

Date: 4/2/13

To: The Pensions and Benefits Committee

Re: KPERS retirees and working after retirement at a participating employer – helpful information

From: Brian Brunkow, Shawnee County, 1412 NW Central Ave., 66608, 785-608-8565

I have no purpose of advocating a position for or against any particulars of a bill. I simply want to make the committee aware of situations that may need consideration.

Any extra cost that may be associated for a participating employer can give grounds to not hire a particular employee (always over 40 years old) that is a KPERS retiree. Even though it may be legal, this might create evidence of disparate impact in the hiring practices of an agency. The employee should have the option of bearing the additional cost, so that no part of employment selection involves the age of the applicant, nor any guessing on the part of the employer as to whether the applicant is a KPERS retiree from job history listings on employment applications. Non-retirees could be affected as well.

The Kansas University employment application, at the present time, directly asks each applicant if they are a KPERS retiree. I have been told this is for the purpose of pre-identifying the level of benefit that the potential employee will incur because of KPERS charges. KU asks for the retiree information, even for positions that are TIAACREF where KPERS charges for hiring a retiree do not exist. It is an obvious age identifying question.

Kansas age discrimination statutes (especially K.S.A. 44-1113) clearly express that the will of the State of Kansas is to prohibit employment selection processes that tend to discriminate based on age. It would be good for any new statute to hold consistency with current law in this regard.

Seasonal employment, such as working for the legislature should not be included, because these positions are not KPERS covered anyway. This needs to be clearly stated in the definitions.

I believe it is right to recoup any loss to the retirement system from the hire of a current KPERS retiree instead of a new member. However, not all KPERS retirees have been in situations where their retirement was completely at-will, so the process should not grossly hinder their future employment opportunities. It seems right to allow the retiree to be directly charged for the loss that KPERS charges for re-employment with a participating employer, so that there will be no purpose in discriminating against a KPERS retiree that applies for work.

Thank you

Pensions and Benefits Committee

Date: 5-8-13

Attachment: 11