

1 AN ACT relating to paid family leave for state employees.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Child" means any person who has not reached his or her eighteenth
7 birthday;

8 (b) "Eligible employee" means a person employed by the Commonwealth of
9 Kentucky in a full-time position in the judicial or legislative branch of state
10 government;

11 (c) "Foster care placement" means the placement of a child in a private home
12 to be cared for by a foster family under the supervision of the Cabinet for
13 Health and Family Services;

14 (d) 1. "Paid family leave" means a paid leave of absence provided to a
15 parent who is an eligible employee for time off work for the birth,
16 adoption, foster care placement, or serious health condition as defined
17 by the Family and Medical Leave Act, 29 U.S.C. sec. 2601 et seq, of
18 his or her child.

19 2. "Paid family leave" does not include any other form of paid leave that
20 has been granted by the parent's employer; and

21 (e) "Parent" means the mother or father of a child by birth, surrogacy,
22 adoption, or foster care placement.

23 (2) The paid family leave program is hereby created to provide paid family leave to
24 eligible employees upon the birth, surrogacy, adoption, foster care placement, or
25 serious health condition of a child of the employee.

26 (3) A full-time employee shall be eligible for paid family leave upon his or her first
27 day of employment.

1 (4) An eligible employee may take up to six (6) weeks of paid family leave for the
2 birth, adoption, foster care placement, or serious health condition of his or her
3 child. Paid family leave shall not be taken by the eligible employee more than one
4 (1) time per every ten (10) year increment, and not more than three (3) times
5 during his or her employment career as an eligible employee. Paid family leave
6 shall be awarded at the eligible employee's base salary.

7 (5) Multiple births, adoptions, placements, or serious health conditions do not extend
8 the amount of paid family leave available under this section.

9 (6) If both parents of a child are eligible employees, both parents are eligible for paid
10 family leave under this section. The leave taken by one (1) of the parents may be
11 taken either concurrently or consecutively to the other parent.

12 (7) An eligible employee shall not be required to use compensatory time, sick leave,
13 or annual leave before being eligible to receive paid family leave.

14 (8) Paid family leave shall be used within six (6) months following the birth,
15 adoption, foster care placement, or serious health condition. If the leave is not
16 used before the end of the six (6) month period, the paid family leave shall lapse.

17 (9) Paid family leave shall run concurrently with any leave time available pursuant
18 to the federal Family and Medical Leave Act.

19 (10) An eligible employee shall submit a completed request for paid family leave to his
20 or her employer at least thirty (30) days prior to the first day of leave. If a thirty
21 (30) day notice is not possible, the employee shall submit a completed request to
22 his or her employer for paid family leave within five (5) working days of the
23 beginning of leave.

24 (11) An eligible employee shall submit written verification of the birth, adoption,
25 placement, or serious health condition of his or her child to his or her employer.

26 ➔ SECTION 2. A NEW SECTION OF KRS 18A.005 TO 18A.200 IS CREATED
27 TO READ AS FOLLOWS:

1 (1) As used in this section:

2 (a) "Child" has the same meaning as in Section 1 of this Act;

3 (b) "Foster care placement" has the same meaning as in Section 1 of this Act;

4 (c) 1. "Paid family leave" means a paid leave of absence provided to a
5 parent who is a full-time classified employee for time off work for the
6 birth, adoption, foster care placement, or serious health condition as
7 defined by the Family and Medical Leave Act, 29 U.S.C. sec. 2601 et
8 sec., of his or her child.

9 2. "Paid family leave" does not include any other form of paid leave that
10 has been granted to the employee; and

11 (d) "Parent" has the same meaning as in Section 1 of this Act.

12 (2) The paid family leave program is hereby created to provide paid family leave to
13 full-time classified employees upon the birth, surrogacy, adoption, foster care
14 placement, or serious health condition of a child of the employee.

15 (3) The full-time classified employee shall be eligible for paid family leave upon his
16 or her first day of employment.

17 (4) An employee eligible for paid family leave may take up to six (6) weeks of paid
18 family leave for the birth, adoption, foster care placement, or serious health
19 condition of his or her child. Paid family leave shall not be taken by the classified
20 employee more than one (1) time per every ten (10) year increment, and not more
21 than three (3) times during his or her employment career as a classified
22 employee. Paid family leave shall be awarded at the classified employee's base
23 salary.

