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IN THIS ISSUE

MEETING NOTICE: For information concerning the next meeting of the Administrative Regulation Review Subcommittee, call toll-free 1-800-372-7613, or 502-564-8100, ext. 535.

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter		Regulation
806	KAR	50	:	155
Cabinet, Department, Board or Agency		Bureau, Division or Major Function		Specific Area of Regulation

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Emergency Regulations Now In Effect

(NOTE: Emergency regulations expire upon being repealed or replaced.)

MARTHA LAYNE COLLINS, GOVERNOR
Executive Order 84-99
January 20, 1984

EMERGENCY REGULATIONS
Department of Personnel
Personnel Board

WHEREAS, the Department of Personnel and the Personnel Board on January 13, 1984, approved proposed amendments in certain personnel regulations; and

WHEREAS, the budget of the Commonwealth for fiscal year 1983-84 was brought into balance as a result of Order 84-160 of the Secretary of Finance and Administration and with an ending balance of $5,000,000; and

WHEREAS, the Secretary of the Revenue Cabinet has determined that the official General Fund revenue estimate for the current fiscal year will be reduced from $2,355,000,000 to $2,343,000,000, a reduction of $13,000,000; and

WHEREAS, continuation of the Pay for Performance Program, as it is presently constituted, would require a reduction of vital services or a reduction in the number of state employees in order to avoid a deficit in state finances; and

WHEREAS, it was represented to the Department of Personnel and Personnel Board that state employees desired the suspension of the Pay for Performance Program; and

WHEREAS, it was represented to said department and board that the Pay for Performance Program does not motivate employees or improve work performance; and

WHEREAS, the Department of Personnel and the Personnel Board have determined that an emergency exists and that it is necessary to approve emergency regulations 101 KAR 1:051E on compensation for state employees and 101 KAR 1:140E on services regulations; and

WHEREAS, it is necessary on recommendation of the Department of Personnel to approve amendments 101 KAR 1:200, Rules for the Unclassified Service, and 101 KAR 1:220, Unclassified Service Classification and Compensation Plans, to make changes in the Pay for Performance Program for unclassified employees; and

WHEREAS, changes to the rules of the unclassified service must be made simultaneously with changes in the Pay for Performance Program for classified employees, 101 KAR 1:200E and 101 KAR 1:220E must be passed as emergency regulations:

NOW, THEREFORE, I, Martha Layne Collins, Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by Section 13.088 of the Kentucky Revised Statutes, hereby acknowledge the findings of the Department of Personnel and Personnel Board that an emergency exists, and direct that the attached regulations become effective upon being filed in the Office of the Legislative Research Commission.

MARTHA LAYNE COLLINS, Governor
Drexell R. Davis, Secretary of State

DEPARTMENT OF PERSONNEL

101 KAR 1:051E. Compensation [and pay for performance] plan.

RELATES TO: KRS 18A.030, 18A.075, 18A.110, 18A.165
PURSUANT TO: KRS 13.082, 18A.075, 18A.110
EFFECTIVE: January 20, 1984
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Maintenance of the Plan. (1) After consultation with appointing authorities, the Secretary of the Finance and Administration Cabinet, and after conducting an annual wage and salary survey of relevant labor markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity *and* [,] external market competitiveness [, and individual employee merit]. The plan shall provide pay grades or specific salary rates as appropriate for the various classes. Each job class shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for classes shall be consistent with the functions outlined in the classification plan. [The compensation plan shall reward individual employee work performance in accordance with a performance increase chart to be developed by the commissioner.]

(2) When the commissioner determines through relevant salary surveys that the state's overall compensation plan is inadequate in relation to that of other employers, he may authorize, upon certification of the State Budget Director and the Office for Policy and Management as to the availability of funds, a general adjustment of all pay grades in the pay structure to provide salary rates which are comparable to the external market. Additional surveys may be conducted as necessary to determine market conditions for specific classes.

(3) The commissioner shall submit the plan to the board for its approval. The board shall present the plan, through the Secretary of the Finance and Administration Cabinet, to the Governor for his final approval. The commissioner shall review the plan annually.

Section 2. Appointments. Initial appointments to state service shall be made at the minimum rate of the pay grade established for the class unless the commissioner authorizes appointment of a highly qualified applicant at a rate above the minimum, not to exceed the midpoint of the pay grade. Such exceptions shall be based on the outstanding and unusual nature of the applicant's education

and/or experience over and above the minimum requirements set for the class. Such additional qualifications must be in the same or related area of the job duties of the class to which the appointment is to be made. Employees possessing similar qualifications employed in the same class, by the same agency, in the same locality shall have their salaries adjusted to the same rate granted in the in-range appointment if that rate is higher than their current salaries.

Section 3. Re-entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated, and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) Reinstatement to a class having the same or lower pay grade that is currently assigned to the employee's former class:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such a salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(2) Re-employment or probationary appointment of former employees to the same, lower, or higher pay grade:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(3) Former employees who were separated from state service by lay-off and who are reinstated or re-employed in the same or a similar class within one (1) year from the date of lay-off may receive the salary they were receiving at the time of lay-off, even if such salary is above the maximum of the new pay grade.

(4) Employees re-employed, reinstated or former employees probationarily appointed to a salary:

(a) Below the mid-point of the pay grade *at the time of completion of the probationary period* shall be considered for a *probationary increment;* [performance increase in accordance with Section 5(1) of this regulation.]

(b) Which equals or exceeds the midpoint of the pay grade at the time of completion of the probationary period may be considered for a *probationary increment* [performance increase in accordance with Section 5(1) of this regulation]. If such employee is not considered for *an increment upon completion of the probationary period,* [a performance increase in accordance with Section 5(1) of this regulation,] he shall be considered for *an increment* [a performance increase] at the beginning of the month following completion of twelve (12) months service from the date of re-employment, reinstatement or appointment.

Section 4. Salary Adjustments. (1) Promotion. An employee who is promoted shall receive a salary increase of five percent (5%) upon promotion; if an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary. An employee may receive a promotional increase of five percent (5%) on the first of the month following successful completion of the probationary period; if an employee's salary is above the maximum of the pay grade he may receive a lump-sum payment of five percent (5%) of his annual base salary. In no case shall the employee's salary be below the minimum of the higher grade following promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a ten percent (10%) or fifteen percent (15%) salary increase over the employee's previous salary. If an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a lump-sum payment of ten percent (10%) or fifteen percent (15%) of the employee's annual base salary may be granted. A promotional increase shall not change the employee's regular *increment* [performance increase] date.

(2) Demotion. An employee who is demoted may have his salary reduced to a rate which is in the pay grade for the new class; this rate shall not exceed the rate which the employee was receiving prior to the demotion.

(3) Transfer. An employee who is transferred to a job class having the same pay grade shall be paid the same salary that he received prior to the transfer.

(4) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the new pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary rate. An employee whose position is placed in a lower pay grade through reclassification shall receive the same salary he was receiving prior to reclassification, even if that salary is above the maximum of the new pay grade.

(5) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position may receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the higher pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee may receive a lump-sum payment of five percent (5%) of his annual base salary. An employee whose current salary exceeds the pay grade maximum assigned to his class following reallocation of his position shall retain that current salary.

(6) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may receive a five percent (5%) increase upon detail to a higher class except that in no case shall the employee's salary after such increase be below minimum of the higher grade.

(7) Reversion.

(a) An employee who is returned to his former class after failure to complete the probationary period following promotion or following detail assignment to a higher class shall have his salary reduced to a rate received prior to such promotion or detail assignment and is entitled to all salary

advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(b) An employee who is returned to a position in the classified service following transfer or promotion to the unclassified service shall have his salary reduced to the rate received prior to the promotion or transfer and is entitled to all salary advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(c) The salary for employees who obtain merit status but later resign the classified position to accept appointment to an unclassified position shall have their salary determined, upon re-entry to the classified service, the same as employees who are reverted if there has been no break in service.

Section 5. Salary Advancements. (1) Probationary *increments.* [performance increases. The amount of an employee's probationary performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan.] Full-time and part-time employees who complete their probationary period with [at least a] satisfactory performance [level] shall be granted a *probationary increment* [performance increase] at the beginning of the month following [such] completion of the probationary period, *except as specified under Section 3(4) of this regulation.* The service may be provisional or probationary. Employees completing a probationary period following promotion shall not be eligible for a probationary *increment* [performance increase] under this section.

[(2) Annual performance increases. The amount of an employee's annual performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan. Performance increases shall be limited to permanent full-time and part-time employees. Employees who are on educational leave with pay shall not receive performance increases. Employees in classes assigned flat rate salaries shall not be eligible to receive performance increases.]

[(a) Employees whose salaries are above the maximum of the pay grade shall be eligible to receive performance increases in a lump-sum amount on the employee's performance increase date.]

[(b) An employee having at least a satisfactory performance level shall receive a performance increase at the beginning of the month following completion of twelve (12) months service since last receiving a performance or probationary increase.]

[(c) An employee whose combined annual increment and performance increase payment places his salary above the maximum of the pay grade shall have his annual increment added to his annual base pay. Any or all of this performance pay increase which places his salary above the maximum of the pay grade shall be awarded as a lump-sum payment as of January 1, 1984.]

[(d) An employee whose performance level is below standard shall not receive a performance increase on his regularly scheduled increase date, but shall be considered for such increase twelve (12) months following his regularly scheduled date.]

(2) [(3)] Service computation. In computing service for the purpose of determining annual *increment* [performance increase] eligibility, in those cases where an employee is changed from part-time to full-time, part-time service shall be counted in determining *increment* [increase] eligibility for a full-time employee; in those cases where an employee is changed from full-time to part-time, full-time service shall be counted in determining *increment* [increase] eligibility for a part-time employee.

(3) [(4)] [Performance increase and] Annual increment dates will be established:

(a) Following completion of probation, except probation following promotion, with [at least a] satisfactory performance [level], or following completion of twelve (12) months service from the date of appointment, reinstatement, or re-employment, pursuant to Section 3(4) of this regulation.

(b) When an employee returns from leave without pay pursuant to Section 7(2) of this regulation.

(4) [(5)] [Performance increase and] annual increment dates will not change when an employee:

(a) Is in a position which is assigned a new or different salary grade.

(b) Receives a salary adjustment as a result of his position being reallocated or reclassified.

(c) Is transferred.

(d) Receives a demotion.

(e) Is approved for detail to special duty.

(f) Receives an educational achievement increase.

(g) Returns from military leave.

(h) Has his salary advanced above the maximum of the pay grade or has his salary returned to the pay grade due to a salary schedule change or pay grade adjustment.

(i) Is promoted or receives a promotional increase after completion of probation following promotion.

(5) [(6)] Annual increment. All employees shall receive statutory annual increments [of five (5) percent] on the employee's regularly scheduled *increment* [performance increase] date. *An employee whose annual increment places his salary above the maximum of the pay grade shall have his annual increment added to his annual base pay.* [The commissioner shall assign increase dates to employees not having performance increase dates.] For purposes of calculating the statutory annual increment [of five percent (5%)]:

(a) Educational achievement increases, employee suggestion systems awards and overtime and/or compensatory leave payments shall not be included in "gross annual salary or wages."

(b) A lump-sum payment made to an employee pursuant to Sections 4(1), 4(4), *and* 4(5) [, and 5(2)(a)] of this regulation, and previous regulatory provision providing for a continuous service award shall be included in "gross annual salary or wages."

Section 6. Educational Achievement Increase. Subject to the approval of the commissioner, any permanent, full-time employee who, after completion of his initial probationary period, satisfactorily completes 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction or receives a high school diploma or GED is eligible for a lump-sum educational achievement increase of five percent (5%) of his annual base salary the first of the month following the approval of the increase.

Section 7. Return from Leave. (1) Leave with pay. The appointing authority shall grant an employee on leave with pay or returning to duty from leave with pay *an annual increment* [a performance increase] on the employee's

regularly scheduled *increment* [increase] date [if such increase is warranted and the employee's performance level can be properly documented].

(2) Leave without pay. Employees returning to duty from leave without pay shall receive an annual increment [and be considered for a performance increase] when they have completed twelve (12) months service since the date they last received an annual increment pursuant to Section 5*(2)* [(3)]of this regulation.

(3) Military Leave. An employee returning to duty from military leave without pay, or from military service in accordance with KRS 61.373, shall receive the same or similar pay (same salary plus grade changes) and all other increases he would have received. [Satisfactory performance shall be assumed when computing the amount of performance increase(s) due.]

Section 8. Salary Schedule Adjustment. When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades.

Section 9. Class Re-evaluation and Grade Adjustment. (1) Class re-evaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in Section 9(1) of this regulation, the commissioner may make a new or different pay grade applicable to a class of positions. Persons employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees whose salaries are already within the higher grade shall retain their current salaries following the adjustment. Employees in a class assigned to a lower pay grade through class re-evaluation shall retain their current salary even if that salary is above the maximum rate of the lower grade. The commissioner shall review the use of this provision for retaining employees' salaries above pay grade maximums and report to the Board July 1, 1984.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same rate. When the commissioner determines that it is not possible to relieve salary inadequacies using this provision, Section 9(2) of this regulation shall apply.

(4) Increases resulting from this section shall not affect an employee's *annual increment* [performance increase] date.

Section 10. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet.

Section 11. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation shall be treated as part payment. The value of these services shall be deducted from the appropriate salary rate in accordance with a maintenance schedule developed by the commissioner after consultation with the appointing authority and the Secretary of the Finance and Administration Cabinet.

Section 12. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: PHILIP TALIAFERRO, Chairman
RECEIVED BY LRC: January 20, 1984 at 3 p.m.

DEPARTMENT OF PERSONNEL

101 KAR 1:140E. Service regulations.

RELATES TO: KRS 18A.030, 18A.075, 18A.110
PURSUANT TO: KRS 13.082, 18A.030, 18A.075, 18A.110
EFFECTIVE: January 20, 1984
NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18A. KRS 18A.030 and 18A.110 require the Commissioner of Personnel to prepare and submit to the board rules which provide for annual leave, sick leave, special leaves of absence, and for other conditions of employment. This rule is necessary to comply with these statutory requirements.

Section 1. Attendance; Hours of Work. The number of hours full-time employees in state offices in Frankfort are required to work shall be uniform for all positions unless specified otherwise by the appointing authority or the statutes. The normal work day shall be from 8:00 a.m. to 4:30 p.m., local time, Monday through Friday. Employees in other than Frankfort state office buildings shall be subject to such hours of work as set by the appointing authority.

Section 2. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary and emergency employees, shall accumulate annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. In com-

puting years of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18.145, or 18A.990. Employees serving on a part-time basis who work at least 100 hours a month shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

In computing years of total service for the purpose of allowing annual leave for part-time employees, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. Employees serving on a part-time basis who work less than 100 hours a month or on a per diem basis shall not be entitled to annual leave.

(2) Annual leave for full-time employees may be accumulated and carried forward from one calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0—5 years	Thirty (30) work days
5—10 years	Thirty-seven (37) work days
10—15 years	Forty-five (45) work days
15—20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

Annual leave for part-time employees who work at least 100 hours a month may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of the above maximum amounts may not be carried forward from one (1) calendar year to the next calendar year after June 30, 1984. Years of service for the purpose of determining the maximum amount of annual leave which may be accumulated and carried forward shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2(2) of this regulation, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last work day. A pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts as set forth in Section 2(2) of this regulation.

(11) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(12) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or one-half (½) hours.

Section 3. Sick Leave. (1) Each employee in the state service, except an emergency or per-diem employee, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or on a per-diem basis shall not be entitled to sick leave.

(2) Full-time employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those

months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Part-time employees who work at least 100 hours a month completing ten (10) years of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1). The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit; if there is no such position available, the rules pertaining to lay-off apply. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be terminated by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

(9) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(10) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or re-employed shall have unused sick leave balances revived upon appointment and placed to their credit.

(11) In cases of absence due to illness or injury for which Workmen's Compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(12) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(13) Supporting evidence:

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties or whose health might jeopardize others, and who, on request, fails to produce a satisfactory medical certificate.

Section 4. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenaes by any court, federal, state, or political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 5. Compensatory Leave. (1) An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. Compensatory leave may be accumulated or taken off in one-half (½) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee shall accumulate compensatory leave for hours worked in excess of his normal prescribed hours

of duty only when such work is expressly authorized by the appointing authority.

(3) Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one (1) agency to another shall retain his compensatory leave in the receiving agency.

(5) Upon separation from state service, employees shall be paid in a lump sum for all unused accumulated compensatory leave at their regular hourly rate of pay.

(6) Former employees who are reinstated, re-employed, or probationarly appointed and who were not paid for unused compensatory leave upon separation shall have their compensatory leave balance revived and placed to their credit upon re-entry into state service.

(7) When an employee has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for fifty (50) hours of his accumulated compensatory leave at his regular hourly rate of pay and reduce the employee's compensatory leave balance accordingly or the appointing authority shall direct the employee to take accumulated compensatory leave time off from work.

(8) Employees who were previously covered by the application of the state wage and hour law and who would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid overtime in accordance with the following provisions:

(a) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees whose prescribed hours of duty are normally less than forty (40) per week and who has not accumulated the maximum amount of compensatory leave shall receive compensatory leave for the hours worked in excess of his normal prescribed hours of duty until the total hours worked in that week reaches forty (40).

(b) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall be paid at one and one-half (1½) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week, except that an employee who has not accumulated the maximum amount of compensatory leave may request in writing that he accumulate compensatory leave on an hour-for-hour basis for all hours worked in excess of forty (40) per week in lieu of the overtime payment. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

(c) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees who has accumulated at least 151 hours of compensatory leave but before accumulating 200 hours may request in writing that he be paid for fifty (50) hours at his regular hourly rate of pay.

(d) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid for overtime for hours worked in excess of his normal prescribed hours of duty only when such work is authorized by the appointing authority and when such payment has received the approval of the Commissioner and the Secretary of the Finance and Administration Cabinet in accordance with 101 KAR *1:051E* [1:055E].

Section 6. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(1) An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

(2) When an employee has given notice of his availability to resume his duties and the notice is within ninety (90) days after he is relieved from military duty or from hospitalization or treatment continuing after discharge for a period of not more than one (1) year, the appointing authority shall return the employee to his former position or to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(a) If the employee is physically qualified to perform the duties of his former position, he shall be restored to such position if it exists and is not held by an employee with greater seniority, otherwise to a position of like seniority, status and pay.

(b) If the employee is not qualified to perform the duties of his former position by reason of disability sustained during such military service, he shall be placed in another position, the duties of which he is qualified to perform and which will provide him like seniority, status, and pay or the nearest approximation consistent with the circumstances of his case.

Section 7. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, ample time, up to a maximum of four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who do not request time off to vote or who are not scheduled to work during voting hours shall not be entitled to compensatory leave in lieu of time off to vote.

Section 8. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and atten-

dance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service.

(3) An appointing authority, with approval of the commissioner, shall on request grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days in a calendar year pending an investigation into allegations of employee misconduct, provided that, if such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all copies of correspondence will be purged from agency files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken, including those cases where the employee voluntarily resigns in the interim.

Section 9. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefore to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

Section 10. Performance Appraisal. Quality and quantity of work shall be considered in determining salary advancements, in promotions, in determining the order of layoff, in re-employment, and as a means of identifying employees who should be promoted, demoted, or dismissed. [Ratings of the employee's work performance shall correspond to five (5) levels of performance as defined below:]

[Outstanding—The employee exceeds performance standards for objectives with such consistency or to such a substantial degree that performance on the job is outstanding.]

[Above Standard—The employee consistently meets all performance standards for objectives and frequently exceeds one (1) or more of the standards on several objectives such that performance is above that required and expected of the normal employee.]

[Satisfactory—The employee consistently meets the performance standards for objectives identified for the position.]

[Below Standard—Performance on the job is below the standard expected of a satisfactory employee. The employee consistently does not meet one (1) or more of the performance standards for the objectives.]

[Not Satisfactory—There are serious deficiencies in the employee's performance on the job. The employee consistently fails to meet all the performance measures for some objectives or fails to meet one (1) or more of them to such a degree that performance is far below the standard expected of a normal employee.]

[Any status employee who believes he has been unfairly rated shall have the right to have his rating reviewed through a procedure developed by the Commissioner which shall contain the following components:]

[(1) A written request by the employee shall be submitted to the second line supervisor within three (3) working days of the receipt of the rating and the immediate and second line supervisor must then review the employee's comments and documentation, and determine whether the rating should be changed and respond in writing within three (3) working days from the receipt of the request; and]

[(2) If the employee is not satisfied with the results in the first step, he/she shall have the right to request in writing to the appointing authority that within three (3) working days a review committee be established. This committee shall consist of three (3) members, one (1) chosen by the employee, one (1) chosen by the supervisor, and one (1) by the appointing authority who is approved by the employee and the supervisor. After the full review committee has been designated, it must then review the rating and documentation and determine if the rating is valid and respond in writing within ten (10) working days. If the procedure indicated in this section is not followed, then the employee may appeal this lack of correct review procedure to the Personnel Board; this right of appeal is in addition to any other right of appeal the employee may have.]

Section 11. Records and Reports. (1) Personnel action forms: The commissioner shall prescribe personnel action forms which appointing authorities shall use to report such personnel actions and status changes as he may require. The commissioner shall inform the appointing authorities which personnel actions and status changes must be reported to him.

(2) Leave records: The commissioner shall maintain a leave record showing for each employee:

(a) Annual leave earned, used and unused;

(b) Sick leave earned, used and unused; and

(c) Compensatory leave earned, used and unused; and

(d) Special leave or any other leave with or without pay. Such record shall be documentary evidence to support and justify authorized leave of absence with pay.

(3) Official roster: The commissioner shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave, annual leave and compensatory leave.

Section 12. Confidentiality of Records. All records of the department and the board shall be public records and open to public inspection as provided in KRS 61.870 to 61.884.

Section 13. Dual Employment. No employee holding a full-time position with the Commonwealth may hold another state position except upon recommendation of the appointing authority and the written approval of the commissioner. A copy of such written approval and a statement of the reasons therefor shall be transmitted to the Governor and the Director of the Legislative Research Commission. A complete list of all employees holding more than one (1) state position shall be furnished to the Legislative Research Commission quarterly by the commissioner.

Section 14. Minimum Hiring Age. The minimum age for hiring of state employees shall conform to federal and state labor laws, rules and regulations.

Section 15. Maximum Hiring Age. (1) The maximum hiring age for permanent employment subject to these rules is seventy (70).

(2) Agencies may request that individuals over seventy (70) be tested and/or employed. The request must be justified in writing by the appointing authority, stating the reasons why it serves the public interest, and must have the

prior approval of the commissioner. Applicants so approved shall be certified only to those agencies requesting such waivers.

Section 16. Retirement. (1) The normal retirement age for employees subject to these rules shall be seventy (70).

(2) Employees over seventy (70) may be allowed to continue employment from year to year with prior approval of the Commissioner of Personnel when it serves the public interest. Such requests must be justified in writing by the appointing authority.

Section 17. Restoration From Military Leave. (1) State appointing authorities shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, 61.379.

(2) The Department of Personnel shall require proper compliance with these statutes as they pertain to state employees.

(3) The appointing authorities for employees in county, city, or political subdivisions thereof, are responsible for compliance with these statutes, in keeping with normal personnel practices and procedures of each.

(4) Appeals may be filed by an employee or previous employee pursuant to 101 KAR 1:130. The governmental agency from which the appeal is filed shall bear the expense of the hearing of the appeal.

(5) A former employee seeking restoration, who has been rejected or otherwise penalized, must file an appeal within thirty (30) days, after notification of such rejection or penalization by an appointing authority.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: PHILIP TALIAFERRO, Chairman
RECEIVED BY LRC: January 20, 1984 at 3 p.m.

DEPARTMENT OF PERSONNEL

101 KAR 1:200E. Rules for unclassified service.

RELATES TO: KRS 18A.155
PURSUANT TO: KRS 13.082, 18A.155
EFFECTIVE: January 20, 1984

NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed rules for the unclassified service persons in positions enumerated in KRS 18A.155(1)(f), (g), (h), (i), (j), (o), (t), and (u). KRS 18A.155 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapters 12 and 13. In practice, the rules which apply to Merit System employees in the following specific areas have also been applied to the aforementioned categories of employees in the unclassified service.

Section 1. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary, and emergency employees, shall accumulate annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. In computing years of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990. Employees serving on a part-time basis who work more than 100 hours a month shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

In computing years of total service for the purpose of allowing annual leave for part-time employees, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. Employees serving on a part-time basis who work less than 100 hours a month or on a per diem basis shall not be entitled to annual leave.

(2) Annual leave for full-time employees may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0—5 years	Thirty (30) work days
5—10 years	Thirty-seven (37) work days
10—15 years	Forty-five (45) work days
15—20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

Annual leave for part-time employees who work at least 100 hours a month may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of the above maximum amounts may not be carried forward from one (1) calendar year to the next calendar year after June 30, 1984 Years of service for the purpose of determining the maximum amount of annual leave which may be accumulated and carried forward shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 1(2) of this regulation, when separated by proper resignation or retirement.In the case of layoff, the employee shall be paid in a lump sum for all accumulated annual leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last work day. A pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts as set forth in Section 1(2) of this regulation.

(11) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(12) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or one-half (½) hours.

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency or per-diem employee, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work more than 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or on a per-diem basis shall not be entitled to sick leave.

(2) Full-time employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Part-time employees who work at least 100 hours a month completing ten (10) years of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when the employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority may return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority may return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy and the total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority may return the employee to a position for which he is qualified, and which

resembles his former position as closely as circumstances permit. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be terminated by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

(9) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(10) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or re-employed shall have unused sick leave balances revived upon appointment and placed to their credit.

(11) In cases of absence due to illness or injury for which Workmen's Compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(12) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(13) Supporting evidence:

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties or whose health might jeopardize others and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenaes by any court, federal, state, or political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 4. Compensatory Leave. (1) An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. Compensatory leave may be accumulated or taken off in one-half (½) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee shall accumulate compensatory leave for hours worked in excess of his normal prescribed hours of duty only when such work is authorized by the appointing authority.

(3) Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one (1) agency to another shall retain his compensatory leave in the receiving agency.

(5) Upon separation from state service, employees shall be paid in a lump sum for all unused accumulated compensatory leave at their regular hourly rate of pay.

(6) Former employees who are reinstated, re-employed, or probationarily appointed and who were not paid for unused compensatory leave upon separation shall have their compensatory leave balance revived and placed to their credit upon re-entry into state service.

(7) Employees who were previously covered by the application of the state wage and hour law and who would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid overtime in accordance with the following provisions:

(a) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees whose prescribed hours of duty are normally less than forty (40) per week and who has not accumulated the maximum amount of compensatory leave shall receive compensatory leave for the hours worked in excess of his normal prescribed hours of duty until the total hours worked in that week reaches forty (40).

(b) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall be paid at one and one-half (1½) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week, except that an employee who has not accumulated the maximum amount of compensatory leave may request in writing that he accumulate compensatory leave on an hour-for-hour basis for all hours worked in excess of forty (40) per week in lieu of the overtime payment. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

(c) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees who has accumulated at least 151 hours of compensatory leave but before accumulating 200 hours may request in writing that he be paid for fifty (50) hours at his regular hourly rate of pay.

(d) When an employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for fifty (50) hours of his accumulated compensatory leave at his regular hourly rate of pay and reduce the employee's compensatory leave balance accordingly or the appointing authority shall direct the employee to take accumulated compensatory leave time off from work.

(e) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid for overtime for hours worked in excess of his normal prescribed hours of duty only when such work is expressly authorized by the appointing authority and when such payment has received the approval of the commissioner and the Secretary of the Finance and Administration Cabinet in accordance with 101 KAR *1:051E* [1:055E].

Section 5. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from civil duties upon request therefor, to serve under orders on training duty without loss of regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(1) An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

(2) When an employee has given notice of his availability to resume his duties and the notice is within ninety (90) days after he is relieved from military duty or from hospitalization or treatment continuing after discharge for a period of not more than one (1) year, the appointing authority shall return the employee to his former position or to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(a) If the employee is physically qualified to perform the duties of his former position, he shall be restored to such position if it exists and is not held by an employee with greater seniority, otherwise to a position of like seniority, status or pay.

(b) If the employee is not qualified to perform the duties of his former position by reason of disability sustained during such military service, he shall be placed in another position, the duties of which he is qualified to perform and which will provide him like seniority, status and pay or the nearest approximation consistent with the circumstances of his case.

Section 6. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, ample time, up to a maximum of four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who do not request time off to vote or who are not scheduled to work during voting hours shall not be entitled to compensatory leave in lieu of time off to vote.

Section 7. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service; or for purposes other than above that are deemed to be in the best interests of the state.

(3) An appointing authority, with approval of the commissioner, may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days in a calendar year pending an investigation into allegations of employee misconduct, provided that, if such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all copies of correspondence will be purged from agency files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken.

Section 8. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefore to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

Section 9. Performance Appraisal. Quality and quantity of work shall be considered in determining salary advancements, in promotions, and as a means of identifying employees who should be promoted, demoted, or dismissed. [Ratings of the employee's work performance shall correspond to five (5) levels of performance as defined below:]

[Outstanding—The employee exceeds performance standards for objectives with such consistency or to such a substantial degree that performance on the job is outstanding.]

[Above Standard—The employee consistently meets all performance standards for objectives and frequently exceeds one (1) or more of the standards on several objectives such that performance is above that required and expected of the normal employee.]

[Satisfactory—The employee consistently meets the performance standards for objectives identified for the position.]

[Below Standard—Performance on the job is below the standard expected of a satisfactory employee. The employee consistently does not meet one (1) or more of the performance standards for the objectives.]

[Not Satisfactory—There are serious deficiencies in the employee's performance on the job. The employee consistently fails to meet all the performance measures for some objectives or fails to meet one (1) or more of them to such a degree that performance is far below the standard expected of a normal employee.]

[Any employee who believes he has been unfairly rated shall have the right to have his rating reviewed through a procedure developed by the Commissioner which shall contain the following components:]

[(1)A written request by the employee shall be submitted to the second line supervisor within three (3) working days

of the receipt of the rating and the immediate and second line supervisor must then review the employee's comments and documentation, and determine whether the rating should be changed and respond in writing within three (3) working days from the receipt of the request; and]

[(2)If the employee is not satisfied with the results in the first step, he/she shall have the right to request in writing to the appointing authority that within three (3) working days a review committee be established. This committee shall consist of three (3) members, one (1) chosen by the employee, one (1) chosen by the supervisor, and one (1) by the appointing authority who is approved by the employee and the supervisor. The review committee must then review the rating and documentation and determine if the rating is valid and respond in writing within ten (10) working days of the receipt of the request. If the procedure indicated above is not followed, then the employee may appeal this lack of correct review procedure to the Personnel Board; this right of appeal is in addition to any other right of appeal the employee may have.]

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: MARTHA LAYNE COLLINS, Governor
RECEIVED BY LRC: January 20, 1984 at 3 p.m.

DEPARTMENT OF PERSONNEL

101 KAR 1:220E. Unclassified service; classification and compensation plans.

RELATES TO: KRS 18A.155
PURSUANT TO: KRS 13.082, 18A.155
EFFECTIVE: January 20, 1984
NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed rules for persons in positions numerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapter 13. Nothing herein shall be construed to preclude the optional use of rules promulgated under this section on behalf of employes enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time, salaried basis. This regulation complies with and implements this statutory provision.

Section 1. Classification Plan. (1) The commissioner shall, after consultation with the appointing authorities, prepare and recommend to the Governor a classification plan for his adoption. The plan shall be based on investigation and analysis of all the duties and responsibilities assigned to each position, and each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

(2) The principles and provisions of 101 KAR 1:040 shall apply to positions in the unclassified service.

Section 2. Compensation Plan [, Pay for Performance]. (1) After consultation with appointing authorities and the Secretary of Finance and Administration Cabinet, and after conducting wage and salary surveys of relevant labor markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity [,] *and* external market competitiveness [, and individual employee merit]. The plan shall provide salary grades or specific salary rates as appropriate for the various classes. Each job class shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for classes shall be consistent with the functions outlined in the classification plan. [The compensation plan shall reward individual employee work performance in accordance with a performance increase chart to be developed by the commissioner.]

(2) The commissioner shall submit the plan, through the Secretary of the Finance and Administration Cabinet, to the Governor for his final approval. Amendments to the pay plan may be made in the same manner. The commissioner shall review the plan annually.

(3) With the exception of the provision relating to probationary *increments* [performance increases], the principles and provisions of 101 KAR *1:051E* [1:055E] shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with [at least a] satisfactory performance [level] may be granted a *statutory increment* [performance increase] at the beginning of the month following completion of such period. The commissioner may, upon request by the appointing authority, approve a salary adjustment for an employee when standards of internal equity *justify* [justifies] such adjustment.

(4) Physicians, employed as such and pursuant to KRS 64.655, are exempted from the provisions of 101 KAR 1:051E, Section 2, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the Commissioner.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: MARTHA LAYNE COLLINS, Governor
RECEIVED BY LRC: January 20, 1984 at 3 p.m.

MARTHA LAYNE COLLINS, GOVERNOR
Executive Order 84-78
January 15, 1984

EMERGENCY REGULATION
Cabinet for Human Resources
Department for Social Insurance

WHEREAS, the Secretary of the Cabinet for Human Resources is responsible for setting forth, by regulation, the policies of the Cabinet under the provisions of KRS 194.050(1) with respect to the provisions of the Home Energy Assistance Program; and

WHEREAS, a recent court decision held that otherwise eligible residents of subsidized housing could not be excluded from eligibility for the Home Energy Assistance Program; and

WHEREAS, the Secretary has promulgated a regulation for the Home Energy Assistance program which provides for assistance to low income households residing in subsidized housing to help meet the costs of home energy; and

WHEREAS, the time delays inherent in complying with procedural requirements of KRS Chapter 13 would preclude the effectiveness of the regulation during the winter months; and

WHEREAS, the secretary has found that an emergency exists with respect to said regulation, and that, therefore, said regulation should, in accordance with the provisions of KRS 13.088(1), be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, MARTHA LAYNE COLLINS, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.088(1), do hereby acknowledge the finding of an emergency by the Secretary of the Cabinet for Human Resources with respect to the filing of said regulation of the Cabinet for Human Resources providing for the Home Energy Assistance Program, and direct that said regulation shall become effective upon being filed with the Legislative Research Commission, as provided in Chapter 13 of the Kentucky Revised Statutes.

MARTHA LAYNE COLLINS, Governor
DREXELL R. DAVIS, Secretary of State

CABINET FOR HUMAN RESOURCES
Department for Social Insurance

904 KAR 2:115E. Eligibility, criteria for home energy assistance program.

RELATES TO: KRS 194.050
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: January 16, 1984

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by P.L. 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of two (2) components of energy assistance, regular and crisis under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household requesting assistance shall be required to complete an application and provide such information as may be deemed necessary to determine eligibility and benefit amount in accordance with the procedural requirements prescribed by the cabinet.

Section 2. Definitions. Terms used in HEAP are defined as follows:

(1) "Principal residence" is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place to which, when absent, he/she intends to return; and such place is identifiable from other residences, commercial establishments, or institutions.

(2) "Energy" is defined to include electricity, gas, and any other fuel such as coal, wood, oil, bottled gas, that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) A "fully vulnerable household" is any household living in non-subsidized housing which pays all energy costs directly to the energy provider or any household which rents non-subsidized housing whose energy costs are included in the rent payment.

(6) A "partially vulnerable household" is any household in subsidized housing which pays energy costs directly to the provider or whose energy costs are included in the rental payment.

(7) [(6)] "Regular component" is that portion of benefits reserved as energy assistance for heating for households containing at least one (1) member who is elderly (age sixty (60) or older) or receiving benefits on the basis of 100 percent disability *and who are fully vulnerable.*

(8) [(7)] "Crisis component" is that portion of benefits reserved for use as emergency energy assistance after the regular component is terminated for *fully or partially vulnerable* eligible households in emergency or crisis situations.

Section 3. Eligibility Criteria. (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the regular and crisis components:

(a) The household must be fully vulnerable for energy cost *or, for the crisis component, fully or partially vulnerable.*

(b) For purposes of determining eligibility, the amount of continuing and non-continuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application will be considered. Income received on an irregular basis will be prorated.

(c) Gross income for the calendar month preceding the month of application must be at or below the applicable amount shown on the income scale for the appropriate size household. Excluded from consideration as income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (WIN and JTPA) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

Income Scale

Family Size	Monthly	Yearly
1	$500	$6,000
2	600	7,200
3	700	8,400
4 or more	800	9,600

(d) The household must have total liquid assets at the time of application of not more than $5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, and prepaid burial policies.

(e) Applicants for the crisis component must attest that an immediate need for energy exists because the household

is financially incapable of meeting their energy costs at the time of application or within fifteen (15) days. The thirty (30) day extension of service prior to energy cut-off granted by Public Service Commission regulations does not affect eligibility for the crisis component.

(2) Households are eligibile to receive benefits under either the regular or crisis component.

Section 4. Benefit Levels. Payment amounts for the regular and crisis components are set at a level to serve a maximum number of households while providing a reasonably adequate payment relative to energy costs. The highest level of assistance will be provided to households with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) Payments to *fully vulnerable* eligible households will be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as specified in the following benefit scales. *Payments to partially vulnerable households shall be one-half (½) of the amount which is paid to a fully vulnerable household as specified in the following benefit scales.*

Benefit Scales

Fully Vulnerable Households

Scale A.
Energy Sources: LP Gas (Propane), Fuel Oil, Electricity, Wood, Kerosene

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or more
$ 0-300	$275	$300
301-600	238	263
over 600	—	225

Scale B.
Energy Sources: Natural Gas, Coal, Wood

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or more
$ 0-300	$225	$250
301-600	188	213
over 600	—	175

(2) If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the regular or crisis components may be reduced proportionately.

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Payment authorization under the regular and crisis components is of two (2) types.

(a) If the recipient utilizes an energy provider who has a continuous billing cycle, payment is authorized by a two (2) party check made payable to the provider and the recipient, whenever feasible.

(b) When there is no continuous billing cycle or heating is included as an undesignated portion of rent, payment shall be made by a check payable to the recipient and the provider/landlord whenever feasible.

(c) When a two (2) party check is not feasible, the recipient shall sign an affidavit prior to receipt of funds stating that benefits received under HEAP shall be utilized solely for home energy.

(2) Under the regular and crisis components, at the recipient's discretion, the total benefit may be made in separate authorizations to facilitate payment to more than one (1) provider (e.g., when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments may not exceed the maximum for the primary source of energy for heating. The household will decide how to divide payment if more than one (1) provider is used.

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 7. Time Standards. The cabinet shall make an eligibility determination promptly after receipt of a completed and signed application but not to exceed thirty (30) days.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP:

(1) Applications for the regular component shall be accepted beginning December 5, 1983, and ending no later than December 16, 1983, at the close of business.

(2) Applications for the crisis component shall be accepted beginning January 16, 1984.

(3) Application shall be processed in the order taken until funds are expended. HEAP regular and crisis components shall be terminated by the secretary when actual and projected component expenditures have resulted in utilization of available funds or March 31, 1984, whichever comes first.

(4) HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation should additional federal funds be made available for that purpose.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to $250,000 shall be reserved for use if special circumstances develop related to winter heating or shelter needs. If a determination is made that special circumstances will not be present, the funds shall be utilized for benefits in the crisis component.

(3) Remaining benefit funds available under Public Law 97-35 shall be reserved for the regular and crisis components.

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy provided to eligible recipients is required to comply with the following:

(1) Reconnection of utilities and/or delivery of fuel must be accomplished upon certification for payment;

(2) The household must be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer must be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated differently than households not receiving benefits; and

(4) The household on whose behalf benefits are paid

shall not be discriminated against, either in the costs of goods supplied or the services provided.

(5) A landlord shall not increase the rent of recipient households on the basis of receipt of this payment.

Section 11. Provisions of this regulation shall be effective January 16, 1984.

