



Sheriff Employment of Retired Police Officers

Background

[Kentucky Revised Statute 70.291-70.293](#)¹ outlines reemployment exceptions for participating Sheriffs' offices hiring retired police officers. A participating Sheriff's office may be exempt from paying employer contributions and insurance reimbursements normally due on retired members, provided the retired officer meets the following criteria:

- The officer participated in the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) under [Kentucky Revised Statute 15.410-15.515](#) or retired as a commissioned officer pursuant to [Kentucky Revised Statute Chapter 16](#);
- The officer retired from KERS, CERS, or SPRS with at least 20 years of service credit;
- The officer retired with no administrative charges pending;
- The officer has met the separation of employment requirements found in [Kentucky Revised Statute 61.637](#). [Read the reemployment requirements for retired members.](#)
- The retired officer is accepting a position in a Sheriff's office (sometimes reported by a Fiscal Court) for a term not to exceed one year.

The retired officer may continue to receive Kentucky Public Pensions Authority (KPPA) retirement and insurance benefits, unless otherwise prohibited by law, but will not pay into a second retirement account.

Review and Approval Process

It is important to note that this process has two components: (1) employer reporting requirements and (2) retired member requirements. For employers to qualify for the exceptions described above, all requirements must be met.

How to Qualify

Employers may be required to submit three (3) forms before the retired officer can be reemployed and qualify for the exceptions described above. The required forms, detailed below, are available on our website and in Employer Self Service.

1. [Form 6760](#) must be completed by the Sheriff's office and submitted to KPPA with:
 - A notarized statement indicating there are no pending administrative charges from the agency the officer retired from; and
 - For retired police officers of KERS and CERS, a certification of participation from the Kentucky Department of Criminal Justice Training, stating the member participated in the KLEFPF; or
 - For retired officers of SPRS, certification from the Kentucky State Police that the individual retired as a commissioned officer pursuant to [Kentucky Revised Statute Chapter 16](#).

¹ In 2014, the General Assembly passed [House Bill 364](#) creating Kentucky Revised Statute 70.291-293 effective July 15, 2014. In 2015, the General Assembly amended the law, effective June 24, 2015, to incorporate qualified retirees from SPRS.



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In addition, if the reemployment occurs within the first twelve (12) months from the retirement date, the following forms are required to be submitted before the retired officer can be reemployed and qualify for the exceptions:

2. [Form 6751](#) "Employer Certification Regarding Reemployment" must be completed by the City and submitted to KPPA.
3. [Form 6754](#) "Member Reemployment Certification" must be completed by the retired member. The retired member must receive a determination from KPPA indicating that the reemployment does not violate the reemployment law established in [Kentucky Revised Statute 61.637](#). If the retired member does not receive this determination, the employer does not qualify for the reporting exceptions

Processing Forms

KPPA will review the [Form 6760](#) and any supporting documentation submitted. The Sheriff's office requesting the position will receive notification whether the employee meets the legal qualifications. Once approved, the Sheriff's office may hire the retired officer and omit that employee from the monthly report. If the employee does not meet these requirements, the Sheriff's office may still hire the retiree. If the retiree meets the definition of regular full-time pursuant to [Kentucky Revised Statute 78.510\(21\)](#), the employee must be reported each month to KPPA as Retired/Reemployed and the employing Sheriff's office is responsible for paying employer contributions and any required insurance reimbursements.

Recertification

KPPA requires the employer to recertify the position annually to continue to qualify for the reporting exceptions. [Form 6764](#) "Recertification of Retired Police Officer" must be submitted to KPPA before the retired officer currently employed by the Sheriff's office can be recertified and qualify for the exceptions described above.

The retired member is not required to complete a new [Form 6754](#) when continuing to work for the same employer.

Upon receipt of the [Form 6764](#), KPPA will review all documentation and notify the requesting Sheriff's office whether the employee meets the legal qualifications to continue to qualify for these exceptions.

Kentucky Revised Statute 70.291-70.293 Frequently Asked Questions

When were the amendments to [Kentucky Revised Statute 70.291-70.293](#) effective? The law was amended by the General Assembly in 2015 to incorporate qualified SPRS retirees. This change was effective June 24, 2015 allowing Sheriff's offices to employ retired officers commissioned pursuant to [Kentucky Revised Statute Chapter 16](#) and be eligible for the reporting and reimbursement exceptions beginning July 1, 2015.

How will a Sheriff's office know if the retired police officer has been approved under these provisions? If the Sheriff's office follows the proper procedures, KPPA will provide correspondence indicating approval, denial, or the need for additional information prior to making a determination. To avoid the requirements



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to submit employer contributions and insurance reimbursements, KPPA strongly suggests that the Sheriff's office refrain from hiring the retired police officer until it has received confirmation of approval.

Who falls under the definition of police officer? The definition of "police officer" can be found in [Kentucky Revised Statute 15.420](#) and [Kentucky Revised Statute 16.010\(9\)](#).

Can a Sheriff, if he or she is considered a "police officer" under [Kentucky Revised Statute 15.420](#) or [Kentucky Revised Statute 16.010](#), qualify for these exceptions? No. A Sheriff is an elected constitutional officer; therefore, a Sheriff cannot be considered as hired or employed under contract by the Sheriff's office. Additionally, a Sheriff is elected to a four-year term pursuant to the Kentucky Constitution and cannot be considered employed under an annual employment contract.

Are Sheriff's offices required to report retired police officers who qualify to KPPA? Assuming KPPA has determined that the retired police officer qualifies, the Sheriff's office is not required to report that employee on a monthly basis. However, KPPA may request reports on employees of the Sheriff's office pursuant to [Kentucky Revised Statute 70.291-293](#) to ensure proper reporting. Moreover, the required documentation must be completed, submitted to KPPA, and a written statement of approval issued before a retired police officer can be hired under these exceptions. If the retired police officer is hired prior to the required paperwork being filed, the Sheriff's office will be required to report and pay contributions for that retiree until the paperwork has been approved and the Sheriff's office has received a response from KPPA. If the retiree does not meet the requirements, the Sheriff's office will continue to report the employee to KPPA, pay employer contributions and insurance reimbursements, if KPPA is providing health insurance.

What if a Sheriff's office has already reemployed a retired police officer who may qualify under these provisions? Once the proper documentation has been received and KPPA has issued a favorable response to the Sheriff's office, the retiree's employment should be terminated and reported to KPPA. The Sheriff's office may then re-hire the retired police officer for a term not to exceed one year. If the retiree has already submitted and received approval to return to work for the Sheriff's office, the retiree will not need to complete a new [Form 6754](#), but the employer will be required to submit [Form 6760](#). Please note that the Sheriff's office must report, remit contributions and insurance reimbursements for the retiree until it receives confirmation from KPPA that the retired police officer qualifies for these exceptions.

How does the Sheriff's office reappoint a retired officer under these provisions? To reappoint a retired officer, the Sheriff's office needs to submit a properly completed [Form 6764](#) prior to the termination of the current one-year term.