

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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Session of 2018

HOUSE BILL No. 2448

By Representative Jennings

1-9

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system and systems thereunder; affiliation and
3 membership of **certain employees** of the department of corrections
4 **located at correctional institutions and juvenile correctional**
5 **facilities** in the Kansas police and firemen's retirement system;
6 employee and employer contributions.
7

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

9 Section 1. (a) On ~~July 1, 2018~~ **January 1, 2019**, the department of
10 corrections shall be an eligible employer as defined in K.S.A. 74-4952,
11 and amendments thereto, and shall affiliate on ~~July 1, 2018~~ **January 1,**
12 **2019**, with the Kansas police and firemen's retirement system established
13 under K.S.A. 74-4951 et seq., and amendments thereto.

14 (b) The division of the budget and the governor shall include in the
15 budget and in the budget request for appropriations for personnel services,
16 the amount required to satisfy the employer's obligation under this section
17 as certified by the board of trustees of the system, and shall present the
18 same to the legislature for allowance and appropriation. Upon affiliation,
19 the department of corrections shall pay to the system a sum sufficient to
20 satisfy such obligations as certified by the board.

21 (c) The determination of retirement, death or disability benefits shall
22 be computed upon the basis of credited service, as used in K.S.A. 74-4951
23 et seq., and amendments thereto, but shall include only participating
24 service with the department of corrections, commencing on and after the
25 effective date of affiliation by the department of corrections with the
26 Kansas police and firemen's retirement system.

27 (d) Any rights or benefits accruing to any security officer employed
28 by the department of corrections prior to the effective date of affiliation
29 shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,
30 and amendments thereto. Any security officer who becomes a member
31 pursuant to this section, who has a vested retirement benefit pursuant to
32 K.S.A. 74-4917, and amendments thereto, and who terminates

1 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,
2 and amendments thereto, may have such service credited for purposes of
3 computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and
4 amendments thereto. **Notwithstanding any provision of K.S.A. 74-4901**
5 **et seq., and amendments thereto, to the contrary, if a security officer**
6 **has a vested retirement benefit pursuant to K.S.A. 74-4963, and**
7 **amendments thereto, and a vested retirement benefit pursuant to**
8 **K.S.A. 74-4917, and amendments thereto, and retires on or after such**
9 **security officer's normal retirement date under K.S.A. 74-4957a, and**
10 **amendments thereto, then such security officer shall also be deemed to**
11 **have retired for the purposes of K.S.A. 74-4901 et seq., and**
12 **amendments thereto, and shall be eligible for such vested retirement**
13 **benefit pursuant to K.S.A. 74-4917, and amendments thereto.**

14 (e) Every person who is employed as a security officer on or after the
15 entry date of the department of corrections into the Kansas police and
16 firemen's retirement system shall become a member of the Kansas police
17 and firemen's retirement system.

18 (f) Except as otherwise provided by this act, any security officer
19 employed by the department of corrections who becomes a member of the
20 Kansas police and firemen's retirement system shall be subject to all the
21 provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

22 (g) Beginning with the first payment of compensation for services of
23 a security officer after becoming a member of the Kansas police and
24 firemen's retirement system, the employer shall deduct from the
25 compensation of such member 7.15% as the employee contribution to the
26 system. Such deductions shall be remitted, deposited and credited as
27 provided in K.S.A. 74-4965, and amendments thereto.

28 (h) As used in this section, "security officer" means any person, as
29 certified to the board by the secretary of corrections, who is employed on
30 or after the effective date of this act as an employee of the department of
31 corrections:

32 (1) ~~Who is in any position in a job class in the corrections officer~~
33 ~~class series, including, but not limited to, corrections officer I, corrections~~
34 ~~officer II, corrections supervisor I, corrections supervisor II and~~
35 ~~corrections supervisor III, or in a position in the corrections counselor I,~~
36 ~~corrections counselor II, unit team supervisor or corrections classification~~
37 ~~administrator job class, as all such job classes are described on July 1,~~
38 ~~2018, in the state job classification plan in effect for the classified service~~
39 ~~under the Kansas civil service act or who is in a position in any successor~~
40 ~~job class or classes that have been approved under K.S.A. 75-2938, and~~
41 ~~amendments thereto, and who have substantially the same duties and~~
42 ~~responsibilities thereof;~~