JACK F. WADDELL, Commissioner
ADOPTED: January 9, 1984
APPROVED: E. AUSTIN, JR., Secretary
RECEIVED BY LRC: January 16, 1984 at 2:20 p.m.

Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau of Instruction
Amended After Hearing

704 KAR 20:285. Deletion of certification information.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020, 161.025 and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of approved teacher education programs, but no legal procedure exists whereby a teacher or other professional school person may voluntarily have a portion of his or her teacher certification withdrawn from the official record when he or she feels no longer qualified in the broad areas of certification. This regulation provides a means within certain limitations whereby a teacher may have a portion of the total teacher certification record deleted and establishes the provisions for the restoration of the deleted portion if desired at a later date.

Section 1. The holder of any type of Kentucky teacher certification issued by the Department of Education may voluntarily have any certificate, certificate endorsement, or subject specialization deleted from the official certification record upon request, subject to the following provisions:

(1) The request shall be submitted via the superintendent of the employing school district and must contain a recommendation to the Department of Education on forms provided by the department *within thirty (30) days*, between September 1 and December 1, and if approved by said department, shall become effective on the following July 1. Concurrent with notification to the applicants, the department shall notify each school district of decertification affecting its personnel on or before February 1 of the year in which the decertification is to become effective.

(2) No portion of the certification shall be deleted for any subject or assignment in which the teacher has had experience during the five (5) year period preceding the request *in an amount equivalent to one (1) year of full-time employment (140 days) during which at least one (1) period per day was in the subject or assignment corresponding to the portion of the certification requested for deletion.*

(3) If the certification for classroom teaching at the secondary level is to be retained, at least one (1) teaching major or one (1) area of concentration must be retained.

(4) A certificate which is a prerequisite or a concurrent requirement to the issuance of another certificate or certificate endorsement must be retained.

(5) Requests for restoration of previously deleted areas of certification shall be submitted via the superintendent of the employing school district and shall show restored competency and proficiency by completion of twelve (12) semester hours of credit pertinent to the deleted areas as prescribed by an institution approved for teacher education. If the applicant is not under contract at the time of this application for restoration, the application shall be submitted directly to the Department of Education along with evidence of completion of twelve (12) semester hours of credit pertinent to the deleted areas as prescribed by an institution approved for teacher education.

ALICE McDONALD
Superintendent of Public Instruction
ADOPTED: January 17, 1984
RECEIVED BY LRC: February 15, 1984 at 4:15 p.m.

Proposed Amendments

DEPARTMENT OF PERSONNEL
(Proposed Amendment)

101 KAR 1:051. Compensation [and pay for performance] plan.

RELATES TO: KRS 18A.030, 18A.075, 18A.110, 18A.165
PURSUANT TO: KRS 13.082, 18A.075, 18A.110
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Maintenance of the Plan. (1) After consultation with appointing authorities, the Secretary of the Finance and Administration Cabinet, and after conducting an annual wage and salary survey of relevant labor markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity *and* [,] external market competitiveness [, and individual employee merit]. The plan shall provide pay grades or specific salary rates as appropriate for the various classes. Each job class shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for classes shall be consistent with the functions outlined in the classification plan. [The compensation plan shall reward individual employee work performance in accordance with a performance increase chart to be developed by the commissioner.]

(2) When the commissioner determines through relevant salary surveys that the state's overall compensation plan is inadequate in relation to that of other employers, he may authorize, upon certification of the State Budget Director and the Office for Policy and Management as to the availability of funds, a general adjustment of all pay grades in the pay structure to provide salary rates which are comparable to the external market. Additional surveys may be conducted as necessary to determine market conditions for specific classes.

(3) The commissioner shall submit the plan to the board for its approval. The board shall present the plan, through the Secretary of the Finance and Administration Cabinet, to the Governor for his final approval. The commissioner shall review the plan annually.

Section 2. Appointments. Initial appointments to state service shall be made at the minimum rate of the pay grade established for the class unless the commissioner authorizes appointment of a highly qualified applicant at a rate above the minimum, not to exceed the midpoint of the pay grade. Such exceptions shall be based on the outstanding and unusual nature of the applicant's education and/or experience over and above the minimum requirements set for the class. Such additional qualifications must be in the same or related area of the job duties of the class to which the appointment is to be made. Employees possessing similar qualifications employed in the same class, by the same agency, in the same locality shall have their salaries adjusted to the same rate granted in the in-range appointment if that rate is higher than their current salaries.

Section 3. Re-entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated, and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) Reinstatement to a class having the same or lower pay grade that is currently assigned to the employee's former class:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such a salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(2) Re-employment or probationary appointment of former employees to the same, lower, or higher pay grade:

(a) Request the same salary that was paid at the time of separation from the classified service if such salary is within the current pay grade;

(b) Request a salary higher than that paid at the time of separation from the classified service due to salary schedule or pay grade adjustments;

(c) Request a lower salary than that paid at the time of separation from the classified service if such salary is within the current pay grade.

(d) Request a salary in accordance with the standards used for making new appointments.

(3) Former employees who were separated from state service by lay-off and who are reinstated or re-employed in the same or a similar class within one (1) year from the date of lay-off may receive the salary they were receiving at the time of lay-off, even if such salary is above the maximum of the new pay grade.

(4) Employees re-employed, reinstated or former employees probationarily appointed to a salary:

(a) Below the mid-point of the pay grade *at the time of completion of the probationary period* shall be considered for a *probationary increment;* [performance increase in accordance with Section 5(1) of this regulation.]

(b) Which equals or exceeds the midpoint of the pay grade at the time of completion of the probationary period may be considered for a *probationary increment* [performance increase in accordance with Section 5(1) of this regulation]. If such employee is not considered for *an increment upon completion of the probationary period,* [a performance increase in accordance with Section 5(1) of this regulation,] he shall be considered for *an increment* [a performance increase] at the beginning of the month following completion of twelve (12) months service from the date of re-employment, reinstatement or appointment.

Section 4. Salary Adjustments. (1) Promotion. An

employee who is promoted shall receive a salary increase of five percent (5%) upon promotion; if an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary. An employee may receive a promotional increase of five percent (5%) on the first of the month following successful completion of the probationary period; if an employee's salary is above the maximum of the pay grade he may receive a lump-sum payment of five percent (5%) of his annual base salary. In no case shall the employee's salary be below the minimum of the higher grade following promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a ten percent (10%) or fifteen percent (15%) salary increase over the employee's previous salary. If an employee's salary is above the maximum of the pay grade for the class to which he is promoted, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a lump-sum payment of ten percent (10%) or fifteen percent (15%) of the employee's annual base salary may be granted. A promotional increase shall not change the employee's regular *increment* [performance increase] date.

(2) Demotion. An employee who is demoted may have his salary reduced to a rate which is in the pay grade for the new class; this rate shall not exceed the rate which the employee was receiving prior to the demotion.

(3) Transfer. An employee who is transferred to a job class having the same pay grade shall be paid the same salary that he received prior to the transfer.

(4) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the new pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee shall receive a lump-sum payment of five percent (5%) of his annual base salary rate. An employee whose position is placed in a lower pay grade through reclassification shall receive the same salary he was receiving prior to reclassification, even if that salary is above the maximum of the new pay grade.

(5) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position may receive a salary increase of five percent (5%) except that in no case shall the employee's salary after such increase be below the minimum of the higher pay grade. In those cases where the employee's salary is above the maximum of the pay grade for the new class, the employee may receive a lump-sum payment of five percent (5%) of his annual base salary. An employee whose current salary exceeds the pay grade maximum assigned to his class following reallocation of his position shall retain that current salary.

(6) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may receive a five percent (5%) increase upon detail to a higher class except that in no case shall the employee's salary after such increase be below minimum of the higher grade.

(7) Reversion.

(a) An employee who is returned to his former class after failure to complete the probationary period following promotion or following detail assignment to a higher class shall have his salary reduced to a rate received prior to such promotion or detail assignment and is entitled to all salary advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(b) An employee who is returned to a position in the classified service following transfer or promotion to the unclassified service shall have his salary reduced to the rate received prior to the promotion or transfer and is entitled to all salary advancements and adjustments he would have received had he not left the class even if these advancements place his salary above the maximum of the pay grade applicable to the class to which the employee is returning.

(c) The salary for employees who obtain merit status but later resign the classified position to accept appointment to an unclassified position shall have their salary determined, upon re-entry to the classified service, the same as employees who are reverted if there has been no break in service.

Section 5. Salary Advancements. (1) Probationary *increments.* [performance increases. The amount of an employee's probationary performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan.] Full-time and part-time employees who complete their probationary period with [at least a] satisfactory performance [level] shall be granted a *probationary increment* [performance increase] at the beginning of the month following [such] completion of the probationary period, *except as specified under Section 3(4) of this regulation.* The service may be provisional or probationary. Employees completing a probationary period following promotion shall not be eligible for a probationary *increment* [performance increase] under this section.

[(2) Annual performance increases. The amount of an employee's annual performance increase shall be based upon individual employee work performance conducted in accordance with 101 KAR 1:140, Section 10, and the pay plan. Performance increases shall be limited to permanent full-time and part-time employees. Employees who are on educational leave with pay shall not receive performance increases. Employees in classes assigned flat rate salaries shall not be eligible to receive performance increases.]

[(a) Employees whose salaries are above the maximum of the pay grade shall be eligible to receive performance increases in a lump-sum amount on the employee's performance increase date.]

[(b) An employee having at least a satisfactory performance level shall receive a performance increase at the beginning of the month following completion of twelve (12) months service since last receiving a performance or probationary increase.]

[(c) An employee whose combined annual increment and performance increase payment places his salary above the maximum of the pay grade shall have his annual increment added to his annual base pay. Any or all of this performance pay increase which places his salary above the maximum of the pay grade shall be awarded as a lump-sum payment as of January 1, 1984.]

[(d) An employee whose performance level is below standard shall not receive a performance increase on his regularly scheduled increase date, but shall be considered

for such increase twelve (12) months following his regularly scheduled date.]

(2) [(3)] Service computation. In computing service for the purpose of determining annual *increment* [performance increase] eligibility, in those cases where an employee is changed from part-time to full-time, part-time service shall be counted in determining *increment* [increase] eligibility for a full-time employee; in those cases where an employee is changed from full-time to part-time, full-time service shall be counted in determining *increment* [increase] eligibility for a part-time employee.

(3) [(4)] [Performance increase and] Annual increment dates will be established:

(a) Following completion of probation, except probation following promotion, with [at least a] satisfactory performance [level], or following completion of twelve (12) months service from the date of appointment, reinstatement, or re-employment, pursuant to Section 3(4) of this regulation.

(b) When an employee returns from leave without pay pursuant to Section 7(2) of this regulation.

(4) [(5)] [Performance increase and] annual increment dates will not change when an employee:

(a) Is in a position which is assigned a new or different salary grade.

(b) Receives a salary adjustment as a result of his position being reallocated or reclassified.

(c) Is transferred.

(d) Receives a demotion.

(e) Is approved for detail to special duty.

(f) Receives an educational achievement increase.

(g) Returns from military leave.

(h) Has his salary advanced above the maximum of the pay grade or has his salary returned to the pay grade due to a salary schedule change or pay grade adjustment.

(i) Is promoted or receives a promotional increase after completion of probation following promotion.

(5) [(6)] Annual increment. All employees shall receive statutory annual increments [of five (5) percent] on the employee's regularly scheduled *increment* [performance increase] date. *An employee whose annual increment places his salary above the maximum of the pay grade shall have his annual increment added to his annual base pay.* [The commissioner shall assign increase dates to employees not having performance increase dates.] For purposes of calculating the statutory annual increment [of five percent (5%)]:

(a) Educational achievement increases, employee suggestion systems awards and overtime and/or compensatory leave payments shall not be included in "gross annual salary or wages."

(b) A lump-sum payment made to an employee pursuant to Sections 4(1), 4(4), *and* 4(5) [, and 5(2)(a)] of this regulation, and previous regulatory provision providing for a continuous service award shall be included in "gross annual salary or wages."

Section 6. Educational Achievement Increase. Subject to the approval of the commissioner, any permanent, full-time employee who, after completion of his initial probationary period, satisfactorily completes 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction or receives a high school diploma or GED is eligible for a lump-sum educational achievement increase of five percent (5%) of his annual base salary the first of the month following the approval of the increase.

Section 7. Return from Leave. (1) Leave with pay. The appointing authority shall grant an employee on leave with pay or returning to duty from leave with pay *an annual increment* [a performance increase] on the employee's regularly scheduled *increment* [increase] date [if such increase is warranted and the employee's performance level can be properly documented].

(2) Leave without pay. Employees returning to duty from leave without pay shall receive an annual increment [and be considered for a performance increase] when they have completed twelve (12) months service since the date they last received an annual increment pursuant to Section 5*(2)* [(3)]of this regulation.

(3) Military Leave. An employee returning to duty from military leave without pay, or from military service in accordance with KRS 61.373, shall receive the same or similar pay (same salary plus grade changes) and all other increases he would have received. [Satisfactory performance shall be assumed when computing the amount of performance increase(s) due.]

Section 8. Salary Schedule Adjustment. When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades.

Section 9. Class Re-evaluation and Grade Adjustment. (1) Class re-evaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in Section 9(1) of this regulation, the commissioner may make a new or different pay grade applicable to a class of positions. Persons employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees whose salaries are already within the higher grade shall retain their current salaries following the adjustment. Employees in a class assigned to a lower pay grade through class re-evaluation shall retain their current salary even if that salary is above the maximum rate of the lower grade. The commissioner shall review the use of this provision for retaining employees' salaries above pay grade maximums and report to the Board July 1, 1984.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same rate. When the commissioner determines that it is not possible to relieve salary inadequacies using this provision, Section 9(2) of this regulation shall apply.

(4) Increases resulting from this section shall not affect an employee's *annual increment* [performance increase] date.

Section 10. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet.

Section 11. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation shall be treated as part payment. The value of these services shall be deducted from the appropriate salary rate in accordance with a maintenance schedule developed by the commissioner after consultation with the appointing authority and the Secretary of the Finance and Administration Cabinet.

Section 12. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: PHILIP TALIAFERRO, Chairman
RECEIVED BY LRC: January 20, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Personnel, New Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT OF PERSONNEL
(Proposed Amendment)

101 KAR 1:140. Service regulations.

RELATES TO: KRS 18A.030, 18A.075, 18A.110
PURSUANT TO: KRS 13.082, 18A.030, 18A.075, 18A.110
NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18A. KRS 18A.030 and 18A.110 require the Commissioner of Personnel to prepare and submit to the board rules which provide for annual leave, sick leave, special leaves of absence, and for other conditions of employment. This rule is necessary to comply with these statutory requirements.

Section 1. Attendance; Hours of Work. The number of hours full-time employees in state offices in Frankfort are required to work shall be uniform for all positions unless specified otherwise by the appointing authority or the statutes. The normal work day shall be from 8:00 a.m. to 4:30 p.m., local time, Monday through Friday. Employees in other than Frankfort state office buildings shall be subject to such hours of work as set by the appointing authority.

Section 2. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary and emergency employees, shall accumulate annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. In computing years of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18.145, or 18A.990. Employees serving on a part-time basis who work at least 100 hours a month shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

In computing years of total service for the purpose of allowing annual leave for part-time employees, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. Employees serving on a part-time basis who work less than 100 hours a month or on a per diem basis shall not be entitled to annual leave.

(2) Annual leave for full-time employees may be accumulated and carried forward from one calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0—5 years	Thirty (30) work days
5—10 years	Thirty-seven (37) work days
10—15 years	Forty-five (45) work days
15—20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

Annual leave for part-time employees who work at least 100 hours a month may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of the above maximum amounts may not be carried forward from one (1) calendar year to the next calendar year after June 30, 1984. Years of service for the purpose of determining the maximum amount of annual leave which may be accumulated and carried forward shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may,

at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2(2) of this regulation, when separated by proper resignation or retirement. In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last work day. A pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts as set forth in Section 2(2) of this regulation.

(11) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(12) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or one-half (½) hours.

Section 3. Sick Leave. (1) Each employee in the state service, except an emergency or per-diem employee, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work at least 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or on a per-diem basis shall not be entitled to sick leave.

(2) Full-time employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Part-time employees who work at least 100 hours a month completing ten (10) years of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1). The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances

permit; if there is no such position available, the rules pertaining to lay-off apply. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be terminated by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

(9) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(10) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or re-employed shall have unused sick leave balances revived upon appointment and placed to their credit.

(11) In cases of absence due to illness or injury for which Workmen's Compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(12) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(13) Supporting evidence:

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties or whose health might jeopardize others, and who, on request, fails to produce a satisfactory medical certificate.

Section 4. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenaes by any court, federal, state, or political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 5. Compensatory Leave. (1) An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. Compensatory leave may be accumulated or taken off in one-half (½) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee shall accumulate compensatory leave for hours worked in excess of his normal prescribed hours of duty only when such work is expressly authorized by the appointing authority.

(3) Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one (1) agency to another shall retain his compensatory leave in the receiving agency.

(5) Upon separation from state service, employees shall be paid in a lump sum for all unused accumulated compensatory leave at their regular hourly rate of pay.

(6) Former employees who are reinstated, re-employed, or probationarly appointed and who were not paid for unused compensatory leave upon separation shall have their compensatory leave balance revived and placed to their credit upon re-entry into state service.

(7) When an employee has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for fifty (50) hours of his accumulated compensatory leave at his regular hourly rate of pay and reduce the employee's compensatory leave balance accordingly or the appointing authority shall direct the employee to take accumulated compensatory leave time off from work.

(8) Employees who were previously covered by the application of the state wage and hour law and who would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid overtime in accordance with the following provisions:

(a) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees whose prescribed hours of duty are normally less than forty (40) per week and who has not accumulated the maximum amount of compensatory leave shall receive compensatory leave for the hours worked in excess of his normal prescribed hours of duty until the total hours worked in that week reaches forty (40).

(b) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall be paid at one and one-half (1½) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week, except that an employee who has not accumulated the maximum amount of compensatory leave may request in writing that he accumulate compensatory leave on an hour-for-hour basis for all hours worked in excess of forty (40) per week in lieu of the overtime payment. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

(c) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees who has accumulated at least 151 hours of compensatory leave but before accumulating 200 hours may request in writing that he be paid for fifty (50) hours at his regular hourly rate of pay.

(d) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compen-

satory leave or be paid for overtime for hours worked in excess of his normal prescribed hours of duty only when such work is authorized by the appointing authority and when such payment has received the approval of the Commissioner and the Secretary of the Finance and Administration Cabinet in accordance with 101 KAR *1:051E* [1:055E].

Section 6. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(1) An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

(2) When an employee has given notice of his availability to resume his duties and the notice is within ninety (90) days after he is relieved from military duty or from hospitalization or treatment continuing after discharge for a period of not more than one (1) year, the appointing authority shall return the employee to his former position or to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(a) If the employee is physically qualified to perform the duties of his former position, he shall be restored to such position if it exists and is not held by an employee with greater seniority, otherwise to a position of like seniority, status and pay.

(b) If the employee is not qualified to perform the duties of his former position by reason of disability sustained during such military service, he shall be placed in another position, the duties of which he is qualified to perform and which will provide him like seniority, status, and pay or the nearest approximation consistent with the circumstances of his case.

Section 7. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, ample time, up to a maximum of four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who do not request time off to vote or who are not scheduled to work during voting hours shall not be entitled to compensatory leave in lieu of time off to vote.

Section 8. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service.

(3) An appointing authority, with approval of the commissioner, shall on request grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days in a calendar year pending an investigation into allegations of employee misconduct, provided that, if such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all copies of correspondence will be purged from agency files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken, including those cases where the employee voluntarily resigns in the interim.

Section 9. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefore to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

Section 10. Performance Appraisal. Quality and quantity of work shall be considered in determining salary advancements, in promotions, in determining the order of layoff, in re-employment, and as a means of identifying employees who should be promoted, demoted, or dismissed. [Ratings of the employee's work performance shall correspond to five (5) levels of performance as defined below:]

[Outstanding—The employee exceeds performance standards for objectives with such consistency or to such a substantial degree that performance on the job is outstanding.]

[Above Standard—The employee consistently meets all performance standards for objectives and frequently exceeds one (1) or more of the standards on several objectives such that performance is above that required and expected of the normal employee.]

[Satisfactory—The employee consistently meets the performance standards for objectives identified for the position.]

[Below Standard—Performance on the job is below the standard expected of a satisfactory employee. The employee consistently does not meet one (1) or more of the performance standards for the objectives.]

[Not Satisfactory—There are serious deficiencies in the employee's performance on the job. The employee consistently fails to meet all the performance measures for some objectives or fails to meet one (1) or more of them to such a degree that performance is far below the standard expected of a normal employee.]

[Any status employee who believes he has been unfairly rated shall have the right to have his rating reviewed through a procedure developed by the Commissioner which shall contain the following components:]

[(1) A written request by the employee shall be submitted to the second line supervisor within three (3) working days of the receipt of the rating and the immediate and second line supervisor must then review the employee's comments and documentation, and determine whether the rating should be changed and respond in writing within

three (3) working days from the receipt of the request; and]

[(2) If the employee is not satisfied with the results in the first step, he/she shall have the right to request in writing to the appointing authority that within three (3) working days a review committee be established. This committee shall consist of three (3) members, one (1) chosen by the employee, one (1) chosen by the supervisor, and one (1) by the appointing authority who is approved by the employee and the supervisor. After the full review committee has been designated, it must then review the rating and documentation and determine if the rating is valid and respond in writing within ten (10) working days. If the procedure indicated in this section is not followed, then the employee may appeal this lack of correct review procedure to the Personnel Board; this right of appeal is in addition to any other right of appeal the employee may have.]

Section 11. Records and Reports. (1) Personnel action forms: The commissioner shall prescribe personnel action forms which appointing authorities shall use to report such personnel actions and status changes as he may require. The commissioner shall inform the appointing authorities which personnel actions and status changes must be reported to him.

(2) Leave records: The commissioner shall maintain a leave record showing for each employee:

(a) Annual leave earned, used and unused;

(b) Sick leave earned, used and unused; and

(c) Compensatory leave earned, used and unused; and

(d) Special leave or any other leave with or without pay. Such record shall be documentary evidence to support and justify authorized leave of absence with pay.

(3) Official roster: The commissioner shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave, annual leave and compensatory leave.

Section 12. Confidentiality of Records. All records of the department and the board shall be public records and open to public inspection as provided in KRS 61.870 to 61.884.

Section 13. Dual Employment. No employee holding a full-time position with the Commonwealth may hold another state position except upon recommendation of the appointing authority and the written approval of the commissioner. A copy of such written approval and a statement of the reasons therefor shall be transmitted to the Governor and the Director of the Legislative Research Commission. A complete list of all employees holding more than one (1) state position shall be furnished to the Legislative Research Commission quarterly by the commissioner.

Section 14. Minimum Hiring Age. The minimum age for hiring of state employees shall conform to federal and state labor laws, rules and regulations.

Section 15. Maximum Hiring Age. (1) The maximum hiring age for permanent employment subject to these rules is seventy (70).

(2) Agencies may request that individuals over seventy (70) be tested and/or employed. The request must be justified in writing by the appointing authority, stating the reasons why it serves the public interest, and must have the prior approval of the commissioner. Applicants so approved shall be certified only to those agencies requesting such waivers.

Section 16. Retirement. (1) The normal retirement age for employees subject to these rules shall be seventy (70).

(2) Employees over seventy (70) may be allowed to continue employment from year to year with prior approval of the Commissioner of Personnel when it serves the public interest. Such requests must be justified in writing by the appointing authority.

Section 17. Restoration From Military Leave. (1) State appointing authorities shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, 61.379.

(2) The Department of Personnel shall require proper compliance with these statutes as they pertain to state employees.

(3) The appointing authorities for employees in county, city, or political subdivisions thereof, are responsible for compliance with these statutes, in keeping with normal personnel practices and procedures of each.

(4) Appeals may be filed by an employee or previous employee pursuant to 101 KAR 1:130. The governmental agency from which the appeal is filed shall bear the expense of the hearing of the appeal.

(5) A former employee seeking restoration, who has been rejected or otherwise penalized, must file an appeal within thirty (30) days, after notification of such rejection or penalization by an appointing authority.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: PHILIP TALIAFERRO, Chairman
RECEIVED BY LRC: January 20, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Kentucky Department of Personnel, New Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT OF PERSONNEL
(Proposed Amendment)

101 KAR 1:200. Rules for unclassified service.

RELATES TO: KRS 18A.155
PURSUANT TO: KRS 13.082, 18A.155
NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed rules for the unclassified service persons in positions enumerated in KRS 18A.155(1)(f), (g), (h), (i), (j), (o), (t), and (u). KRS 18A.155 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapters 12 and 13. In practice, the rules which apply to Merit System employees in the following specific areas have also been applied to the aforementioned categories of employees in the unclassified service.

Section 1. Annual leave. (1) Each full-time employee in the state service, except seasonal, temporary, and emergency employees, shall accumulate annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. In com-

puting years of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990. Employees serving on a part-time basis who work more than 100 hours a month shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0—5 years	1 leave day per month; 12 per year
5—10 years	1¼ leave days per month; 15 per year
10—15 years	1½ leave days per month; 18 per year
15 years and over	1¾ leave days per month; 21 per year

In computing years of total service for the purpose of allowing annual leave for part-time employees, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. Employees serving on a part-time basis who work less than 100 hours a month or on a per diem basis shall not be entitled to annual leave.

(2) Annual leave for full-time employees may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0—5 years	Thirty (30) work days
5—10 years	Thirty-seven (37) work days
10—15 years	Forty-five (45) work days
15—20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

Annual leave for part-time employees who work at least 100 hours a month may be accumulated and carried forward from one (1) calendar year to the next not to exceed the following maximum amounts:

Years of Service	Maximum Amount
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of the above maximum amounts may not be carried forward from one (1) calendar year to the next calendar year after June 30, 1984 Years of service for the purpose of determining the maximum amount of annual leave which may be accumulated and carried forward shall be computed as provided in subsection (1) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence due to sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 1(2) of this regulation, when separated by proper resignation or retirement.In the case of layoff, the employee shall be paid in a lump sum for all accumulated annual leave. An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave in the receiving agency unless he is appointed at a lower salary; in this case the employee has the option to be paid for accumulated annual leave at the higher rate. The effective date of the separation shall be the last work day. A pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts as set forth in Section 1(2) of this regulation.

(11) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(12) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or one-half (½) hours.

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency or per-diem employee, shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work more than 100 hours a month shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or on a per-diem basis shall not be entitled to sick leave.

(2) Full-time employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those

months for which an employee earned sick leave shall be used. In those cases where an employee is changed from part-time to full-time, those months in which the employee worked at least 100 hours as a part-time employee shall be counted in computing years of total service. Part-time employees who work at least 100 hours a month completing ten (10) years of total service with the state shall be credited with ten (10) additional sick leave days upon the first day of the month following the completion of ten (10) years of service. In computing years of total service for part-time employees who work at least 100 hours a month for the purpose of crediting ten (10) additional sick leave days, only those months in which the employee worked at least 100 hours shall be used. In those cases where an employee is changed from full-time to part-time, those months for which the employee earned annual leave as a full-time employee shall be counted in computing years of total service. The total service must be verified before the leave is credited to the employee's record. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS 18A.140, 18A.145, or 18A.990.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. Sick leave shall not accrue when an employee is on educational leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when the employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care;

(d) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease;

(e) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority may return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority may return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit.

(7) An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy and the total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements during the year attesting to the continued inability to perform his/her duties. When the employee has given notice of his ability to resume his duties, the appointing authority may return the employee to a position for which he is qualified, and which resembles his former position as closely as circumstances permit. An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be terminated by the appointing authority. An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half (½) hours.

(9) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(10) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or re-employed shall have unused sick leave balances revived upon appointment and placed to their credit.

(11) In cases of absence due to illness or injury for which Workmen's Compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(12) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(13) Supporting evidence:

(a) An appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties or whose health might jeopardize others and who, on request, fails to produce a satisfactory medical certificate.

Section 3. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay for that amount of time necessary to comply with subpoenaes by any court, federal, state, or political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff in court action. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 4. Compensatory Leave. (1) An employee who is authorized to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. Compensatory leave may be accumulated or taken off in one-half (½) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) An employee shall accumulate compensatory leave for hours worked in excess of his normal prescribed hours of duty only when such work is authorized by the appointing authority.

(3) Accumulated compensatory time shall be granted by

the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work. Notice must be in writing specifying the number of hours to be taken.

(4) An employee who is transferred or otherwise changed from the jurisdiction of one (1) agency to another shall retain his compensatory leave in the receiving agency.

(5) Upon separation from state service, employees shall be paid in a lump sum for all unused accumulated compensatory leave at their regular hourly rate of pay.

(6) Former employees who are reinstated, re-employed, or probationarily appointed and who were not paid for unused compensatory leave upon separation shall have their compensatory leave balance revived and placed to their credit upon re-entry into state service.

(7) Employees who were previously covered by the application of the state wage and hour law and who would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid overtime in accordance with the following provisions:

(a) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees whose prescribed hours of duty are normally less than forty (40) per week and who has not accumulated the maximum amount of compensatory leave shall receive compensatory leave for the hours worked in excess of his normal prescribed hours of duty until the total hours worked in that week reaches forty (40).

(b) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall be paid at one and one-half (1½) times his regular hourly rate of pay for all hours worked in excess of forty (40) per week, except that an employee who has not accumulated the maximum amount of compensatory leave may request in writing that he accumulate compensatory leave on an hour-for-hour basis for all hours worked in excess of forty (40) per week in lieu of the overtime payment. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

(c) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees who has accumulated at least 151 hours of compensatory leave but before accumulating 200 hours may request in writing that he be paid for fifty (50) hours at his regular hourly rate of pay.

(d) When an employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for fifty (50) hours of his accumulated compensatory leave at his regular hourly rate of pay and reduce the employee's compensatory leave balance accordingly or the appointing authority shall direct the employee to take accumulated compensatory leave time off from work.

(e) An employee in a classification that would be covered by the state wage and hour law if that law was still applicable to state employees shall accumulate compensatory leave or be paid for overtime for hours worked in excess of his normal prescribed hours of duty only when such work is expressly authorized by the appointing authority and when such payment has received the approval of the commissioner and the Secretary of the Finance and Administration Cabinet in accordance with 101 KAR *1:051E* [1:055E].

Section 5. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from civil duties upon request therefor, to serve under orders on training duty without loss of regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave. Absence in excess of this amount will be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(1) An appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

(2) When an employee has given notice of his availability to resume his duties and the notice is within ninety (90) days after he is relieved from military duty or from hospitalization or treatment continuing after discharge for a period of not more than one (1) year, the appointing authority shall return the employee to his former position or to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(a) If the employee is physically qualified to perform the duties of his former position, he shall be restored to such position if it exists and is not held by an employee with greater seniority, otherwise to a position of like seniority, status or pay.

(b) If the employee is not qualified to perform the duties of his former position by reason of disability sustained during such military service, he shall be placed in another position, the duties of which he is qualified to perform and which will provide him like seniority, status and pay or the nearest approximation consistent with the circumstances of his case.

Section 6. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, ample time, up to a maximum of four (4) hours, for the purpose of voting. Such absence shall not be charged against leave. Employees who do not request time off to vote or who are not scheduled to work during voting hours shall not be entitled to compensatory leave in lieu of time off to vote.

Section 7. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work

of the employee and which will benefit the state service; or for purposes other than above that are deemed to be in the best interests of the state.

(3) An appointing authority, with approval of the commissioner, may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed in the best interest of the state.

(4) An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days in a calendar year pending an investigation into allegations of employee misconduct, provided that, if such investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of such leave and all copies of correspondence will be purged from agency files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken.

Section 8. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefore to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

Section 9. Performance Appraisal. Quality and quantity of work shall be considered in determining salary advancements, in promotions, and as a means of identifying employees who should be promoted, demoted, or dismissed. [Ratings of the employee's work performance shall correspond to five (5) levels of performance as defined below:]

[Outstanding—The employee exceeds performance standards for objectives with such consistency or to such a substantial degree that performance on the job is outstanding.]

[Above Standard—The employee consistently meets all performance standards for objectives and frequently exceeds one (1) or more of the standards on several objectives such that performance is above that required and expected of the normal employee.]

[Satisfactory—The employee consistently meets the performance standards for objectives identified for the position.]

[Below Standard—Performance on the job is below the standard expected of a satisfactory employee. The employee consistently does not meet one (1) or more of the performance standards for the objectives.]

[Not Satisfactory—There are serious deficiencies in the employee's performance on the job. The employee consistently fails to meet all the performance measures for some objectives or fails to meet one (1) or more of them to such a degree that performance is far below the standard expected of a normal employee.]

[Any employee who believes he has been unfairly rated shall have the right to have his rating reviewed through a procedure developed by the Commissioner which shall contain the following components:]

[(1)A written request by the employee shall be submitted to the second line supervisor within three (3) working days of the receipt of the rating and the immediate and second line supervisor must then review the employee's comments and documentation, and determine whether the rating should be changed and respond in writing within three (3) working days from the receipt of the request; and]

[(2)If the employee is not satisfied with the results in the first step, he/she shall have the right to request in writing to the appointing authority that within three (3) working days a review committee be established. This committee shall consist of three (3) members, one (1) chosen by the employee, one (1) chosen by the supervisor, and one (1) by the appointing authority who is approved by the employee and the supervisor. The review committee must then review the rating and documentation and determine if the rating is valid and respond in writing within ten (10) working days of the receipt of the request. If the procedure indicated above is not followed, then the employee may appeal this lack of correct review procedure to the Personnel Board; this right of appeal is in addition to any other right of appeal the employee may have.]

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: MARTHA LAYNE COLLINS, Governor
RECEIVED BY LRC: January 20, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Kentucky Department of Personnel, New Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT OF PERSONNEL
(Proposed Amendment)

101 KAR 1:220. Unclassified service; classification and compensation plans.

RELATES TO: KRS 18A.155
PURSUANT TO: KRS 13.082, 18A.155
NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed rules for persons in positions numerated in KRS 18A.115(i)(g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapter 13. Nothing herein shall be construed to preclude the optional use of rules promulgated under this section on behalf of employes enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.115 and on behalf of members of state boards and commissions who work on a full-time, salaried basis. This regulation complies with and implements this statutory provision.

Section 1. Classification Plan. (1) The commissioner shall, after consultation with the appointing authorities, prepare and recommend to the Governor a classification plan for his adoption. The plan shall be based on investigation and analysis of all the duties and responsibilities assigned to each position, and each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

(2) The principles and provisions of 101 KAR 1:040 shall apply to positions in the unclassified service.

Section 2. Compensation Plan [, Pay for Performance]. (1) After consultation with appointing authorities and the Secretary of Finance and Administration Cabinet, and after conducting wage and salary surveys of relevant labor

markets, the commissioner shall prepare a compensation plan for all classes of positions based on the concepts of internal job equity [,] *and* external market competitiveness [, and individual employee merit]. The plan shall provide salary grades or specific salary rates as appropriate for the various classes. Each job class shall be assigned an appropriate pay grade or rate with consideration given to internal job evaluation data and external market conditions. All rates of pay for classes shall be consistent with the functions outlined in the classification plan. [The compensation plan shall reward individual employee work performance in accordance with a performance increase chart to be developed by the commissioner.]

(2) The commissioner shall submit the plan, through the Secretary of the Finance and Administration Cabinet, to the Governor for his final approval. Amendments to the pay plan may be made in the same manner. The commissioner shall review the plan annually.

(3) With the exception of the provision relating to probationary *increments* [performance increases], the principles and provisions of 101 KAR *1:051E* [1:055E] shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with [at least a] satisfactory performance [level] may be granted a *statutory increment* [performance increase] at the beginning of the month following completion of such period. The commissioner may, upon request by the appointing authority, approve a salary adjustment for an employee when standards of internal equity *justify* [justifies] such adjustment.

(4) Physicians, employed as such and pursuant to KRS 64.655, are exempted from the provisions of 101 KAR 1:051E, Section 2, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the Commissioner.

THOMAS C. GREENWELL, Commissioner
ADOPTED: January 13, 1984
APPROVED: MARTHA LAYNE COLLINS, Governor
RECEIVED BY LRC: January 20, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Kentucky Department of Personnel, New Capitol Annex, Frankfort, Kentucky 40601.

GENERAL GOVERNMENT CABINET
Board of Nursing
(Proposed Amendment)

201 KAR 20:200. Definitions for mandatory continuing education.

RELATES TO: KRS 314.011(11), 314.073
PURSUANT TO: KRS 314.021, 314.131(1)
NECESSITY AND FUNCTION: The Kentucky Board of Nursing is charged with administering a continuing education requirement for relicensure of nurses beginning in 1982. In order to implement a statewide system of mandatory continuing education, it is necessary for nurses, providers, and the board to use common terminology for communication about continuing education. For the purposes of mandatory continuing education, and regulations pertaining thereto:

Section 1. Definitions. (1) "Approved" means board recognized.

(2) "Completed" means for the purpose of KRS 314.073(2) that contact hours have been earned, reported to and recorded by the board.

(3) "Contact hour" means that which is defined in KRS 314.073(1).

(4) "Continuing education" means that which is defined in KRS 314.011(11).

(5) "Educational unit" means a structural entity with designated administrative and nursing personnel, budget, financial support, facilities, and resources to administer and coordinate continuing education functions.

(6) "Individual nurse participant record" means an approved form submitted by the nurse for reporting contact hours.

(7) "Inservice education" means that part of an employing agency's staff development program designed to provide information related to the work setting such as philosophy, policies, procedures, on-the-job training, orientation, *basic cardiopulmonary resuscitation,* and equipment demonstration as distinguished from an offering designed to meet the approved standards and criteria for continuing education.

(8) "Offering" means an organized learning experience, planned and evaluated to meet behavioral objectives based on assessed learning needs of nurse participants; an offering may be presented in one (1) session or a series of sessions.

(9) "Participants' evaluation summary" means the approved form which summarizes participants' evaluations of an offering.

(10) "Participant roster" means the approved attendance record submitted by the provider.

(11) "Program" means the overall organized effort of a provider directed towards accomplishing objectives of a planned continuing education curriculum which consists of offerings.

(12) "Provider" means an entity which conducts continuing education program/offering(s).

(13) "Provider number" means the permanent, nontransferable number assigned by the board to a provider.

(14) "Self-study" means a self-directed learning experience under the guidance of, and monitored by, an approved provider.

(15) "Successful completion" means the participant has satisfactorily met the specific requirements of an offering.

SHARON M. WEISENBECK, Executive Director
ADOPTED: December 8, 1983
RECEIVED BY LRC: February 15, 1984 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Sharon M. Weisenbeck, MS, RN, Executive Director, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

GENERAL GOVERNMENT CABINET
Board of Nursing
(Proposed Amendment)

201 KAR 20:240. Fees for applications and for services.

RELATES TO: KRS 314.041(5), 314.042(3)(6), 314.051(3), 314.071(1)(2), 314.073(4)(6), 314.131(1), 314.161
PURSUANT TO: KRS 13.082, 61.874(2), Chapter 314
NECESSITY AND FUNCTION: To establish fees to carry out the provisions of KRS Chapter 314.

Section 1. Fees for Licensure and Registration Applications. (1) The board shall collect fees for applications for licensure or for registration, and for renewal or reinstatement thereof.

(2) The fees shall not exceed the amounts indicated for the following applications:

(a) Licensure as a registered nurse—*seventy dollars ($70)* [fifty dollars ($50)].

(b) Licensure as a licensed practical nurse—*seventy dollars ($70)* [fifty dollars ($50)].

(c) *Biennial* renewal of active license—*fifty dollars ($50)* [thirty dollars ($30)].

(d) *Biennial* renewal of inactive license—*thirty-five dollars ($35)* [twenty dollars ($20)].

(e) Reinstatement of lapsed license—*seventy dollars ($70)* [fifty dollars ($50)].

(f) Active to inactive license status—*thirty-five dollars ($35)* [twenty dollars ($20)].

(g) Inactive to active license status—*fifty dollars ($50)* [thirty dollars ($30)].

