

**Kentucky Public Pensions Authority
Ad Hoc Regulation Committee – Special Meeting
September 4, 2024, at 10:00 AM EST (9:00 AM CT)
Live Video Conference/Facebook Live**

AGENDA

- | | |
|---|---|
| 1. Call to Order | Keith Percy |
| 2. Opening Statement | Legal Services |
| 3. Roll Call | Sherry Rankin |
| 4. Public Comment | Sherry Rankin |
| 5. Approval of Minutes – June 5, 2024* | Keith Percy |
| 6. Administrative Regulation 105 KAR 1:445,
Trustee Elections* | Carrie Bass
Jessica Beaubien |
| 7. Administrative Regulation 105 KAR 1:130,
Hazardous Position Coverage* | Carrie Bass
Jessica Beaubien |
| 8. Adjourn* | Keith Percy |

****Committee Action May Be Taken***

**MINUTES OF MEETING
KENTUCKY PUBLIC PENSIONS
AUTHORITY
AD HOC REGULATION COMMITTEE
SPECIAL CALLED MEETING
JUNE 5, 2024 AT 10:00 AM
VIA LIVE VIDEO TELECONFERENCE**

At the Special Called Meeting of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee held on June 5, 2024, the following members were present: Keith Peercy (Chair) and George Cheatham. Staff members present were CERS CEO Ed Owens, III, KRS CEO John Chilton, Rebecca Adkins, Erin Surratt, Mike Lamb, Victoria Hale, Jessica Beaubien, Jillian Hall, Addison Burns, Wes Crosthwaite, Ashley Gabbard, Phillip Cook, and Sherry Rankin.

Mr. Peercy called the meeting to order.

Ms. Hale read the Opening Statement.

Ms. Rankin called roll.

There being no *Public Comment* submitted, Mr. Peercy introduced agenda item *Approval of Minutes – March 7, 2024 (Video 00:08:41 to 00:09:33)*. Mr. Cheatham made a motion to approve the minutes as presented. Mr. Peercy seconded the motion and the motion passed unanimously.

Mr. Peercy introduced agenda item *Administrative Regulation 105 KAR 1:140 (Video 00:09:34 to 00:12:06)*. Ms. Jessica Beaubien stated that this administrative regulation sets out the administrative duties and reporting requirements for all participating employers. This amendment updates the language through the regulation to be consistent with the language used in all Kentucky Public Pensions Authority regulations and the definitions found in 104 KAR 1:001. She indicated that details have been added regarding different groups of employers and their respective reporting requirements. This regulation was amended to include the processes and procedures being utilized by KPPA. In addition, several required forms have also been updated.

Ms. Beaubien noted that limitations and exclusions on increases in creditable compensation in the last five (5) years of service for retiring members has been removed from this regulation and placed

into its own separate regulation (105 KAR 1:142).

Mr. Cheatham made a motion to approve administrative regulation 105 KAR 1:140 as presented, and to forward it to the Authority for its approval. Mr. Peercy seconded the motion and the motion passed unanimously.

Mr. Peercy introduced agenda item ***Administrative Regulation 105 KAR 1:142*** (Video 00:12:07 to 00:14:41). Ms. Beaubien presented this new administrative regulation that establishes limitations and exclusions on increases in creditable compensation in the last five (5) years of service for retiring members with a membership date prior to January 1, 2014 in accordance with KRS 61.598 and 78.545. These limitations and exclusions are commonly referred to as “pension spiking”. Previously, this information was contained in 105 KAR 1:140 but is now being filed as its own administrative regulation for ease of access and revision, as well as to keep 105 KAR 1:140 to a manageable size.

Ms. Bass advised that a substantial change was made to the definition of a bona fide promotion or career advancement that incorporates across the board raises. She explained that this was based on recent cases from the Kentucky Court of Appeals regarding the question of whether across the board raises were exempt from the normal “pension spiking” requirements.

Mr. Cheatham made a motion to approve administrative regulation 105 KAR 1:142 as presented, and to forward it to the Authority for its approval. Mr. Peercy seconded the motion and the motion passed unanimously.

There being no further business, Mr. Peercy ***adjourned*** the meeting.

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CERTIFICATION

I do certify that I was present at this meeting, and I have recorded the above actions of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee on the various items considered by it at this meeting. Further, I certify that all requirements of KRS 61.805-61.850 were met in conjunction with this meeting.

Recording Secretary

We, the Chair of the Kentucky Public Pensions Authority Ad Hoc Regulation Committee and Executive Director, do certify that the Minutes of Meeting held on June 5, 2024, were approved on September 4, 2024.

KPPA Ad Hoc Regulation Committee Chair

Executive Director

I have reviewed the Minutes of the June 5, 2024, Kentucky Public Pensions Authority Ad Hoc Regulation Committee Meeting for content, form, and legality.

Executive Director, Office of Legal Services

MEMORANDUM

TO: Ad Hoc Regulation Committee (“Committee”) for the Board of the Kentucky Public Pensions Authority (“Board”)

FROM: Carrie Bass, Staff Attorney Supervisor, Non-Advocacy Division, Office of Legal Services
Jessica Beaubien, Policy Specialist, Non-Advocacy Division, Office of Legal Services

DATE: August 19, 2024

RE: Committee approval of recommendation of KPPA staff to present an amended administrative regulation, 105 KAR 1:445, Trustee Elections, to the full Board for approval to file with the Office of the Regulations Compiler at the Legislative Research Commission (“Regulations Compiler”)

Purpose of amended administrative regulation:

Kentucky Revised Statutes 61.505(1)(g) authorizes the Board to promulgate and amend administrative regulations “on behalf of the Kentucky Retirement Systems and the County Employees Retirement System, individually or collectively” as long as the regulations are consistent with the provisions of Kentucky Revised Statutes 16.505 to 16.652, 61.510 to 61.705, 78.510 to 78.852, and 61.505. KRS 61.645(4)(j) and 78.782(4)(j) authorize the systems to promulgate an administrative regulation to implement the use of electronic and telephonic ballots in the trustee election process and requires paper ballots to be mailed upon request of any eligible voter. 105 KAR 1:445, Trustee Elections, is consistent with these provisions of the Kentucky Revised Statutes.

This administrative regulation establishes the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections. This amendment updates the language throughout the regulation to be consistent with the language used in all Kentucky Public Pensions Authority regulations and the definitions found in 105 KAR 1:001 (<https://apps.legislature.ky.gov/law/kar/titles/105/001/001/REG/>). Details have been added regarding the trustee election processes and procedures currently being used. Specifically, the option for voting in trustee elections via telephone has been added. Lastly, the “Application for Trustee” has been incorporated by reference.

Staff Recommendation:

The Office of Legal Services requests that the Committee review the attached materials and recommend presenting 105 KAR 1:445, Trustee Elections, for filing approval to the full Board at the September 26, 2024 meeting.

List of attached materials:

1. 105 KAR 1:445, Trustee Elections.
2. Application for Trustee.

1 FINANCE AND ADMINISTRATION CABINET

2 Kentucky Public Pensions Authority

3 (Amended Administrative Regulation)

4 105 KAR 1:445. ~~[Electronic ballots in]~~ Trustee elections.

5 RELATES TO: KRS 61.505, 61.645, 78.782

6 STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.645(4)(j), ~~[(9)(e)]~~ 78.782(4)(j)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the
8 Kentucky Public Pensions Authority ~~[61.645(9)(e) requires the Board of Trustees of Kentucky~~
9 ~~Retirement Systems]~~ to promulgate ~~[all]~~ administrative regulations on behalf of the Kentucky
10 Retirement Systems and the County Employees Retirement System that are consistent
11 with ~~[necessary or proper in order to carry out the provisions of]~~ KRS 16.505 to 16.652, 61.505,
12 61.510 to 61.705, and 78.510 to 78.852 ~~[and to conform to federal statutes and regulations]~~. KRS
13 61.645(4)(j) and 78.782(4)(j) authorize the systems ~~[authorizes Kentucky Retirement Systems]~~
14 to promulgate an administrative regulation to implement the use of electronic and telephonic
15 ballots in the trustee election process and requires paper ballots to be mailed upon request of
16 any eligible voter. This administrative regulation establishes the procedures and requirements
17 for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the
18 ballots for trustee elections.

