

1 AN ACT relating to state personnel.

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) "Centralized employee" means an employee of the:

- 7 1. Executive branch of state government in a position that provides
8 services necessary for the functioning of the executive branch of state
9 government as determined by the secretary of the Personnel Cabinet;
10 2. Judicial branch of state government in a position that provides
11 services necessary for the functioning of the judicial branch of state
12 government as determined by the director of the Administrative Office
13 of the Courts; or
14 3. Legislative branch of state government in a position that provides
15 services necessary for the functioning of the legislative branch of state
16 government as determined by the director of the Legislative Research
17 Commission;

18 (b) "Noncentralized employee" means any employee of the:

- 19 1. Executive branch of state government;
20 2. Judicial branch of state government; or
21 3. Legislative branch of state government;
22 who has been determined by the secretary or director, as applicable, not to
23 be a centralized employee under paragraph (a) of this subsection; and

24 (c) "Telework" means to use the internet, email, or telephone to perform work
25 duties at a location other than an assigned primary work station.

26 (2) (a) Except as provided in subsection (5) of this section, an employee of the
27 executive branch of state government shall not be permitted to telework

1 unless the Governor declares an emergency.

2 (b) When the Governor declares an emergency and he or she decides that
3 employees of the executive branch of state government should be allowed to
4 telework during the emergency, he or she shall specifically state that
5 teleworking is permitted during the emergency and list which employees
6 shall be permitted to telework.

7 (3) (a) Except as provided in subsection (5) of this section, an employee of the
8 judicial branch of state government shall not be permitted to telework
9 unless the Chief Justice of the Supreme Court declares an emergency.

10 (b) When the Chief Justice of the Supreme Court declares an emergency and
11 he or she decides that employees of the judicial branch of state government
12 should be allowed to telework during the emergency, he or she shall
13 specifically state that teleworking is permitted during the emergency and list
14 which employees shall be permitted to telework.

15 (4) (a) Except as provided in subsection (5) of this section, an employee of the
16 legislative branch of state government shall not be permitted to telework
17 unless the Speaker of the House of Representatives and the President of the
18 Senate jointly declare an emergency.

19 (b) When the Speaker of the House of Representatives and the President of the
20 Senate jointly declare an emergency, and they decide that employees of the
21 legislative branch of state government should be allowed to telework during
22 the emergency, they shall specifically state that teleworking is permitted
23 during the emergency and list which employees shall be permitted to
24 telework.

25 (5) (a) The secretary of the Personnel Cabinet, director of the Administrative
26 Office of the Courts, or the director of the Legislative Research Commission
27 may approve a policy allowing for up to two (2) days per month of telework

1 for noncentralized employees of their respective branches of government.

2 (b) Any day in which an emergency has been declared pursuant to subsection
3 (2), (3), or (4) of this section shall also be counted as a telework day
4 permitted under paragraph (a) of this subsection.

5 (6) The secretary of the Personnel Cabinet shall approve the classification of every
6 noncentralized employee of the executive branch.

7 (7) This section shall not apply to any of the following:

8 (a) Justices of the Supreme Court;

9 (b) Employees of the Department of Kentucky State Police;

10 (c) Any employee of state government involved in any of the following
11 professions:

12 1. Motor vehicle enforcement;

13 2. Plumbing inspections;

14 3. Health inspections; and

15 4. Building inspections;

16 (d) Any employee of state government whose job responsibilities require them
17 to be away from their primary work station at least fifty percent (50%) of the
18 time; or

19 (e) Any employee of state government whose primary responsibilities involve
20 developing, implementing, and managing information technology systems
21 whose job responsibilities require them to telework or who has been
22 permitted to telework as part of their employment contract.

23 (8) This section shall not preclude or be construed to preclude any branch of state
24 government from complying with the Americans with Disabilities Act of 1990, 42
25 U.S.C. sec. 12101 et seq., as amended.

26 ➔Section 2. KRS 18A.005 is amended to read as follows:

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

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

- 1 service under this chapter whose appointment and employment are subject to the
2 classified service provisions of this chapter and the administrative regulations
3 promulgated under this chapter;
- 4 (8) "Classified position" means a position in the executive branch of state government
5 that is not exempt from the classified service under KRS Chapter 16, KRS 18A.115,
6 KRS Chapter 151B, or any other provision of law;
- 7 (9) "Classified service" includes all the employment subject to the terms of this chapter
8 except for those positions expressly cited in KRS 18A.115; a "classified position" is
9 a position in the classified service;
- 10 (10) "Secretary" means the secretary of the Personnel Cabinet as provided for in KRS
11 18A.015;
- 12 (11) "Demotion" means a change in the rank of an employee from a position in one (1)
13 class to a position in another class having a lower minimum salary range and less
14 discretion or responsibility;
- 15 (12) "Cabinet" means the Personnel Cabinet provided for in KRS 18A.015, unless the
16 context indicates otherwise;
- 17 (13) "Eligible" refers to a person who has made a passing score on any examination
18 required under KRS 18A.005~~[18A.010]~~ to 18A.200 or 18A.201 or who has
19 qualified to be placed on a register;
- 20 (14) "Employee" means a person regularly appointed to a position in the state service for
21 which he or she is compensated on a full-time, part-time, intern, or interim basis;
- 22 (15) "Federally funded time-limited employee" means an employee in the unclassified
23 service, appointed to a position that is funded one hundred percent (100%) by a
24 federal grant or grants. An employee appointed to a federally funded time-limited
25 position shall be required to meet the minimum requirements for the classification
26 in which he or she is hired and, subject to the provisions of KRS 18A.113, shall
27 serve at the pleasure of the appointing authority during a period of time that shall