(h) Endorsement verification of Kentucky licensure *or registration*—*twenty dollars ($20)* [ten dollars ($10)].

(i) Duplicate license *or registration* letter—*ten dollars ($10)* [five dollars ($5)].

(j) Registration as an advanced registered nurse practitioner—*seventy dollars ($70)* [fifty dollars ($50)].

(k) *Biennial* renewal of registration as an advanced registered nurse practitioner—*forty-five dollars ($45)* [thirty dollars ($30)]

(l) Reinstatement of registration as an advanced registered nurse practitioner—*seventy dollars ($70)* [fifty dollars ($50)].

(3) An application shall not be evaluated unless current fee is submitted.

[(4) An application, which is not completed within one (1) year from the date the application form is filed with the board office, shall lapse and the fee shall be forfeited.]

Section 2. Fees for applications for continuing education approvals.

(1) The board shall collect fees for applications for approval of providers of continuing education and for renewal or reinstatement thereof not to exceed the following amounts:

(a) Initial provider approval—one hundred dollars ($100).

(b) Reinstatement of provider approval—one hundred dollars ($100).

(c) One (1) year renewal of approval—twenty-five dollars ($25).

(d) Two (2) year renewal of approval—fifty dollars ($50).

(e) Four (4) year renewal of approval—one hundred dollars ($100).

(2) The board shall collect fees for applications for approval of programs and offerings of continuing education for those approved providers who do not hold programming approval granted by an organization whose standards are deemed comparable to or exceed the approval standards of the board as stated in Section 1(4) of 201 KAR 20:215, 201 KAR 20:205, and 201 KAR 20:210. The application fees shall not exceed the following amounts:

(a) Annual program approval—three hundred dollars ($300).

(b) Annual offering approval—fifty dollars ($50).

(3) An application for an individual offering approval shall not exceed fifty dollars ($50).

Section *3.* [2.] Fees for Services. (1) The board shall collect fees for the following services not to exceed the amounts indicated:

(a) Administration of examination for registered nurse licensure—*sixty dollars ($60)* [forty-five dollars ($45)].

(b) Administration of examination for practical nurse licensure—*thirty-five dollars ($35)* [twenty dollars ($20)].

(c) Verification of licensure *or registration* letter—five dollars ($5).

(d) Copies of examination score(s), transcripts, statutes, regulations, duplicated material, printed material—*five dollars ($5)* [one dollar ($1)] minimum or twenty-five cents ($.25) per page.

(e) Verification of individual licensee continuing education earning report—five dollars ($5).

(f) Nursing certificate (optional)—thirty dollars ($30)

(2) An applicant for licensure who writes or rewrites the licensure examination shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees.

(3) A nurse who is licensed in another state, United States territory or country and who submits an application for licensure in Kentucky as a registered nurse or a licensed practical nurse, but who is required to write or rewrite the licensure examination, shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees.

(4) Applicants rewriting the licensure examination shall:

(a) Submit fee for administration of examination prior to each time examination is taken.

(b) Submit new application and current fees if more than one (1) year has passed since date last examination was written or more than two (2) years have passed since the filing date of the original application.

(5) Graduates of foreign schools of nursing shall assume responsibility for costs incurred to submit credentials translated into English, commission on graduates of foreign nursing schools certificates, immigration documents and other documents needed to verify meeting licensure requirements.

Section 4. An application, which is not completed within one (1) year from the date the application form is filed with the board office, shall lapse and the fee shall be forfeited.

Section *5.* [3.] An applicant who meets all requirements for *approval,* licensure or registration will be issued the appropriate *approval,* license or registration without additional fee.

Section *6.* [4.] Refunds may be issued according to policy approved by the board.

SHARON M. WEISENBECK, Executive Director
ADOPTED: December 8, 1983
RECEIVED BY LRC: February 15, 1984 at 10 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Sharon M. Weisenbeck, MS, RN, Executive Director, Kentucky Board of Nursing, 4010 Dupont Circle, Suite 430, Louisville, Kentucky 40207.

FINANCE AND ADMINISTRATION CABINET
State Board of Examiners of Social Work
(Proposed Amendment)

201 KAR 23:070. Specialty certification.

RELATES TO: 335.080, 335.090, 335.100
PURSUANT TO: KRS 13.082, 335.070
NECESSITY AND FUNCTION: This regulation further clarifies descriptions of specialty certification and the functions evolving therefrom, in addition to clarifying terms used in KRS Chapter 335.

Section 1. Definitions. (1)(a) "Educational institution approved by the board" means graduate schools of social work accredited by the Council on Social Work Education except, that the board will evaluate credentials of foreign graduates on a case by case basis; and

(b) "A social work or social welfare program" not accredited by the Council on Social Work Education must demonstrate to the satisfaction of the board that they meet the Council on Social Work Education standards for accreditation of undergraduate programs.

(2) Supervision for independent practice of clinical social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development.

(3) Supervision for independent practice of community social work shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for social planning, program development, evaluation advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others.

(4) Supervision for independent practice of social work research shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others.

(5) Supervision for independent practice of social work administration and management shall be defined as the educational process of utilizing a partnership aimed at enhancing the professional development of supervisees in providing services which focus upon skills including those necessary for organizing, directing, supervising, staffing, evaluating, and consulting, among others.

Section 2. (1) For the purpose of the board, the private independent practice of social work for the specialty areas of community social work, social work research, and social work administration and management is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services.

(2) For the purpose of the board, the private independent practice of clinical social work is defined as that practice in which an individual who, wholly or in part, practices social work outside of those settings specifically exempted by KRS 335.010, who has responsibility for his own practice and sets up his own conditions of exchange with his clients and identifies himself in any manner as a social work practitioner in offering services. In addition, a social work employee of any individual, institution or organization except those specifically exempted by KRS 335.010 providing clinical social work services and paid by such persons, institutions or organizations rather than by direct arrangement with the client is considered within the definition of a private practitioner. Furthermore, a certified social work employee of such persons, institutions or organizations shall contract, in writing, with a person who holds a valid Kentucky certification for clinical practice, who shall assume responsibility for the employee's practice and shall supervise in accordance with Section 5 of this regulation, and KRS 335.100(b), over the qualifying period of eligiblity for taking the specialty exam. He shall not enter into such practice of social work until this contract has been approved by the board and shall cease such practice of social work immediately upon the termination of said contract. At the termination of the contract the employee shall apply for the specialty certification or request an extension of the contract from the board.

(3) The supervisory contract shall contain:

(a) The name and license number of the supervisee.

(b) The name and license number of the supervisor.

(c) The nature of such practice.

(d) The nature, duration and frequency of the supervision.

(e) The conditions or procedures for termination of the supervision.

(f) The explicit statement that the supervisor understands that he shall be held accountable to the board for the care given to the supervisee's clients.

(g) The explicit statement that the certified social worker is a bona fide employee, and as such has social security and income tax deducted from his salary.

(4) The criteria for a supervisor shall be:

(a) A person who has been in the practice of clinical social work for five (5) years following licensure for independent practice.

(b) A person who has no unresolved complaints filed before the board.

(c) A person who has no more than six (6) supervisees at one time, unless specifically approved by the board.

Section 3. Certification for Independent Practice. Certification is the process whereby the board recognizes a licensed certified social worker to have special training and/or competence to engage in autonomous and independent practice in specified areas of specialty.

Section 4. The areas of certification for private, independent practice are those of clinical social work, community social work, social work research, and social work administration and management.

Section 5. Clinical social work is defined as practice which focuses on the evaluation and treatment of emotional disorders and mental illness as related to the total health of the individual, and on helping with problems of living and activities designed to stimulate growth and development. Such practice is based on knowledge of psychodynamics, human relations, crisis intervention, psychopathology, and group dynamics. Practitioners have

numerous skills including those necessary for individual, marital, family, and group psychotherapy, as well as other treatment modalities. To be certified for independent practice in clinical social work the licensee must have:

(1) Had the required number of hours of experience in clinical social work under supervision. Such supervision shall have been provided by an individual meeting the requirement set forth in subsection (4) of this section;

(2) Shall have spent at least sixty (60) percent of the required experience in a direct client-professional relationship;

(3) Shall have had direct responsibility for specific individual and/or groups of clients;

(4) Supervision shall be provided by one (1) of the following:

(a) An individual certified in the clinical specialty by this board;

(b) An individual listed at the time of supervision in either the National Association of Social Workers Registry of Clinical Social Workers or the National Registry of Health Care Providers in Clinical Social Work;

(c) A person who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection.

(5) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the clinical certificate;

(6) When supervision is being provided outside the agency in which the clinical experience is occurring, a contractural arrangement, including evidence of built-in accountability shall be provided;

(7) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, *excepting hours of supervision received prior to December 31, 1981,* may be obtained through group supervision in groups of six (6) or fewer members;

(8) Such supervision shall be congruent with the board's code of ethical practice;

(9) Pass an examination developed by the board.

Section 6. Community social work is defined as practice which deals with intervention at the community level oriented at involving community institutions and solving community welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Practitioners have numerous skills including those necessary for social planning, program development, evaluation, advocacy, ombudsmanship, facilitation, program budgeting, legislative activity, social organization and social mediation, among others. In order to be certified for the independent practice of community social work the licensee must have:

(1) Completed the required number of hours of supervised experience in community social work. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (3) of this section;

(2) Shall have had direct responsibility for specific projects which would require the utilization and refinement of the knowledge and skills outlined above;

(3) Supervision shall be provided by one (1) of the following:

(a) An individual certified in the community specialty by this board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(4) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the community certificate;

(5) When supervision is being provided outside the agency in which the community experience is occurring, a contractural arrangement including evidence of built-in accountability shall be provided;

(6) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, *excepting hours of supervision received prior to December 31, 1981,* may be obtained through group supervision in groups of six (6) or fewer members;

(7) Such supervision shall be congruent with the board's code of ethical practice;

(8) Pass an examination developed by the board.

Section 7. Social work research is defined as practice which focuses primarily on the scientific investigation of social and behavioral phenomena. Such practice is based on knowledge of statistics, research design, research methodology and basic computer methodology among other things. Practitioners have numerous skills, including those necessary for hypothesis formulation, sampling, data collection, data analysis, and interpretation of results, among others. Licensees applying for certification in this specialty will be expected to have:

(1) Completed the required number of hours of supervised experience in the practice of this specialty. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (2) of this section;

(2) Supervision shall be provided by one (1) of the following:

(a) An individual certified in the social research specialty by this board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(3) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for social work research;

(4) When supervision is being provided outside the agency in which the social work research experience is occurring, a contractural arrangement including evidence of built-in accountability shall be provided;

(5) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, *excepting hours of supervision received prior to December 31, 1981,* may be obtained through group supervision in groups of six (6) or fewer members.

(6) Such supervision shall be congruent with the board's code of ethical practice;

(7) Pass an examination developed by the board.

Section 8. Social work administration and management is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of policy development, program management, personnel management, fiscal management, public relations and organization development among other things. Practitioners have numerous skills including those necessary for organizing, directing, supervising, staffing, evaluating and consulting among others. Licensees applying for certification for the independent practice in this specialty shall be expected to have:

(1) Completed the required number of hours of supervised experience in the area of administration and manage-

ment. Such supervision shall have been provided by an individual meeting the qualifications set forth in subsection (6) of this section;

(2) Affirmed that sixty (60) percent of such experience has been spent in management of a recognized unit or units which has a continuing function;

(3) Organizational responsibility for at least four (4) or more professional staff with the ability to hire or dismiss, or at least make recommendations on any change of status in such staff;

(4) Demonstrated the exercise of discretion and independent judgment which involves the comparison and evaluation of possible courses of conduct and subsequent action or making a decision after the various possibilities have been considered.

(5) Have demonstrated significant responsibility for program planning and budgeting for the organizational unit which he has managed.

(6) Supervision shall be provided by one (1) of the following:

(a) An individual certified in administration and management by the board; or

(b) A social worker who has demonstrated to the board's satisfaction a level of competence equivalent to that contained in paragraph (a) of this subsection;

(7) Supervision shall be related specifically to the experience which is proffered as the qualifying experience for the administration and management certificate;

(8) When supervision is being provided outside the agency in which the administration and management experience is occurring, a contractural arrangement including evidence of built-in accountability shall be provided;

(9) Such supervision shall total a minimum of 200 hours equitably distributed throughout the qualifying period; not more than 100 hours of which, *excepting hours of supervision received prior to December 31, 1981,* may be obtained through group supervision in groups of six (6) or fewer members;

(10) Such supervision shall be congruent with the board's code of ethical practice;

(11) Pass an examination offered by the board.

KEN PHILLIPS, Chairman
ADOPTED: January 27, 1984
RECEIVED BY LRC: January 27, 1984 at 10:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Betty Sapp, P.O. Box 456, Frankfort, Kentucky 40602.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(Proposed Amendment)

601 KAR 12:040. Driving history record; fee.

RELATES TO: KRS *61.876* [171.650]
PURSUANT TO: KRS 13.082, *61.876,* [171.650, 174.050, 174.060]
NECESSITY AND FUNCTION: KRS *61.876* [171.650] authorizes any agency required to keep public records to adopt reasonable fees to defray costs of furnishing copies to the public. [Such fees may be adopted by statute or by administrative regulations.] This regulation is adopted to provide a reasonable fee to defray the costs of furnishing a copy of a person's driving history record to a person making a proper request.

Section 1. Upon payment of *three* [two] dollars *($3)* [($2)] and the completion of any forms which may be required, any person [having a legitimate interest in the subject matter] may obtain a copy of a driving history record which is in the custody and control of the [Department of] Transportation *Cabinet.*

JOHN A. STEPHENSON, Deputy Secretary
ADOPTED: February 15, 1984
APPROVED: FLOYD G. POORE, Secretary
RECEIVED BY LRC: February 15, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: John A. Stephenson, Ph.D., Deputy Secretary/Commissioner, Department of Vehicle Regulation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing
(Proposed Amendment)

601 KAR 13:030. Alcohol driver education clinic.

RELATES TO: KRS 186.560
PURSUANT TO: KRS 13.082, 186.400
NECESSITY AND FUNCTION: The purpose of this regulation is to establish an Alcohol Driver Education Clinic to effectuate the policy set out in KRS 186.560(4). This regulation also requires a reasonable fee to defray the cost of operating the clinic.

Section 1. The department will set up and conduct alcohol driver education clinics to effectuate the policy set out in KRS 186.560(4).

Section 2. Once the department has determined in accordance with the provisions of KRS 186.560(4) that a licensee is eligible to take part in an alcohol driver education, he will be notified by mail to appear for an interview before a driver improvement officer for the purpose of enrollment in such a clinic. Failure to appear at the interview without good cause will be considered tantamount to failure to satisfactorily complete the clinic.

Section 3. Upon enrollment in an alcohol driver education clinic, the licensee shall pay a fee of *fifty* [twenty-five] dollars *($50)* [($25)]. *This fee shall be credited to a special account within the road fund, and shall be used exclusively by the Transportation Cabinet for the purpose of setting up, conducting and expanding the driver improvement program* [to defray the costs of setting up and conducting the clinic].

JOHN A. STEPHENSON, Deputy Secretary
ADOPTED: February 15, 1984
APPROVED: FLOYD G. POORE, Secretary
RECEIVED BY LRC: February 15, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: John A. Stephenson, Ph.D., Deputy Secretary/Commissioner, Department of Vehicle Regulation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:005. Campaign treasurer.

RELATES TO: KRS 121.160
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a).

Section 1. "*Appointment of Campaign Treasurer* [Candidate's Appointment of Campaign Treasurer]" form *can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601* [is amended as shown in Appendix A].

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:010. Executive committee's report of *receipts* [contributions] and expenditures.

RELATES TO: KRS 121.180(1)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a). [Amendments adopted by 1974 General Assembly require new form.]

Section 1. "*Party Executive Committee* Report of Receipts and Expenditures [for Party Executive Committees]" form *can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601* [is amended as shown in Appendix B].

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:020. Campaign committee's report of *receipts* [contributions] and expenditures.

RELATES TO: KRS 121.180(2)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a). [Amendments adopted by 1974 General Assembly require new form.]

Section 1. "*Campaign Committee* Report of Receipts and Expenditures [for a Campaign Committee or Political Action Committee]" form *can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601* [is amended as shown in Appendix C].

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:030. *Candidate* [Campaign treasurer's] report of *receipts* [contributions] and expenditures.

RELATES TO: KRS 121.180(2)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a). [Amendments to the Campaign Financing Act adopted by 1974 General Assembly require new form.]

Section 1. "*Candidate* Report of Receipts and Expenditures [for a Candidate]" form *can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601* [is amended as shown in Appendix D].

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:040. *Political committee statement of organization.* [Notice of organization of campaign committee.]

RELATES TO: KRS 121.170
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a). [Amendments adopted by 1974 General Assembly require new form.]

Section 1. "*Political Committee Statement of Organization*" *form* [Registration Form and Statement of Organization for a Campaign Committee or Political Action Committee] *can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601* [is amended as shown in Appendix E].

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Harness Racing Commission
(Proposed Amendment)

811 KAR 1:105. Review and appeal.

RELATES TO: KRS 230.630(1),(3), 230.640, 230.720, 230.730
PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)
NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate reviews and appeals of the Commission and the Franklin Circuit Court.

Section 1. (1) If any person, licensee or association be aggrieved of any order or revocation, suspension, exclusion, ruling off, fine or other decision on ruling of the judges, such person, licensee by filing a written appeal with the commission not later than *five (5)* [ten (10)] days after such ruling or decision is made.

(2) An appeal shall be addressed to the commission at its principal office and shall:

(a) Set forth the decision or ruling of the judges complained of the date when same was rendered; and

(b) Request a specification of charges and review by the commission of the charges upon which the action of the judges is based.

Section 2. (1) If the chairman of the commission or deputy commissioner (supervisor of racing) has information that any licensee or other person has secured his license based on false or fraudulent statements or has violated any rules of the commission or the provisions of the Kentucky Revised Statutes, he shall have the authority to revoke or suspend the license of such licensee or other person; provided, however, that such licensee or other person may have a review of such action by filing a written appeal with the commission not later than ten (10) days after such action is taken.

(2) The appeal shall be addressed to the commission at its principal office and shall:

(a) Set forth the decision, ruling or action of the chairman or deputy commissioner (supervisor of racing) complained of and the date when same was rendered; and

(b) Request a specification of charges and review by the commission of the charges upon which the action of the chairman or deputy commissioner (supervisor of racing) was based.

Section 3. If the commission is of the opinion that any association, licensee or other person has violated any rules of the commission or the provisions of the Kentucky Revised Statutes, it shall have the authority to issue a citation against such association, licensee or other person directing him to appear and show cause why his license should not be suspended or revoked or he not be ruled off or fined in an amount commensurate with the offense. Such citation shall contain the following:

(1) The rule or rules, or statute, alleged to have been violated and the time and place where such violation occurred;

(2) The acts committed by the affending party upon which said violations are based; and

(3) A full statement of charges preferred against the offending party.

Section 4. Notice of any commission hearing held under Sections 1, 2, and 3 of this regulation or in any other instance, shall be served upon the offending or aggrieved party by registered mail directed to the last known address of such party. Such notice shall be in writing, shall fix the time and place of hearing and shall be issued and mailed not less than five (5) nor more than thirty (30) days before the date of such hearing.

Section 5. If notice is issued under Section 1 of this regulation, the same shall also contain a specification of the charges upon which the ruling or decision of the judges was based; or if issued under Sections 2 or 3 of this regulation, such notice shall set forth the information required thereunder.

Section 6. In all hearings before the commission, the chairman of the commission shall preside and shall determine the competence and order of the introductions of evidence. A hearing officer may be appointed by the chairman who shall cause a transcript of the testimony and his recommendations, to be filed with the commission for action by the commission. The aggrieved party shall have the right to appear in person and by counsel. At the conclusion of the hearing the commission shall take the case under advisement and shall, as promptly as may be reasonably possible, make known its decision, and should the order or decision of the judges, chairman of the commission or deputy commissioner (supervisor of racing) be sustained, the secretary of the commission (executive racing secretary) shall at once notify the aggrieved party of the commission's decision. In the event the commission finds that the

aggrieved party was not guilty or any infraction or violation, the action of the judges shall be set aside and revoked, and the aggrieved party so notified.

Section 7. Stay of Enforcement. In the event a penalty is imposed by the officials, the chairman of the commission, the commission or the deputy commissioner (supervisor of racing) or his assistants may grant a stay of the enforcement of such penalty until an appeal, if filed, is decided. In certain circumstances described below, the commission will grant a stay pending appeal to any person licensed by it who is affected by any decision of, or penalty imposed by an official or officials at a race meeting.

(1) Such a stay will be available in cases involving the loss of purse money of $100 or more, or a fine of $100 or more, or suspension of driving, or explusion from the paddock or race track grounds of more than five (5) days.

(2) The stay will begin when the person appealing files a "notice of appeal" and requests a stay on a form provided by the commission and security of not less than $100, or as follows:

(a) A filing shall be made at the commission's office, Lexington, Kentucky, or with its representative at the operating track within forty-eight (48) hours after the decision or penalty from which the appeal is taken.

(b) The "notice of appeal" and "request for stay" shall be sworn to and shall state the grounds for appeal.

(c) The security is $100 unless the commission sets a higher security within forty-eight (48) hours of the filing. If a higher security is set, the stay will automatically terminate unless the excess over the $100 is posted within twenty-four (24) hours of the notice of the higher security and has been received by the person appealing.

(d) Failure to sustain the appeal may cause forfeiture of the security and if the costs of said appeal exceed the amount of the security, the additional costs shall be paid upon order of the commission.

(3) The commission reserves the right to hold as forfeit all or any part of the posted security if, in its considered opinion, the appeal was frivolous or without foundation.

Section 8. Witnesses for hearings may be subpoenaed by the chairman, vice-chairman, deputy commissioner (supervisor of racing) or hearing officer.

Section 9. All actions of the commission may be appealed to the Franklin Circuit Court by an aggrieved party within thirty (30) days pursuant to the Rules of Civil Procedure. No injunction or restraining order shall issue pending said appeal.

CARL B. LARSEN, Supervisor
ADOPTED: December 29, 1983
APPROVED: Melvin Wilson, Secretary
RECEIVED BY LRC: January 16, 1984 at 9:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

PUBLIC PROTECTION AND REGULATION CABINET
Harness Racing Commission
(Proposed Amendment)

811 KAR 1:190. Matters not covered by rules; violations.

RELATES TO: KRS 230.630(1),(3), 230.640, 230.720
PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)
NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide penalities for violation of rules and to provide for matters not covered by the rules and regulations.

Section 1. Matters Not Covered By Rules and Regulations. Any situation not covered by the rules and regulations of this commission shall be referred to the commission for disposition. *Due to an unforeseen crisis the Racing Supervisor or two (2) members of the Harness Racing Commission may temporarily waive an administrative rule until the crisis can be settled.*

Section 2. Violations. (1) Any person who is licensed under Section 3 of 811 KAR 1:180 violating any of the rules or regulations shall be liable upon conviction of a fine not exceeding $1,000, or revocation of license, suspension or both, unless otherwise limited in the rules.

(2) The conviction of any corporate licensee of a violation of any of the rules or regulations may also subject the officers of the said corporation to a penalty not exceeding that which is hereinabove provided.

(3) Any attempt to violate any of the rules and regulations falling short of actual accomplishment shall constitute an offense, and upon conviction shall be punishable as hereinabove provided.

CARL B. LARSEN, Supervisor
ADOPTED: December 29, 1983
APPROVED: MELVIN WILSON, Secretary
RECEIVED BY LRC: January 16, 1984 at 9:30 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 20:072. Installation standards for cast iron soil pipe and fittings.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the proper installation of cast iron soil pipe and fittings.

Section 1. The installation of cast iron soil pipe and fittings should be made according to recommended procedures, since care taken in installing will assure the satisfactory performance of the plumbing drainage system.

Section 2. Instructions for Cutting Cast Iron Soil Pipe. (1) During installation assembly, pipe and fittings must be inserted into the hub or into the gasket and firmly seated against the bottom of the hub or against the center rib or shoulder of the gasket. In order to provide sound joint with field cut lengths of pipe, it is necessary to have the ends cut square and as smooth as possible with metal cutting saw or snap type cutters.

(2) Cast iron soil pipe, which may vary somewhat in toughness and resiliency, may be cut with a twin-lever snap cutter or a ratchet type cutter equipped with a chain which contains equally spaced beveled cutting wheels. The following cutting procedure has been found to produce consistently good cuts:

(a) Position chain around pipe so that a maximum number of wheels are in contact with the pipe. Excessive space between the first and last wheel in contact with the pipe is almost certain to produce a poor quality cut.

(b) Score the pipe before final pressure is applied to complete the cut. Apply only enough pressure to the lever or ratchet handle to make the cutter wheels indent the pipe.

(c) Release the pressure and rotate tool a few degrees; then apply a quick final pressure to complete the cut. If a piece of pipe is unusually tough, score the pipe several times and a good cut can be made.

If the cutter wheels become flattened or dull, it will be very difficult (if not impossible) to obtain a satisfactory cut. The life of the chain can be extended by reversing the chain to obtain equal use of all the wheels. The mechanical features of a cutter must be kept in good working order.

Section 3. General Installation Instructions. (1) Vertical piping.

(a) Secure vertical piping at sufficiently close intervals to keep the pipe in alignment and to support the weight of the pipe and its contents. Support stacks at their bases and at sufficient floor intervals to meet the requirements of local codes. Approved metal clamps or hangers should be used for this purpose.

(b) If vertical piping is to stand free of any support or if no structural element is available for support and stability during construction, secure the piping in its proper position by means of adequate stakes or braces fastened to the pipe.

(2) Horizontal piping, suspended.

(a) Support ordinary horizontal piping and fittings at sufficiently close intervals to maintain alignment and prevent sagging or grade reversal. Support each length of pipe by an approved hanger located not more than eighteen (18) inches from the joint.

(b) Support terminal ends of all horizontal runs or branches and each change of direction or alignment by an approved hanger.

(c) Closet bends installed above ground should be firmly secured.

(3) Horizontal piping, underground.

(a) When trenches are dug too deep, support the piping with approved grillage laid on firm ground as denoted in 815 KAR 20:130, Section 13. To maintain proper alignment during backfilling, stabilize the pipe in proper position by partial backfilling and cradling.

(b) Piping laid on grade should be adequately secured to prevent misalignment when the slab is poured.

(c) Closet bends installed under slabs should be adequately secured.

Section 4. Lead and Oakum Joint Installation. (1) Insert the spigot into the hub which has been properly cleaned.

(2) An oakum strand should be inserted into the joint which is of a diameter that can be pressed into the joint by hand and sufficiently long to make three (3) turns around the pipe. Drive the strand of oakum to the bottom of the joint using a yarning iron. Then pack the oakum solidly and evenly using a packing iron and hammer.

(3) Place additional strands of oakum into the joint until it fills the hub to within one-half (½) inch of the top, and then using a packing iron and hammer pack this oakum until it forms a uniform surface one (1) inch from the top of the hub.

(4) Pour molten lead into the joint at one (1) spot between the hub and spigot until it arches up slightly above the top of the hub.

(5) When the lead has cooled, drive it down at four (4) points around the hub using a caulking iron in order to insure uniform caulking.

(6) Caulk the joint on the inside and outside edges using a sixteen (16) ounce ball peen hammer and appropriate caulking irons.

Section 5. Compression Joint Installation. (1) Fold and insert the one (1) piece rubber gasket into the hub which has been properly cleaned.

(2) Apply special gasket lubricant to the spigot and inside of the neoprene gasket.

(3) Push, draw or drive the spigot into the gasketed hub with a pulling tool or suitable device.

Section 6. No-Hub Joint Installation. (1) Clamp and gasket installation. The following must be taken to insure a proper joint:

(a) Place the gasket on the end of one (1) pipe and the stainless steel or cast iron clamp assembly on the end of the other pipe.

(b) Firmly seat the pipe ends against the integrally molded shoulder inside the neoprene gasket.

(c) Slide the clamp assembly into position over the gasket and tighten the bands or clamps as described below.

(2) Torquing bands. A properly calibrated torque wrench, set at sixty (60) inch pounds must be used. The following procedure for applying torque to the band assembly must be used: The stainless steel bands must be tightened alternately and firmly to sixty (60) inch pounds of torque.

(a) Step 1. The inner bands are to be tightened alternately and firmly to sixty (60) inch pounds of torque.

(b) Step 2. The outer bands are to be tightened alternately and firmly to sixty (60) inch pounds of torque.

(3) Torquing clamps. A properly calibrated torque wrench, set at 175 inch [foot] pounds must be used. The following procedure for applying torque to the clamp assembly must be used: The stainless steel bolts must be tightened alternately, gradually and firmly to 175 inch pounds torque.

CHARLES A. COTTON, Commissioner
ADOPTED: January 27, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: January 27, 1984 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl VanCleve, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 20:100. Joints and connections.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the methods that must be used in joining certain types of piping materials together as well as denoting the methods that must be used in securing plumbing fixtures to waste piping outlets.

Section 1. Water and Air-Tight Joints. All joints and connections shall be made permanently gas and water tight.

Section 2. Vitrified Pipe Joints; Concrete Pipe Joints; House Sewers-Combined Sewers. Joints in vitrified clay pipe shall conform to ASTM specification C-425. Joints in concrete pipe shall conform to commercial standard C-443. When it is necessary to use piping in other than standard lengths hot poured joints may be used. Joints between cast iron pipe and vitrified clay pipe or concrete pipe shall be made either of hot poured bitumastic compound or by a preformed elastomeric ring. The ring shall completely fill the annular space between the cast iron spigot and the vitrified clay or concrete pipe hub. Joints in pipe and fittings of not more than two (2) pipe sizes between vitrified clay, asbestos cement, acrylonitrile-butadiene-styrene or polyvinyl chloride to cast iron pipe and fittings or the joining of either material to the other may be made with proper fittings by the use of a dispersion grade polyvinyl chloride ring conforming to ASTM C-443, C-425, C-594, C-564 and D-1829 or elastomeric polyvinyl chloride coupling.

Section 3. Caulked Joints. All caulk joints shall be firmly packed with oakum or hemp and shall have at least one (1) inch of pure lead properly caulked. No paint, varnish or putty will be permitted until tests have been performed.

Section 4. (1) Screw Joints. All screw joints shall be American Standard screw joints and all burrs or cuttings shall be removed.

(2) Mechanical Joint Couplings for Hot and Cold Water. Mechanical joint couplings for hot and cold water may be used above ground provided the couplings are galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(3) Mechanical Joint Couplings for Storm Water Piping. Mechanical joint couplings for storm water piping may be used above ground provided the couplings are either black iron or galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(4) Joints in PVC and ABS Schedule 40 or 80 Pipe and Fittings. Joints in polyvinyl chloride schedule 40 or 80 pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2665-69. Joints in acrylonitrile-butadiene-styrene pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2661-69. Acrylonitrile-butadiene-styrene and polyvinyl chloride sewer piping that conforms to ASTM 3033 and 3034 shall be joined by solvent cement conforming to ASTM C-2665-69 for acrylonitrile-butadiene-styrene and ASTM D-2661-69 for polyvinyl chloride or with an elastomeric joint conforming to D-3212-73.

(5) Copper Pipe, Brass and Stainless Steel Tubing Joints. Copper pipe, brass and stainless steel tubing joints shall be soldered joints.

(6) Expansion. Every expansion joint shall be of approved type and its material shall conform with the type of piping in which it is installed.

(7) Brazed Joints. Brazed joints shall be made by first cleaning the surfaces to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joint by heating to a temperature sufficient to melt the approved brazing filler metal on contact.

[(8) Tapered Couplings. Every joint in bituminized fiber pipe shall be made with tapered type couplings of the same material as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an approved adapter coupling properly caulked.]

(8) [(9)] Elastomeric Polyvinyl Chloride Coupling. Elastomeric polyvinyl chloride couplings may be used for connecting cast iron, vitrified clay, concrete, cement asbestos or plastic pipe or the combination of these pipe materials. This coupling shall be provided with # 305 stainless steel clamps.

(9) [(10)] Joints in Corrugated Polyethylene Subsoil Drainage Tubing. Joints in corrugated polyethylene subsoil drainage tubing shall be made by slip joints using appropriate fittings.

Section 5. Cast Iron Soil Pipe Joints. (1) Joints in cast iron shall either be caulked, screwed, or joints made with the use of neoprene gaskets. Neoprene gaskets shall conform to either ASTM C-564-70 or CS 301-72. Joints that conform to commercial standard 301-69T shall have a stainless steel clamp.

(2) Cast iron coupling for joining hubless cast iron pipe shall consist of neoprene gasket conforming to ASTM C-564, cast iron clamps conforming to ASTM A-48 and stainless steel bolts and nuts conforming to ANSI B-18.2.1 and ANSI B-18.2.2.

Section 6. Borosilicate Joints. Joints and gaskets used for borosilicate pipe shall be made in a manner approved by the department.

Section 7. (1) Steel, Brass and Copper Connections to Cast Iron Pipe. Steel, brass and copper joints when connected to cast iron pipe shall be either screwed or caulked joints. All caulked joints shall be made by the use of a caulking spigot.

(2) PVC and ABS Pipe and Fitting Connections to Steel, Brass, Copper and Cast Iron Pipe. Polyvinyl chloride and acrylonitrile-butadiene-styrene pipe and fitting connections to steel, brass, copper or cast iron pipe shall either be a screwed or caulk joint. Joints between Schedule 40 PVC or ABS pipe and cast iron pipe may be made by the use of a neoprene gasket conforming to ASTM C-564-70. All caulk joints shall be made with the use of either a polyvinyl chloride or acrylonitrile-butadiene-styrene or cast iron caulking spigot.

(3) Stainless Steel Tubing to Cast Iron Pipe to Galvanized Steel Pipe and to Copper Tubing. Stainless steel tubing to cast iron pipe shall be made by caulking spigot. Stainless steel tubing to galvanized steel pipe or copper pipe shall be made by the use of an adaptor.

(4) Joints in Acid Waste Piping. Joints in vitreous glazed piping shall be made in a manner and of a material approv-

ed by the department. Joints in polyethylene and polypropylene piping must be made by the heat fusion process. Joints in polypropylene may also be made with a union joint. Joints in borosilicate pipe may be a stainless steel mechanical joint. Joints between silicon iron pipe may be either caulk joint or stainless steel mechanical joint.

Section 8. Lead Pipe. Joints in lead pipe or between lead pipe and brass or copper pipes, ferrules, soldering nipples, or trap, shall be fullwiped joints, with an exposed surface of the solder at each side of the joint of not less than three-quarters (¾) of an inch. The minimum thickness of the thickest part of the joint shall be at least as thick as the material being used. In the event lead pipe is used for acid waste lines the pipe may be joined by burning.

Section 9. Lead Pipe to Cast Iron, Steel, or Wrought Iron Pipe. The joints between lead to cast iron, steel or wrought iron shall be made by means of a caulking ferrule or a soldering nipple.

Section 10. Wall or Floor Flange Joints. Wall or floor flange joints shall be made by using a lead ring or brass flange and shall be properly soldered.

Section 11. Soil Pipe, Iron Pipe, Copper Pipe; Tubular Trap Joints. Joints between soil pipe, iron pipe, copper pipe and tubular traps shall be made by the use of a heavy red cast brass adaptor. Tubular traps shall be soldered to the adaptor in a manner approved by the department.

Section 12. Slip Joints. Slip joints shall be permitted only on the inlet side of a trap.

Section 13. Unions. Unions shall be ground faced and shall not be concealed or enclosed.

Section 14. Roof Joints. The joint of the roof shall be made water-tight by use of copper, lead or other approved flashing or flashing material. It shall extend not less than six (6) inches from the pipe in all directions and shall extend upward twelve (12) or more inches and turn down into the pipe. A hub flashing may be used provided it is constructed so it can be caulked into a hub above the roof.

Section 15. Increasers and Reducers. When different size pipes or pipes and fittings are to be concealed, the proper size increaser or reducer pitched at an angle of forty-five (45) degrees between the two (2) sizes, shall be used.

Section 16. Prohibited Joints and Connections. Any fitting or connection which has an enlargement chamber, or recess with a ledge shoulder, or reduction of the pipe area in the direction of the flow is prohibited.

Section 17. Hangers and Supports. All piping and fixtures shall be adequately supported by hangers or anchors securely attached to the building construction.

Section 18. Welded Pipe for Soil, Waste and Vent Systems. Mild steel pipe may be welded for a soil waste and vent system provided the welds are mechanically sound and the bore of the piping is smooth throughout its length. The welded piping shall be covered with a metallic continuous coating. Written permission shall be secured from the department for such a system.

CHARLES A. COTTON, Commissioner
ADOPTED: January 27, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: January 27, 1984 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl VanCleve, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 20:120. Water supply and distribution.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. *(1)* The bacteriological and chemical quality of the water supply shall comply with the regulations of the department *and other governing authorities.*
(2) Potable water only shall be accessible to plumbing fixtures that supply water for drinking, bathing, culinary use or the processing of medicinal, pharmaceutical or food products.

Section 2. *Water Required. (1) Every building equipped with plumbing fixtures and used for habitation or occupancy shall be equipped with a supply of potable water.* [Distribution. The water supply shall be distributed through a piping system entirely independent of any other piping system.]
(2) In buildings used as residences or buildings in which people assemble or are employed, both hot and cold water shall be supplied.

Section 3. Water Service. *(1)* The water service piping to any building shall be not less than three-fourths (¾) inch *nominal pipe size* but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times.
(2) The *underground* water service *pipe from the main or water supply system to the water distribution system shall not be less than five (5) feet apart horizontally from the house sewer and shall be separated by undisturbed or compacted earth except they can be placed in the same trench provided:* [may be laid in the same trench with the house sewer provided the water piping is benched eighteen (18) inches above the sewer.]
(a) The bottom of the water service pipe at all points shall be at least eighteen (18) inches above the top of the sewer at its highest point.
(b) The water service pipe shall be placed on a solid shelf excavated at one (1) side of the common trench.
(c) The number of joints in the water service pipe shall be kept to a minimum.

Section 4. Distribution. (1) The water supply shall be distributed through a piping system entirely independent of any other piping system.

(2) Piping which has been used for any other purpose than conveying potable water shall not be used for conveying potable water.

(3) Non-potable water may be used for flushing water closets and urinals, provided such water shall be piped in an independent system. When a dual water distribution system is used, the non-potable water supply shall be durably and adequately identified by color markings and metal tags, or other appropriate method as may be approved by the governing authority. Each outlet on the non-potable water distribution system which might be used for drinking or domestic purposes shall be permanently posted: DANGER—UNSAFE WATER. Each branch, fitting or valve shall be identified by the words "NON-POTABLE WATER" either by signs or brass tags that are permanently affixed to the pipe, fittings, valves, etc. These identification markings shall not be concealed. Their maintenance shall be the responsibility of the owner.

(4) Any backflow device or cross-connection control device shall be approved by the department.

(5) Combination stop and waste valves, cocks, or hydrants shall not be installed in the underground water distribution system without the installation of an approved backflow preventor.

(6) No private water supply shall be interconnected with any public water supply.

Section *5.* [4.] Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a *sufficient amount of water to thoroughly cleanse the surface area of water closets, urinals or similar fixtures* [four (4) gallon flushing capacity for a water closet and at least a two (2) gallon capacity for a urinal]. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section *6.* [5.] Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section *7.* [6.] Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths (¾) inch. The hot and cold water piping shall extend three-fourths (¾) inch in size to the first fixture branch. [regardless of the kind of material used. When galvanized iron pipe is used the distribution piping shall be arranged so that] No two (2) one-half (½) inch fixture branches *may be* [are] supplied from any one-half (½) inch pipe.