19 Section 1. Definitions.

20 (1) "Ballot" means ~~[a voting instrument, either]~~ an electronic or paper document ~~[,]~~ that
21 includes the provisions required by KRS 61.645(4)(c) and 78.782(4)(c), and the candidate's:

22 (a) ~~[Name;]~~

- 1 ~~[(b)]~~ Recent photograph;
- 2 ~~(b)~~~~[(e)]~~ City and county of residence;
- 3 ~~(c)~~~~[(d)]~~ Employer~~[Employing agency]~~ and position title, or the employer~~[employing agency]~~
- 4 from which the candidate last worked or retired, and the position title of the last position held;
- 5 ~~(d)~~~~[(e)]~~ Education, including schools and universities attended and degrees earned;
- 6 ~~[(f) Whether or not the candidate has been convicted of a felony;]~~
- 7 ~~(e)~~~~[(g)]~~ Any professional licenses or certifications held by the candidate;
- 8 ~~(g)~~~~[(h)]~~ Any organization of which the candidate is a member that is listed on the candidate's
- 9 application; and
- 10 ~~(h)~~~~[(+)]~~ The Web site address where each candidate's~~[application]~~ filed Application for
- 11 Trustee~~[by the candidate]~~ and~~[the candidate's]~~ resume is available for viewing.

12 (2) "Board" means the Board of Trustees of the Kentucky Retirement Systems or the Board

13 of Trustees of the County Employees Retirement System.

14 (3) "Candidate" means a participant of the system for which the election is being held who:

15 (a) Is nominated by the relevant board; or

16 ~~[1. A participating employee;]~~

17 ~~[2. Former employee whose membership has not been terminated under KRS 61.535; or]~~

18 ~~[3. A retired member, who meets the requirements of KRS 61.645(6); and]~~

19 (b) Nominated~~[is one (1) of not more than three (3) nominees from the Board of Trustees~~

20 ~~for each vacant position, nominated]~~ by petition of the members~~[by the membership]~~ of the

21 relevant system~~[for which the vote is being taken, or who is written in on a valid ballot.]~~

22 (4) "Election year" means the year of the expiration of a trustee's term of office and the year

23 of the trustee election.

24 ~~(5)~~~~[(3)]~~ "Eligible voter" means any person who;

1 (a) Is a participant~~[was a member or retired member]~~ of the~~[retirement]~~ system for which
2 the vote is being taken on or before December 31 of the year preceding the election year; and

3 (b) Has on file:

4 1. A~~[and who has provided Kentucky Retirement Systems ("Systems") with a]~~ valid email
5 address; or

6 2. If~~[, if]~~ a paper ballot is requested pursuant to KRS 61.645(4)(j), a valid physical mailing
7 address.

8 (6) "Plurality of votes" means a majority of valid votes cast in an election.

9 (7) "Resume" means a document which at a minimum includes the participant's:

10 (a) First and last name;

11 (b) Address;

12 (c) Phone number;

13 (d) E-mail address;

14 (e) Educational background; and

15 (f) Professional employment history that includes dates of employment, job title, employer
16 name and address, and type of business.

17 (8)~~[(4)]~~ "Term of Office" means the period of membership on the relevant Board~~[of~~
18 ~~Trustees]~~, which begins on April 1 of the year elected or appointed and ends on March 31 four
19 (4) years thereafter.

20 (9) "Valid email address" means an email address the agency has on file for a participant
21 that is operational and able to receive messages, or has not otherwise been deemed an invalid
22 email address by the agency.

23 (10) "Valid physical mailing address" means the mailing address on file for a participant
24 where he or she is able to receive U.S. mail, including:

1 (a) A current street address;

2 (b) A Post Office box registered with the United States Postal Service; or

3 (c) A private mailbox registered with a commercial mail receiving agency established
4 pursuant to the United States Postal Service regulation.

5 (11)[(5)] "Valid vote[Ballet]" means a timely cast vote[ballet either emailed or mailed] by an
6 eligible voter that has clearly[properly] designated the voter's choice of eligible candidate or
7 candidates[for the number of vacancies being filled].

8 (12) "Write-in" means casting a valid vote for a person not listed on the ballot as a candidate
9 by:

10 (a) Inserting his or her name in the designated place when casting the vote by mail or
11 electronically; or

12 (b) Providing his or her name when casting the vote by telephone.

13 (13) "Write-in candidate" means a person who is not listed on the ballot as a candidate and
14 has been inserted or provided as a write-in.

15 Section 2. Use of Third-party Vendors. Subject to KRS 61.505(3)(d), the agency may
16 contract with third-party vendors to provide services for the trustee election process as provided
17 by KRS 61.645(4) and 78.782(4).

18 Section 3. Election and ballot requirements.

19 (1) At the expiration of an elected trustee's term of office, an election shall occur for:

20 (a) The Kentucky Retirement Systems Board of Trustees pursuant to KRS 61.645; and

21 (b) The County Employees Retirement System Board of Trustees pursuant to KRS 78.782.

22 (2) Ballots shall include:

23 (a) Candidates nominated by the Board in accordance with Section 4 of this administrative
24 regulation;

1 (b) Candidates nominated by Petition in accordance with Section 5 of this administrative
2 regulation; or

3 (c) A write-in option.

4 (3)(a) On or before May 31 of the year immediately preceding an election year, the agency
5 shall provide notice to participants detailing the steps he or she shall take to become a potential
6 candidate.

7 (b) A participant shall only be a potential candidate if he or she:

8 1. Is a member of the system in which he or she is seeking placement on the ballot, or is a
9 retired member with the majority of his or her service in that system;

10 2. Is not statutorily prohibited by virtue of term limits as established in KRS 61.645(3) and
11 78.782(3);

12 3. Completes the requirements of paragraph (c) of this subsection;

13 4. Passes the background check in accordance with subsection (4)(b) of this section;

14 5. Is determined constitutionally compatible in accordance with subsection (4)(c) of this
15 section;

16 6. Is not a current or former employee of the agency or the Board in which he or she is
17 seeking placement on the ballot; and

18 7. Is not in violation of any provision of KRS 11A.020 or 11A.040 by a court of competent
19 jurisdiction or any other statute.

20 (c) Each participant seeking to be a potential candidate shall file in accordance with the
21 notice indicated in paragraph (a) of this subsection:

22 1. A valid Application for Trustee;

23 2. A resume with cover letter;

24 3. A recent color photograph; and

1 4. An authorization for the agency to complete a background check.

2 (4)(a) The agency shall review the filed documentation to ensure a potential candidate
3 meets the requirements established in subsection (3)(b) of this section, and completed the
4 requirements established in subsection (3)(c) of this section and KRS 61.645 and 78.782.

5 (b) A background check shall be completed for each potential candidate.

6 (c) If currently employed, the Kentucky Attorney General's Office shall review the potential
7 candidate's employment to determine if it is constitutionally compatible with the trustee position
8 in accordance with KRS 61.080, 61.645, 78.782, and the Kentucky Constitution Section 165.
9 If the Kentucky Attorney General's Office indicates that the potential candidate's employment
10 is not constitutionally compatible with the trustee position, the potential candidate shall:

11 1. Be excluded from placement on the ballot; or

12 2. Be included for possible placement on the ballot if he or she agrees to resign from his or
13 her current position if elected, and provides a written statement as such.

14 Section 4. Nomination by the Board.

15 (1) The agency shall provide the respective system's Board with a list of potential
16 candidates who meet the requirements of Section 3(3) and (4) of this administrative regulation,
17 and each of his or her completed corresponding Applications for Trustee.

18 (2) The name of each candidate nominated by the respective Board within six (6) months
19 prior to the end of a term of office shall be placed on the ballot.

20 Section 5. Petitions.

21 (1) To be included on the ballot by petition, the potential candidate shall file a valid petition
22 no later than four (4) months from the end of the term of office set to expire.

23 (2) A valid petition is a petition that:

24 (a) Meets the requirements of Section 3(3) and (4) of this administrative regulation; and

1 (b) KRS 61.645(4)(b) and 78.782(4)(b).

2 (3) Each petition shall be reviewed by the agency to verify each signature belongs to a
3 participant of the respective system.

4 (4) The name of each candidate who meets the requirements of this section shall be placed
5 on the ballot.

