

CHAPTER 6**(HB 570)**

AN ACT relating to Kentucky State Police and declaring an emergency.

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

➔Section 1. 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 to be eligible for promotion to sergeant;
 - (b) Promotions shall be based on cumulative scores computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination *on which the applicant achieved at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board*;
 - (c) The promotional list shall be valid 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 or her 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 *and the minimum score required to be eligible for placement on the promotional list*;
 - (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 or her 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%), *provided that the numerical score meets or exceeds the minimum score set in paragraph (d) of this subsection for the current year's promotional list*;
 - (f) The job simulation examination shall be evaluated by boards designated by the commissioner consisting of the commissioner or his or her 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 (1) year 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 (1) year 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 2. KRS 16.187 is amended to read as follows:

- (1) The following positions shall be created within the Department of Kentucky State Police:
 - (a) Commercial vehicle enforcement officers;
 - (b) Commercial vehicle enforcement officers R Class;
 - (c) Arson investigator officers;
 - (d) Hazardous devices investigator officers;~~and~~
 - (e) Facilities security officers; **and**
 - (f) ***Legislative security specialists.***
- (2) These positions shall be appointed pursuant to KRS 16.188 and shall be utilized by the commissioner to enforce the laws of the Commonwealth and to comply with federal and state mandates.

➔Section 3. KRS 16.188 is amended to read as follows:

- (1) The following officers shall be appointed by the commissioner:
 - (a) Commercial vehicle enforcement officers;
 - (b) Commercial vehicle enforcement officers R Class;
 - (c) Arson investigator officers;~~and~~
 - (d) Hazardous devices investigator officers; **and**
 - (e) ***Legislative security specialists.***
- (2) Facilities security officers shall be appointed by the secretary as special law enforcement officers under KRS 61.902.

➔Section 4. KRS 16.189 is amended to read as follows:

The powers and duties of officers in the positions established by KRS 16.187 shall be as follows:

- (1) Commercial vehicle enforcement officers and commercial vehicle enforcement officers R class shall enforce:
 - (a) Commercial vehicle licensure, operator, traffic, and criminal violations;
 - (b) Motor vehicle operator, traffic, and criminal law violations on a highway; and
 - (c) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;
- (2) Arson investigator officers shall enforce:
 - (a) All criminal laws pertaining to arson; and
 - (b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner;
- (3) Hazardous devices investigator officers shall enforce:

- (a) All criminal laws pertaining to hazardous devices; and
 - (b) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner; ~~and~~
- (4) Facilities security officers shall have the jurisdiction and duties established pursuant to KRS 61.900 to 61.930; **and**
- (5) **Legislative security specialists shall:**
- (a) **Provide protection and security for the personnel, property, and facilities of the General Assembly and the Legislative Research Commission and make arrests for unlawful activity; and**
 - (b) **Enforce all the laws and all of the administrative regulations promulgated as required and in accordance with KRS Chapter 13A at the direction of the commissioner.**

➔Section 5. KRS 16.1901 is amended to read as follows:

- (1) At the time of appointment by the department or the secretary, officers shall meet the minimum requirements established by this subsection:
- (a) Commercial vehicle enforcement officers shall:
 1. Meet at least one (1) of the following education or experience requirements:
 - a. Have completed at least fifty-four (54) semester hours with a college or university;
 - b. Possess at least two (2) years experience as a commercial vehicle inspector under the North American Standard Requirements;
 - c. Possess at least two (2) years experience as a full-time sworn law enforcement officer; or
 - d. Possess at least two (2) years experience in military duty;
 2. Be of good moral character and capable of successfully meeting the physical fitness standards established by the commissioner; and
 3. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382;
 - (b) Arson investigator officers shall:
 1. Possess at least one (1) year of law enforcement, police, criminal, fire, or arson investigation experience; and
 2. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382;
 - (c) Hazardous devices investigator officers shall:
 1. Possess at least five (5) years of experience involving explosives or hazardous devices used in the areas of law enforcement, the military, or firefighting; and
 2. Meet the minimum qualifications for becoming a certified peace officer as provided by KRS 15.382; and
 - (d) Facilities security officers shall be commissioned as special law enforcement officers under KRS 61.900 to 61.930.
 - (e) **Legislative security specialists shall:**
 1. **Possess at least five (5) years of experience as a full-time sworn law enforcement officer; and**
 2. **Meet the minimum qualifications for a certified peace officer as provided in KRS 15.382.**
- (2) Upon completion of a probationary period of one (1) year:
- (a) Commercial vehicle enforcement officers, arson investigator officers, ~~and~~ hazardous devices investigator officers, **and legislative security specialists** shall have successfully completed the Peace Officer Professional Standards (POPS) certification process through the Kentucky State Police Academy or through the Department of Criminal Justice Training; and

