

1 AN ACT relating to hazardous duty retirement for solid waste management services
2 enforcement officers of a consolidated local government.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 78.5520 is amended to read as follows:

5 (1) For purposes of this section:

6 (a) "Hazardous position" for employees who began participating in the County
7 Employees Retirement System prior to September 1, 2008, means:

8 1. Any position whose principal duties involve active law enforcement,
9 including the positions of probation and parole officer, active fire
10 suppression or prevention, correctional officers with duties that
11 routinely and regularly require face-to-face contact with inmates, or
12 other positions, including but not limited to paramedics and emergency
13 medical technicians, with duties that require frequent exposure to a high
14 degree of danger or peril and also require a high degree of physical
15 conditioning; and

16 2. *Solid waste management services enforcement officers employed by a*
17 *consolidated local government pursuant to KRS Chapter 67C with*
18 *duties including but not limited to investigation, inspection, and*
19 *issuance of citations for violations of ordinances, and with duties that*
20 *require frequent exposure to a high degree of danger or peril and also*
21 *require a high degree of physical conditioning; and*

22 (b) "Hazardous position" for employees who begin participating in the County
23 Employees Retirement System on or after September 1, 2008, means:

24 1. Police officers and firefighters as defined in KRS 61.315(1),
25 paramedics, correctional officers with duties that routinely and regularly
26 require face-to-face contact with inmates, and emergency medical
27 technicians, if:

1 a.[1-] The employee's duties require frequent exposure to a high degree
2 of danger or peril and a high degree of physical conditioning; and

3 b.[2-] The employee's duties are not primarily clerical or administrative;
4 and

5 2. Solid waste management services enforcement officers employed by a
6 consolidated local government pursuant to KRS Chapter 67C with
7 duties including but not limited to investigation, inspection, and the
8 issuance of citations for violations of ordinances relating to solid
9 waste management and hazardous materials, if:

10 a. The employee's duties require frequent exposure to a high
11 degree of danger or peril and a high degree of physical
12 conditioning; and

13 b. The employee's duties are not primarily clerical or
14 administrative.

15 (2) (a) Each employer may request of the board hazardous coverage for those
16 positions as defined in subsection (1) of this section. Upon request, each
17 employer shall certify to the system, in the manner prescribed by the board,
18 the names of all employees working in a hazardous position as defined in
19 subsection (1) of this section for which coverage is requested. The
20 certification of the employer shall bear the approval of the agent or agency
21 responsible for the budget of the employer indicating that the required
22 employer contributions have been provided for in the budget of the employer.
23 The system shall determine whether the employees whose names have been
24 certified by the employer are working in positions meeting the definition of a
25 hazardous position as provided by subsection (1) of this section.

26 (b) Each employer shall also certify, under penalty of perjury in accordance with
27 KRS Chapter 523, that each employee's actual job duties are accurately

1 reflected in the job description provided to the system. The system shall
2 determine whether the employees whose names have been certified by the
3 employer are working in positions meeting the definition of a hazardous
4 position as defined in subsection (1) of this section.

5 (c) The board shall have the authority to remove any employee from hazardous
6 coverage if the board determines the employee is not working in a hazardous
7 position or if the employee is classified in a hazardous position but has
8 individual job duties that do not meet the definition of a hazardous position or
9 are not accurately reflected in the job descriptions filed by the employer with
10 the system.

11 (3) (a) If the employer participated in the system prior to electing hazardous
12 coverage, the employer may pay to the system the cost of converting the
13 nonhazardous service to hazardous service from the date of participation to
14 the date the payment is made, or the employer may establish a payment
15 schedule for payment of the cost of the hazardous service above that which
16 would be funded within the existing employer contribution rate. The employer
17 may extend the payment schedule to a maximum of thirty (30) years.
18 Payments made by the employer under this subsection shall be deposited to
19 the retirement allowance account of the proper retirement or retiree health
20 fund and shall not be considered accumulated contributions of the individual
21 members.

22 (b) If the employer elects not to make the additional payment as provided by
23 paragraph (a) of this subsection, the employee may pay the cost of converting
24 the service and provide payment for the cost as provided by KRS 61.552(9).
25 Payments made by the employee under this subsection shall not be picked up,
26 as described in KRS 78.610(4), by the employer.

27 (c) If neither the employer nor employee makes the payment, the service prior to

1 hazardous position coverage shall remain nonhazardous.

2 (d) The provisions of this subsection shall not apply to members who begin
3 participating in the system on or after January 1, 2014.

4 (4) Any person employed in a hazardous position shall be required to undergo a
5 thorough medical examination by a licensed physician, and a copy of the medical
6 report of the physician shall be retained on file by the person's employer and made
7 available to the system upon request.

8 (5) If doubt exists regarding the benefits payable to a hazardous position employee
9 under this section, the board shall determine the benefits payable under KRS 78.510
10 to 78.852.