6 Section 6.[Section 2.] Default to electronic ballots[Paper Ballot Request].

7 (1)[Between November 1 and November 30 of the year preceding the expiration of the term
8 of office and the trustee election, an eligible voter may request a paper ballot through Member
9 or Retiree Self-Service.] The agency[Systems] shall notify each[the] eligible voter that an
10 electronic ballot shall[will] be provided unless he or she requests a modification to the[a paper]
11 ballot type received in accordance with subsection (2) of this section[is requested during the
12 requisite time. The Systems shall request that the eligible voter verify the email address attached
13 to his or her account].

14 (2)(a) A[An eligible voter may also submit a written] request to modify the[for a paper] ballot
15 type shall be[if] received on or before November 30 of the year preceding the election year in
16 order to be effective for the upcoming[expiration of the term of office and the trustee] election.

17 Modifications of the ballot type include:

- 18 1. From an electronic ballot to[Once an eligible voter elects to receive] a paper ballot; and
19 2. From a paper ballot to an electronic ballot[, the voter shall receive paper ballots for all
20 subsequent elections unless the voter requests to vote electronically].

21 (b) An eligible voter shall[A] request a change[to modify] in the type of ballot:

- 22 1. Through the Self-Service Web site;
23 2. Via phone by calling the agency and providing his or her agency issued personal
24 identification number (PIN); or

1 3. By filing a signed written request~~[shall be received on or before November 30 of the year~~
2 ~~preceding the expiration of the term of office and the trustee election in order to be effective for~~
3 ~~the upcoming election].~~

4 (3) Once an eligible voter modifies the ballot type he or she receives, the eligible voter shall
5 receive the specified ballot type until he or she requests a change in the ballot type in accordance
6 with subsection (2) of this section.

7 Section 7.~~[Section 3.]~~ Ballot Preparation and delivery.

8 (1) The agency or its third-party vendor~~[Systems]~~ shall prepare the official ballot no later
9 than three (3) months prior to the expiration of the term of office. The ballot~~[, whether electronic~~
10 ~~or paper,]~~ shall:

11 (a) Provide a unique voter identification number;

12 (b) Provide details on how to vote by telephone;

13 (c) Contain~~[contain]~~ instructions defining what constitutes a valid vote; and

14 (d) Indicate~~[ballot. The System shall notify the eligible voter on the ballot]~~ that any invalid
15 vote~~[ballot]~~ shall not be counted.

16 (2) ~~[For both electronic and paper ballots, the eligible voter shall check a square opposite~~
17 ~~of the candidate of his or her choice pursuant to KRS 61.645(4)(f), or write in the name of an~~
18 ~~eligible member, for each position to be elected.]~~

19 ~~[Section 4. Delivery of Ballots.]~~

20 ~~[(1)]~~

21 ~~[(a) Electronic ballots]~~ Ballots shall be provided~~[emailed]~~ to the eligible voter on or before
22 January 20 of the election year~~[of the expiration of the term of office and the trustee election].~~

23 (a)~~[(b)]~~ For an electronic ballot,~~[The Systems shall use]~~ the email address on file on or
24 before December 31 of the year preceding the~~[expiration of the term of office and the trustee]~~

1 election year shall be used. If the eligible voter does not have a valid~~[an]~~ email address on file,~~[or~~
2 ~~the Systems receives notification that the email address is invalid so that]~~ the electronic ballot
3 shall not~~[cannot]~~ be sent.~~[the Systems shall mail]~~ If the agency discovered the invalid email
4 address on or before one (1) week prior to the deadline to cast a valid vote, a paper ballot shall
5 be mailed in accordance with paragraph (b) of this subsection~~[to the mailing address on file with~~
6 ~~the Systems. If the Systems receives a returned paper ballot with notification of a new mailing~~
7 ~~address from the United States Postal Service, the ballot will be sent to the new address if the~~
8 ~~notification is received]~~ .

9 ~~[(c) The Systems shall be held harmless for any incorrect email address submitted by the~~
10 ~~member or inadvertently entered by the Systems.]~~

11 ~~[(2)]~~

12 ~~[(a) Paper ballots shall be mailed to the eligible voter on or before January 20 of the year~~
13 ~~of the expiration of the term of office and the trustee election.]~~

14 (b) For a paper ballot, the valid physical~~[The Systems shall use the]~~ mailing address on
15 file~~[with the Systems]~~ on or before December 31 of the year preceding the election year shall be
16 used~~[expiration of the term of office and the trustee election]~~. If~~[the Systems receives]~~ a returned
17 paper ballot is received:

18 1. With~~[with]~~ notification of a new mailing address from the United States Postal Service,
19 the ballot will be mailed~~[sent]~~ to the new address if the notification is received on or before one
20 (1) week prior to the date the vote shall be cast; or

21 2. With no notification of a new mailing address from the United States Postal Service on
22 or before one (1) week prior to deadline to cast a valid vote, if the participant has a valid email
23 address on file, an electronic ballot shall be sent in accordance with paragraph (a) of this
24 subsection.

1 (c) The ballot shall not be provided if there is no valid physical mailing address and no valid
2 email address on file.

3 (2)[(e)] The agency and its third-party vendor[The Systems] shall be held harmless for any
4 incorrect email address or mailing address submitted by the participant[member] or inadvertently
5 entered by the agency or its third-party vendor[Systems].

6 Section 8.[Section 5.] Casting of Votes[Ballots].

7 (1)(a) For a vote to be accepted and counted as a valid vote, it[If an electronic ballot, the
8 ballot] shall be cast on or before the end of day on March 1 of the election year for an electronic
9 vote or vote by telephone, except as provided in paragraph (b) of this subsection.

10 (b)[(2)] For[If a] paper voting, the vote[ballot, the ballot] shall be on a ballot postmarked to
11 the required address by the end of day on[or before] March 1 of the election year.

12 (2)(a)[(3)] For an electronic or paper ballot, the eligible voter shall:

13 1. Indicate the candidate or candidates of his or her choice pursuant to KRS 61.645(4)(f)
14 and 78.782(4)(f); or

15 2. Indicate a write-in option and add the name of an eligible participant as specified by the
16 Board for which the vote is being cast.

17 (b) To cast a vote by electronic ballot, the eligible voter shall electronically sign the
18 completed ballot on the Web site provided to him or her and follow any other prompts.

19 (c) To cast a vote by paper ballot, the eligible voter shall sign the completed ballot and mail
20 it to the address indicated on the paper ballot.

21 (3)(a) To cast a vote by telephone, the eligible voter shall:

22 1. Call the number provided on the paper or electronic ballot;

23 2. Provide his or her unique voter identification number;

24 3. Indicate the candidate or write-in candidate of his or her choice verbally; and

1 4. Follow any other prompts.~~[Any ballot that does not meet this standard as established in~~
2 ~~subsection (1) or (2) of this Section]~~

3 (4) Each eligible voter shall cast only~~[submit]~~ one (1) vote per open position in each
4 applicable system~~[ballot]~~ and any subsequent vote~~[ballot]~~ received or submitted shall~~[will]~~ be
5 invalid and not accepted.

6 Section 9.~~[Section 6.]~~ Review of cast votes~~[Ballots]~~.

7 (1) The third-party vendor~~[The ballots shall be submitted to the board's contracted auditing~~
8 ~~firm. Access to the ballots shall be limited to the contracted auditing firm. The contracted auditor]~~
9 shall review each cast vote~~[ballot]~~ to ascertain whether it is a valid vote~~[ballot]~~.

10 (2)(a) Invalid votes shall include ballots:

11 1. Returned~~[Ballots returned]~~ to the agency or third-party vendor~~[Systems]~~ for faulty or
12 invalid physical mailing addresses or email addresses;

13 2. Incorrectly~~[, or ballots that are incorrectly]~~ returned or mailed to the street address of the
14 agency or third-party vendor; or

15 3. That do not comply with Section 8 of this administrative regulation~~[Systems, shall be~~
16 ~~invalid].~~

17 (b) Invalid votes shall not be considered or counted~~[All invalid ballots shall remain~~
18 ~~unopened and returned to the board's contracted auditor].~~ Once the final results are announced,
19 ~~the~~~~[invalid]~~ ballots from these invalid votes shall be shredded or otherwise electronically
20 destroyed by the third-party vendor~~[board's contracted auditing firm]~~ and a certificate shall be
21 provided to the agency~~[Systems]~~ confirming the shredding or destruction of these~~[the invalid]~~
22 ballots.