24 (5) Multiple births, adoptions, placements, or serious health conditions do not extend
25 the amount of paid family leave available under this section.

26 (6) If both parents of a child are full-time classified employees, both parents are
27 eligible for paid family leave under this section. The leave taken by one (1) of the

1 parents may be taken either concurrently or consecutively to the other parent.

2 (7) An employee shall not be required to use compensatory time, sick leave, or
3 annual leave before being eligible to receive paid family leave.

4 (8) Paid family leave shall be used within six (6) months following the birth,
5 adoption, foster care placement, or serious health condition. If the leave is not
6 used before the end of the six (6) month period, the paid family leave shall lapse.

7 (9) Paid family leave shall run concurrently with any leave time available pursuant
8 to the federal Family and Medical Leave Act.

9 (10) An employee shall submit a completed request for paid family leave to his or her
10 employer at least thirty (30) days prior to the first day of leave. If a thirty (30) day
11 notice is not possible, the employee shall submit a completed request to his or her
12 employer for paid family leave within five (5) working days of the beginning of
13 leave.

14 (11) An employee shall submit written verification of the birth, adoption, placement,
15 or serious health condition of his or her child to his or her employer.

16 ➔Section 3. KRS 18A.025 is amended to read as follows:

17 (1) The Governor shall appoint the secretary of personnel as provided in KRS 18A.015,
18 who shall be considered an employee of the state. The secretary shall be a graduate
19 of an accredited college or university and have at least five (5) years' experience in
20 personnel administration or in related fields, have known sympathies with the merit
21 principle in government, and shall be dedicated to the preservation of this principle.
22 Additional education may be substituted for the required experience and additional
23 experience may be substituted for the required education.

24 (2) The secretary of the Personnel Cabinet or the secretary's designee shall be
25 responsible for the coordination of the state's affirmative action plan established by
26 KRS 18A.138.

27 (3) There is established within the Personnel Cabinet the following offices,

1 departments, and divisions, each of which shall be headed by either a
2 commissioner, executive director, or division director appointed by the secretary,
3 subject to the prior approval of the Governor pursuant to KRS 12.040 or 12.050,
4 depending on the level of the appointment, except that the Kentucky Employees
5 Deferred Compensation Authority shall be headed by an executive director who
6 shall be appointed by the authority's board of directors:

7 (a) Office of the Secretary, which shall be responsible for communication with
8 state employees about personnel and other relevant issues and for the
9 administration and coordination of the following:

10 1. Office of Employee Relations, composed of the following programs:

- 11 a. Workers' Compensation Program pursuant to KRS 18A.375;
- 12 b. Sick leave Sharing Program, pursuant to KRS 18A.197;
- 13 c. Annual Leave Sharing Program, pursuant to KRS 18A.203;
- 14 d. Health and Safety Program;
- 15 e. Employee Assistance Program;
- 16 f. Employee Incentive Programs, pursuant to KRS 18A.202;
- 17 g. Employee Mediation Program;~~and~~
- 18 h. Living Organ Donor Leave Program, pursuant to KRS 18A.194;

19 **and**

20 **i. Paid Family Leave Program, pursuant to Section 2 of this Act;**

21 2. Office of Administrative Services, which shall be responsible for the
22 Personnel Cabinet's administrative functions, composed of the following
23 programs:

- 24 a. Division of Technology Services;
- 25 b. Division of Human Resources; and
- 26 c. Division of Financial Services;

27 3. Office of Legal Services, which shall provide legal services to the

- 1 Personnel Cabinet and to executive branch agencies and their
2 representatives upon request;
- 3 4. Office of Diversity, Equality, and Training, which shall coordinate and
4 implement diversity initiatives for state agencies, the affirmative action
5 plan established by KRS 18A.138, the state Equal Employment
6 Opportunity Program, and the Minority Management Trainee Program;
- 7 5. Governmental Services Center, which shall be responsible for employee
8 and managerial training and organizational development;
- 9 6. Kentucky Public Employees Deferred Compensation Authority, which
10 shall maintain a deferred compensation plan for state employees; and
- 11 7. Office of Public Affairs, which shall assist in all aspects of developing
12 and executing the strategic direction of the cabinet;
- 13 (b) Department of Human Resources Administration, which shall be composed of
14 the:
- 15 1. Division of Employee Management, which shall be responsible for
16 payroll, records, classification, and compensation. The division shall
17 also be responsible for implementing layoff plans mandated by KRS
18 18A.113 and shall monitor and assist state agencies in complying with
19 the provisions of the federal Fair Labor Standards Act. The division
20 shall:
- 21 a. Maintain the central personnel files mandated by KRS 18A.020
22 and process personnel documents and position actions;
- 23 b. Operate and maintain a uniform payroll system and certify
24 payrolls as required by KRS 18A.125;
- 25 c. Maintain plans of classification and compensation for state service
26 and review and evaluate the plans; and
- 27 d. Coordinate and implement the employee performance evaluation

