

Reemployment of Retired Members of the Kentucky Retirement System

As cities continue to operate and provide essential services to our citizens during the COVID-19 pandemic, we are seeing an increase in quarantine or isolation recommendations for city employees. Cities are preparing to address potential staffing shortages if several employees must quarantine or isolate at the same time. Reemployment of retirees is one strategy cities are using to bridge this staffing gap.

Reemployment of retired first responders

On March 31, 2020, the Governor issued Executive Order 2020-265 https://www.klc.org/userfiles/20200331_Executive-Order_2020-265_Retiree-Reemployment20200401145027.pdf waiving the requirement for prior approval from the Kentucky Retirement System (KRS) of reemployment of retired first responders. This waiver is limited to law enforcement officers, emergency medical service personnel, firefighters, state park rangers, and state corrections officers.

The Order also waives any and all “break in service” requirements for these reemployed first responders so long as the city provides KRS with a written statement of why the city had a need that did not allow for the break in service due to the COVID-19 Kentucky State of Emergency. It is unclear from this order of the timing for providing the written statement to KRS. Cities should have a statement prepared for each hire and include on the mandatory list, described below. A sample statement—that needs to be tailored to the circumstances in your city—is included:

The COVID-19 pandemic which led to the state of emergency under Executive Order 2020-215 has also created staffing shortages in the City of ____’s police/fire/emergency medical services department(s) that prevented the break in service for [employee’s name].

Keep in mind the “bona fide separation in service” required by federal law remains in effect. This means the city cannot have a prearranged agreement with a KRS employee to rehire them once they retire. The certification that there is no prearranged agreement will be due to KRS within 30 days of the end of the Kentucky State of Emergency.

Cities shall maintain a list of such reemployed retirees and must submit the list to KRS ***within 30 days of the expiration or the rescission of the Kentucky State of Emergency***. The list shall contain:

- Retired member’s name [EO 2020-265, 4(a)];
- Retired member’s member ID number [EO 2020-265, 4(b)];
- A statement as to whether the retired member was paid or not paid [EO 2020-265, 4(c)];
- If the retired member was paid, a statement of the amount the retired member was paid, the hourly rate of pay for the retired member, and the number or hours the retired member worked [EO 2020-265, 4(d)];
- If a retired member had not observed the break in service, a statement as to why the break was not allowed as discussed above (EO 2020-265, 5); and
- Cities shall also submit the certification that no prearranged agreement existed between the employer and employee (EO 2020-265, 7).

Other essential city employees

Cities may also need to reemploy retirees to provide other essential services, like those in utilities or other public works departments. All reemployment requirements still apply to all paid or volunteers in these positions. This means there must still be a break in service and no prearranged agreement to hire after retirement. More information on the reemployment requirements can be found on the KRS website.

Additionally, KRS has provided the following information to help expedite reemployment approval for those cities needing to hire retirees for essential positions:

In recognition that many employers participating in Kentucky Retirement Systems provide essential services to communities around the Commonwealth, Kentucky Retirement Systems has set up an email and fax line for **retired-reemployed inquiries concerning first responders and other personnel that will be essential to a participating employer's planning and response to the COVID-19 State of Emergency**. We ask that employers please use the following fax and email only for inquiries, forms, and information concerning the hiring of recent retirees in first responder and other positions essential to the employer's planning and response to the COVID-19 State of Emergency. For such inquiries, forms, and information, employers may use one of the following:

- Fax: (502) 696-8615
- Email:
 - Members and employers seeking or providing forms or information regarding one or more specific members:
 - Email Retired.ReEmployed@kyret.ky.gov using Kentucky Retirement Systems' secure email portal.
 - The secure email portal can be found here: <https://web1.zixmail.net/s/login?b=kyret>
 - The user manual for the secure email portal can be found here: <https://kyret.ky.gov/Employers/Documents/KRSSecureEmailPortalUserManual.pdf>
 - Employers seeking general information that is not specific to a particular member:
 - Contact your Employer Reporting, Compliance, and Education (ERCE) Representative or
 - Email Retired.ReEmployed@kyret.ky.gov

If the city is exploring the option of having any retiree volunteer, the city may need to consider enacting an order creating volunteer positions if the city does not have a volunteer classification in their personnel policy. For a sample or for other questions, please contact Personnel Services Attorney Courtney Risk Straw and Personnel Services Manager Andrea Shindlebower Main.