

TESTIMONY
ON BEHALF OF LEAVENWORTH COUNTY, KANSAS
IN SUPPORT OF S.B. 228

By
David Van Parys,
Leavenworth County Counselor
Before the
House Pensions and Benefits Committee
March 9, 2015

Chairman Johnson, and members of the committee:

Leavenworth County respectfully requests that you favorably consider S.B. 228 and the amendment that it would bring to K.S.A. 74-4952(12). This bill deals with the remedy to a misinterpretation by KPERS of the intent of the legislature in prior amendments to that statute and how it affects Kansas Law Enforcement Training Center certified deputy sheriffs in their participation in KP&F.

KPERS, through legal counsel, has indicated that deputies who have performed duties related to the operation of a county jail, despite having completed training at the KLETC, do not fall within the definition of “policeman” and are therefore not eligible for KP&F but rather KPERS only. This interpretation puts a number of Sheriff’s deputies in Leavenworth County, and of every county in the state, at risk of losing KP&F benefits that have been paid for years by both the deputies and the county merely because of their assignment, temporary or otherwise, to jail duties. While the matter is currently the subject of an administrative appeal, we are requesting that this committee support S.B 228, which would clarify the issue, negate the need for lengthy and costly litigation and provide assurance to deputy sheriffs throughout the state that the benefits they have paid for will be there when needed.

Recently, one of our deputies, KLETC certified and primarily assigned to the County jail, became disabled and applied for the KP&F disability benefits that he and the county had been paying for in excess of 14 years of service. KPERS denied KP&F coverage due to its interpretation of who is a “city or county correctional officers”. Like other counties, Leavenworth County does not have separate correctional officers for the county jail. In addition to other law enforcement duties, the Sheriff of Leavenworth County uses his KLETC deputies as needed: either as patrol officers or jailers. Corrections officers are not required to have the same level of training, experience or certification as law enforcement officers. We believe that S.B 228 will clarify this issue and provide KP&F benefits to those who have reasonably relied upon, and paid for, those benefits.

S.B 228 also serves to avoid the almost impossible task of calculating a deputy sheriff's benefits under KPERS or KP&F if that deputy is assigned both jail duties and patrol duties during that deputy's career. The fiscal impact of S.B. 228 is a "zero". Leavenworth county and the affected deputies have already paid the enhanced contributions into the KP&F fund. Without S.B 228 the state would actually have to refund to the counties and sheriff's deputies the portion of their retirement fund contributions that were paid in anticipation of KP&F benefits, only to have KP&F participation denied to them.

Leavenworth county appreciates the opportunity to bring this issue before you and requests that you favorably consider S.B. 228.

Sincerely,



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