



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

October 13, 1976

ATTORNEY GENERAL OPINION NO. 76- 323

Mr. Daniel J. Bosanko
Assistant County Counselor
Sedgwick County Courthouse
Wichita, Kansas 67203

Re: Retirement--Counties--Employees

Synopsis: Employees of the Regional Criminal Justice Planning Office (Region III) who are reported for Social Security purposes by Sedgwick County and who are paid for their services by payroll warrants of that county are employees of Sedgwick County for the purpose of participation in the Kansas Public Employees Retirement System.

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Dear Mr. Bosanko:

You inquire whether employees of the Regional Criminal Justice Planning Office (Region III) are members of Sedgwick County for the purposes of participation in the Kansas Public Employees Retirement System. You advise that the employees in question are reported for Social Security purposes by the county, and are paid for their services on payroll warrants of Sedgwick County.

K.A.R. 80-1-13 states thus:

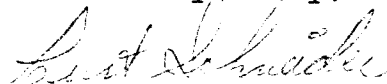
"For the purpose of determining membership in the system, an employee will be considered to be the employee of the employer from whom his compensation is or was received."

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It is suggested that the employees may be temporary employees due to their "grant" funding, and that they are thus not covered by K.S.A. 1975 Supp. 74-4902(14). I assume that their work is not seasonal or temporary, and that it requires at least one thousand (1,000) hours per year. Merely because the positions may be supported by a federal grant does not as a matter of law render those positions temporary.

I can but conclude that, pursuant to K.A.R. 80-1-13, the employees in question are employees of the county for purposes of participation in the Kansas Public Employees Retirement System.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: Mr. Marshall Crowther
Attorney
Kansas Public Employees Retirement System
400 First National Bank Tower
Topeka, Kansas 66603