

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~~ ~~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 area technology centers ~~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" ~~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 ~~an office;~~ by the appointing authority; and
 - (b) Street address where the work station ~~office~~ is located; or
- (2)
 - ~~(a) One (1) or more alternate work stations assigned by the appointing authority~~ ~~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) The work station of an employee shall be established by the ~~Each employee shall be assigned to a work station by the~~ appointing authority ~~or designee~~.
- (2) The position ~~A work station~~ 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 ~~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 work station ~~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 may ~~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 form prescribed by the Kentucky Department of Education~~[Voluntary Transfer or Voluntary Demotion Form]~~; 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~~[office]~~ to another and from one (1) county~~[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 associate commissioner~~[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 form prescribed by the Kentucky Department of Education~~[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 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~~[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 156.830 for laid-off employees~~[151B.080]~~.
- (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~~[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 ninety (90)~~[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.]~~

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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the method for determining the work station and the requirements governing employee actions for certified and equivalent staff in the Office of Career and Technical Education.

(b) The necessity of this administrative regulation:

KRS 156.808 requires the Kentucky Board of Education to promulgate administrative regulations establishing personnel policies and procedures for all certified and equivalent staff in the Office of Career and Technical Education central office and state operated area technology centers.

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

This administrative regulation provides the policies and procedures for all full-time and part-time, certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education regarding employee actions.

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

This administrative regulation establishes personnel policies and procedures regarding employee actions as required by KRS 156.808.

(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 will update the existing regulation to parallel the statutes and will clarify the specific governing body over policies and procedures relating to certified and equivalent employee actions in the Office of Career and Technical Education central office and state operated area technology centers.

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

KRS 156.808 requires the Kentucky Board of Education to promulgate personnel policies and procedures relating to employee actions for certified and equivalent staff in the Office of Career and Technical Education.

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

This administrative regulation amendment provides specific details in relation to the policies and procedures regarding certified and equivalent employee actions.

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

This administrative regulation amendment aligns details in the regulation to statute language.

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

The Office of Career and Technical Education central office and the Kentucky Tech System of area technology centers.

(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:

This administrative regulation requires no additional actions of each of the regulated entities.

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

There will be no additional cost to the regulated entities in complying with this administrative regulation.

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

There will be no benefits accrued by the regulated entities.

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

(a) Initially:

(b) On a continuing basis:

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

This administrative regulation will be implemented using state generated funds.

(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 in fees or funding will be necessary to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate for this administrative regulation because the policies and procedures that govern employee actions apply to all certified and equivalent staff in the Office of Career and Technical Education central office and the state operated area technology centers.

FISCAL IMPACT STATEMENT

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

KRS 156.070, KRS 156.808, KRS 156.828

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Department of Education

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Secondary state-operated area technology centers

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(4) Identify additional regulated entities not listed in questions (2) or (3):

The amendment to this regulation does not impact any additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:\$0.00

Revenues:\$0.00

Cost Savings:\$0.00

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(b) Methodology and resources used to determine the fiscal impact:

The amendment to this regulation does not result in any new expenditures, revenues, or cost savings.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.

(b) The methodology and resources used to reach this conclusion:

The amendment to this regulation will not have an overall negative or adverse economic impact on any identified entities.