

SENATE BILL No. 135

By Senator Pittman

2-3

1 AN ACT concerning retirement and pensions; relating to the Kansas public
2 employees retirement system and systems thereunder; affiliation and
3 membership of certain employees of the department of corrections
4 located at correctional institutions and juvenile correctional facilities in
5 the Kansas police and firemen's retirement system; providing for
6 employee and employer contributions.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) On and after July 1, 2021, the department of corrections
10 shall be an eligible employer as defined in K.S.A. 74-4952, and
11 amendments thereto, and shall affiliate on July 1, 2021, with the Kansas
12 police and firemen's retirement system established under K.S.A. 74-4951
13 et seq., and amendments thereto. The department of corrections shall make
14 application for affiliation with such system in the manner provided by
15 K.S.A. 74-4954, and amendments thereto, to be effective on the July 1
16 next following application. The department of corrections shall affiliate for
17 membership in the system of such officers and employees for participating
18 service credit.

19 (b) The division of the budget and the governor shall include in the
20 budget and in the budget request for appropriations for personnel services
21 the amount required to satisfy the employer's obligation under this section
22 as certified by the board of trustees of the system and shall present the
23 same to the legislature for allowance and appropriation. Upon affiliation,
24 the department of corrections shall pay to the system a sum sufficient to
25 satisfy such obligations as certified by the board.

26 (c) The determination of retirement, death or disability benefits shall
27 be computed upon the basis of credited service, as used in K.S.A. 74-4951
28 et seq., and amendments thereto, but shall include only participating
29 service with the department of corrections, commencing on and after the
30 effective date of affiliation by the department of corrections with the
31 Kansas police and firemen's retirement system.

32 (d) Any rights or benefits accruing to any security officer employed
33 by the department of corrections prior to the effective date of affiliation
34 shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq.,
35 and amendments thereto. Any security officer who becomes a member
36 pursuant to this section, who has a vested retirement benefit pursuant to

1 K.S.A. 74-4917, and amendments thereto, and who terminates
2 employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963,
3 and amendments thereto, may have such service credited for purposes of
4 computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and
5 amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et
6 seq., and amendments thereto, to the contrary, if a security officer has a
7 vested retirement benefit pursuant to K.S.A. 74-4963, and amendments
8 thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and
9 amendments thereto, and retires on or after such security officer's normal
10 retirement date under K.S.A. 74-4957a, and amendments thereto, then
11 such security officer shall also be deemed to have retired for the purposes
12 of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible
13 for such vested retirement benefit pursuant to K.S.A. 74-4917, and
14 amendments thereto.

15 (e) Every person who is employed as a security officer on or after the
16 entry date of the department of corrections into the Kansas police and
17 firemen's retirement system shall become a member of the Kansas police
18 and firemen's retirement system.

19 (f) Except as otherwise provided by this act, any security officer
20 employed by the department of corrections who becomes a member of the
21 Kansas police and firemen's retirement system shall be subject to the
22 provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

23 (g) Beginning with the first payment of compensation for services of
24 a security officer after becoming a member of the Kansas police and
25 firemen's retirement system, the employer shall deduct from the
26 compensation of such member 7.15% as the employee contribution to the
27 system. Such deductions shall be remitted, deposited and credited as
28 provided in K.S.A. 74-4965, and amendments thereto.

29 (h) As used in this section, "security officer" means any person, as
30 certified to the board by the secretary of corrections, who is employed on
31 or after the effective date of this act as an employee of the department of
32 corrections:

33 (1) Who is in any position in a job class in the corrections officer or
34 juvenile services corrections officer class series, including, but not limited
35 to, corrections officer I (A), corrections officer I (B), corrections officer II,
36 corrections supervisor I, corrections supervisor II, corrections supervisor
37 III, corrections counselor I, corrections counselor II, unit team supervisor,
38 corrections classification administrator, juvenile corrections officer I (A),
39 juvenile corrections officer I (B), captain, major, juvenile corrections
40 officer II, juvenile corrections officer III, special investigator II, unit team
41 manager, chief of security, EAI investigator or EAI investigator supervisor
42 job class, as all such job classes are described on July 1, 2021, in the state
43 job classification plan in effect for the classified service under the Kansas

1 civil service act or who is in a position in any successor job class or classes
2 that have been approved under K.S.A. 75-2938, and amendments thereto,
3 and who have substantially the same duties and responsibilities thereof;

4 (2) who is promoted prior to or on or after July 1, 2021, from a
5 position in any job class under paragraph (1) to any position in any job
6 class of warden or deputy warden of any correctional institution, training
7 program manager, training technician, superintendent, deputy
8 superintendent, corrections manager I, corrections manager II, staff
9 development specialist, safety and health inspector or safety and health
10 specialist, as such job classes are described on July 1, 2021, in the state job
11 classification plan in effect for the classified service under the Kansas civil
12 service act or to any successor job class or classes that are approved under
13 K.S.A. 75-2938, and amendments thereto, and who have substantially the
14 same duties and responsibilities, if the person was employed and had at
15 least three consecutive years of service in any one or more positions in any
16 one or more job classes described in paragraph (1) immediately preceding
17 promotion to the position in a job class under this paragraph and is located
18 at a correctional institution or a juvenile correctional facility;

19 (3) who is in any position for which the duties and responsibilities
20 directly and primarily involve operation of power plant facilities within
21 any correctional institution or juvenile correctional facility and involve
22 regular contact with inmates or juvenile offenders;

23 (4) who is in any position for which the duties and responsibilities
24 directly and primarily involve the operation of the correctional industries
25 activity of the department of corrections within a correctional institution or
26 juvenile correctional facility and involve regular contact with inmates or
27 juvenile offenders;

28 (5) who is in any position for which the duties and responsibilities
29 directly and primarily involve supervision of food service or laundry
30 operations within any correctional institution or juvenile correctional
31 facility and involve regular contact with inmates or juvenile offenders; or

32 (6) who is in any position for which the duties and responsibilities
33 directly and primarily involve supervision of maintenance operations
34 within any correctional institution or juvenile correctional facility and
35 involve regular contact with inmates or juvenile offenders.

36 (i) As used in this section, references to the department of corrections
37 include correctional institutions as defined by K.S.A. 75-5202, and
38 amendments thereto, and juvenile correctional facilities as defined by
39 K.S.A. 2020 Supp. 38-2302, and amendments thereto, unless the context
40 requires otherwise.

41 Sec. 2. This act shall take effect and be in force from and after its
42 publication in the statute book.