- 1 not exceed the life of the federal grant that funds the position. A federally funded
2 time-limited employee who has been aggrieved by notice of disciplinary action or
3 termination, other than an action based on expiration of the federal grant funding,
4 may petition the appointing authority of the agency for the opportunity to be heard
5 by the appointing authority or his or her designee prior to the effective date of the
6 disciplinary action or termination. The decision of the appointing authority shall be
7 final except as provided by KRS 18A.095(11)(~~14~~) and 18A.140. A federally
8 funded time-limited employee shall not have the right of appeal to the Personnel
9 Board except as provided by KRS 18A.095(11)(~~14~~) and 18A.140;
- 10 (16) "Federally funded position" means a full-time or a part-time position in which the
11 unclassified employee is eligible for benefits at the same level as a classified
12 employee in a permanent position;
- 13 (17) "Full-time employee" means an employee in a full-time position;
- 14 (18) "Full-time position" means a position, other than an intern or interim position,
15 requiring an employee to work at least thirty-seven and one-half (37.5) hours in a
16 work week, except for the following:
- 17 (a) Positions in the state parks, where the work assigned is dependent upon
18 fluctuations in tourism, may be assigned work hours from twenty-five (25)
19 hours per week during the off seasons and remain in full-time positions; and
- 20 (b) Positions in health care facilities, which regularly involve three (3)
21 consecutive days of twelve (12) hour shifts to cover weekends, shall be
22 considered full-time;
- 23 (19) "Initial probation" means the period of service following initial appointment to any
24 position under KRS 18A.005(~~18A.010~~) to 18A.200 or 18A.201 which requires
25 special observation and evaluation of an employee's work and which must be
26 passed successfully before status may be conferred as provided in KRS 18A.110
27 and by the provisions of this chapter. If the appointee is granted leave in excess of

1 twenty (20) consecutive work days during this period, his or her initial probation
2 shall be extended for the same length of time as the granted leave to cover such
3 absence;

4 (20) "Interim employee" means an unclassified employee without status who has been
5 appointed to an interim position that shall be less than nine (9) months duration;

6 (21) "Interim position" means a position established to address a one-time or recurring
7 need of less than nine (9) months duration and exempt from the classified service
8 under KRS 18A.115;

9 (22) "Intern employee" means an unclassified employee who has been appointed to
10 an intern position in a cabinet-approved internship program and who is eligible
11 for benefits and service credit at the same level as an interim employee;

12 (23) "Intern position" means a position established to employ a student who is eligible
13 to participate in a cabinet-approved internship program;

14 (24) "Part-time employee" means an employee in a part-time position;

15 (25)~~(23)~~ "Part-time position" means a position, other than an intern or interim
16 position, requiring an employee to work less than one hundred (100) hours per
17 month;

18 (26)~~(24)~~ "Position" means an office or employment in an agency (whether part-time,
19 full-time, intern, or interim, occupied, or vacant) involving duties requiring the
20 services of one (1) person;

21 (27)~~(25)~~ "Promotion" means a change of rank of an employee from a position in one
22 (1) class to a position in another class having a higher minimum salary or carrying a
23 greater scope of discretion or responsibility;

24 (28)~~(26)~~ "Promotional probation" means the period of service, consistent with the
25 length of the initial probationary period, following the promotion of an employee
26 with status which must be successfully completed in order for the employee to
27 retain the position to which he or she has been promoted. If the employee is granted

1 leave in excess of twenty (20) consecutive work days during this period, his or her
2 promotional probation shall be extended for the same length of time as the granted
3 leave to cover such absence;

4 (29)~~[(27)]~~ "Qualifying" means the selection method type which results when the
5 knowledge, skills, and abilities necessary for a job classification cannot be
6 accurately measured by written examination;

7 (30)~~[(28)]~~ "Reallocation" means the correction of the classification of an existing
8 position by placement of the position into the classification that is appropriate for
9 the duties the employee has been and shall continue to perform;

10 (31)~~[(29)]~~ "Reclassification" shall mean the change in the classification of an employee
11 when a material and permanent change in the duties or responsibilities of that
12 employee has been assigned in writing by the appointing authority;

13 (32)~~[(30)]~~ "Reemployment" shall mean the rehiring of an employee with status who has
14 been laid off;

15 (33)~~[(31)]~~ "Reemployment register" means the separate list of names of persons who
16 have been separated from state service by reason of layoff. Reemployment registers
17 shall be used as provided by the provisions of KRS 18A.110, 18A.130, and
18 18A.135;

19 (34)~~[(32)]~~ "Register" means any official list of eligibles for a particular class and, except
20 as provided in this chapter, placed in rank order according to the examination scores
21 maintained for use in making original appointments or promotions to positions in
22 the classified service;

23 (35)~~[(33)]~~ "Reinstatement" means the privilege of restoration of an employee who has
24 resigned in good standing at the option of the appointing authority, or who has been
25 ordered reinstated by the board or a court to a position in his former class, or to a
26 position of like status and pay;

27 (36)~~[(34)]~~ "Reversion" means either the returning of a status employee to his or her last

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

9 ~~(37)~~~~(35)~~ "Seniority" means the total number of months of state service;

10 ~~(38)~~~~(36)~~ "Status" means the acquisition of tenure with all rights and privileges granted
11 by the provisions of this chapter after satisfactory completion of the initial
12 probationary period by an employee in the classified service; and

13 ~~(39)~~~~(37)~~ "Transfer" means a movement of any employee from one (1) position to
14 another of the same grade having the same salary ranges, the same level of
15 responsibility within the classified service, and the same salary received
16 immediately prior to transfer.

