

STATEMENT OF EMERGENCY

501 KAR 6:330E.

An emergency regulation, pursuant to KRS 13A.190(1)(a)1., is necessary to meet an imminent threat to public health, safety, and welfare posed by staff in Department of Corrections (DOC) correctional institutions. This emergency regulation includes amendments to the DOC policy and procedure regarding employee drug testing. An imminent threat is posed by staff drug use and difficulty terminating staff testing positive for drug or other unauthorized substance use because of language in the policy concerning drug testing. The amendments reflected in this emergency regulation help address these threats. An ordinary administrative regulation is not sufficient because the DOC needs an immediate response to the use of drugs. The DOC needs to be able to terminate employees for testing positive for drug or other unauthorized substance use for the safety of the correctional institutions. This administrative regulation will be replaced by an ordinary administrative regulation that is being filed with the emergency administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation. An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine (9) months.

ANDY BESHEAR, Governor

HILARYE DAILEY, Deputy Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Emergency Administrative Regulation)

501 KAR 6:330E. Corrections policies and procedures: personnel.

RELATES TO: KRS 18A.043, Chapter 196, 196.160, 196.230, Chapter 197, 510.120(1)
(c)

STATUTORY AUTHORITY: KRS 196.035, 196.070, 196.160, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020 requires the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary and for the government and official conduct of all officials connected with the penitentiary. KRS 196.160 authorizes the commissioner to adopt, amend, or rescind administrative regulations governing dress and grooming standards of institutional uniformed officers and employees. KRS 197.110(5) authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning personnel for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 3", May 15, 2024, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 3 includes:

- 3.1 Code of Ethics/Social Media Use (5/15/24)
- 3.9 Student Intern Placement Procedure (5/15/24)
- 3.10 Appearance and Dress for Nonuniformed Staff (5/15/24)
- 3.11 Drug Free Workplace Employee Drug Testing (5/15/24)
- 3.17 Uniformed Employee Dress Code (5/15/24)
- 3.22 Staff Sexual Offenses (12/10/13)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

HILARYE DAILEY, Deputy Commissioner

APPROVED BY AGENCY: May 15, 2024

FILED WITH LRC: May 15, 2024 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing 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

was received by that date, the hearing may be cancelled. 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 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: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.