

1 AN ACT relating to state personnel.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 18A.005 is amended to read as follows:

4 As used in this chapter, unless the context indicates otherwise:

- 5 (1) "Appointing authority" means the agency head or any person whom he or she has
6 authorized by law to designate to act on behalf of the agency with respect to
7 employee appointments, position establishments, payroll documents, register
8 requests, waiver requests, requests for certification, or other position actions. Such
9 designation shall be in writing and signed by both the agency head and his or her
10 designee. Prior to the exercise of appointing authority, such designation shall be
11 filed with the secretary;
- 12 (2) "Base salary or wages" means the compensation to which an employee is entitled
13 under the salary schedules adopted pursuant to the provisions of KRS 18A.030 and
14 18A.110. Base salary or wages shall be adjusted as provided under the provisions of
15 KRS 18A.355 and 48.130;
- 16 (3) "Board" means the Personnel Board created by KRS 18A.045;
- 17 (4) "Career employee" means a state employee with sixteen (16) or more years of
18 permanent full-time state service, or the part-time employment equivalent of at least
19 sixteen (16) years of full-time state service. The service may have been in the
20 classified service under this chapter, the unclassified service in the executive branch
21 of state government, or a combination thereof. At least five (5) years of the
22 combined service shall have been in the classified service under this chapter;
- 23 (5) "Certification" means the referral of the name of one (1) or more qualified
24 prospective employees by the secretary on request of an appointing officer for
25 consideration in filling a position in the classified service;
- 26 (6) "Class" means a group of positions sufficiently similar as to duties performed,
27 scope of discretion and responsibility, minimum requirements of training,

- 1 experience, or skill, and such other characteristics that the same title, the same tests
2 of fitness, and the same schedule of compensation have been or may be applied to
3 each position in the group;
- 4 (7) "Classified employee" means an employee appointed to a position in the classified
5 service under this chapter whose appointment and employment are subject to the
6 classified service provisions of this chapter and the administrative regulations
7 promulgated under this chapter;
- 8 (8) "Classified position" means a position in the executive branch of state government
9 that is not exempt from the classified service under KRS Chapter 16, KRS 18A.115,
10 KRS Chapter 151B, or any other provision of law;
- 11 (9) "Classified service" includes all the employment subject to the terms of this chapter
12 except for those positions expressly cited in KRS 18A.115; a "classified position" is
13 a position in the classified service;
- 14 (10) "Secretary" means the secretary of the Personnel Cabinet as provided for in KRS
15 18A.015;
- 16 (11) "Demotion" means a change in the rank of an employee from a position in one (1)
17 class to a position in another class having a lower minimum salary range and less
18 discretion or responsibility;
- 19 (12) "Cabinet" means the Personnel Cabinet provided for in KRS 18A.015, unless the
20 context indicates otherwise;
- 21 (13) "Eligible" refers to a person who has made a passing score on any examination
22 required under KRS 18A.005~~[18A.010]~~ to 18A.200 or 18A.201 or who has
23 qualified to be placed on a register;
- 24 (14) "Employee" means a person regularly appointed to a position in the state service for
25 which he or she is compensated on a full-time, part-time, intern, or interim basis;
- 26 (15) "Federally funded time-limited employee" means an employee in the unclassified
27 service, appointed to a position that is funded one hundred percent (100%) by a

1 federal grant or grants. An employee appointed to a federally funded time-limited
2 position shall be required to meet the minimum requirements for the classification
3 in which he or she is hired and, subject to the provisions of KRS 18A.113, shall
4 serve at the pleasure of the appointing authority during a period of time that shall
5 not exceed the life of the federal grant that funds the position. A federally funded
6 time-limited employee who has been aggrieved by notice of disciplinary action or
7 termination, other than an action based on expiration of the federal grant funding,
8 may petition the appointing authority of the agency for the opportunity to be heard
9 by the appointing authority or his or her designee prior to the effective date of the
10 disciplinary action or termination. The decision of the appointing authority shall be
11 final except as provided by KRS 18A.095(11)(~~14~~) and 18A.140. A federally
12 funded time-limited employee shall not have the right of appeal to the Personnel
13 Board except as provided by KRS 18A.095(11)(~~14~~) and 18A.140;

14 (16) "Federally funded position" means a full-time or a part-time position in which the
15 unclassified employee is eligible for benefits at the same level as a classified
16 employee in a permanent position;

17 (17) "Full-time employee" means an employee in a full-time position;

18 (18) "Full-time position" means a position, other than an intern or interim position,
19 requiring an employee to work at least thirty-seven and one-half (37.5) hours in a
20 work week, except for the following:

21 (a) Positions in the state parks, where the work assigned is dependent upon
22 fluctuations in tourism, may be assigned work hours from twenty-five (25)
23 hours per week during the off seasons and remain in full-time positions; and

24 (b) Positions in health care facilities, which regularly involve three (3)
25 consecutive days of twelve (12) hour shifts to cover weekends, shall be
26 considered full-time;

27 (19) "Initial probation" means the period of service following initial appointment to any

- 1 position under KRS 18A.005~~[18A.010]~~ to 18A.200 or 18A.201 which requires
2 special observation and evaluation of an employee's work and which must be
3 passed successfully before status may be conferred as provided in KRS 18A.110
4 and by the provisions of this chapter. If the appointee is granted leave in excess of
5 twenty (20) consecutive work days during this period, his or her initial probation
6 shall be extended for the same length of time as the granted leave to cover such
7 absence;
- 8 (20) "Interim employee" means an unclassified employee without status who has been
9 appointed to an interim position that shall be less than nine (9) months duration;
- 10 (21) "Interim position" means a position established to address a one-time or recurring
11 need of less than nine (9) months duration and exempt from the classified service
12 under KRS 18A.115;
- 13 (22) "Intern employee" means an unclassified employee who has been appointed to
14 an intern position in a cabinet-approved internship program and who is eligible
15 for benefits and service credit at the same level as an interim employee;
- 16 (23) "Intern position" means a position established to employ a student who is eligible
17 to participate in a cabinet-approved internship program;
- 18 (24) "Part-time employee" means an employee in a part-time position;
- 19 (25)~~[(23)]~~ "Part-time position" means a position, other than an intern or interim
20 position, requiring an employee to work less than one hundred (100) hours per
21 month;
- 22 (26)~~[(24)]~~ "Position" means an office or employment in an agency (whether part-time,
23 full-time, intern, or interim, occupied, or vacant) involving duties requiring the
24 services of one (1) person;
- 25 (27)~~[(25)]~~ "Promotion" means a change of rank of an employee from a position in one
26 (1) class to a position in another class having a higher minimum salary or carrying a
27 greater scope of discretion or responsibility;

- 1 ~~(28)~~~~(26)~~ "Promotional probation" means the period of service, consistent with the
2 length of the initial probationary period, following the promotion of an employee
3 with status which must be successfully completed in order for the employee to
4 retain the position to which he or she has been promoted. If the employee is granted
5 leave in excess of twenty (20) consecutive work days during this period, his or her
6 promotional probation shall be extended for the same length of time as the granted
7 leave to cover such absence;
- 8 ~~(29)~~~~(27)~~ "Qualifying" means the selection method type which results when the
9 knowledge, skills, and abilities necessary for a job classification cannot be
10 accurately measured by written examination;
- 11 ~~(30)~~~~(28)~~ "Reallocation" means the correction of the classification of an existing
12 position by placement of the position into the classification that is appropriate for
13 the duties the employee has been and shall continue to perform;
- 14 ~~(31)~~~~(29)~~ "Reclassification" shall mean the change in the classification of an employee
15 when a material and permanent change in the duties or responsibilities of that
16 employee has been assigned in writing by the appointing authority;
- 17 ~~(32)~~~~(30)~~ "Reemployment" shall mean the rehiring of an employee with status who has
18 been laid off;
- 19 ~~(33)~~~~(31)~~ "Reemployment register" means the separate list of names of persons who
20 have been separated from state service by reason of layoff. Reemployment registers
21 shall be used as provided by the provisions of KRS 18A.110, 18A.130, and
22 18A.135;
- 23 ~~(34)~~~~(32)~~ "Register" means any official list of eligibles for a particular class and, except
24 as provided in this chapter, placed in rank order according to the examination scores
25 maintained for use in making original appointments or promotions to positions in
26 the classified service;
- 27 ~~(35)~~~~(33)~~ "Reinstatement" means the privilege of restoration of an employee who has

1 resigned in good standing at the option of the appointing authority, or who has been
2 ordered reinstated by the board or a court to a position in his former class, or to a
3 position of like status and pay;

4 (36)~~[(34)]~~ "Reversion" means either the returning of a status employee to his or her last
5 position held in the classified service, if vacant, or the returning of a status
6 employee to a vacant position in the same or similar job classification as his or her
7 last position held in the classified service. Reversion occurs after a career employee
8 is terminated other than for cause from the unclassified service or after a status
9 employee fails to successfully complete promotional probation. Reversion after
10 unsuccessful completion of promotional probation, or in the case of a career
11 employee after termination from the unclassified service, may only be appealed to
12 the Personnel Board under KRS 18A.095(11);

13 (37)~~[(35)]~~ "Seniority" means the total number of months of state service;

14 (38)~~[(36)]~~ "Status" means the acquisition of tenure with all rights and privileges granted
15 by the provisions of this chapter after satisfactory completion of the initial
16 probationary period by an employee in the classified service; and

17 (39)~~[(37)]~~ "Transfer" means a movement of any employee from one (1) position to
18 another of the same grade having the same salary ranges, the same level of
19 responsibility within the classified service, and the same salary received
20 immediately prior to transfer.

