



## FREQUENTLY ASKED QUESTIONS REEMPLOYMENT AFTER RETIREMENT AND THE GOVERNOR'S EXECUTIVE ORDERS

***Please note Member Questions are specific to retired members. Employer Questions relate to participating agencies.***

### Member Questions

**Q1: I retired on March 1, 2020 or before. Do the Executive Orders apply to me?**

**A:** Yes. The Governor's Executive Orders permit retired members to return to employment with city, county, and state government if needed for the Covid-19 response without having to observe the required break in service. Please note that you must still abide by the Federal law requirements to have a bona fide separation from service (you must terminate employment without a prearranged agreement to reemploy with the same employer or another participating employer in the future.

**Q2: I retired on April 1, 2020 or after. Do the Executive Orders apply to me?**

**A:** No. You must have an effective retirement date of March 1, 2020 or before at KRS in order to be subject to the exemptions set out in the Executive Orders. If you have a retirement date on or after April 1, 2020, both you and your employer are required to submit the required forms and you are required to meet the break in service requirements, in accordance with the regular laws and regulations regarding reemployment after retirement.

**Q3: What if I am reemploying in a position that is not in response to the Covid-19 State of Emergency?**

**A:** If you are employing in a position that is not in response to the Covid-19 State of Emergency, both you and your employer are required to submit the required forms and you are required to meet the break in service requirements, in accordance with the regular laws and regulations regarding reemployment after retirement.

**Q4: Do I have to send in the Form 6754 before I return to employment under the Executive Orders?**

**A:** If you are able, you should go ahead and send in your Form 6754 regarding reemployment. If you are not able to, you must submit the Form within 30 days after the expiration or rescission of the State of Emergency. If you choose to go ahead and send in your form, please note that you may not get an immediate response from KRS due to the delay in receiving employers' required forms under the Executive Orders.

**Q5: What happens when the State of Emergency is over?**

**A:** If you did not submit your Form 6754 regarding your reemployment prior to starting work, you must submit that Form within 30 days of the expiration or rescission of the State of Emergency under Executive Order 2020-215. Your employer must submit their required forms, as well as a listing of all retirees hired under the Executive Orders, and what they were paid, as well as a statement of the reason related to the State of Emergency that the employer's need for the retired members' services did not allow for the appropriate break in service.

**Q6: As a disability retirement recipient, am I still required to notify KRS if I become gainfully employed?**

A: Yes. The Executive Orders do not suspend a disability retirement recipient's obligation to notify KRS of gainful employment. Therefore, a disability retirement recipient contemplating any type of gainful employment must provide KRS with a detailed description of the intended position as usual. The job description must come from the intended employer. The job description will be reviewed by a medical examiner for a determination of whether the disability retirement recipient may become employed in the intended position and continue to receive disability retirement benefits.

## Employer Questions

**Q1: Do I have to complete forms to employ a retiree during the State of Emergency?**

A: It depends.

1. If the retiree retired effective March 1, 2020 or before, and you require the position in order to address the Covid-19 State of Emergency, then the Executive Orders apply and you do not have to submit the usual retired-reemployed forms prior to employing the retiree. The retiree will not be required to wait out the usual break in service time. Please note that the retiree must still abide by the Federal law requirements to have a bona fide separation from service (they must terminate employment without a prearranged agreement to reemploy with the same employer or another participating employer in the future.)
2. If the retiree retired effective April 1, 2020 or after, OR if the position is not necessary to address the Covid-19 State of Emergency, then you must comply with the usual laws and regulations regarding reemployment after retirement and submit the required forms prior to employment. The employee will have to observe the required break in service requirements as well as the Federal law requirements for a bona fide separation from service.

**Q2: Do I have to report a retiree hired under the Executive Orders on my monthly reports and pay employer contributions and any required insurance reimbursements?**

A: Yes. The Executive Orders do not suspend any statutory requirements for participating agencies to report employees and pay employer contributions and insurance reimbursements for retired members employed in a position that meets the definition of regular full-time under KRS' statutes. Therefore, unless covered under one of the "Reemployment Exceptions," employer contributions and any required insurance reimbursements must be timely paid by the participating agency for all retired members employed in regular full-time positions as usual, even if covered under the Executive Orders.

**Q3: What happens when the State of Emergency is over?**

A: Within 30 days of the expiration or rescission of the State of Emergency under Executive Order 2020-215, the employer must do the following:

1. Submit the required reemployment forms to KRS for the members reemployed pursuant to the Executive Orders.
2. Maintain and submit a list to KRS that includes the following:
  - The retired member's name;
  - The retired member's member ID number;
  - A statement as to whether the retired member was paid or not paid; and

- 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 of hours the retired member worked.
3. Provide a written statement containing a reason related to the State of Emergency under Executive Order 2020-215 that the employer's need for the services of the retired member did not allow for the break in service.

**Q4: Do these Executive Orders affect our current retired police officers that were hired under reemployment exceptions?**

A: The Executive Orders do not suspend the reemployment exceptions for current police officers hired under the following statutes:

- KRS 70.291-70.293 (County Police or Sheriff Appointment of Retired Police Officers)
- KRS 95.022 (City Employment of Retired Police Officers)
- KRS 164.950 to 164.980 (Postsecondary Institutions Employment of Retired Police Officers)

**Q5: If we are a city employer or postsecondary institution and have already reached the maximum limit of retired police officers that can be hired, are we able to hire more officers due to the Executive Orders?**

A: Yes. The employer is eligible to hire more retired police officers if it is due to the COVID-19 State of Emergency. However, the employees hired will need to be reported on your monthly report and you will need to pay employer contributions and insurance reimbursements for retired members employed in a position that meets the definition of regular full-time under KRS' statutes.