

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

502 KAR 45:075. Register.

RELATES TO: KRS 16.050

STATUTORY AUTHORITY: KRS 16.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.050 requires the State Police Personnel Board to promulgate administrative regulations which include provisions for the establishment of eligibility lists as a result of competitive examinations, from which ~~Lists~~ vacancies shall be filled. This administrative regulation establishes a register for the employment of cadet troopers.

Section 1.

- (1) The commissioner shall determine the number of cadet trooper positions required to be filled.
- (2) The commissioner shall base his determination upon:
 - (a) The needs of the department;
 - (b) Projected attrition; and
 - (c) Available funding ~~[Authorized strength levels]~~.

Section 2.

- (1) The commissioner shall propose a register of applicants eligible ~~[eligible]~~ for appointment as a cadet trooper to the State Police Personnel Board.
- (2) Upon approval by the board, the commissioner shall establish a register of applicants eligible for appointment as a cadet trooper.

Section 3.

- (1) A register shall be effective for a period of twelve (12) months.
- (2) If an applicant who has been placed on a register is not selected for employment within twelve (12) months of his placement on the register, the applicant ~~he~~:
 - (a) May ~~Shall~~ be removed from the register; and
 - (b) May reapply for employment.

Section 4. An applicant may be placed on a register if the applicant has:

- (1) Successfully completed the:
 - (a) Aptitude ~~[Written]~~ examination;
 - (b) Physical Fitness ~~[Content Based Task]~~ Test;
 - (c) ~~[Oral]~~ Interview; and
- (2) Not been disqualified as a result of a background investigation. [~~(3) [The applicants who shall undergo a background investigation shall be determined by:]~~
 - ~~[(a)] [An applicant's combined Content Based Task Test and the oral interview scores; and]~~
 - ~~[(b)] [The number of positions required to be filled.]~~

Section 5.

- (1) Except as provided by subsection (2) of this section, an applicant shall be placed on the register in rank order, determined by the combined score on an applicant's Physical Fitness ~~[Content Based Task]~~ Test and ~~[oral]~~ interview score and TAPS points. A maximum of six (6.0) Trooper Applicant Points System (TAPS) points may be earned and added to the combined score. Applicants shall receive TAPS points based upon the following:

- (a) Applicants shall receive two (2.0) points for:
1. An associate degree in any discipline from an accredited college or university;
 2. A copy of their DD-214 reflecting four (4) years of active military service; or
 3. A notarized letter from a law enforcement employer certifying three (3) years of full-time law enforcement employment as a sworn officer.
- (b) Applicants shall receive four (4.0) points for:
1. A bachelor degree in any discipline from an accredited college or university;
 2. A copy of their DD-214 reflecting a minimum of five (5) and less than nine (9) years of active military service; or
 3. A notarized letter from a law enforcement employer certifying a minimum of four (4) and less than seven (7) years of full-time law enforcement employment as a sworn officer.
- (c) Applicants shall receive six (6) points for:
1. A master degree or above in any discipline from an accredited college or university;
 2. A copy of their DD-214 reflecting nine (9) years or more of active military service; or
 3. A notarized letter from a law enforcement employer certifying seven (7) years or more of full-time law enforcement employment as a sworn officer.
- (d) Graduates of the KSP Apprenticeship Program shall receive up to six (6) points for the following:
1. Three (3) points upon graduation;
 2. Two (2) points upon completion of the physical preparedness program; and
 3. One (1) point upon completion of five (5) core classes toward the Kentucky State Police Academy Associates in Applied Sciences degree in General Occupational and Technical Studies while enrolled in the Bluegrass Community and Technical College with a grade C or higher in each class.
- (2) Applicants who receive the same score shall be ranked by random draw, with military veterans receiving preference as provided by KRS 16.040(3).

Section 6.

- (1) Except as provided by this section, the commissioner shall select eligible applicants for appointment as cadet troopers from the register in rank order.
- (2) The commissioner may deviate from the rank order of the register if he determines that it is necessary to correct a manifest imbalance of minorities or women in the department.

Section 7. The commissioner may remove a candidate from the register for the following reasons:

- (1) Upon receipt of reliable information indicating grounds for disqualification or deferral;
- (2) If the candidate cannot be located by postal authorities;
- (3) If the candidate:
 - (a) Declines an offer of employment;
 - (b) Fails to respond to an offer of employment;
 - (c) Notifies the department that he no longer wishes to be considered for employment;or
 - (d) Upon the expiration of a period of twelve (12) months from the date of his placement on the register.

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 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 Justice.RegContact@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 a register for the employment of cadet troopers.

(b) The necessity of this administrative regulation:

This regulation is necessary in order to establish a uniform procedure utilized by the commissioner in order to appoint cadet troopers.

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

This regulation conforms to the authorizing statutes by establishing eligibility lists from which vacancies are filled.

(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 statutes by detailing how an applicant might be placed on the register.

(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 only clarifies the wording used, but makes no substantive changes to the text of the existing regulation.

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

The amendment is necessary in order to provide clarity to the regulated entities by using updated and clarified language regarding the examinations an applicant must have completed before being placed on the register.

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

The amendment conforms to the authorizing statutes by providing instruction on how vacancies shall be filled.

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

The amendment will assist in effective administration of the statutes by clarifying the language that is used and updating it to reflect the terminology that is currently used by the regulated entities.

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

The Kentucky State Police, including the State Police Personnel Board, and those who have applied to become cadet troopers. (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: The amendment requires no new actions to be taken by or on behalf of the regulated entities. (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: The regulated entities can now expect applicants to maintain a better understanding of what is required by them prior to being placed on a register for employment as a cadet trooper.

(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:

No answer provided.

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

No answer provided.

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

No answer provided.

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

(a) Initially:

Nothing.

(b) On a continuing basis:

Nothing.

(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 regulation does not establish any new fees or increase any current 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, including the State Police Personnel Board, and those who have applied to become cadet troopers.

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

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(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