23 Section 10.~~[Section 7.]~~ Tabulation of Votes~~[Ballots]~~.

1 (1) After totaling the valid votes, ~~the third-party vendor~~~~[cast, the board's contracted auditing~~
2 ~~firm]~~ shall certify the results of the election in writing to the Chair of the respective Board~~[of~~
3 ~~Trustees]~~ in care of the Chief Executive Officer~~[Director]~~. The certified results shall be provided
4 to the agency~~[received at the retirement office]~~ on or before March 15 of the election year.

5 (2) Once all valid votes~~[electronic and paper ballots]~~ have been counted and the results
6 are~~[election is]~~ final, the third-party vendor~~[contracted auditing firm]~~ shall destroy all ballots,
7 including ballots or data generated and stored from electronic or telephone votes~~[ballots]~~, and
8 provide a certificate confirming the destruction of the ballots or data to the agency~~[Systems]~~.

9 (3)~~[Section 8. Term of Office.]~~ The candidate or write-in candidate with the~~[Candidates~~
10 ~~elected by a]~~ plurality of the valid votes~~[cast by eligible voters]~~ is elected to the vacant trustee
11 position and shall begin his or her~~[their]~~ term of office on April 1 of the election year.

12 (4) The agency shall notify each candidate and write-in candidate of the outcome of the
13 election.

14 ~~[Section 9. Deadlines. If any due date in this administrative regulation falls on a Saturday,~~
15 ~~Sunday, or day that the Systems is closed due to state holiday, the due date or time period~~
16 ~~deadline shall extend to the close of business of the next business day.]~~

17 Section 11. Incorporation by reference.

18 (1) "Application for Trustee", March 2022, is incorporated by reference.

19 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
20 at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601,
21 Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's Web
22 site at <https://kyret.ky.gov>.

APPROVED:

RYAN BARROW,
EXECUTIVE DIRECTOR
KENTUCKY PUBLIC PENSIONS AUTHORITY

DATE

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing to allow for public comment on this administrative regulation shall be held on Thursday, December 26, 2024, at 2:00 p.m. at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until Tuesday, December 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

CONTACT PERSON: Jessica Beaubien, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, KY 40601, email Legal.Non-Advocacy@kyret.ky.gov, telephone (502) 696-8800 ext. 8570, facsimile (502) 696-8615.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation number: 105 KAR 1:445
Contact person: Jessica Beaubien
Phone number: 502-696-8800 ext. 8570
Email: Legal.Non-Advocacy@kyret.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System. KRS 61.645(4)(j) and 78.782(4)(j) authorize the systems to promulgate an administrative regulation to implement the use of electronic and telephonic ballots in the trustee election process and requires paper ballots to be mailed upon request of any eligible voter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists with the effective administration of statutes by establishing the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds details to the procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections. Additionally, a form used for these processes has been incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this regulation is necessary to ensure accurate and complete procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections, are in the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System. KRS 61.645(4)(j) and 78.782(4)(j) authorize the systems to promulgate an administrative regulation to implement the use of electronic and telephonic ballots in the trustee election process and requires paper ballots to be mailed upon request of any eligible voter.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists with the effective administration of statutes by ensuring accurate and complete procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections, are in the regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 421,609 participants in the Kentucky Employees Retirement System, the State Police Retirement System, and the County Employees Retirement System. This administrative regulation will also affect the Kentucky Public Pensions Authority.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be minimally impacted by these changes. Most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (the Kentucky Public Pensions Authority) and its election services vendor.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of compliance with this administrative regulation should be negligible. Most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will ensure accurate and complete procedures and requirements for preparing and casting electronic, telephonic, and paper ballots, and the tabulation of the ballots for trustee elections, are included in the regulation. In addition, the regulated entity (Kentucky Public Pensions Authority) hopes to improve voter response in upcoming trustee elections by offering telephone voting.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The costs associated with the implementation of this amendment should be negligible.

(b) On a continuing basis: The continuing costs associated with this amendment should be negligible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. The regulated entity, potential applicants seeking to be elected as a trustee, and affected members are subject to the same processes and procedures.

FISCAL IMPACT STATEMENT

Regulation number: 105 KAR 1:445
Contact person: Jessica Beaubien
Phone number: 502-696-8800 ext. 8570
Email: Legal.Non-Advocacy@kyret.ky.gov

1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.505, 61.645(4)(j), and 78.782(4)(j).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions. The promulgating agency for this administrative regulation is the Kentucky Public Pensions Authority (KPPA). This administrative regulation will not affect any other state unit, part, or division.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There should be no expenditures, revenue, or cost saving for this administrative regulation in subsequent years because most of this administrative regulation is being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will not affect any local entities.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no local entities affected.

(4) Identify additional regulated entities not listed in questions (2) or (3): None

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no additional regulated entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The fiscal impact of this administrative regulation should be negligible because most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

- (b) Methodology and resources used to determine the fiscal impact: Most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have a major economic impact because most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

(b) The methodology and resources used to reach this conclusion: Most of this administrative regulation is already being administered as written. The new option for voting in trustee elections via telephone is already covered in the cost of an existing contract between the regulated entity (Kentucky Public Pensions Authority) and its election services vendor.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

“Application for Trustee” is a 2 page form used by participants in the systems to file an application to become a candidate for Trustee of his or her respective Board.



APPLICATION FOR TRUSTEE

Kentucky Public Pensions Authority

1260 Louisville Rd. • Frankfort KY 40601-6124
 Phone: (502) 696-8800 • Fax: (502) 696-8801 • kyret.ky.gov
 Deaf/Hard of Hearing TTY (502)564-4306

Trustee Information			
Today's Date (mm/dd/yyyy)		Date of Birth (mm/dd/yyyy) <i>For identification purposes only</i>	
Phone (select type) <input type="checkbox"/> Mobile <input type="checkbox"/> Home		Work Phone No.	
Last Name	First Name	Middle Name	Other Name (if any)
Select Retirement System in which you have majority of service: <input type="checkbox"/> CERS <input type="checkbox"/> CERS-H <input type="checkbox"/> KERS <input type="checkbox"/> KERS-H <input type="checkbox"/> SPRS			
Position(s) held in above selected system: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>			

Constitutional Incompatibility: Your application will not be processed if you select No.

Yes No Some Constitutional Offices or positions of public employment are considered constitutionally incompatible with other Constitutional Offices (see KRS 61.645, KRS 61.080, and Kentucky Constitution Section 165). If upon review of your application, it is deemed that you hold a Constitutional Office or position of employment that is incompatible with the office of Trustee, do you agree to resign that position prior to the beginning of the term of Trustee or to withdraw your application for Trustee upon notice of the incompatibility?

The following are examples of positions that **may** be constitutionally incompatible with the office of Trustee: Commissioner of the fiscal court in counties containing a city of the first class; Member of the legislative body of cities of the first class; Mayor and member of the legislative council of a consolidated local government; Mayor and member of the legislative body in cities of the home rule class; County Indexer; member of the Public Service Commission of Kentucky; member of the Worker's Compensation Board; an appointed office of a special purpose governmental entity that has the authority to levy taxes; and an officer or employee of any county, city, town, or other municipality. **This list is not all inclusive.** Current work information will be submitted to the Office of the Attorney General of Kentucky to make the final determination on constitutional compatibility.

Background

Yes No Have you ever been convicted of or plead guilty to a felony? If yes, list offense(s), date(s) of offense(s), date(s) of conviction(s) or plea(s), and jurisdiction(s) in which the offense(s) occurred. Conviction is not an automatic rejection of application.

Conflict of Interest

Yes No Do you or any member(s) of your immediate family own more than 5% interest in an entity that does business or might seek to do business with the CERS Board, KRS Board, or KPPA? If yes, please list below.

Yes No Do you or any member(s) of your immediate family serve in a leadership or fiduciary capacity with an entity that does business or might seek to do business with the CERS Board, KRS Board, or KPPA? If yes, please list below.

Yes No Do you have any other actual or potential conflicts of interest that may hinder or prevent you from serving as a Trustee? If yes, please list below.

Name: _____

Date _____

Licenses or Certificates: Please list any professional licenses or certifications you currently hold.