17 ➔Section 3. KRS 18A.035 is amended to read as follows:

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

22 (2) The secretary may request appropriate persons, including officers and employees in
23 the state service, to assist in the preparation and rating of tests. Department heads
24 shall cooperate to the fullest extent possible in making the services of their
25 employees available for such work.

26 (3) (a) The secretary may enter into written agreements with an appointing authority
27 which would provide for the delegation of his authority and power to the

1 appointing authority. The secretary is prohibited from delegating any powers
2 or authority pertaining to disciplinary actions, lay-offs, or registers.

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

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

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

9 ➔Section 4. KRS 18A.050 is amended to read as follows:

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

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

22 (3) ~~Upon the expiration of the terms of office, of the members whose terms expire~~
23 ~~December 31, 1982, January 1, 1985, and January 1, 1986,]~~The Governor shall
24 appoint **five (5)** citizens at large who are not associated with state government in
25 any manner. Thereafter upon the expiration of these terms, such terms shall be
26 filled in the same manner as provided in this subsection.

27 (4) These five (5) appointments to the board shall be subject to confirmation by the

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

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

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

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

19 ➔Section 5. KRS 18A.0751 is amended to read as follows:

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

- 22 (a) Appeals by state employees;
- 23 (b) Demotion;
- 24 (c) Dismissal;
- 25 (d) ~~[Fines,]~~ Suspensions~~[,]~~ and other disciplinary measures;
- 26 (e) Probation, provided that the board may not require an initial probationary
27 period in excess of six (6) months except as provided in subsection (4)(d)~~(e)~~

1 of this section and KRS 18A.005;

2 (f) Promotion;

3 (g) Reinstatement;

4 (h) Transfer; and

5 (i) Employee grievances and complaints.

6 (2) (a) ~~[These]~~ Administrative regulations ***promulgated by the board*** shall comply
7 with the provisions of this chapter and KRS Chapter 13A, and shall have the
8 force and effect of law, when approved by the board, after compliance with
9 the provisions of KRS Chapters 13A and 18A and the procedures adopted
10 thereunder.~~[-]~~

11 (b) Administrative regulations promulgated by the board shall not expand or
12 restrict rights granted to, or duties imposed upon, employees and
13 administrative bodies by the provisions of this chapter.~~[- and]~~

14 (c) No administrative body, other than the personnel board, shall promulgate
15 administrative regulations governing the subject matters specified in this
16 section.

17 (3) Prior to filing an administrative regulation with the Legislative Research
18 Commission, the board shall submit the administrative regulation to the secretary
19 for review:

20 (a) The secretary shall review the administrative regulation proposed by the board
21 not more than twenty (20) days after its submission to him or her;

22 (b) Not more than five (5) days after his review, the secretary shall submit his or
23 her recommendations in writing to the board;

24 (c) The board shall review the recommendations of the secretary and may revise
25 the proposed administrative regulation as it deems necessary; and

26 (d) After the board has completed the review provided for in this section, it may
27 file the proposed administrative regulation with the Legislative Research

1 Commission pursuant to the provisions of KRS Chapter 13A.

2 (4) These administrative regulations shall provide:

3 (a) For the procedures to be utilized by the board in the conduct of hearings by
4 the board, consistent with the provisions of KRS Chapter 13B;

5 (b) For reduction in rank or grade as provided by this chapter;

6 (c) For discharge, as provided by this section;

7 (d) ~~For imposition, as disciplinary measures, of a fine of not more than ten (10)~~
8 ~~working days' pay, or for suspension from the service without pay for no~~
9 ~~longer than thirty (30) working days and, in accordance with the provisions of~~
10 ~~KRS 18A.095, for the manner of notification of the employee of the discipline~~
11 ~~and his or her right of appeal;~~

12 (e) ~~That~~ That no probationary period may exceed twelve (12) months, except as
13 provided in this paragraph and KRS 18A.005. The secretary may
14 recommend an initial probationary period in excess of six (6) months for
15 specific job classifications to the board. This recommendation shall take the
16 form of a proposed administrative regulation that shall be submitted to the
17 board for approval. The subject of the administrative regulation shall be
18 limited to job classifications for which an initial probationary period in excess
19 of six (6) months is required and shall specify:

20 1. The job classification for which an initial probationary period in excess
21 of six (6) months is required; and

22 2. The specific number of months constituting the initial probationary
23 period for the job classification. No other administrative regulation shall
24 include any provision prescribing an initial probationary period in
25 excess of six (6) months, except as provided in KRS 18A.005. Upon
26 approval by the board of the proposed administrative regulation
27 provided for in this paragraph, the board shall file the regulation with

1 the Legislative Research Commission as provided by KRS Chapter 13A;

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

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

6 ~~[(g) For reemployment of laid-off employees in accordance with the provisions of
7 this chapter;]~~

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

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

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

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

20 ➔Section 6. KRS 18A.095 is amended to read as follows:

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

23 (2) Prior to dismissal, a classified employee with status shall be notified in writing of
24 the intent to dismiss him or her. The notice shall also state:

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

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

27 2. The specific action or activity on which the intent to dismiss is based;

