

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended After Comments)

502 KAR 45:015. Qualifications.

RELATES TO: KRS 16.040, 16.050, 16.080

STATUTORY AUTHORITY: KRS 16.040, 16.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040 sets forth the basic qualifications for appointment as an officer **and authorizes the commissioner to establish additional experience for qualification by promulgation of administrative regulations.** KRS 16.080 ~~requires~~~~vests in~~ the commissioner ~~the authority~~ to ~~promulgate~~~~adopt~~ administrative regulations for enlistment. This administrative regulation establishes the procedure to be used to determine whether applicants possess the basic qualifications for appointment as a trooper.

Section 1. Age. ~~An applicant~~ ~~Applicants~~ shall submit a birth certificate to establish that ~~the applicant meets~~~~they meet~~ the age qualification of KRS 16.040(2)(a).

Section 2. Citizenship and Residency.

- (1) ~~An applicant~~ ~~Applicants~~ shall submit documentation verifying the applicant's~~their~~ citizenship and residency, ~~in accordance with a college transcript verifying sixty (60) semester hours of credit from an accredited college or university or a high school diploma or GED with a copy of their DD-214 reflecting two (2) years of active duty military service or a notarized letter from the law enforcement employer certifying two (2) years of fulltime law enforcement employment as a sworn officer to establish the educational or experience qualification of~~ KRS 16.040(2)(c)~~(d)~~.
- (2) ~~Section 3.~~ ~~An applicant~~ ~~Applicants~~ who **is a citizen**~~are citizens~~ of another country at the time of application shall submit a naturalization certificate~~certificates~~ prior to employment to establish the citizenship qualification of KRS 16.040(2)(c).
- (3) ~~Section 4.~~ ~~An applicant~~ ~~Applicants~~ who **is a citizen**~~are citizens~~ of another state at the time of application shall submit a Kentucky motor vehicle operator's license~~licenses~~ prior to appointment to establish the residency qualification of KRS 16.040(2)(c).

Section 3. ~~Section 5.~~ Education and Experience. **Pursuant to KRS 16.040(2)(d), an applicant shall submit, electronically or in paper form, the following:**

- (1) **A certified copy of the applicant's college transcript from an accredited college or university verifying:**
- (a) Sixty (60) semester hours of credit; or**
 - (b) An associate degree;**
- (2)
- (a) A certified copy of the applicant's high school diploma; and**
 - (b) Proof of military experience by:**
 - 1. A certified copy of the applicant's DD-214; or**
 - 2. A letter verifying two (2) years of active duty military service for the applicant from a commanding officer with a notarized acknowledgment of the signature;**
- (3)
- (a) A certified copy of the applicant's high school diploma;**
 - (b) A letter on the law enforcement agency's letterhead verifying two (2) years of full-time, paid employment as a certified, sworn peace officer with a notarized acknowledgment of the signature; and**

(c) A completed, subscribed, and sworn KSP-004a form certifying two (2) years of full time employment as a:

1. Kentucky Police Officer Professional Standards (POPS) certified peace officer with a law enforcement agency; or
2. Certified peace officer in another state with a law enforcement agency; or

(4)

(a) A certified copy of the applicant's:

1. High school diploma; or
2. General Equivalency Development (GED) diploma; and

(b) A completed, subscribed, and sworn KSP-004a form certifying thirty-six (36) months of having worked a minimum of thirty (30) hours per week or 130 hours per month in the following:

1. Employment;
2. Volunteer work; or
3. A paid or unpaid internship. ~~{Applicants shall submit the following, electronically, or in paper form, pursuant to the requirements of KRS 16.040(2);}~~

~~{(1)} {A certified copy of their high school diploma or GED certificate to establish his or her educational experience qualifications,}~~

~~{(2)} {A certified copied of his or her college transcript verifying sixty (60) semester hours of credit from an accredited college or university,}~~

~~{(3)} {A certified copy of his or her DD-214 or a notarized letter from a commanding officer verifying two (2) years of active duty military service,}~~

~~{(4)} {A notarized correspondence on agency letterhead from the law enforcement employer certifying two (2) years of full-time, paid employment as a certified, sworn peace officer; or}~~

~~{(5)} {A notarized Kentucky State Police Three (3) Years Work Experience Verification Form (KSP-004a) certifying thirty-six (36) months of employment, volunteer work, or paid or unpaid internships, verifying having working an average minimum of thirty (30) hours per week or 130 hours per month,}~~

~~{(6)} {A notarized Kentucky State Police Three (3) Years Work Experience Verification Form (KSP-004a) certifying two (2) years of full time employment as a POPS certified peace officer with a Kentucky law enforcement agency, having actively served within the past twelve (12) months, when applying to a LEAP academy, as described in this Chapter.}~~

