

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

502 KAR 45:150. Physical Fitness ~~{Content Based Task}~~ Test (PFT~~{CBTT}~~).

RELATES TO: KRS 16.040

STATUTORY AUTHORITY: KRS 16.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040 requires that persons appointed as officers be physically able to safely perform essential job tasks. This administrative regulation establishes the procedure to determine if the applicants are capable of performing the essential job tasks of an officer during basic trooper cadet training.

Section 1. An applicant shall be required to take the Physical Fitness~~{who has successfully completed the written examination shall take the Content Based Task}~~ Test.

Section 2. The Physical Fitness Test shall consist of a series of physical fitness tests used to determine if applicants can perform the essential job tasks required during basic training at the Kentucky State Police Academy.

~~{(1)} [The Content Based Task Test shall be validated by an independent outside source with expertise in law enforcement training or employee selection.]~~

~~{(2)} [The Content Based Task Test shall consist of tasks simulating the essential job tasks troopers are required to perform.]~~

Section 3. The Physical Fitness~~{Content Based Task}~~ Test shall be structured so that all applicants are required to perform the same tasks and be rated in the same manner.

Section 4. The Physical Fitness~~{Content Based Task}~~ Test score shall constitute forty (40) percent of an applicant's score before TAPS points are applied.

Section 5. As soon as practical after the Physical Fitness~~{Content Based Task}~~ Test, an applicant shall be advised of ~~{:}~~

~~{(1)} his or her score{:} and~~

~~{(2)} [Whether he is eligible for the oral interview].~~

(22 Ky.R. 1005; Am. 1307; eff. 1-8-1996; 23 Ky.R. 3095; 3566; 3765; eff. 4-15-1997; 48 Ky.R. 1338; eff. 5-31-2022.)

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 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 the procedure to determine if the applicants are capable of performing the essential tasks of an officer during basic cadet training.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the criteria of the Physical Fitness Test that applicants must be administered during basic cadet training.

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

This regulation conforms to the authorizing statutes by establishing what the commissioner is to consider in appointing applicants as cadets troopers.

(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 statute by establishing what tests are conducted and administered to applicants to become cadet troopers.

(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 reflects a change to the test administered, and replaces the Content Based Task Test (CBTT) with the Physical Fitness Test (PFT).

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

This amendment is necessary to accurately list the correct test that is administered to applicants to become police recruits.

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

The regulation continues to conform to the authorizing statute by establishing what tests are conducted and administered to applicants to become cadet troopers.

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

This regulation continues to assist in the administration of the statute by establishing what tests are conducted and administered to applicants to become cadet troopers.

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

The Kentucky State Police, applicants 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: No new actions must be taken 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 amendment only supplants one test for another and does not result in any substantive changes to the agency.

(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 and applicants 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.

KRS 16.040

(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.