

196.167 Transfer of employees, property, and records associated with inmate education from the Kentucky Community and Technical College System to the department -- Employee benefits.

- (1) Effective July 1, 2010, faculty and staff of the Kentucky Community and Technical College System who:
 - (a) Are engaged in providing educational services and support to inmates at institutions; and
 - (b) Exercise the option in subsection (4) of this section;shall be transferred to the Department of Corrections along with the funding associated with those employees. The Personnel Cabinet shall assist the department in implementing the transfer of employees according to this section.
- (2) Employees transferred pursuant to subsection (1) of this section shall retain:
 - (a) Their salaries and leave time balances accumulated as of the transfer date;
 - (b) For purposes of determining leave time accumulation, the date of initial employment with a state agency or a postsecondary educational institution, whichever is earlier; and
 - (c) For purposes of calculating retirement and retiree health benefits and contributions, the earlier of the date of initial participation in:
 1. A state-administered retirement system if the employee has participated or is participating in the Kentucky Employees Retirement System or the Kentucky Teachers' Retirement System; or
 2. A defined contribution plan that meets requirements of 26 U.S.C. sec. 403(b), for employees of the Kentucky Community and Technical College System.Nothing in this paragraph shall be construed to provide additional service credit for the employee prior to the transfer date other than what has been credited to the appropriate retirement system.
- (3) Employees exercising their option under subsection (4) of this section may elect to be covered under KRS Chapter 18A and receive:
 - (a) All rights and benefits provided to other employees in the department; and
 - (b) Their choice of retirement benefits under:
 1. The Kentucky Teachers' Retirement System; or
 2. Hazardous duty retirement benefits under the Kentucky Employees Retirement System with hazardous duty contributions and coverage beginning July 1, 2010. The hazardous duty retirement benefits shall be calculated in accordance with KRS 61.510 to 61.705.
- (4) Employees of the Kentucky Community and Technical College System engaged in providing educational services and support to inmates at institutions shall choose whether to remain in their present employment and be assigned to the department to continue providing these services, or become an employee of the department under the terms of this section. Employees shall make their choice on or before June 15,

2010, and shall have access to counseling prior to June 15, 2010, by representatives of the department, the Kentucky Community and Technical College System, applicable retirement systems, and the Personnel Cabinet concerning the effect that choosing employment with the department would have on the employee. If an employee does not make a choice on or before June 15, 2010, that employee shall be deemed to have chosen to exercise the option to become an employee of the department with retirement benefits described in subsection (3)(b)2. of this section.

- (5) Effective July 1, 2010, all instructional supplies, equipment, funds, and records of the Kentucky Community and Technical College System associated with the provision of educational services and support to inmates at institutions shall be transferred to the department along with all financial and management oversight responsibility and liability for these programs.

Effective: April 8, 2010

History: Created 2010 Ky. Acts ch. 104, sec. 1, effective April 8, 2010.

Legislative Research Commission Note (4/8/2010). 2010 Ky. Acts ch. 104, sec. 5, provides that for employees electing to be covered under KRS Chapter 18A pursuant to subsection (3)(b)2. of this section, hazardous duty contributions, coverage, and benefits shall begin July 1, 2010, and hazardous duty coverage shall continue while the employee is employed with the Department of Corrections in a position providing educational service and support to inmates.