

78.5520 Retirement of persons working in hazardous positions.

- (1) For purposes of this section:
 - (a) "Hazardous position" for employees who began participating in the County Employees Retirement System prior to September 1, 2008, means any position whose principal duties involve active law enforcement, including the positions of probation and parole officer, active fire suppression or prevention, correctional officers with duties that routinely and regularly require face-to-face contact with inmates, or other positions, including but not limited to paramedics and emergency medical technicians, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning; and
 - (b) "Hazardous position" for employees who begin participating in the County Employees Retirement System on or after September 1, 2008, means police officers and firefighters as defined in KRS 61.315(1), paramedics, correctional officers with duties that routinely and regularly require face-to-face contact with inmates, and emergency medical technicians, if:
 1. The employee's duties require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning; and
 2. The employee's duties are not primarily clerical or administrative.
- (2)
 - (a) Each employer may request of the board hazardous coverage for those positions as defined in subsection (1) of this section. Upon request, each employer shall certify to the system, in the manner prescribed by the board, the names of all employees working in a hazardous position as defined in subsection (1) of this section for which coverage is requested. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the employer indicating that the required employer contributions have been provided for in the budget of the employer. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section.
 - (b) Each employer shall also certify, under penalty of perjury in accordance with KRS Chapter 523, that each employee's actual job duties are accurately reflected in the job description provided to the system. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as defined in subsection (1) of this section.
 - (c) The board shall have the authority to remove any employee from hazardous coverage if the board determines the employee is not working in a hazardous position or if the employee is classified in a hazardous position but has individual job duties that do not meet the definition of a hazardous position or are not accurately reflected in the job descriptions filed by the employer with the system.
- (3)
 - (a) If the employer participated in the system prior to electing hazardous coverage, the employer may pay to the system the cost of converting the

nonhazardous service to hazardous service from the date of participation to the date the payment is made, or the employer may establish a payment schedule for payment of the cost of the hazardous service above that which would be funded within the existing employer contribution rate. The employer may extend the payment schedule to a maximum of thirty (30) years. Payments made by the employer under this subsection shall be deposited to the retirement allowance account of the proper retirement or retiree health fund and shall not be considered accumulated contributions of the individual members.

- (b) If the employer elects not to make the additional payment as provided by paragraph (a) of this subsection, the employee may pay the cost of converting the service and provide payment for the cost as provided by KRS 61.552(9). Payments made by the employee under this subsection shall not be picked up, as described in KRS 78.610(4), by the employer.
 - (c) If neither the employer nor employee makes the payment, the service prior to hazardous position coverage shall remain nonhazardous.
 - (d) The provisions of this subsection shall not apply to members who begin participating in the system on or after January 1, 2014.
- (4) Any person employed in a hazardous position shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the person's employer and made available to the system upon request.
- (5) If doubt exists regarding the benefits payable to a hazardous position employee under this section, the board shall determine the benefits payable under KRS 78.510 to 78.852.

Effective: April 1, 2021

History: Created 2021 Ky. Acts ch. 102, sec. 6, effective April 1, 2021.