



Employer Reporting, Compliance & Education

Reemployment under Executive Order 2020-266

On March 31, 2020, Governor Beshear issued [Executive Order 2020-265](#) suspending statutes and regulations restricting participating employers from reemploying retired members in the specific positions identified in the order. On April 2, 2020, Governor Beshear issued [Executive Order 2020-266](#), expanding the scope of positions covered to include all positions under city, county, and state government that are necessary to address the State of Emergency.

Please note that Executive Order 2020-265 **only** applies to members who were retired **as of** the March 31, 2020 Order. Executive Order 2020-266 specifically noted that all previous Executive Orders were to remain in full force and effect. Thus, a member must have an effective retirement date of March 1, 2020 or before at KPPA in order to be subject to the Executive Orders.

NOTE: All positions other than those needed to respond to the Covid-19 State of Emergency must continue to adhere to current laws and regulations as outlined below.

Understanding the Executive Orders

The Executive Orders will be in effect for the duration of the State of Emergency, or until the Executive Orders are rescinded by further order or by operation of law.

The state law requirements being suspended during the State of Emergency are:

1. The required waiting period for a member to return to employment with a participating employer of KPPA is suspended.
2. The submission of required forms by the employer is suspended. Required forms must be submitted to KPPA within 30 days of the expiration of the State of Emergency. (See below).
3. Employers are required to provide KPPA a listing of these employees/volunteers within 30 days of the expiration of the State of Emergency. (See below).

Please note, the Executive Orders do not waive the federal “bona fide separation from service” requirements that the member must observe. “Bona fide separation from service” means a severance or termination from employment without a prearranged agreement to reemploy with the same employer or any other participating employer of KPPA.

Reporting Requirements

The participating agency must comply with the following within 30 days of the expiration or rescission of the State of Emergency under Executive Order 2020-215:

1. Submit the required reemployment forms to KPPA for the members reemployed pursuant to Executive Orders 2020-265 and 2020-266.
2. Maintain and submit a list to KPPA 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.



Employer Reporting, Compliance & Education

NOTE: Please be advised that the Executive Orders 2020-265 and 2020-266 do not suspend any statutory requirements for participating agencies to report employees and pay employer contributions or insurance reimbursements for retired members employed in a position that meets the definition of regular full-time under KPPA's statutes.

Thus, unless covered in one of the "Reemployment Exceptions" described below, then 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.

Retiree Requirements

The retiree must have a bona fide separation of service, meaning the member must terminate employment without a prearranged agreement to reemploy with the same employer or another participating employer in the future.

The retiree should submit their [Form 6754](#) prior to returning to employment if they are able. If they are unable to submit this Form when they begin reemployment, the Form 6754 must be submitted to KPPA within 30 days of the expiration of the State of Emergency. Please be aware that if the retiree chooses to send in their Form 6754, they may not get an immediate response from KPPA due to the delay in receiving the employers' required forms under the Executive Orders.