- 1 systems throughout state government; and
- 2 2. Division of Career Opportunities, which shall be responsible for
- 3 employment counseling, applicant processing, employment register, and
- 4 staffing analysis functions. The division shall:
- 5 a. Operate a centralized applicant and employee counseling program;
- 6 b. Operate, coordinate, and construct the examination program for
- 7 state employment;
- 8 c. Prepare registers of candidate employment; and
- 9 d. Coordinate outreach programs, such as recruitment and the
- 10 Administrative Intern Program; and
- 11 (c) Department of Employee Insurance, which shall be responsible for the:
- 12 1. Health Insurance Program, pursuant to KRS 18A.225;
- 13 2. Flexible Benefit Plan, pursuant to KRS 18A.227;
- 14 3. Division of Insurance Administration, which shall be responsible for
- 15 enrollment and service functions;
- 16 4. Division of Financial and Data Services, which shall be responsible for
- 17 fiscal and data analysis functions; and
- 18 5. Life Insurance Program pursuant to KRS 18A.205 to 18A.220.
- 19 (4) The cabinet shall include principal assistants appointed by the secretary, pursuant to
- 20 KRS 12.050 or 18A.115(1)(g) and (h), as necessary for the development and
- 21 implementation of policy. The secretary may employ, pursuant to the provisions of
- 22 this chapter, personnel necessary to execute the functions and duties of the
- 23 department.
- 24 ➔Section 4. KRS 18A.110 is amended to read as follows:
- 25 (1) The secretary shall promulgate comprehensive administrative regulations for the
- 26 classified service governing:
- 27 (a) Applications and examinations;

- 1 (b) Certification and selection of eligibles;
- 2 (c) Classification and compensation plans;
- 3 (d) Incentive programs;
- 4 (e) Layoffs;
- 5 (f) Registers;
- 6 (g) Types of appointments;
- 7 (h) Attendance; hours of work; compensatory time; annual, court, military, sick,
- 8 voting, **paid family leave**, living organ donor, and special leaves of absence,
- 9 provided that the secretary shall not promulgate administrative regulations
- 10 that would reduce the rate at which employees may accumulate leave time
- 11 below the rate effective on December 10, 1985; and
- 12 (i) Employee evaluations.
- 13 (2) The secretary shall promulgate comprehensive administrative regulations for the
- 14 unclassified service.
- 15 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate
- 16 administrative regulations that would reduce an employee's salary; and
- 17 (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed
- 18 administrative regulation providing for an initial probationary period in excess
- 19 of six (6) months to the board for its approval.
- 20 (4) The secretary may promulgate administrative regulations to implement state
- 21 government's affirmative action plan under KRS 18A.138.
- 22 (5) (a) The administrative regulations shall comply with the provisions of this
- 23 chapter and KRS Chapter 13A, and shall have the force and effect of law after
- 24 compliance with the provisions of KRS Chapters 13A and 18A and the
- 25 procedures adopted thereunder;
- 26 (b) Administrative regulations promulgated by the secretary shall not expand or
- 27 restrict rights granted to, or duties imposed upon, employees and

1 administrative bodies by the provisions of this chapter; and

2 (c) No administrative body other than the Personnel Cabinet shall promulgate
3 administrative regulations governing the subject matters specified in this
4 section.

5 (6) Prior to filing an administrative regulation with the Legislative Research
6 Commission, the secretary shall submit the administrative regulation to the board
7 for review.