- 1 3. The date and place of such action or activity; and
- 2 4. The names of the parties involved;
- 3 (b) That the employee has the right to appear personally, or with counsel if he or
- 4 she has retained counsel, to reply to the appointing authority or his or her
- 5 designee; and
- 6 (c) Whether the employee is placed on administrative leave by the appointing
- 7 authority with pay upon receiving the intent to dismiss letter prior to the
- 8 agency's final action.
- 9 (3) The Personnel Cabinet shall prescribe and distribute a pretermination form to be
- 10 completed and forwarded by an employee who wishes to appear before the
- 11 appointing authority or his or her designee. The form shall be attached to every
- 12 notice of intent to dismiss and shall contain written instructions explaining:
- 13 (a) The right granted an employee under the provisions of this section relating to
- 14 pretermination hearings; and
- 15 (b) The time limits and procedures to be followed by all parties in pretermination
- 16 hearings.
- 17 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,
- 18 excluding the day he or she receives the notice, the employee may request to
- 19 appear~~[-]~~ personally, or with counsel if he or she has retained counsel, to reply to
- 20 the appointing authority or his or her designee.
- 21 (5) Unless agreed to by the appointing authority or his or her designee and the
- 22 employee, the appearance shall be scheduled within six (6) working days after
- 23 receipt of an employee's request to appear before the appointing authority or his or
- 24 her designee, excluding the day his or her request is received.
- 25 (6) No later than five (5) working days after the employee appears before the
- 26 appointing authority or his or her designee, excluding the day of the appearance, the
- 27 cabinet head or agency or his or her designee shall:

- 1 (a) Determine whether to dismiss the employee or to modify or rescind the intent
2 to dismiss; and
- 3 (b) Notify the employee in writing of the decision.
- 4 (7) If the appointing authority or his or her designee determines that the employee shall
5 be dismissed, the employee shall be notified in writing of:
- 6 (a) The effective date of his or her dismissal;
- 7 (b) The specific reason for the dismissal, including:
- 8 1. The statutory, regulatory, or policy violation;
- 9 2. The specific action or activity on which the dismissal is based;
- 10 3. The date and place of the action or activity; and
- 11 4. The names of the parties involved; and
- 12 (c) That he or she may appeal the dismissal to the board within thirty (30)
13 calendar days after receipt of this notification, excluding the day he or she
14 receives notice.
- 15 (8) A classified employee with status who is demoted, suspended without pay, or
16 involuntarily transferred shall be notified in writing of:
- 17 (a) The demotion, suspension, or involuntary transfer;
- 18 (b) The effective date of the demotion, suspension, or involuntary transfer;
- 19 (c) The specific reason for the demotion, suspension, or involuntary transfer,
20 including:
- 21 1. The statutory, regulatory, or policy violation;
- 22 2. The specific action or activity on which the demotion, suspension, or
23 involuntary transfer is based;
- 24 3. The date and place of the action or activity; and
- 25 4. The names of the parties involved; and
- 26 (d) That he or she has the right to appeal to the board within thirty (30) calendar
27 days, excluding the day that he or she received notification of the personnel

1 action.

2 (9) Any unclassified employee who is dismissed, demoted, suspended without pay, or
3 involuntarily transferred for cause may, within thirty (30) calendar days after the
4 dismissal, demotion, suspension, or involuntary transfer, appeal to the board for
5 review thereof.

6 (10) (a) An employee whose position is reallocated or reclassified to a lower grade
7 shall be notified in writing by the appointing authority of:

8 1. The reallocation or reclassification; and

9 2. ~~If the reallocation or reclassification is to a lower grade,~~ His or her
10 right to request reconsideration by the secretary within ten (10) working
11 days of receipt of the notice, excluding the day he or she receives
12 notification.

13 (b) The employee shall file a written request for reconsideration of the
14 reallocation or reclassification to a lower grade with the secretary in a manner
15 and form prescribed by the secretary and shall be given a reasonable
16 opportunity to be heard by the secretary. The secretary shall make a
17 determination within sixty (60) calendar days after the request has been filed
18 by an employee. The secretary's determination shall be final and shall not be
19 appealable to the Personnel Board.

20 (11) (a) Any applicant, classified employee, or federally funded time-limited
21 employee may appeal to the board an action alleged to be based on
22 discrimination due to race, color, religion, national origin, sex, disability, age
23 forty (40) and above, or any other category protected under state or federal
24 civil rights laws. Nothing in this section shall be construed to preclude any
25 applicant, classified employee, or unclassified employee from filing with the
26 Kentucky Commission on Human Rights a complaint alleging discrimination
27 on the basis of race, color, religion, national origin, sex, disability, or age in

1 accordance with KRS Chapter 344.

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

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

12 (b) Any applicant for employment in a classified position under KRS Chapter
13 18A may appeal the hiring agency's nonselection based on an alleged
14 violation of appointment and promotion provisions contained in this chapter
15 or administrative regulations promulgated under this chapter to the board. The
16 appeal shall be filed not later than thirty (30) calendar days after the notice of
17 nonselection was mailed or sent electronically.

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

24 (14) (a) Appeals to the board shall be in writing on an appeal form prescribed by the
25 board. The Personnel Board shall be responsible for the distribution of these
26 forms.

27 (b) The appeal form shall be attached to any notice of dismissal, demotion,

1 suspension, or involuntary transfer. The appeal form shall instruct the
2 employee to state whether he or she is a classified or unclassified employee,
3 his or her full name, his or her appointing authority, work station address and
4 telephone number, home address and personal telephone number, personal
5 email address, and, if he or she has retained counsel at the time he or she files
6 an appeal, the name, address, and telephone number of his or her attorney.

7 (c) The form shall also instruct a classified employee to state the action he or she
8 is appealing in a short, plain, concise statement of the facts. The form shall
9 instruct an unclassified employee to make a short, plain, concise statement of
10 the reason for the appeal and the cause given for his or her dismissal,
11 demotion, suspension, or involuntary transfer.