(2) The following schedule shall be used for sizing the water supply piping to fixtures. [:] *The branch pipe to any fixture shall terminate not more than thirty (30) inches from the point of connection to the fixture and in every instance shall be brought to the floor or wall adjacent to the fixture. No concealed water branch pipe shall be less than one-half (½) inch nominal pipe size.*

Fixture Branches	*Nominal Pipe Size (Inches)*
Bathtubs	*½*
Combination sink and tray	*½*
Cuspidor	*½*
Drinking fountain	*½*
Dishwasher (domestic)	*½*
Kitchen sink (res.)	*½*
Kitchen sink (com.)	*½ or ¾ as required*
Lavatory	*½*
Laundry tray	*½*
Sinks (service, slop)	*½*
Sinks flushing rim	*¾*
Urinal (flush tank)	*½*
Urinal (direct flush valve)	*½ or ¾ as required*
Water closet (tank type)	*½*
Water closet (flush valve type)	*1*
Hot water boilers	*¾*
Hose bibs	*½*
Wall hydrant	*½*
Domestic clothes washer	*½*
Shower (single head)	*½*

[Fixture Branches	Size Minimum Inches
Sill Cocks	1/2
Hot water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water closet tanks	3/8
Water closet flush valves	1]

(3) Water hammer. In all building supply systems in which devices or appurtenances are installed utilizing quick acting valves that cause noises due to water hammer, protective devices such as air chambers or approved mechanical shock absorbers shall be installed as close as possible to the quick acting valve causing the water hammer.

(a) Where mechanical shock absorbers are installed, they shall be in an accessible place.

(b) Where mechanical devices are used, the manufacturers' specifications shall be followed as to location and method of installation.

(4) Inadequate water pressure. Whenever water pressure from the source of supply is insufficient, fifteen (15) lbs. or less to provide adequate flow at the fixture outlets, a booster pump and pressure tank or other approved means shall be installed in the building water supply system.

(5) Variable street pressures. When the source of water supply has a fluctuation, the water distribution system shall be designed for the minimum pressure.

Section *8.* [7.] Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-

251, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, PVC SDR 21 and SDR 26 conforming to ASTM D-2241, polybutylene pipe conforming to ASTM D-3309 with brass, copper or celcon fittings, Quicktite connection using a celcon asetal copolymer, polybutylene cone and stainless steel ring, plastic pipe and fittings shall bear the NSF seal of approval. Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M Copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall polythylene, PVC or CPVC be used below ground under any house or building.

Section *(9.)* [8.] Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide non-scald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

Section *10.* [9.] Water Supply Control. *(1)* A main *shut-off* [supply] valve shall be *provided near the curb, in or near the meter box or property line on the water service pipe. In addition, a main supply control valve shall be* placed inside a foundation wall. *The main supply control valve shall be accessible and provided with a drip or drain valve. A pit or similar type installation is prohibited for a potable water supply shut-off valve.* [Each fixture or each group of fixtures shall be valved and each lawn sprinkler opening shall be valved.]

(2) Pressure or gravity tanks shall have their supply lines valved at or near their source.

(3) Each family unit in a two (2) family or multi-family dwelling shall have each family unit controlled by an arrangement of shut-off valves which will permit each unit to be shut off without interfering with the cold water supply to any other family unit or portion of the building.

(4) In all buildings other than dwellings, shut-off valves shall be installed which permit the water supply to each piece of equipment to be isolated without interference with the supply to other equipment.

(5) Each fixture or group of bath fixtures shall be valved and each lawn sprinkler opening shall be valved. In residential construction all fixtures except bathtub and showers shall be valved individually or in lieu each group of fixtures shall be valved.

(6) A group of fixtures or fixture group shall mean two (2) or more fixtures adjacent to or near each other in the same room or back to back on a common wall.

(7) The cold water branch to each hot water storage tank or water heater shall be provided with a shut-off valve located near the equipment and only serving this equipment.

Section *11.* [10.] Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

Section *12.* [11.] Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

Section *13.* [12.] Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section *14.* [13.] Domestic Solar Water Heaters. Domestic solar water heaters may have a "single wall heat exchanger" provided the solar panel and the water heater exchanger use a nontoxic liquid such as propylene glycol or equal, and that the heat exchanger is pretested by the manufacturer to 450 PSI and that the water heater has a warning label advising that a nontoxic heat exchanger fluid must be used at all times and that a pressure relief valve is installed at the highest point in the solar panel.

Section *15.* [14.] Domestic Water Heater Preheating Device. A domestic water heater preheating device may be used and connected with the high pressure line from the compressor of a domestic home air conditioner or heat pump water heater. These heat exchangers that transfer heat to potable water shall be double wall. The device must be equipped with a temperature limit control that would actuate a pump that would circulate hot water from the water heater through the preheater device. Condensate drain water shall be piped in accordance to the plumbing code and in no instance shall it be permitted to drain into any crawl space, or into a sewer or vent stack, or be installed in areas subject to freezing. If a drain is not available or if a drain is located above the vent, a condensate pump must be utilized.

Section *16.* [15.] Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the requlations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths (¾)

inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

CHARLES A. COTTON, Commissioner
ADOPTED: January 27, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: January 27, 1984 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl VanCleve, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 20:130. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318
PURSUANT TO: KAR 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by another's authority.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least three (3) feet cover unless constructed of cast iron piping. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, vitrified clay pipe and cement asbestos pipe shall be made in a manner to conform to other sections of this code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80, truss pipe and extra heavy SDR 35 pipe *and Type PS-46, Poly(Vinyl Chloride) (PVC) in sizes four (4) inches through fifteen (15) inches conforming to ASTM F 789-82.*

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe or Schedule 40 ABS or PVC DWV pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 815 KAR 20:090.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	Maximum drained roof area square feet * Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.	Diameter of pipe inches	Maximum drained roof area square feet * Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1ft.
3	865	1,230	8	11,115	15,745
4	1,860	2,610	10	19,530	27,575
5	3,325	4,715	12	31,200	44,115
6	5,315	7,515	13	42,600	60,000

* The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum of the preceding table for storm water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to 6	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1,080	54	42	33	29	20	15	13.6	12.1
1,081 to 1,620	30	18	16	15	12	11.5	11.1	10.4
1,621 to 2,430	15	12	11	10.5	9.1	8.8	8.6	8.3
2,431 to 3,645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3,646 to 5,460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5,461 to 8,190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8,191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12,286 to 18,420	0	0	0	2.1	2.1	2.1	2.2	2.2
18,421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27,631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40,946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1,098	1,099 to 1,644	1,645 to 2,466	2,467 to 3,702	3,703 to 5,556	Over 5,556
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1,080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1,081 to 1,620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1,621 to 2,430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2,431 to 3,645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3,646 to 5,460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5,461 to 8,190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8,191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12,286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18,421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27,631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40,946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers constructed of flexible thermoplastic sewer piping must be installed with at least six (6) inches of gravel on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level of the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be constructed of either poured or precast concrete, approved fiberglass or polyethylene material with a tight fitting cover. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump discharge piping shall discharge into a two (2) inch waste pipe extended inside the building to a height at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this waste piping shall connect into a four (4) inch by two (2) inch sanitary tee which shall connect into a four (4) inch P trap and then into the sanitary sewer. The four (4) inch by two (2) inch sanitary tee shall be extended at least two (2) inches above the finished grade and shall be provided with a ventilated cap.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When subsoil catch basins are installed below the sewer level, automatic ejectors, or an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is a storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

Area of Roof (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1½
91 to 270	2
271 to 810	3
811 to 1,800	3½
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft, they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, copper, schedule 40 ABS/PVC DMV pipe or reinforced thermosetting resin pipe conforming to ASTM D-2996 (red and silver thread). The vertical distance of PVC or ABS conductors shall not exceed thirty (30) feet from the base through the terminus through the roof.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without side walks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

CHARLES A. COTTON, Commissioner
ADOPTED: January 27, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: January 27, 1984 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl VanCleve, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 20:191. Minimum fixture requirements.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation incorporates many of the provisions which have been in effect for some time with regard to residential and public buildings. The department has revised the old regulation to make it easier to interpret. This regulation includes the requirements of the Department for Natural Resources and Environmental Protection as well as the Department for Human Resources and the Department of Justice. These inclusions simplify the plan process.

Section 1. *(1)* In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females unless otherwise denoted.

(2) The occupancy load factor used to determine the number of plumbing fixtures required shall be that denoted

by Article 8, Section 806 of the 1983 edition of the Kentucky Building Code unless otherwise denoted.

Section 2. All types of buildings shall be provided with toilet rooms on each level or floor; however, where the department determines that separate facilities on each level or floor are unnecessary, toilet rooms on every other level or floor shall be sufficient.

Section 3. Toilet rooms for males and females shall be clearly marked.

Section 4. Toilet Floor Construction Requirements. Toilet room floors in all public buildings and places of employment shall be constructed of non-absorbent materials. When more than one (1) water closet and one (1) lavatory is installed, such a toilet room shall have at least one (1) floor drain and one (1) accessible hose bibb.

Section 5. Theatres, Assembly Halls, Libraries, Museums and Art Galleries. (1) A separate water closet and lavatory shall be provided for males and females in the stage area.

(2) A drinking fountain shall be provided in the stage and auditorium area and a drinking fountain shall be provided on each floor for each *500* [200] persons or fraction thereof.

(3) Separate toilet rooms for males and females shall be provided as indicated in Section 2 of this regulation, as follows:

(a) One (1) water closet for each 100 males or females or fraction thereof; two (2) water closets for 101 to 200 males or females or fraction thereof; three (3) water closets for 201 to 400 males or females or fraction thereof; over 400 add one (1) water closet for each additional 500 males and one (1) for each additional 300 females.

(b) One (1) urinal for *eleven (11)* [up] to 200 males; two (2) urinals for 201 to 400; three (3) urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.

(c) One (1) lavatory for up to 100 males or females; two (2) lavatories for 101 to 200, three (3) lavatories for 201 to 400; four (4) lavatories for 401 to 750; add one (1) lavatory for each additional 500 or less over 750.

(d) One (1) service sink or slop sink on each floor.

(e) The number of fixtures shall be based upon the maximum seating capacity or fixed seats. If fixed seats are not provided the basis for determining the capacity shall be one (1) person per each fifteen (15) square feet of area.

(4) In libraries, museums and art galleries separate toilet facilities for males and females shall be provided as indicated in Section 2 of this regulation, as follows:

(a) One (1) water closet and one (1) lavatory for each 100 females or fraction thereof.

(b) One (1) water closet and one (1) lavatory for each 200 males or fraction thereof.

(c) One (1) urinal for *eleven (11) to* [each] 200 males; *two (2) urinals for 201 to 400; three (3) urinals for 401 to 600; add one (1) urinal for each additional 300 males* or fraction thereof.

(d) One (1) service sink or slop sink on each floor.

(e) A drinking fountain shall be provided for each *500* [100] persons *or fraction thereof.*

(f) The above number of fixtures shall be based upon the actual number of persons that can be accommodated.

(5) Urinals may be substituted for water closets for males, not to exceed one-third (⅓) of the required total number of water closets but in all cases the minimum number of urinals must be installed.

(6) Water closets in public restrooms shall be of the elongated bowl type with a split open front seat.

Section 6. School Buildings (Relates also to 702 KAR 4:070 and 702 KAR 4:080). (1) A drinking fountain shall be provided on each floor and/or wing of a building and an additional drinking fountain shall be provided for each seventy-five (75) pupils or fraction thereof. The fountains shall be equipped with a protective cowl and the orifice shall be one (1) inch above the overflow rim of the fountain.

(2) Elementary through secondary level school buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for up to twenty-five (25) pupils.
2. Two (2) water closets for twenty-six (26) to 100 pupils.
3. One (1) water closet for each 100 pupils or fraction thereof in excess of 100.

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for up to twenty-five (25) pupils.
2. Two (2) urinals for twenty-six (26) to fifty (50) pupils.
3. Four (4) urinals for fifty-one (51) to 100 pupils.
4. Six (6) urinals for 101 to 200 pupils.
5. Eight (8) urinals for 201 to 300 pupils.
6. Ten (10) urinals for 301 to 400 pupils.
7. Twelve (12) urinals for 401 to 500 pupils.
8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of 500.

(c) Water closets for females shall be installed in the following proportions:

1. Two (2) water closets for up to twenty-five (25) pupils.
2. Three (3) water closets for twenty-six (26) to fifty (50) pupils.
3. Six (6) water closets for fifty-one (51) to 100 pupils.
4. Eight (8) water closets for 101 to 200 pupils.
5. Ten (10) water closets for 201 to 300 pupils.
6. Twelve (12) water closets for 301 to 400 pupils.
7. Fourteen (14) water closets for 401 to 500 pupils.
8. One (1) water closet for each forty (40) pupils or fraction thereof in excess of 500.

(d) Lavatories for male and female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.
2. Two (2) lavatories for each fifty (50) pupils or fraction thereof.
3. One (1) lavatory for each fifty (50) pupils or fraction thereof over fifty (50).
4. Twenty-four (24) inches of sink or eighteen (18) inches of circular basin when provided with water outlet for each space, shall be considered equivalent to one (1) lavatory.

(3) One (1) service sink or slop sink shall be installed on each floor of a building.

(4) When detached relocatable classrooms are use, sanitary facilities will not be required, provided it is within a distance not to exceed thirty-five (35) feet from the main structure and there are sufficient fixtures in the main structure to serve the entire capacity of the school including the relocatable classrooms.

(5) Water closets for use in the above facilities shall be of the elongated bowl type with a split open front seat.

Section 7. Schools of Higher Education and Similar Educational Facilities. In schools of higher education and similar institutions there shall be installed:

(1) One (1) water closet for each fifty (50) males or one (1) water closet for each twenty-five (25) females or fraction thereof.

(2) One (1) lavatory for each fifty (50) males or females or fraction thereof.

(3) One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

(4) *One (1) urinal shall be provided for each thirty (30) males or fraction thereof.* [Whenever urinals are provided,] One (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than two-thirds (⅔) of the minimum specified.

(5) Water closets for use in above facilities shall be of the elongated bowl type with a split open front seat.

Section 8. Public Garages and Service Stations. Separate toilet rooms with at least a water closet and lavatory for females and a water closet, lavatory and urinal for males shall be provided. Water closets shall be of the elongated bowl type with a split open front seat.

Section 9. Churches. Sanitary facilities shall be provided in churches as follows:

(1) One (1) drinking fountain for each 400 persons or fraction thereof.

(2) One (1) water closet for each 150 females or fraction thereof.

(3) One (1) water closet for each 300 males or fraction thereof.

(4) One (1) urinal for each 150 males or fraction thereof.

(5) One (1) lavatory for each 150 persons or fraction thereof.

Section 10. Transient Facilities (Relates also to 902 KAR 10:010). (1) Hotels and motels with private rooms shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(2) In the public and service areas there shall be:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each fifteen (15) females or fraction thereof.

(c) One (1) lavatory for each twenty-five (25) males or females or fraction thereof.

(d) One (1) urinal for *eleven (11)* [each twenty-five (25) up] to 100 males then one (1) for each additional fifty (50) or fraction thereof.

(e) One (1) bathtub or shower, if needed, for each ten (10) males or females or fraction thereof.

(f) One (1) drinking fountain for each seventy-five (75) or fraction thereof on each floor.

(g) One (1) service sink or slop sink on each floor.

(3) In residential-type buildings there shall be one (1) water closet, one (1) lavatory and one (1) bathtub or shower for each ten (10) males and each ten (10) females or fraction thereof.

(4) In rooming houses with private baths, they shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(5) In rooming houses without private baths, there shall be:

(a) One (1) water closet for one (1) to ten (10) males and one (1) for each additional twenty-five (25) or fraction thereof.

(b) One (1) water closet for one (1) to eight (8) females and one (1) for each additional twenty (20) or fraction thereof.

(c) One (1) urinal for *eleven (11)* [each twenty-five (25) up] to 100 males, then one (1) for each additional fifty (50) or fraction thereof.

(d) One (1) lavatory for each ten (10) males or females or fraction thereof.

(e) One (1) bathtub or shower for each ten (10) males or females or fraction thereof.

Section 11. Dormitories: School, Labor or Institutional (Relates also to 902 KAR 10:040). In dormitories there shall be installed:

(1) One (1) water closet for up to ten (10) males or one (1) water closet for up to eight (8) females; add one (1) water closet for each additional twenty-five (25) males or fraction thereof and one (1) water closet for each additional twenty (20) females or fraction thereof.

(2) (a) One (1) urinal for each twenty-five (25) males or fraction thereof. Over 150 males add one (1) fixture for each additional fifty (50) males or fraction thereof.

(b) Where urinals are provided for women, the same number shall be provided as for men.

(c) Where urinals are provided, they may be substituted for water closets, not to exceed one-third (⅓) of the required total number of water closets.

(d) Trough urinals shall be figured on the basis of one (1) urinal for each twenty-four (24) inches of length.

(3) (a) One (1) lavatory for one (1) to twelve (12) persons. Add one (1) lavatory for each twenty (20) males and each fifteen (15) females.

(b) Separate dental lavatories should be provided in community toilet rooms. A ratio of one (1) dental lavatory to each fifty (50) persons.

(4) One (1) bathtub or shower for each eight (8) persons. Over 150 persons add one (1) fixture for each twenty (20) persons. For womens' dormitories, there shall be installed additional bathtubs at the ratio of one (1) for each thirty (30) women.

(5) One (1) drinking fountain for each seventy-five (75) persons.

(6) One (1) laundry tray or clothes washer for each fifty (50) persons.

(7) One (1) service sink or slop sink for each 100 persons.

Section 12. Hospitals, Nursing Homes and Institutions (Relates also to 902 KAR 20:031, 902 KAR 20:046, 902 KAR 20:056, 902 KAR 9:010). Sanitary facilities shall be provided on each floor level and shall conform to the following:

(1) Hospitals:

(a) Wards:

1. One (1) water closet for each ten (10) patients.
2. One (1) lavatory for each ten (10) patients.
3. One (1) tub/shower for each fifteen (15) patients.
4. One (1) drinking fountain for each 100 patients.

(b) Individual rooms: One (1) water closet, one (1) lavatory and one (1) tub/shower.

(c) Waiting rooms: One (1) water closet and one (1) lavatory.

(2) Nursing homes and institutions (other than penal).

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each twenty (20) females or fraction thereof.
(c) One (1) lavatory for each ten (10) persons or fraction thereof.
(d) One (1) urinal for each fifty (50) males.
(e) One (1) tub or shower for each fifteen (15) persons or fraction thereof.
(f) One (1) drinking fountain on each floor.
(g) One (1) service sink or slop sink on each floor.
(3) Institutions, penal:
(a) Cell:
1. One (1) prison type water closet.
2. One (1) prison type lavatory.
(b) Day rooms and dormitories:
1. One (1) water closet for each eight (8) inmates or fraction thereof.
2. One (1) lavatory for each eight (8) inmates or fraction thereof.
3. One (1) shower for each fifteen (15) inmates or fraction thereof.
4. One (1) urinal may be substituted for each water closet but in no instance shall the water closets be reduced to less than one-half (½) the number required.
5. One (1) drinking fountain per floor.
6. One (1) service sink or slop sink per floor.
(c) Toilet facilities for employees shall be located in separate rooms from those in which fixtures for the use of inmates or patients are located.
(d) One (1) drinking fountain on each floor.
(e) One (1) service sink or slop sink per floor.

Section 13. Workshops, Factories, Mercantile and Office Buildings. Separate toilet facilities shall be provided for males and females on each floor unless otherwise denoted.
(1) Workshops and factories: Sanitary facilities shall conform to the following:
(a) One (1) water closet for each twenty-five (25) males or fraction thereof, up to 100.
(b) One (1) lavatory for each twenty-five (25) males or fraction thereof, up to 100.
(c) One (1) urinal for eleven (11) to fifty (50) employees.
(d) Two (2) urinals for fifty-one (51) to 100 employees.
(e) One (1) lavatory for each twenty-five (25) females or fraction thereof, up to 100.
(f) One (1) water closet for each fifteen (15) females or fraction thereof up to 100.
(g) When in excess of 100 there shall be an additional water closet for each thirty (30) males and each thirty (30) females or fraction thereof; one (1) lavatory for each additional fifty (50) males and females or fraction thereof; one (1) urinal for each 100 males or fraction thereof.
(h) One (1) shower for each fifteen (15) persons exposed to skin contamination from irritating, infectious or poisonous materials.
(i) One (1) drinking fountain on each floor for each fifty (50) employees. In excess of 100 employees there shall be an additional drinking fountain on each floor for each additional seventy-five (75) persons.
(j) One (1) service sink or slop sink per floor.
(k) Individual sinks or wash troughs may be used in lieu of lavatories. Twenty-four (24) inches of sink or trough, when provided with water or eighteen (18) inches of circular basin shall be deemed the equivalent of one (1) lavatory.
(2) Mercantile:
(a) Sanitary facilities within each store shall be provided for employees, and when more than five (5) persons are employed, separate facilities for each sex must be provided. EXCEPTION: For stores containing no more than 3,000 square feet of total gross floor area, employee facilities are not required if adequate interior facilities are provided within a centralized toilet room area or areas having a travel distance of no more than 500 feet.
(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and/or shopping centers, the required facilities, based on one (1) person per 100 square feet of total area, may be installed within the individual shops or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet and if accessible to physically disabled persons.
(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:
1. One (1) water closet for one (1) to 100 persons.
2. Two (2) water closets for 101 to 200 persons.
3. Three (3) water closets for 201 to 400 persons.
4. One (1) water closet for each 500 males, or 300 females, in excess of 400.
5. One (1) urinal for one (1) to 200 males.
6. Two (2) urinals for 201 to 400 males.
7. Three (3) urinals for 401 to 600 males.
8. One (1) urinal for each 300 males, or fraction thereof, over 600.
9. One (1) lavatory for one (1) to 200 persons.
10. Two (2) lavatories for 201 to 400 persons.
11. Three (3) lavatories for 401 to 700 persons.
12. One (1) lavatory for each 500 persons, or fraction thereof, in excess of 700.
13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.
14. One (1) service sink or slop sink per floor.
(3) Office buildings:
(a) Sanitary facilities within office buildings shall be provided for employees and when more than five (5) persons are employed, separate facilities for each sex must be provided. EXCEPTION: For office buildings containing no more than 3,000 square feet of total gross floor area, employee facilities are not required if adequate interior facilities are provided within a centralized toilet room area or areas having a travel distance of no more then 500 feet.
(b) Sanitary facilities shall be provided for customers when the office building or space contains 5,000 square feet or more. In office buildings, the required facilities, based on one (1) person per 100 square feet of total area, may be installed within the individual shops, or in a central toilet room area or areas if the distance from the main entrance of any office does not exceed 500 feet and if accessible to physically disabled persons.
(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:
1. One (1) water closet for one (1) to fifteen (15) persons.
2. Two (2) water closets for sixteen (16) to thirty-five (35) persons.
3. Three (3) water closets for thirty-six (36) to fifty-five (55) persons.
4. Four (4) water closets for fifty-six (56) to eighty (80) persons.
5. Five (5) water closets for eighty-one (81) to 110 persons.
6. Six (6) water closets for 111 to 150 persons.
7. One (1) water closet for each forty (40) additional persons.

8. One (1) lavatory for one (1) to fifteen (15) persons.
9. Two (2) lavatories for sixteen (16) to thirty-five (35) persons.
10. Three (3) lavatories for thirty-six (36) to sixty (60) persons.
11. Four (4) lavatories for sixty-one (61) to ninety (90) persons.
12. Five (5) lavatories for ninety-one (91) to 125 persons.
13. One (1) lavatory for each forty-five (45) additional persons.
14. Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than seventy (70) percent of the minimum specified.
15. One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

Section 14. Swimming Pool Bathhouses (Relates also to 401 KAR 6:030). (1) Bathhouses for public swimming pools shall be divided into two (2) parts separated by a tight partition, each designated for "Males" or "Men" and the other "Females" or "Women."

(2) Sanitary facilities shall be provided in each bathhouse to serve the anticipated bather loading, as defined in 401 KAR 6:030, Section 7(5), and shall conform to the following:

(a) One (1) water closet for each seventy-five (75) males or fraction thereof.

(b) One (1) water closet for each fifty (50) females or fraction thereof.

(c) One (1) urinal for each seventy-five (75) males or fraction thereof.

(d) One (1) lavatory for each 100 persons or fraction thereof.

(e) One (1) shower per each fifty (50) persons or fraction thereof.

(f) One (1) drinking fountain per each 200 persons or fraction thereof.

(3) Fixture schedules shall be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use. Pools used by groups or classes on regular time schedules of one (1) hour or less shall have one (1) shower for each six (6) swimmers, or one (1) shower for each ten (10) swimmers if the period is two (2) hours.

(4) Satisfactorily designed and located shower facilities, including warm water and soap, shall be provided for each sex. Showers shall be supplied with water at a temperature of no less than ninety (90) degrees Fahrenheit, and at a flow rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed to prevent scalding of the bathers.

(5) The requirement relating to bathhouse toilet room and shower facilities may be waived when such facilities are conveniently available to pool patrons within 150 feet from the pool.

Section 15. Park Service Buildings or Bathhouses (Relates to 902 KAR 15:020). (1) Exept for self-contained recreational vehicle parks, each park shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified.

(2) Except for self-contained recreational vehicle parks, sanitary facilities shall be provided as follows:

(a) One (1) to fifteen (15) vehicle spaces:

1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.

2. Females: One (1) water closet, one (1) lavatory and one (1) shower.

(b) Sixteen (16) to thirty (30) vehicle spaces:

1. Males: One (1) water closet, one (1) urinal, two (2) lavatories and two (2) showers.

2. Females: Two (2) water closets, two (2) lavatories and two (2) showers.

(c) Thirty-one (31) to forty-five (45) vehicle spaces:

1. Males: Two (2) water closets, one (1) urinal, three (3) lavatories and three (3) showers.

2. Females: Two (2) water closets, three (3) lavatories and three (3) showers.

(d) Forty-six (46) to sixty (60) vehicle spaces:

1. Males: Two (2) water closets, two (2) urinals, three (3) lavatories and three (3) showers.

2. Females: Three (3) water closets, three (3) lavatories and three (3) showers.

(e) Sixty-one (61) to eighty (80) vehicle spaces:

1. Males: Three (3) water closets, two (2) urinals, four (4) lavatories and four (4) showers.

2. Females: Four (4) water closets, four (4) lavatories and four (4) showers.

(f) Eighty-one (81) to 100 vehicle spaces:

1. Males: Four (4) water closets, two (2) urinals, five (5) lavatories and five (5) showers.

2. Females: Five (5) water closets, five (5) lavatories and five (5) showers.

(g) When over 100 vehicle spaces are provided there shall be one (1) additional water closet and one (1) additional lavatory for each sex per additional thirty (30) spaces or fraction thereof; one (1) additional shower for each sex per additional forty (40) vehicle spaces or fraction thereof; and one (1) additional urinal for males per additional 100 vehicle spaces.

Section 16. Residential and Day Camp Sites (Relates to 902 KAR 10:040). (1) Each residential and day camp site shall be provided with sanitary facilities for each sex as specified.

(2) Sanitary facilities shall be provided as listed below, except, however, day camps shall not be required to provide shower facilities.

(a) One (1) to eighteen (18) persons served:

1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.

2. Females: Two (2) water closets, one (1) lavatory and one (1) shower.

(b) Nineteen (19) to thirty-three (33) persons served:

1. Males: Two (2) water closets, one (1) urinal, two (2) lavatories and two (2) showers.

2. Females: Two (2) water closets, two lavatories and two showers.

(c) Thirty-four (34) to forty-eight (48) persons served:

1. Males: Two (2) water closets, two (2) urinals, two (2) lavatories and three (3) showers.

2. Females: Three (3) water closets, two (2) lavatories and three (3) showers.

(d) Forty-nine (49) to sixty-three (63) persons served:

1. Males: Three (3) water closets, two (2) urinals, three (3) lavatories and four (4) showers.

2. Females: Four (4) water closets, three (3) lavatories and four (4) showers.

(e) Sixty-four (64) to seventy-nine (79) persons served:

1. Males: Three (3) water closets, three (3) urinals, three (3) lavatories and five (5) showers.

2. Females: Five (5) water closets, three (3) lavatories and five (5) showers.

(f) Eighty (80) to ninety-five (95) persons served:

1. Males: Four (4) water closets, three (3) urinals, four (4) lavatories and six (6) showers.
2. Females: Six (6) water closets, four (4) lavatories, and six (6) showers.
(g) When over ninety-five (95) persons are served, there shall be provided: One (1) additional water closet and one (1) additional lavatory for each twenty-five (25) persons or fraction thereof served; one (1) additional shower for each twenty (20) persons, or fraction thereof, served; one (1) urinal per fifty (50) additional males or fraction thereof.
(h) Water closets may be substituted for urinals when facilities may be used by both sexes.

Section 17. Retail Food Stores and Restaurants. Sanitary facilities shall be provided for employees. (Relates to 902 KAR 10:020 and 902 KAR 45:005).
(1) Food stores:
(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.
(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and/or shopping centers, the required facilities, based on one (1) person per fifty (50) square feet, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet.
(c) 1. One (1) water closet for one (1) to 100 persons.
2. Two (2) water closets for 101 to 200 persons.
3. Three (3) water closets for 201 to 400 persons.
4. One (1) water closet for each 500 males or 300 females in excess of 400.
5. One (1) urinal for *eleven (11)* [one (1)] to 200 males.
6. Two (2) urinals for 201 to 400 males.
7. Three (3) urinals for 401 to 600 males.
8. One (1) urinal for each 300 males or fraction thereof, over 600.
9. One (1) lavatory for one (1) to 200 persons.
10. Two (2) lavatories for 201 to 400 persons.
11. Three (3) lavatories for 401 to 700 persons.
12. One (1) lavatory for each 500 persons or fraction thereof in excess of 700.
13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.
14. One (1) service sink, utility sink or curbed mop basin per floor as required.
(2) Restaurants:
(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.
(b) In new establishments or establishments that are extensively altered or changed from another type occupancy to a restaurant, toilet facilities for each sex shall be provided and readily accessible for the use of both patrons and employees; provided, that carry-out type food service operations shall be exempted from providing toilet facilities for the use of their patrons.
(c) 1. Two (2) water closets for one (1) to 100 persons.
2. Three (3) water closets for 101 to 200 persons.
3. Four (4) water closets for 201 to 300 persons.
4. One (1) water closet for each additional 200 persons or fraction thereof over 300.
(d) 1. One (1) urinal for *eleven (11)* [one (1)] to *200* [150] males.
2. One (1) urinal for each additional 150 males or fraction thereof [over 150].
(e) 1. One (1) lavatory for one (1) to 200 persons.
2. Two (2) lavatories for 201 to 400 persons.
3. Three (3) lavatories for 401 to 600 persons.
4. One (1) lavatory for each additional 200 persons or fraction thereof over 600.
(f) 1. One (1) drinking fountain for one (1) to 100 persons.
2. Two (2) drinking fountains for 101 to 500 persons or fraction thereof.
(g) When food is consumed indoors on premises, water stations may be substituted for drinking fountains.
(h) One (1) service sink, utility sink or curbed mop basin on each floor as required.
(i) Lavatories for handwashing shall be provided in the kitchen area, readily accessible to the employees.

Section 18. Temporary Facilities for Construction Projects. Separate sanitary fixtures shall be provided as scheduled below for both males and females:
(1) One (1) water closet per thirty (30) males or fraction thereof.
(2) One (1) urinal per thirty (30) males or fraction thereof.
(3) One (1) lavatory per thirty (30) males or fraction thereof.
(4) One (1) water closet per twenty (20) females or fraction thereof.
(5) One (1) lavatory per twenty (20) females or fraction thereof.
(6) One (1) drinking fountain per 100 persons or fraction thereof.

Section 19. The fixture requirements of this regulation are also compiled in table form which is available from the Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

CHARLES A. COTTON, Commissioner
ADOPTED: January 27, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: January 27, 1984 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl VanCleve, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
(Proposed Amendment)

815 KAR 45:030. Fire protection instructors' qualifications and certification.

RELATES TO: KRS 95A.040(2)(b)
PURSUANT TO: KRS 13.082, 95A.050(3)
NECESSITY AND FUNCTION: KRS 95.040(b) authorizes the commission to certify fire protection instructors. This regulation sets forth the prerequisite for and justification of those instructors.

Section 1. Definitions. The definitions of terms set forth in 815 KAR 45:020 shall apply to this regulation, unless otherwise stated.

Section 2. Requirements for Certification of Fire Protection Instructors. *An individual* [Any employee of a fire department or the State Fire Marshal's Office] may be certified by the commission as a fire protection instructor if

satisfactory written evidence is provided to the commission that he or she:

(1) Holds a valid teaching certificate issued by the Kentucky Department of Education; *or*

(2) Is a full-time instructor or other faculty member of an institution of higher education teaching in a fire science or fire technology curriculum;

[(3) Is a chief training officer, drill master or assistant drill master in a fire department who was serving in such capacity as of July 1, 1978 and was still on active service in such capacity as of January 1, 1979.]

[(4) Is presently certified as an instructor by the commission or by the Department for Occupational Education who was serving in such capacity as of July 1, 1978 and was still on active service in such capacity as of January 1, 1979;]

(3) [(5)] Has successfully completed a fire service instructor training course *based on the objectives of NFPA 1041,* [meeting the teaching-level performance standards set forth in Section 4 and] conducted by the Department *of* [for Occupational] Education *and approved by the Commission* [, any person certified under subsections (1) and (2) of this section, or any fire service training officer qualified under NFPA Standard No. 1041, or the educational methodology instructor's handbook published by the National Fire Academy]; or

(4) [(6)] Has successfully completed any college or university courses in instructional methodology specified and approved by the commission *based on NFPA Standard 1041* [as substantially meeting the instructor performance standards set forth in Section 4].

Section 3. Certification Term, Revocation, Renewal. (1) Certification of an instructor shall be made for a period of five (5) years, unless the commission determines sooner that the certification should be revoked.

(2) The commission may revoke a certification if it finds, after giving the holder an opportunity to be heard, that there was a material misstatement or misrepresentation in any document furnished the commission to obtain the issuance or renewal of a certification, that the holder has not engaged in fire service training and instruction activities for one (1) year, or that the holder has not been in active service in any fire department for a period exceeding six (6) months.

(3) The commission may issue a five (5) year renewal certification for any instructor *by written application for renewal* [who continues to meet the requirements of Section 2].

[Section 4. Instructor Performance Standards. (1) Any person who successfully completes a fire service instructor training course or courses that substantially meets the teaching-level performance standards set forth in this section and that was conducted by any college or university, or by any person or group listed in Section 2(5) may be certified as a fire protection instructor by the commission.]

[(2) These standards are based on the National Fire Protection Association Standard N. 1041, "Standard for Fire Service Instructor Qualifications." This standard was developed by the Joint Council of National Fire Service Organizations-National Professional Qualifications Board for the Fire Service, and adopted by the National Fire Protection Association on May 19, 1976. The standard identifies performance objectives for four (4) levels of fire service instructor responsibility: (i) teaching, (ii) program material development; (iii) instructional staff and program supervision, and (iv) training program management. The state's instructor training standards are focused on the first, or teaching, level identified in Standard No. 1041. The commission has reviewed NFPA, Standard No. 1041, and has identified the following key objectives and standards to be met in an approved instructor training program.]

[(3) Communications:]

[(a) The instructor shall demonstrate ability to speak extemporaneously, from notes, and from a prepared lesson outline in an easily understood, conversational manner that has the following characteristics: (i) a pleasing, forceful and clear voice that is effectively pitched and well-modulated; (ii) speech that is reasonably free from language errors, with efforts directed towards correct pronunciation and enunciation; and (iii) no personal mannerisms that materially detract from the teaching effort.]

[(b) The instructor shall describe how to listen to a speaker in order to gain the most information from the presentation.]

[(4) Concepts of learning:]

[(a) The instructor shall explain how the following factors influence the teaching-learning process: (i) The instructor's experience, attitude, knowledge, personal philosophy, and teaching ability; (ii) The student's personality, attitude, experience, adaptability, education, and needs; (iii) The instructional materials type, quality, and validity; and (iv) The physical environment of the classroom and drill ground.]

[(b) The instructor shall describe some of the basic laws that govern the learning process. For example: The law of readiness; the law of effect; and the law of exercise.]

[(c) The instructor shall demonstrate knowledge of the learning process by explaining the following statements: (i) There is considerable value in involving more than one (1) of the physical senses in the teaching effort. (ii) There is value in teaching only useful information and skills. (iii) It is important for an instructor to keep students fully informed of their progress. (iv) Fatigue and other factors influence a person's ability to learn. (v) Motivation plays an extremely important role in learning.]

[(5) Human factors in the teaching-learning environment. Given a list of characteristics, the instructor shall identify and describe those that typify a superior instructor and a poor instructor.]

[(6) Methods of teaching. The instructor shall describe each of the following methods of teaching, explaining when each method should be used and describing the relative value of each method to a fire service instructional activity: the demonstration method; the illustration method; the lecture method; the discussion method; and the conference method.]

[(7) Instructional materials. The instructor shall demonstrate ability to properly position, make ready, and operate the audio-visual equipment, teaching aids and demonstration devices generally employed in training programs conducted by the authority having jurisdiction, including the following:]

[(a) Audio-visual equipment: overhead projector; slide projector; motion picture film projector; and portable projection screen.]

[(b) Projectable instructional materials: transparencies; slides; and motion picture film.]

[(c) Nonprojectable instructional materials: chalkboard; duplicated materials; diagrams; charts; models; and mock-ups.]

[(8) Organizing the learning environment:]

[(a) The instructor shall demonstrate the procedure for creating an optimum learning environment by organizing a

classroom or other indoor facility with regard to: freedom from distraction; adequate lighting; noise control; heating, cooking and ventilation; seating; use of audio-visual equipment and teaching aids; and use of existing classroom facilities such as the chalkboard and bulletin board.]

[(b) The instructor shall demonstrate the procedure for creating an optimum learning environment by organizing a drillground or other outdoor facility with regard for: audible and visual distractions; note-taking limitations; visual aid limitations; ability for learners to see and hear all of the instructional effort; and inclement weather.]

[(9) The lesson plan. The instructor shall demonstrate comprehension of an approved lesson plan by identifying and explaining the following components of the plan: job title or topic; level of instruction; student performance objectives; materials needed; references; motivational step; presentation step; application step; lesson summary; evaluation step; and assignment.]

[(10) The teaching technique: The instructor, given the assignment to teach a fire service subject to fire service personnel, shall demonstrate ability to effect changes in student behavior by utilizing a prepared lesson plan and a technique that employs at least the following four (4) steps: preparation (motivation); presentation; application; and testing.]

[(11) Performance evaluation:]

[(a) The instructor shall demonstrate the procedure for evaluating self-performance during an instructional activity, using a check list or other approved form.]

[(b) The instructor shall demonstrate ability to determine from test grades and other evaluative procedures the probable causes for failure of students to meet certain performance objectives, such as lesson plan deficiency, lack of instructional materials, deficient testing procedures, invalid tests, problems with class discipline, and substandard instructor or student performance, and the instructor shall describe the procedure for submitting a report on deficiencies to higher authority.]

[Section 5. Methods of Instruction Course. (1) The required Methods of Instruction (MOI) Course shall encompass seventeen (17) participant contact hours, and will cover the following topics:]

[Proposed Methods of Instruction (MOI) Course Content

Topic	Student Hours	Instructor Hours
Communication	2	2
Teaching/Learning Process	4	4
Methods of Instruction	4	4
Instructional Materials	3	3
Lesson Planning	3	3
Evaluation and Testing	2	2
Practice Teaching Exercises	2	10
Total Hours	20	28]

[(2) The course is based on materials developed by the National Fire Academy. The MOI Course content is correlated with the National Fire Academy Educational Methodology 1 Course outline and the NFPA Standard No. 1041 objectives set forth in Section 4 as follows:]

[NFPA 1041 Objectives	EMI Lesson	
Section 4(3)	12, 13	Communication
Section 4(4)(a)	3, 10	Teaching/Learning Process
Section 4(4)(b)	3	Teaching/Learning Process
Section 4(4)(c)	3, 10	
	Throughout	Teaching/Learning Process
Section 4(5)	Throughout	Teaching/Learning Process
Section 4(6)	6	Method of Instruction
Section 4(7)	7, 8	Instructional Materials
Section 4(8)	10, 6	Teaching/Learning Process
Section 4(9)	5, 9	Lesson Planning
Section 4(10)	3, 10	Methods of Instruction
Section 4(11)	10, 16, 17	Testing and Evaluation
All Objectives	14, 15, 18, 19	Practice Teaching]

CHARLES A. COTTON, Commissioner
ADOPTED: February 2, 1984
APPROVED: MELVIN H. WILSON, Secretary
RECEIVED BY LRC: February 2, 1984
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Judith G. Walden, Legal Counsel, Department of Housing, Buildings and Construction, The 127 Building, US 127 South, Frankfort, Kentucky 40601.

