

SENATE BILL No. 339

By Committee on Ways and Means

2-8

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, 2007, 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, 2007, 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 amendments thereto, unless
3 a different meaning is plainly required by the context.

4 (b) Except as otherwise provided in this section, the provisions of
5 K.S.A. 74-4901 et seq., and amendments thereto, shall apply to all deten-
6 tion officers.

7 (c) (1) On and after July 1, 2007, any county employing one or more
8 detention officers, which is currently a participating employer in the Kan-
9 sas public employees retirement system, may make an irrevocable elec-
10 tion to affiliate to have such employer's detention officers covered under
11 the provisions of this section by submitting a written application with the
12 system in a manner provided by the system. Such affiliation shall be ef-
13 fective on January 1 next following such election, if the combined group
14 of counties electing to affiliate to have such employer's detention officers
15 covered under this section reaches a minimum membership of 500
16 employees.

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

29 (d) (1) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915
30 and subsection (23) of K.S.A. 74-4902, and amendments thereto, the nor-
31 mal retirement date for all detention officers, as defined by subsection
32 (a)(1)(A) and (a)(1)(B), with at least three consecutive years of service as
33 such detention officer immediately preceding the date of retirement, shall
34 be the first day of the month coinciding with or following the attainment
35 of age 55, or the first day of the month coinciding with or following the
36 date that the total of the number of years of credited service and the
37 number of years of attained age of such detention officer is equal to or
38 more than 85. Any such detention officer may retire before such normal
39 retirement date on the first day of any month coinciding with or following
40 the attainment of age 50 or completion of 10 years of credited service,
41 whichever occurs later.

42 (2) Any such detention officer, as defined by subsection (a)(1)(A) and
43 (a)(1)(B), who retires before the normal retirement date shall receive an

1 annual retirement benefit equal to the annual retirement benefit payable
2 had such detention officer retired on the normal retirement date but
3 based upon such detention officer's final average salary and years of par-
4 ticipating and prior service credited to the date of actual retirement re-
5 duced by an amount equal to the product of (A) such annual retirement
6 benefit payable had such detention officer retired on the normal retire-
7 ment date, multiplied by (B) the product of .2% multiplied by the number
8 of months difference, to the nearest whole month, between such deten-
9 tion officer's attained age at the time of retirement and age 55.

10 (3) Notwithstanding the provisions of K.S.A. 74-4914, 74-4915 and
11 subsection (23) of K.S.A. 74-4902, and amendments thereto, the normal
12 retirement date for all such detention officers, as defined by subsection
13 (a)(1)(C), (a)(1)(D) and (a)(1)(E), with at least three consecutive years of
14 service as such detention officer immediately preceding the date of re-
15 tirement, shall be the first day of the month coinciding with or following
16 the attainment of age 60, or the first day of the month coinciding with or
17 following the date that the total of the number of years of credited service
18 and the number of years of attained age of such detention officer is equal
19 to or more than 85. Any such detention officer may retire before such
20 normal retirement date on the first day of any month coinciding with or
21 following the attainment of age 55 or completion of 10 years of credited
22 service, whichever occurs later.

23 (4) Any such detention officer, as defined by subsection (a)(1)(C),
24 (a)(1)(D) and (a)(1)(E), who retires before the normal retirement date
25 shall receive an annual retirement benefit equal to the annual retirement
26 benefit payable had such detention officer retired on the normal retire-
27 ment date but based upon such detention officer's final average salary
28 and years of participating and prior service credited to the date of actual
29 retirement reduced by an amount equal to the product of (A) such annual
30 retirement benefit payable had such detention officer retired on the nor-
31 mal retirement date, multiplied by (B) the product of .2% multiplied by
32 the number of months difference, to the nearest whole month, between
33 such detention officer's attained age at the time of retirement and age
34 60.

35 (e) Any additional cost resulting from the normal retirement date and
36 retirement before such normal date for detention officers as provided in
37 subsection (d) shall be paid as follows: (1) The unfunded actuarial liability
38 calculated by the actuary as provided in subsection (a)(2) shall be paid by
39 the participating employer as determined by the board; and (2) the in-
40 crease in the normal cost for the detention officers as defined in subsec-
41 tion (a)(1) shall be added to the employer rate of contribution for the
42 participating employer as otherwise determined under K.S.A. 74-4920,
43 and amendments thereto.

1 (f) The provisions of this section shall be part of and supplemental to
2 the provisions of K.S.A 79-4901 et seq., and amendments thereto.
3 Sec. 2. This act shall take effect and be in force from and after its
4 publication in the statute book.