43 (2) ~~who is in any position in a job class in the juvenile services-~~

1 ~~corrections officer class series, including, but not limited to, corrections~~
2 ~~manager I, corrections manager II, corrections manager III, juvenile~~
3 ~~corrections officer I (A), juvenile corrections officer I (B), juvenile~~
4 ~~corrections officer II, juvenile corrections officer III, special investigator~~
5 ~~II, superintendent, training program manager, training technician and unit~~
6 ~~team manager, as all such job classes are described on July 1, 2018, in the~~
7 ~~state job classification plan in effect for the classified service under the~~
8 ~~Kansas civil service act or who is in a position in any successor job class~~
9 ~~or classes that have been approved under K.S.A. 75-2938, and~~
10 ~~amendments thereto, and who have substantially the same duties and~~
11 ~~responsibilities thereof;~~

12 **(3) Who is in any position in a job class in the corrections officer**
13 **or juvenile services corrections officer class series, including, but not**
14 **limited to, corrections officer I (A), corrections officer I (B),**
15 **corrections officer II, corrections supervisor I, corrections supervisor**
16 **II, corrections supervisor III, corrections counselor I, corrections**
17 **counselor II, unit team supervisor, corrections classification**
18 **administrator, juvenile corrections officer I (A), juvenile corrections**
19 **officer I (B), captain, major, juvenile corrections officer II, juvenile**
20 **corrections officer III, special investigator II, unit team manager, chief**
21 **of security, EAI investigator or EAI investigator supervisor job class,**
22 **as all such job classes are described on January 1, 2019, in the state**
23 **job classification plan in effect for the classified service under the**
24 **Kansas civil service act or who is in a position in any successor job**
25 **class or classes that have been approved under K.S.A. 75-2938, and**
26 **amendments thereto, and who have substantially the same duties and**
27 **responsibilities thereof;**

28 **(2) who is promoted prior to or on or after July 1, 2018 January 1,**
29 **2019, from a position in any job class under paragraph (1) to any position**
30 **in any job class of warden or deputy warden of any correctional institution,**
31 **the job class of work release supervisor, the job class of training officer,**
32 **correctional institutions, or the job class of corrections administrator —**
33 **security specialist training program manager, training technician,**
34 **superintendent, deputy superintendent, corrections manager I, I,**
35 **corrections manager II, staff development specialist, safety and health**
36 **inspector or safety and health specialist, as such job classes are**
37 **described on July 1, 2018 January 1, 2019, in the state job classification**
38 **plan in effect for the classified service under the Kansas civil service act or**
39 **to any successor job class or classes that are approved under K.S.A. 75-**
40 **2938, and amendments thereto, and who have substantially the same duties**
41 **and responsibilities, if the person was employed and had at least three**
42 **consecutive years of service in any one or more positions in any one or**
43 **more job classes described in paragraph (1) immediately preceding**

1 promotion to the position in a job class under this paragraph **and is**
2 **located at a correctional institution or a juvenile correctional facility;**

3 (4) ~~3~~ who is in any position for which the duties and
4 responsibilities directly and primarily involve operation of power plant
5 facilities within any correctional institution or juvenile correctional facility
6 and involve regular contact with inmates or juvenile offenders;

7 (5) ~~4~~ who is in any position for which the duties and
8 responsibilities directly and primarily involve the operation of the
9 correctional industries activity of the department of corrections within a
10 correctional institution or juvenile correctional facility and involve regular
11 contact with inmates or juvenile offenders;

12 (6) ~~5~~ who is in any position for which the duties and
13 responsibilities directly and primarily involve supervision of food service
14 **or laundry** operations within any correctional institution or juvenile
15 correctional facility and involve regular contact with inmates or juvenile
16 offenders; or

17 (7) ~~6~~ who is in any position for which the duties and
18 responsibilities directly and primarily involve supervision of maintenance
19 operations within any correctional institution or juvenile correctional
20 facility and involve regular contact with inmates or juvenile offenders.

21 (i) As used in this section, references to the department of corrections
22 include correctional institutions as defined by K.S.A. 75-5202, and
23 amendments thereto, and juvenile correctional facilities as defined by
24 K.S.A. 2017 Supp. 38-2302, and amendments thereto, unless the context
25 requires otherwise.

26 Sec. 2. This act shall take effect and be in force from and after *the*
27 *date upon which the director of the budget and the director of legislative*
28 *research certify that the appropriation described in section 1(b) has been*
29 *made for fiscal year 2019 and* its publication in the ~~statute book~~ *Kansas*
30 *register.*