

GENERAL GOVERNMENT CABINET
Personnel Board
(Amendment)

101 KAR 1:395. Restoration from military duty.

RELATES TO: KRS 61.371-61.379

STATUTORY AUTHORITY: KRS Chapter 13A, 61.379

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.379 directs the Personnel Board to adopt administrative regulations to carry out the provisions of KRS 61.371 to 61.379. ~~[This administrative regulation will replace 101 KAR 1:390 which includes repetition of statutory language which is being repealed.]~~

Section 1. Restoration from Military Duty.

(1) If an employee advises ~~their~~^{his} employer that ~~they are~~^{he is} leaving ~~their~~^{his} position to perform military duty, the employer shall advise the employee in writing of ~~their~~^{his} rights under KRS 61.371 to 61.379.

(2) An employee who returns from military duty and is denied restoration of employment shall be advised in writing of such denial by the employer.

(3) The required notice of denial by the employer shall include the employee's right to appeal to the Kentucky Personnel Board~~[state personnel board]~~ within the time limits prescribed by KRS 413.160.

(4) Appeals filed under this section shall be heard by the Board~~[board]~~ pursuant to 101 KAR 1:365.

MARK A. SIPEK, Executive Director, Personnel Board

APPROVED BY AGENCY: August 25, 2021

FILED WITH LRC: August 25, 2021 at 9:19 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2021, at 9:30 a.m. Eastern Time at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601. 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 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.

CONTACT PERSON: Stafford Easterling General Counsel, Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 695-5799, email stafford.easterling@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stafford Easterling

(1) Provide a brief summary of:

(a) What this administrative regulation does:

(b) The necessity of this administrative regulation:

This regulation is necessary in order to carry out the provisions of KRS 61.371 to 61.379.

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

KRS 13A, 61.379 directs the Board to adopt guidelines for restoration rights for employees returning from military duty.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation will continue to provide employees returning from military duty restoration rights.

(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 is strictly for correcting syntax and grammar.

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

The amendment is necessary to correct improper use of grammar and syntax.

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

This amendment conforms with KRS Chapter 13A. and KRS 61.379 by providing updates.

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

This amendment provides clarity by correction.

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

This regulation affects all state agencies and prior military state employees returning from duty and their right to restoration.

(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:

There are no actions required to be taken by the entities.

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

There will not be any cost by complying with the amended regulation.

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

By complying with the regulation, military state employees returning from duty have the right to be restored to their prior position.

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

(a) Initially:

There will be no cost to implement this amendment.

(b) On a continuing basis:

There will be no ongoing cost to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

There is no need for a source of funding to implement and enforce this regulation.

(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:

There will not be an increase in fees or a necessity in funding to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This regulation, as amended, is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied?

No. This regulation, as amended, treats all impacted entities the same.

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?

No answer provided.

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

KRS 13A. and KRS 61.371 to 61.379.

(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.

(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?

No revenue will be generated.

(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?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

There are no estimated costs to administer the amendments to this regulation.

(d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. There are no estimated costs for subsequent years to administer the amendments to this regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

There should be no increase or decrease in the cost to administer this administrative regulation.