License or Certification Title & Number	Original Issue Date	Current Expiration Date	Name, Address & Phone of Licensing Agency

Membership in Organizations: Indicate current membership in professional organizations, if you wish for the organization to be listed in your biography.

ORGANIZATION	TITLE	DATE MEMBERSHIP EXPIRES

In order to be considered as an applicant for the position of Trustee, along with the completed application, you must submit the following items:

1. Cover Letter explaining your qualifications for serving as a trustee and why you would like to serve as a trustee.
2. Detailed résumé which includes name, address, phone number, e-mail address, educational background, and employment history. Employment history must include dates of employment, job title, employer name and address, and type of business.
3. Color picture, 5x7 or larger, in PNG or JPG format submitted to trustee.election@kyret.ky.gov.
4. Release for criminal background check to be completed by Kentucky State Police. Payment for the background check will be made by the retirement system conducting the election.

Please note that name and current work related information provided by applicants will be forwarded to the Office of the Attorney General of Kentucky who will then determine whether the member is constitutionally eligible to join the Board of Trustees.

Signature - Please read and sign the following statement:

I certify, under penalty of law, that the information given in this application is correct and complete to the best of my knowledge.

Date _____

Signature: _____

MEMORANDUM

TO: Ad Hoc Regulation Committee (“Committee”) for the Board of the Kentucky Public Pensions Authority (“Board”)

FROM: Carrie Bass, Staff Attorney Supervisor, Non-Advocacy Division, Office of Legal Services
Jessica Beaubien, Policy Specialist, Non-Advocacy Division, Office of Legal Services

DATE: August 19, 2024

RE: Committee approval of recommendation of KPPA staff to present an amended administrative regulation, 105 KAR 1:130, Hazardous Position Coverage, to the full Board for approval to file with the Office of the Regulations Compiler at the Legislative Research Commission (“Regulations Compiler”)

Purpose of amended administrative regulation:

Kentucky Revised Statutes 61.505(1)(g) authorizes the Board to promulgate and amend administrative regulations “on behalf of the Kentucky Retirement Systems and the County Employees Retirement System, individually or collectively” as long as the regulations are consistent with the provisions of Kentucky Revised Statutes 16.505 to 16.652, 61.510 to 61.705, 78.510 to 78.852, and 61.505. KRS 61.592 and 78.5520 prescribe the manner in which an employer shall request hazardous position coverage for employees, and the requirements for converting nonhazardous position coverage to hazardous position coverage. 105 KAR 1:130, Hazardous Position Coverage, is consistent with these provisions of the Kentucky Revised Statutes.

This administrative regulation establishes the requirements, procedures, and forms for requesting hazardous position coverage, or converting nonhazardous position coverage to hazardous position coverage. This amendment updates the language throughout the regulation to be consistent with the language used in all Kentucky Public Pensions Authority regulations and the definitions found in 105 KAR 1:001 (<https://apps.legislature.ky.gov/law/kar/titles/105/001/001/REG/>). Details have been added about the processes and procedures for requesting or converting to hazardous position coverage that are currently being used. Lastly, the forms incorporated by reference have been updated for clarity and consistency.

Staff Recommendation:

The Office of Legal Services requests that the Committee review the attached materials and recommend presenting 105 KAR 1:130, Hazardous Position Coverage, for filing approval to the full Board at the September 26, 2024 meeting.

List of attached materials:

1. 105 KAR 1:130, Hazardous Position Coverage.
2. Form 2011, HP-2, Hazardous Position Certification.

3. Form 4150, Certification of Employment in a Hazardous Position.
4. Form 7011, HP-1, Hazardous Participation Certification (CERS).
5. Form 7013, HP-1, Hazardous Participation Certification (KERS).
6. Form 7025, Position Questionnaire.

1 FINANCE AND ADMINISTRATION CABINET

2 Kentucky Public Pensions Authority

3 (Amendment)

4 105 KAR 1:130. Hazardous position~~[duty]~~ coverage.

5 RELATES TO: KRS 61.552, 61.560, 61.580, 61.592, 78.530, 78.545, 78.5520, 78.615,
6 78.650~~[78.545(30)]~~

7 STATUTORY AUTHORITY: KRS 61.505~~[61.645(9)(e)]~~

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the
9 Kentucky Public Pensions Authority~~[61.645(9)(e) requires the Board of Trustees of the~~
10 ~~Kentucky Retirement Systems]~~ to promulgate administrative regulations on behalf of the
11 Kentucky Retirement Systems and the County Employees Retirement System that are
12 consistent with~~[necessary or proper in order to carry out the provisions of]~~ KRS 16.505 to
13 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.592 and 78.5520
14 prescribe~~[KRS 61.592(2) requires the board to promulgate administrative regulations~~
15 ~~prescribing]~~ the manner in which an employer shall request hazardous position~~[duty]~~ coverage
16 for employees, and the requirements for converting nonhazardous position coverage to
17 hazardous position coverage. This administrative regulation establishes the requirements,
18 procedures, and forms for requesting, or converting to, hazardous position coverage.

19 Section 1. Definitions. "Systems" means the Kentucky Employees Retirement System or
20 the County Employees Retirement System.

21 ~~[(1) "County" is defined by KRS 78.510(3).]~~

1 ~~[(2) "Department" is defined by KRS 61.510(3).]~~

2 Section 2. Hazardous positions in the County Employees Retirement System.

3 (1) Pursuant to KRS 78.5520(2), County Employees Retirement System (CERS)
4 employers shall classify a position as a hazardous position only when authorized by the CERS
5 Board of Trustees.~~[If a county eligible to participate in the County Employees Retirement~~
6 ~~System chooses to provide hazardous duty coverage to all eligible employees, the county shall~~
7 ~~adopt an appropriate order to pay the required contributions and provide hazardous coverage~~
8 ~~to all eligible employees. Notwithstanding the three (3) month trial period set out in 105 KAR~~
9 ~~1:120, Section 2, the county's request for participation in County Employees Retirement System~~
10 ~~shall be submitted to the Board of Trustees at the first quarterly meeting which occurs at least~~
11 ~~one (1) month after the adoption of the appropriate order. The effective date of hazardous~~
12 ~~position coverage in the order shall be the date of the county's participation in County~~
13 ~~Employees Retirement System.]~~

14 (2) A CERS employer shall notify the agency of the intent to request authorization of a
15 hazardous position from the CERS Board of Trustees. Once notified, the agency shall provide
16 the employer with a hazardous position packet, including the date the completed packet shall
17 be returned to be presented for authorization to the CERS Board of Trustees. The hazardous
18 position packet stipulates that the employer shall submit:

19 (a) A resolution on the employer's letterhead stating the employer's intent to classify an
20 eligible position as a hazardous position, and the desired effective date of the hazardous
21 position classification;

22 (b) A valid Form 7011, HP-1, Hazardous Participation Certification (CERS), to certify that
23 the position identified in paragraph (a) of this subsection meets the definition of a hazardous
24 position and that sufficient funds have been budgeted for the required employer contributions;

1 (c) A job description for each position identified in this subsection,

2 (d) A valid Form 7025, Position Questionnaire, for each position identified in this
3 subsection; and

4 (e) A valid Form 2011, HP-2, Hazardous Position Certification, to certify the effective date
5 each employee began working in the position and the date of each employee's physical
6 examination by a licensed physician.

7 [Section 3.]

8 ~~[(1) A department participating in the Kentucky Employees Retirement System may~~
9 ~~provide hazardous position coverage upon authorization by the governing authority. The~~
10 ~~governing authority shall make the request for hazardous position coverage in writing to the~~
11 ~~Board of Trustees of Kentucky Retirement Systems. If the position is approved, the effective~~
12 ~~date of hazardous position coverage shall be the first day of any month following the quarterly~~
13 ~~meeting of the board of trustees which occurs after the date of the request.]~~

14 ~~[(2) A county participating in County Employees Retirement System may provide~~
15 ~~hazardous position coverage upon adoption of a resolution by its governing authority to transfer~~
16 ~~eligible positions from nonhazardous to hazardous position coverage. The governing authority~~
17 ~~shall make a written request for hazardous position coverage to the Board of Trustees of~~
18 ~~Kentucky Retirement Systems. If the position is approved for hazardous coverage, the effective~~
19 ~~date of hazardous position coverage shall be the first day of any month following the quarterly~~
20 ~~meeting of the Board of Trustees of Kentucky Retirement Systems in which the hazardous~~
21 ~~position coverage is approved unless a different date is approved by the Board of Trustees of~~
22 ~~Kentucky Retirement Systems.]~~

23 (3)(a)[(a)1.-] An employee[Employees] who began participating in CERS[County
24 Employees Retirement System] prior to September 1, 2008 and was[were] working in a CERS

1 hazardous position~~[covered positions in County Employees Retirement System]~~ prior to
2 September 1, 2008, shall continue to participate as a hazardous position employee~~[covered~~
3 ~~employees]~~ as long as he or she remains~~[they remain]~~ in a position that has been approved for
4 hazardous position coverage.