21 ➔Section 2. KRS 18A.035 is amended to read as follows:

22 (1) The secretary may from time to time designate in writing an employee of the
23 cabinet to act for him in case of his absence or inability from any cause to discharge
24 the powers and duties of his position. In this case, the powers and duties of the
25 secretary shall devolve upon his designee.

26 (2) The secretary may request appropriate persons, including officers and employees in
27 the state service, to assist in the preparation and rating of tests. Department heads

1 shall cooperate to the fullest extent possible in making the services of their
2 employees available for such work.

3 (3) (a) The secretary may enter into written agreements with an appointing authority
4 which would provide for the delegation of his authority and power to the
5 appointing authority. The secretary is prohibited from delegating any powers
6 or authority pertaining to disciplinary actions, lay-offs, or registers.

7 (b) All written agreements delegating the secretary's power and authority as
8 provided in paragraph (a) of this subsection shall be specific in nature and
9 renewed annually.

10 (c) A copy of the written agreements shall be forwarded to the Personnel Board.

11 ~~[(4) The secretary shall serve ex officio as a member of the board of trustees of the~~
12 ~~Kentucky Employees Retirement System.]~~

13 ➔Section 3. KRS 18A.050 is amended to read as follows:

14 (1) ~~[Any person serving on the board on July 15, 1982, shall serve until the expiration~~
15 ~~of his current term of office. Subsequent]~~Appointments **to the board** shall be for a
16 term of four (4) years from the date of expiration of the term for which his **or her**
17 predecessor was appointed as provided in **subsection**~~[subsections]~~ (2)~~[and (3)]~~ of
18 this section, except that a person appointed to fill a vacancy prior to the expiration
19 of such term shall be appointed in the same manner as provided in KRS 18A.045
20 and for the remainder of such term.

21 (2) ~~[Upon the expiration of the terms of office of the two (2) board members whose~~
22 ~~terms expire January 1, 1984, the Governor shall appoint two (2) members from a~~
23 ~~list of four (4) names submitted by the Legislative Research Commission.~~
24 ~~Thereafter, upon the expiration of these terms, such terms shall be filled in the same~~
25 ~~manner as provided in this subsection.~~

26 (3) ~~Upon the expiration of the terms of office, of the members whose terms expire~~
27 ~~December 31, 1982, January 1, 1985, and January 1, 1986,]~~The Governor shall

1 appoint five (5) citizens at large who are not associated with state government in
2 any manner. Thereafter upon the expiration of these terms, such terms shall be
3 filled in the same manner as provided in this subsection.

4 (4) These five (5) appointments to the board shall be subject to confirmation by the
5 Senate. If the Senate is not in session, these five (5) appointments shall be subject to
6 review by the Interim Joint Committee on State Government which shall hold a
7 public hearing and shall transmit its recommendations to the Senate.

8 (5) The initial election of classified employees to the board shall be held as provided in
9 KRS 18A.0551. The two (2) classified employees~~[initially]~~ elected to the board
10 shall serve~~[until July 1, 1986. Subsequent elections shall be]~~ for a term of four (4)
11 years from the date of expiration of the term for which his or her predecessor was
12 elected. If a vacancy occurs prior to the expiration of such term, the board shall fill
13 the vacancy as provided in KRS 18A.060.

14 (6) If an elected board member separates from the classified service, the member shall
15 immediately vacate his or her position on the board, or his or her membership
16 shall be terminated by the board,~~[accepts an unclassified position with state~~
17 ~~government, his membership on the board shall be terminated immediately]~~ and the
18 vacancy shall be filled as provided in KRS 18A.060.

19 (7) If an elected board member accepts a classified position in a cabinet employing
20 another board member or if, through no fault of his or her own, he or she is placed
21 in that cabinet, his or her membership on the board shall not be terminated for the
22 remainder of his term.

23 ➔Section 4. KRS 18A.0751 is amended to read as follows:

24 (1) The board shall promulgate comprehensive administrative regulations for the
25 classified service governing:

26 (a) Appeals by state employees;

27 (b) Demotion;

- 1 (c) Dismissal;
- 2 (d) ~~[Fines,]~~ Suspensions~~[,]~~ and other disciplinary measures;
- 3 (e) Probation, provided that the board may not require an initial probationary
- 4 period in excess of six (6) months except as provided in subsection (4)~~(d)~~~~(e)~~
- 5 of this section and KRS 18A.005;
- 6 (f) Promotion;
- 7 (g) Reinstatement;
- 8 (h) Transfer; and
- 9 (i) Employee grievances and complaints.
- 10 (2) (a) ~~[These]~~ Administrative regulations ***promulgated by the board*** shall comply
- 11 with the provisions of this chapter and KRS Chapter 13A, and shall have the
- 12 force and effect of law, when approved by the board, after compliance with
- 13 the provisions of KRS Chapters 13A and 18A and the procedures adopted
- 14 thereunder.~~[,]~~
- 15 (b) Administrative regulations promulgated by the board shall not expand or
- 16 restrict rights granted to, or duties imposed upon, employees and
- 17 administrative bodies by the provisions of this chapter.~~[, and]~~
- 18 (c) No administrative body, other than the personnel board, shall promulgate
- 19 administrative regulations governing the subject matters specified in this
- 20 section.
- 21 (3) Prior to filing an administrative regulation with the Legislative Research
- 22 Commission, the board shall submit the administrative regulation to the secretary
- 23 for review:
- 24 (a) The secretary shall review the administrative regulation proposed by the board
- 25 not more than twenty (20) days after its submission to him or her;
- 26 (b) Not more than five (5) days after his review, the secretary shall submit his or
- 27 her recommendations in writing to the board;

- 1 (c) The board shall review the recommendations of the secretary and may revise
2 the proposed administrative regulation as it deems necessary; and
- 3 (d) After the board has completed the review provided for in this section, it may
4 file the proposed administrative regulation with the Legislative Research
5 Commission pursuant to the provisions of KRS Chapter 13A.
- 6 (4) These administrative regulations shall provide:
- 7 (a) For the procedures to be utilized by the board in the conduct of hearings by
8 the board, consistent with the provisions of KRS Chapter 13B;
- 9 (b) For reduction in rank or grade as provided by this chapter;
- 10 (c) For discharge, as provided by this section;
- 11 (d) ~~[For imposition, as disciplinary measures, of a fine of not more than ten (10)~~
12 ~~working days' pay, or for suspension from the service without pay for no~~
13 ~~longer than thirty (30) working days and, in accordance with the provisions of~~
14 ~~KRS 18A.095, for the manner of notification of the employee of the discipline~~
15 ~~and his or her right of appeal;~~
- 16 (e) ~~That~~ That no probationary period may exceed twelve (12) months, except as
17 provided in this paragraph and KRS 18A.005. The secretary may
18 recommend an initial probationary period in excess of six (6) months for
19 specific job classifications to the board. This recommendation shall take the
20 form of a proposed administrative regulation that shall be submitted to the
21 board for approval. The subject of the administrative regulation shall be
22 limited to job classifications for which an initial probationary period in excess
23 of six (6) months is required and shall specify:
- 24 1. The job classification for which an initial probationary period in excess
25 of six (6) months is required; and
- 26 2. The specific number of months constituting the initial probationary
27 period for the job classification. No other administrative regulation shall

1 include any provision prescribing an initial probationary period in
2 excess of six (6) months, except as provided in KRS 18A.005. Upon
3 approval by the board of the proposed administrative regulation
4 provided for in this paragraph, the board shall file the regulation with
5 the Legislative Research Commission as provided by KRS Chapter 13A;

6 ~~(e)~~~~(f)~~ For promotions which shall give appropriate consideration to the
7 applicant's qualifications, record of performance, conduct, and seniority.