12 (d) *The appellant* ~~[Any appeal form filed by a classified or unclassified employee]~~
13 shall identify the statute, administrative regulation, or policy that *the*
14 *agency* ~~[was]~~ allegedly violated *on the appeal form*.

15 (e) Upon receipt of the appeal by the board, the appointing authority and the
16 Personnel Cabinet shall be notified and the board shall schedule a hearing.

17 (15) All administrative hearings conducted by the board shall be conducted in
18 accordance with KRS Chapter 13B.

19 (16) (a) The board shall deny a hearing to an employee who has failed to file an
20 appeal within the time prescribed by this section; and to an unclassified
21 employee who has failed to state the reasons for the appeal and the cause for
22 which he or she has been dismissed, demoted, suspended without pay, or
23 involuntarily transferred. The board shall deny any appeal after a preliminary
24 hearing if it lacks jurisdiction to grant relief. The board shall notify the
25 employee of its denial in writing and shall inform the employee of his or her
26 right to appeal the denial under the provisions of KRS 18A.100.

27 (b) Any investigation by the board of any matter related to an appeal filed by an

1 employee shall be conducted only upon notice to the employee, the
2 employee's counsel, and the appointing authority. All parties to the appeal
3 shall have access to information produced by the investigations and the
4 information shall be presented at the hearing.

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

7 (a) Employ class action procedures; or

8 (b) Conduct test representative cases.

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

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

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

25 (b) If the board finds that the action complained of was taken without just cause,
26 the board shall order the immediate reinstatement of the employee to his or
27 her former position or a position of like status and pay, without loss of pay for

1 the period of time at issue, or otherwise make the employee whole unless the
2 order is stayed by the board or the court on appeal.

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

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

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

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

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

21 (24) If the appointing authority appeals the final order of the board, unless the board
22 rules otherwise, the reinstated employee shall remain in his or her former position,
23 or a position of like status or pay, until the conclusion of the appeals process, at
24 which time the appointing authority shall take action in accordance with the court
25 order.

26 (25) After a final decision in a contested case has been rendered by the last
27 administrative or judicial body to which the case has been appealed, the board shall

1 make the decision available to the public in electronic format on its website and
2 shall organize the decisions according to the statutory basis for which the appeal
3 was based.

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

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

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

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

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

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

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

26 ➔Section 7. KRS 18A.100 is amended to read as follows:

27 **Any party aggrieved by a final order of the board may appeal by filing a petition with**

1 the clerk of the Franklin Circuit Court in accordance with KRS Chapter 13B.~~[(1) Any~~
 2 ~~final order of the board either upholding or invalidating the dismissal, demotion, or~~
 3 ~~suspension of a classified or an unclassified employee may be appealed either by the~~
 4 ~~employee or by the appointing authority.~~

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

7 ➔Section 8. KRS 18A.110 is amended to read as follows:

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

- 10 (a) Applications and examinations;
- 11 (b) Certification and selection of eligibles;
- 12 (c) Classification and compensation plans;
- 13 (d) Incentive programs;
- 14 (e) ~~Layoffs;~~
- 15 ~~(f) Registers;~~

16 (f)~~(g)~~ Types of appointments;

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

22 (h)~~(i)~~ Employee evaluations.

23 (2) The secretary shall promulgate comprehensive administrative regulations for the
 24 unclassified service.

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

27 (b) As provided by KRS 18A.0751(4)(d)~~(e)~~, the secretary may submit a

1 proposed administrative regulation providing for an initial probationary period
2 in excess of six (6) months to the board for its approval.

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

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

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

11 ~~(7)(5)~~ (a) The administrative regulations shall comply with the provisions of this
12 chapter and KRS Chapter 13A, and shall have the force and effect of law after
13 compliance with the provisions of KRS Chapters 13A and 18A and the
14 procedures adopted thereunder;

15 (b) Administrative regulations promulgated by the secretary 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 Cabinet shall promulgate
19 administrative regulations governing the subject matters specified in this
20 section.

21 ~~(8)(6)~~ Prior to filing an administrative regulation with the Legislative Research
22 Commission, the secretary shall submit the administrative regulation to the board
23 for review.

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

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

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

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

6 ~~(9)~~~~(7)~~ The administrative regulations shall provide:

7 (a) For the preparation, maintenance, and revision of a position classification plan
8 for all positions in the classified service, based upon similarity of duties
9 performed and responsibilities assumed, so that the same qualifications may
10 reasonably be required for, and the same schedule of pay may be equitably
11 applied to, all positions in the same class. The secretary shall allocate the
12 position of every employee in the classified service to one (1) of the classes in
13 the plan. The secretary shall reallocate existing positions, after consultation
14 with appointing authorities, when it is determined that they are incorrectly
15 allocated, and there has been no substantial change in duties from those in
16 effect when such positions were last classified. The occupant of a position
17 being reallocated shall continue to serve in the reallocated position with no
18 reduction in salary;

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

- 22 1. The relative levels of duties and responsibilities of various classes of
23 positions;
- 24 2. Rates paid for comparable positions elsewhere taking into consideration
25 the effect of seniority on such rates; and
- 26 3. The state's financial resources.