5 (b)~~[2.]~~ An employee~~[Employees]~~ who began participating in CERS~~[County Employees~~
6 ~~Retirement System]~~ prior to September 1, 2008 and is~~[are]~~ subsequently employed in a
7 hazardous position~~[covered positions]~~, shall participate as a hazardous position
8 employee~~[covered employees]~~ as long as he or she remains~~[they remain]~~ in a position that has
9 been approved for hazardous position coverage.

10 (c)~~[(b)]~~ An employee~~[Employees]~~ who began~~[begin]~~ participating in CERS~~[County~~
11 ~~Employees Retirement System]~~ on or after September 1, 2008 in a position that was approved
12 as a~~[for]~~ hazardous position~~[coverage]~~ prior to September 1, 2008, shall not be reported as a
13 hazardous position employee~~[covered employees]~~ until the position is approved by the
14 CERS~~[county requests that the]~~ Board of Trustees~~[of Kentucky Retirement Systems approve]~~
15 as a hazardous position in accordance with Section 4(1) of this administrative
16 regulation~~[coverage for those positions that meet the criteria as set out in KRS 61.592(1)(b),~~
17 ~~and hazardous coverage is approved by the Board of Trustees of Kentucky Retirement Systems~~
18 ~~for those positions]~~, even if the position was~~[has]~~ previously~~[been]~~ approved as a~~[for]~~ hazardous
19 position~~[coverage]~~.

20 Section 3.~~[Section 4.]~~ Hazardous positions in the Kentucky Employees Retirement
21 System.

22 (1) Pursuant to KRS 61.592(2), an employer in the Kentucky Employees Retirement
23 System (KERS) shall classify a position as a hazardous position only when authorized by the
24 Kentucky Retirement Systems (KRS) Board of Trustees.

1 (2) A KERS employer shall notify the agency of the intent to request authorization of a
2 hazardous position from the KRS Board of Trustees. Once notified, the agency shall provide
3 a hazardous position packet, including the date the completed packet shall be returned to be
4 presented for authorization to the KRS Board of Trustees. The hazardous position packet
5 stipulates that the employer shall submit:

6 (a) A valid~~[The department shall complete and submit the]~~ Form 7013, HP-1, Hazardous
7 Position Certification (KERS), to certify that the position identified in this subsection meets the
8 definition of a hazardous position and~~[- The form shall be signed by the head of the department~~
9 ~~and by an individual who can attest]~~ that sufficient funds have been budgeted for the required
10 employer contributions.

11 (b) A~~[For departments of the Commonwealth of Kentucky, the department shall also~~
12 ~~submit a]~~ letter from the Governor's Office for~~[of]~~ Policy and Management verifying sufficient
13 funds have been allocated for hazardous position contribution rates~~[budgeted for employer~~
14 ~~contributions].~~

15 ~~[(2) The county shall complete and submit the "Form 7011, HP-1, Hazardous~~
16 ~~Participation Certification (CERS)". The form shall be signed by the agency head and by an~~
17 ~~individual who can attest that sufficient funds have been budgeted for the employer~~
18 ~~contributions.]~~

19 (c) A list of all positions identified in this subsection, which shall include the name, social
20 security number, and position title of all affected individuals who are currently employed. For
21 KERS employers reported by the Personnel Cabinet, the list of positions shall also include the
22 unique eight-character Job ID used by the Personnel Cabinet which shall be different than a
23 nonhazardous position Job ID.

24 (d) A job description for each position identified in this subsection.

1 ~~[Section 5. The county or department shall submit a description of the duties of each~~
2 ~~position for which hazardous coverage is requested.]~~

3 ~~(e)(1) A valid Form~~~~[The agency shall complete Sections 1 and 3 of]~~ 7025, Position
4 Questionnaire, for each position identified in this subsection~~[employees of a department and~~
5 ~~for employees of a county whose participation date was prior to September 1, 2008].~~

6 ~~[(2) The agency shall complete Sections 2 and 3 of Form 7025, Position Questionnaire,~~
7 ~~for employees of a county whose participation date was on or after September 1, 2008.]~~

8 ~~[Section 6.]~~

9 ~~(f) A valid~~~~[The county or department shall complete and submit a]~~ Form 2011, HP-2,
10 Hazardous Position Certification, to certify the effective date~~[provided by the retirement system~~
11 ~~for]~~ each employee began working in the~~[a]~~ position and the date of each employee's physical
12 examination by a licensed physician~~[for which the coverage has been requested. If there is any~~
13 ~~change in the employee's work assignment or classification, the county or department shall~~
14 ~~submit a new Form 2011, HP-2, Hazardous Position Certification, indicating the change in the~~
15 ~~position].~~

16 Section 4. Board of Trustees determination.

17 (1)(a) The CERS Board of Trustees shall review all hazardous position classification
18 requests and information provided by the CERS employer as indicated in Section 2 of this
19 administrative regulation to determine if each position meets the requirements to be classified
20 as a hazardous position.

21 (b) If the CERS hazardous position is authorized by the CERS Board of Trustees, the
22 hazardous position effective date will be the first day of the month following the CERS Board of
23 Trustees meeting at which it was authorized, unless the CERS Board of Trustees specifies a
24 different date.

1 (2)(a) The KRS Board of Trustees shall review all hazardous position requests and
2 information provided by the KERS employer as indicated in Section 3 of this administrative
3 regulation to determine if each position meets the requirements to be classified as a hazardous
4 position.

5 (b) If the KERS hazardous position is authorized by the KRS Board of Trustees, the
6 hazardous position effective date will be the first day of the month following the KRS Board of
7 Trustees meeting at which it was authorized, unless a different date is specified by the Board.

8 Section 5. Hazardous service certification and revocation.

9 (1)(a) CERS and KERS employers shall compete and submit a valid Form 2011, HP-2,
10 Hazardous Position Certification, at initial hire and each time an employee begins a new
11 hazardous duty position or changes his or her hazardous duty position as required by KRS
12 61.592(5) and 78.5520(4).

13 (b) The employer shall retain a copy of the physical examination by a licensed physician
14 and submit a copy to the agency.

15 (2) The CERS Board of Trustees shall have the authority to revoke a CERS employee's
16 hazardous position classification pursuant to KRS 78.5520(2)(c).

17 ~~[Section 7.]~~

18 Section 6. Conversion of position from nonhazardous to hazardous.

19 (1)(a) To convert nonhazardous service credit to hazardous service credit, a member
20 shall:

21 1. Have membership date prior to January 1, 2014; and

22 2. Have previously worked in a nonhazardous position that has been converted to a
23 hazardous position.

1 (b) The employer for the converted hazardous position shall have participated in the
2 systems prior to the conversion pursuant to KRS 61.592(3)(c) and 78.5520(3)(a).

3 (c) Payment of the cost of converting shall be paid in accordance with subsection (3) of
4 this section.

5 (2)(a) To request the conversion of nonhazardous service credit to hazardous service
6 credit, the employer shall complete and submit a valid Form 4150, Certification of Employment
7 in a Hazardous Position, to verify employee and employer participation in accordance with
8 subsection (1)(a) and (b).

9 (b) The agency shall review the Form 4150 and determine if the service credit is eligible
10 for conversion. If eligible, the agency shall provide the member with the cost of converting.

11 (3)(a) The cost of converting the nonhazardous service credit to hazardous service credit
12 shall be paid by the member as provided by KRS 61.552(9) and 78.545, unless:

13 1. The employer elects to pay the cost; or

14 2. The~~[If the]~~ county elects to pay the cost pursuant to KRS 78.530(3)(a), (d), or (f),~~[to~~
15 ~~pay the cost of providing hazardous coverage for current employees for past service in positions~~
16 ~~approved for hazardous coverage,]~~ and the county requests~~[shall request]~~ and pays~~[pay]~~ for an
17 actuarial study to determine the cost.

