

The only time you are eligible to enroll in KPERS is in the first 90 days of being elected. This is the only time you can enroll during his/her tenure in office without a break in service.

To become eligible a person has to work either 1000 hours annually, or exceed \$5,000 annually.

The City neglected to issue myself the form (elected office, election of membership: non-legislative). I contacted KPERS and they looked through their files and nothing was submitted from the City in my regard.

Travis Wilson, Garnett City Clerk, looked into this and before 2012, believes this form was not submitted.

As you can see in 2007, I didn't make enough to qualify. From 2008 to current, I have met those requirements.

This claim is throughout the term I am serving, through the end of 2022, which the rate for 2021 is known at 8.87%, with the rate for 2022 as an estimate.

I don't feel this was a legitimate error. I am not looking for interest, damages, etc., for this ongoing claim, I am just trying to right a wrong and be paid what is due to me.

Any questions, please feel free to contact me.

Sincerely,



Greg A. Gwin

785.229.5105



Deana

07	4.31	didn't qualify 1450.	
08	4.93	5950.	\$ 293.34
09	5.54	5650.	313.01
10	6.14	5600.	343.84
11	6.74	5600.	377.44
12	7.34	6050.	444.07
13	7.94	6200.	492.28
14	8.54	5700.	503.88
15	9.14	6050.	573.54
16	9.74	6200.	569.16
17	8.76	5600.	473.76
18	8.39	5600.	469.84
19	8.89	6200.	551.18
20	8.60	@ 450.m 5600.	482.16
21	8.87	@ m ? 5600.	496.72
22	887??	@ 500.m 6200.	549.94

\$ 6,934.16

**CLAIM FOR DAMAGES AGAINST
THE CITY OF GARNETT, KANSAS**

NOTE TO CLAIMANT: The City of Garnett, Kansas has up to 120 days following receipt of your Claim to act. No lawsuit may be commenced until the Claim has been denied or 120 days have passed since its filing, whichever occurs first. A claim is treated as denied if the municipality fails to approve the Claim in its entirety within 120 days, unless the claimant and the City of Garnett has reached a compromise before the expiration of that period.

General Information: All claims against a municipality must be presented in writing with a full account of the items and no claim shall be allowed except in accordance with the provisions of K.S.A. 12-105b.

1. Your name, address, and telephone number: Greg Gavin 424 N Cedar
785-229-5105 cell

2. The name, address, and telephone number of your attorney in this matter, if any:
None

3. Please state as concisely as possible the factual basis of your claim. Give all circumstances of the act, omission, or event complained of. If additional space is needed, please continue on the back of this form.

(see attached)

4. Name of public official or employee involved. (If you don't know the name, give as much information about job position, what he or she was doing at the time, etc.)

Joyce Martin to present

5. Tell us the nature and extent of your injury or damages, which you contend you suffered: (Itemize any monetary damages and attach invoices, bills, etc. where applicable.)

(see attached)

6. I, the undersigned, hereby make claim, pursuant to K.S.A. 12-105b, based on the above facts, in the amount of \$ 6,934.16.

Signature

Greg A. Gwin

Date

11-16-20

Employers part

got from Nancy Hammreck
8/24/20

2008	.0493
2009	.0554
2010	.0614
2011	.0674
2012	.0734
2013	.0794
2014	.0884
2015	.0948
2016	.0918
2017	.0846
2018	.0839
2019	.0889
2020	.0861
2021	.0887

received from city hall

GWIN SALARY BY YEAR		
YEAR		AMOUNT
2007	\$	1,450.00
2008	\$	5,950.00
2009	\$	5,650.00
2010	\$	5,600.00
2011	\$	5,600.00
2012	\$	6,050.00
2013	\$	6,200.00
2014	\$	5,700.00
2015	\$	6,050.00
2016	\$	6,200.00
2017	\$	5,600.00
2018	\$	5,600.00
2019	\$	6,200.00



ELECTED OFFICIAL ELECTION OF MEMBERSHIP (NON-LEGISLATIVE)

■ **Important** – This form is to irrevocably elect regular KPERS membership and contribute to the System. Your designated agent should submit the completed form to the Retirement System, and then complete the enrollment process using KPERS' employer web portal. More information and instructions on page 2.

■ **Contact Us** – toll free: 1-888-275-5737 • phone: 785-296-6166 • fax: 785-296-6638
email: kpers@kpers.org • web site: kpers.org • mail: 611 S. Kansas Ave., Suite 100, Topeka, KS 66603

■ Part A – Irrevocable Election of KPERS Membership

K.S.A. 74-4911(3) provides that "[a]ny employee who is an elected official and is eligible to join the system shall file, within 90 days after taking the oath of office, an irrevocable election to become or not to become a member of the system. Such election shall become effective immediately upon making such election, if such election is made within 14 days of taking the oath of office, or, otherwise, on the first day of the first payroll period of the first quarter following receipt of the election in the office of the Retirement System. In the event that such elected official fails to file the election to become a member of the Retirement System, it shall be presumed that such person has elected not to become a member." **Note: This is a one-time election that is available to you the first time you take the oath of office. You will have no further election to join the Kansas Public Employees Retirement System (KPERS) for so long as you hold this office without a break in service. Failure to file this form is an irrevocable election not to become a member.**

I, _____ (name), _____ (Social Security Number), holding the position of _____ (name of office), being advised of the provisions of K.S.A. 74-4911(3), do hereby make my **irrevocable** election below (select one).

- Yes, I elect to become a member of the Kansas Public Employees Retirement System.
- No, I elect not to participate in the Kansas Public Employees Retirement System.

I first took office in this position on _____ (month/day/year).

I attest that the duties of my elected office require (select one):

- At least 1,000 hours of work annually; or
- I am a city council or county commission member and my annual compensation for this office is at least \$5,000.

Elected Official Signature: _____ Month/Day/Year: ____/____/____
Designated Agent Signature: _____ Month/Day/Year: ____/____/____
KPERS Employer Number: _____

*Any elected official who fails to file this form within 90 days of taking office has irrevocably elected not to participate in KPERS.

ELECTED OFFICIAL IRREVOCABLE ELECTION OF MEMBERSHIP INFORMATION AND INSTRUCTIONS

The holder of an elected state office has a one-time choice whether to participate as a member of KPERS upon first becoming eligible for membership. The first time an individual takes the oath of office is the only time the individual may make an election during his/her tenure in office without a break in service.

An elected official, or an appointed official filling an elected office, who meets the requirements for KPERS membership (1,000 hours work annually, or for city council and city commission members, compensation equal to or exceeding \$5,000 for office annually) must file an election declaring whether he/she wants to become a participating member of the Retirement System within 90 days after taking the oath of office. He/she must file the Elected Officials Irrevocable Election of Membership (non-legislative) form (KPERS-3). If he/she elects to become a member of the Retirement System, the election will become effective immediately if the election is made within 14 days of taking the oath of office, or otherwise on the first day of the payroll period of the first quarter following receipt of the election form in the Retirement System office.

Should an elected official decide not to become a participating member of the Retirement System, he/she should indicate such on the KPERS-3. If no election is made, the Retirement System will consider the elected official not a member; that is, no election will mean an irrevocable election to not become a member. If the elected official fails to make an election during the time allotted, he/she may not choose at a later date to become a member.

The Designated Agent for the employer should keep a copy of the Election of Membership form, regardless of whether the elected official chooses (or does not choose) to become a participating member of the Retirement System.