8 Except as provided by this chapter, vacancies shall be filled by promotion
9 whenever practicable and in the best interest of the service;

10 ~~(g) For reemployment of laid-off employees in accordance with the provisions of~~
11 ~~this chapter;~~

12 ~~(f)~~~~(h)~~ For transfer from a position in one (1) department to a similar position
13 in another department involving similar qualifications, duties, responsibilities,
14 and salary ranges as provided by the provisions of KRS 18A.113;

15 ~~(g)~~~~(i)~~ For establishment of a plan for resolving employee grievances and
16 complaints. This plan shall not restrict rights granted employees by the
17 provisions of this chapter;

18 ~~(h)~~~~(j)~~ For promotion of career employees to positions in the unclassified
19 service without loss of status to the individual employees so promoted, as
20 provided by this chapter; and

21 ~~(i)~~~~(k)~~ For any other administrative regulations not inconsistent with this
22 chapter and KRS Chapter 13A as may be proper and necessary for its
23 enforcement.

24 ➔Section 5. KRS 18A.095 is amended to read as follows:

25 (1) A classified employee with status shall not be dismissed, demoted, suspended
26 without pay, or involuntarily transferred except for cause.

27 (2) Prior to dismissal, a classified employee with status shall be notified in writing of

1 the intent to dismiss him or her. The notice shall also state:

2 (a) The specific reasons for dismissal, including:

- 3 1. The statutory, regulatory, or policy violation;
- 4 2. The specific action or activity on which the intent to dismiss is based;
- 5 3. The date and place of such action or activity; and
- 6 4. The names of the parties involved;

7 (b) That the employee has the right to appear personally, or with counsel if he or
8 she has retained counsel, to reply to the appointing authority or his or her
9 designee; and

10 (c) Whether the employee is placed on administrative leave by the appointing
11 authority with pay upon receiving the intent to dismiss letter prior to the
12 agency's final action.

13 (3) The Personnel Cabinet shall prescribe and distribute a pretermination form to be
14 completed and forwarded by an employee who wishes to appear before the
15 appointing authority or his or her designee. The form shall be attached to every
16 notice of intent to dismiss and shall contain written instructions explaining:

17 (a) The right granted an employee under the provisions of this section relating to
18 pretermination hearings; and

19 (b) The time limits and procedures to be followed by all parties in pretermination
20 hearings.

21 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,
22 excluding the day he or she receives the notice, the employee may request to
23 appear~~[-]~~ personally, or with counsel if he or she has retained counsel, to reply to
24 the appointing authority or his or her designee.

25 (5) Unless agreed to by the appointing authority or his or her designee and the
26 employee, the appearance shall be scheduled within six (6) working days after
27 receipt of an employee's request to appear before the appointing authority or his or

1 her designee, excluding the day his or her request is received.

2 (6) No later than five (5) working days after the employee appears before the
3 appointing authority or his or her designee, excluding the day of the appearance, the
4 cabinet head or agency or his or her designee shall:

5 (a) Determine whether to dismiss the employee or to modify or rescind the intent
6 to dismiss; and

7 (b) Notify the employee in writing of the decision.

8 (7) If the appointing authority or his or her designee determines that the employee shall
9 be dismissed, the employee shall be notified in writing of:

10 (a) The effective date of his or her dismissal;

11 (b) The specific reason for the dismissal, including:

12 1. The statutory, regulatory, or policy violation;

13 2. The specific action or activity on which the dismissal is based;

14 3. The date and place of the action or activity; and

15 4. The names of the parties involved; and

16 (c) That he or she may appeal the dismissal to the board within thirty (30)
17 calendar days after receipt of this notification, excluding the day he or she
18 receives notice.

19 (8) A classified employee with status who is demoted, suspended without pay, or
20 involuntarily transferred shall be notified in writing of:

21 (a) The demotion, suspension, or involuntary transfer;

22 (b) The effective date of the demotion, suspension, or involuntary transfer;

23 (c) The specific reason for the demotion, suspension, or involuntary transfer,
24 including:

25 1. The statutory, regulatory, or policy violation;

26 2. The specific action or activity on which the demotion, suspension, or
27 involuntary transfer is based;

- 1 3. The date and place of the action or activity; and
- 2 4. The names of the parties involved; and
- 3 (d) That he or she has the right to appeal to the board within thirty (30) calendar
- 4 days, excluding the day that he or she received notification of the personnel
- 5 action.
- 6 (9) Any unclassified employee who is dismissed, demoted, suspended without pay, or
- 7 involuntarily transferred for cause may, within thirty (30) calendar days after the
- 8 dismissal, demotion, suspension, or involuntary transfer, appeal to the board for
- 9 review thereof.
- 10 (10) (a) An employee whose position is reallocated or reclassified to a lower grade
- 11 shall be notified in writing by the appointing authority of:
- 12 1. The reallocation or reclassification; and
- 13 2. ~~If the reallocation or reclassification is to a lower grade,~~ His or her
- 14 right to request reconsideration by the secretary within ten (10) working
- 15 days of receipt of the notice, excluding the day he or she receives
- 16 notification.
- 17 (b) The employee shall file a written request for reconsideration of the
- 18 reallocation or reclassification to a lower grade with the secretary in a manner
- 19 and form prescribed by the secretary and shall be given a reasonable
- 20 opportunity to be heard by the secretary. The secretary shall make a
- 21 determination within sixty (60) calendar days after the request has been filed
- 22 by an employee. The secretary's determination shall be final and shall not be
- 23 appealable to the Personnel Board.
- 24 (11) (a) Any applicant, classified employee, or federally funded time-limited
- 25 employee may appeal to the board an action alleged to be based on
- 26 discrimination due to race, color, religion, national origin, sex, disability, age
- 27 forty (40) and above, or any other category protected under state or federal

1 civil rights laws. Nothing in this section shall be construed to preclude any
2 applicant, classified employee, or unclassified employee from filing with the
3 Kentucky Commission on Human Rights a complaint alleging discrimination
4 on the basis of race, color, religion, national origin, sex, disability, or age in
5 accordance with KRS Chapter 344.

6 (b) Appeals alleging discrimination shall be filed within thirty (30) calendar days
7 after the alleged discriminatory action occurred.

8 (12) (a) Any applicant for classified employment under KRS Chapter 18A who has
9 been notified by the Personnel Cabinet that he or she did not meet the
10 minimum qualifications for a position may request reconsideration from the
11 secretary not more than ten (10) calendar days after the notification was sent.
12 The secretary's review and determination of the reconsideration shall be
13 completed within ten (10) calendar days from the receipt of the request for
14 reconsideration. The secretary's determination shall be final and shall not be
15 appealable to the Personnel Board.

16 (b) Any applicant for employment in a classified position under KRS Chapter
17 18A may appeal the hiring agency's nonselection based on an alleged
18 violation of appointment and promotion provisions contained in this chapter
19 or administrative regulations promulgated under this chapter to the board. The
20 appeal shall be filed not later than thirty (30) calendar days after the notice of
21 nonselection was mailed or sent electronically.

22 (13) When an employee who qualifies for a position has his or her name removed from
23 the register, the employee may petition the secretary for the opportunity to be heard
24 by the secretary or his or her designee. The petition shall be delivered to the
25 secretary in writing or electronically no later than ten (10) calendar days after the
26 removal notification has been sent. The secretary's decision shall be final and not
27 appealable to the Personnel Board.

- 1 (14) (a) Appeals to the board shall be in writing on an appeal form prescribed by the
2 board. The Personnel Board shall be responsible for the distribution of these
3 forms.
- 4 (b) The appeal form shall be attached to any notice of dismissal, demotion,
5 suspension, or involuntary transfer. The appeal form shall instruct the
6 employee to state whether he or she is a classified or unclassified employee,
7 his or her full name, his or her appointing authority, work station address and
8 telephone number, home address and personal telephone number, personal
9 email address, and, if he or she has retained counsel at the time he or she files
10 an appeal, the name, address, and telephone number of his or her attorney.
- 11 (c) The form shall also instruct a classified employee to state the action he or she
12 is appealing in a short, plain, concise statement of the facts. The form shall
13 instruct an unclassified employee to make a short, plain, concise statement of
14 the reason for the appeal and the cause given for his or her dismissal,
15 demotion, suspension, or involuntary transfer.
- 16 (d) The appellant~~[Any appeal form filed by a classified or unclassified employee]~~
17 shall identify the statute, administrative regulation, or policy that the
18 agency~~[was]~~ allegedly violated on the appeal form.
- 19 (e) Upon receipt of the appeal by the board, the appointing authority and the
20 Personnel Cabinet shall be notified and the board shall schedule a hearing.
- 21 (15) All administrative hearings conducted by the board shall be conducted in
22 accordance with KRS Chapter 13B.
- 23 (16) (a) The board shall deny a hearing to an employee who has failed to file an
24 appeal within the time prescribed by this section; and to an unclassified
25 employee who has failed to state the reasons for the appeal and the cause for
26 which he or she has been dismissed, demoted, suspended without pay, or
27 involuntarily transferred. The board shall deny any appeal after a preliminary

1 hearing if it lacks jurisdiction to grant relief. The board shall notify the
2 employee of its denial in writing and shall inform the employee of his or her
3 right to appeal the denial under the provisions of KRS 18A.100.

