

STATEMENT OF EMERGENCY

101 KAR 2:095E.

This emergency administrative regulation is necessary for compliance with the requirement to promulgate administrative regulations within 30 days of Senate Bill 8, 2022 Regular Session, becoming law. The act, codified as 2022 Ky. Acts ch. 75, sec. 21, was effective April 1, 2022. The requirement of the act is being fulfilled by removing Kentucky Employees Charitable Campaign provisions from this administrative regulation and promulgating as a new, stand-alone regulation, 101 KAR 6:020. This administrative regulation is being promulgated pursuant to KRS 13A.190(1)(a)3. to meet the deadline required by the act. An ordinary administrative regulation is not sufficient because the new administrative regulation for the Kentucky Employees Charitable Campaign, 101 KAR 6:020, will be promulgated as an emergency regulation, necessitating concurrent changes to this administrative regulation. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor

GERINA D. WHETHERS, Secretary, Personnel Cabinet

PERSONNEL CABINET
(Emergency Amendment)

101 KAR 2:095E. Classified service general requirements.

RELATES TO: KRS 18A.030(2), 18A.110

STATUTORY AUTHORITY: KRS 18A.030, 18A.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110 requires the Secretary of Personnel to promulgate comprehensive administrative regulations for the classified service. This administrative regulation establishes requirements for the classified service and governs the maintenance of employee and other records and reports in the cabinet and other conditions of employment.

Section 1. Attendance; Hours of Work.

- (1) The number of hours a full-time employee shall be required to work shall be thirty-seven and one-half (37 1/2) hours per week or forty (40) hours per week, unless specified otherwise by the appointing authority or the statutes.
- (2) The normal work day shall be from:
 - (a) 8 a.m. to 4:30 p.m., local time, Monday through Friday, for a thirty-seven and one-half (37 1/2) hour work schedule; or
 - (b) 8 a.m. to 5 p.m., local time, Monday through Friday, for a forty (40) hour work schedule.
- (3) An appointing authority may require an employee to work hours and days other than regular days and hours, including an overtime or inclement weather schedule if it is in the best interest of the agency.
- (4) An employee who works for an agency that requires more than one (1) shift or seven (7) days a week operation may be reassigned from one (1) shift to another or from one (1) post to another or alternate days off by the agency to meet staffing requirements or to maintain security or provide essential services of the agency.
- (5) An employee shall give reasonable notice in advance of absence from an official work station or alternate work station.

Section 2. Official Work Station, Alternate Work Station, and Temporary Assignment.

- (1) Each employee shall be assigned an official work station and may be assigned one (1) or more additional alternate work stations by the appointing authority.
- (2) An official work station or alternate work station may be changed to better meet the needs of the agency.
- (3) An employee may be temporarily assigned to a different official work station or alternate work station in a different county. The assignment shall be to the same job classification.
 - (a) If an employee is temporarily assigned to a different official work station or alternate work station in a different county, the assignment shall not last more than sixty (60) calendar days.
 - (b) Temporary assignment may be renewed with prior approval of the Secretary of Personnel.
 - (c) A temporarily reassigned employee shall be reimbursed for travel expenses in accordance with 200 KAR 2:006, and the appointing authority shall notify the employee in writing prior to the effective date of the action.
- (4) An appointing authority may assign an employee to work in a different site within the county of employment within the same job classification.

Section 3. Dual Employment. An employee holding a full-time position covered under KRS Chapter 18A shall not hold another KRS Chapter 18A position except upon recommendation of the appointing authority and the written approval of the secretary.

Section 4. Notice of Resignation and Retirement.

- (1) An employee who decides to terminate his or her service shall submit a written resignation or notice of retirement to the appointing authority.
- (2) A resignation or notice of retirement shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's notice shall be attached to the separation personnel action and placed in the personnel files maintained by the agency and the Personnel Cabinet.
- (3) Failure of an employee to give fourteen (14) calendar days' notice may result in forfeiture of accrued annual leave, based on:
 - (a) If the fourteen (14) day deadline was:
 1. Practicable under the circumstances;
 2. Appropriate for the situation; and
 3. Complied with; or
 - (b) If the appointing authority and the employee have agreed that the employee shall retain the leave.
- (4) The effective date of a separation shall be the next calendar day following the last work day unless the employee has been approved for the use of annual, compensatory, or sick leave prior to termination.

