

## **78.540 Membership.**

Membership in the system shall consist of the following:

- (1) All persons who become employees of a participating county after the date the county first participates in the system, except a person who did not elect membership pursuant to KRS 61.545(3), and except that mayors and members of city legislative bodies may decline prior to their participation in the system and city managers or other appointed local government executives who participate in a retirement system, other than Social Security, may decline prior to their participation in the system;
- (2) (a) All persons who are employees of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect within thirty (30) days next following the county's participation, or in the case of persons on authorized leave, within thirty (30) days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 78.520 to 78.852;  
(b) All persons who are employees of a county who did not elect to participate within thirty (30) days of the date the county first participated in the system or within thirty (30) days of their return to active service and who subsequently elect to participate the first day of a month after the county's date of participation;
- (3) All persons who declined participation in subsection (1) of this section and who later elect to participate. Persons who elect to participate under this subsection may purchase service credit for any prior years by paying a delayed contribution payment, provided the person began participating in the system prior to January 1, 2014. The service shall not be included in the member's total service for purposes of determining benefits under KRS 61.702; and
- (4) All persons electing coverage in the system under KRS 78.530(3)(d).
- (5) The provisions of subsections (1) and (2) of this section notwithstanding, cities which participate in the CERS and close existing local pension systems to new, or all members pursuant to the provisions of KRS 78.530, 95.520, 95.621, or 95.852 shall not be required to provide membership in the County Employees Retirement System to employees in any employee category not covered by a city pension system at the date of participation.
- (6) Membership in the system shall not include persons who are not eligible to participate in the system as provided by KRS 61.522 or those employees who are simultaneously participating in another state-administered defined benefit plan within Kentucky other than those administered by the Kentucky Retirement Systems, except for employees who have ceased to contribute to one (1) of the state-administered retirement plans as provided in KRS 21.360.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 28, sec. 9, effective June 24, 2015. -- Amended 2013 Ky. Acts ch. 120, sec. 74, effective July 1, 2013. -- Amended 2004 Ky. Acts ch. 36, sec. 33, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 270, sec. 2, effective April 9, 2002. -- Amended 2000 Ky. Acts ch. 385, sec. 34, effective July

14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 22, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 485, sec. 26, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 240, sec. 54, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 222, sec. 6, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 11, sec. 12, effective July 15, 1988; and ch. 349, sec. 33, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 90, sec. 24. -- Amended 1984 Ky. Acts ch. 177, sec. 12; and ch. 195, sec. 1. -- Amended 1982 Ky. Acts ch. 423, sec. 16. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Amended 1972 Ky. Acts ch. 116, sec. 63. -- Amended 1964 Ky. Acts ch. 49, sec. 4. -- Created 1958 Ky. Acts ch. 167, sec. 4.