27 Amendments to the pay plan shall be made in the same manner. Each

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

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

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

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

17 (f) For annual, sick, and special leaves of absence, with or without pay, or
18 reduced pay, after approval by the Governor as provided by KRS
19 18A.155(1)(d);

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

23 ~~(h)~~ For the development and operation of programs to improve the work
24 effectiveness of employees in the state service, including training, whether in-
25 service or compensated educational leave, safety, health, welfare, counseling,
26 recreation, employee relations, and employee mobility without written
27 examination;

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

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

23 ~~5.16.~~ Require that an employee who receives the lowest possible evaluation
24 rating shall either be demoted to a position commensurate with the
25 employee's skills and abilities or be terminated; and

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

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

5 ~~(11)~~~~(9)~~ To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and
6 administrative regulations promulgated by the commissioner of the Department of
7 Kentucky State Police under authority granted in KRS Chapter 16 conflict with this
8 section or any administrative regulation promulgated by the secretary pursuant to
9 authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

10 ➔Section 9. KRS 18A.113 is amended to read as follows:

11 (1) As used in this section:

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

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

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

19 (a) Lack of funds or budgetary constraints;

20 (b) A reduction in spending authorization;

21 (c) Lack of work;

22 (d) Abolishment of a position;

23 (e) Efficiency; or

24 (f) Other material change in duties or organization.

25 (3) The appointing authority shall determine the classifications affected, the number of
26 employees laid off in each classification, and each county to which a layoff applies.

27 In the same department or office, county, and job classification, intern or interim

1 and probationary employees shall be terminated~~[laid-off]~~ before full-time or part-
2 time employees with status are laid off. For purposes of layoff, "probationary
3 employee" shall not include an employee with status serving a promotional
4 probation.

5 (4) The provisions of this section shall not apply to federally funded time-limited
6 employees.

7 (5) The secretary of the Personnel Cabinet shall approve all actions taken under
8 subsection (2) of this section and no such layoff, furlough, or reduction of hours
9 may begin until the approval has been granted. The appointing authority, with the
10 approval of the secretary, shall have the authority to determine the extent, effective
11 dates, and length of any action taken under subsection (2) of this section.

12 (6) In determining a layoff, the appointing authority shall consider all employees under
13 the same appointing authority, within the classification affected, and within the
14 county affected. Consideration shall be given to the following relevant factors and
15 in this order:

- 16 (a) Job performance evaluations;
- 17 (b) Education, training, and experience;
- 18 (c) Disciplinary record; and
- 19 (d) Seniority.

20 (7) Any classified employee with status whose position is subject to layoff, furlough, or
21 reduction of hours shall be provided written notice containing the reason for the
22 action at least thirty (30) days in advance of the effective date of the action.

23 (8) (a) Any classified employee with status who is laid off shall be eligible to apply
24 as a reemployment applicant for the job classification from which he or she
25 was laid off, in the cabinet from which he or she was laid off for a period of
26 two (2) years. A reemployment applicant shall be hired before any applicant
27 except another reemployment applicant with greater seniority who is on the

1 same register.

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

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

8 (d) A reemployment applicant who accepts any classified position, or who retires
9 through the Kentucky Employees Retirement System or Kentucky Teachers'
10 Retirement System, shall cease to have eligibility rights as a reemployment
11 applicant.

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

14 (10) ~~The secretary shall promulgate administrative regulations pursuant to KRS Chapter~~
15 ~~13A to fully implement the provisions of this section.~~

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

18 ➔Section 10. KRS 18A.115 is amended to read as follows:

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

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

24 (b) Officers elected by popular vote and persons appointed to fill vacancies in
25 elective offices;

26 (c) Members **and employees** of boards and commissions, **except that the board**
27 **and commission members may elect to employ staff subject to KRS 18A.005**

1 to 18A.200, 18A.202, and 18A.203;

2 (d) Officers and employees on the staff of the Governor, the Lieutenant
3 Governor, the Office of the Secretary of the Governor's Cabinet, and the
4 Office of Program Administration;

5 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
6 of all boards and commissions, including the executive director of Kentucky
7 Educational Television;

8 (f) Employees of Kentucky Educational Television who have been determined to
9 be exempt from classified service by the Kentucky Authority for Educational
10 Television, which shall have sole authority over such exempt employees for
11 employment, dismissal, and setting of compensation, up to the maximum
12 established for the executive director and his or her principal assistants;

13 (g) One (1) principal assistant or deputy for each person exempted under
14 subsection (1)(e) of this section;

15 (h) 1. One (1) additional principal assistant or deputy as may be necessary for
16 making and carrying out policy for each person exempted under
17 subsection (1)(e) of this section in those instances in which the nature of
18 the functions, size, or complexity of the unit involved are such that the
19 secretary approves such an addition on petition of the relevant cabinet
20 secretary or department head and such other principal assistants,
21 deputies, or other major assistants as may be necessary for making and
22 carrying out policy for each person exempted under subsection (1)(e) of
23 this section in those instances in which the nature of the functions, size,
24 or complexity of the unit involved are such that the board may approve
25 such an addition or additions on petition of the department head
26 approved by the secretary. ~~Effective August 1, 2010:~~

27 ~~1. All positions approved under this paragraph prior to August 1, 2010,~~

1 ~~shall be abolished effective December 31, 2010, unless reapproved~~
2 ~~under subparagraph 2. of this paragraph; and]~~

3 2. A position approved under this paragraph~~[on or after August 1, 2010,]~~
4 shall be approved for a period of five (5) years, after which time the
5 position shall be abolished unless reapproved under this subparagraph
6 for an additional five (5) year period;

7 (i) Division directors subject to the provisions of KRS 18A.170. Division
8 directors in the classified service as of January 1, 1980, shall remain in the
9 classified service;

10 (j) Physicians employed as such;