Section 4. Aptitude Test. An applicant who is ~~{Applicants}~~ continuing in the selection process shall submit to an aptitude test , ~~{to a written examination}~~ as described in this Chapter, designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department. ~~{Following the written examination the commissioner shall determine the number of applicants advancing to the next component of the selection process based upon the vacant funded positions and the projected attrition rates as candidates advance through the selection process.}~~

Section 5. ~~{Section 6.}~~ Physical Fitness Test. An applicant who is ~~{Applicants}~~ continuing in the selection process shall successfully complete the Physical Fitness Test (PFT), as described in this Chapter , ~~{;}~~ ~~{Following the written examination an appropriate number of applicants shall advance to the Content Based Task Test (CBTT)}~~ to determine if ~~{whether}~~ the applicant is physically able to safely perform essential job tasks as required by the Kentucky State Police Academy. The inability to safely perform essential job tasks, with or without reasonable accommodations, shall be grounds for deferral or disqualification.

Section 6. ~~[Section 7.]~~ Interview. **An applicant who is ~~[Applicants]~~** continuing in the selection process shall successfully complete ~~[Following completion of the Content Based Task Test (CBTT) an appropriate number of applicants shall advance to]~~ the ~~[oral]~~ interview component of the selection process, as described in this Chapter.

Section 7. ~~[Section 8.]~~ Background Investigation. **An applicant who is ~~[Applicants]~~** continuing in the selection process ~~[Following successful completion of the oral interview component of the selection process, an appropriate number of applicants]~~ shall ~~submit[advance]~~ to a ~~[the]~~ background investigation, as described in this Chapter,~~[which may include a polygraph examination]~~ to establish the good moral character qualification of KRS 16.040(2)(b).

Section 8. ~~[Section 9.]~~ Following successful completion of the background investigation component of the selection process, an appropriate number of applicants shall be given a conditional offer of employment and required to submit to a medical examination and psychological examination to determine **the applicant's~~[his or her]~~** good health and fitness to safely perform essential job tasks with or without reasonable accommodations, as required by KRS 16.040(2)(b) and (3).

Section 9. Incorporation by Reference.

(1) ~~[KSP Form 004a,]~~ " **3 ~~[Kentucky State Police Three (3)]~~ Years Work Experience Verification Form**", **KSP-004a**, 2019 edition, is incorporated by reference.

(2) **This material ~~[It]~~** may be inspected, copied, or obtained at the Department of State Police, Recruitment Branch, 919 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. **This material is also available ~~[and]~~** on the agency website kentuckystatepolice.org.

(19 Ky.R. 2177; Am. 2407; eff. 5-10-1993; 21 Ky.R. 548; eff. 10-10-1994; 22 Ky.R. 955; eff. 1-8-1996; 48 Ky.R. 1328, 2261; eff. 5-31-2022.)

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: January 6, 2022

FILED WITH LRC: January 12, 2022 at 2:00 p.m.

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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 be used to determine whether the applicant possesses basic qualifications for appointment as a trooper and additional experience for qualification pursuant to KRS 16.040(2)(d)3.

(b) The necessity of this administrative regulation:

This regulation is necessary to comply with KRS 16.040(2)(d)3 and 16.080.

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

This regulation conforms to the authorizing statutes by establishing additional experience for qualification pursuant to KRS 16.040(2)(d)3 and enlistment qualification pursuant to KRS 16.080.

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

This administrative regulation establishes the additional experience for qualification and proof of qualification for a trooper.

(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 allows the regulation to more accurately reflect the experience qualifications established by the commissioner pursuant to KRS 16.040(2)(d).

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

This amendment is necessary to accurately reflect the qualifications required of each applicant and the proof required.

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

The amendment conforms to the authorizing statute by clarifying the qualifications established pursuant to KRS 16.040(2)(d)3.

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

The amendment clarifies the qualifications established pursuant to KRS 16.040(2)(d)3.

(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 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 applicants will need to obtain the required proof of qualification and all will need to comply with the amendment requirements.

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

No additional cost is anticipated.

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

Accurate proof of qualifications will be available.

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

(a) Initially:

No additional cost is anticipated.

(b) On a continuing basis:

No additional cost is anticipated.

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

Funds budgeted to the department.

(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 anticipated.

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

The amendment 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

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

KRS 16.040, 16:050, 16.080

(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?

The administrative regulation does not generate any revenue.

(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?

The administrative regulation does not generate any revenue.

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

No additional cost is anticipated.

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

No additional cost is anticipated.

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: