amendments thereto, whose combined employment***
28 ***is not seasonal or temporary and whose combined employment requires***
29 ***at least 630 hours of work per year or 3.5 hours of work per day for at***
30 ***least 180 days. Employee shall not include:***

31 ***(a) Any employee who is covered by or eligible for or who will***
32 ***become eligible for retirement benefits under any retirement plan or***
33 ***system provided by K.S.A. 74-4925, and amendments thereto;***

34 ***(b) any employee who is a contributing member of the United States***

1 *civil service retirement system;*

2 *(c) any employee or class of employees specifically exempt by law,*
3 *except those persons who were formerly employees of one or more of the*
4 *participating employers which are eligible employers as specified in*
5 *K.S.A. 74-4931, and amendments thereto, who are covered by and have*
6 *contributions on deposit with the state school retirement system and who*
7 *have not retired under that system on the day next preceding entry date;*

8 *(d) any employee who on entry date is covered by or eligible for or*
9 *will become eligible for retirement benefits under a separate retirement*
10 *system authorized or established under K.S.A. 72-1758 to 72-1769,*
11 *inclusive, and amendments thereto or K.S.A. 72-6780, and amendments*
12 *thereto, except that this paragraph (d) shall not include any employee,*
13 *who before September 1, 1974, elects to become a member of the Kansas*
14 *public employees retirement system as provided in K.S.A. 74-4935a, and*
15 *amendments thereto;*☞

16 *(e) on and after July 1, 1975, no person who is otherwise eligible*
17 *for membership in the Kansas public employees retirement system shall*
18 *be barred from such membership by reason of coverage by, eligibility for*
19 *or future eligibility for a retirement annuity under the provisions of*
20 *K.S.A. 74-4925, and amendments thereto. However, no person shall*
21 *receive service credit under the Kansas public employees retirement*
22 *system for any period of service for which benefits accrue or are granted*
23 *under a retirement annuity plan under the provisions of K.S.A. 74-4925,*
24 *and amendments thereto; or*

25 *(f) any employee who takes a leave of absence and is not currently*
26 *working for an eligible employer in a covered position with the Kansas*
27 *public employees retirement system which meets the requirements of*
28 *subsection (4).*

29 *(5) "executive director" means the managing officer of the system*
30 *as defined in subsection (16) of K.S.A. 74-4902, and amendments*
31 *thereto;*

32 *(6) "military service" means the same as defined in subsection (22)*
33 *of K.S.A. 74-4902, and amendments thereto, and includes such service*
34 *when followed by return to employment with the same or another*
35 *participating employer on or before the beginning of the next school*
36 *year following discharge or separation from such military service;*

37 *(7) "normal retirement date" means the same as defined in*
38 *subsection (23) of K.S.A. 74-4902, and amendments thereto, as modified*
39 *by subsection (1) of K.S.A. 74-4937, and amendments thereto;*

40 *(8) "school employment" means the employment of a member*
41 *when employed by an eligible employer as specified in any of subsection*
42 *(1), (2) or (3) of K.S.A. 74-4931, and amendments thereto; and*

43 *(9) "USERRA" means the same as defined in subsection (34) of*

1 ***K.S.A. 74-4902, and amendments thereto.***

2 ~~Section 1, {Sec. 2.}~~ K.S.A. 74-49,115 is hereby amended to read as
3 follows: 74-49,115. (a) When the compensation for any officer or
4 employee of the state, who retires, becomes disabled or dies ~~during the~~
5 ~~period commencing on the effective date of this act July 1, 2014, and~~
6 ~~ending June 30, 2007-2017,~~ is reduced pursuant to law, when such officer
7 or employee voluntarily agrees to reduce such officer or employee's
8 compensation, or when any officer or employee of the state is placed on a
9 furlough without pay, the amount of compensation that would have been
10 paid if the rate of compensation had not been reduced or if the officer or
11 employee had not been placed on the furlough shall continue to be
12 included as compensation for all purposes of computing retirement and
13 pension benefits and death and disability benefits as provided in article 26
14 of chapter 20 and article 49 of chapter 74 of the Kansas Statutes
15 Annotated, *and amendments thereto*, earned by such officer or employee
16 as provided by the Kansas public employees retirement system, the Kansas
17 police and firemen's retirement system and the retirement system for
18 judges. Subject to the approval of the secretary of administration, the
19 director of accounts and reports shall prescribe procedures for the payment
20 and remittance of employer and employee contributions by the state
21 agency employing such employees. The board shall administer the
22 provisions of this section, with the cooperation of the director of personnel
23 services.

24 (b) The provisions of subsection (a) shall not be applicable to
25 compensation reductions attributable to: (1) Voluntary demotions of
26 employees in the classified service; (2) deferred compensation pursuant to
27 the plan authorized by K.S.A. 75-5523, and amendments thereto; or (3) to
28 compensation reductions attributable to the cafeteria plan authorized by
29 K.S.A. 75-6512, and amendments thereto.

30 (c) For the purposes of this section, "officer" and "employee" means
31 any officer or employee of the state, any member *or employee* of the
32 legislature or any employee of an institution under the supervision of the
33 board of regents *who are members of the Kansas public employees*
34 *retirement system, the Kansas police and firemen's retirement system or*
35 *the retirement system for judges.*

36 ~~Sec. 2, {3.}~~ K.S.A. 74-49,115 ~~is~~ ***{and K.S.A. 2013 Supp. 74-4932 and***
37 ***are}*** hereby repealed.

38 ~~Sec. 3, {4.}~~ This act shall take effect and be in force from and after its
39 publication in the statute book.