4 (b) Any investigation by the board of any matter related to an appeal filed by an
5 employee shall be conducted only upon notice to the employee, the
6 employee's counsel, and the appointing authority. All parties to the appeal
7 shall have access to information produced by the investigations and the
8 information shall be presented at the hearing.

9 (17) Each appeal shall be decided individually, unless otherwise agreed by the parties
10 and the board. The board shall not:

11 (a) Employ class action procedures; or

12 (b) Conduct test representative cases.

13 (18) Board members shall abstain from public comment about a pending or impending
14 proceeding before the board. This shall not prohibit board members from making
15 public statements in the course of their official duties or from explaining for public
16 information the procedures of the board.

17 (19) An appeal to the board may be heard by the full board or one (1) or more of the
18 following: its executive director, its general counsel, any nonelected member of the
19 board, or any hearing officer secured by the board pursuant to KRS 13B.030.

20 (20) (a) If the board finds that the action complained of was taken by the appointing
21 authority in violation of laws prohibiting favor for, or discrimination against,
22 or bias with respect to, his or her political or religious opinions or affiliations
23 or ethnic origin, or in violation of laws prohibiting discrimination because of
24 such individual's sex or age or disability, the appointing authority shall
25 immediately reinstate the employee to his or her former position or a position
26 of like status and pay, without loss of pay for the period of time at issue, or
27 otherwise make the employee whole unless the order is stayed by the board or

1 the court on appeal.

2 (b) If the board finds that the action complained of was taken without just cause,
3 the board shall order the immediate reinstatement of the employee to his or
4 her former position or a position of like status and pay, without loss of pay for
5 the period of time at issue, or otherwise make the employee whole unless the
6 order is stayed by the board or the court on appeal.

7 (c) If the board finds that the action taken by the appointing authority was
8 excessive or erroneous in view of all the surrounding circumstances, the board
9 shall direct the appointing authority to modify or rescind the action at issue.

10 (d) In all other cases, the board shall direct the appointing authority to rescind the
11 action taken or otherwise grant specific relief or dismiss the appeal.

12 (21) If a final order of the board is appealed, a court may award reasonable attorney fees
13 to an employee who prevails by a final adjudication on the merits as provided by
14 KRS 453.260. This award shall not include attorney fees attributable to the hearing
15 before the board.

16 (22) When any employee is dismissed and not ordered reinstated after the appeal, the
17 board in its discretion may direct that his or her name be placed on an appropriate
18 reemployment list for employment in any similar position other than the one from
19 which he or she had been removed.

20 (23) After a final decision has been rendered by the board or court, an employee who
21 prevails in his or her appeal may be credited with the amount of leave time used for
22 time spent at his or her hearing before the board or court. Employees who had an
23 insufficient amount of leave time shall be credited with leave time equal to the
24 amount of time spent at their hearings before the board or court.

25 (24) If the appointing authority appeals the final order of the board, unless the board
26 rules otherwise, the reinstated employee shall remain in his or her former position,
27 or a position of like status or pay, until the conclusion of the appeals process, at

1 which time the appointing authority shall take action in accordance with the court
2 order.

3 (25) After a final decision in a contested case has been rendered by the last
4 administrative or judicial body to which the case has been appealed, the board shall
5 make the decision available to the public in electronic format on its website and
6 shall organize the decisions according to the statutory basis for which the appeal
7 was based.

8 (26) Appeals concerning dismissals of classified employees with status shall take
9 precedence for hearings before the board over all other appeals.

10 (27) Any classified or unclassified employee as defined in KRS 18A.005 who is not
11 restored to a position pursuant to KRS 61.371 to 61.377, or who is dismissed
12 without cause within one (1) year after reinstatement, may appeal to the Personnel
13 Board. The appeal shall be filed in writing with the executive director of the board
14 not later than thirty (30) days after the notification of the action in question has
15 been mailed or sent electronically.

16 (28) If an individual received a notice that does not comply with subsection (7)(c),
17 (8)(d), or (14)(b) of this section, or received no written or electronic notification of
18 his or her dismissal, demotion, suspension, or involuntary transfer pursuant to
19 subsection (7) or (8) of this section, he or she shall file his or her appeal to the
20 board within one hundred eighty (180) days of:

21 (a) Receipt of the written notice, if he or she received a written notice that does
22 not comply with subsection (7)(c), (8)(d), or (14)(b) of this section; or

23 (b) The alleged act, if he or she did not receive written or electronic notification
24 of the alleged act in question.

25 (29) If a classified or unclassified employee refuses or fails to cooperate as a witness in
26 an agency, Personnel Cabinet, or board investigation, hearing, proceeding, or
27 inquiry, the employee may be subject to disciplinary action.

1 (30) Unless otherwise provided by this chapter, the board shall not have jurisdiction over
2 any appeal except as authorized by this section.

3 ➔Section 6. KRS 18A.100 is amended to read as follows:

4 *Any party aggrieved by a final order of the board may appeal by filing a petition with*
5 *the clerk of the Franklin Circuit Court in accordance with KRS Chapter 13B.* ~~[(1) Any~~
6 ~~final order of the board either upholding or invalidating the dismissal, demotion, or~~
7 ~~suspension of a classified or an unclassified employee may be appealed either by the~~
8 ~~employee or by the appointing authority.~~

9 ~~(2) The party aggrieved may appeal a final order by filing a petition with the clerk of~~
10 ~~the Franklin Circuit Court in accordance with KRS Chapter 13B.]~~

11 ➔Section 7. KRS 18A.110 is amended to read as follows:

12 (1) The secretary shall promulgate comprehensive administrative regulations for the
13 classified service governing:

- 14 (a) Applications and examinations;
15 (b) Certification and selection of eligibles;
16 (c) Classification and compensation plans;
17 (d) Incentive programs;
18 (e) ~~Layoffs;~~
19 ~~(f) Registers;~~

20 (f)(g) Types of appointments;

21 (g)(h) Attendance; hours of work; compensatory time; annual, court, military,
22 sick, voting, living organ donor, and special leaves of absence, provided that
23 the secretary shall not promulgate administrative regulations that would
24 reduce the rate at which employees may accumulate leave time below the rate
25 effective on December 10, 1985; and

26 (h)(i) Employee evaluations.

27 (2) The secretary shall promulgate comprehensive administrative regulations for the

1 unclassified service.

2 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate
3 administrative regulations that would reduce an employee's salary; and

4 (b) As provided by KRS 18A.0751(4)(~~d~~)(~~e~~), the secretary may submit a
5 proposed administrative regulation providing for an initial probationary period
6 in excess of six (6) months to the board for its approval.

7 (4) The secretary may promulgate administrative regulations to implement state
8 government's affirmative action plan under KRS 18A.138.

9 (5) The secretary may promulgate administrative regulations to implement
10 scholarship programs, internship programs, education programs, and
11 educational assistance programs.

12 (6) The secretary may promulgate administrative regulations for the classified
13 service governing layoffs, furloughs, and reduction of hours, including but not
14 limited to reemployment of laid-off employees.

15 ~~(7)(5)~~ (a) The administrative regulations shall comply with the provisions of this
16 chapter and KRS Chapter 13A, and shall have the force and effect of law after
17 compliance with the provisions of KRS Chapters 13A and 18A and the
18 procedures adopted thereunder;

19 (b) Administrative regulations promulgated by the secretary shall not expand or
20 restrict rights granted to, or duties imposed upon, employees and
21 administrative bodies by the provisions of this chapter; and

22 (c) No administrative body other than the Personnel Cabinet shall promulgate
23 administrative regulations governing the subject matters specified in this
24 section.

25 ~~(8)(6)~~ Prior to filing an administrative regulation with the Legislative Research
26 Commission, the secretary shall submit the administrative regulation to the board
27 for review.

