

GENERAL GOVERNMENT CABINET
Personnel Board
(Amendment)

101 KAR 1:400. Promotion.

RELATES TO: KRS 18A.075, 18A.0751, 18A.115

STATUTORY AUTHORITY: KRS ~~[Chapter 13A,]~~ 18A.075, 18A.0751

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075~~[18A.057]~~ requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 directs that comprehensive administrative regulations be promulgated by the Personnel Board for the classified service governing promotion. KRS 18A.115 relates to promotion of career employees. ~~[The amendment to]~~ This administrative regulation establishes the requirements governing promotion of a classified employee~~[is required to conform to Senate Bill 61 (1994 session), and to the requirements of KRS 18A.112, 13A.200, and 13A.222].~~

Section 1. Promotion.

(1) Agencies shall consider an applicant's qualifications, record of performance, conduct, seniority, and performance evaluations in the selection of an employee for a promotion.

(2) Promotions may be interagency or intra-agency. ~~[(3)]~~

~~[(3)]~~

~~[(a)] [An employee in the classified service, other than a career employee, may be promoted to a position in the unclassified service.]~~

~~[(b)] [He shall not have reversion rights to a position in the classified service.]~~

~~[(c)] [An employee who was promoted or changed as a result of other action, with no break in service, from a position in the classified service to a position in the unclassified service prior to July 15, 1986, shall retain the reversion rights he held at the time of promotion or other action.]~~

Section 2. Promotion Documentation.

(1) Prior to a promotion in the classified service, an employee with status shall request a promotion on the Voluntary Transfer/Demotion/Promotion Employee Agreement Form incorporated by reference by the Personnel Cabinet in 101 KAR 2:034.

(2) The form shall include:

(a) The effective date of the promotion;

(b) The position number and job classification from which the employee is promoting;

(c) The position number and job classification to which the employee is promoting;

(d) The pay grade, salary, and work week for the position to which the employee will be promoted; and

(e) A statement that the employee waives the right to appeal the promotion.

(3) The agency shall forward a copy of the form to the Personnel Cabinet Secretary.

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:

This regulation establishes the requirements governing promotion of a classified employee.

(b) The necessity of this administrative regulation:

This regulation is necessary to adopt the proper procedures relating to promotions of state employees.

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

KRS 18A.075 and KRS 18A.0751 requires the Board to adopt regulations that direct the proper procedures governing promotions.

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

This regulation will continue to provide effective administration by adopting proper procedures for promotions.

(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 adds Section 2 Promotion Documentation guidelines and incorporates the Voluntary Transfer/Demotion/Promotion Employee Agreement Form by reference by the Personnel Cabinet in 101 KAR 2:034.

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

The amendment is necessary to provide updated information regarding proper promotion procedures.

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

KRS 18A.075 and KRS 18A.0751 requires the Board to establish proper procedures regarding promotions.

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

This amendment provides clarity and guidance on promotions for classified employees. (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administration: This regulation affects all state government agencies, Personnel Cabinet, and classified employees.

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

No answer provided.

(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:

The entities will have to utilize the Voluntary Transfer/Demotion/Promotion Employee Agreement Form when processing a promotion.

(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 costs by complying with the amended regulation.

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

Compliance will assure the entities are correctly processing promotions.

(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 18A.075, 18A.0751, 18A.005 to 18A.200.

(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.