

## CHAPTER 60

## (HB 201)

AN ACT relating to State Police promotions.

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

Section 1. KRS 16.010 is amended to read as follows:

As used in KRS 16.030 to 16.170, unless the context requires otherwise:

- (1) "Cabinet" means the Justice Cabinet;
- (2) "Secretary" means the secretary of justice;
- (3) "Commissioner" means the commissioner of the Department of State Police;
- (4) "Officer" means any member of the Kentucky State Police who possesses the powers of a peace officer;
- (5) "Civilian" means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;
- (6) "Board" means the State Police Personnel Board; and
- (7) "Department" means the Department of State Police.
- (8) ***"Continuous service" for participation in and eligibility for the promotional process for each rank means:***
  - (a) ***For sergeant, service as a commissioned Kentucky State Police officer that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, or termination;***
  - (b) ***For lieutenant, service in grade as a sergeant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140;***
  - (c) ***For captain, service in grade as lieutenant that has not been interrupted by actual separation from the department, whether in the form of resignation, retirement, termination, or by demotion in accordance with KRS 16.140.***

Section 2. KRS 16.055 is amended to read as follows:

- (1) Promotions to sergeant within the department shall be on the following terms and conditions:
  - (a) The applicant must have served ***six (6) years of continuous service*** as a commissioned State Police officer ~~for a period of six (6) years~~ to be eligible for promotion to sergeant;
  - (b) Promotions shall be based on cumulative scores computed from twenty percent (20%) on personnel performance evaluation, forty percent (40%) on job simulation examination, and forty percent (40%) on a written examination;
  - (c) The promotional list shall continue in existence for one (1) year, shall consist of the numerical scores and rankings of each applicant, and promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. When two (2) or more applicants receive the same numerical score, the order

of placement on the list shall be determined by seniority of service. Upon the determination of a new numerical ranking following a new examination, all previous rankings shall be null and void;

- (d) The written examination shall be prepared and administered by an individual designated by the commissioner. The materials and textbooks will be selected by the commissioner and his staff. The commissioner will inform all applicants at least three (3) months prior to the examination date of the exact material from which test questions will be taken;
  - (e) The written test shall be administered to all applicants at the same time. Immediately upon completion of the written test the applicant will receive his numerical score. Such numerical score shall remain valid for a period of two (2) years following the date of examination unless the source material upon which the test is based is changed by more than thirty percent (30%);
  - (f) The job simulation examination shall be evaluated by boards designated by the commissioner consisting of the commissioner or his designated appointee not lower than rank of captain, an officer from another police agency of the rank equal to the position for which the applicant is competing, an instructor from an accredited law enforcement education program, a personnel director from private industry, and an officer from the Kentucky State Police of the rank equal to the position for which the applicant is competing;
  - (g) The designated job simulation examination boards will perform all evaluations under guidelines developed and approved by the commissioner; and
  - (h) Personnel evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner.
- (2) Promotions from sergeant to lieutenant within the department shall be on the same terms and conditions as promotions to sergeant. In addition, any applicant for lieutenant must have completed at least **one year (1)**~~three (3) years~~ of continuous service in grade as sergeant.
  - (3) Promotions from lieutenant to captain within the department shall be on the same terms and conditions as promotions to lieutenant. In addition, any applicant for captain must have completed at least **one year (1)**~~three (3) years~~ of continuous service in grade as lieutenant.
  - (4) The department will develop and administer only one (1) test for each of the above ranks. All eligible applicants will be permitted to participate in the promotional process to the next highest position of responsibility wherever a vacancy exists.
  - (5) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a probationary period for one (1) year **of continuous service** from the effective date of their promotions, and may be reverted to their previous rank with or without cause at any time during this period.
  - (6) The provisions of KRS 16.140 to the contrary notwithstanding, all ranks above the grade of captain are temporary and shall not be subject to the provisions for selection and promotion as required herein. All officers in such temporary positions shall serve at the pleasure of the commissioner and shall revert to their previous permanent rank upon the termination of their temporary appointment.

- (7) The total number of supervisory officers of all classifications shall be limited to a ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers.
- (8) No officer of the department, other than temporary positions above the rank of captain, shall be promoted to the next highest rank without competing with other officers as prescribed by this promotional procedure.
- (9) There shall be no discrimination based on race, sex, age, national origin, color, religion, creed, or political affiliation with respect to the department promotional system. All personnel actions are to be based solely on merit.

Section 3. The provisions of this Act shall only apply to the 2006 Kentucky State Police sworn promotional process and any sworn promotional processes thereafter.

Section 4. This Act takes effect January 1, 2006.

**Approved March 11, 2005.**