- 1 (a) The board shall review the administrative regulation proposed by the secretary
2 not less than twenty (20) days after its submission to it;
- 3 (b) Not less than five (5) days after its review, the board shall submit its
4 recommendations in writing to the secretary;
- 5 (c) The secretary shall review the recommendations of the board and may revise
6 the proposed administrative regulation if he or she deems it necessary; and
- 7 (d) After the secretary has completed the review provided for in this section, he or
8 she may file the proposed administrative regulation with the Legislative
9 Research Commission pursuant to the provisions of KRS Chapter 13A.
- 10 ~~(9)(7)~~ The administrative regulations shall provide:
- 11 (a) For the preparation, maintenance, and revision of a position classification plan
12 for all positions in the classified service, based upon similarity of duties
13 performed and responsibilities assumed, so that the same qualifications may
14 reasonably be required for, and the same schedule of pay may be equitably
15 applied to, all positions in the same class. The secretary shall allocate the
16 position of every employee in the classified service to one (1) of the classes in
17 the plan. The secretary shall reallocate existing positions, after consultation
18 with appointing authorities, when it is determined that they are incorrectly
19 allocated, and there has been no substantial change in duties from those in
20 effect when such positions were last classified. The occupant of a position
21 being reallocated shall continue to serve in the reallocated position with no
22 reduction in salary;
- 23 (b) For a pay plan for all employees in the classified service, after consultation
24 with appointing authorities and the state budget director. The plan shall take
25 into account such factors as:
- 26 1. The relative levels of duties and responsibilities of various classes of
27 positions;

1 2. Rates paid for comparable positions elsewhere taking into consideration
2 the effect of seniority on such rates; and

3 3. The state's financial resources.

4 Amendments to the pay plan shall be made in the same manner. Each
5 employee shall be paid at one (1) of the rates set forth in the pay plan for the
6 class of position in which he or she is employed, provided that the full amount
7 of the annual increment provided for by the provisions of KRS 18A.355, and
8 the full amount of an increment due to a promotion, salary adjustment,
9 reclassification, or reallocation, shall be added to an employee's base salary or
10 wages;

11 (c) For the advertisement and acceptance of applications for at least five (5) days
12 for those positions to be filled by classified appointment or promotion. The
13 secretary may continue to receive applications and review applicants on a
14 continuous basis long enough to ensure a sufficient number of applicants;

15 (d) For the rejection of candidates or eligibles who fail to comply with reasonable
16 requirements of the secretary in regard to such factors as age, physical
17 condition, training, and experience, or who have attempted any deception or
18 fraud in connection with an examination;

19 (e) Except as provided by this chapter, for the appointment of a person whose
20 score is included in the five (5) highest scores earned on the examination;

21 (f) For annual, sick, and special leaves of absence, with or without pay, or
22 reduced pay, after approval by the Governor as provided by KRS
23 18A.155(1)(d);

24 (g) ~~For layoffs, in accordance with the provisions of KRS 18A.113, by reasons~~
25 ~~of lack of work, abolishment of a position, a material change in duties or~~
26 ~~organization, or a lack of funds;~~

27 ~~(h) —~~ For the development and operation of programs to improve the work

1 effectiveness of employees in the state service, including training, whether in-
2 service or compensated educational leave, safety, health, welfare, counseling,
3 recreation, employee relations, and employee mobility without written
4 examination;

5 ~~(h)~~~~(i)~~ For a uniform system of annual employee evaluation for classified
6 employees, with status, that shall be considered in determining eligibility for
7 discretionary salary advancements, promotions, and disciplinary actions. The
8 administrative regulations shall:

- 9 1. Require the secretary to determine the appropriate number of job
10 categories to be evaluated and a method for rating each category;
- 11 2. Provide for periodic informal reviews during the evaluation period
12 which shall be documented on the evaluation form and pertinent
13 comments by either the employee or supervisor may be included;
- 14 3. Establish a procedure for internal dispute resolution with respect to the
15 final evaluation rating;
- 16 4. ~~Permit a classified employee, with status, who receives either of the~~
17 ~~two (2) lowest possible evaluation ratings to appeal to the Personnel~~
18 ~~Board for review after exhausting the internal dispute resolution~~
19 ~~procedure. The final evaluation shall not include supervisor comments~~
20 ~~on ratings other than the lowest two (2) ratings;~~
- 21 5. ~~Require that an employee who receives the highest possible rating shall~~
22 ~~receive the equivalent of two (2) workdays, not to exceed sixteen (16)~~
23 ~~hours, credited to his or her annual leave balance. An employee who~~
24 ~~receives the second highest possible rating shall receive the equivalent~~
25 ~~of one (1) workday, not to exceed eight (8) hours, credited to his or her~~
26 ~~annual leave balance; and~~

27 ~~5.16.~~ Require that an employee who receives the lowest possible evaluation

1 rating shall either be demoted to a position commensurate with the
2 employee's skills and abilities or be terminated; and

3 ~~(i)(+)~~ For other administrative regulations not inconsistent with this chapter
4 and KRS Chapter 13A, as may be proper and necessary for its enforcement.

5 ~~(10)(8)~~ For any individual hired or elected to office before January 1, 2015, and paid
6 through the Kentucky Human Resources Information System, the Personnel
7 Cabinet shall not require payroll payments to be made by direct deposit or require
8 the individual to use a web-based program to access his or her salary statement.

9 ~~(11)(9)~~ To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and
10 administrative regulations promulgated by the commissioner of the Department of
11 Kentucky State Police under authority granted in KRS Chapter 16 conflict with this
12 section or any administrative regulation promulgated by the secretary pursuant to
13 authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

14 ➔Section 8. KRS 18A.113 is amended to read as follows:

15 (1) As used in this section:

16 (a) "Furlough" or "reduction in hours" means the temporary reduction of hours an
17 employee is scheduled to work by the appointing authority within a pay
18 period; and

19 (b) "Layoff" means discharge of employment subject to the rights contained in
20 this section.

21 (2) An appointing authority shall have the authority to layoff or furlough employees or
22 reduce hours of employment for any of the following reasons:

23 (a) Lack of funds or budgetary constraints;

24 (b) A reduction in spending authorization;

25 (c) Lack of work;

26 (d) Abolishment of a position;

27 (e) Efficiency; or

- 1 (f) Other material change in duties or organization.
- 2 (3) The appointing authority shall determine the classifications affected, the number of
3 employees laid off in each classification, and each county to which a layoff applies.
4 In the same department or office, county, and job classification, intern or interim
5 and probationary employees shall be terminated~~[laid-off]~~ before full-time or part-
6 time employees with status are laid off. For purposes of layoff, "probationary
7 employee" shall not include an employee with status serving a promotional
8 probation.
- 9 (4) The provisions of this section shall not apply to federally funded time-limited
10 employees.
- 11 (5) The secretary of the Personnel Cabinet shall approve all actions taken under
12 subsection (2) of this section and no such layoff, furlough, or reduction of hours
13 may begin until the approval has been granted. The appointing authority, with the
14 approval of the secretary, shall have the authority to determine the extent, effective
15 dates, and length of any action taken under subsection (2) of this section.
- 16 (6) In determining a layoff, the appointing authority shall consider all employees under
17 the same appointing authority, within the classification affected, and within the
18 county affected. Consideration shall be given to the following relevant factors and
19 in this order:
- 20 (a) Job performance evaluations;
21 (b) Education, training, and experience;
22 (c) Disciplinary record; and
23 (d) Seniority.
- 24 (7) Any classified employee with status whose position is subject to layoff, furlough, or
25 reduction of hours shall be provided written notice containing the reason for the
26 action at least thirty (30) days in advance of the effective date of the action.
- 27 (8) (a) Any classified employee with status who is laid off shall be eligible to apply

1 as a reemployment applicant for the job classification from which he or she
2 was laid off, in the cabinet from which he or she was laid off for a period of
3 two (2) years. A reemployment applicant shall be hired before any applicant
4 except another reemployment applicant with greater seniority who is on the
5 same register.

6 (b) A reemployment applicant shall not be removed from any register except as
7 provided in KRS 18A.032.

8 (c) When a reemployment applicant is removed from a register, he or she shall be
9 notified in writing or electronically and shall have the right to appeal to the
10 board within thirty (30) calendar days after receipt of the notification,
11 excluding the day he or she receives notice.

12 (d) A reemployment applicant who accepts any classified position, or who retires
13 through the Kentucky Employees Retirement System or Kentucky Teachers'
14 Retirement System, shall cease to have eligibility rights as a reemployment
15 applicant.

16 (9) With the approval of the secretary, the Personnel Cabinet may place employees
17 subject to a reduction in workforce in a different position.

