

Kansas Administrative Regulations

Kansas Public Employees Retirement System

Article 3.—Credit and Breaks in Service

80-3-9. Withdrawal of contributions; payment of interest on account.

(a) Any member formally challenging termination of employment by means of any administrative or judicial review process shall not be eligible to apply for withdrawal until the process has been concluded. The "administrative or judicial review process" shall mean any proceeding under the civil service act, K.S.A. 75-2925 et seq.; the administrative procedure act, K.S.A. 77-501 et seq.; and the act for judicial review and civil enforcement of agency actions, K.S.A. 77-601 et seq. Any member who succeeds in a challenge and is returned to employment by the employer shall have no break in service if the member is awarded back wages or salary. Payments of back wages or salary that result from a successful challenge shall be subject to employer and employee contributions.

(b) Each member who is not employed by a participating employer shall be deemed to have withdrawn that member's accumulated contributions and to have terminated membership in the retirement system and forfeited all membership rights, except the right to receive a refund of accumulated contributions, at the time the application for withdrawal is received in the office of the retirement system. Submission of this application shall be irrevocable.

(c) A member account for which a valid application for withdrawal is received in the office of the retirement system before June 30 shall not be credited with interest on June 30 as provided in K.S.A. 74-4922(a), and amendments thereto; this ineligibility for interest crediting shall include any member account for which a valid application for withdrawal is received before June 30 and is required to be held for processing for up to 90 days pending spousal consent pursuant to K.S.A. 74-4917b(2)(b), and amendments thereto. A valid application for withdrawal shall be fully completed according to the instructions on the KPERS withdrawal application form.

(d) Payment by the retirement system of the accumulated contributions shall be deemed final at the time the payment is made, and neither shall additional contributions be accepted from nor rebates be made to former employers of the withdrawn member after the retirement system makes the payment.

(Authorized by K.S.A. 1997 Supp. 74-4909, as amended by L. 1998, ch. 64, § 27; implementing K.S.A. 1997 Supp. 74-4917, as amended by L. 1998, ch. 201, § 19; effective Jan. 1, 1966; amended May 1, 1978; amended Sept. 10, 1999.)

***** Authenticated Kansas Administrative Regulation *****