Proposed Regulations

TRANSPORTATION CABINET
Department of Vehicle Regulation

601 KAR 9:074. Kentucky highway use license, records and taxes.

RELATES TO: KRS Chapter 138
PURSUANT TO: KRS 13.082, 138.725
NECESSITY AND FUNCTION: KRS 138.725 makes the Department of Vehicle Regulation responsible for the application of the Kentucky motor carrier fuel use tax and weight distance tax to motor carriers covered by KRS 138.655 to 138.725. This regulation provides procedures for licensees to follow in order to comply with the statutes.

Section 1. Application for Kentucky Highway Use License. Every motor carrier as defined in KRS 138.655(5) shall apply for and obtain on a department approved form a license before using or continuing to use the public highways in the state. The department shall issue a license number to each motor carrier, and the carrier shall cause said license number to be displayed on a motor vehicle identification card issued it by the department. The card shall be carried in each vehicle operated by the carrier at all times.

Section 2. Bonds-Cash Deposit. Every motor carrier and heavy equipment motor carrier, pursuant to the provisions of KRS 138.655 and 138.670 shall file with the department at the time of application for a license a corporate bond, cash bond, or security approved by the department. The applicant for the license shall be the principal obligor and the Commonwealth of Kentucky shall be the obligee. The bond will be conditioned as required in KRS 138.670, and the department shall administer the bond as provided in KRS 138.670.

Section 3. Registration for Weight Distance Tax. (1) For the purpose of this section registration shall mean the registration of the licensee for the purpose of a tax imposed by KRS 138.660 and shall be required of all motor carriers as defined in KRS 138.655(5). The current registration period shall be deemed that quarterly period for which the tax is due under KRS 138.660 or required to be reported on the quarterly return. The applicant for the license shall apply to the department for a motor vehicle identification card on forms prescribed and furnished by the department. The completion by the applicant and submittal to the department for validation shall be necessary prior to the authority of the applicant to operate a motor vehicle on the public highways of Kentucky. A motor carrier identification card shall be issued which contains the name and address of the owner or operator, the identification of the vehicle, and such other information as may be requested, including, but without limitation, the KYU license number issued to the applicant for the use of the public highways of Kentucky. The identification card shall show the vehicle combined license weight or the actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period as defined hereinabove.

(2) Definitions.

(a) "Combined license weight" shall mean the declared combined maximum gross weight of the vehicle and any towed unit for the registration purposes for the current registration period as defined hereinabove; or the highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period as defined herein.

(b) "Declared gross weight" shall mean the same as paragraph (a) of this subsection.

(c) "Gross weight" shall mean the unloaded weight of the vehicle plus the maximum load to be carried by it on the highways of the Commonwealth of Kentucky.

(3) The identification card shall be displayed in the cab of the vehicle at all times. Failure to display the identification card shall constitute a violation of KRS 138.665.

Section 4. Communications, Business Names and License Address. All licensees must immediately report any change in principal business address, legal status or business name to the department. All motor carrier operations must be conducted in the name in which the license and the identification card is issued or the duly assumed business name of the licensee, as it appears on the license. All licensees are required to use the name utilitized in the application for the license in all documents relating to their operations and in all correspondence with the department. All correspondence with the department shall be addressed as follows: Kentucky Department of Vehicle Regulation, Fuel and Roadway Taxation Branch, Post Office Box 2007, Frankfort, Kentucky 40602.

Section 5. Instruments Filed Become Permanent Records. All bonds filed with the department as required by statute are permanent records and cannot be returned to licensee or removed from the custody of the department as long as the licensee is subject to the Kentucky Statutes.

Section 6. Kentucky Highway Use License for Leased Vehicles. (1) Any person leasing or renting a commercial motor vehicle to a lessee who is engaged in private carriage, where the operator of such vehicle is required to have a Kentucky Highway Use License may obtain the license by making application to the department and complying with the appropriate rules and regulations. The licensee shall entitle the lessee to operate the leased or rented vehicle under the lessor's license.

(2) The lease shall be carried in the vehicle and the required cab card shall be in the lessor's name and the lessor shall make the required quarterly reports and pay all taxes which may become due by virtue of the operation of the motor vehicle.

(3) A motor vehicle which is leased to a certificated carrier will be required to have the Kentucky Highway Use License and the lessee shall be responsible for the payment of any tax which may become due.

(4) A lessor of motor vehicle equipment who makes an application for a license under this section shall furnish the department a copy of the standard lease or rental agreement as well as the address of the place of business where the lessor's records are maintained. A current list of all lessees who lease equipment from the lessor and who will use the lessor's Kentucky Highway Use License shall be filed with the department. This list shall contain the name of the lessee, the lessee's address, the number of vehicles leased to each lessee and other pertinent information which the department may require. The list required herein shall be

updated and kept current on a semi-annual basis by the lessor.

Section 7. Authorized Deductions on Quarterly Returns. Every person licensed as a motor carrier may deduct on his quarterly tax return the amount of tax paid on fuel at the time of purchase, provided the purchase is made in Kentucky and the Kentucky motor fuel tax has been paid. A valid receipt must be obtained as evidence of purchase from the person making the sale or delivery.

(1) The valid receipt is one (1) which:

(a) The purchase receipt shall be the original prepared by a station or vendor located in the state of Kentucky and shall have an imprinted Kentucky address. Receipts that have an imprinted Kentucky address, but include other station locations outside of Kentucky are invalid.

(b) The following is included:

1. Name and station location of the vendor;
2. Date of purchase;
3. Number of gallons;
4. Type of fuel purchased;
5. Company unit number of vehicle or registration number of units; and
6. Licensee's name.

(c) The name and address of the vendor shall be preprinted or imprinted, which includes, but is not restricted to, credit card machines. Station receipts that are identified only by impressed rubber stamp markers or handwritten are not valid.

(2) Bulk or storage purchasers of fuel shall maintain a withdrawal or disbursement record when such fuel is used in taxable highway or road units. This record shall be kept on all units fueling from this tank showing the unit fueled, gallons withdrawn, and the date of withdrawal. Tax on bulk purchases shall be paid at the time of purchase in accordance with KRS 138.220 and 234.320. If a motor carrier uses tax free bulk storage to fuel taxable units (highway units), tax will be levied on total fuel purchased for bulk storage.

(a) Any use of fuel from a tax free storage tank without adequate records to prove on-highway use shall be taxable. Approved location of tax free storage shall be issued by the Revenue Cabinet before tax free fuel is purchased.

(b) Credit for fuel purchase receipts other than the taxable units shall not be allowed.

(3) In instances where fuel is purchased by trip leased units and the lessee is responsible for the Kentucky highway tax, all receipts shall be made in the name of the lessee. Receipts made out in the name other than the person or company responsible for the fuel tax shall be invalid.

Section 8. Cancellation of License. (1) If a motor carrier fails to comply with the terms of KRS 138.655 to 138.725, or these regulations, its Kentucky Highway Use Tax License may be cancelled. Reasons for cancellation include, but are not limited to, the following:

(a) Failure to file tax return thirty (30) days after the due date. The licensee will be mailed a second notice or reminder and be given fifteen (15) days to file the return. If the licensee fails to comply with the second notice, the license will be subject to cancellation.

(b) Failure to pay additional taxes assessed by the department. To be reinstated after cancellation of license, the carrier must prove to the department that sufficient records are being and will be maintained to file accurate Kentucky Highway Use Tax Returns.

(c) Failure by a licensee to produce such records after written demand may result in cancellation of the license and any other penalties applicable by law. Each succeeding day shall constitute a separate violation until the records are produced at the place stated in the demand.

Section 9. Procedure upon Cancellation of License. (1) Upon cancellation of Kentucky Highway Use License in accordance with the provisions of KRS 138.675 and after notice to the carrier by mailing the same to the address on file in the department, the carrier shall immediately return to the department the license and all cab cards issued to such carrier.

(2) Failure to return the license and cards or the operation of a motor vehicle displaying a cab card after notice of revocation of the highway use license shown thereon, shall be a violation of this regulation.

Section 10. Tax Liability and Protest Procedures. (1) The licensee will be mailed a tax statement, found as the result of an audit or found as the result of an examination of licensee's tax return. The licensee has thirty (30) days to pay or protest to the department per KRS 138.110 in writing any assessment or tax liability imposed by the department. A protest must be accompanied by a supporting statement identifying specific adjustments being protested and setting forth the reasons upon which the protest is being made.

(2) If the licensee so desires, he may, within thirty (30) days, protest directly to the Kentucky Board of Tax Appeals.

(3) The department will acknowledge receipt of the protest and if protest is acceptable, a tax conference will be set between the department and licensee within sixty (60) days of the protest. The department will notify the licensee within thirty (30) days its decision to deny or accept the reasons of the protest. If denied, the licensee may protest to the Kentucky Board of Tax Appeals.

(4) If the licensee does not acknowledge the tax statement within thirty (30) days, a reminder will be sent to licensee demanding payment within fifteen (15) days. If within fifteen (15) days, the taxes have not been remitted to the department, a demand will be made against the licensee's surety bond. Any balance of unpaid taxes will be submitted to the department's legal section for collection.

Section 11. Penalties. In addition to any other penalties which may be imposed under KRS 138.990 and any other applicable laws, the licensee shall be subject to the civil penalties provided for in KRS 138.775.

Section 12. Inspection. Any highway enforcement officer or state police officer may inspect the vehicle identification card, license registration, driver's log, lease, trip sheet or shipping document to determine if the vehicle is qualified to operate on the highways of the state of Kentucky. The law enforcement officer may also weigh vehicles to determine if the gross weight conforms to the licensed weight on the vehicle identification card.

Section 13. Records Disposition. The department will retain the active file of KYU tax returns for at least five (5) years. An inactive KYU license will be retained two (2) years after cancellation.

Section 14. Reinstatement of License. (1) If the carrier desires to be reinstated after cancellation, the carrier must:

(a) Prove to the department that sufficient records are being and will be maintained to file accurate Kentucky Highway Use Tax returns.
(b) Submit quarterly returns for all missed periods.
(c) Pay all taxes for missed returns plus penalties and interest.

Section 15. Licensee taxpayers, for purposes of ease in tax reporting compliance, and department administration and audit convenience, may, upon written request to the department and receipt of written permission from the department, report miles operated upon Kentucky highways on the basis of the current Household Goods Bureau mileage guide, and supplements thereto, in lieu of reporting on the basis of actual miles operated, provided, however, that such mileages are reported in respect to movements between the points and over the routes actually operated, and provided that such mileages would not result in a consistent understatement of actual miles operated on Kentucky highways.

Section 16. 601 KAR 9:072, Kentucky Highway Use License, Taxes and Records, and 601 KAR 9:072E, Kentucky Highway Use License, Taxes and Records, are hereby repealed.

JOHN A. STEPHENSON, Commissioner
ADOPTED: January 27, 1984
APPROVED: FLOYD G. POORE, Secretary
RECEIVED BY LRC: January 27, 1984 at 4 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Larry E. Moore, Assistant to the Secretary, Transportation Cabinet, 10th Floor, State Office Building, Frankfort, Kentucky 40622.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:050. Political issues committee report of receipts and expenditures.

RELATES TO: KRS 121.180(2)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Political Issues Committee Report of Receipts and Expenditures" form can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:060. Permanent committee report of receipts and expenditures.

RELATES TO: KRS 121.180(4)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Permanent Committee Report of Receipts and Expenditures" form can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:070. Report of contributions by a contributing organization.

RELATES TO: KRS 121.015(4)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Report of Contributions by a Contributing Organization" form can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:080. Waiver from filing candidate's report.

RELATES TO: KRS 121.180(8)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Waiver from Filing Report of Receipts and Expenditures for a Candidate" form can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:090. Report of an independent expenditure.

RELATES TO: KRS 121.150(1)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Report of an Independent Expenditure" form can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Registry of Election Finance

801 KAR 1:100. Unopposed candidate.

RELATES TO: KRS 121.180(7)
PURSUANT TO: KRS 13.082, 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required report," KRS 121.120(3)(a).

Section 1. "Unopposed Candidate" certificate can be obtained at the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

CHARLES BEACH, JR., Chairman
ADOPTED: December 15, 1983
APPROVED: M. H. WILSON, Secretary
RECEIVED BY LRC: January 19, 1984 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 5:022. Gas safety and service.

RELATES TO: KRS 278.485, 278.502
PURSUANT TO: KRS 13.082, 278.280(2)
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to gas utilities.

Section 1. General. (1) Scope of this regulation. This regulation prescribes minimum safety and service for natural gas utilities operating under the jurisdiction of the commission.

(a) Utilities serving customers under KRS 278.485 or other retail customers, under the jurisdiction of this commission, directly from transmission or gathering lines are exempt from the following sections of this regulation insofar as they apply to these customers:

1. Section 9, subsections (2)(b) through (f), (16) and (17);
2. Section 13, subsections (14), (15), and (16);
3. Section 14, subsection (22);
4. Section 15; and
5. Section 16.

(b) Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay consistent with the safety of its consumers and the general public. Planned interruptions shall always be preceded by adequate notice to all affected customers.

(2) Definitions. As used in this regulation:

(a) "British thermal unit (BTU)" means the quantity of heat that must be added to one (1) pound of pure water to raise its temperature from fifty-eight and one-half (58.5) degrees Fahrenheit to fifty-nine and one-half (59.5) degrees Fahrenheit at the absolute pressure of a column of pure mercury thirty (30) inches high at thirty-two (32) degrees Fahrenheit under standard gravity (43.174 ft. per sec-sec).

(b) "Commission" means the Public Service Commission.

(c) "Cubic foot of gas" means the following:

1. In cases where gas is supplied and metered to customers at the standard distribution pressure, a cubic

foot of gas shall be defined to be the volume of gas which, at the temperature and pressure existing in the meter, occupies one (1) cubic foot.

2. In cases where gas is supplied to customers through turbine, orifice or positive displacement meters at other than standard distribution pressure, a cubic foot of gas shall be defined to be that volume of gas which, at sixty (60) degrees Fahrenheit and at absolute pressure of 14.73 pounds per square inch, (thirty (30) inches of mercury), occupies one (1) cubic foot; except that in cases where different bases that are considered by the commission to be fair and reasonable are provided for in gas sales contracts or in rules or practices of a utility, such different bases shall be effective.

3. The standard cubic foot of gas for testing the gas itself for heating value shall be that volume of gas which, when saturated with water vapor and at a temperature of sixty (60) degrees Fahrenheit, and under a pressure equivalent to that of thirty (30) inches of mercury (mercury at thirty-two (32) degrees Fahrenheit, and under standard gravity) occupies one (1) cubic foot.

(d) "Customer piping" means all approved equipment and material required for natural gas service downstream from the property line except for the service tap including saddle (tapping tee) and first service valve and meter (service regulator where required).

(e) "Distribution line" means a pipeline other than a gathering or transmission line.

(f) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(g) "Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

(h) "High pressure distribution system" means a distribution system in which the gas pressure in the main is higher than the pressure provided to the customer.

(i) "Listed specification" means a specification listed in Section I of Appendix B of this regulation.

(j) "Low-pressure distribution system" means a distribution system in which the gas pressure in the main is substantially the same as the pressure provided to the customer.

(k) "Main" means a distribution line that serves as a common source of supply for more than one (1) service line.

(l) "Maximum operating pressure" means the maximum pressure that occurs during normal operations over a period of one (1) year.

(m) "Maximum allowable operating pressure" means that maximum pressure at which a pipeline or segment of a pipeline may be operated under this regulation.

(n) "Meter" means any device used for the purpose of measuring the quantity of gas delivered by a utility to a customer.

(o) "Operator" means a utility as defined in KRS 278.010.

(p) "Person" means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(q) "Pipe" means any pipe or tubing used in the transportation of gas, including pipe-type holders.

(r) "Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

(s) "Pipeline facility" means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

(t) "Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

(u) "Service line" means a distribution line that transports gas from a common source of supply to:

1. Customer meter or the connection to a customer's piping, whichever is farther downstream; or

2. The connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(v) "SMYS" means specified minimum yield strength is:

1. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

2. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with Section 3(4)(b) of this regulation.

(w) "State" means each of the several states, the District of Columbia, and the Commonwealth of Puerto Rico.

(x) "Therm" means the unit of heating value equivalent to 100,000 British thermal units.

(y) "Transmission line" means a pipeline, other than a gathering line that:

1. Transports gas from a gathering line or storage facility to a distribution center or storage facility;

2. Operates at a hoop stress of twenty (20) percent or more of SMYS; or

3. Transports gas within a storage field.

(z) "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas.

(3) Class locations. (a) The class location is determined by applying the criteria set forth in this section. The class location unit is an area that extends 220 yards on either side of the centerline of any continuous one (1) mile length of pipeline. Except as provided in paragraphs (d)2 and (f) of this section, the class location is determined by the buildings in the class location unit. For the purpose of this section, each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(b) A Class 1 location is any class location unit that has ten (10) or less buildings intended for human occupancy.

(c) A Class 2 location is any class location unit that has more than ten (10) but less than forty-six (46) buildings intended for human occupancy.

(d) A Class 3 location is:

1. Any class location unit that has forty-six (46) or more buildings intended for human occupancy; or

2. An area where the pipeline lies within 100 yards of any of the following:

a. A building that is occupied by twenty (20) or more persons during normal use.

b. A small, well-defined outside area that is occupied by twenty (20) or more persons during normal use, such as playground, recreation area, outdoor theatre, or other place of public assembly.

(e) A Class 4 location is any class location unit where buildings with four (4) or more stories above ground are prevelant.

(f) The boundaries of the class locations determined in accordance with paragraphs (a) through (e) of this section may be adjusted as follows:

1. A Class 4 location ends 220 yards from the nearest building with four (4) or more stories above ground.

2. When a cluster of buildings intended for human occupancy requires a Class 3 location, the Class 3 location ends 220 yards from the nearest building in the cluster.

3. When a cluster of buildings intended for human occupancy requires a Class 2 location, the Class 2 location ends 220 yards from the nearest building in the cluster.

(4) Incorporation by reference.

(a) Any documents or parts thereof incorporated by reference in this section are a part of this regulation as though set out in full.

(b) All incorporated documents are available for inspection in the offices of the Public Service Commission, Frankfort, Kentucky. These materials have been approved for incorporation by reference by the Legislative Research Commission. In addition, the documents are available at the addresses provided in Appendix A to this regulation.

(c) The full titles for the publications incorporated by reference in this section are provided in Appendix A to this regulation. Numbers in parentheses indicate applicable editions.

(5) Gathering lines. Each gathering line must comply with the requirements of this regulation applicable to transmission lines except as exempted in Section 1(1)a of this regulation.

(6) Petroleum gas systems.

(a) No utility may transport petroleum gas in a system that serves ten (10) or more customers, or in a system, any portion of which is located in a public place (such as a highway), unless that system meets the requirements of this regulation and of NFPA Standards No. 58 and No. 59. In the event of a conflict, the requirements of this regulation prevail.

(b) Each petroleum gas system covered by paragraph (a) of this subsection must comply with the following:

1. Above-ground structures must have open vents near the floor level.

2. Below-ground structures must have forced ventilation that will prevent any accumulation of gas.

3. Relief valve discharge vents must be located so as to prevent any accumulation of gas at or below ground level.

4. Special precautions must be taken to provide adequate ventilation where excavations are made to repair an underground system.

(c) For the purpose of this subsection, petroleum gas means propane, butane, or mixtures of these gases, other than a gas air mixture that is used to supplement supplies in a natural gas distribution system.

(7) General.

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, unless:

1. The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this regulation; or

2. The pipeline qualifies for use under this regulation in accordance with Section 1(8) of this regulation.

(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, unless that replacement, relocation, or change has been made in accordance with this regulation.

(c) Each utility shall maintain, modify as appropriate, and follow the plans, procedures and programs that it is required to establish under this regulation.

(8) Conversion to service subject to this regulation.

(a) A steel pipeline previously used in service not subject to this regulation qualifies for use under this regulation if the utility prepares and follows a written procedure to carry out the following requirements:

1. The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

2. The pipeline right-of-way, all above-ground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

3. All known unsafe defects and conditions must be corrected in accordance with this regulation.

4. The pipeline must be tested in accordance with Section 11 of this regulation to substantiate the maximum allowable operating pressure permitted by Section 13 of this regulation.

5. Each utility must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this subsection.

(9) Rules of regulatory construction.

(a) As used in this regulation:

1. "Includes" means including but not limited to.

2. "May" means "is permitted to" or "is authorized to."

3. "May not" means "is not permitted to" or "is not authorized to."

4. "Shall" is used in the mandatory and imperative sense.

(b) In this regulation:

1. Words importing the singular includes the plural;

2. Words importing the plural include the singular; and

3. Words importing the masculine gender include the feminine.

Section 2. Materials. (1) Scope. This section prescribes minimum requirements for the selection and qualification of pipe and components for use in pipelines.

(2) General. Materials for pipe and components must be:

(a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

(b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this section.

(3) Steel pipe.

(a) New steel pipe is qualified for use under this regulation if:

1. It was manufactured in accordance with a listed specification;

2. It meets the requirements of:

a. Section II of Appendix B to this regulation; or

b. If it was manufactured before November 12, 1970, either Section II or III of Appendix B to this regulation; or

3. It is used in accordance with paragraph (c) or (d) of this subsection.

(b) Used steel pipe is qualified for use under this regulation if:

1. It was manufactured in accordance with a listed specification and it meets the requirements of Section II-C of Appendix B to this regulation;

2. It meets the requirements of:
a. Section II of Appendix B to this regulation;
b. If it was manufactured before November 12, 1970, either Section II or III of Appendix B to this regulation;
3. It has been used in an existing line of the same or higher pressure and meets the requirements of Section II-C of Appendix B to this regulation; or
4. It is used in accordance with paragraph (c) of this subsection.

(c) New or used pipe may be used at a pressure resulting in a hoop stress of less than 6,000 p.s.i. where no close coiling or close bending is to be done, if visual examination indicates that that pipe is in good condition and that it is free of split seams and other defects that would cause leakage. It it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in Section II-B of Appendix B to this regulation.

(d) Steel pipe that has not been previously used may be used as replacement pipe in a segment of pipeline if it has been manufactured prior to November 12, 1970, in accordance with the same specifications as the pipe used in constructing that segment of pipeline.

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Standard 5LX.

(f) New or used pipe of unknown specifications and all used pipe, the strength of which is impaired by corrosion or other deterioration, shall be retested hydrostatically either length by length in a mill type test or in the field after installation before being placed in service, and the test pressure used shall establish the maximum allowable operating pressure.

(4) Cast iron or ductile iron pipe.

(a) New cast iron or new ductile iron pipe is qualified for use under this regulation if it has been manufactured in accordance with a listed specification.

(b) Used cast iron or used ductile iron pipe is qualified for use under this regulation if inspection shows that the pipe is sound and allows the makeup of tight joints and:

1. It has been removed from an existing pipeline that operated at the same or higher pressure; or
2. It was manufactured in accordance with a listed specification.

(5) Plastic pipe.

(a) New plastic pipe is qualified for use under this regulation if:

1. When the pipe is manufactured, it is manufactured in accordance with the latest listed edition of a listed specification, except that before March 21, 1975, it may be manufactured in accordance with any listed edition of a listed specification; and
2. It is resistant to chemicals with which contact may be anticipated.

(b) Used plastic pipe is qualified for use under this regulation if:

1. When the pipe is manufactured, it was manufactured in accordance with the latest listed edition of a listed specification, except that pipe manufactured before March 21, 1985, need only have met the requirements of any listed edition of a listed specification;
2. It is resistant to chemicals with which contact may be anticipated;
3. It has been used only in natural gas service;
4. Its dimensions are still within the tolerance of the specification to which it was manufactured; and
5. It is free of visible defects.

(c) For the purpose of paragraphs (a)1 and (b)1 of this subsection, where pipe of a diameter included in a listed specification is impractical to use, pipe of a diameter between the sizes included in a listed specification may be used if it:

1. Meets the strength and design criteria required of pipe included in that listed specification; and
2. Is manufactured from plastic compounds which meet the criteria for material required of pipe included in that listed specification.

(6) Copper pipe. Copper pipe is qualified for use under this regulation if it has been manufactured in accordance with a listed specification.

(7) Marking of materials.

(a) Except as provided in paragraph (e) of this subsection, each valve, fitting, length of pipe, and other components must be marked as prescribed in:

1. The specification or standard to which it was manufactured; or
2. MSS Standard Practice, SP-25.

(b) In addition to the requirements in paragraph (a) of this subsection, thermoplastic pipe manufactured in accordance with the 1974a or earlier listed edition of ASTM D2513 must be marked as required by section 9.2 of ASTM D2513 (1975b edition) unless the pipe was manufactured before May 18, 1978, and is installed where operating temperatures are not above thirty-eight degrees (38°) Centigrade (100°F).

(c) Surfaces of pipe and components that are subject to stress from internal pressure may not be field die stamped.

(d) If any item is marked by die stamping, the die must have blunt or rounded edges that will minimize stress concentrations.

(e) Paragraph (a) of this subsection does not apply to items manufactured before November 12, 1970, that meet all of the following:

1. The item is identifiable as to type, manufacturer, and model.
2. Specifications or standards giving pressure, temperature, and other appropriate criteria for the use of items are readily available.

(8) Transportation of pipe. In a pipeline to be operated at a hoop stress of twenty (20) percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of seventy to one (70 to 1), or more, than is transported by railroad unless:

(a) The transportation is performed in accordance with the 1972 edition of API RP5L1, except that before February 25, 1975, the transportation may have been performed in accordance with the 1967 edition of API RP5L1.

(b) In the case of pipe transported before November 12, 1970, the pipe is tested in accordance with Section 11 of this regulation to at least one and one-fourth (1.25) times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least one and one-half (1.5) times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Section 11 of this regulation, the test pressure must be maintained for at least eight (8) hours.

Section 3. Pipe Design. (1) Scope. This section prescribes the minimum requirements for the design of pipe.

(2) General. Pipe must be designed with sufficient wall thickness, or must be installed with adequate protection, to

withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

(3) Design formula for steel pipe.

(a) The design pressure for steel pipe is determined in accordance with the following formula:

$$P = (2\,St/D) \times F \times E \times T$$

P = Design pressure in pounds per square inch gauge.

S = Yield strength in pounds per square inch determined in accordance with subsection (4) of this section.

D = Nominal outside diameter of the pipe in inches.

t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with subsection (5) of this section. Additional wall thickness required for concurrent external loads in accordance with subsection (2) of this section may not be included in computing design pressure.

F = Design factor determined in accordance with subsection (6) of this section.

E = Longitudinal joint factor determined in accordance with subsection (7) of this section.

T = Temperature derating factor determined in accordance with subsection (8) of this section.

(b) If steel pipe that has been cold worked to meet the SYMS is heated, other than by welding, to 600°F or more, the design pressure is limited to seventy-five (75) percent of the pressure determined under paragraph (a) of this subsection.

(4) Yield strength (s) for steel pipe.

(a) For pipe that is manufactured in accordance with a specification listed in Section I of Appendix B of this regulation, the yield strength to be used in the design formula in subsection (3) of this section is the SMYS stated in the listed specification, if that value is known.

(b) For pipe that is manufactured in accordance with a specification not listed in Section I of Appendix B to this regulation or whose specification or tensile properties are unknown, the yield strength to be used in the design formula in subsection (3) of this section is one of the following:

1. If the pipe is tensile tested in accordance with Section II-D of Appendix B to this regulation, the lower of the following:

a. Eighty (80) percent of the average yield strength determined by the tensile tests.

b. The lowest yield strength determined by the tensile tests, but no more than 52,000 p.s.i.g.

2. If the pipe is not tensile tested as provided in paragraph (b)1 of this subsection 24,000 p.s.i.g.

(5) Nominal wall thickness (t) for steel pipe.

(a) If the nominal wall thickness for steel pipe is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one (1) end.

(b) However, if the pipe is of uniform grade, size and thickness and there are more than ten (10) lengths, only ten (10) percent of the individual lengths, but not less than ten (10) lengths, need be measured. The thickness of the lengths that are not measured must be verified by applying a gauge set to the minimum thickness found by the measurement. The nominal wall thickness to be used in the design formula in subsection (3) of this section is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness used may not be more than 1.14 times the smallest measurement taken on pipe less than twenty (20) inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe twenty (20) inches or more in outside diameter.

(6) Design factor (F) for steel pipe.

(a) Except as otherwise provided in paragraphs (b), (c) and (d) of this subsection, the design factor to be used in the design formula in subsection (3) of this section is determined in accordance with the following table:

Class Location	Design Factor (F)
1	0.72
2	0.60
3	0.50
4	0.40

(b) A design factor of six-tenths (0.60) or less must be used in the design formula in subsection (3) of this section, for steel pipe in Class 1 locations that:

1. Cross the right-of-way of an unimproved public road, without a casing;

2. Cross without a casing, or make a parallel encroachment on, the right-of-way of either a hard surfaced road, a highway, a public street, or a railroad;

3. Are supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

4. Are used in a fabricated assembly (including separators, mainline valve assemblies, cross-connections, and river crossing headers) or are used within five (5) pipe diameters in any direction from the last fitting of a fabricated assembly, other than a transition piece of an elbow used in place of a pipe bend which is not associated with a fabricated assembly.

(c) For Class 2 locations, a design factor of five-tenths (0.50) or less must be used in the design formula in subsection (3) of this section for uncased steel pipe that crosses the right-of-way of a hard surfaced road, a highway, a public street or a railroad.

(d) For Class 1 and Class 2 locations, a design factor of five-tenths (0.50) or less must be used in the design formula in subsection (3) of this section for:

1. Steel pipe in a compressor station, regulating station, or measuring station; and

2. Steel pipe, including a pipe riser, on a platform located offshore or in inland navigable waters.

(7) Longitudinal joint factor (E) for steel pipe. The longitudinal joint factor to be used in the design formula in subsection (3) of this section is determined in accordance with the following table:

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
ASTM A 134	Electric fusion arc welded	.80
ASTM A 135	Electric resistance welded	1.00
ASTM A 139	Electric fusion arc welded	.80
ASTM A 211	Spiral welded steel pipe	.80
ASTM A 333	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00

ASTM A 671	Electric fusion welded	1.00
ASTM A672	Electric fusion welded	1.00
ASTM A 691	Electric fusion welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
API 5LX	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5LS	Electric resistance welded	1.00
	Submerged arc welded	1.00
Other	Pipe over 4 inches	.80
Other	Pipe 4 inches or less	.60

If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other."

(8) Temperature derating factor (T) for steel pipe. The temperature derating factor to be used in the design formula in subsection (3) of this section is determined as follows:

Gas temperature in degrees Fahrenheit	Temperature derating factor (T)
250 or less	1.000
300	0.967
350	0.933
400	0.900
450	0.867

For intermediate gas temperatures, the derating factor is determined by interpolation.

(9) Design of cast iron pipe. Cast iron pipe must be designed in accordance with ANSI C101-67.

(10) Design of ductile iron pipe.

(a) Ductile iron pipe must be designed in accordance with ANSI A21.50 using the following values in the design equations:

s (design hoop stress) = 16,800 p.s.i.
f (design bending stress) = 36,000 p.s.i.

(b) Ductile iron pipe must be grade (60-42-10) and must conform to the requirements of ANSI A21.52.

(11) Design of plastic pipe. The design pressure for plastic pipe is determined in accordance with the following formula, subject to the limitations of subsection (12) of this section:

$$P = 2S \frac{t}{(D-t)} \times 0.32$$

P = Design pressure, gauge, kPa (psi).

S = For thermoplastic pipe the long-term hydrostatic strength determined in accordance with the listed specification at a temperature equal to 23°C (73°F), 38°C (100°F), 49°C (120°F), or 60°C (140°F): for reinforced thermosetting plastic pipe, 75,800 kPa (11,000 psig).

t = Specified wall thickness, mm (in.).

D = Specified outside diameter, mm (in.).

(12) Design limitations for plastic pipe.

(a) The design pressure may not exceed a gauge pressure of 689 kPa (100 psig) for plastic pipe used in:

1. Distribution systems; or
2. Classes 3 and 4 locations.

(b) Plastic pipe may not be used where operating temperature of the pipe will be:

1. Below minus twenty-nine degrees Centigrade (-29°C) (-20°F); or
2. In the case of thermoplastic pipe, above the temperature at which the long-term hydrostatic stength used in the design formula under subsection (11) of this section is determined, except that pipe manufactured before May 18, 1978, may be used at temperatures up to thirty-eight degrees Centigrade (38°C) (100°F); or in the case of reinforced thermosetting plastic pipe, above sixty-six degrees Centigrade (66°C) (150°F).

(c) The wall thickness for thermoplastic pipe may not be less than 1.57 millimeters (0.062 in.).

(d) The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches:	Minimum wall thickness millimeters (inches)
2	1.52 (0.060)
3	1.52 (0.060)
4	1.78 (0.070)
6	2.54 (0.100)

(13) Design of copper pipe.

(a) Copper pipe used in mains must have a minimum wall thickness 0.065 inches and must be hard drawn.

(b) Copper pipe used in service lines must have a minimum wall thickness as specified for type "L" pipe in ASTM B 88.

(c) Copper pipe used in mains and service lines may not be used at pressures in excess of 100 p.s.i.g.

(d) Copper pipe that does not have an internal corrosion resistant lining may not be used to carry gas that has an average hydrogen sulfide content of more than three-tenths (0.3) grains per 100 standard cubic feet of gas.

Section 4. Design of Pipeline Components. (1) Scope. This section prescribes minimum requirements for the design and installation of pipeline components and facilities. In addition, it prescribes requirements relating to protection against accidental over-pressuring.

(2) General requirements. Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service.

(3) Qualifying metallic components. Notwithstanding any requirement of this section which incorporates by reference an edition of a document listed in Appendix A of this regulation, a metallic component manufactured in accordance with any other edition of that document is qualified for use under this regulation if:

(a) It can be shown through visual inspection of the cleaned component that no defect exists which might im-

pair the strength or tightness of the component; and

(b) The edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in Appendix A:

1. Pressure testing;
2. Materials; and
3. Pressure and temperature ratings.

(4) Valves.

(a) Each valve must meet the minimum requirements, or the equivalent, of API 6A, API 6D, MSS SP-70, MSS SO-71, or MSS SP-78. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those standards.

(b) Each valve must be able to meet the anticipated operating conditions.

(c) No valve having shell components made of ductile iron may be used at pressures exceeding eighty (80) percent of the pressure ratings for comparable steel valves at their listed temperatures. However, a valve having shell components made of ductile iron may be used at pressures up to eighty (80) percent of the pressure ratings for comparable steel valves at their listed temperatures, if:

1. The temperature-adjusted service pressure does not exceed 1,000 p.s.i.g.; and
2. Welding is not used on any ductile iron component in the fabrication of the valve shells or their assembly.

(d) No valve having pressure containing parts made of ductile iron may be used in the gas pipe components of compressor stations.

(5) Flanges and flange accessories.

(a) General requirements. Each flange or flange accessory must meet the minimum requirements of ANSI B16.5, MSS SP-44, or ANSI B16.24, or the equivalent.

(b) Each flange assembly must be able to withstand the maximum pressure at which the pipeline is to be operated and to maintain its physical and chemical properties at any temperature to which it is anticipated that it might be subjected in service.

(6) Standard fittings.

(a) The minimum metal thickness of threaded fittings may not be less than specified for the pressures and temperatures in the applicable standards referenced in this regulation, or their equivalent.

(b) Each steel butt-welding fitting must have pressure and temperature ratings based on stresses for pipe of the same or equivalent material. The actual bursting strength of the fitting must at least equal the computed bursting strength of pipe of the designated material and wall thickness, as determined by a prototype that was tested to at least the pressure required for the pipeline to which it is being added.

(7) Tapping.

(a) Each mechanical fitting used to make a hot tap must be designed for at least the operating pressure of the pipeline.

(b) Where a ductile iron pipe is tapped, the extent of full-threaded engagement and the need for the use of outside-sealing service connections, tapping saddles, or other fixtures must be determined by service conditions.

(c) Where a threaded tap is made in cast iron or ductile iron pipe, the diameter of the tapped hole may not be more than twenty-five (25) percent of the nominal diameter of the pipe unless the pipe is reinforced, except that:

1. Existing taps may be used for replacement service, if they are free of cracks and have good threads; and
2. A one and one-fourth (1¼) inch tap may be made in a four (4) inch cast iron or ductile iron pipe, without reinforcement.

However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, unreinforced taps may be used only on six (6) inch or larger pipes.

(8) Components fabricated by welding.

(a) Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of Section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designed, constructed, and tested in accordance with ASME Boiler and Pressure Vessel Code, except for the following:

1. Regularly manufactured butt-welding fittings.
2. Pipe that has been produced and tested under a specification listed in Appendix B to this part.
3. Partial assemblies such as split rings or collars.
4. Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

(c) Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of twenty (20) percent or more of the SMYS of the pipe.

(d) Except for flat closures designed in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, flat closures and fish tails may not be used on pipe that either operates at 100 p.s.i.g., or more, or is more than three (3) inches nominal diameter.

(9) Welded branch connections. Each welded branch connection made to pipe in the form of a single connection, or in a header or manifold as a series of connections, must be designed to ensure that the strength of the pipeline system is not reduced, taking into account the stresses in the remaining pipe wall due to the opening in the pipe or header, the shear stresses produced by the pressure acting on the area of the branch opening, and any external loadings due to thermal movement, weight, and vibration.

(10) Extruded outlets. Each extruded outlet must be suitable for anticipated service conditions and must be at least equal to the design strength of the pipe and other fittings in the pipeline to which it is attached.

(11) Flexibility. Each pipeline must be designed with enough flexibility to prevent thermal expansion or contraction from causing excessive stresses in the pipe or components, excessive bending or unusual loads at joints, or undesirable forces or moments at points of connection to equipment, or at anchorage or guide points.

(12) Supports and anchors.

(a) Each pipeline and its associated equipment must have enough anchors or supports to:

1. Prevent undue strain on connected equipment;
2. Resist longitudinal forces caused by a bend or offset in the pipe; and
3. Prevent or damp out excessive vibration.

(b) Each exposed pipeline must have enough supports or anchors to protect the exposed pipe joints from the maximum end force caused by internal pressure and any additional forces caused by temperature expansion or contraction or by the weight of the pipe and its contents.

(c) Each support or anchor on an exposed pipeline must be made of durable, noncombustible material and must be designed and installed as follows:

1. Free expansion and contraction of the pipeline between supports or anchors may not be restricted.
2. Provision must be made for the service conditions involved.
3. Movement of the pipeline may not cause disengagement of the support equipment.

(d) Each support on an exposed pipeline operated at a stress level of fifty (50) percent or more of SMYS must comply with the following:

1. A structural support may not be welded directly to the pipe.
2. The support must be provided by a member that completely encircles the pipe.
3. If an encircling member is welded to a pipe, the weld must be continuous and cover the entire circumference.

(e) Each underground pipeline that is connected to a relatively unyielding line or other fixed object must have enough flexibility to provide for possible movement, or it must have an anchor that will limit the movement of the pipeline.

(f) Each underground pipeline that is being connected to new branches must have a firm foundation for both the header and the branch to prevent lateral and vertical movement.

(13) Compressor stations: design and construction.

(a) Location of compressor building. Except for a compressor building on a platform in inland navigable waters, each main compressor building of a compressor station must be located on property under the control of the operator. It must be far enough away from adjacent property, not under control of the operator, to minimize the possibility of fire being communicated to the compressor building from structures on adjacent property. There must be enough open space around the main compressor building to allow the free movement of fire-fighting equipment.

