

Technical Amendment
November 10, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

780 KAR 3:100. Employee actions.

RELATES TO: KRS 156.808, 156.830

STATUTORY AUTHORITY: KRS 156.808(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(1) requires the Executive Director for the Office of Career and Technical Education to promulgate administrative regulations establishing personnel policies and procedures for all full-time and part-time unclassified employees, certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated vocational facilities. This administrative regulation establishes the method for determining an employee's work station and the requirements governing employee actions.

Section 1. Definition. Work station means the:

- (1)
 - (a) Official work station of an employee assigned to an office; and
 - (b) Street address where the office is located; or
- (2)
 - (a) Official Work station of an employee assigned to an office; and
 - (b) Street address to which the employee is assigned upon appointment to the employee's position.

Section 2. Employee Work Stations.

- (1) Each employee shall be assigned to a work station by the appointing authority or designee.
- (2) A work station may be changed to better meet the needs of the agency.
- (3)
 - (a) An employee may be temporarily assigned to a different work station in a different county for a period of up to sixty (60) calendar days.
 - (b) The employee shall be reimbursed for travel expenses, in accordance with 200 KAR 2:006, and the appointing authority or designee shall notify the employee in writing prior to the effective date of the action.
- (4)
 - (a) An appointing authority or designee may assign an employee to work in a different site within the county of employment.
 - (b) Reassignment within a county shall not be an appealable action.

Section 3. Promotion. An employee in the certified and equivalent personnel system may be promoted to a position of greater scope of discretion and responsibility or to the unclassified system in the Office of Career and Technical Education.

Section 4. Demotion.

- (1) An appointing authority or designee shall demote an employee who makes a written request for voluntary demotion-151B.
- (2) The written request shall:
 - (a) Be on a completed Voluntary Transfer or Voluntary Demotion Form; and
 - (b) Include:
 1. A statement of the reason for the request;
 2. The effective date of the demotion;

3. Identifying information concerning the position demoted from and to; and
 4. A waiver of the right of appeal concerning the demotion.
- (3) A copy of the request shall be placed in the employee's official file.

Section 5. Transfer.

(1) An employee in the certified and equivalent personnel system may be transferred from one (1) office to another and from one (1) district to another.

(2)

- (a) The transfer shall be on a voluntary or involuntary basis.
- (b) Unless an employee requests a transfer in writing, the transfer shall be deemed to have been made on an involuntary basis.
- (c) The appointing authority or designee shall establish a reasonable basis for selecting an employee for involuntary transfer.

(3)

(a) If the transfer is on an involuntary basis, the employee shall receive written notice of the transfer prior to the effective date of the transfer.

(b) Following notification of an involuntary transfer, an employee shall report for work at the work station to which the employee was transferred on the effective date of the transfer.

(c) The notice shall be in writing, and shall:

1. State:

- a. The effective date of the transfer;
- b. The reason for the employee's selection for transfer;
- c. The new work station; and
- d. The employee's obligation to report to the new work station;

2. Advise the employee that the employee may appeal the transfer to the Kentucky Technical Education Personnel Board within thirty (30) days of receipt of the notice excluding the day that notification was received; and

3. Advise the employee of the provisions of subsection (4) of this section.

(d) Upon employee notification, copies of the notice shall be forwarded to the Executive Director of the Office of Career and Technical Education.

(4) If an involuntary transfer is to a position with a work station in a different county, the following provisions shall apply:

(a) The employee shall receive the notice specified in subsection (3) of this section at least thirty (30) days prior to the effective date of the transfer; and

(b) The appointing authority or designee shall pay the employee's moving and travel expenses following transfer for thirty (30) days following the effective date of transfer in accordance with 200 KAR 2:006.

(5)

(a) If an employee with status requests a transfer in writing, the appointing authority or designee may make a voluntary transfer.

(b) The written request shall:

1. Be on a completed Voluntary Transfer or Voluntary Demotion-151B Form; and

2. Include:

- a. A statement of the reason for the request;
- b. The effective date of the transfer;
- c. Identifying information concerning the position transferred from and to; and
- d. A waiver of the right to appeal concerning the transfer.

(c) A copy of this request shall be forwarded to the Executive Director of the Office of Career and Technical Education.

Section 6. Reemployment.

- (1) Reemployment in the certified and equivalent personnel system shall occur in accordance with KRS 151B.080.
- (2) A former employee on a reemployment list shall meet all qualifications in order to be considered for a position.

Section 7. Resignations and Retirements.

- (1) An employee who desires to terminate service with the state shall submit a written resignation or notice of retirement to the appointing authority or designee.
- (2)
 - (a) A resignation or notice of retirement shall be submitted at least thirty (30) calendar days before the final working day.
 - (b) A copy of an employee's resignation shall be attached to the advice effecting the separation and shall be filed in the employee's service record in the department.
- (3) Failure of an employee to give thirty (30) calendar days' notice upon resignation or notice of retirement may result in forfeiture of accrued annual leave.
- (4) A part-time hourly employee who has not worked for six (6) months shall be deemed to have resigned.

Section 8. Temporary Overlap. The appointing authority or designee may place an employee in a position currently occupied by another employee for a period not to exceed sixty (60) calendar days for training purposes.

Section 9. Retirement. If an employee voluntarily retires, the employee shall be considered separated without prejudice.

Section 10. Incorporation by Reference.

- (1) "Voluntary Transfer or Voluntary Demotion-151B", form 07/21/2008, Personnel Cabinet, is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m.
- (17 Ky.R. 743; eff. 10-14-1990; 26 Ky.R. 2028; 27 Ky.R. 107; eff. 7-17-2000; 35 Ky.R. 1867; 2235; eff. 5-1-2009; Crt eff. 11-16-2018; TAm eff. 11-10-2022.)

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