8 (a) The board shall review the administrative regulation proposed by the secretary
9 not less than twenty (20) days after its submission to it;

10 (b) Not less than five (5) days after its review, the board shall submit its
11 recommendations in writing to the secretary;

12 (c) The secretary shall review the recommendations of the board and may revise
13 the proposed administrative regulation if he or she deems it necessary; and

14 (d) After the secretary has completed the review provided for in this section, he or
15 she may file the proposed administrative regulation with the Legislative
16 Research Commission pursuant to the provisions of KRS Chapter 13A.

17 (7) The administrative regulations shall provide:

18 (a) For the preparation, maintenance, and revision of a position classification plan
19 for all positions in the classified service, based upon similarity of duties
20 performed and responsibilities assumed, so that the same qualifications may
21 reasonably be required for, and the same schedule of pay may be equitably
22 applied to, all positions in the same class. The secretary shall allocate the
23 position of every employee in the classified service to one (1) of the classes in
24 the plan. The secretary shall reallocate existing positions, after consultation
25 with appointing authorities, when it is determined that they are incorrectly
26 allocated, and there has been no substantial change in duties from those in
27 effect when such positions were last classified. The occupant of a position

1 being reallocated shall continue to serve in the reallocated position with no
2 reduction in salary;

3 (b) For a pay plan for all employees in the classified service, after consultation
4 with appointing authorities and the state budget director. The plan shall take
5 into account such factors as:

- 6 1. The relative levels of duties and responsibilities of various classes of
7 positions;
- 8 2. Rates paid for comparable positions elsewhere taking into consideration
9 the effect of seniority on such rates; and
- 10 3. The state's financial resources.

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

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

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

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

- 1 (f) For annual, sick, and special leaves of absence, with or without pay, or
2 reduced pay, after approval by the Governor as provided by KRS
3 18A.155(1)(d);
- 4 (g) For layoffs, in accordance with the provisions of KRS 18A.113, by reasons of
5 lack of work, abolishment of a position, a material change in duties or
6 organization, or a lack of funds;
- 7 (h) For the development and operation of programs to improve the work
8 effectiveness of employees in the state service, including training, whether in-
9 service or compensated educational leave, safety, health, welfare, counseling,
10 recreation, employee relations, and employee mobility without written
11 examination;
- 12 (i) For a uniform system of annual employee evaluation for classified employees,
13 with status, that shall be considered in determining eligibility for discretionary
14 salary advancements, promotions, and disciplinary actions. The administrative
15 regulations shall:
- 16 1. Require the secretary to determine the appropriate number of job
17 categories to be evaluated and a method for rating each category;
 - 18 2. Provide for periodic informal reviews during the evaluation period
19 which shall be documented on the evaluation form and pertinent
20 comments by either the employee or supervisor may be included;
 - 21 3. Establish a procedure for internal dispute resolution with respect to the
22 final evaluation rating;
 - 23 4. Permit a classified employee, with status, who receives either of the two
24 (2) lowest possible evaluation ratings to appeal to the Personnel Board
25 for review after exhausting the internal dispute resolution procedure.
26 The final evaluation shall not include supervisor comments on ratings
27 other than the lowest two (2) ratings;

- 1 5. Require that an employee who receives the highest possible rating shall
2 receive the equivalent of two (2) workdays, not to exceed sixteen (16)
3 hours, credited to his or her annual leave balance. An employee who
4 receives the second highest possible rating shall receive the equivalent
5 of one (1) workday, not to exceed eight (8) hours, credited to his or her
6 annual leave balance; and
- 7 6. Require that an employee who receives the lowest possible evaluation
8 rating shall either be demoted to a position commensurate with the
9 employee's skills and abilities or be terminated; and
- 10 (j) For other administrative regulations not inconsistent with this chapter and
11 KRS Chapter 13A, as may be proper and necessary for its enforcement.
- 12 (8) For any individual hired or elected to office before January 1, 2015, and paid
13 through the Kentucky Human Resources Information System, the Personnel
14 Cabinet shall not require payroll payments to be made by direct deposit or require
15 the individual to use a web-based program to access his or her salary statement.
- 16 (9) To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and administrative
17 regulations promulgated by the commissioner of the Department of Kentucky State
18 Police under authority granted in KRS Chapter 16 conflict with this section or any
19 administrative regulation promulgated by the secretary pursuant to authority
20 granted in this section, the provisions of KRS Chapter 16 shall prevail.