

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

780 KAR 3:100. Employee actions.

RELATES TO: KRS 156.808, 156.830

STATUTORY AUTHORITY: KRS 156.070, 156.808(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808(1) requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated area technology centers. 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 an employee's physical location where duties are to be performed and shall include the:

- (1)
 - (a) Official work station of an employee assigned to a position by the appointing authority; and
 - (b) Street address where the work station is located; or
- (2) One (1) or more alternate work stations assigned by the appointing authority.

Section 2. Employee Work Stations.

- (1) The work station of an employee shall be established by the appointing authority.
- (2) The position may be changed by the appointing authority 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 shall notify the employee in writing prior to the effective date of the action.
- (4)
 - (a) An appointing authority may assign an employee to work in a different work station 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 may demote an employee who makes a written request for voluntary demotion.
- (2) The written request shall:
 - (a) Be on a completed form prescribed by the Kentucky Department of Education; and
 - (b) Include:
 1. A statement of the reason for the request;
 2. The effective date of the requested 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) position to another and from one (1) county 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 associate commissioner 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 form prescribed by the Kentucky Department of Education; and
 - 2. Include:
 - a. A statement of the reason for the request;
 - b. The effective date of the requested 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 associate commissioner 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 156.830 for laid-off employees.
- (2) A laid off 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.
- (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 may place an employee in a position currently occupied by another employee for a period not to exceed ninety (90) calendar days for training purposes.

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

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

*ROBIN FIELDS KINNEY, Interim Commissioner of Education
SHARON PORTER ROBINSON, Chairperson*

APPROVED BY AGENCY: April 15, 2024

FILED WITH LRC: April 15, 2024 at 11:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2024 at 10 a.m. Eastern Time, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this meeting 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 want to submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2024. 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.