

61.605 Disability retirement allowance. (Declared void -- See LRC Note Below)

- (1) Upon disability retirement, except as provided by subsection (2) of this section, an employee may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that service credit shall be added to the person's total service beginning with his last date of paid employment and continuing to his sixty-fifth birthday; however, the maximum service credit added shall not exceed the total service the person had upon his last day of paid employment, and the maximum combined service credit for calculating his disability retirement allowance, including total service and added service shall not exceed twenty-five (25) years. If, however, a person has accumulated twenty-five (25) or more years of total service, he shall receive added service necessary to bring his combined service credit, including total and added service, to twenty-seven (27) years.
- (2)
 - (a) For a member whose participation begins on or after August 1, 2004, but prior to January 1, 2014, the disability retirement allowance shall be the higher of twenty percent (20%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability.
 - (b) For a member who begins participating on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 61.597 or who elects to participate in the 401(a) money purchase plan as provided by KRS 21.374, 61.5955, or 61.5956, the disability retirement allowance shall be the higher of twenty percent (20%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date under KRS 61.5956 or 61.597, as applicable.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 107, sec. 35, effective July 14, 2018. -- Amended 2013 Ky. Acts ch. 120, sec. 59, effective July 1, 2013. -- Amended 2004 Ky. Acts ch. 33, sec. 4, and ch. 36, sec. 16, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 385, sec. 20, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 105, sec. 12, effective July 15, 1998. -- Amended 1980 Ky. Acts ch. 186, sec. 24, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 128, sec. 21, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 38. -- Amended 1970 Ky. Acts ch. 101, sec. 6. -- Amended 1966 Ky. Acts ch. 35, sec. 10. -- Amended 1962 Ky. Acts ch. 58, sec. 12. -- Amended 1960 Ky. Acts ch. 165, Part II, sec. 9. -- Created 1956 Ky. Acts ch. 110, sec. 20.

Legislative Research Commission Note (12/13/2018). On December 13, 2018, the Kentucky Supreme Court ruled that the passage of 2018 SB 151 (2018 Ky. Acts ch. 107), did not comply with the three-readings rule of Kentucky Constitution Section 46 and that the legislation is, therefore, constitutionally invalid and declared void. That ruling applies to changes made to this statute in that Act.