

**74-4912b. Membership in system by certain members of local plan involved in transfer with a participating employer; election; eligibility; credited service.** (1) (a) Except as otherwise provided, a vested member of the Wichita employees' retirement plan who is transferred to the employ of Sedgwick county, as a direct consequence of a transfer of function between the city of Wichita and Sedgwick county may either: (i) Elect to remain a member of the Wichita employees' retirement plan for the duration of employment by Sedgwick county; or (ii) elect to terminate membership in the Wichita employees' retirement plan and become a member of the retirement system. Such election shall be irrevocable and shall be in writing and filed with the city of Wichita and Sedgwick county within 90 days after the effective date of the transfer of function.

(b) A nonvested member of the Wichita employees' retirement plan who is transferred to the employ of Sedgwick county, as a direct consequence of a transfer of function between the city of Wichita and Sedgwick county shall terminate membership in the Wichita employees' retirement plan and become a member of the retirement system.

(c) Notwithstanding any provision of the act to the contrary, membership in the retirement system, as provided in this subsection, is restricted to employees as defined in subsection (14) of K.S.A. 74-4902 and amendments thereto. Service in force under the Wichita employees' retirement plan shall be considered credited service for the sole and exclusive purpose of meeting whether: (i) The employee has met the one year of continuous service requirement under subsection (2) of K.S.A. 74-4911 and amendments thereto; (ii) the employee has met the years of credited service requirement under subsection (6) of K.S.A. 74-4914 and amendments thereto; and (iii) the employee has met the 10 years of credited service for vesting requirement under subsection (2) of K.S.A. 74-4917 and amendments thereto. Any retirement benefit which a person becomes eligible to receive under the retirement system shall be based only on credited service under such retirement system.

(2) (a) A vested member of the retirement system who is transferred to the employ of the city of Wichita from the employ of Sedgwick county as a direct consequence of a transfer of function between the city of Wichita and Sedgwick county may either: (i) Elect to remain a member of the retirement system for the duration of employment by the city of Wichita; or (ii) elect to terminate membership in the retirement system and become a member of a Wichita employees' retirement plan. Such election shall be irrevocable and shall be in writing and filed with the city of Wichita and Sedgwick county within 90 days after the effective date of the transfer of function.

(b) A nonvested member of the retirement system who is transferred to the employ of the city of Wichita from the employ of Sedgwick county as a direct consequence of a transfer of function between the city of Wichita and Sedgwick county shall terminate membership in the retirement system and become a member of the Wichita employees' retirement plan.

(c) Notwithstanding any provision of the act to the contrary, when a vested member of the retirement system becomes a member of the Wichita employees' retirement plan and does not withdraw such member's accumulated contributions from the retirement system, service acquired and in force under the Wichita employees' retirement plan shall be considered credited service for the sole and exclusive purpose of meeting a credited service requirement for a benefit from the retirement system. Service acquired and in force under the Wichita employees' retirement plan shall not be used to determine the amount of benefit from the retirement system.

(3) A member of the Wichita employees' retirement plan who elects to remain a member of the Wichita employees' retirement plan shall not be an employee of Sedgwick county for the purposes of this act. Sedgwick county shall be the employer of an employee who elects to continue participation in the retirement system for the limited purposes of filing reports and remitting contributions to the retirement system as required under the act.

(4) For purposes of this section, retirement system means the Kansas public employees retirement system.

**History:** L. 1995, ch. 267, § 33; July 1.