

HOUSE BILL No. 2165

By Representatives Delperdang, Bergquist, Capps, W. Carpenter, Highland, Hoheisel, Holscher, Howard, Humphries, Jacobs, Jennings, Moore, Owens, Patton, Pittman, Probst, Resman, Seiwert, E. Smith and Thomas

2-6

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 facilities in
5 the Kansas police and firemen's retirement system; employee and
6 employer contributions.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) On January 1, 2020, the department of corrections shall
10 be an eligible employer as defined in K.S.A. 74-4952, and amendments
11 thereto, and shall affiliate on January 1, 2020, with the Kansas police and
12 firemen's retirement system established under K.S.A. 74-4951 et seq., and
13 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
33 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,
34 and amendments thereto, may have such service credited for purposes of

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

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

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

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

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

30 (1) Who is in any position in a job class in the corrections officer or
31 juvenile services corrections officer class series, including, but not limited to,
32 to, corrections officer I (A), corrections officer I (B), corrections officer II,
33 corrections supervisor I, corrections supervisor II, corrections supervisor
34 III, corrections counselor I, corrections counselor II, unit team supervisor,
35 corrections classification administrator, juvenile corrections officer I (A),
36 juvenile corrections officer I (B), captain, major, juvenile corrections
37 officer II, juvenile corrections officer III, special investigator II, unit team
38 manager, chief of security, EAI investigator or EAI investigator supervisor
39 job class, as all such job classes are described on January 1, 2020, in the
40 state job classification plan in effect for the classified service under the
41 Kansas civil service act or who is in a position in any successor job class
42 or classes that have been approved under K.S.A. 75-2938, and
43 amendments thereto, and who have substantially the same duties and

1 responsibilities thereof;

2 (2) who is promoted prior to or on or after January 1, 2020, from a
3 position in any job class under paragraph (1) to any position in any job
4 class of warden or deputy warden of any correctional institution, training
5 program manager, training technician, superintendent, deputy
6 superintendent, corrections manager I, corrections manager II, staff
7 development specialist, safety and health inspector or safety and health
8 specialist, as such job classes are described on January 1, 2020, in the state
9 job classification plan in effect for the classified service under the Kansas
10 civil service act or to any successor job class or classes that are approved
11 under K.S.A. 75-2938, and amendments thereto, and who have
12 substantially the same duties and responsibilities, if the person was
13 employed and had at least three consecutive years of service in any one or
14 more positions in any one or more job classes described in paragraph (1)
15 immediately preceding promotion to the position in a job class under this
16 paragraph and is located at a correctional institution or a juvenile
17 correctional facility;

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

22 (4) who is in any position for which the duties and responsibilities
23 directly and primarily involve the operation of the correctional industries
24 activity of the department of corrections within a correctional institution or
25 juvenile correctional facility and involve regular contact with inmates or
26 juvenile offenders;

27 (5) who is in any position for which the duties and responsibilities
28 directly and primarily involve supervision of food service or laundry
29 operations within any correctional institution or juvenile correctional
30 facility and involve regular contact with inmates or juvenile offenders; or

31 (6) who is in any position for which the duties and responsibilities
32 directly and primarily involve supervision of maintenance operations
33 within any correctional institution or juvenile correctional facility and
34 involve regular contact with inmates or juvenile offenders.

35 (i) As used in this section, references to the department of corrections
36 include correctional institutions as defined by K.S.A. 75-5202, and
37 amendments thereto, and juvenile correctional facilities as defined by
38 K.S.A. 2018 Supp. 38-2302, and amendments thereto, unless the context
39 requires otherwise.

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the statute book.