

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 45:005. Definitions.

RELATES TO: KRS 16.040, 16.050

STATUTORY AUTHORITY: KRS 16.040, 16.050, 16.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040 requires the Commissioner of State Police to prescribe minimum physical requirements for persons appointed as state police officers, and to conduct tests to determine the fitness and qualifications of applicants. KRS 16.080 authorizes the commissioner to adopt administrative regulations for the enlistment of officers. KRS 16.050 requires the State Police Personnel Board to adopt administrative regulations to provide for competitive examination as to the fitness of applicants for employment as officers, and for the establishment of eligible lists for employment based upon competitive examination. This administrative regulation establishes the definitions to be used in the administrative regulations concerning the selection process for trooper cadets.

Section 1. Definitions.

(1) "Applicant" means a fully-qualified person as contemplated in KRS 16.040 who submits an employment application for the position of cadet trooper and who participates in the selection process.

(2) "Appointment" means selection by the commissioner [~~Commissioner~~] of a cadet trooper for employment as an officer, upon successful completion of basic training at the Kentucky State Police Academy.

(3) "Aptitude examination" means an assessment of the cognitive abilities used to determine if applicants can successfully perform the essential job tasks of a Kentucky State Police Trooper.

(4)[~~(3)~~] "Cadet trooper" means an applicant for employment as an officer who is selected by the commissioner to attend the Kentucky State Police Academy and conditionally employed as a trainee.

(5)[~~(4)~~] "Candidate" means an applicant for employment who has successfully completed all phases of the selection process and whose name has been placed on the register.

(6) "Immediate family" means the parents, step-parents, siblings, step-siblings, aunts, or uncles of an applicant for employment.

(7) "Law Enforcement Accelerated Program" or "LEAP" means the accelerated training program reserved for applicants who are current officers who have at least two (2) years of Kentucky Police Officer Professional Standards (POPS) certified law enforcement experience.

(8)[~~(5)~~] "Physical Fitness Test" or "PFT" means a series of physical fitness tests[~~Content Based Task Test (CBTT)~~] means the physical fitness test consisting of simulated essential job tasks,] used to determine if applicants can perform the essential job tasks required during basic training at the Kentucky State Police Academy.

(9)[~~(6)~~] "Register" means the list of persons eligible for selection as a cadet trooper.

(10) "Trooper Applicant Points System" or "TAPS" means a calculated point system that may be based upon the educational, military, and law enforcement experience of an applicant or graduation from the Kentucky State Police Apprenticeship program.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 25, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 2:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing 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 submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email amy.barker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the definitions to be used in the administrative regulation concerning the selection process for law enforcement officers.

(b) The necessity of this administrative regulation: This regulation is necessary to define the law enforcement terms used, particularly in regard to the application process for law enforcement officers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation assists in the administration of KRS 16.040 by defining the necessary terms used throughout the application process to become a law enforcement officer.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the administration of the relevant statutes by providing clarity to the language that is used throughout, and provides the necessary guidance to potential applicants.

(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: This amendment removes the Content Based Task Test (or "CBTT") definition as it is out of date.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to accurately reflect the selection process to become a law enforcement officer.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment provides the definitions necessary to fully and properly understand the statutes authorizing the Commissioner to prescribe the requirements for applicants to become law enforcement officers.

(d) How the amendment will assist in the effective administration of the statutes: The amendment updates the regulation in order to ensure that the entire section is complete and accurately reflects the application process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky State Police, and applicants to become law enforcement officers.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken; instead the revised regulation accurately reflects the terms that are used today during the application and selection process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: This revised regulation is now accurately up to date and reflects the terms used, as opposed to containing outdated terms.

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(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: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this administrative regulation does not establish any new fees or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State Police, and applicants to become law enforcement officers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.040, KRS 16.050, KRS 16.080.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.
Expenditures (+/-): None.
Other Explanation: None.