18 (10) ~~The secretary shall promulgate administrative regulations pursuant to KRS Chapter~~
19 ~~13A to fully implement the provisions of this section.~~

20 ~~(11) A layoff, furlough, or reduction of hours implemented in accordance with this~~
21 ~~section shall not be appealable to the Personnel Board.~~

22 ➔Section 9. KRS 18A.115 is amended to read as follows:

23 (1) The classified service to which KRS 18A.005 to 18A.200, 18A.202, and 18A.203
24 ~~shall apply~~ shall consist of ~~comprise~~ all positions in the state service now
25 existing or hereafter established, except the following:

26 (a) The General Assembly and employees of the General Assembly, including the
27 employees of the Legislative Research Commission;

- 1 (b) Officers elected by popular vote and persons appointed to fill vacancies in
2 elective offices;
- 3 (c) Members and employees of boards and commissions, except that the board
4 and commission members may elect to employ staff subject to KRS 18A.005
5 to 18A.200, 18A.202, and 18A.203;
- 6 (d) Officers and employees on the staff of the Governor, the Lieutenant
7 Governor, the Office of the Secretary of the Governor's Cabinet, and the
8 Office of Program Administration;
- 9 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
10 of all boards and commissions, including the executive director of Kentucky
11 Educational Television;
- 12 (f) Employees of Kentucky Educational Television who have been determined to
13 be exempt from classified service by the Kentucky Authority for Educational
14 Television, which shall have sole authority over such exempt employees for
15 employment, dismissal, and setting of compensation, up to the maximum
16 established for the executive director and his or her principal assistants;
- 17 (g) One (1) principal assistant or deputy for each person exempted under
18 subsection (1)(e) of this section;
- 19 (h) 1. One (1) additional principal assistant or deputy as may be necessary for
20 making and carrying out policy for each person exempted under
21 subsection (1)(e) of this section in those instances in which the nature of
22 the functions, size, or complexity of the unit involved are such that the
23 secretary approves such an addition on petition of the relevant cabinet
24 secretary or department head and such other principal assistants,
25 deputies, or other major assistants as may be necessary for making and
26 carrying out policy for each person exempted under subsection (1)(e) of
27 this section in those instances in which the nature of the functions, size,

- 1 or complexity of the unit involved are such that the board may approve
2 such an addition or additions on petition of the department head
3 approved by the secretary.~~[Effective August 1, 2010:~~
- 4 ~~1. All positions approved under this paragraph prior to August 1, 2010,~~
5 ~~shall be abolished effective December 31, 2010, unless reapproved~~
6 ~~under subparagraph 2. of this paragraph; and]~~
- 7 2. A position approved under this paragraph~~[on or after August 1, 2010,]~~
8 shall be approved for a period of five (5) years, after which time the
9 position shall be abolished unless reapproved under this subparagraph
10 for an additional five (5) year period;
- 11 (i) Division directors subject to the provisions of KRS 18A.170. Division
12 directors in the classified service as of January 1, 1980, shall remain in the
13 classified service;
- 14 (j) Physicians employed as such;
- 15 (k) One (1) private secretary for each person exempted under subsection (1)(e),
16 (g), and (h) of this section;
- 17 (l) The judicial department, referees, receivers, jurors, and notaries public;
- 18 (m) Officers and members of the staffs of state universities and colleges and
19 student employees of such institutions; officers and employees of the
20 Teachers' Retirement System; and officers, teachers, and employees of local
21 boards of education;
- 22 (n) Patients or inmates employed in state institutions;
- 23 (o) Persons employed in a professional or scientific capacity to make or conduct a
24 temporary or special inquiry, investigation, or examination on behalf of the
25 General Assembly, or a committee thereof, or by authority of the Governor,
26 and persons employed by state agencies for a specified, limited period to
27 provide professional, technical, scientific, or artistic services under the

- 1 provisions of KRS 45A.690 to 45A.725;
- 2 (p) Interim employees;
- 3 (q) Officers and members of the state militia;
- 4 (r) Department of Kentucky State Police troopers;
- 5 (s) University or college engineering students or other students employed part-
- 6 time or part-year by the state through special personnel recruitment programs;
- 7 provided that while so employed such aides shall be under contract to work
- 8 full-time for the state after graduation for a period of time approved by the
- 9 commissioner or shall be participants in a cooperative education program
- 10 approved by the commissioner;
- 11 (t) Superintendents of state mental institutions, including heads of centers for
- 12 individuals with an intellectual disability, ~~and~~ penal and correctional
- 13 institutions as referred to in KRS 196.180(2), and all superintendents of
- 14 institutions for juveniles;
- 15 (u) Staff members of the Kentucky Historical Society, if they are hired in
- 16 accordance with KRS 171.311;
- 17 (v) County and Commonwealth's attorneys and their respective appointees;
- 18 (w) Chief district engineers and the state highway engineer;
- 19 (x) Veterinarians employed as such by the Kentucky Horse Racing and Gaming
- 20 Corporation;
- 21 (y) Employees of the Kentucky Peace Corps;
- 22 (z) Employees of the Council on Postsecondary Education;
- 23 (aa) Executive director of the Commonwealth Office of Technology;
- 24 (ab) Employees of Serve Kentucky;
- 25 (ac) Persons employed in certified teaching positions at the Kentucky School for
- 26 the Blind and the Kentucky School for the Deaf;
- 27 (ad) Federally funded time-limited employees as defined in KRS 18A.005; and

- 1 (ae) Employees of the Department of Agriculture who are employed to support the
2 Agricultural Development Board and the Kentucky Agricultural Finance
3 Corporation.
- 4 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
5 amend the provisions of KRS 150.022 and 150.061.
- 6 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
7 nonmanagement, nonpolicy-making position which must be included in the
8 classified service as a prerequisite to the grant of federal funds to a state agency.
- 9 (4) Career employees within the classified service promoted to positions exempted
10 from classified service shall, upon termination of their employment in the exempted
11 service, revert to a position in that class in the agency from which they were
12 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
13 considered for employment in any vacant position for which they were qualified
14 pursuant to KRS 18A.130 and 18A.135.
- 15 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
16 officers from filling unclassified positions in the manner in which positions in the
17 classified service are filled except as otherwise provided in KRS 18A.005 to
18 18A.200.
- 19 (6) The positions of employees who are transferred, effective July 1, 1998, from the
20 Cabinet for Workforce Development to the Kentucky Community and Technical
21 College System shall be abolished and the employees' names removed from the
22 roster of state employees. Employees that are transferred, effective July 1, 1998, to
23 the Kentucky Community and Technical College System under KRS Chapter 164
24 shall have the same benefits and rights as they had under KRS Chapter 18A and
25 have under KRS 164.5805; however, they shall have no guaranteed reemployment
26 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
27 employee who seeks reemployment in a state position under KRS Chapter 151B or

1 KRS Chapter 18A shall have years of service in the Kentucky Community and
2 Technical College System counted towards years of experience for calculating
3 benefits and compensation.

4 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
5 personnel, and all certified and equivalent and unclassified vacant positions in the
6 Department for Adult Education and Literacy shall be transferred from the
7 personnel system under KRS Chapter 151B to the personnel system under KRS
8 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
9 system. All records shall be transferred including accumulated annual leave, sick
10 leave, compensatory time, and service credit for each affected employee. The
11 personnel officers who administer the personnel systems under KRS Chapter 151B
12 and KRS Chapter 18A shall exercise the necessary administrative procedures to
13 effect the change in personnel authority. No certified or equivalent employee in the
14 Department for Adult Education and Literacy shall suffer any penalty in the
15 transfer.

16 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
17 in the Department for Technical Education and the Department for Adult Education
18 and Literacy shall be transferred from the personnel system under KRS Chapter
19 151B to the personnel system under KRS Chapter 18A. The positions shall be
20 deleted from the KRS Chapter 151B system. All records shall be transferred
21 including accumulated annual leave, sick leave, compensatory time, and service
22 credit for each affected employee. No employee shall suffer any penalty in the
23 transfer.

24 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are
25 engaged in providing instructional and support services to the Department of
26 Criminal Justice Training shall be transferred to the personnel system under KRS
27 Chapter 18A. All records shall be transferred, including accumulated annual leave,

1 sick leave, compensatory time, and service credit for each affected employee. The
2 personnel officers who administer the personnel systems for Eastern Kentucky
3 University and under KRS Chapter 18A shall exercise the necessary administrative
4 procedures to effect the change in personnel authority. No employee shall suffer
5 any penalty in the transfer.

6 (10) On July 1, 2024, all employees of the Louisville and Jefferson County Public
7 Defender Corporation shall be transferred to the personnel system under KRS
8 Chapter 18A. Records of each employee's job classification, compensation, dates of
9 employment, dates of professional licensure, probationary status, accumulated leave
10 balances by category, months of service, and any other information necessary under
11 KRS Chapter 18A shall be transferred. The personnel officers who administer the
12 personnel systems for the Louisville and Jefferson County Public Defender
13 Corporation and under KRS Chapter 18A shall exercise the necessary
14 administrative procedures to effect the change in the personnel authority. No
15 employee shall suffer any penalty in the transfer.

16 ➔Section 10. KRS 18A.125 is amended to read as follows:

17 (1) No disbursing or auditing officer of the Commonwealth shall make or approve or
18 take any part in making or approving any payment for personal service to any
19 person holding a position in the classified or unclassified service unless the payroll
20 voucher or account of such pay bears the certification of the secretary, or of his
21 authorized agent, that the persons named therein have been appointed and employed
22 in accordance with the provisions of KRS 18A.005 to 18A.200 and the rules,
23 regulations, and orders thereunder. The secretary may for proper cause or upon
24 order of the board withhold certification from an entire payroll or from any specific
25 item or items thereon. The secretary may, however, provide that certification of
26 payrolls may be made once every six (6) months, and such certification shall remain
27 in effect except in the case of any officer or employee whose status has changed

1 after the last certification of his payroll. In the latter case no voucher for payment of
2 salary to such employee shall be issued or payment of salary made without the
3 further certification of the secretary.

4 (2) All agencies and employees for which the cabinet administers payroll shall
5 comply with the secretary's payroll administration policies, procedures, and
6 requirements.

7 (3) Any citizen, including public officers, may maintain a suit to restrain a disbursing
8 officer from making any payment in contravention of any provision of KRS
9 18A.005 to 18A.200, or of any rule, regulation or order thereunder. Any sum paid
10 contrary to any provision of KRS 18A.005 to 18A.200 or of any rule, regulation, or
11 order thereunder may be recovered in an action maintained by any citizen, from any
12 officer who made, approved, or authorized such payment or who signed or
13 countersigned a voucher, payroll check or warrant for such payment, or from the
14 sureties on the official bond of any such officer. All moneys recovered in any such
15 action shall be paid into the Treasury.

16 ~~(4)~~(3) Any person appointed or employed in contravention of any provision of KRS
17 18A.005 to 18A.200 or of any rule, regulation, or order thereunder, who performs
18 service for which he is not paid, may maintain an action against the officer or
19 officers, employee or employees, who purported so to appoint or employ him, to
20 recover the agreed pay for such services, or the reasonable value thereof if no pay
21 was agreed upon. No such officer or employee shall be reimbursed by the
22 Commonwealth at any time for any sum paid to such person on account of such
23 services.

24 ~~(5)~~(4) If the secretary wrongfully withholds certification of the payroll voucher or
25 account of any employee, such employee may maintain a proceeding in the Circuit
26 Court in the county in which he resides to compel the secretary to certify such
27 payroll voucher or account.

1 (6) An executive branch agency for which the cabinet administers payroll shall not
2 authorize performance of duties or provision of services from a work station or
3 alternative work station outside the Commonwealth of Kentucky without approval
4 from the secretary.

5 (7) Notwithstanding any other provision of law to the contrary, an agency may
6 request that the secretary deduct the value of the following items from an
7 employee's final paycheck, if the deduction is expressly authorized in writing by
8 the employee, and the deduction does not reduce the employee's pay below the
9 federal minimum wage:

10 (a) Unreturned equipment, tools, phones, laptops, or uniforms; and

11 (b) Training attendance and travel costs, if the employee terminates the
12 employment relationship with the agency within two (2) years of the
13 completion of the training.

14 ➔Section 11. KRS 18A.135 is amended to read as follows:

15 (1) Any career employee who has been laid-off or dismissed, other than for cause, and,
16 in the case of an unclassified management employee, resignation other than
17 resignation in lieu of dismissal for cause, shall automatically be placed on the
18 reemployment list for the class from which he was terminated. If a career employee
19 wishes to be on the reemployment list for other classes of positions for which he or
20 she is qualified and passes the appropriate selection method, he shall notify the
21 cabinet in writing.

22 (2) If more than one (1) career employee requests to be placed on the reemployment list
23 for any job classification, the cabinet shall list the names of such career employees
24 in the order of their seniority.

25 (3) No vacancy may be filled from a competitive register until all career employees on
26 the reemployment list for that class of position have denied employment in that
27 class. An appointing authority may refuse to reemploy a qualified employee on the

1 reemployment list only for cause. The secretary and the employee shall be
2 furnished with a written statement of the specific reasons for the refusal within ten
3 (10) days following the appointing authority's refusal. The employee may appeal
4 the appointing authority's action in accordance with KRS 18A.095 and 18A.100.

5 **(4) Reemployment rights granted pursuant to this section shall expire:**

6 **(a) After two (2) years from the date of separation;**

7 **(b) Upon acceptance of any classified position; or**

8 **(c) Upon retirement through the Kentucky Employees Retirement System or**
9 **Kentucky Teachers' Retirement System.**

10 ➔Section 12. KRS 18A.197 is amended to read as follows:

11 (1) The Commonwealth of Kentucky sick leave sharing program is created. An
12 employee who has accrued a sick leave balance of more than seventy-five (75)
13 hours may request that the appointing authority of the agency for which the
14 employee works makes available for transfer a specified amount of his or her sick
15 leave balance to another named employee authorized to receive leave under
16 subsection (2) of this section. The employee may not request a transfer of an
17 amount of leave that would result in reducing his or her sick leave balance to less
18 than seventy-five (75) hours.

19 (2) An appointing authority, with the approval of the secretary of personnel, may
20 permit an employee of the agency to receive leave under this section if:

21 (a) The employee or a member of his or her immediate family suffers from a
22 medically certified illness, injury, impairment, or physical or mental condition
23 which has caused, or is likely to cause, the employee to go on leave for at
24 least ten (10) consecutive working days;

25 (b) The employee's need for absence and use of leave are certified by a licensed
26 practicing physician or advanced practice registered nurse;

27 (c) The employee has exhausted his or her accumulated sick leave, annual leave,

1 and compensatory leave balances; and

2 (d) The employee has complied with administrative regulations governing the use
3 of sick leave.

4 (3) The appointing authority, with the approval of the secretary of personnel, shall
5 determine the amount of leave, if any, which an employee within his or her agency
6 may receive under subsection (2) of this section. Transfers of leave shall not exceed
7 the amount requested by the recipient.

8 (4) Leave may be transferred from an employee of one (1) agency to an employee
9 within the same agency. With the approval of the secretary of personnel and of the
10 appointing authorities of both agencies, leave may be transferred from an employee
11 of one (1) agency to an employee of another state agency. The Personnel Cabinet
12 shall maintain records of leave transferred between employees and the utilization of
13 transferred leave.

14 (5) While an employee is on leave transferred under this section, he or she shall be
15 deemed a state employee and shall receive the same treatment with respect to
16 salary, wages and employee benefits.

17 (6) All salary and wage payments made to an employee while on leave transferred
18 under this section shall be made by the agency employing the person receiving the
19 leave.

20 (7) Any leave transferred under this section which remains unused shall be returned to
21 the employees who transferred the leave when the appointing authority finds that
22 the leave is no longer needed and will not be needed at a future time in connection
23 with the illness or injury for which the leave was transferred to an employee in his
24 agency.

25 (8) No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt
26 to intimidate, threaten, or coerce any other employee for the purpose of interfering
27 with the employee's right to voluntarily contribute leave when authorized under this

1 section. For the purpose of this subsection, "intimidate, threaten, or coerce" shall
2 include, without being limited to, the promise to confer or the conferring of any
3 benefit or effecting or threatening to effect any reprisal.

4 (9) Notwithstanding subsection (1) of this section, an employee who has provided
5 proper notice of resignation or retirement may request transfer of all or part of
6 his or her remaining sick leave balance.

7 (10) The secretary of the Personnel Cabinet shall promulgate procedural administrative
8 regulations to implement the provisions of this section.

9 ➔Section 13. KRS 18A.203 is amended to read as follows:

10 (1) The Commonwealth of Kentucky annual leave sharing program is created. An
11 employee who has accrued an annual leave balance of more than seventy-five (75)
12 hours may request that the appointing authority of the agency for which the
13 employee works makes available for transfer a specified amount of his or her
14 annual leave balance to another named employee authorized to receive leave under
15 subsection (2) of this section. The employee may not request a transfer of an
16 amount of leave that would result in reducing his or her annual leave balance to less
17 than seventy-five (75) hours.

18 (2) An appointing authority, with the approval of the secretary of personnel, may
19 permit an employee of the agency to receive leave under this section if:

20 (a) The employee suffers from a catastrophic loss to his or her personal property,
21 due to either a natural disaster or fire, that either has caused or will likely
22 cause the employee to go on leave for at least ten (10) consecutive working
23 days;

24 (b) The employee has exhausted his or her accumulated annual leave and
25 compensatory leave balances; and

26 (c) The employee has complied with administrative regulations governing the use
27 of annual leave.