(b) Building construction. Each building on a compressor station site must be made of noncombustible materials if it contains either:

1. Pipe more than two (2) inches in diameter that is carrying gas under pressure; and
2. Gas handling equipment other than gas utilization equipment used for domestic purposes.

(c) Exits. Each operating floor of a main compressor building must have at least two (2) separated and unobstructed exits located so as to provide a convenient possibility of escape and an unobstructed passage to a place of safety. Each door latch on an exit must be of a type which can be readily opened from the inside without a key. Each swinging door located in an exterior wall must be mounted to swing outward.

(d) Fenced areas. Each fence around a compressor station must have at least two (2) gates located so as to provide a convenient opportunity for escape to a place of safety, or have other facilities affording a similarly convenient exit from the area. Each gate located within 200 feet of any compressor plant building must open outward and, when occupied, must be openable from the inside without a key.

(e) Electrical facilities. Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, NFPA-70(ANSI), so far as that code is applicable.

(f) Air piping system:

1. All air piping within gas compressing stations shall be constructed in accordance with Section 2 of the USAS B31.1 Code for Pressure Piping.
2. The starting air pressure, storage volume and size of connection piping shall be adequate to rotate the engine at the cranking speed and for the number of revolutions necessary to purge the fuel gas from the powr cylinder and muffler. The recommendations of the engine manufacturer may be used as a guide in determining these factors. Consideration should be given to the number of engines installed and to the possibility of having to start several of these engines within a short period of time.
3. A check valve shall be installed in the starting air line near each engine to prevent backflow from the engine into the piping system. A check valve shall also be placed in the main air line on the immediate outlet side of the air tank or tanks. It is recommended that equipment for cooling the air and removing the moisture and entrained oil be installed between the starting air compressor and the air storage tanks.
4. Suitable provision shall be made to prevent starting air from entering the power cylinders of an engine and activating moving parts while work is in progress on the engine or on equipment driven by the engines. Acceptable means of accomplishing this are installation of a blind flange, removal of a portion of the air supply piping or locking closed a stop valve and locking open a vent downstream from it.

(g) Air receivers. Air receivers or air storage bottles, for use in compressor stations, shall be constructed and equipped in accordance with Section VIII, Unfired Pressure Vessels, of the ASME Boiler and Pressure Vessel Code.

(h) Lubricating oil piping. All lubricating oil piping with gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B 31.3

(i) Water and steam piping. All water and steam piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Power Piping, USAS B31.0.0.

(j) Hydraulic piping. All hydraulic power piping within gas compressing stations shall be constructed in accordance with USA Standard Code for Pressure Piping, Petroleum Refinery Piping, USAS B31.3.

(14) Compressor stations: liquid removal.

(a) Where entrained vapors in gas may liquefy under the anticipated pressure and temperature conditions, the compressor must be protected against the introduction of those liquids in quantities that could cause damage.

(b) Each liquid separator used to remove entrained liquids at a compressor station must:

1. Have a manually operable means of removing these liquids.
2. Where slugs of liquid could be carried into the compressors, have either automatic liquid removal facilities, an automatic compressor shutdown device, or a high liquid level alarm; and
3. Be manufactured in accordance with Section VIII of the ASME Boiler and Pressure Vessel Code, except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of four-tenths (0.4) or less.

(15) Compressor stations: emergency shutdown.

(a) Except for unattended field compressor stations of 1,000 horsepower or less, each compressor station must have an emergency shutdown system that meets the following:

1. It must be able to block gas out of the station and blow down the station piping.
2. It must discharge gas from the blowdown piping at a location where the gas will not create a hazard.
3. It must provide means for the shutdown of gas compressing equipment, gas fires, and electrical facilities in the

vicinity of gas headers and in the compressor building, except, that:

a. Electric circuits that supply emergency lighting required to assist station personnel in evacuating the compressor building and the area in the vicinity of the gas headers must remain energized; and

b. Electrical circuits needed to protect equipment from damage may remain energized.

4. It must be operable from at least two (2) locations, each of which is:

a. Outside the gas area of the station;

b. Near the exit gates, if the station is fenced; or near emergency exits, if not fenced; and

c. Not more than 500 feet from the limits of the stations.

(b) If a compressor station supplies gas directly to a distribution system with no other adequate source of gas available, the emergency shutdown system must be designed so that it will not function at the wrong time and cause an unintended outage on the distribution system.

(c) On a platform located in inland navigable waters, the emergency shutdown system must be designed and installed to actuate automatically by each of the following events:

1. In the case of an unattended compressor station:

a. When the gas pressure equals the maximum allowable operating pressure plus fifteen (15) percent; or

b. When an uncontrolled fire occurs on the platform; and

2. In the case of a compressor station in a building:

a. When an uncontrolled fire occurs in the building; or

b. When the concentration of gas in air reaches fifty (50) percent or more of the lower explosive limit in a building which has a source of ignition.

For the purpose of paragraph (c)2b of this subsection, an electrical facility which conforms to Class 1, Group D of the National Electrical Code is not a source of ignition.

3. All emergency valves and controls shall be identified by signs. All important gas pressure piping shall be identified by signs or color codes as to their function.

(16) Compressor stations: pressure limiting devices.

(a) Each compressor station must have pressure relief or other suitable protective devices of sufficient capacity and sensitivity to ensure that the maximum allowable operating pressure of the station piping and equipment is not exceeded by more than ten (10) percent.

(b) Each vent line that exhausts gas from the pressure relief valve of a compressor station must extend to a location where the gas may be discharged without hazard.

(17) Compressor stations: additional safety equipment.

(a) Each compressor station must have adequate fire protection facilities. If fire pumps are a part of these facilities, their operation may not be affected by the emergency shutdown system.

(b) Each compressor station prime mover, other than an electrical induction or synchronous motor, must have an automatic device to shut down the unit before the speed of either the prime mover or the driven unit exceeds maximum safe speed.

(c) Each compressor unit in a compressor station must have a shutdown or alarm device that operates in the event of inadequate cooling or lubrication of the unit.

(d) Each compressor station gas engine that operates with pressure gas injection must be equipped so that stoppage of the engine automatically shuts off the fuel and vents the engine distribution manifold.

(e) Each muffler for a gas engine in a compressor station must have vent slots or holes in the baffles of each compartment to prevent gas from being trapped in the muffler.

(f) All fuel gas lines within a compressor station, serving the various buildings and residential areas, shall be provided with master shut-off valves located outside of any building or residential area.

(18) Compressor stations: ventilation. Each compressor station building must be ventilated to ensure that employees are not endangered by the accumulation of gas in rooms, sumps, attics, pits, or other enclosed places.

(19) Pipe-type and bottle-type holders.

(a) Each pipe-type and bottle-type holder must be designed so as to prevent the accumulation of liquids in the holder, in connecting pipe, or in auxiliary equipment, that might cause corrosion or interfere with the safe operation of the holder.

(b) Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula:

$$C = (3D \times P \times F)/1{,}000$$

in which:

C = Minimum clearance between pipe containers or bottles in inches.

D = Outside diameter of pipe containers or bottles in inches.

P = Maximum allowable operating pressure, p.s.i.g.

F = Design factor as set forth in Section 3(6) of this regulation.

(20) Additional provisions for bottle-type holders.

(a) Each bottle-type holder must be:

1. Located on a storage site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fences as follows:

Maximum allowable operating pressure	Minimum clearance (feet)
Less than 1,000 p.s.i.g.	25
1,000 p.s.i.g. or more	100

2. Designed using the design factors set forth in Section 3(6) of this regulation; and

3. Buried with a minimum cover in accordance with Section 7(13) of this regulation.

(b) Each bottle-type holder manufactured from steel that is not weldable under field conditions must comply with the following:

1. A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in either API Standard 5A or ASTM A 372.

2. The actual yield-tensile ratio of the steel may not exceed 0.85.

3. Welding may not be performed on the holder after it has been heat treated or stress relieved, except that copper wires may be attached to the small diameter portion of the bottle end closure for cathodic protection if a localized thermit welding process is used.

4. The holder must be given a mill hydrostatic test at a pressure that procuces a hoop stress at least equal to eighty-five (85) percent of the SMYS.

5. The holder, connection pipe, and components must be leak tested after installation as required by Section 11 of this regulation.

(21) Transmission line valves.

(a) Each transmission line must have sectionalizing block valves spaced as follows:

1. Each point on the pipeline in a Class 4 location must be within two and one-half (2½) miles of a valve.

2. Each point on the pipeline in a Class 3 location must be within four (4) miles of a valve.

3. Each point on the pipeline in a Class 2 location must be within seven and one-half (7½) miles of a valve.

4. Each point on the pipeline in a Class 1 location must be within ten (10) miles of a valve.

(b) Each sectionalizing block valve on a transmission line must comply with the following:

1. The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage.

2. The valve must be supported to prevent settling of the valve or movement of the pipe to which it is attached.

(c) Each section of a transmission line between main line valves must have a blow-down valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blow-down discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

(22) Distribution line valves.

(a) Each high-pressure distribution system must have valves spaced so as to reduce the time to shut down a section of main in an emergency. The valve spacing is determined by the operating pressure, the size of the mains, and the local physical conditions.

(b) Each valve on a main installed for operating or emergency purposes must comply with the following:

1. The valve must be placed in a readily accessible location so as to facilitate its operation in an emergency.

2. The operating stem or mechanism must be readily accessible.

3. If the valve is installed in a buried box or enclosure, the box or enclosure must be installed so as to avoid transmitting external loads to the main.

(23) Valves at regulator stations.

(a) Each regulator station controlling the flow or pressure of gas in a distribution system must have a valve installed on the inlet piping at a distance from the regulator station sufficient to permit the operation of the valve during an emergency that might preclude access to the station.

(b) Exterior shut-off valves shall be installed on all lines entering and leaving regulator stations for use in an emergency to stop the flow of gas. Such valves shall be installed at an accessible point and location where they can be operated in case of an emergency.

1. The exterior shut-off valves must be located a minimum of forty (40) feet from the regulator station if the inlet pressure to the station is 100 p.s.i.g. or less. The valve shall be located a minimum of 100 feet from the regulator station if the inlet pressure is more than 100 p.s.i.g.

2. A check valve may be used in lieu of an exterior shut-off valve on the downstream piping if located a minimum of forty (40) feet from the regulator station.

3. The exterior shut-off valve may be a sectionalizing valve.

4. All exterior shut-off valves shall be inspected and partially operated at intervals not to exceed fifteen (15) months; but at least once each calendar year.

(24) Vaults: structural design requirements.

(a) Each underground vault or pit for valves, pressure relieving, pressure limiting, or pressure regulating stations must be able to meet the loads which may be imposed upon it, and to protect installed equipment.

(b) There must be enough working space so that all of the equipment required in the vault or pit can be properly installed, operated, and maintained.

(c) Each pipe entering, or within, a regulator vault or pit must be steel for sizes ten (10) inches, and less, except that control and gauge piping may be copper. Where pipe extends through the vault or pit structure, provision must be made to prevent the passage of gasses or liquids through the opening and to avert strains in the pipe.

(d) Vault or pit openings shall be located so as to minimize the hazards of tools or other objects falling upon the regulator, piping or other equipment. The control piping and the operating parts of the equipment installed shall not be located under a vault or pit opening where workmen can step on them when entering or leaving the vault or pit, unless such parts are suitably protected.

(e) Whenever a vault or pit opening is to be located above equipment which could be damaged by a falling cover, a circular cover should be installed or other suitable precautions taken.

(25) Vaults: accessibility. Each vault must be located in an accessible location, so far as practical, away from:

(a) Street intersections or points where traffic is heavy or dense;

(b) Points of minimum elevation, catch basins, or places where the access cover will be in the course of surface waters; and

(c) Water, electric, steam, or other facilities.

(26) Vaults: sealing, venting, and ventilation. Each underground vault or closed top pit containing either a pressure regulating or reducing station, or a pressure limiting or relieving station, must be sealed, vented or ventilated, as follows:

(a) When the internal volume exceeds 200 cubic feet:

1. The vault or pit must be ventilated with two (2) ducts, each having at least the ventilating effect of a pipe four (4) inches in diameter;

2. The ventilation must be enough to minimize the formation of combustible atmosphere in the vault or pit; and

3. The ducts must be high enough above grade to disperse any gas-air mixtures that might be discharged.

(b) When the internal volume is more than seventy-five (75) cubic feet but less than 200 cubic feet:

1. If the vault or pit is sealed, each opening must have a tight fitting cover without open holes through which an explosive mixutre might be ignited, and there must be a means for testing the internal atmosphere before removing the cover.

2. If the vault or pit is vented, there must be a means of preventing external sources of ignition from reaching the vault atmosphere; or

3. If the vault or pit is ventilated, paragraph (a) or (c) of this subsection applies.

(c) If a vault or pit covered by paragraph (b) of this subsection is ventilated by openings in the covers or gratings and the ratio of the internal volume, in cubic feet, to the effective ventilating area of the cover or grating, in square feet, is less than twenty to one (20 to 1), no additional ventilation is required.

(27) Vaults: drainage and waterproofing.

(a) Each vault must be designed so as to minimize the entrance of water.

(b) A vault containing gas piping may not be connected by means of a drain connection to any other underground structure.

(c) All electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, ANSI Standard C1.

(28) Design pressure of plastic fittings.

(a) Thermosetting fittings for plastic pipe must conform to ASTM D 2517.

(b) The design pressure of acrylonitrile-butadiene-styrene (ABS) and polyvinyl chloride (PVC) Schedule 40 and 80 thermoplastic fittings must be obtained from the following table:

Design Pressure of Thermoplastic Fittings
PSIG of Various Strengths, Materials and Class Locations

Size inches	Schedule	ABS Type I and PVC Type II class location			PVC Type I class location		
	Class Location	1	2 and3	4	1	2 and 3	4
½	40	100	100	100	100	100	100
	80	100	100	100	100	100	100
¾	40	100	100	96	100	100	100
	80	100	100	100	100	100	100
1	40	100	100	90	100	100	100
	80	100	100	100	100	100	100
1¼	40	100	92	74	100	100	100
	80	100	100	100	100	100	100
1½	40	100	83	66	100	100	100
	80	100	100	94	100	100	100
2	40	89	69	55	100	100	100
	80	100	100	81	100	100	100
2½	40	99	76	61	100	100	100
	80	100	100	85	100	100	100
3	40	84	66	53	100	100	100
	80	100	94	75	100	100	100
3½	40	77	60	48	100	100	96
	80	100	86	69	100	100	100
4	40	71	56	44	100	100	89
	80	100	81	65	100	100	100
5	40	62	49	39	100	97	78
	80	93	72	58	100	100	100
6	40	56	44	35	100	88	71
	80	89	70	56	100	100	100

NOTE: These pressure ratings are the same value as the design pressure of the corresponding pipe size and schedule in the same class location, as determined by the formula given in Section 3(11) and the limitations in Section 3(12) of this regulation.

(29) Valve installation in plastic pipe. Each valve installed in plastic pipe must be designed so as to protect the plastic material against excessive torsional or shearing loads when the valve or shut-off is operated, and from any other secondary stresses that might be exerted through the valve or its enclosures.

(30) Protection against accidental overpressuring:

(a) General requirements. Except as provided in subsection (31) of this section, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of subsections (32) and (33) of this section.

(b) Additional requirements for distribution systems. Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must:

1. Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operations of the system, and that could be activated in the event of failure of some portion of the system; and

2. Be designed so as to prevent accidental overpressuring.

(31) Control of the pressure of gas delivered from high-pressure distribution systems.

(a) If the maximum actual operating pressure of the distribution system is under 60 p.s.i.g. and a service regulator having the following characteristics is used, no other pressure limiting device is required:

1. A regulator capable of reducing distribution line pressure to pressures recommended for household appliances.

2. A single port valve with proper orifice for the maximum gas pressure at the regulator inlet.

3. A valve seat made of resilient material designed to withstand abrasion of the gas, impurities in the gas, cutting by the valve, and to resist permanent deformation when it is pressed against the valve port.

4. Pipe connections to the regulator not exceeding two (2) inches in diameter.

5. A regulator that, under normal operating conditions, is able to regulate the downstream pressure within the necessary limits of accuracy and to limit the build-up of pressure under no-flow conditions to prevent a pressure that would cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

6. A self-contained service regulator with no external static or control lines.

(b) If the maximum actual operating pressure of the distribution system is sixty (60) p.s.i.g., or less, and a service regulator that does not have all of the characteristics listed in paragraph (a) of this subsection is used, or if the gas contains materials that seriously interfere with the operation of service regulators, there must be suitable protective devices to prevent unsafe overpressuring of the customer's appliances if the service regulator fails.

(c) If the maximum actual operating pressure of the distribution system exceeds sixty (60) p.s.i.g., one (1) of the following methods must be used to regulate and limit, to the maximum safe value, the pressure of gas delivered to the customer:

1. A service regulator having the characteristics listed in paragraph (a) of this subsection, and another regulator located upstream from the service regulator. The upstream regulator may not be set to maintain a pressure higher than

sixty (60) p.s.i.g. A device must be installed between the upstream regulator and the service regulator to limit the pressure on the inlet of the service regulator to sixty (60) p.s.i.g. or less in case the upstream regulator fails to function properly. This device may be either a relief valve or an automatic shut-off that shuts, if the pressure on the inlet of the service regulator exceeds the set pressure (sixty (60) p.s.i.g. or less), and remains closed until manually reset.

2. A service regulator and a monitoring regulator set to limit, to a maximum safe value, the pressure of the gas delivered to the customer.

3. A service regulator with a relief valve vented to the outside atmosphere, with the relief valve set to open so that the pressure of gas going to the customer does not exceed a maximum safe value. The relief valve may either be built into the service regulator or it may be a separate unit installed downstream from the service regulator. This combination may be used alone only in those cases where the inlet pressure on the service regulator does not exceed the manufacturer's safe working pressure rating of the service regulator, and may not be used where the inlet pressure on the service regulator exceeds 125 p.s.i.g. For higher inlet pressure, the methods in paragraph (c)1 or 2 of this subsection must be used.

4. A service regulator and an automatic shut-off device that closes upon a rise in pressure downstream from the regulator and remains closed until manually reset.

(32) Requirements for design of pressure relief and limiting devices. Except for rupture discs, each pressure relief or pressure limiting device must:

(a) Be constructed of materials such that the operation of the device will not be impaired by corrosion;

(b) Have valves and valve seats that are designed not to stick in a position that will make the device inoperative;

(c) Be designed and installed so that it can be readily operated to determine if the valve is free, can be tested to determine the pressure at which it will operate, and can be tested for leakage when in the closed position;

(d) Have support made of noncombustible material;

(e) Have discharge stacks, vents, or outlet ports designed to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard;

(f) Be designed and installed so that the size of the openings, pipe, and fittings located between the system to be protected and the pressure relieving device, and the size of the vent line, are adequate to prevent hammering of the valve and to prevent impairment of relief capacity;

(g) Where installed at a district regulator station to protect a pipeline system from overpressuring, be designed and installed to prevent any single incident such as an explosion in a vault or damage by a vehicle from affecting the operation of both the overpressure protective device and the district regulator; and

(h) Except for a valve that will isolate the system under protection from its source of pressure, be designed to prevent unauthorized operation of any stop valve that will make the pressure relief valve or pressure limiting device inoperative.

(33) Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:

1. In a low pressure distribution system, the pressure may not cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

2. In pipelines other than a low pressure distribution system:

a. If the maximum allowable operating pressure is sixty (60) p.s.i.g. or more, the pressure may not exceed the maximum allowable operating pressure plus ten (10) percent, or the pressure that produces a hoop stress of seventy-five (75) percent of SMYS, whichever is lower.

b. If the maximum allowable operating pressure is twelve (12) p.s.i.g. or more, but less than sixty (60) p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus six (6) p.s.i.g.; or

c. If the maximum allowable operating pressure is less than twelve (12) p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus fifty (50) percent.

(b) When more than one (1) pressure regulating or compressor station feeds into a pipeline, relief valves or other protective devices must be installed at each station to ensure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors in that station, will not impose pressure on any part of the pipeline or distribution system in excess of those for which it was designed, or against which it was protected, whichever is lower.

(c) Relief valves or other pressure limiting devices must be installed at or near each regulator station in a low-pressure distribution system, with a capacity to limit the maximum pressure in the main to a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilitization equipment.

(34) Instrument, control and sampling pipe and components.

(a) Applicability. This subsection applies to the design of instrument, control, and sampling pipe and components. It does not apply to permanently closed systems, such as fluid-filled temperature-responsive devices.

(b) Materials and design. All materials employed for pipe and components must be designed to meet the particular conditions of service and the following:

1. Each takeoff connection and attaching boss, fitting, or adapter must be made of suitable material, be able to withstand the maximum service pressure and temperature of the pipe or equipment to which it is attached, and be designed to satisfactorily withstand all stresses without failure by fatigue.

2. A shut-off valve must be installed in each takeoff line as near as practicable to the point of takeoff. Blowdown valves must be installed where necessary.

3. Brass or copper material may not be used for metal temperatures greater than 400 degrees Fahrenheit.

4. Pipe or components that may contain liquids must be protected by heating or other means from damage due to freezing.

5. Pipe or components in which liquids may accumulate must have drains or drips.

6. Pipe or components subject to clogging from solids or deposits must have suitable connections for cleaning.

7. The arrangement of pipe, components, and supports must provide safety under anticipated operating stresses.

8. Each joint between sections of pipe, and between pipe and valves or fittings, must be made in a manner suitable for the anticipated pressure and temperature condition. Slip type expansion joints may not be used. Expansion must be allowed for by providing flexibility within the system itself.

9. Each control line must be protected from anticipated causes of damage and must be designed and installed to prevent damage to any one (1) control line from making

both the regulator and the over-pressure protective device inoperative.

Section 5. Welding of Steel in Pipelines. (1) Scope.

(a) This subsection prescribes minimum requirements for welding steel materials in pipelines.

(b) This subsection does not apply to welding that occurs during the manufacture of steel pipe or steel pipeline components.

(2) General.

(a) Welding must be performed in accordance with established written welding proceduress that have been qualified under subsection (3) of this section to produce sound, ductile welds.

(b) Welding must be performed by welders who are qualified under subsections (4) and (5) of this section for the welding procedure to be used.

(3) Qualification of welding procedures.

(a) Each welding procedure must be qualified under Section IX of the ASME Boiler and Pressure Vessel Code or Section 2 of API Standard 1104, whichever is appropriate to the function of the weld, except that a welding procedure qualified under an earlier edition previously listed in Appendix A may continue to be used but may not be requalified under the earlier edition.

(b) When a welding procedure is being qualified under Section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification of welding procedures:

1. Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

2. Carbon steels that have a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) or less.

3. Alloy steel with weldability characteristics that have been shown to be similar to the carbon steels listed in paragraph (b)1 and 2 of this subsection. Alloy steels and carbon steels that are not covered by paragraph (b)1, 2 or 3 of this subsection require separate qualification of procedures for each individual pipe specification in accordance with Sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and followed whenever the procedure is used.

(4) Qualification of welders.

(a) Except as provided in paragraph (c) of this subsection, each welder must be qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code or Section 3 of API Standard 1104. However, a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

1. Section IX of the 1974 edition of the ASME Boiler and Pressure Vessel Code or, if qualified before July 1, 1976, the 1968 edition, except that a welder may not requalify under the 1968 edition.

2. The following editions of Section 3 of API Standard 1104:

a. The 1973 edition, except that a welder may be qualified by radiography under subsection 3.51 without regard for the standards in subsection 6.9 for depth of undercutting adjacent to the root bead unless that depth is visually determined by use of a depth measuring device on all undercutting along the entire circumference of the weld; or

b. If a welder is qualified before March 20, 1975, the 1968 edition, except that a welder may not requalify under the 1968 edition.

(b) When a welder is being qualified under Section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification:

1. Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

2. Carbon steels that have a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) or less.

3. Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in paragraphs (b)1 and 2 of this subsection. Alloy steels and carbon steels that are not covered by paragraphs (b)1, 2 or 3 of this subsection require separate qualification of welders for each individual pipe specification in accordance with Sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than twenty (20) percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in Section I of Appendix C to this regulation. A welder who makes welded service line connections to mains must also perform an acceptable test well under Section II of Appendix C to this regulation as a part of his qualifying test. After initial qualification, a welder may not perform welding unless:

1. Within the preceding fifteen (15) calendar months, the welder has requalifed, except that the welder must requalify at least once each calendar year; or

2. Within the preceding seven and one-half (7½) calendar months, but at least twice each calendar year, the welder has had:

a. A production weld cut out, tested and found acceptable in accordance with the qualifying test; or

b. For welders who work only on service lines two (2) inches or smaller in diameter, two (2) sample welds tested and found acceptable in accordance with the test in Section III of Appendix C to this regulation.

(5) Limitations on welders.

(a) No welder whose qualification is based on nondestructive testing may weld compressor station pipe and components.

(b) No welder may weld with a particular welding process unless, within the preceding six (6) calendar months, he has engaged in welding with that process.

(c) A welder qualified under subsection (4)(a) of this section may not weld unless, within the preceding six (6) calendar months, the welder has had one (1) weld tested and found acceptable under Section 3 or 6 of API Standard 1104, except that a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

(6) Protection from weather. The welding operation must be protected from weather conditions that would impair the quality of the completed weld.

(7) Miter joints.

(a) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of thirty (30) percent or more of SMYS may not deflect the pipe more than three degrees (3°).

(b) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of less than thirty (30) percent but more than ten (10) percent of SMYS may not

deflect the pipe more than twelve and one-half degrees (12½°) and must be a distance equal to one (1) pipe diameter or more away from any other miter joint, as measured from the crotch of each joint.

(c) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of ten (10) percent or less of SMYS may not deflect the pipe more than ninety degrees (90°).

(8) Preparation for welding. Before beginning any welding, the welding surfaces must be clean and free of any material, that may be detrimental to the weld, and the pipe or component must be aligned to provide the most favorable condition for depositing the root bead. This alignment must be preserved while the root bead is being deposited.

(9) Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) must be preheated for welding.

(b) Carbon steel that has a lower carbon content or carbon equivalent than the steels covered by paragraph (a) of this subsection must be preheated for welding when preheating will alleviate existing conditions that would limit the welding technique or tend to adversely affect the quality of the weld.

(c) When steel materials with different preheat temperatures are being preheated for welding, the higher temperature must be used.

(d) Preheat temperature must be monitored to ensure that the required preheat temperature is reached before, and maintained during, the welding operation.

(10) Stress relieving.

(a) Except as provided in paragraph (f) of this subsection, each weld on carbon steel that has a carbon content in excess of 0.32 percent (heat anlysis) or a carbon equivalent (C + ¼ Mn) in excess of 0.65 percent (heat analysis) must be stress relieved as prescribed in Section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Except as provided in paragraph (f) of this subsection, each weld on carbon steel that has a carbon content of less than 0.32 percent (heat analysis) or a carbon equivalent (C + ¼ Mn) of less than 0.65 percent (heat analysis) must be thermally stress relieved when conditions exist which cool the weld at a rate detrimental to the quality of the weld.

(c) Except as provided in paragraph (f) of this subsection, each weld on carbon steel pipe with a wall thickness of more than one and one-fourth (1¼) inches must be stress relieved.

(d) When a weld connects pipe or components that are of different thickness, the wall thickness to be used in determining whether stress relieving is required under this section is:

1. In the case of pipe connections, the thicker of the two (2) pipes joined; or

2. In the case of branch connections, slip-on flanges, or socket weld fittings, the thickness of the pipe run or header.

(e) Each weld of different materials must be stress relieved, if either material requires stress relieving under this section.

(f) Notwithstanding paragraphs (a), (b), and (c) of this subsection, stress relieving is not required for the following:

1. A fillet or groove weld one-half (½) inch, or less, in size (leg) that attaches a connection two (2) inches, or less, in diameter; or

2. A fillet or groove weld three-eighths (3/8) inch, or less, in groove size that attaches a supporting member or other nonpressure attachment.

(g) Stress relieving required by this section must be performed at a temperature of at least 1,100 degrees Fahrenheit for carbon steels and at least 1,200 degrees Fahrenheit for ferritic alloy steels. When stress relieving a weld between steel materials with different stress relieving temperatures, the higher temperature must be used.

(h) When stress relieving, the temperature must be monitored to ensure that a uniform temperature is maintained and that the proper stress relieving cycle is accomplished.

(11) Inspection and test of welds.

(a) Visual inspection of welding must be conducted to insure that:

1. The welding is performed in accordance with the welding procedure; and

2. The weld is acceptable under paragraph (c) of this subsection.

(b) The welds on a pipeline to be operated at a pressure that produces a hoop stress of twenty (20) percent or more of SMYS must be nondestructively tested in accordance with subsection (12) of this section, except that welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if:

1. The pipe has a nominal diameter of less than six (6) inches; or

2. The pipeline is to be operated at a pressure that produces a hoop stress of less than forty (40) percent of SMYS and the welds are so limited in number that nondestructive testing is impractical.

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 6 of API Standard 1104.

(12) Nondestructive testing.

(a) Nondestructive testing of welds must be performed by any process, other than trepanning, that will clearly indicate defects that may affect the integrity of the weld.

(b) Nondestructive testing of welds must be performed:

1. In accordance with written procedures; and

2. By persons who have been trained and qualified in the established procedures and with the equipment employed in testing.

(c) Procedures must be established for the proper interpretation of each nondestructive test of a weld to ensure the acceptability of the weld under subsection (11)(c) of this section.

(d) When nondestructive testing is required under subsection (11)(b) of this section, the following percentages of each day's field butt welds, selected at random by the operator, must be nondestructively tested over their entire circumference:

1. In Class 1 locations, at least ten (10) percent.

2. In Class 2 locations, at least fifteen (15) percent.

3. In Class 3 and Class 4 locations, at crossings of major or navigable rivers, and offshore, 100 percent if practicable, but not less than ninety (90) percent.

4. Within railroad or public highway rights-of-way, including tunnels, bridges and overhead road crossings, and at pipeline tie-ins, 100 percent.

(e) Except for a welder whose work is isolated from the principal welding activity, a sample of each welder's work for each day must be nondestructively tested, when nondestructive testing is required under subsection (11)(b) of this section.

(f) When nondestructive testing is required under subsection (11)(b) of this section, each operator must re-

tain, for the life of the pipeline, a record showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected, and the disposition of the rejects.

(13) Repair or removal of defects.

(a) Each weld that is unacceptable under Section 5(11)(c) of this regulation must be removed or repaired. A weld must be removed if it has a crack that is more than eight (8) percent of the weld length.

(b) Each weld that is repaired must have the defect removed down to sound metal and the segment to be repaired must be preheated if conditions exist which would adversely affect the quality of the weld repair. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability.

(c) Repair of a crack, or of any defect in a previously repaired area, must be in accordance with written weld repair procedures that have been qualified under subsection (3) of this section. Repair procedures must provide that the minimum mechanical properties specified for the welding procedure used to make the original weld are met upon completion of the final weld repair.

Section 6. Joining of Materials Other Than by Welding.

(1) Scope.

(a) This section prescribes minimum requirements for joining materials in pipelines, other than by welding.

(b) This section does not apply to joining during the manufacture of pipe or pipeline components.

(2) General.

(a) The pipeline must be designed and installed so that each joint will sustain the longitudinal pullout or thrust forces caused by contraction or expansion of the piping or by anticipated external or internal loading.

(b) Each joint must be made in accordance with written procedures that have been proven by test or experience to produce strong gas-tight joints.

(c) Each joint must be inspected to insure compliance with this subsection.

(3) Cast iron pipe.

(a) Each caulked bell and spigot joint in cast iron pipe must be sealed with mechanical leak clamps.

(b) Each mechanical joint in cast iron pipe must have a gasket made of a resilient material as the sealing medium. Each gasket must be suitably confined and retained under compression by a separate gland or follower ring.

(c) Cast iron pipe may not be joined by threaded joints.

(d) Cast iron pipe may not be joined by brazing.

(e) Each flange on a flanged joint in cast iron pipe must conform in dimensions and drilling to ANSI Standard B16.1 and be cast integrally with the pipe, valve, or fitting.

(4) Ductile iron pipe.

(a) Each mechanical joint in ductile iron pipe must conform to ANSI Standard A21.52 and ANSI Standard A21.11.

(b) Ductile iron pipe may not be joined by threaded joints.

(c) Ductile iron pipe may not be joined by brazing.

(5) Copper pipe.

(a) Copper pipe may not be threaded, except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of standard wall pipe, as defined in ANSI Standard B36.10.

(b) Copper pipe shall be joined by using either a compression type coupling or a brazed or soldered lap joint. The fillet material used for brazing shall be a copper-phosphorus alloy or silver base alloy. Butt welds are not permissible for joining copper pipe or tubing. Connections using a copper or cast bronze service line tee or extension fitting sweat-brazed to the copper main, are recommended for service line connections to copper mains.

(6) Plastic pipe.

(a) General. A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has properly set. Plastic pipe may not be joined by a threaded joint or miter joint.

(b) Solvent cement joints. Each solvent cement joint on plastic pipe must comply with the following:

1. The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint.

2. The solvent cement must conform to ASTM Specification D 2513.

3. The safety requirements of Appendix A of ASTM Specification D 2513 must be met.

4. The joint may not be heated to accelerate the setting of the cement.

(c) Heat-fusion joints. Each heat-fusion joint on plastic pipe must comply with the following:

1. A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the piping, compresses the heated ends together, and holds the pipe in proper alignment while the plastic hardens.

2. A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the joint uniformly and simultaneously to essentially the same temperature.

3. Heat may not be applied with a torch or other open flame.

(d) Adhesive joints. Each adhesive joint on plastic pipe must comply with the following:

1. The adhesive must conform to ASTM Specification D 2517.

2. The materials and adhesive must be compatible with each other.

(e) Mechanical joints. Each compression type mechanical joint on plastic pipe must comply with the following:

1. The gasket material in the coupling must be compatible with the plastic.

2. A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling.

(7) Plastic pipe; qualifying joining procedures.

(a) Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under subsection (2)(b) of this section is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests:

1. The burst test requirements of:

a. In the case of thermoplastic pipe, Paragraph 8.6 (Sustained Pressure Test) or Paragraph 8.7 (Minimum Hydrostatic Burst Pressure) of ASTM D 2513; or

b. In the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D 1517;

2. For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

3. For procedures intended for nonlateral pipe connections, follow the tensile test requirements of ASTM D 638, except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than twenty-five (25) percent, or failure initiates outside the joint area, the procedure qualifies for use.

(b) Mechanical joints. Before any written procedure established under subsection (2)(b) of this section is used for making mechanical plastic pipe joints that are designed to withstand tensile forces, the procedure must be qualified by subjecting five (5) specimen joints made according to the procedure to the following tensile test:

1. Use an apparatus for the test as specified in ASTM D 638-77a (except for conditioning).

2. The specimen must be of such length that the distance between the grips of the apparatus and the end of the stiffener does not affect the joint strength.

3. The speed of testing is five (5.0) mm (two-tenths (.20) inches) per minute, plus or minus twenty-five (25) percent.

4. Pipe specimens less than 102 mm (four (4) inches) in diameter are qualified if the pipe yields to an elongation of no less than twenty-five (25) percent or failure initiates outside the joint area.

5. Pipe specimens 102 mm (four (4) inches) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of thirty-eight degrees (38°) Centigrade (100° F) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five (5) test results or the manufacturer's rating, whichever is lower, must be used in the design calculations for stress.

6. Each specimen that fails at the grips must be retested using new pipe.

7. Results obtained pertain only to the specific outside diameter, and material of the pipe tested, except that testing of a heavier wall pipe may be used to qualify pipe of the same material but with a lesser wall thickness.

(c) A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

(d) Pipe or fittings manufactured before July 1, 1980, may be used in accordance with procedures that the manufacturer certifies will produce a joint as strong as the pipe.

(8) Plastic pipe; qualifying persons to make joints.

(a) No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by:

1. Appropriate training or experience in the use of the procedure; and

2. Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (b) of this subsection.

(b) The specimen joint must be:

1. Visually examined during and after assembly or joining and found to have the same appearance as a joint or photograph of a joint that is acceptable under the procedure; and

2. In the case of a heat fusion, solvent cement, or adhesive joint:

a. Tested under any one (1) of the test methods listed in subsection (7)(a) of this section applicable to the type of joint and material being tested;

b. Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

c. Cut into at least three (3) longitudinal straps, each of which is:

(i) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(ii) Deformed by bending, torque, or impact, and if failure occurs, it must not initiate in the joint area.

(iii) A person must be requalified under an applicable procedure, if during any twelve (12) month period that person:

1. Does not make any joints under that procedure; or

2. Has three (3) joints or three (3) percent of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under Section 11(7) of this regulation.

(d) Each operator shall establish a method to determine that each person making joints in plastic pipelines in his system is qualified in accordance with this section of this regulation.

(9) Plastic pipe; inspection of joints. No person may carry out the inspection of joints in plastic pipes required by subsections (2)(c) and (8)(b) of this section unless that person has been qualified by appropriate training or experience in evaluating the acceptability of plastic pipe joints made under the applicable joining procedure.

Section 7. General Construction Requirements for Transmission Lines and Mains. (1) Scope. This section prescribes minimum requirements for constructing transmission lines and mains.

(2) Compliance with specifications or standards. Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this section of this regulation.

(3) Reports and records of proposed construction:

(a) At least thirty (30) days prior to the construction or major reconstruction of any gas pipeline intended to be subjected to pressure in excess of 100 p.s.i.g., or twenty (20) percent of minimum yield strength, whichever is lower, a report shall be filed with the commission setting forth the specifications for such pipeline and the maximum allowable operating pressure.

(b) Every gas utility shall, on the fifteenth day of each month, submit a report to the commission setting forth the progress of such construction or major reconstruction as of the end of the preceding month.

(c) Before any gas pipeline or main is placed in operation intended to be subjected to pressures in excess of 100 p.s.i.g, or twenty (20) percent of minimum yield strength, whichever is lower, a report shall be filed with the commission certifying the maximum pressure to which the line is intended to be subject and also certifying that the pipeline has been constructed and tested in accordance with the requirements of the rules herein prescribed, and a further report shall be filed within sixty (60) days thereafter including the results of all tests made pursuant thereto. No gas pipeline or main shall be operated at pressures in excess of the pressure for which it was certified to the commission.

(d) The responsibility for the maintenance of necessary records to establish that compliance with the rules and regulations has been accomplished rests with the utility. Such records shall be available for inspection at all times by the commission or the commission's staff.

(4) Inspection: general. Each transmission line or main must be inspected to ensure that it is constructed in accordance with this section. The inspector shall have authority to order the removal and replacement of any section of pipe and fittings that fail to meet the standards of this regulation.

(5) Inspection of materials. Each length of pipe and each other component must be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability. Plastic pipe and tubing shall be adequately supported during storage and thermoplastic pipe, tubing and fittings shall be protected from exposure to direct sun rays if the pipe is to remain exposed for twelve (12) months or longer. However, if the manufacturer specifies that the pipe has been manufactured with a minimum of two (2) percent or more carbon black content to prevent ultraviolet degradation, the pipe may be exposed to sun rays for up to thirty-six (36) months.

(6) Repair of steel pipe.

(a) Each imperfection or damage that impairs the serviceability of a length of steel pipe must be repaired or removed. If a repair is made by grinding, the remaining wall thickness must at least be equal to either:

1. The minimum thickness required by the tolerance in the specification to which the pipe was manufactured; or

2. The nominal wall thickness required for the design pressure of the pipeline.

(b) Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of twenty (20) percent, or more, of SMYS:

1. A dent that contains a stress concentrator such as a scratch, gouge, groove, or arc burn.

2. A dent that affects the longitudinal weld or a circumferential weld.

3. In pipe to be operated at a pressure that produces a hoop stress of forty (40) percent or more of SYMS, a dent that has a depth of:

a. More than one-quarter (¼) inch in pipe twelve and three-fourths (12¾) inches or less in outer diameter; or

b. More than two (2) percent of the nominal pipe diameter in pipe over twelve and three-fourths (12¾) inches in outer diameter.

For the purposes of this subsection a "dent" is a depression that produces a gross disturbance in the curvature of the pipe wall without reducing the pipe-wall thickness. The depth of a dent is measured as the gap between the lowest point of the dent and a prolongation of the original contour of the pipe.

