

16.576 Normal retirement for members who began participating before January 1, 2014 -- Election regarding payment of retirement allowance.

- (1) (a) Any member who begins participating before September 1, 2008, who has at least five (5) years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the system, setting forth at what date the retirement is to become effective, if the effective date shall be after his last day of service and subsequent to the filing of the notice at the retirement office.
- (b) Any member who begins participating on or after September 1, 2008, who has at least five (5) years of service credited under KRS 16.543(1), 61.543(1), or another state-administered retirement system may retire at his or her normal retirement date, or subsequent thereto, upon written notification to the system, setting forth what date the retirement is to become effective, if the effective date shall be after his or her last day of service and subsequent to the filing of the notice at the retirement office.
- (2) The member shall have the right to elect to have his retirement allowance payable under subsection (3), (4), or (6) of this section or any one (1) of the plans set forth in KRS 61.635.
- (3) (a) Effective August 1, 1990, a member of the Kentucky State Police Retirement System may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and five-tenths percent (2.5%) of final compensation for each year of service credit. Effective August 1, 1988, a member of the Kentucky Employees Retirement System covered by this section may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two and forty-nine hundredths percent (2.49%) of final compensation for each year of service credit. The annual retirement allowance for a member covered by this section shall not exceed the maximum benefit as set forth in the Internal Revenue Code.
- (b) A member of the State Police Retirement System or a member of the Kentucky Employees Retirement System covered by this section, whose participation begins on or after September 1, 2008, but prior to January 1, 2014, shall receive an annual retirement allowance, payable monthly during his or her lifetime, equal to:
 1. One and three-tenths percent (1.3%) of final compensation for each year of service credit if the employee has earned ten (10) or less years of service at retirement;
 2. One and one-half percent (1.5%) of final compensation for each year of service credit if the employee has earned greater than ten (10) but no more than twenty (20) years of service at retirement;
 3. Two and one-quarter percent (2.25%) of final compensation for each year of service credit if the employee has earned greater than twenty (20) but less than twenty-five (25) years of service at retirement; or
 4. Two and one-half percent (2.5%) of final compensation for each year of service credit if the employee has earned twenty-five (25) or

more years of service at retirement.

- (4) The member may elect to receive a monthly retirement allowance payable for ten (10) years certain, actuarially equivalent to the retirement allowance payable under subsection (3) of this section. If the member should become deceased prior to the expiration of ten (10) years, his beneficiary, unless the beneficiary is the member's estate, shall receive the remaining payments monthly for the duration of the ten (10) years. If the member's estate is the beneficiary, the member's estate shall receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments. The provisions of KRS 61.702 notwithstanding, the member who retired on June 17, 1978, or thereafter, and his spouse and eligible dependents shall continue to receive the insurance benefits to which they are entitled pursuant to KRS 61.702 after the expiration of ten (10) years. Effective with any insurance contract procured, or self-insurance plan instituted, after July 15, 1990, a member who retired prior to June 17, 1978, and his spouse and eligible dependents shall receive insurance benefits pursuant to KRS 61.702 upon payment by the member or beneficiary of the entire cost of the required insurance premium.
- (5) Notwithstanding any other provisions of this section, upon written notification to the system, a member shall have the option to defer his election to receive his retirement allowance. The retirement allowance payable under a deferred option shall be increased to reflect the deferred receipt of benefits.
- (6) In lieu of any other benefits due under KRS 16.505 to 16.652, a member who begins participating before September 1, 2008, who has attained age fifty-five (55) and who has attained at least one (1) month of service credit but no more than fifty-nine (59) months of service credit may elect to receive an annual retirement allowance, payable monthly or less frequently as determined by the board, which shall be determined by multiplying his accumulated contributions by two (2) and converting this amount to an annual retirement allowance based on an annuity rate adopted by the board which would pay the actuarial equivalent of twice his accumulated contributions over the lifetime of the retired member.
- (7) Subsections (1) to (6) of this section shall not apply to members who begin participating in the system on or after January 1, 2014. Members who begin participating in the system on or after January 1, 2014, shall receive the retirement benefit calculation prescribed by KRS 16.583.

Effective: April 1, 2021

History: Amended 2021 Ky. Acts ch. 102, sec. 35, effective April 1, 2021. -- Amended 2013 Ky. Acts ch. 120, sec. 38, effective July 1, 2013. -- Amended 2009 Ky. Acts ch. 77, sec. 5, effective June 25, 2009. -- Amended 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 8, effective June 27, 2008. -- Amended 1996 Ky. Acts ch. 167, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 485, sec. 4, effective July 15, 1994. Amended 1992 Ky. Acts ch. 240, sec. 4, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 347, sec. 1, effective July 13, 1990; and ch. 460, sec. 3, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 349, sec. 6, effective July 15, 1988; and ch. 364, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 76, sec. 1, effective July 15, 1986; ch. 293, sec. 3, effective July 15, 1986; and ch. 295, sec. 2, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 94, sec. 1, effective July 13, 1984; and ch. 228, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 186, sec. 4, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 311, sec. 5, effective

June 17, 1978. -- Amended 1976 Ky. Acts ch. 321, sec. 5. -- Amended 1974 Ky. Acts ch. 128, sec. 4. -- Amended 1972 Ky. Acts ch. 116, sec. 12. -- Amended 1970 Ky. Acts ch. 76, sec. 3. -- Amended 1968 Ky. Acts ch. 25, sec. 3. -- Amended 1966 Ky. Acts ch. 33, sec. 2. -- Created 1964 Ky. Acts ch. 91, sec. 7.