18 (b) Payments made by the member shall not be picked up by the employer as described
19 in KRS 61.560(4) and 78.615(1).

20 (c)1. Payment is due in full thirty (30) days from the date the cost of converting the service
21 credit is provided to the employee, or in accordance with a payment schedule made with the
22 agency.

1 2. Payments made by an employer shall be deposited to the retirement allowance
2 account of the appropriate retirement system as established in KRS 61.580 and 78.650, and
3 these funds shall not be considered accumulated contributions of the individual employee.

4 3. Payments made by a member, including interest, shall be deposited into his or her
5 account as established in KRS 61.575 and 78.640 and are included in the member's
6 accumulated contributions.

7 4. If payment is not made in accordance with this paragraph, the service credit prior to
8 hazardous position classification shall remain nonhazardous service credit.

9 ~~[Section 8. Local government employers may be obligated by statutes outside KRS~~
10 ~~Chapter 61 to certify certain positions as hazardous.]~~

11 Section 7.~~[Section 9.]~~ Incorporation by Reference.

12 (1) The following material is incorporated by reference:

13 (a) "Form 2011, HP-2, Hazardous Position Certification," November 2024~~[April 2009]~~;

14 (b) "Form 4150, Certification of Employment in a Hazardous Position", November 2024;

15 (c) "Form 7011, HP-1, Hazardous Participation Certification (CERS)", November
16 2024~~[April 2009]~~;

17 (d)~~(e)~~ "Form 7013, HP-1, Hazardous Participation Certification (KERS)", November
18 2024~~[April 2009]~~; and

19 (e)~~(d)~~ "Form 7025, Position Questionnaire", November 2024~~[April 2009]~~.

20 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
21 law, at the Kentucky Public Pensions Authority~~[Kentucky Retirement Systems, Perimeter Park~~
22 ~~West]~~, 1260 Louisville Road, Frankfort, Kentucky, Monday through Friday, 8 a.m. and 4:30 p.m.

23 This material is also available on the Kentucky Public Pensions Authority's Web site at
24 kyret.ky.gov.

APPROVED:

RYAN BARROW,
EXECUTIVE DIRECTOR
KENTUCKY PUBLIC PENSIONS AUTHORITY

DATE

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing to allow for public comment on this administrative regulation shall be held on Thursday, December 26, 2024, at 2:00 p.m. at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until Tuesday, December 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

KPPA shall file a response with the Regulations Compiler to any public comments received, whether at the public comment hearing or in writing, via a Statement of Consideration no later than the 15th day of the month following the end of the public comment period, or upon filing a written request for extension, no later than the 15th day of the second month following the end of the public comment period.

CONTACT PERSON: Jessica Beaubien, Policy Specialist, Kentucky Public Pension Authority, 1260 Louisville Road, Frankfort, KY 40601, email Legal.Non-Advocacy@kyret.ky.gov, telephone (502) 696-8800 ext. 8570, facsimile (502) 696-8615.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation number: 105 KAR 1:130
Contact person: Jessica Beaubien
Phone number: 502-696-8800 ext. 8570
Email: Legal.Non-Advocacy@kyret.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements, procedures, and forms for requesting, or converting to, hazardous position coverage.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements, procedures, and forms for requesting, or converting to, hazardous position coverage.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System. KRS 61.592 and 78.5520 prescribe the manner in which an employer shall request hazardous position coverage for employees, and the requirements for converting nonhazardous position coverage to hazardous position coverage.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists with the effective administration of statutes by establishing the requirements, procedures, and forms for requesting or converting to hazardous position coverage.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds details to the processes and procedures for an employer to request hazardous position coverage, and the process of converting nonhazardous position coverage to hazardous coverage position. Additionally, forms used for these processes are incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this regulation is necessary to ensure the establishment of all requirements, procedures, and forms for requesting or converting to hazardous position coverage.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System. KRS 61.592 and 78.5520 prescribe the manner in which an employer shall request hazardous position coverage for employees, and the requirements for converting nonhazardous position coverage to hazardous position coverage.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists with the effective administration of statutes by establishing the requirements, procedures, and forms for requesting or converting to hazardous position coverage.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect

approximately 1,453 employers that participate in the Kentucky Employees Retirement System and the County Employees Retirement System. This administrative regulation will also affect the Kentucky Public Pensions Authority. Finally, this administrative regulation may impact an unknown number of members participating in the Kentucky Employees Retirement System and the County Employees Retirement System.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be minimally impacted by these changes as this administrative regulation is already being administered as written.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of compliance with this administrative regulation should be negligible, as this administrative regulation is already being administered as written.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefits should be negligible, as this administrative regulation is already being administered as written.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The costs associated with the implementation of this amendment should be negligible.

(b) On a continuing basis: The continuing costs associated with this amendment should be negligible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. All employers and individuals are subject to the same processes and procedures.

FISCAL IMPACT STATEMENT

Regulation number: 105 KAR 1:130
Contact person: Jessica Beaubien
Phone number: 502-696-8800 ext. 8570
Email: Legal.Non-Advocacy@kyret.ky.gov

1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.505.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions. The promulgating agency for this administrative regulation is the Kentucky Public Pensions Authority (KPPA). This administrative regulation will affect the KPPA, and approximately 333 state government employers that participate in the Kentucky Employees Retirement System.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There should be no expenditures, revenue, or cost saving for this administrative regulation in subsequent years because this administrative regulation is being administered as written.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): The County Employees Retirement System and 1,120 county and local employers that participate in the County Employees Retirement System.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There should be no expenditures, revenue, or cost saving for this administrative regulation in subsequent years because this administrative regulation is being administered as written.

(4) Identify additional regulated entities not listed in questions (2) or (3): None

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no additional regulated entities not listed in questions (2) or (3).

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The fiscal impact of this administrative regulation should be negligible because this administrative regulation is already being administered as written.

(b) Methodology and resources used to determine the fiscal impact: This administrative regulation is already being administered as written.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have a major economic impact because this administrative regulation is already being administered as written.

(b) The methodology and resources used to reach this conclusion: This administrative regulation is already being administered as written.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

Form 2011, HP -2, Hazardous Position Certification, is a 1 page form employers use to certify the effective date each employee began working in a hazardous position and the date of each employee's physical examination by a licensed physician. This form has been amended for clarity and consistency with statutory requirements. A legal certification statement has also been added.

Form 4150, Certification of Employment in a Hazardous Position, is a 1 page form employers complete to request the conversion of eligible nonhazardous service credit to hazardous service credit. This form has been amended to add a required question on employer participation and to add a legal certification.

Form 7011, HP-1, Hazardous Participation Certification (CERS), is a 1 page form CERS employers use to certify that a position meets the definition of a hazardous position and that sufficient funds have been budgeted for the required employer contributions. This form has been amended for clarity and consistency with statutory requirements. A legal certification statement has also been added.

Form 7013, HP-1, Hazardous Position Certification (KERS), is a 1 page form KERS employers use to certify that a position meets the definition of a hazardous position and that sufficient funds have been budgeted for the required employer contributions. This form has been amended for clarity and consistency with statutory requirements. A legal certification statement has also been added.

Form 7025, Position Questionnaire, is 2 page form employers complete to petition the respective Board of Trustees for approval of a hazardous position. This form has been amended for clarity and consistency with statutory requirements. A legal certification statement has also been added.



KENTUCKY PUBLIC PENSIONS AUTHORITY
 1260 Louisville Road • Frankfort, KY 40601
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Form 2011
 Revised 11/2024

Hazardous Duty Certification H.P.-2

Member Information		
Member Name:	Member ID:	Age:
Title of Position:		
Start Date in the Hazardous Position:	Physical Examination Date:	

Hazardous Employment and Physical Examination Certification

The Governing Body of the employer indicated below certifies that it fully understands and acknowledges:

- The laws and provisions established under KRS 61.592 and 78.5520 providing hazardous position coverage;
- The Board of Trustees of the County Employees Retirement System or the Board of Trustees of the Kentucky Employees Retirement System approved hazardous position coverage for the positions certified to it by this employer;
- The above employee is working in a regular full-time hazardous position as defined in KRS 61.592 and 78.5520, and the employee received a physical examination on the date indicated above as a requirement for employment in this position. **A copy of the physical examination record should accompany this form.**
- If there is any change in the work assignment or classification of the above individual, a new Form H.P.-2 shall be submitted. Additionally, if the change would result in duties that no longer could be classified as hazardous, the individual is to be transferred from hazardous position coverage to non-hazardous position coverage.

