95.621 Adoption by city described in KRS 95.518 of alternative fund, effect -- Members excluded, how -- Coverage provided in County Employees Retirement System after August 1, 1988.

(1) If a city described in KRS 95.518 adopted the alternative pension fund provisions under KRS 95.621 to 95.629 prior to August 1, 1988, to govern the pension fund for its policemen and firefighters, all the provisions in this section are mandatory. The provisions of KRS 95.620 shall apply to any city which has adopted KRS 95.621 to 95.629.

(2) Any member of the police or fire department serving at the time of passage of the ordinance and not desiring to participate in the fund and its benefits may be excluded by notifying the board of trustees of the pension fund in writing of his desire not to participate within ten (10) days after the effective date of this ordinance.

(3) (a) After August 1, 1988, no new pension fund shall be created pursuant to this section, and cities which were covered by this section on or prior to August 1, 1988, shall participate in the County Employees Retirement System effective August 1, 1988;

(b) Cities which were covered by this section on or prior to August 1, 1988, shall provide for the retirement of police or firefighters rehired after August 1, 1988, by placing such employees in the County Employees Retirement System;

(c) Cities which were covered by this section on or prior to August 1, 1988, shall place police or firefighters newly hired after August 1, 1988, in the County Employees Retirement System;

(d) Cities which were covered by this section on or prior to August 1, 1988, shall offer employees hired on or prior to August 1, 1988, membership in the County Employees Retirement System under the alternate participation plan as described in KRS 78.530(3), but such employees may elect to retain coverage under this section;

(e) The city shall certify that all police and firefighters placed in the County Employees Retirement System, and not covered by Social Security for their employment with the city, are employed in hazardous positions. If the police and firefighters are covered by Social Security for their employment with the city, the city may certify that they are employed in hazardous positions; and

(f) If the city's participation in the County Employees Retirement System is terminated pursuant to KRS 78.535, the city shall provide retirement benefits pursuant to KRS 95.621 to 95.629 to any of its police and firefighters who have not retained membership in the County Employees Retirement System pursuant to KRS 78.535(4).

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 133, effective January 1, 2015. -- Amended 1988 Ky. Acts ch. 11, sec. 4, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 177, sec. 5, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 164, sec. 28, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 52, sec. 1. -- Created

1966 Ky. Acts ch. 8, secs. 1 and 11.

Legislative Research Commission Note. Acts 1988, ch. 11, Â§ 19, provides: "In order that city employees with a choice can make an informed decision on whether or not to join the county employees retirement system, Kentucky retirement systems shall conduct briefings for each affected pension system on the provisions of this Act. Each employee shall receive a written summary of the retirement benefits which the county employees retirement system offers, and each employee shall be given the opportunity to attend an oral presentation. All such presentations shall be completed by October 15, 1988, and each affected employee shall make his decision by November 1, 1988. Failure of an employee subject to the provisions of this Act to receive a written summary or to attend an oral briefing shall in no way invalidate any of the provisions of this Act."