(c) Each arc burn on steel pipe to be operated at a pressure that produces a hoop stress of forty (40) percent, or more, of SMYS must be repaired or removed. If a repair is made by grinding, the arc burn must be completely removed and the remaining wall thickness must be at least equal to either:

1. The minimum wall thickness required by the tolerances in the specification to which the pipe was manufactured; or

2. The nominal wall thickness required for the design pressure of the pipeline.

(d) A gouge, groove, arc burn, or dent may not be repaired by insert patching or by pounding out.

(e) Each gouge, groove, arc burn, or dent that is removed from a length of pipe must be removed by cutting out the damaged portion as a cylinder.

(7) Repair of plastic pipe. Each imperfection or damage that would impair the serviceability of plastic pipe must be repaired by a patching saddle or removed.

(8) Bends and elbows.

(a) Each field bend in steel pipe, other than a wrinkle bend made in accordance with subsection (9) of this section must comply with following:

1. A bend must not impair the serviceability of the pipe.

2. For pipe more than four (4) inches in nominal diameter, the difference between the maximum and minimum diameter at a bend must not be more than two and one-half (2½) percent of the nominal diameter.

3. Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

4. On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless:

a. The bend is made with an internal bending mandrel; or

b. The pipe is twelve (12) inches or less in outside diameter or has a diameter to wall thickness ratio less than seventy (70).

(b) Each circumferential weld of steel pipe which is located where the stress during bending caused a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

(c) Wrought-steel welding elbows and transverse segments of these elbows may not be used for changes in direction on steel pipe that is two (2) inches or more in diameter unless the arc length, as measured along the crotch, is at least one (1) inch.

(9) Wrinkle bends in steel pipe.

(a) A wrinkle bend may not be made on steel pipe to be operated at a pressure that produces a hoop stress of thirty (30) percent, or more, of SMYS.

(b) Each wrinkle bend on steel pipe must comply with the following:

1. The bend must not have any sharp kinks.

2. When measured along the crotch of the bend, the wrinkles must be a distance of at least one (1) pipe diameter.

3. On pipe sixteen (16) inches or larger in diameter, the bend may not have a deflection of more than one and one-half degree (1½°) for each wrinkle.

4. On pipe containing a longitudinal weld, the longitudinal seam must be as near as practicable to the neutral axis of the bend.

(10) Protection from hazards.

(a) Each transmission line or main must be protected from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads.

(b) Each above-ground transmission line or main, not in inland navigable water areas, must be protected from accidental damage by vehicular traffic or other similar causes, either by being placed at a safe distance from the traffic or by installing barricades.

(c) Pipelines, including pipe risers, on each platform located in inland navigable waters must be protected from accidental damage by vessels.

(11) Installation of pipe in a ditch.

(a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of twenty (20) percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

(b) When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that:

1. Provides firm support under the pipe; and

2. Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

(12) Installation of plastic pipe.

(a) Plastic pipe must be installed below ground level and shall conform to the applicable provisions of subsection (15) of this section except that plastic pipelines and mains

shall be installed with a minimum cover of twenty-four (24) inches at all stress levels unless encased or otherwise protected.

(b) Plastic pipe that is installed in a vault or any other below grade enclosure must be completely encased in gastight metal pipe and fittings that are adequately protected from corrosion.

(c) Plastic pipe must be installed so as to minimize shear or tensile stresses.

(d) Thermoplastic pipe that is not encased must have a minimum wall thickness of 0.090 inches, except that pipe with an outside diameter of 0.875 inches or less may have a minimum wall thickness of 0.062 inches.

(e) Plastic pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

(f) Plastic pipe that is being encased must be inserted into the casing pipe in a manner that will protect the plastic. The leading end of the plastic must be closed before the insertion.

(13) Casing. Each casing used on a transmission line or main under a railroad or highway must comply with the following:

(a) The casing must be designed to withstand the superimposed loads.

(b) If there is a possibility of water entering the casing, the ends must be sealed.

(c) If the ends of an unvented casing are sealed and the sealing is strong enough to retain the maximum allowable operating pressure of the pipe, the casing must be designed to hold this pressure at a stress level of not more than seventy-two (72) percent of SMYS.

(d) If vents are installed on a casing, the vents must be protected from the weather to prevent water from entering the casing.

(14) Underground clearance.

(a) Each transmission line must be installed with at least twelve (12) inches of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

(b) Each main must be installed with enough clearance from any other underground structure to allow proper maintenance and to protect against damage that might result from proximity to other structures.

(c) In addition to meeting the requirements of paragraph (a) or (b) of this subsection, each plastic transmission line or main must be installed with sufficient clearance, or must be insulated, from any source of heat so as to prevent the heat from impairing the serviceability of the pipe.

(d) Each pipe-type or bottle-type holder must be installed with a minimum clearance from any other holder as prescribed in Section 4(18)(b) of this regulation.

(15) Cover.

(a) Except as provided in paragraphs (c) and (d) of this subsection, each buried transmission line must be installed with minimum cover as follows:

Location	Normal Soil (inches)	Consolidated Rock (inches)
Class 1 locations	30	18
Class 2, 3 and 4 locations	36	24
Drainage ditches of public roads and railroad crossings	36	24

(b) Except as provided in paragraphs (c) and (d) of this subsection, each buried main must be installed with at least twenty-four (24) inches of cover.

(c) Where an underground structure prevents the installation of a transmission line or main with the minimum cover, the transmission line or main may be installed with less cover if it is provided with additional protection to withstand anticipated external loads.

(d) All pipe which is installed in a navigable river or stream must have a minimum cover of forty-eight (48) inches in soil or twenty-four (24) inches in consolidated rock. However, less than the minimum cover is permitted in accordance with paragraph (c) of this subsection.

Section 8. Gas Measurement. (1) Scope. This section prescribes minimum requirements for the measurement of gas, the accuracy of the measuring instruments (meters), meter testing facilities and periodic testing of meters.

(2) Method of measuring service.

(a) All gas sold by a utility and all gas consumed by a utility in the State of Kentucky shall be metered through approved type meters except in cases of emergency or when otherwise authorized by the commission. Each meter shall bear an identifying number. When gas is sold at high pressures or large volumes, the contract or rate schedule shall specify the standards used to calculate the gas volume. Prepayment meters shall not be used except where there is no other satisfactory method of collecting payment for the services rendered.

(b) All gas delivered as compensation for leases, rights-of-way, or for other reasons, not charged for at the utility's regular schedule of charges, shall be metered and a record kept thereof. All meters and regulators installed for the purpose of measuring gas and for the purpose of regulating the pressure of gas shall be under the control of the utility and subject to the rules of the utility and the rules of the commission.

(c) The utility shall make no charge for furnishing and installing any meter or appurtenance necessary to measure the gas furnished, except by mutual agreement in special cases or except where duplicate or check meters are requested by the customer.

(d) Each gas utility shall adopt a standard method of meter and service line installation insofar as practicable. Such methods shall be set out with a written description and/or with drawings to the extent necessary for a clear understanding of the requirements, all of which shall be filed with the commission. Copies of these standard methods shall be made available to prospective customers and contractors or others engaged in the business of installing pipe for gas utilization. All meters shall be set in place by the utility.

(e) Each customer shall be metered separately except in cases of multi-occupants under the same roof with a common entrance or with an enclosure where it is unreasonable or uneconomical to measure each unit separately.

(f) The utility may render temporary service to a customer and may require the customer to bear all of the cost of installing and removing the service in excess of any salvage realized. In this respect, a temporary service shall be considered to be service that is not required or used for more than one (1) year.

(3) Accuracy requirements for meters. All tests to determine the accuracy of registration of any gas meters shall be made by a qualified meter tester and with suitable facilities.

(a) Diaphragm displacement meters:

1. Before being installed for the use of any customer, every diaphragm displacement gas meter, whether new,

repaired or removed from service for any cause shall be in good working condition and shall be adjusted to be correct to within one-half (½) of one (1) percent, plus or minus when passing gas at approximately twenty (20) percent and 100 percent of the rated capacity of the meter as specified by the manufacturer based on five-tenths (0.5) inch water column differential. A pilot test to determine that the meter will register at one-half (½) of one (1) percent of the rated capacity shall be made before placing meters in service.

2. Meters removed from service for periodic testing shall be tested for accuracy as soon as practical after removal. An "as found" test shall be made at a flow-rate of approximately twenty (20) percent and 100 percent of the rated capacity of the meter based on five-tenths (0.5) inch water column differential and results of said tests algebraically averaged to determine the accuracy. If the error is less than two (2) percent this shall be reported as the "as found" test. If the error is more than two (2) percent, two (2) additional tests shall be made at twenty (20) percent and 100 percent and the average of the three (3) tests shall be reported as the "as found" test. The three (3) test procedures shall apply to any customer request test, complaint test, or bill adjustment made on the basis of the meter.

3. Meters in good working condition that are removed from service for reasons other than periodic, customer or commission request tests shall be tested as soon as practicable after removal if the elapsed time since the last test exceeds fifty (50) percent of the periodic test period for those meters.

(b) Other than diaphragm displacement meters.

1. All meters other than diaphragm displacement meters shall be tested at approved intervals by the utility meter tester using flow provers or other approved methods either in the shop or on location of use at the option of the utility and with the approval of the commission of facilities and methods used. The accuracy of these meters shall be maintained as near 100 percent as possible. Test ranges and procedures shall be as prescribed in adopted standards or approved by the commission.

2. All meter installations shall be inspected for proper design and construction and all instruments, regulators and valves used in conjunction with the installation shall be tested for desired operation and accuracy before being placed in service. This inspection shall be made by a competent person. Test data as to conditions found, corrected if in error, and conditions as left shall be made available for inspection by the commission. Subsequent test results shall be a portion of regular meter test reports to the commission by the utility.

(4) Meter testing facilities and equipment.

(a) Meter shop.

1. Each utility, unless specifically excused by the commission, shall maintain a meter shop for the purpose of inspecting, testing and repairing meters. The shop shall be open for inspection by authorized representatives of the commission at all reasonable times, and the facilities and equipment, as well as the methods of measurements and testing employed, shall be subject to the approval of the commission.

2. The meter shop shall consist of a repair room or shop proper and a proving room. The proving room shall be designed so that the meters and meter testing apparatus are protected from excessive changes in temperature and other disturbing factors. The proving room or the entire meter shop shall be air conditioned if necessary to achieve satisfactory temperature control.

3. The proving room shall be well lighted and preferably not on an outside wall of the building. Temperatures within the proving room shall not vary more than two degrees (2°) Fahrenheit per hour nor more than five degrees (5°) Fahrenheit over a twenty-four (24) hour period.

(b) Working standards:

1. Each utility, unless specifically excused by the commission, shall own and make proper provision to operate at least one (1) approved belltype meter prover, preferably of ten (10) cubic feet capacity, but in no case of less than five (5) cubic feet capacity. The prover shall be equipped with suitable thermometers and other necessary accessories, and such equipment shall be maintained in proper condition and adjustment so that it shall be capable of determining the accuracy of any service meter, practical of test by it, to within one-half (½) of one (1) percent plus or minus.

2. The prover shall be accurate to within three-tenths (0.3) of one (1) percent at each point used in testing meters.

3. The prover shall not be located near any radiator, heater, steam pipe, or hot or cold air duct. Direct sunlight shall not be allowed to fall on the prover or the meters under test.

4. During conditions of satisfactory operation the temperature of the air in the prover shall be within one (1) degree Fahrenheit of the ambient temperature, and the temperature of the oil in the prover shall not differ from the temperature of the ambient air by more than one (1) degree Fahrenheit.

5. The meters to be tested shall be stored in such manner that the temperature of the meters is substantially the same as the temperature of the prover. In order to achieve this, the meters shall be placed in the environment of the prover for a minimum of five (5) hours.

(c) All testing instruments and other equipment certified by the commission shall at all times be accompanied by a certificate giving the date when it was last tested and adjusted. The certificate must be signed by a proper authority. A tag referring to such certificate may be attached to the instruments when practicable. These certificates, when superseded, shall be kept on file in the office of the utility.

(d) Sixty (60) days after the effective date of a commission order granting convenience and necessity for a new utility, such utility shall advise the commission in writing as to the kind and amount of testing equipment available.

(5) Periodic tests.

(a) Periodic tests (of all meters) shall be made according to the following schedule based on rated capacities. Rated meter capacity is defined as the capacity of the meter at five-tenths (0.5) of one (1) inch water column differential for diaphragm meters and as specified by the manufacturer for all other meters.

1. All positive-displacement meters, with a rated capacity up to and including 500 cubic feet per hour, shall be tested at least once every ten (10) years.

2. All positive-displacement meters, with a rated capacity above 500 cubic feet per hour, up to and including 1,500 cubic feet per hour, shall be tested at least once every five (5) years.

3. All positive-displacement meters above 1,500 cubic feet per hour shall be tested at least once every year.

4. All orifice meters shall have their recording gauges tested at least once every six (6) months and the orifice size and condition shall be checked at the required meter test interval.

5. All auxiliary measurement devices such as pressure, temperature, volume, load demand and remote reading

devices shall be tested at the required meter test interval.

(b) Meters not in compliance with the periodic test requirements.

1. All meters in service on and after the effective date of this regulation for which there is no record of test within the time period specified by this subsection shall be tested as soon thereafter as circumstances will permit. Meters with the greatest time elapsed since the last test shall be tested first.

2. Subsequent to the effective date of this regulation, the test of meters discussed in paragraph 1 of this subsection shall be completed within one-half (½) of the period required for tests of meters of that class and rating as specified in this subsection.

(c) Whenever the number of meters of any type which register in error beyond the limits specified in these rules is deemed to be excessive, then this type shall be tested with such additional frequency as the commission may direct.

(6) Measuring production and shipment into and out of the state.

(a) All gas produced and purchased by a utility in Kentucky shall be measured and the quantity thereof recorded.

(b) All gas piped out of or brought into the state of Kentucky by a utility shall be measured and quantity thereof recorded.

Section 9. Customer Meters, Service Regulators, and Service Lines. (1) Scope. This section prescribes minimum requirements for installing customer meters, service regulators, service lines, service line valves, and service line connections to mains.

(2) Customer meters and regulators: location.

(a) Each meter and service regulator, whether inside or outside of a building, must be installed in a readily accessible location and be protected from corrosion and other damage.

(b) Meters shall be easily accessible for reading, testing and making necessary adjustments and repairs, and where indoor type meters are necessary they shall be installed in a clean, dry, safe, convenient place. Unless absolutely unavoidable, meters shall not be installed in any location where the visits of the meter reader or tester will cause annoyance to the customer or a severe inconvenience to the utility. Existing meters which are located in places not permitted by this rule shall be relocated by the customer or owner to an approved location.

(c) Proper provision shall be made by the customer for the installation of the utility's meter. At least six (6) inches clear space shall be available, if possible, on all sides of the meter and not less than thirty (30) inches in front of it. When installed within a building, a meter must be located in a ventilated place and not less than three (3) feet from any source of ignition or any source of heat which might damage the meter.

(d) When a number of meters are placed in the same location, each meter shall be tagged or marked to indicate the customer served by it and such identification shall be preserved and maintained by the owner of the premises served.

(e) When the distance between the utility's main and the nearest point of consumption is more than 150 feet, the meter shall be located as near to the utility's main as may be practicable. This shall apply whether or not all or part of the service line shall have been constructed by either the customer or utility.

(f) When customers are served from high pressure lines, the meters, regulator or regulators and safety devices shall be located as near to the utility's main as practicable.

(g) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(h) Where feasible, the upstream regulator in a series must be located outside the building unless it is located in a separate metering or regulating building.

(3) Customer meters and regulators: protection from damage.

(a) Protection from vacuum or back pressure. If the customer's equipment might create either a vacuum or a back pressure, a device must be installed to protect the system.

(b) Service regulator vents and relief vents. The outside terminal of each service regulator vent and relief vent must:

1. Be rain and insect resistant;

2. Be located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building; and

3. Be protected from damage caused by submergence in areas where flooding may occur.

(c) Pits and vaults. Each pit or vault that houses a customer meter or regulator at a place where vehicular traffic is anticipated must be able to support that traffic.

(4) Customer meters and regulators: installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) The use of all thread (close) nipples is prohibited.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere and shall have a vent pipe sized no smaller than the manufacturer's vent connection built into the regulator.

(5) Customer meter installation: operation pressure.

(a) A meter may not be used at a pressure that is more than sixty-seven (67) percent of the manufacturer's shell test pressure.

(b) Each newly installed meter manufactured after November 12, 1970, must have been tested to a minimum of ten (10) p.s.i.g.

(c) A rebuilt or repaired tinned steel case meter may not be used at a pressure that is more than fifty (50) percent of the pressure used to test the meter after rebuilding or repairing.

(6) Service lines: installation.

(a) Depth. Each buried service line must be installed with at least twelve (12) inches of cover in private property and at least eighteen (18) inches of cover in streets and roads. However, where an underground structure prevents installation at those depths, the service line must be able to withstand any anticipated external load.

(b) Support and backfill. Each service line must be properly supported on undisturbed or well-compacted soil, and material used for backfill must be free of materials that could damage the pipe or its coating.

(c) Grading for drainage. Where condensation in the gas might cause interruption in the gas supply to the customer, the service line must be graded so as to drain into the main or into drips at the low points in the service line.

(d) Protection against piping strain and external loading. Each service line must be installed so as to minimize anticipated piping strain and external loading.

(e) Installation of service lines into buildings. Each underground service line installed below grade through the outer foundation wall of a building must:

1. In the case of a metal service line, be protected against corrosion;
2. In the case of a plastic service line, be protected from shearing action and backfill settlement; and
3. Be sealed at the foundation wall to prevent leakage into the building.

(f) Installation of service lines under buildings. Where an underground service line is installed under a building:
1. It must be encased in a gas-tight conduit;
2. The conduit and the service line must, if the service line supplies the building it underlies, extend into a normally usable and accessible part of the building; and
3. The space between the conduit and the service line must be sealed to prevent gas leakage into the building and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

(g) Joining of service lines. All underground steel service lines shall be joined by threaded and coupled joints, compression type fittings, or by qualified welding procedures and operators.

(h) When coated steel pipe is to be installed as a service line in a bore, care shall be exercised to prevent damage to the coating during installation. For all installations to be made by boring, driving or similar methods or in a rocky type soil, the following practices or their equivalents are recommended:
1. The coated pipe should not be used as the bore pipe or drive pipe and left in the ground as part of the service line. It is preferable to make such installations by first making an average bore, removing the pipe used for boring and then inserting the coated pipe.
2. Coated steel pipe preferably should not be inserted through a bore in exceptionally rocky soil when there is a likelihood of damage to the coating resulting from the insertion.
3. The recommendations in subparagraphs 1 and 2 of this subsection do not apply where coated pipe is installed under conditions where the coating is not likely to be damaged, such as in sandy soil.

(7) Service lines: valve requirements.

(a) Each service line must have a service-line valve that meets the applicable requirements of Sections 2 and 4 of this regulation. A valve incorporated in a meter bar, that allows the meter to be bypassed, may not be used as a service-line valve.

(b) A soft seat service-line valve may not be used if its ability to control the flow of gas could be adversely affected by exposure to anticipated heat.

(c) Each service-line valve on a high-pressure service line, installed above ground or in an area where the blowing of gas would be hazardous, must be designed and constructed to minimize the possibility of the removal of the core of the valve with other than specialized tools.

(8) Service lines: location of valves.

(a) Relation to regulator or meter. Each service-line valve must be installed upstream of the regulator or, if there is no regulator, upstream of the meter.

(b) Outside valves. Each service line must have a shut-off valve in a readily accessible location that, if feasible, is outside of the building.

(c) Underground valves. Each underground service-line valve must be located in a covered durable curb box or standpipe that allows ready operation of the valve. The curb box shall be supported independently of the service lines.

(9) Service lines: general requirements for connections to main piping.

(a) Location. Each service-line connection to a main must be located at the top of the main, or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

(b) Compression-type connection to main. Each compression-type service line to main connection must:
1. Be designed and installed to effectively sustain the longitudinal pullout or thrust forces caused by contraction or expansion of the piping, or by anticipated external or internal loading; and
2. If gaskets are used in connecting the service line to the main connection fitting, have gaskets that are compatible with the kind of gas in the system.

(10) Service lines: connection to cast iron or ductile iron mains.

(a) Each service line connected to a cast iron or ductile iron main must be connected by a mechanical clamp, by drilling and tapping the main, or by another method meeting the requirements of Section 6(2) of this regulation.

(b) If a threaded tap is being inserted, the requirements of Section 4(6)(b) and (c) of this regulation must also be met.

(11) Service lines: steel. Each steel service line to be operated at less than 100 p.s.i.g. must be constructed of pipe designed for a minimum of 100 p.s.i.g.

(12) Service lines: cast iron and ductile iron. Cast or ductile iron pipe may not be installed for service lines.

(13) Services lines: plastic.

(a) Each plastic service line outside a building must be installed below ground level, except that it may terminate above ground and outside the building, if:
1. The above ground part of the plastic service line is protected against deterioration and external damage; and
2. The plastic service line is not used to support external loads.

(b) Each plastic service line inside a building must be protected against external damage.

(14) Service lines: copper. Each copper service line installed within a building must be protected against external damage.

(15) New service lines not in use. Each service line that is not placed in service upon completion of installation must comply with one (1) of the following until the customer is supplied with gas:

(a) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(b) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(c) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

(16) Extension of services.

(a) Normal extension. An extension of 100 feet or less shall be made by a utility to an existing distribution main without charge for a prospective customer who shall apply for and contract to use service for one (1) year or more and provides guarantee for such service.

(b) Other extensions:
1. When an extension of the utility's main to serve an applicant or group of applicants amounts to more than 100 feet per customer, the utility may, if not inconsistent with

its filed tariff, require the total cost of the excessive footage over 100 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

2. Each customer receiving service under such extension will be reimbursed under the following plan: each year for a period of not less than ten (10) years which, for the purpose of this rule, shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage, the cost of the 100 feet of the extension in place for each additional customer connected during the year whose service line is directly connected to the extension installed, and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(c) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of the 100 feet of the extension installed for each additional customer connected during the year but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension, no refund will be required to be made.

(d) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(e) Nothing contained herein shall be construed as to prohibit a utility from making, at its expense, greater extensions than herein prescribed, should its judgment so dictate, provided the same free extensions are made to other customers under similar conditions.

(f) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 100 feet upon a finding by the commission that such extension is reasonable.

(17) Service connections.

(a) Ownership of service lines.

1. Utility's responsibility. In urban areas with well defined streets, the utility shall furnish and install at its own expense for the purpose of connecting its distribution system to the customer's premises that portion of the service pipe from its main to the property line or to and including the curb stop and curb box if used. The curb stop may be installed at a convenient place between the property line and the curb. In cases where meters are located outdoors, the curb box and curb stop may be omitted if the meter installation is provided with a stopcock and the connection to the distribution main is made with a service tee that incorporates a positive shut-off device that can be operated with ordinary, readily available tools and the service tee is not located under pavement.

2. Customer's responsibility. The customer shall furnish and lay the necessary pipe to make the connection from the curb stop to the place of consumption and shall keep the service line in good repair and in accordance with such reasonable requirements of the utility and/or the commission as may be incorporated in their rules and regulations.

3. Inspection. In the installation of a service line, the customer shall not install any tees or branch connections and must leave the trench open and pipe uncovered until it is examined by an inspector of the utility and shown to be free from any irregularity or defect. The utility shall test all piping downstream from the meter for gas leaks, each time the gas is turned on by the utility, by observing that no gas passes through the meter when all appliances are turned off. The utility shall refuse to serve until all gas leaks so disclosed have been properly repaired.

4. Location of service. The customer's service line shall extend to that point on the curb line easiest of access to the utility from its distribution system. When a reasonable doubt exists as to the proper location of the service line, the utility shall be consulted and its approval of the location secured.

(b) All services shall be equipped with a stopcock near the meter. If the service is not equipped with an outside shut-off, the inside shut-off shall be of a type which can be sealed in the off position.

Section 10. Requirements for Corrosion Control. (1) Scope. This subsection prescribes minimum requirements for the protection of metallic pipelines from external, internal, and atmospheric corrosion.

(2) Applicability to converted pipelines. Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this regulation in accordance with Section 1(7) of this regulation must meet the requirements of this subsection specifically applicable to pipelines installed before August 1, 1971, and all other applicable requirements within one (1) year after the pipeline is readied for service. However, the requirements of this section specifically applicable to pipelines installed after July 31, 1971, apply if the pipeline substantially meets those requirements before it is readied for service or it is a segment which is replaced, relocated, or substantially altered.

(3) General. Each operator shall establish procedures to implement the requirements of this section. These procedures, including those for the design, installation, operation and maintainance of cathodic protection systems, must be carried out by, or under the direction of a person qualified by experience and training in pipeline corrosion control methods.

(4) External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b), (c) and (f) of this subsection, each buried or submerged pipeline installed after July 31, 1971, must be protected against external corrosion, including the following:

1. It must have an external protective coating meeting the requirements of subsection (7) of this section.

2. It must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with this subsection, installed and placed in operation within one (1) year after completion of construction.

(b) An operator need not comply with paragraph (a) of this subsection, if the operator can demonstrate by tests, investigation, or experience in the area of application, including, as a minimum, soil resistivity measurements and tests for corrosion accelerating bacteria, that a corrosive environment does not exist. However, with six (6) months after an installation made pursuant to the preceding sentence, the operator shall conduct tests, including pipe-to-soil potential measurements with respect to either a continuous reference electrode or an electrode using close spacing, not to exceed twenty (20) feet, and soil resistivity measurements at potential profile peak locations, to adequately evaluate the potential profile along the entire pipeline. If the tests made indicate that a corrosive condition exists, the pipeline must be cathodically protected in

accordance with paragraph (a)2 of this subsection.

(c) An operator need not comply with paragraph (a) of this subsection, if the operator can demonstrate by tests, investigation, or experience that:

1. For a copper pipeline, a corrosive environment does not exist; or

2. For a temporary pipeline with an operating period of service not to exceed five (5) years beyond installation, corrosion during the five (5) year period of service of the pipeline will not be detrimental to public safety.

(d) Notwithstanding the provisions of paragraphs (b) or (c) of this subsection, if a pipeline is externally coated, it must be cathodically protected in accordance with paragraph (a)2 of this subsection.

(e) Aluminum may not be installed in a buried or submerged pipeline if that aluminum is exposed to an environment with a natural pH in excess of eight (8), unless tests or experience indicate its suitability in the particular environment involved.

(f) This subsection does not apply to electrically isolated, metal alloy fittings in pastic pipelines if:

1. For the size fitting to be used, an operator can show by tests, investigation, or experience in the area of application that adequate corrosion control is provided by alloyage; and

2. The fitting is designed to prevent leakage caused by localized corrosion pitting.

(5) External corrosion control: buried or submerged pipelines installed before August 1, 1971.

(a) Except for buried piping at compressor, regulator, and measuring stations, each buried or submerged transmission line installed before August 1, 1971, that has an effective external coating must be cathodically protected along the entire area that is effectively coated, in accordance with this section. For the purposes of this section, a pipeline does not have an effective external coating if its cathodic protection current requirements are substantially the same as if it were bare. The operator shall make tests to determine the cathodic protection current requirements.

(b) Except for cast iron or ductile iron, each of the followng buried or submerged pipelines installed before August 1, 1971, must be cathodically protected in accordance with this section in areas in which active corrosion is found:

1. Bare or ineffectively coated transmission lines.

2. Bare or coated pipes at compressor, regulator, and measuring stations.

3. Bare or coated distribution lines. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

(c) For the purpose of this section, active corrosion means continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety.

(6) External corrosion control: examination of buried pipeline when exposed. Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion is found, remedial action must be taken to the extent required by subsection (18) of this section and the applicable paragraphs of subsections (19), (20) or (21) of this section.

(7) External corrosion control: protective coating.

(a) Each external protective coating, whether conductive or insulating, applied for the purpose of external corrosion control must:

1. Be applied on a properly prepared surface;

2. Have sufficient adhesion to the metal surface to effectively resist underfilm migration of moisture;

3. Be sufficiently ductile to resist cracking;

4. Have sufficient strength to resist damage due to handling and soil stress; and

5. Have properties compatible with any supplemental cathodic protection.

(b) Each external protective coating which is an electrically insulating type must also have low moisture absorption and high electrical resistance.

(c) Each external protective coating must be inspected just prior to lowering the pipe into the ditch and backfilling, and any damage detrimental to effective corrosion control must be repaired.

(d) Each external protective coating must be protected from damage resulting from adverse ditch conditions or damage from supporting blocks.

(e) If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

(8) External corrosion control: cathodic protection.

(a) Each cathodic protection system required by this subsection must provide a level of cathodic protection that complies with one (1) or more of the applicable criteria contained in Appendix D of this regulation. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one (1) or more of these criteria.

(b) If amphoteric metals are included in a buried or submerged pipeline containing a metal of different anodic potential:

1. The amphoteric metals must be electrically isolated from the remainder of the pipeline and cathodically protected; or

2. The entire buried or submerged pipeline must be cathodically protected at a cathodic potential that meets the requirements of Appendix D of this regulation for amphoteric metals.

(c) The amount of cathodic protection must be controlled so as not to damage the protective coating or the pipe.

(9) External corrosion control: monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year but with intervals not exceeding fifteen (15) months to determine whether the cathodic protection meets the requirements of subsection (8) of this section. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least ten (10) percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different ten (10) percent checked each subsequent year, so that the entire system is tested in each ten (10) year period.

(b) Each cathodic protection rectifier or other impressed current power source must be inspected six (6) times each calendar year, but with intervals not exceeding two and one-half (2½) months, to insure that it is operating.

(c) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six (6) times each calendar year, but with intervals not exceeding two and one-half (2½) months. Each

other interference bond must be checked at least once each calendar year, but with intervals not exceeding fifteen (15) months.

(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring.

(e) After the initial evaluation required by subsection (4)(b) and (c) of this section and subsection (5)(b) of this section, each operator shall, at intervals not exceeding three (3) years, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subsection in areas in which active corrosion is found. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

(10) External corrosion control: electrical isolation.

(a) Each buried or submerged pipeline must be electrically isolated from other underground metallic structures, unless the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

(b) One (1) or more insulating devices must be installed where electrical isolation of a portion of a pipeline is necessary to facilitate the application of corrosion control.

(c) Except for unprotected copper inserted in ferrous pipe, each pipeline must be electrically isolated from metallic casings that are a part of the underground system. However, if isolation is not achieved because it is impractical, other measures must be taken to minimize corrosion of the pipeline inside the casing.

(d) Inspection and electrical tests must be made to assure that electrical isolation is adequate.

(e) An insulating device may not be installed in an area where a combustible atmosphere is anticipated unless precautions are taken to prevent arcing.

(f) Where a pipeline is located in close proximity to electrical transmission tower footings, ground cables or counterpoise, or in other areas where fault currents or unusual risk of lightning may be anticipated, it must be provided with protection against damage due to fault currents or lightning, and protective measures must be taken at insulating devices. A study must be made in collaboration with the electric company on the common problems of corrosion and electrolysis and taking the following factors into consideration:

1. The possibility of the pipeline carrying either unbalanced line currents or fault currents.

2. The possibility of lightning or fault currents inducing voltages sufficient to puncture pipe coatings or pipe.

3. Cathodic protection of the pipeline, including location of ground beds, especially if the electric line is carried on steel towers.

4. Bonding connections between the pipeline and either the steel tower footings or the buried ground facilities or the ground-wire of the overhead electric system.

(11) External corrosion control: test stations. Each pipeline under cathodic protection required by this subsection must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of cathodic protection.

(12) External corrosion control: test leads.

(a) Each test lead wire must be connected to the pipeline so as to remain mechanically secure and electrically conductive.

(b) Each test lead wire must be attached to the pipeline so as to minimize stress concentration on the pipe.

(c) Each bared test lead wire and bared metallic area at point of connection to the pipeline must be coated with an electrical insulating material compatible with the pipe coating and the insulation on the wire.

(13) External corrosion control: interference currents.

(a) Each operator whose pipeline system is subjected to stray currents shall have in effect a continuing program to minimize the detrimental effects of such currents.

(b) Each impressed current type cathodic protection system or galvanic anode system must be designed and installed so as to minimize any adverse effects on existing adjacent underground metallic structures.

(14) Internal corrosion control: general.

(a) Corrosive gas may not be transported by pipeline, unless the corrosive effect of the gas on the pipeline has been investigated and steps have been taken to minimize interal corrosion.

(b) Whenever any pipe is removed from a pipeline for any reason, the internal surface must be inspected for evidence of corrosion. If internal corrosion is found:

1. The adjacent pipe must be investigated to determine the extent of internal corrosion;

2. Replacement must be made to the extent required by the applicable paragraphs of subsections (19), (20) and (21) of this section; and

3. Steps must be taken to minimize the internal corrosion.

(c) Gas containing more than one-tenth (0.1) grain of hydrogen sulfide per 100 standard cubic feet may not be stored in pipe-type or bottle-type holders.

(15) Internal corrosion control: monitoring. If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of the steps taken to minimize internal corrosion. Each coupon or other means of monitoring internal corrosion must be checked two (2) times each calendar year, but with intervals not exceeding seven and one-half (7½) months.

(16) Atmospheric corrosion control: general.

(a) Pipelines installed after July 31, 1971. Each above-ground pipeline or portion of a pipeline installed after July 31, 1971, that is exposed to the atmosphere must be cleaned and either coated or jacketed with a material suitable for the prevention of atmospheric corrosion. An operator need not comply with this paragraph, if the operator can demonstrate by test, investigation, or experience in the area of application, that a corrosive atmosphere does not exist.

(b) Pipelines installed before August 1, 1971. Each operator having an above-ground pipeline or portion of a pipeline installed before August 1, 1971, that is exposed to the atmosphere, shall:

1. Determine the areas of atmospheric corrosion on the pipeline;

2. If atmospheric corrosion is found, take remedial measures to the extent required by the applicable paragraphs of subsections (19), (20), or (21) of this section; and

3. Clean and either coat or jacket the areas of atmospheric corrosion on the pipeline with a material suitable for the prevention of atmospheric corrosion.

(17) Atmospheric corrosion control: monitoring. After meeting the requirements of subsection (16)(a) and (b) of this section, each operator shall, at intervals not exceeding three (3) years, reevaluate each pipeline that is exposed to the atmosphere and take remedical action whenever necessary to maintain protection against atmospheric corrosion.

(18) Remedial measures: general.

(a) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must have a properly prepared surface and must be provided with an external protective coating that meets the requirements of subsection (7) of this section.

(b) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must be cathodically protected in accordance with this section.

(c) Except for cast iron or ductile iron pipe, each segment of buried or submerged pipe that is required to be repaired because of external corrosion must be cathodically protected in accordance with this section.

(19) Remedial measures: transmission lines.

(a) General corrosion. Each segment of transmission line with general corrosion and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on actual remaining wall thickness. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) Localized corrosion pitting. Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

(20) Remedial measures: distribution lines other than cast iron or ductile iron lines.

(a) General corrosion. Except for cast iron or ductile iron pipe, each segment of generally corroded distribution line pipe with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline, or a remaining wall thickness less than thirty (30) percent of the nominal wall thickness, must be replaced. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped so as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) Localized corrosion pitting. Except for cast iron or ductile iron pipe, each segment of distribution line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired.

(21) Remedial measures: cast iron and ductile iron pipelines.

(a) General graphitization. Each segment of cast iron or ductile iron pipe on which general graphitization is found to a degree where a fracture or any leakage might result, must be replaced.

(b) Localized graphitization. Each segment of cast iron or ductile iron pipe on which localized graphitization is found to a degree where any leakage might result, must be replaced or repaired, or sealed by internal sealing methods adequate to prevent or arrest any leakage.

(22) Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, other than unrecorded galvanic anodes installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.

(b) Each of the following records must be retained for as long as the pipeline remains in service:

1. Each record or map required by paragraph (a) of this subsection.

2. Records of each test, survey, or inspection required by this subsection, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

Section 11. Test Requirements. (1) Scope. This section prescribes minimum leak-test and strength-test requirements for pipelines.

(2) General requirements.

(a) No person may operate a new segment of pipleine, or return to service a segment of pipeline that has been relocated or replaced, until:

1. It has been tested in accordance with this section to substantiate the proposed maximum allowable operating pressure; and

2. Each potentially hazardous leak has been located and eliminated.

(b) The test medium must be liquid, air, natural gas or inert gas that is:

1. Compatible with the material of which the pipeline is constructed;

2. Relatively free of sedimentary materials; and

3. Except for natural gas, nonflammable.

(c) Except as provided in subsection (3)(a) of this section, if air, natural gas or inert gas is used as the test medium, the following maximum hoop stress limitations apply:

Maximum Hoop Stress Permissible During Test

	Percent of Specified Minimum Yield			
Class Location	1	2	3	4
Test Medium Air or Inert Gas	80	75	50	40
Natural Gas	80	30	30	30

(d) Each weld used to tie-in a test segment of pipeline is excepted from the test requirements of this section.

(3) Strength test requirements for steel pipeline to operate at a hoop stress of thirty (30) percent or more of SMYS:

(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of thirty (30) percent or more of SMYS must be strength tested in accordance with this section to substantiate the proposed maximum allowable operating pressure. In addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within 300 feet of a pipeline, a hydrostatic test must be conducted to a test pressure of at least 125 percent of maximum operating pressure on that segment of the pipeline within 300 feet of such a building, but in no event may the test section be less than 600 feet unless the length of the newly installed or relocated pipe is less than 600 feet. However, if the buildings are evacuated while the hoop stress exceeds fifty (50) percent of SMYS, air or inert gas may be used as the test medium.

(b) In a Class 1 and Class 2 location, each compressor station, regulator station and measuring station must be tested to a Class 3 location test requirements.

(c) Except as provied in paragraph (e) of this subsection, the strength test must be conducted by maintaining the pressure at or above the test presssure for at least eight (8) hours.

(d) If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that:

1. The component was tested to at least the pressure required for the pipeline to which it is being added; or

2. The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added.

(e) For fabricated units and short sections of pipe, for which a post installation test is impractical, a pre-installation strength test must be conducted by maintaining the pressure at or above the test pressure for at least four (4) hours.

(4) Test requirements for pipelines and mains to operate at a hoop stress less than thirty (30) percent of SMYS and above 100 p.s.i.g. Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than thirty (30) percent of SMYS and above 100 p.s.i.g. must be tested in accordance with the following:

(a) The pipeline operator must use a test procedure that will insure discovery of all potentially hazardous leaks in the segment being tested.

(b) If, during the test, the segment is to be stressed to twenty (20) percent or more of SMYS and natural gas, air or inert gas is the test medium:

1. A leak test must be made at a pressure between 100 p.s.i.g. and the pressure required to produce a hoop stress of twenty (20) percent of SMYS; or

2. The line must be walked to check for leaks while the hoop stress is held at approximately twenty (20) percent of SMYS.

(c) The pressure must be maintained at or above the test pressure for at least one (1) hour.

(5) Test requirements for pipelines to operate at or below 100 p.s.i.g. Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at or below 100 p.s.i.g. must be leak tested in accordance with the following:

(a) The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) Each main that is to be operated at less than one (1) p.s.i.g. must be tested to at least ten (10) p.s.i.g. and each main to be operated at or above one (1) p.s.i.g. must be tested to at least ninety (90) p.s.i.g.

(6) Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service-line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

(b) Each segment of a service line (other than plastic) intended to be operated at a pressure of at least one (1) p.s.i.g. but not more than forty (40) p.s.i.g. must be given a leak test at a pressure of not less than fifty (50) p.s.i.g.

(c) Each segment of a service line (other than plastic) intended to be operated at pressures of more than forty (40) p.s.i.g. must be tested to the maximum operating pressure or ninety (90) p.s.i.g., whichever is greater, except that each segment of a steel service line stressed to twenty (20) percent or more of SMYS must be tested in accordance with subsection (4) of this section.

(7) Test requirements for plastic pipelines.

(a) Each segment of a plastic pipeline must be tested in accordance with this subsection.

(b) The test procedure must insure discovery of all potentially hazardous leaks in the segment being tested.

