

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

780 KAR 6:020. Compensation plan.

RELATES TO: KRS 156.808

STATUTORY AUTHORITY: KRS 156.070, 156.808

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(11) requires the Kentucky Board of Education~~[executive director of the Office of Career and Technical Education]~~ to promulgate administrative regulations governing the unclassified service in the Office of Career and Technical Education. This administrative regulation establishes the compensation plan for unclassified employees of the Office of Career and Technical Education.

Section 1. General Provisions.

(1) The Kentucky Department of Education~~[executive director]~~ shall prepare and recommend ~~[through the Secretary of the Education and Labor Cabinet]~~ to the commissioner of education who shall recommend to the Kentucky Board of Education~~[Secretary of the Finance and Administrative Cabinet]~~ a pay plan for all Office of Career and Technical Education employees in the unclassified service taking into account:

- (a) The relative levels of duties and responsibilities of various classes of positions;
- (b) Rates paid for comparable positions elsewhere; and
- (c) The state's financial resources.

(2) The pay shall become effective after recommendation by the commissioner of education and upon approval by the Kentucky Board of Education~~[Governor after submission by the executive director through the Secretary of the Education and Labor Cabinet and the Secretary of the Finance and Administration Cabinet]~~.

(3) An amendment to the pay plan shall be made in the same manner.

(4) Each employee shall be appointed at a rate set forth within the pay plan for the position in which he or she is employed.

Section 2. Appointments. A new unclassified service employee~~[employees]~~ or reentering unclassified service employee shall be appointed at the salary within the salary structure for unclassified service employee commensurate with education level and experience.

Section 3. Salary Adjustments.

(1) Promotion.

(a) A certified or equivalent employee who is promoted to the unclassified service shall receive a five (5) percent salary increase at the time of promotion unless his or her current salary is above the minimum on the salary schedule. If the employee's salary is above the minimum, the five (5) percent increase shall be at the discretion of the appointing authority.

(b) If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the associate commissioner of the Office of Career and Technical Education~~[executive director]~~ may grant upon promotion a ten (10) percent to twenty (20) percent salary increase over the employee's previous salary.

(c) Upon the successful completion of a six (6) month promotional probationary period, an unclassified employee may receive at the discretion of the appointing authority~~[executive director]~~ a five (5) percent promotional increase at the beginning of the month following completion of the probationary period.

(2) Demotion. An unclassified employee in the Office of Career and Technical Education who is demoted to another position in the unclassified service shall have his or her salary adjusted in accordance with the appropriate salary schedule.

~~[(3)] [Other salary adjustments. The executive director for the Office of Career and Technical Education may authorize performance bonuses in lump sum payments for outstanding job performance in the unclassified service in any fiscal year in which monies are available.]~~

~~[Section 4.] [Salary Advancements. Annual salary increments for unclassified employees shall occur commensurate with each person's established increment date.]~~

~~[Section 5.] [Paid overtime. An unclassified employee shall be awarded overtime payments in accordance with the Fair Labor Standards Act, 29 U.S.C. 201 et seq.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBIN FIELDS KINNEY, Interim Commissioner of Education

SHARON PORTER ROBINSON, Chairperson

APPROVED BY AGENCY: April 15, 2024

FILED WITH LRC: April 15, 2024 at 11:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2024 at 10 a.m. Eastern Time, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this meeting shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may want to submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the compensation plan for unclassified employees of the Office of Career and Technical Education.

(b) The necessity of this administrative regulation:

KRS 156.808(1) requires the Kentucky Board of Education to promulgate administrative regulations governing unclassified service in the Office of Career and Technical Education.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation provides details governing the compensation plan for unclassified staff in the Office of Career and Technical Education required by 156.808.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative assists in the effective administration of the statute by providing details which govern compensation plan for unclassified staff in the Office of Career and Technical Education required by 156.808.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment to this administrative regulation changes the existing administrative regulation to reflect the structure of the Office of Career and Technical Education within the Kentucky Department of Education as opposed to the Workforce Development Cabinet where the Office of Career and Technical Education previously existed.

(b) The necessity of the amendment to this administrative regulation:

The amendment to this administrative regulation is necessary to reflect the process governing compensation plan for unclassified staff within the Office of Career and Technical Education through the Kentucky Department of Education Division of Resource Management to the commissioner of education.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment provides appropriate details regarding the process governing compensation plan for unclassified staff in the Office of Career and Technical Education.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will assist in the effective administration of the statutes by providing accurate details regarding the process governing the compensation plan for unclassified staff in the Office of Career and Technical Education.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Kentucky Department of Education Office of Career and Technical Education will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

There are no additional actions required of the regulated entities to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no additional actions required of the regulated entities to comply with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The regulation requires that the Office of Career and Technical Education develop a fair and transparent compensation system for unclassified employees.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

This administrative regulation does not require the use of additional funds to implement the amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There is no increase in fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administration regulation applies equally to all unclassified employees of the Office of Career and Technical Education.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.808

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department of Education

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Secondary state-operated area technology centers.

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(4) Identify additional regulated entities not listed in questions (2) or (3):

The amendment to this regulation does not impact any additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion:

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.