- (b) Commercial vehicle enforcement officers shall successfully complete and pass a certified course in General Hazardous Materials and North American Standard Driver/Vehicle Inspection.

➔Section 6. KRS 16.191 is amended to read as follows:

- (1) Commercial vehicle enforcement officers shall be promoted according to the terms and conditions established by this subsection:
- (a) Promotions to commercial vehicle enforcement sergeant within the department shall be on the following terms and conditions:
1. In order to be eligible for the promotion, the applicant shall have served as a commissioned commercial vehicle enforcement officer for at least six (6) years;
 2. Promotions made by the department for this position shall be based upon the applicant's cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination;
 3. A promotional list shall be established and shall remain valid for one (1) year. The promotional list shall consist of the numerical scores and rankings of each applicant as provided by subparagraph 2. of this paragraph. Promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. If 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;
 4. The written examination for the applicant's cumulative score shall be prepared and administered by an individual designated by the commissioner. Materials and textbooks for the examination shall be selected by the commissioner and his or her staff. At least three (3) months prior to the examination date, the commissioner shall inform all applicants of the exact material and textbooks from which test questions will be taken ***and the minimum score required to be eligible for placement on the promotional list.*** The written examination shall be administered to all applicants at the same time and the applicant shall receive his or her numerical score immediately upon completion of the written examination. An applicant's numerical score shall remain valid for a period of two (2) years following the date of the examination unless the source material used as the basis for the test changes by more than thirty percent (30%), ***provided the numerical score meets or exceeds the minimum score set in paragraph (d) of subsection (2) of this section;***
 5. The job simulation examination shall be evaluated by boards designated by the commissioner that shall consist of:
 - a. The commissioner or his or her designee. The designee shall have a rank no lower than commercial vehicle enforcement captain;
 - b. An officer from another police agency of the rank equal to the position for which the applicant is competing;
 - c. An instructor from an accredited law enforcement education program;
 - d. A personnel director from private industry; and
 - e. A commercial vehicle enforcement officer of the rank equal to the position for which the applicant is competing;
 6. The designated job simulation examination boards shall perform all evaluations under guidelines developed and approved by the commissioner; and
 7. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner;
- (b) Promotions from commercial vehicle enforcement sergeant to commercial vehicle enforcement lieutenant within the department shall be on the same terms and conditions as promotions to sergeant. In addition, any applicant for lieutenant shall have completed at least one (1) year of continuous service in grade as a sergeant;