Section 5. Records and Reports.

- (1) An appointing authority shall provide a request to the Personnel Cabinet for a personnel action or status change.
 - (a) The Secretary of the Personnel Cabinet shall determine which personnel actions warrant a Personnel Action Notification to the employee, in accordance with KRS 18A.020 and 18A.095.
 - (b) The secretary shall provide a Personnel Action Notification to the appointing authority.
 - (c) The appointing authority shall provide a copy of a Personnel Action Notification to the employee affected by the action.
- (2) The secretary shall maintain a leave record showing for each employee:
 - (a) Annual leave earned, used and unused;
 - (b) Sick leave earned, used and unused;
 - (c) Compensatory leave earned, used and unused; and
 - (d) Special leave or other leave with or without pay.

Section 6. Telecommuting.

- (1) Telecommuting shall be a work arrangement in which a selected state employee is allowed to perform the normal duties and responsibilities of his or her position through the use of computer or telecommunications at home or another place apart from the employee's usual official work station or alternate work station.
- (2) An appointing authority may establish a telecommuting program for all or any part of the agency.
- (3) Eligibility and selection for participation in a telecommuting program shall be the decision of the agency, with no implied or specific right to participation being granted to an employee.
- (4) The telecommuter's conditions of employment shall remain the same as for a nontelecommuting employee.
 - (a) Employee salary, benefits, and employer-sponsored insurance coverage shall not change as a result of telecommuting.
 - (b) The telecommuter shall be responsible for the security and confidentiality of data, as well as the protection of state-provided equipment, used and accessed during telecommuting.
 - (c) The telecommuter shall agree to maintain a clean, safe workplace.

(d) An on-site visit by the employer for monitoring of safety issues shall not require advance notice by the employer.

Section 7. Workplace Violence Policy.

- (1) Workplace violence shall be prohibited and shall include:
 - (a) The attempted, threatened, or actual conduct of a person who endangers or is likely to endanger the health and safety of state employees or the general public; or
 - (b) A threatening statement, harassment, or behavior that gives a state employee or member of the general public reasonable cause to believe that his or her health or safety is at risk.
- (2) Examples of prohibited workplace violence shall include:
 - (a) Threats of harm;
 - (b) Brandishing or displaying a weapon or an object that looks like a weapon in a manner that would present a safety risk to a state employee or a member of the general public or threatens or intimidates them;
 - (c) Intimidating, threatening, or directing abusive language toward another person, either verbally, in writing or by gesture;
 - (d) Stalking;
 - (e) Striking, slapping, or otherwise physically attacking another person; or
 - (f) Disobeying or failing to follow the reasonable directive of a supervisor to take action or cease actions that create a risk to the health or safety of a state employee or the public or threatens or intimidates them.
- (3) Violation of this section shall constitute grounds for disciplinary action and referral for criminal prosecution.

Section 8. Issuance of Pay to State Employees.

- (1) Pay shall be issued to state employees on the 15th and 30th day of each month.
- (2) If the regularly scheduled pay date falls on a weekend, state employees shall be issued pay on the preceding Friday.
- (3) If the regularly scheduled pay date falls on a state holiday, as defined in KRS 18A.190, pay shall be issued on the workday preceding the holiday.

Section 9. Incorporation by Reference.

- (1) "Personnel Action Notification", PAN, August 2011, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GERINA D. WHETHERS, Secretary

APPROVED BY AGENCY: April 11, 2022

FILED WITH LRC: April 15, 2022 at 9:25 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2022 at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing 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 cancelled. 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 submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on May 31, 2022. 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: Rosemary Holbrook, Assistant General Counsel, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone (502) 564-7430, fax (502) 564-0224, email RosemaryG.Holbrook@ky.gov.