

GENERAL GOVERNMENT CABINET
Personnel Board
(Amended at ARRS Committee)

101 KAR 1:345. Disciplinary actions.

RELATES TO: KRS 18A.020, 18A.075, 18A.0751, 18A.095, 29 U.S.C. 201

STATUTORY AUTHORITY: KRS 18A.075(1)~~[Chapter 13A]~~, 18A.0751

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 ~~through~~to 18A.200. KRS 18A.0751 ~~requires~~specifies that the Personnel Board to promulgate comprehensive administrative regulations for the classified service governing dismissals, suspensions, fines, and other disciplinary measures. This administrative regulation establishes conditions for instituting disciplinary measures and the manner of notification.~~[KRS 18A.095 relates specifically to dismissals, suspensions and other penalizations. KRS 18A.020 relates, in part, to written reprimands. This administrative regulation will replace 101 KAR 1:340 which includes repetition of statutory language which is being repealed.]~~

Section 1. General Provision. Appointing authorities may discipline employees for lack of good behavior or the unsatisfactory performance of duties.

Section 2. Dismissal.

(1) The notice required by KRS 18A.095(6) and (7) may be combined ~~if provided~~ if all requirements of this administrative regulations are satisfied.

(2) When the employee is notified, copies of the notice of intent to dismiss and the notice of dismissal or other penalization shall be forwarded to the ~~Commissioner of~~ Personnel Cabinet Secretary~~[on the same date notice is delivered to the employee].~~

Section 3. Demotion. When the employee is notified, copies of the notice of demotion shall be forwarded to the ~~Commissioner of~~ Personnel Cabinet Secretary~~[on the same date notice is delivered to the employee].~~

Section 4. Suspension.

(1) A suspension shall not exceed thirty (30) working days.

(2) An employee on initial probation~~[without status]~~ may also be suspended for a period not to exceed thirty (30) days and shall be entitled to the same provisions of notice contained in KRS 18A.095(8) with the exception of the right of appeal.

(3) When the employee is notified, copies of the notice of suspension shall be forwarded to the ~~Commissioner of~~ Personnel Cabinet Secretary~~[on the same date notice is delivered to the employee].~~

Section 5. Disciplinary Fine.

(1) A disciplinary fine shall not exceed ten (10) days' pay. The fine shall be computed on the basis of the employee's current salary. The fine shall not conflict with requirements of the Fair Labor Standards Act of 1938, 29 U.S.C. 201, or other minimum wage requirements established by legislative or executive authority.

(2) Prior to imposition of a disciplinary fine, the employee shall be notified in writing of the amount of the fine by the appointing authority ~~[in writing of the amount of the fine].~~

(3) An employee on initial probation~~[without status]~~ may also be fined for a period not to exceed ten (10) days and shall be entitled to the same provisions of notice contained in KRS 18A.095(8) with the exception of the right of appeal.

(4) When the employee is notified, copies of the notice of disciplinary fine shall be forwarded to the ~~Commissioner of~~ Personnel Cabinet Secretary~~[on the same date notice~~

~~is delivered to the employee].~~

(15 Ky.R. 1717; 2009; eff. 3-8-1989; 48 Ky.R. 1223, 2191; eff. 5-3-2022.)

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