- (c) Promotions from commercial vehicle enforcement lieutenant to commercial vehicle enforcement captain within the department shall be on the same terms and conditions as promotions to lieutenant. In addition, any applicant for captain shall have completed at least one (1) year of continuous service in grade as a lieutenant;
 - (d) The department shall develop and administer only one (1) test for each of the ranks established by this subsection. All eligible applicants shall be permitted to participate in the promotional process to the next highest position of responsibility wherever a vacancy exists;
 - (e) 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;
 - (f) Promotions to the rank of commercial vehicle enforcement major are temporary and shall not be subject to the provisions for selection and promotion as required by this subsection. 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;
 - (g) The total number of supervisory officers of all classifications established by this subsection shall be limited to a ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers; and
 - (h) 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 the promotional procedure established by this subsection.
- (2) Promotions from hazardous devices investigator officer to hazardous devices supervisor shall be on the following terms and conditions:
- (a) The applicant shall have at least seven (7) years of experience involving explosives or hazardous devices used in the areas of law enforcement, the military, or firefighting;
 - (b) The applicant shall **hold a current certification as a hazardous devices technician issued by a national hazardous devices school**~~demonstrate proficiency on specialized explosive disposal equipment and disposal operations through a job simulation examination~~;
 - (c) **When there is a single applicant for a position, the applicant shall:**
 - 1. **For a written examination, complete and achieve at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board;**
 - 2. **For a job simulation exercise, complete and achieve at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board;**
 - 3. **For a personnel performance evaluation, achieve a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board; and**
 - 4. **Submit to an oral interview before a board of supervisory personnel designated by the commissioner.**
 - (d) When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination **on which the applicant achieved at least a minimum score as determined by the commissioner in consultation with the Kentucky State Police Promotional Review Board**. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by department's human resources branch;
 - ~~(e)(d)~~ Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and
 - ~~(f)(e)~~ The commissioner may appoint a hazardous devices supervisor from outside of the department if the applicant meets the minimum requirements for promotion from hazardous devices investigator to hazardous devices supervisor as provided by this subsection.
- (3) Facilities security officers shall be promoted according to the terms and conditions established by this subsection:

- (a) Promotions to facilities security sergeant within the department shall be on the following terms and conditions:
1. The applicant shall have served as either a facilities security officer for at least two (2) years or possess at least two (2) years of other law enforcement or security services experience;
 2. The applicant shall complete and pass a written examination established by the department;
 3. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and
 4. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and
- (b) Promotions or appointments to facilities security lieutenant within the department shall be on the following terms and conditions:
1. The applicant shall have served as either a facilities security officer for at least three (3) years or possess at least three (3) years of other law enforcement or security services experience;
 2. The applicant shall have at least two (2) years previous supervisory experience in a law enforcement or security services position;
 3. The applicant shall complete and pass a written examination established by the department;
 4. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and
 5. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner.
- (4) 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 7. KRS 16.194 is amended to read as follows:

Notwithstanding any other provision to the contrary, officers governed by KRS 16.186 to 16.195 shall participate in the following retirement systems:

- (1) Commercial vehicle enforcement officers, arson investigator officers, ~~and~~ hazardous devices investigator officers, **and legislative security specialists** shall participate in the Kentucky Employees Retirement System under hazardous duty coverage; and
- (2) Facilities security officers shall participate in the Kentucky Employees Retirement System under nonhazardous coverage.

➔Section 8. KRS 16.198 is amended to read as follows:

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be as follows:

- (1) The commissioner may appoint Trooper R Class employees and commercial vehicle enforcement officer R class. Trooper R Class employees and commercial vehicle enforcement officer R class shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than **nine (9)**~~four (4)~~ additional one (1) year terms.
- (2) The compensation for Trooper R Class employees and commercial vehicle enforcement officer R class shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.
- (3) (a) All appointments of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be based upon agency need as determined by the commissioner.

- (b) Work stations for individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by agency need with consideration given to the applicant's stated preference.
 - (c) Merit of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by the applicant's work performance history.
 - (d) Fitness of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.
- (4) The number of individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class by the department shall not:
- (a) Exceed one hundred (100); or
 - (b) Be counted in the total employee cap for the department.
- (5) All individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions or special work assignments.
- (6) Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:
- (a) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;
 - (b) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and
 - (c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class.
- (7) Individuals employed as a Trooper R Class and commercial vehicle enforcement officer R class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.
- (8) The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R class or commercial vehicle enforcement officer R class.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO READ AS FOLLOWS:

The commissioner may appoint a deputy commissioner. The appointee shall have peace officer authority only if that appointee is a current or honorably retired member of the Kentucky State Police.

➔Section 10. Whereas the administrative duties of the commissioner have increased, an emergency is declared to exist, and Section 9 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 30, 2016.