11 (k) One (1) private secretary for each person exempted under subsection (1)(e),
12 (g), and (h) of this section;

13 (l) The judicial department, referees, receivers, jurors, and notaries public;

14 (m) Officers and members of the staffs of state universities and colleges and
15 student employees of such institutions; officers and employees of the
16 Teachers' Retirement System; and officers, teachers, and employees of local
17 boards of education;

18 (n) Patients or inmates employed in state institutions;

19 (o) Persons employed in a professional or scientific capacity to make or conduct a
20 temporary or special inquiry, investigation, or examination on behalf of the
21 General Assembly, or a committee thereof, or by authority of the Governor,
22 and persons employed by state agencies for a specified, limited period to
23 provide professional, technical, scientific, or artistic services under the
24 provisions of KRS 45A.690 to 45A.725;

25 (p) Interim employees;

26 (q) Officers and members of the state militia;

27 (r) Department of Kentucky State Police troopers;

- 1 (s) University or college engineering students or other students employed part-
2 time or part-year by the state through special personnel recruitment programs;
3 provided that while so employed such aides shall be under contract to work
4 full-time for the state after graduation for a period of time approved by the
5 commissioner or shall be participants in a cooperative education program
6 approved by the commissioner;
- 7 (t) Superintendents of state mental institutions, including heads of centers for
8 individuals with an intellectual disability, ~~and~~ penal and correctional
9 institutions as referred to in KRS 196.180(2), and all superintendents of
10 institutions for juveniles;
- 11 (u) Staff members of the Kentucky Historical Society, if they are hired in
12 accordance with KRS 171.311;
- 13 (v) County and Commonwealth's attorneys and their respective appointees;
- 14 (w) Chief district engineers and the state highway engineer;
- 15 (x) Veterinarians employed as such by the Kentucky Horse Racing and Gaming
16 Corporation;
- 17 (y) Employees of the Kentucky Peace Corps;
- 18 (z) Employees of the Council on Postsecondary Education;
- 19 (aa) Executive director of the Commonwealth Office of Technology;
- 20 (ab) Employees of Serve Kentucky;
- 21 (ac) Persons employed in certified teaching positions at the Kentucky School for
22 the Blind and the Kentucky School for the Deaf;
- 23 (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
- 24 (ae) Employees of the Department of Agriculture who are employed to support the
25 Agricultural Development Board and the Kentucky Agricultural Finance
26 Corporation.
- 27 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or

- 1 amend the provisions of KRS 150.022 and 150.061.
- 2 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
3 nonmanagement, nonpolicy-making position which must be included in the
4 classified service as a prerequisite to the grant of federal funds to a state agency.
- 5 (4) Career employees within the classified service promoted to positions exempted
6 from classified service shall, upon termination of their employment in the exempted
7 service, revert to a position in that class in the agency from which they were
8 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
9 considered for employment in any vacant position for which they were qualified
10 pursuant to KRS 18A.130 and 18A.135.
- 11 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
12 officers from filling unclassified positions in the manner in which positions in the
13 classified service are filled except as otherwise provided in KRS 18A.005 to
14 18A.200.
- 15 (6) The positions of employees who are transferred, effective July 1, 1998, from the
16 Cabinet for Workforce Development to the Kentucky Community and Technical
17 College System shall be abolished and the employees' names removed from the
18 roster of state employees. Employees that are transferred, effective July 1, 1998, to
19 the Kentucky Community and Technical College System under KRS Chapter 164
20 shall have the same benefits and rights as they had under KRS Chapter 18A and
21 have under KRS 164.5805; however, they shall have no guaranteed reemployment
22 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
23 employee who seeks reemployment in a state position under KRS Chapter 151B or
24 KRS Chapter 18A shall have years of service in the Kentucky Community and
25 Technical College System counted towards years of experience for calculating
26 benefits and compensation.
- 27 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified

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

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

20 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are
21 engaged in providing instructional and support services to the Department of
22 Criminal Justice Training shall be transferred to the personnel system under KRS
23 Chapter 18A. All records shall be transferred, including accumulated annual leave,
24 sick leave, compensatory time, and service credit for each affected employee. The
25 personnel officers who administer the personnel systems for Eastern Kentucky
26 University and under KRS Chapter 18A shall exercise the necessary administrative
27 procedures to effect the change in personnel authority. No employee shall suffer

1 any penalty in the transfer.

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

12 ➔Section 11. KRS 18A.125 is amended to read as follows:

13 (1) No disbursing or auditing officer of the Commonwealth shall make or approve or
14 take any part in making or approving any payment for personal service to any
15 person holding a position in the classified or unclassified service unless the payroll
16 voucher or account of such pay bears the certification of the secretary, or of his
17 authorized agent, that the persons named therein have been appointed and employed
18 in accordance with the provisions of KRS 18A.005 to 18A.200 and the rules,
19 regulations, and orders thereunder. The secretary may for proper cause or upon
20 order of the board withhold certification from an entire payroll or from any specific
21 item or items thereon. The secretary may, however, provide that certification of
22 payrolls may be made once every six (6) months, and such certification shall remain
23 in effect except in the case of any officer or employee whose status has changed
24 after the last certification of his payroll. In the latter case no voucher for payment of
25 salary to such employee shall be issued or payment of salary made without the
26 further certification of the secretary.

27 (2) **All agencies and employees for which the cabinet administers payroll shall**

1 comply with the secretary's payroll administration policies, procedures, and
2 requirements.

