

Bond Case Briefs

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PUBLIC PENSIONS - KENTUCKY

Aubrey v. Kentucky Retirement Systems

Court of Appeals of Kentucky - August 30, 2019 - S.W.3d - 2019 WL 4123093

Public employees initiated declaratory action against state retirement plan administrator, challenging validity and constitutionality of statute imposing one month waiting period for hazardous duty employees between retiring from a participating employer and new full or part-time employment with another participating employer, and imposing penalty for violating the waiting period.

Cross-motions for summary judgment were filed. The Circuit Court granted administrator's motion. Employees appealed.

The Court of Appeals held that enactment of statute imposing one month waiting period for hazardous duty employees between retiring from a participating employer and new full or part-time employment with another participating employer, and imposing penalty for violating the waiting period, did not breach any term of "inviolable contract" under statute governing pension benefits for public employees.

Court of Appeals holds that enactment of statute imposing one month waiting period for hazardous duty employees between retiring from a participating employer and new full or part-time employment with another participating employer, and imposing penalty for violating the waiting period, did not breach any term of "inviolable contract" under statute governing pension benefits for public employees.

Public employees were not guaranteed vested right to future statutory reemployment opportunities as they existed under prior legislative enactments and General Assembly was at liberty to revise and repeal legislative policy.