I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent and I (personally) may be liable for restitution of the benefits for which the member was not eligible to receive, civil payments, legal fees, and costs.

Employer: _____

Agency Head or Authorized Agent signature: _____ Date: _____

Printed Name: _____



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Form 4150
 Revised 11/2024

Certification of Employment - Hazardous Position

Member Information			
Member Name:		Member ID:	
Address:	City:	State:	Zip Code:
Work Phone:		Home Phone:	

This form is being completed to verify that the member identified above previously worked in the position(s) identified below that were nonhazardous positions converted to hazardous positions during a time when the employer was participating in the systems pursuant to KRS 61.592(3)(c) and 78.5520(3)(a).

Employer Certification: To be completed by the personnel administrator of the employer where the member was employed in a hazardous position.

List below the effective dates of employment in a hazardous position. Please indicate both beginning and ending dates or note "to present" if member is currently classified as hazardous. Please certify hazardous position employment prior to the date the employer adopted hazardous coverage.

Employer	Job Title	Employment Dates	
		From	To

I certify that the above is an accurate record of this employee's employment in a hazardous position, and the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent and I (personally) may be liable for restitution of the benefits for which the member was not eligible to receive, civil payments, legal fees, and costs.

Personnel Administrator Name: _____ Phone Number: _____

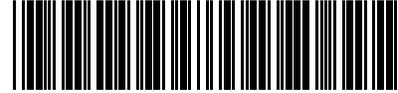
Personnel Administrator Signature: _____ Date: _____

When both sections have been completed, please return this form to Kentucky Public Pensions Authority at 1260 Louisville Road, Frankfort, KY 40601.



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Form 7011
Revised 11/2024

Print Form

**Hazardous Participation Certification
(CERS) Form H.P.-1**

As Defined by KRS 78.5520

The Governing Body of _____ is aware of the laws and provisions established under KRS 78.5520 providing hazardous position coverage under the County Employees Retirement System and requests the Board of Trustees of the County Employees Retirement System to approve hazardous position coverage for the positions listed on the attached report effective as of _____. The attached report indicates the name, social security number, and position title of each individual presently working as a regular full-time employee in the positions for which hazardous position coverage is requested.

CERTIFICATION

The employer certifies that it fully understands and acknowledges:

- The employer is fully responsible for ensuring that current or future employees for which hazardous position coverage is approved are properly classified in accordance with the duties and responsibilities of the position.
- Hazardous position coverage is ongoing once a position is approved for hazardous position coverage, and each employee appointed to that position must be reported to the Kentucky Public Pensions Authority as a hazardous position employee.
- Any change in the work assignment or classification of any employee presently assigned to a hazardous position which change would result in duties that no longer could be classified as hazardous, requires that the individual is transferred from hazardous position coverage to nonhazardous position coverage.
- Employer contribution rates are determined based on an actuarial valuation, the employer will be responsible for any increased financial obligation associated with an increase in employer contribution rates and is responsible for ensuring there are sufficient funds budgeted for employer contributions.

I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent and I (personally) may be liable for restitution of the benefits for which the member was not eligible to receive, civil payments, legal fees, and costs.

Agency Head or Authorized Agent signature: _____

Printed name: _____

Date: _____

Budget Officer signature: _____

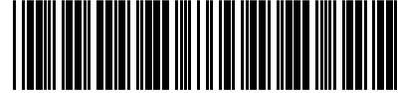
Printed name: _____

Date: _____



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Print Form

Form 7013
Revised 11/2024

**Hazardous Participation Certification
(KERS) Form H.P.-1**

As Defined by KRS 61.592

The Department of _____ is aware of the laws and provisions established under KRS 61.592 providing hazardous position coverage under the Kentucky Employees Retirement System and requests the Board of Trustees of the Kentucky Retirement Systems to approve hazardous position coverage for the positions listed on the attached report effective as of _____. The attached report indicates the name, social security number, and position title of each individual presently working as a regular full-time employee in the positions for which hazardous position coverage is requested.

CERTIFICATION

The employer certifies that it fully understands and acknowledges:

- The employer is fully responsible for ensuring that current or future employees in a position for which hazardous position coverage is approved are properly classified in accordance with the duties and responsibilities of the position.
- Any change in the work assignment or classification of any employee presently assigned to a hazardous position which would result in duties that no longer could be classified as hazardous, requires that the individual is transferred from hazardous position coverage to nonhazardous position coverage.
- Hazardous position coverage is ongoing once a position is approved for hazardous position coverage, and each employee appointed to that position must be reported to the Kentucky Public Pensions Authority as a hazardous position employee.
- Employer contribution rates are determined based on an actuarial valuation, the employer will be responsible for any increased financial obligation associated with an increase in employer contribution rates and for ensuring there are sufficient funds budgeted for employer contributions.

I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent and I (personally) may be liable for restitution of the benefits for which the member was not eligible to receive, civil payments, legal fees, and costs.

Agency Head or Authorized Agent signature: _____

Printed name: _____

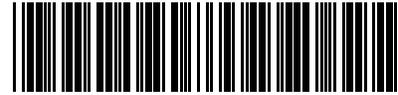
Date: _____

Budget Officer signature: _____

Printed name: _____

Date: _____

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Print Form

Form 7025
Revised 11/2024

Position Questionnaire

Instructions

KERS employers, to petition the Board for approval of hazardous position employees, complete Sections 1 and 3.
CERS employers, to petition the Board for approval of hazardous position employees:
• With a CERS participation date prior to 9/1/2008, complete Sections 1 and 3.
• With a CERS participation date on or after 9/1/2008, complete Sections 2 and 3.

Section 1: For KERS Employees, or Employees With a CERS Participation Date Prior to September 1, 2008

Employer: _____ Position Title: _____
Is this position required to have Peace Officer Professional Standards and Certification? Yes No
If no, is this position required to carry a firearm? Yes No
Does this position require active fire suppression or prevention? Yes No
Does this position require frequent exposure to a high degree of danger or peril? Yes No
Does this position require a high degree of physical conditioning? Yes No
Are the employee's duties primarily clerical or administrative? Yes No

Section 2: For Employees With a CERS Participation Date On or After September 1, 2008

Employer: _____ Position Title: _____

Select the appropriate position classification:
 Police Officer as defined by KRS 61.315(1)(a)
 Firefighter as defined by KRS 61.315(1)(b)
 Paramedic
 Correctional Officer or Employee that routinely requires face to face contact with inmates
 Emergency Medical Technician

Answer all the following questions:
Does this position require frequent exposure to a high degree of danger or peril? Yes No
Does this position require a high degree of physical conditioning? Yes No
Are the employee's duties primarily clerical or administrative? Yes No

Employer: _____

Position Title from job description: _____

Section 3: For All Positions

List all the specific position's duties in the boxes provided (i.e. training, field duties, clerical, or administrative duties, etc.)

- These should be different from the position title.
- List the percentage of time spent performing each duty (total percentages must equal 100%).
- If extra space is needed, a copy of this page can be used.

BE AS DETAILED AS POSSIBLE. The Board of Trustees will use this document in determining if the position meets the definition of hazardous position per KRS 61.592 and 78.5520.

Position Duty: _____

Percentage of Time Spent: _____

Description of Duties:

Position Duty: _____

Percentage of Time Spent: _____

Description of Duties:

Position Duty: _____

Percentage of Time Spent: _____

Description of Duties:

I hereby certify that the information completed on this form is true and accurate. I acknowledge that I have full understanding that any person who provides a false statement, report, or representation to a governmental entity such as KPPA is subject to penalty of perjury in accordance with KRS 523.010, et seq. I further acknowledge that if I knowingly submit or cause to be submitted a false or fraudulent claim for the payment or receipt of benefit, the employer I represent and I (personally) may be liable for restitution of the benefits for which the member was not eligible to receive, civil payments, legal fees, and costs.

Agency Head Signature: _____ Date: _____

Printed name: _____ Agency Head title: _____