

156.824 Payment of reinstated employee.

- (1) (a) When a certified, equivalent, or unclassified employee has been finally ordered reinstated without loss of pay, pursuant to the provisions of KRS 156.822, the board shall forward a certified copy of the order to the Department of Education. The department shall process proper payment to the employee for the period of suspension, the payment to be made out of the agency's appropriations. If no funds or insufficient funds are available in the agency's appropriations, then payment shall be made out of the judgments section of the general fund of the biennial state budget.
- (b) Gross moneys which are earned by the employee from other sources during the period of suspension shall set off against the gross sum due the employee, to the extent that the moneys were earned in a number of hours comparable to the length of time the employee would have worked in the previous job where dismissal occurred. The commissioner of education shall by regulation provide an administrative procedure for determining reasonable earnings to be set off.
- (c) All other deductions shall be deducted as required by law or by other state regulation.
- (2) (a) Both the employee's and employer's contributions to the Kentucky Teachers' Retirement System or the Kentucky Employees Retirement System shall be based upon the gross amount due the employee, before set-off or deduction, except for set-off caused by earnings on which employee and employer contributions to the Kentucky Teachers' Retirement System or the Kentucky Employees Retirement System have been paid.
- (b) Member and employer contributions paid into the system in which the employee participated after dismissal shall be transferred to the system in which the employee participated prior to illegal dismissal. In the event of a difference in member or employer contribution rates between the retirement system under which the member was covered prior to dismissal and the retirement system of participation before reinstatement by the board, the member and employer shall pay or receive a refund in order to adjust their respective contribution to the appropriate rate for the system under which the employee would have participated if dismissal had not occurred.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 26, sec. 5, effective June 29, 2021. -- Repealed, reenacted, renumbered, and amended 2013 Ky. Acts ch. 59, sec. 15, effective June 25, 2013. -- Amended 2006 Ky. Acts ch. 211, sec. 29, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 29, sec. 11, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 526, sec. 22, effective August 15, 2000. -- Amended 1994 Ky. Acts ch. 469, sec. 14, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 470, sec. 11, effective July 1, 1990.

Formerly codified as KRS 151B.065.