61.520 Participation determined by board and fixed by executive order -- Authority for order.

(1) Each department determined by the board to be eligible and qualified for participation shall participate in the system when the Governor by appropriate executive order, the authority to issue such executive order being granted, directs such department to participate in the system. The effective date of such participation shall be determined by the board and fixed by the Governor in his executive order.

(2) (a) Notwithstanding the provisions of subsection (1) of this section the Governor is authorized to permit any state college or university, which he directs by appropriate executive order to participate in the system after January 1, 1972, to include its noninstructional employees in the membership of the system while excluding the instructional employees of the state college or university from membership.

(b) All employees of an agency participating under authority of subsection (2)(a) of this section shall be considered noninstructional employees except the members of the instructional staff of the state college or university who are responsible for teaching and the administrative positions which are included in the Teachers' Insurance and Annuity Association (TIAA) or the Kentucky Teachers' Retirement System.

(3) All executive orders issued under authority of this section since July 1, 1956, are hereby ratified by the General Assembly and each participating and contributing department, board, agency, corporation, board for mental health or individuals with an intellectual disability, or entity participating since that date under such executive order is hereby declared to be a participating department under the Kentucky Employees Retirement System.

(4) Once a department participates it shall continue to participate as long as it remains qualified. Any position initially required to participate in the Kentucky Employees Retirement System shall continue to participate as long as the position exists.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 146, sec. 7, effective July 12, 2012. -- Amended 2003 Ky. Acts ch. 169, sec. 6, effective March 31, 2003. -- Amended 2000 Ky. Acts ch. 385, sec. 10, effective July 14, 2000. -- Amended 1974 Ky. Acts ch. 128, sec. 13, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 21. -- Amended 1966 Ky. Acts ch. 35, sec. 2. -- Amended 1960 Ky. Acts ch. 165, Part II, sec. 2. -- Created 1956 Ky. Acts ch. 110, sec. 3.