3 **(3)** Any citizen, including public officers, may maintain a suit to restrain a disbursing
4 officer from making any payment in contravention of any provision of KRS
5 18A.005 to 18A.200, or of any rule, regulation or order thereunder. Any sum paid
6 contrary to any provision of KRS 18A.005 to 18A.200 or of any rule, regulation, or
7 order thereunder may be recovered in an action maintained by any citizen, from any
8 officer who made, approved, or authorized such payment or who signed or
9 countersigned a voucher, payroll check or warrant for such payment, or from the
10 sureties on the official bond of any such officer. All moneys recovered in any such
11 action shall be paid into the Treasury.

12 ~~(4)~~~~(3)~~ Any person appointed or employed in contravention of any provision of KRS
13 18A.005 to 18A.200 or of any rule, regulation, or order thereunder, who performs
14 service for which he is not paid, may maintain an action against the officer or
15 officers, employee or employees, who purported so to appoint or employ him, to
16 recover the agreed pay for such services, or the reasonable value thereof if no pay
17 was agreed upon. No such officer or employee shall be reimbursed by the
18 Commonwealth at any time for any sum paid to such person on account of such
19 services.

20 ~~(5)~~~~(4)~~ If the secretary wrongfully withholds certification of the payroll voucher or
21 account of any employee, such employee may maintain a proceeding in the Circuit
22 Court in the county in which he resides to compel the secretary to certify such
23 payroll voucher or account.

24 **(6)** An executive branch agency for which the cabinet administers payroll shall not
25 authorize performance of duties or provision of services from a work station or
26 alternative work station outside the Commonwealth of Kentucky without approval
27 from the secretary.

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

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

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

10 ➔Section 12. KRS 18A.135 is amended to read as follows:

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

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

21 (3) No vacancy may be filled from a competitive register until all career employees on
22 the reemployment list for that class of position have denied employment in that
23 class. An appointing authority may refuse to reemploy a qualified employee on the
24 reemployment list only for cause. The secretary and the employee shall be
25 furnished with a written statement of the specific reasons for the refusal within ten
26 (10) days following the appointing authority's refusal. The employee may appeal
27 the appointing authority's action in accordance with KRS 18A.095 and 18A.100.

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

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

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

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

6 ➔Section 13. KRS 18A.197 is amended to read as follows:

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

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

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

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

23 (c) The employee has exhausted his or her accumulated sick leave, annual leave,
24 and compensatory leave balances; and

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

27 (3) The appointing authority, with the approval of the secretary of personnel, shall

1 determine the amount of leave, if any, which an employee within his or her agency
2 may receive under subsection (2) of this section. Transfers of leave shall not exceed
3 the amount requested by the recipient.

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

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

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

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

21 (8) No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt
22 to intimidate, threaten, or coerce any other employee for the purpose of interfering
23 with the employee's right to voluntarily contribute leave when authorized under this
24 section. For the purpose of this subsection, "intimidate, threaten, or coerce" shall
25 include, without being limited to, the promise to confer or the conferring of any
26 benefit or effecting or threatening to effect any reprisal.

27 (9) Notwithstanding subsection (1) of this section, an employee who has provided

1 *proper notice of resignation or retirement may request transfer of all or part of*
2 *his or her remaining sick leave balance.*

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

5 ➔Section 14. KRS 18A.203 is amended to read as follows:

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

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

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

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

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

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

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

1 regulations to implement the provisions of this section.

2 ➔Section 15. KRS 18A.355 is amended to read as follows:

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

11 (2) The branch budget recommendation submitted to the General Assembly under KRS
12 Chapter 48 shall include a request for the amount of the annual increment expressed
13 as a percentage of each employee's base salary or wages and a request for the total
14 appropriation needed to fund the annual increment. The annual increment shall be
15 uniform for all employees. The financial plan enacted under the provisions of KRS
16 48.300 shall contain the annual increment expressed as a percentage of each
17 employee's base salary or wages, and the total appropriation needed to fund the
18 annual increment.

19 (3) The budget reduction plan submitted and enacted under the provisions of KRS
20 Chapter 48 shall provide that a reduction of the annual increment granted under this
21 section shall be made only after other cost savings measures, as provided by KRS
22 18A.113 are taken. Any such reduction shall be uniform for all state employees and
23 shall comply with the provisions of this chapter and KRS Chapter 48.

24 ➔Section 16. KRS 132.370 is amended to read as follows:

25 (1) There shall be a property valuation administrator in each county in lieu of a county
26 assessor. Property valuation administrators shall be state officials and all deputies
27 and assistants of their offices shall be unclassified state employees.

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

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

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

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

21 (9) Notwithstanding the provisions of KRS 18A.110~~(7)(5)(c)~~, the department shall
22 promulgate administrative regulations allowing property valuation administrators
23 and their deputies to receive lump-sum payments for accrued annual leave and
24 compensatory time when separated from employment because of termination by the
25 employer, resignation, retirement, or death.

26 ➔Section 17. KRS 163.032 is amended to read as follows:

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

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

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

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

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

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

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

23 (6) The Kentucky Department of Education, with assistance from the Kentucky
24 Personnel Cabinet, shall adopt a salary schedule for administrators for the Kentucky
25 School for the Deaf and the Kentucky School for the Blind. In considering the rate
26 of pay and the requirements of KRS 18A.110~~(9)~~~~(7)~~(b), the department and the
27 cabinet shall consider rates that are based upon the duties and responsibilities of the

1 positions and that are competitive with rates for similar or comparable services in
2 Kentucky school districts. The salary schedule, which shall be computed prior to
3 September 1 of each year, shall be based on two hundred sixty (260) days per year.