

**78.5510 Members of County Employees Retirement System who began participating before January 1, 2014, with service in nonhazardous positions -- Eligibility for retirement allowance.**

- (1) The provisions of this section shall only apply to members of the County Employees Retirement System who began participating in the system prior to January 1, 2014, who have service in a nonhazardous position.
- (2)
  - (a) A member who began participating prior to September 1, 2008, is eligible for a retirement allowance determined under subsection (4)(a) or (b) of this section, as applicable, for his or her service if:
    1. The member has attained normal retirement age and has four (4) or more years of service, at least one (1) of which is current service;
    2. The member has twenty-seven (27) or more years of service, at least fifteen (15) of which are current service;
    3. The member has attained age fifty-five (55) and has five (5) or more years of service, at least one (1) of which is current service; or
    4. The member is less than age fifty-five (55) and has twenty-five (25) or more years of service, at least fifteen (15) of which are current service.
  - (b) In lieu of any other benefits due under KRS 78.510 to 78.852, a member who began participating prior to September 1, 2008, who has attained normal retirement age and who has obtained at least one (1) month of service credit but no more than forty-seven (47) months of service 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 or her 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 or her accumulated contributions over the lifetime of the retired member.
  - (c) A member who began participating prior to September 1, 2008, who has earned vested service credit in a retirement system, other than the Teachers' Retirement System, sponsored by a Kentucky institution of higher education, the Council on Postsecondary Education, or the Higher Education Assistance Authority, may count the vested service toward attaining the necessary years of service credit as provided in paragraph (a)2. and 4. of this subsection to qualify for a retirement allowance. The credit from a Kentucky institution of higher education, the Council on Postsecondary Education, or the Higher Education Assistance Authority shall not be used toward the minimum fifteen (15) years of current service required by paragraph (a)2. and 4. of this subsection or to calculate his or her retirement allowance pursuant to this section. The provisions of this paragraph shall not be construed to limit the use of Teachers' Retirement System credit pursuant to KRS 61.680(2)(a).
- (3) A member who began participating on or after September 1, 2008, but prior to January 1, 2014, is eligible for a retirement allowance determined under subsection (4)(c) of this section if:

- (a) The member has attained normal retirement age and has at least five (5) years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered retirement system;
  - (b) The member is fifty-seven (57) years of age or older and has an age and years of service total of at least eighty-seven (87) years. The years of service used to determine eligibility for a retirement allowance under this paragraph shall only include years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered retirement system; or
  - (c) The member is sixty (60) years of age or older and has at least ten (10) years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered retirement system.
- (4) Upon retirement under the conditions specified by subsections (2) and (3) of this section except as provided by subsection (2)(b) of this section, a member covered by this section may receive an annual retirement allowance, payable monthly during his or her lifetime, which shall consist of an amount equal to:
- (a) Two and two-tenths percent (2.2%) of final compensation multiplied by the number of years of service credit, if the member began participating prior to August 1, 2004;
  - (b) Two percent (2%) of final compensation multiplied by the number of years of service credit, if the member began participating on or after August 1, 2004, but prior to September 1, 2008;
  - (c) If the member began participating on or after September 1, 2008, but prior to January 1, 2014:
    - 1. a. One and one-tenth percent (1.1%) of final compensation for each year of service if the member has earned ten (10) or less years of service at retirement;
    - b. One and three-tenths percent (1.3%) of final compensation for each year of service if the member has earned greater than ten (10) but no more than twenty (20) years of service at retirement;
    - c. One and one-half percent (1.5%) of final compensation for each year of service if the member has earned greater than twenty (20) but no more than twenty-six (26) years of service at retirement; or
    - d. One and three-quarters percent (1.75%) of final compensation for each year of service if the member has earned greater than twenty-six (26) but no more than thirty (30) years of service at retirement; and
  - 2. Two percent (2%) of final compensation for each year of service earned in excess of thirty (30) years of service at retirement; and
- (d) The annual retirement allowance determined under this subsection shall:
- 1. Not be reduced for a member retiring under the provisions specified by subsections (2)(a)1., (2)(a)2., (3)(a), and (3)(b) of this section; and

2. Be reduced for a member retiring under the provisions specified by subsections (2)(a)3., (2)(a)4., and (3)(c) of this section by an amount determined by the board's actuary to reflect the earlier commencement of benefits.

**Effective:** April 1, 2021

**History:** Created 2021 Ky. Acts ch. 102, sec. 1, effective April 1, 2021.