

LEAVENWORTH COUNTY, KANSAS

TESTIMONY

By

David Van Parys,

Leavenworth County Counselor

Before the

KPERS Senate Select Committee

February 16, 2015

Chairman King, and members of the committee:

I am David Van Parys the County Counselor for Leavenworth County. I have been asked to provide testimony on behalf of Leavenworth County specifically but applicable to every county regarding an issue with KPERS' interpretation of the term "policeman" as it appears in K.S.A. 74-4952(12).

Specifically KPERS has indicated that deputies who perform duties related to the operation of a county jail, and have completed training at the Kansas Law Enforcement Training Center, do not fall within the definition of "policeman" and are therefore not covered by KP&F but rather under KPERS

KPERS interpretation puts a number of Sheriff's deputies in Leavenworth County and 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. While the matter is currently the subject of an administrative appeal, we are requesting that your Committee recommend a clarifying amendment to the statute that would eliminate KPERS current interpretation that disqualifies numerous Sheriff's deputies statewide from their KP&F coverage.

We believe there is no question that Sheriff Deputies in Leavenworth County and other counties are included in the definition of "police" or "policeman" covered by KP&F at K.S.A. 74-4952(12). To make this certain in the future we request the addition of the five words in bold print so the statute would read as follows:

[A]n employee assigned to the police department whose principal duties are engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, ***including sheriffs and sheriffs' deputies***; who has successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and is certified pursuant to the provisions of K.S.A. 74-5607a and amendments thereto; and who

is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

Recently, one of our deputies primarily assigned to the County jail became disabled and applied for KP&F disability benefits. KPERS has initially denied KP&F coverage due to the statutory exclusion for “city or county correctional officers”. Like other counties, Leavenworth County does not have separate correctional officers for county detention centers. In addition to other law enforcement duties, Leavenworth County utilizes its commissioned deputies to staff its detention centers. However, the mere fact that a Sheriff’s deputy is assigned to the jail does not make that deputy a corrections officer. Corrections officers are not required to have the same level of training, experience or certification as law enforcement officers. We believe all “policemen” regardless of their primary assignment are intended to be covered by KP&F, and our amendment would correct this problem.

Thank you for the opportunity to bring this important issue before your committee and we respectfully urge your endorsement of the proposed amendment.

I would be glad to answer any questions you might have and the board of county commissioners and Sheriff of Leavenworth County appreciate this opportunity to be heard by you.

Sincerely,

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