- 1 (3) The appointing authority, with the approval of the secretary of personnel, shall
2 determine the amount of leave, if any, that an employee within his or her agency
3 may receive under subsection (2) of this section. Transfers of leave shall not exceed
4 the amount requested by the recipient.
- 5 (4) Leave may be transferred from an employee of one (1) agency to an employee
6 within the same agency. With the approval of the secretary of personnel and of the
7 appointing authorities of both agencies, leave may be transferred from an employee
8 of one (1) agency to an employee of another state agency. The Personnel Cabinet
9 shall maintain records of leave transferred between employees and the utilization of
10 transferred leave.
- 11 (5) While an employee is on leave transferred under this section, he or she shall be
12 deemed a state employee and shall receive the same treatment with respect to
13 salary, wages, and employee benefits.
- 14 (6) All salary and wage payments made to an employee while on leave transferred
15 under this section shall be made by the agency employing the person receiving the
16 leave.
- 17 (7) Any leave transferred under this section that remains unused shall be returned to the
18 employees who transferred the leave when the appointing authority finds that the
19 leave is no longer needed and will not be needed at a future time in connection with
20 the catastrophic loss for which the leave was transferred to an employee in his or
21 her agency.
- 22 (8) No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt
23 to intimidate, threaten, or coerce any other employee for the purpose of interfering
24 with the employee's right to voluntarily contribute leave when authorized under this
25 section. For the purpose of this subsection, "intimidate, threaten, or coerce" shall
26 include, without being limited to, the promise to confer or the conferring of any
27 benefit or effecting or threatening to effect any reprisal.

(9) Notwithstanding subsection (1) of this section, an employee who has provided proper notice of resignation or retirement may request transfer of all or part of his or her remaining annual leave balance.

(10) The secretary of the Personnel Cabinet shall promulgate procedural administrative regulations to implement the provisions of this section.

➔Section 14. KRS 18A.355 is amended to read as follows:

(1) An annual increment of not less than five percent (5%) of the base salary or wages of each state employee shall be granted to each employee on his or her anniversary date. The employee's base salary or wages shall be increased by the amount of the annual increment. When any increment due to a promotion, reallocation, reclassification or salary adjustment is granted an employee, the employee's base salary or wages shall be increased by the amount of such increment. An employee's base salary or wages shall not be increased by the amount of lump-sum payment awarded under KRS 18A.110(9)(h)~~[(7)(i)]~~.

(2) The branch budget recommendation submitted to the General Assembly under KRS Chapter 48 shall include a request for the amount of the annual increment expressed as a percentage of each employee's base salary or wages and a request for the total appropriation needed to fund the annual increment. The annual increment shall be uniform for all employees. The financial plan enacted under the provisions of KRS 48.300 shall contain the annual increment expressed as a percentage of each employee's base salary or wages, and the total appropriation needed to fund the annual increment.

(3) The budget reduction plan submitted and enacted under the provisions of KRS Chapter 48 shall provide that a reduction of the annual increment granted under this section shall be made only after other cost savings measures, as provided by KRS 18A.113 are taken. Any such reduction shall be uniform for all state employees and shall comply with the provisions of this chapter and KRS Chapter 48.

1 ➔Section 15. KRS 132.370 is amended to read as follows:

- 2 (1) There shall be a property valuation administrator in each county in lieu of a county
3 assessor. Property valuation administrators shall be state officials and all deputies
4 and assistants of their offices shall be unclassified state employees.
- 5 (2) Property valuation administrators shall be elected in the year in which county
6 elections are held and shall enter upon the discharge of the duties of their office on
7 the first Monday in December after their election and continue in office for a period
8 of four (4) years, and until the election and qualification of their successors.
9 Property valuation administrators shall possess the qualifications required by
10 Section 100 of the Constitution and by KRS 132.380 and shall be eligible for
11 reelection.
- 12 (3) The property valuation administrators and all deputies and assistants of their offices
13 who qualify as full-time employees shall be eligible for participation in the
14 provisions of KRS 18A.205, 18A.230 to 18A.355, and 61.510 to 61.705.
- 15 (4) A property valuation administrator may be removed from office by the Circuit
16 Court of his or her county, upon petition of any taxpayer, or by the commissioner of
17 revenue for willful disobedience of any just or legal order of the department, or for
18 misfeasance or malfeasance in office or willful neglect in the discharge of his or her
19 official duties, including but not limited to intentional underassessment or
20 overassessment of properties and chronic underassessment of properties. For
21 purposes of this section and KRS 133.250, "chronic underassessment" means a
22 widespread pattern and practice of assessing properties at levels substantially below
23 fair market value which persists for a period of two (2) or more years as disclosed
24 by randomly selected sample appraisals conducted under the provisions of KRS
25 133.250, special audits conducted pursuant to KRS 133.250, or other means.
- 26 (5) If the commissioner determines that a property valuation administrator should be
27 removed from office, the property valuation administrator shall be notified in

1 writing, and the notice of intent to remove shall state the specific reasons for
2 removal. The notice shall also advise the property valuation administrator of his or
3 her right to a preremoval conference and an administrative hearing.

4 (6) A property valuation administrator may request a preremoval conference to appear
5 with or without counsel before the commissioner or his or her designee to answer
6 the charges against him or her. The preremoval conference shall be requested in
7 writing within six (6) working days of the date on which the notice of intent to
8 remove is received, and a preremoval conference shall be scheduled within seven
9 (7) working days of the date on which the request is received. The commissioner or
10 his or her designee shall render a decision within five (5) working days of the
11 conclusion of the preremoval conference. Failure of a property valuation
12 administrator to request a preremoval hearing shall not waive his or her right to
13 contest his or her removal through an administrative hearing.

14 (7) If an action to remove a property valuation administrator is initiated by the
15 commissioner of revenue, the property valuation administrator shall have the right
16 to appeal and upon appeal an administrative hearing shall be conducted in
17 accordance with KRS Chapter 13B. Appeal of the final order of the commissioner
18 of revenue may be filed in a Circuit Court of an adjacent judicial circuit in
19 accordance with KRS Chapter 13B, notwithstanding the provisions of KRS Chapter
20 18A.

21 (8) If a property valuation administrator is removed from office as provided in
22 subsections (4) to (7) of this section, he or she shall be ineligible to serve in the
23 office at any future date and shall forfeit any and all certification from the
24 Department of Revenue pertaining to the office.

25 (9) Notwithstanding the provisions of KRS 18A.110(7)(5)(c), the department shall
26 promulgate administrative regulations allowing property valuation administrators
27 and their deputies to receive lump-sum payments for accrued annual leave and

1 compensatory time when separated from employment because of termination by the
2 employer, resignation, retirement, or death.

3 ➔Section 16. KRS 163.032 is amended to read as follows:

4 (1) The Kentucky Department of Education, with assistance from the Kentucky
5 Personnel Cabinet, shall adopt a salary schedule for teachers in the Kentucky
6 School for the Deaf and the Kentucky School for the Blind. The salary schedule
7 shall be the same as salary schedules in effect in local school districts in counties
8 containing a city of the first class and shall conform to the requirements for a single
9 salary schedule as defined in KRS 157.320, except the salary schedule shall not
10 limit the number of years of experience for a certified employee who transfers to
11 the school.

12 (2) (a) Certified teachers in the Kentucky School for the Deaf and the Kentucky
13 School for the Blind shall have the same statutory employment status and
14 benefits as certified teachers in the public schools.

15 (b) If a teacher qualifies for and requests a tribunal under KRS 161.790, the
16 Attorney General shall appoint the members.

17 (3) Once a teacher has been selected for hiring at the Kentucky School for the Blind or
18 the Kentucky School for the Deaf, the Department of Education and the Personnel
19 Cabinet shall complete the hiring process within two (2) weeks.

20 (4) A certified teacher employed at one (1) of the schools on July 12, 2006, whose job
21 description does not include outreach responsibilities shall not be involuntarily
22 assigned to work on a permanent basis outside the county in which the employing
23 school is located.

24 (5) Nothing in KRS 18A.115 or 163.032 shall result in a loss of any leave accrued by a
25 certified teacher employed prior to July 12, 2006, by one (1) of the schools.
26 Accrued leave may be taken in accordance with the policy of the school.

27 (6) The Kentucky Department of Education, with assistance from the Kentucky

1 Personnel Cabinet, shall adopt a salary schedule for administrators for the Kentucky
2 School for the Deaf and the Kentucky School for the Blind. In considering the rate
3 of pay and the requirements of KRS 18A.110(9)(~~7~~)(b), the department and the
4 cabinet shall consider rates that are based upon the duties and responsibilities of the
5 positions and that are competitive with rates for similar or comparable services in
6 Kentucky school districts. The salary schedule, which shall be computed prior to
7 September 1 of each year, shall be based on two hundred sixty (260) days per year.