

**78.531 Optional participation by members of retirement system in cities, counties, or urban-county governments.**

- (1) Any member of a retirement system created pursuant to KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.310 to 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.852 to 95.884, and KRS Chapter 96, notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban-county government has adopted the provisions of the County Employees Retirement System pursuant to KRS 78.520 to 78.852.
- (2)
  - (a) If the city or urban-county government elects the alternate participation plan, as set forth in KRS 78.530(3), employee contributions made to the fund under authority of KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.400(1), 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.785, 95.852 to 95.884, or KRS Chapter 96 shall be paid to the County Employees Retirement System and credited to the individual member's account in the system for any employee electing to terminate coverage under the provisions of this section. Any person who is an active member of the County Employees Retirement System on July 15, 1990, who withdrew from service prior to August 1, 1988, under any of the plans enumerated in this section and who was not granted a refund of his employee contributions, shall be refunded employee contributions with any interest specified in the applicable statute or plan, unless the employee has a vested account in the former plan, in which case he may elect to leave his contributions in the fund in order to receive a pension from the plan when he becomes eligible.
  - (b) Proper credit for these employee contributions shall be given to the city or urban-county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530(3). The cost of participation for employees who withdrew from service and who were not granted a refund for employee contributions shall be based only upon the time period for which the contributions were made. The cost shall be computed by the County Employees Retirement System in a manner consistent with the calculation of other delayed contribution payments, and shall be paid by the employee.
- (3) If the city or urban-county government does not elect the alternate participation plan as set forth in KRS 78.530(3), the employee contributions paid into the fund under authority of KRS 67A.320, 67A.340, 79.080, 90.400(1), 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.785, 95.852 to 95.884, or KRS Chapter 96 by each employee electing to terminate coverage under the provisions of this section shall be refunded to the employee with interest as specified in the applicable statute or plan, unless the employee has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible.

**Effective:** January 1, 2015

**History:** Amended 2014 Ky. Acts ch. 92, sec. 311, effective January 1, 2015. --

Amended 1994 Ky. Acts ch. 371, sec. 2, effective July 15, 1994. â€“ Amended 1992 Ky. Acts ch. 240, sec. 52, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 255, sec. 2, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 96, sec. 2, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 323, sec. 2, effective April 4, 1986. -- Amended 1984 Ky. Acts ch. 177, sec. 2, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 311, sec. 22, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Created 1974 Ky. Acts ch. 302, sec. 2.