(c) The test pressure must be at least 150 percent of the maximum operating pressure or fifty (50) p.s.i.g., whichever is greater. However, the maximum test pressure may not be more than three (3) times the design pressure of the pipe.

(d) The temperature of thermoplastic material must be no more than 100 degrees Fahrenheit during the test.

(8) Environmental protection and safety requirements.

(a) In conducting tests under this subsection, each operator shall insure that every reasonable precaution is taken to protect its employees and the general public during the testing. Whenever the hoop stress of the segment of the pipeline being tested will exceed fifty (50) percent of SMYS, the operator shall take all practicable steps to keep persons not working on the testing operation outside of the testing area until the pressure is reduced to or below the proposed maximum allowable operating pressure.

(b) The operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment.

(9) Records. Each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under subsections (3) and (4) of this section. The record must contain at least the following information:

(a) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.

(b) Test medium used.

(c) Test pressure.

(d) Test duration.

(e) Pressure recording charts, or other record of pressure readings.

(f) Elevation variations, whenever significant for the particular test.

(g) Leaks and failures noted and their disposition.

Section 12. Uprating. (1) Scope. This subsection prescribes minimum requirements for increasing maximum allowable operation pressures (uprating) for pipelines.

(2) General requirements.

(a) Pressure increases. Whenever the requirements of this subsection require that an increase in operating presssure be made in increments, the presssure must be increased gradually, at a rate that can be controlled, and in accordance with the following:

1. At the end of each incremental increase, the pressure must be held constant while the entire segment of pipeline that is affected is checked for leaks.

2. Each leak detected must be repaired before a further pressure increase is made, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous.

(b) Records. Each operator who uprates a segment of pipeline shall retain for the life of the segment a record of each investigation required by this subsection, of all work performed, and of each pressure test conducted, in connection with the uprating.

(c) Written plan. Each operator who uprates a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of this subsection is complied with.

(d) Limitation on increase in maximum allowable operating pressure. Except as provided in subsection (3) of

this section, a new maximum allowable operating pressure established under this subsection may not exceed the maximum that would be allowed under this part for a new segment of pipeline constructed of the same materials in the same location.

(3) Uprating to a pressure that will produce a hoop stress of thirty (30) percent or more of SMYS in steel pipeline.

(a) Unless the requirements of this section have been met, no person may subject any segment of a steel pipeline to an operating pressure that will produce a hoop stress of thirty (30) percent or more of SMYS and that is above the established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure the operator shall:

1. Review the design, operating, and maintenance history and previous testing of the segment of pipeline and determine whether the proposed increase is safe and consistent with the requirements of this part; and

2. Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure.

(c) After complying with paragraph (b) of this subsection, an operator may increase the maximum allowable operating pressure of a segment of pipeline constructed before September 12, 1970, to the highest pressure that is permitted under Section 13(11) of this regulation, using as test pressure the highest pressure subjected (either in a strength test or in actual operation).

(d) After complying with paragraph (b) of this subsection, an operator that does not qualify under paragraph (c) of this subsection may increase the previously established maximum allowable operating pressure if at least one (1) of the following requirements is met:

1. The segment of pipeline is successfully tested in accordance with the requirements of this part for a new line of the same material in the same location.

2. An increased maximum allowable operating pressure may be established for a segment of pipeline in a Class 1 location if the line has not previously been tested; and if:

a. It is impractical to test it in accordance with the requirements of this part;

b. The new maximum operating pressure does not exceed eighty (80) percent of that allowed for a new line of the same design in the same location; and

c. The operator determines that the new maximum allowable operating pressure is consistent with the condition of the segment of pipeline and the design requirements of this regulation.

(e) Where a segment of pipeline is uprated in accordance with paragraph (c) or (d)2 of this subsection, the increase in pressure must be made in increments that are equal to:

1. Ten (10) percent of the pressure before the uprating; or

2. Twenty-five (25) percent of the total pressure increase, whichever produces the fewer number of increments.

(4) Uprating: Steel pipelines to a pressure that will produce a hoop stress less than thirty (30) percent of SMYS; plastic, cast iron, and ductile iron pipelines.

(a) Unless the requirements of this subsection have been met, no person may subject:

1. A segment of steel pipeline to an operating pressure that will produce a hoop stress less than thirty (30) percent of SMYS and that is above the previously established maximum allowable operating pressure; or

2. A plastic, cast iron, or ductile iron pipeline segment to an operating pressure that is above the previously established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure, the operator shall:

1. Review the design, operating, and maintenance history of the segment of pipeline;

2. Make a leakage survey (if it has been more than one (1) year since the last survey) and repair any leaks that are found, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous;

3. Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure;

4. Reinforce or anchor offsets, bends and dead ends in pipe joined by compression couplings or bell and spigot joints to prevent failure of the pipe joint, if the offset, bend or dead end is exposed in an excavation;

5. Isolate the segment of pipeline in which the pressure is to be increased from any adjacent segment that will continue to be operated at a lower pressure; and

6. If the pressure in mains or service lines, or both, is to be higher than the pressure delivered to the customer, install a service regulator on each service line and test each regulator to determine that it is functioning. Pressure may be increased as necessary to test each regulator, after a regulator has been installed on each pipeline subject to the increased pressure.

(c) After complying with paragraph (b) of this subsection, the increase in maximum allowable operating pressure must be made in increments that are equal to ten (10) p.s.i.g. or twenty-five (25) percent of the total pressure increase, whichever produces the fewer number of increments. Whenever the requirements of paragraph (b)6 of this subsection apply, there must be at least two (2) approximately equal incremental increases.

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to ascertain compliance with Section 3(9) and (10) of this regulation, as applicable, the following procedures must be followed:

1. If the original laying conditions cannot be ascertained, the operator shall assume, when applying the design formulas of ANSI C101-67, that cast iron pipe was supported on blocks with tamped backfill and, when applying the design formulas of ANSI A21.50, that ductile iron pipe was laid without blocks with tamped backfill.

2. Unless the actual maximum cover depth is known, the operator shall measure the actual cover in at least three (3) places where the cover is most likely to be greatest and shall use the greatest cover measured.

3. Unless the actual nominal wall thickness is known, the operator shall determine the wall thickness by cutting and measuring coupons from at least three (3) separate pipe lengths. The coupons must be cut from pipe lengths in areas where the cover depth is most likely to be the greatest. The average of all measurements taken must be increased by the allowance indicated in the following table:

Pipe size (inches)	Allowance (inches)		
	Cast iron pipe		
	Pit cast pipe	Centrifugally cast pipe	Ductile iron pipe
3-8	0.075	0.065	0.065
10-12	0.08	0.07	0.07
14-24	0.08	0.08	0.075
30-42	0.09	0.09	0.075
48	0.09	0.09	0.08
54-60	0.09		

NOTE: The nominal wall thickness of the cast iron is the standard thickness listed in table 10 or table 11, as applicable, of ANSI C101-67 nearest the value obtained under this subparagraph. The nominal wall thickness of ductile iron pipe is the standard thickness listed in table 6 of ANSI A21.50 nearest the value obtained under this subparagraph.

4. For cast iron pipe, unless the pipe manufacturing process is known, the operator shall assume that the pipe is pit cast pipe with a bursting tensile strength of 11,000 p.s.i.g. and a modulus of rupture of 31,000 p.s.i.g.

Section 13. Operations. (1) Scope. This section prescribes minimum requirements for the operation of pipeline facilities.

(2) General provisions.

(a) No person may operate a segment of pipeline unless it is operated in accordance with this section.

(b) Each operator shall establish a written operating and maintenance plan meeting the requirements of this regulation and keep records necessary to administer the plan.

(3) Essentials of operating and maintenance plan. Each operator shall include the following in its operating and maintenance plan:

(a) Instructions for employees covering operating and maintenance procedures during normal operations and repairs.

(b) Items required to be included by the provision of Section 14 of this regulation.

(c) Specific programs relating to facilities presenting the greatest hazard to public safety either in an emergency or because of extraordinary construction or maintenance requirements.

(d) A program for conversion procedures, if conversion of a low-pressure distribution system to a higher pressure is contemplated.

(e) Provision for periodic inspections to ensure that operating pressures are appropriate for the class location.

(4) Initial determination of class location and confirmation or establishment of maximum allowable operating pressure.

(a) Before April 15, 1971, each operator shall complete a study to determine for each segment of pipeline with a maximum allowable operating pressure that will produce a hoop stress that is more than forty (40) percent of SMYS:

1. The present class location of all such pipeline in its system; and

2. Whether the hoop stress corresponding to the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location.

(b) Each segment of pipeline that has been determined under paragraph (a) of this subsection to have an established maximum allowable operating pressure producing a hoop stress that is not commensurate with the class location of the segment of pipeline and that is found to be in satisfactory condition, must have the maximum allowable operating pressure confirmed or revised in accordance with subsection (6) of this section. The confirmation or revision must be completed not later than December 31, 1974.

(c) Each operator required to confirm or revise an established maximum allowable operating pressure under paragraph (b) of this subsection shall, not later than December 31, 1971, prepare a comprehensive plan, including a schedule, for carrying out the confirmations or revisions. The comprehensive plan must also provide for confirmations or revisions determined to be necessary under subsection (5) of this section, to the extent that they are caused by changes in class locations taking place before July 1, 1973.

(5) Change in class location: required study. Whenever an increase in population density indicates a change in class location for a segment of an existing steel pipeline operating at hoop stress that is more than forty (40) percent of SMYS, or indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a segment of existing pipeline is not commensurate with the present class location, the operator shall immediately make a study to determine:

(a) The present class location for the segment involved;

(b) The design, construction, and testing procedures followed in the original construction, and a comparison of these procedures with those required for the present class location by the applicable provisions of this part;

(c) The physical condition of the segment to the extent it can be ascertained from available records;

(d) The operating and maintenance history of the segment;

(e) The maximum actual operating pressure and the corresponding operating hoop stress, taking pressure gradient into account, for the segment of pipeline involved; and

(f) The actual area affected by the population density increase, and physical barriers or other factors which may limit further expansion of the more densely populated area.

(6) Change in class location: confirmation or revision of maximum allowable operating pressure. If the hoop stress corresponding to the established maximum allowable operating pressure of a segment of pipeline is not commensurate with the present class location, and the segment is in satisfactory physical condition, the maximum allowable operating pressure of that segment of pipeline must be confirmed or revised as follows:

(a) If the segment involved has been previously tested in place to at least ninety (90) percent of its SMYS for a period of not less than eight (8) hours, the maximum allowable operating pressure must be confirmed or reduced so that the corresponding hoop stress will not exceed seventy-two (72) percent of SMYS of the pipe in Class 2 locations, sixty (60) percent of SMYS in Class 3 locations, or fifty (50) percent of SMYS in Class 4 locations.

(b) If the segment involved has not been previously tested in place as described in paragraph (a) of this subsection, the maximum allowable operating pressure must be reduced so that the corresponding hoop stress is not more than that allowed by this part for new segments of pipelines in the existing class location.

(c) If the segment of pipeline involved has not been qualified for operation under paragraphs (a) or (b) of this subsection, it must be tested in accordance with the applicable requirements of Section 11 of this regulation, and its maximum allowable operating pressure must then be

established so as to be equal to or less than the following:

1. The maximum allowable operating pressure after the requalification test is 0.8 times the test pressure for Class 2 locations, 0.667 times the test pressure for Class 3 locations, and 0.555 times the test pressure for Class 4 locations.

2. The maximum allowable operating pressure confirmed or revised in accordance with this subsection, may not exceed the maximum allowable operating pressure established before the confirmation or revision.

3. The corresponding hoop stress may not exceed seventy-two (72) percent of the SMYS of the pipe in Class 2 locations, sixty (60) percent of the SMYS in Class 3 locations, or fifty (50) percent of the SMYS in Class 4 locations.

(d) Confirmation or revision of the maximum allowable operating pressure of a segment of pipeline in accordance with this section does not preclude the application of Section 12(2) and (3) of this regulation.

(e) Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under subsection (5) of this section must be complete as follows:

1. Confirmation or revision due to changes in class location that occur before July 1, 1973, must be completed not later than December 31, 1974.

2. Confirmation or revision due to changes in class location that occur on or after July 1, 1973, must be completed within eighteen (18) months of the change in class location.

(7) Continuing surveillance.

(a) Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with subsection (11)(a) and (b) of this section.

(8) Damage prevention program.

(a) Except for pipelines listed in paragraph (c) of this subsection, each operator of a buried pipeline shall carry out in accordance with this subsection a written program to prevent damage to that pipeline by excavation activities. For the purpose of this subsection, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above-ground structures by either explosive or mechanical means, and other earth moving operations. An operator may perform any of the duties required by paragraph (b) of this subsection through participation in a public service program, such as a "one-call" system, but such participation does not relieve the operator of responsibility for compliance with this subsection.

(b) The damage prevention program required by paragraph (a) of this subsection must, at a minimum:

1. Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

2. Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (b)1 of this subsection of the following as often as needed to make them aware of the damage prevention programs:

a. The program's existence and purpose; and

b. How to learn the location of underground pipelines before excavation activities are begun.

3. Provide a means of receiving and recording notification of planned excavation activities.

4. Provide for actual notification of persons who give notice of their intent to excavate of whether there are buried pipelines in the area of excavation activity and, if so, the type of temporary marking to be provided and how to identify the markings.

5. Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

6. Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

a. The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

b. In the case of blasting, any inspection must include leakage surveys.

(c) A damage prevention program under this subsection is not required for the following pipelines:

1. Pipelines in a Class 1 or 2 location.

2. Pipelines in a Class 3 location defined by Section 1(3)(d)2 of this regulation that are marked in accordance with Section 14(5) of this regulation.

3. Pipelines to which access is physically controlled by the operator.

4. Pipelines that are part of a petroleum gas system subject to Section 1(6) of this regulation or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

(9) Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

1. Receiving, identifying, and classifying notices of events which require immediate response by the operator.

2. Establishing and maintaining adequate means of communication with appropriate fire, police, and other public offficials.

3. Prompt and effective response to a notice of each type of emergency, including the following:

a. Gas detected inside or near a building.

b. Fire located near or directly involving a pipeline facility.

c. Explosion occurring near or directly involving a pipeline facility.

d. Natural disaster.

4. The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

5. Actions directed toward protecting people first and then property.

6. Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.

7. Making safe any actual or potential hazard to life or property.

8. Notifying appropriate fire, police and other public officials of gas pipeline emergenices and coordinating with them, both planned responses, and actual responses during an emergency.

9. Safely restoring any service outage.

10. Beginning action under subsection (10) of this section, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall:

1. Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this subsection as necessary for compliance with those procedures.

2. Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

3. Review employee activities to determine whether the procedures were effectively followed in each emergency.

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

1. Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

2. Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

3. Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

4. Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

(d) Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

(10) Investigation of failures. Each operator shall establish procedures for analyzing accidents and failure, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

(11) Maximum allowable operating pressure: steel or plastic pipelines.

(a) Except as provided in paragraph (c) of this subsection, no person may operate a segment of steel or plastic pipeline at a presssure that exceeds the lowest of the following:

1. The design pressure of the weakest element in the segment, determined in accordance with Sections 3 and 4 of this regulation.

2. The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

a. For plastic pipe in all locations, the test pressure is divided by a factor of one and five-tenths (1.5).

b. For steel pipe operated at 100 p.s.i.g. or more, the test pressure is divided by a factor determined in accordance with the following table:

Class Location	Segment Installed before (Nov. 12, 1970)	Segment Installed after (Nov. 11, 1970)	Converted under Section 1(8)
1	1.10	1.10	1.25
2	1.25	1.25	1.25
3	1.40	1.50	1.50
4	1.40	1.50	1.50

3. The highest actual operating pressure to which the segment was subjected during the five (5) years preceding July 1, 1970, unless the segment was tested in accordance with paragraph (a)2 of this subsection after July 1, 1965, or the segment was uprated in accordance with Section 12 of this regulation.

4. For furnace butt welded steel pipe, a pressure equal to sixty (60) percent of the mill test pressure to which the pipe was subjected.

5. For steel pipe other than furnace butt welded pipe, a pressure equal to eighty-five (85) percent of the highest test pressure to which the pipe has been subjected, whether by mill test or by the post installation test.

6. The presssure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressure.

(b) No person may operate a segment to which paragraph (a)6 of this subsection is appliable, unless overpressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Section 4(30) of this regulation.

(c) Notwithstanding the other requirements of this subsection, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five (5) years preceding July 1, 1970.

(12) Maximum allowable operating pressure: high-pressure distribution systems.

(a) No person may operate a segment of a high-pressure distribution system at a pressure that exceeds the lowest of the following pressures, as applicable:

1. The design pressure of the weakest element in the segment, determined in accordance with Sections 3 and 4 of this regulation.

2. Sixty (60) p.s.i.g., for a segement of a distribution system otherwise designed to operate at over sixty (60) p.s.i.g., unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of Section 4(31)(c) of this regulation.

3. Twenty-five (25) p.s.i.g., in segments of cast iron pipe in which there are unreinforced bell and spigot joints.

4. The pressure limits to which a joint could be subjected without the possibility of its parting.

5. The pressure determined by the operator to be maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressures.

(b) No person may operate a segment of pipeline to which paragraph (a)5 of this subsection applies, unless overpressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Section 4(30) of this regulation.

(13) Maximum and minimum allowable operating pressure: low-pressure distribution systems.

(a) No person may operate a low-pressure distribution system at a pressure high enough to make unsafe the operation of any connected and properly adjusted low-pressure gas burning equipment.

(b) No person may operate a low-pressure distribution system at a pressure lower than the minimum pressure at which the safe and continuing operation of any connected and properly adjusted low-pressure gas burning equipment can be assured.

(14) Standard pressure.

(a) All utilities supplying gas for light, heat, power or other purposes shall, subject to the approval of the commission, adopt and maintain a standard pressure as measured at the customer's meter outlet. In adopting such standard pressure the utility may divide its distribution system into districts and establish a separate standard pressure for each such district, or the utility may establish a single standard pressure for its distribution system as a whole.

(b) The standard pressure to be adopted as herein provided shall be a part of the utility's schedule of rates and general rules and regulations.

(c) No change shall be made by a utility in the standard pressure or pressure adopted except in case of emergency.

(15) Allowable variations of standard service pressure.

(a) The variations of standard pressure as established under the preceding rule shall not exceed the adopted pressure by more than fifty (50) percent plus or minus.

(b) A utility supplying gas shall not be deemed to have violated paragraph (a) of this subsection, if it can be shown that variations from said pressure are due to:

1. Use of gas by the customer in violation of contract of the rules of the utility.

2. Infrequent fluctuations of short duration to unavoidable conditions of operation.

(c) Allowable variations in standard pressure other than those covered by paragraph (a) of this subsection will be established by the commission when application is made and good cause shown therefor.

(d) The gas pressures required above shall be maintained at the outlet of the meter in such a manner to provide safe and efficient utilization of gas in properly adjusted appliances supplied through adequately sized customer's facilities.

(16) Continuity of service.

(a) The utility shall keep a complete record of all interruptions on its entire system or on major divisions thereof. The record shall show the cause of interruption, date, time, duration, remedy and steps taken to prevent recurrence. The commission shall be notified of major interruptions as soon as they come to the attention of the utility and a complete report made after restoration of service.

(b) An interruption of service, as the term is used here, shall also mean the interval of time during which the pressure drops below fifty (50) percent of such adopted standard pressure on the entire system, or on one (1) or more entire major division or divisions for which an average standard pressure has been adopted.

(17) Odorization of gas.

(a) A combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth (1/5) of the lower explosive limit (approximately one (1) percent by volume), the gas is readily detectable by a person with a normal sense of smell.

(b) A combustible gas in a transmission line in a Class 3 or Class 4 location must comply with the requirements of paragraph (a) of this subsection unless:

1. At least fifty (50) percent of the length of the line downstream from that location is in a Class 1 or Class 2 location;

2. The line transports gas to any of the following facilities which received gas without an odorant from that line before May 5, 1975;

a. An underground storage field;

b. A gas processing plant;

c. A gas dehydration plant; or

d. An industrial plant using gas in a process where the presence of an odorant:

(i) Makes the end product unfit for the purpose for which it is intended;

(ii) Reduces the activity of a catalyst; or

(iii)Reduces the percentage completion of a chemical reaction.

3. In the case of lateral line which transports gas to a distribution center, at least fifty (50) percent of the length of that line is in a Class 1 or Class 2 location.

(c) The products of combustion from the odorant may not be toxic when breathed nor may they be corrosive or harmful to those materials to which the products of combustion will be exposed.

(d) The odorant may not be soluble in water to an extent greater than two and one-half (2.5) parts to 100 parts by weight.

(e) Equipment for odorization must introduce the odorant without wide variations in the level of odorant.

(f) Each utility shall conduct sampling of combustible gases to assure the proper concentration of odorant in accordance with this section.

1. The utility shall sample gases in each separately odorized system at approximately the furthest point from injection of the odorant.

2. Sampling shall be conducted with equipment designed to detect and verify the proper level of odorant.

3. Separately odorized systems with ten (10) or fewer customers shall be sampled for proper odorant level at least once each ninety-five (95) days.

4. Separately odorized systems with more than ten (10) customers shall be sampled for proper odorant level at least once each week.

(18) Tapping pipelines under pressure. Each tap made on a pipeline under pressure must be performed by a crew qualified to make hot taps.

(19) Purging of pipelines.

(a) When a pipeline is being purged of air by use of gas, the gas must be released into one (1) end of the line in a moderately rapid and continuous flow. If gas cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the gas.

(b) When a pipeline is being purged of gas by use of air, the air must be released into one (1) end of the line in a moderately rapid and continuous flow. If air cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the air.

Section 14. Maintenance. (1) Scope. This section prescribes minimum requirements for maintenance of pipeline facilities.

(2) General.

(a) No person may operate a segment of pipeline, unless it is maintained in accordance with this section.

(b) Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.

(c) Hazardous leaks must be repaired promptly.

(3) Transmission lines: patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between

patrols may not be longer than prescribed in the following table:

Class Location of Line	Maximum Interval Between Periods: At Highway and Railroad Crossings	Maximum Interval Between Periods: At All Other Places
1 & 2	7½ months; but at least twice each calendar year	15 months; but at least once each calendar year
3	4½ months; but at least four times each calendar year	7½ months; but at least twice each calendar year
4	4½ months; but at least four times each calendar year	4½ months; but at least four times each calendar year

(4) Transmission lines: leakage surveys.

(a) Each operator of a transmission line shall provide for periodic leakage surveys of the line in its operating and maintenance plan.

(b) Leakage surveys of a transmission line must be conducted at intervals not exceeding fifteen (15) months; but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with Section 13(17) of this regulation without an odor or odorant, leakage surveys using leak detector equipment must be conducted;

1. In Class 3 locations, at intervals not exceeding seven and one-half (7½) months; but at least twice each calendar year; and

2. In Class 4 locations, at intervals not exceeding four and one-half (4½) months; but at least four (4) times each calendar year.

(5) Line markers for mains and transmission lines.

(a) Buried pipelines. Except as provided in paragraph (b) of this subsection, a line marker must be placed and maintained as close as practical over each buried main and transmission line:

1. At each crossing of a public road, railroad, and navigable waterway (for purposes of this section, navigable waterway is defined as any body of water on which travels commercial vessels); and

2. Wherever necessary to identify the location of the transmission line or main to reduce the possibility of damage or interference.

(b) Exceptions for buried pipelines. Line markers are not required for buried mains and transmission lines:

1. Located under inland navigable waters;

2. In Class 3 or Class 4 locations:

a. Where placement of a marker is impractical; or

b. Where a damage prevention program is in effect under Section 13(8) of this regulation; or

3. In the case of navigable waterway crossings, within 100 feet of a line marker placed and maintained at that waterway in accordance with this section.

(c) Pipelines above ground. Line markers must be placed and maintained along each section of a main and transmission line that is located above ground in an area accessible to the public.

(d) Markers other than at navigable waterways. The following must be written legibly on a background of sharply contrasting color on each line marker not placed at a navigable waterway:

1. The word "Warning," "Caution," or "Danger," followed by the words "Gas (or name of gas transported) Pipeline" all of which, except for markers in heavily developed urban areas, must be in letters at least one (1) inch high with one-quarter (¼) inch stroke.

2. The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

(e) Markers at navigable waterways. Each line marker at a navigable waterway must have the following characteristics.

1. A sign, rectangular in shape, with a narrow strip along each edge colored international orange and the area between lettering on the sign and boundary strips colored white.

2. Written on the sign in block style, black letters:

a. The word "Warning," "Caution," or "Danger," followed by the words "Do Not Anchor or Dredge" and the words "Gas (or name of gas transported) Pipeline Crossing;" and

b. The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

3. In overcast daylight, the sign is visible and the writing required by paragraph (e)2a of this subsection is legible, from approaching or passing vessels that may damage or interfere with the pipeline.

(6) Transmission lines: recordkeeping. Each utility shall keep records covering each leak discovered, repair made, transmission line break, leakage survey, line patrol, and inspection, for as long as the segment of transmission line involved remains in service.

(7) Transmission lines; general requirements for repair procedures.

(a) Each utility shall take immediate temporary measures to protect the public whenever:

1. A leak, imperfection, or damage that impairs its serviceability is found in a segment of steel transmission line operating at or above forty (40) percent of the SMYS; and

2. It is not feasible to make a permanent repair at the time of discovery.

(a) As soon as feasible, the utility shall make permanent repairs.

(b) Except as provided in subsection (10)(a)3 of this section, no utility may use a welded patch as a means of repair.

(8) Transmission lines: permanent field repair of imperfections and damages.

(a) Except as provided in paragraph (b) of this subsection, each imperfection or damage that impairs the serviceability of a segment of steel transmission line operating at or above forty (40) percent of SMYS must be repaired as follows:

1. If it is feasible to take the segment out of service, the imperfection or damage must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

2. If it is not feasible to take the segment out of service, a full encirclement welded split sleeve of appropriate design must be applied over the imperfection or damage.

3. If the segment is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

(b) Submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the imperfection or damage.

(9) Transmission lines: permanent field repair of welds. Each weld that is unacceptable under Section 5(11)(c) of this regulation must be repaired as follows:

(a) If it is feasible to take the segment of transmission line out of service, the weld must be repaired in accordance with the applicable requirements of Section 5(13) of this regulation.

(b) A weld may be repaired in accordance with Section 5(13) of this regulation while the segment of transmission line is in service if:

1. The weld is not leaking;

2. The pressure in the segment is reduced so that it does not produce a stress that is more than twenty (20) percent of the SMYS of the pipe; and

3. Grinding of the defective area can be limited so that at least one-eight (1/8) inch thickness in the pipe weld remains.

(c) A defective weld which cannot be repaired in accordance with paragraph (a) or (b) of this subsection must be repaired by installing a full encirclement welded split sleeve of appropriate design.

(10) Transmission lines: permanent field repair of leaks.

(a) Except as provided in paragraph (b) of this subsection, each permanent field repair of a leak on a transmission line must be made as follows:

1. If feasible, the segment of transmission line must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

2. If it is not feasible to take the segment of transmission line out of service, repairs must be made by installing a full encirclement welded split sleeve of appropriate design, unless the transmission line:

a. Is joined by mechanical couplings; and

b. Operates at less than forty (40) percent of SMYS.

3. If the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on-leak clamps; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 p.s.i. SMYS, the repair may be made by fillet welding over the pitted area a steel plate patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half (½) of the diameter of the pipe in size.

(b) Submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the leak.

(11) Transmission lines: testing of repairs.

(a) Testing of replacement pipe.

1. If a segment of transmission line is repaired by cutting out the damaged portion of the pipe as a cylinder, the replacement pipe must be tested to the pressure required for a new line installed in the same location.

2. The test required by subparagraph 1 of this paragraph may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of Section 5(12) of this regulation.

(b) Testing of repairs made by welding. Each repair made by welding in accordance with subsections (8), (9) and (10) of this section must be examined in accordance with Section 5(11) of this regulation.

(12) Distribution systems: patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding four and one-half (4½) months; but at least four (4) times each calendar year.

(13) Distribution systems: leakage surveys and procedures.

(a) Each utility shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

1. At least once each calendar year, but at intervals not exceeding fifteen (15) months, a gas detector survey shall be conducted in business districts, involving tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, and where access in not denied at inside basement walls of public and commercial buildings located adjacent to gas mains and service lines, at cracks in pavement and sidewalks and at other locations providing an opportunity for finding gas leaks.

2. Leakage surveys of the distribution system outside of the principal business areas must be made as frequently as necessary, but at intervals not exceeding five (5) years.

(c) Each gas utility shall maintain a record of gas leaks reported by the public, employees or detected by leak surveys. This record shall be maintained for a period of five (5) years.

(d) Each leak detected shall be graded according to the following standard:

1. Grade 1—Hazardous leaks.

2. Grade 2—Nonhazardous leaks.

3. Grade 3—Nuisance leaks.

(e) Each of the above leak gradings shall be defined as follows:

1. Grade 1—A leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous.

2. Grade 2—A leak that is recognized as being nonhazardous at the time of detection but justifies scheduled repair based on probable future hazard.

3. Grade 3—A leak that is nonhazardous at the time of detection and can be reasonably expected to remain nonhazardous. Grade 3 leaks shall be monitored and reevaluated until the leak is regraded or no longer results in a reading.

(14) Test requirements for reinstating service lines.

(a) Except as provided in paragraph (b) of this subsection, each disconnected service line must be tested in the same manner as a new service line, before being reinstated.

(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.

(15) Abandonment or inactivation of facilities.

(a) Each utility shall provide in its operating and maintenance plan for abandonment or deactivation of pipelines, including provisions for meeting each of the requirements of this subsection.

(b) Each pipeline abandoned in place must be disconnected from all sources and supplies of gas; purged of gas; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is not potential hazard.

(c) Except for service lines, each inactive pipeline that is

not being maintained under this section must be disconnected from all sources and supplies of gas; purged of gas; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

(d) Whenever service to a customer is discontinued, one (1) of the following must be complied with:

1. The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the utility.

2. A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

3. The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

(e) If air is used for purging, the utility shall insure that a combustible mixture is not present after purging.

(f) Each abandoned vault must be filled with a suitable compacted material.

(16) Compressor stations: procedures for gas compressor units. Each utility shall establish starting, operating, and shutdown procedures for gas compressor units.

(17) Compressor stations: inspection and testing of relief devices.

(a) Except for rupture discs, each pressure relieving device in a compressor station must be inspected and tested in accordance with subsections (21) and (23) of this section, and must be operated periodically to determine that it opens at the correct set pressure.

(b) Any defective or inadequate equipment found must be promptly repaired or replaced.

(c) Each remote control shutdown device must be inspected and tested, at intervals not to exceed fifteen (15) months; but at least once each calendar year to determine that it functions properly.

(18) Compressor stations: isolation of equipment for maintenance or alterations. Each utility shall establish procedures for maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service.

(19) Compressor stations: storage of combustible materials.

(a) Flammable or combustible materials in quantities beyond those required for everyday use, or other than those normally used in compressor buildings, must be stored a safe distance from the compressor building.

(b) Above ground oil or gasoline storage tanks must be protected in accordance with National Fire Protection Association Standard No. 30.

(20) Pipe-type and bottle-type holders: plan for inspection and testing. Each utility having a pipe-type or bottle-type holder shall establish a plan for the systematic, routine inspection and testing of these facilities, including the following:

(a) Provision must be made for detecting external corrosion before the strength of the container has been impaired.

(b) Periodic sampling and testing of gas in storage must be made to determine the dew point of vapors contained in the stored gas, that if condensed, might cause internal corrosion or interfere with the safe operation of the storage plant.

(c) The pressure control and pressure limiting equipment must be inspected and tested periodically to determine that it is in a safe operating condition and has adequate capacity.

(21) Pressure limiting and regulating stations: inspection and testing. Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected, at intervals not exceeding fifteen (15) months; but at least once each calendar year to inspections and tests to determine that it is:

(a) In good mechanical condition;

(b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(c) Set to function at the correct pressure; and

(d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

(22) Pressure limiting and regulating stations: telemetering or recording gauges.

(a) Each utility shall keep continually in use on its distribution system or systems one (1) or more accurate recording pressure gauges. These gauges must be located at such point or points and in such a manner sufficient to reflect a continuous record of the gas pressure and character of service being furnished throughout the entire system or systems.

(b) In addition to the recording pressure gauges required in paragraph (a) of this subsection, all utilities distributing gas shall provide themselves with one (1) or more portable recording pressure gauges with which pressure surveys shall be made in sufficient number to indicate the service furnished and to satisfy the commission of the utility's compliance with pressure requirements.

(c) All recording pressure gauge charts shall be preserved and filed in a systematic manner and each chart shall show the date and location when the record was made. All charts must be kept on file by the utility for a period of at least two (2) years.

(d) If there are indications of abnormally high- or low-pressure, the regulator and the auxiliary equipment must be inspected and the necessary measures employed to correct any unsatisfactory operating conditions.

(23) Pressure limiting and regulating stations: testing of relief devices.

(a) If feasible, pressure relief devices (except rupture discs) must be tested in place, at intervals not exceeding fifteen (15) months; but at least once each calendar year, to determine that they have enough capacity to limit the pressure on the facilities to which they are connected to the desired maximum pressure.

(b) If a test is not feasible, review and calculation of the required capacity of the relieving device at each station must be made, at intervals not exceeding fifteen (15) months; but at least once each calendar year and these required capacities compared with the rated or experimentally determined relieving capacity of the device for the operating conditions under which it works.

(c) If the relieving device is of insufficent capacity, a new or additional device must be installed to provide the additional capacity required.

(24) Valve maintenance: transmission lines. Each transmission line valve that might be required during any emergency must be inspected and partially operated, at intervals not exceeding fifteen (15) months; but at least once each calendar year.

(25) Valve maintenance: distribution systems. Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced, at intervals not exceeding fifteen (15) months; but at least once each calendar year.

(26) Vault maintenance.

(a) Each vault housing pressure regulating and pressure

limiting equipment, and having a volumetric internal content of 200 cubic feet or more, must be inspected at intervals not exceeding fifteen (15) months; but at least once each calendar year to determine that it is in good physical condition and adequately ventilated.

(b) If gas is found in the vault, the equipment in the vault must be inspected for leaks, and any leaks found must be repaired.

(c) The ventilating equipment must also be inspected to determine that it is functioning properly.

(d) Each vault cover must be inspected to assure that it does not present a hazard to public safety.

(27) Prevention of accidental ignition. Each utility shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion, including the following:

(a) When a hazardous amount of gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

(b) Gas or electric welding or cutting may not be performed on pipe or on pipe components that contain a combustible mixture of gas and air in the area of work.

(c) Post warning signs, where appropriate.

(d) When a pipeline or main can be kept full of gas during a welding or cutting operation, the following procedures are recommended:

1. Keep a slight flow of gas moving toward the point where cutting or welding is being done.
2. The gas pressure at the site of the work shall be controlled by suitable means.
3. Close all slots or open ends immediately after they are cut with tape, and/or rightly fitting canvas or other suitable material.
4. Do not permit two (2) openings to remain uncovered at the same time. This is doubly important if the two (2) openings are at different elevations.

(e) No welding or acetylene cutting may be done on a pipeline, main or auxiliary apparatus that contains air if it is connected to a source of gas, unless a suitable means has been provided to prevent the leakage of gas into the pipeline or main.

(f) In situations where welding or cutting must be done on facilities which are filled with air and connected to a source of gas and precautions recommended above cannot be taken, one (1) or more of the following precautions, depending upon circumstances at the job, are required.

1. Purging the pipe or equipment upon which welding or cutting is to be done, with combustible gas or inert gas.
2. Testing of the atmosphere in the vicinity of the zone to be heated before the work is started and at intervals as the work progresses, with a combustible gas indicator or by other suitable means.
3. Careful vertification before the work starts that the valves that isolate the work from a source of gas do not leak.

(g) When the main is to be separated a bonding conductor must be installed across the point of separation and maintained while the pipeline is separated. If overhead electric transmission lines parallel the pipeline right-of-way, the current carrying capacity of the bonding conductor should be at least one-half (½) of the capacity of the overhead line conductors.

(h) For additional purging procedures see A.G.A. publication "Purging Principals and Practices" (1975 Edition).

(28) Caulked bell and spigot joints.

(a) Each cast iron caulked bell and spigot joint that is subject to pressures of twenty-five (25) p.s.i.g. or more must be sealed with:

1. A mechanical leak clamp; or
2. A material or device which:

a. Does not reduce the flexibility of the joint;

b. Permanently bonds, either chemically or mechanically, or both, with the bell and spigot metal surfaces or adjacent pipe metal surfaces; and

c. Seals and bonds in a manner that meets the strength, environmental, and chemical compatibility requirements of Section 2(2)(a) and (b) and Section 4(2) of this regulation.

(c) Each cast iron caulked bell and spigot joint that is subject to pressures of less than twenty-five (25) p.s.i.g. and is exposed for any reason, must be sealed by a means other than caulking.

(29) Protecting cast iron pipelines. When a utility has knowledge that the support for a segment of a buried cast iron pipeline is disturbed;

(a) That segment of the pipeline must be protected, as necessary, against damage during the disturbance by:

1. Vibrations from heavy construction equipment, trains, trucks, buses, or blasting;
2. Impact forces by vehicles;
3. Earth movement;
4. Apparent future excavations near the pipeline; or
5. Other foreseeable outside forces which may subject that segment of the pipeline to bending stress.

(b) As soon as feasible, appropriate steps must be taken to provide permanent protection for the disturbed segment from damage that might result from external loads, including compliance with applicable requirements of subsections (10)(a) and (11) of Section 7 and subsection (6)(b) through (d) of Section 9.

Section 15. Purity of Gas. (1) All gas supplied to customers shall contain no more than: a trace of hydrogen sulphide; thirty (30) grains of total sulphur per 100 cubic feet, or five (5) grains of ammonia per 100 cubic feet. No gas shall contain impurities which may cause excessive corrosion of mains or piping or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

(2) When necessary, tests for the presence of hydrogen sulphide shall be made at least once each day, except Sundays and holidays, with the standard lead acetate paper method. Results shown by these test papers shall be properly recorded and filed, as specified by the commission.

(3) Manufactured and mixed gas shall be tested at least once each month for the presence of total sulphur and ammonia, except that any gas containing no coal gas need not be tested for ammonia. Approved methods of testing shall be used. Records of all tests shall be preserved as specified by the commission.

Section 16. Heating Value of Gas. (1) Definitions of Heating Value. The heating value of a gas is the number of British Thermal Units (BTUs) produced by the combustion at constant pressure, of that amount of gas which would occupy a volume of one (1) cubic foot at a temperature of sixty (60) degress Fahrenheit, if saturated with water vapor and under a pressure equivalent to that of thirty (30) inches of mercury (the mercury being at a temperature of thirty-two (32) degrees Fahrenheit and under gravity), with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial

temperature of the gas and air, and when the water formed by combustion is condensed to the liquid stage.

(2) Each utility shall establish and maintain a standard heating value for its gas. The heating value standard adopted shall comply with the following:

(a) It shall be consistent with good service.

(b) It shall be that value which the utility determines is the most practicable and economical to supply to its customers.

(3) Each utility shall file with the commission its standard heating value as part of its schedule of Rates, Rules and Regulations.

(4) The utility shall maintain the heating value of the gas with as little variation as is practicable, but such variation shall not be more than five (5) percent above, or five (5) percent below the standard heating value.

(5) The heating value standard shall be the monthly average heating value of the gas as delivered to customers at any point within one (1) mile of the center of distribution, and shall be obtained in the following manner—the results of all tests for heating value made on any day during the calendar month shall be averaged and the average of all such daily averages shall be used in computing the monthly average.

(6) Each utility, selling more than 300,000,000 cubic feet of gas annually, shall maintain a calorimeter, gas chromatograph, or other device or equipment for testing the heating value of the gas or shall retain the services of a competent testing laboratory approved by the commission. Such device or equipment owned by the utility shall be subject to the approval of the commission and be made available for testing certification. Utilities served directly from a transmission line shall be exempt from this rule if there is an approved device or equipment for measuring the heating value of the gas maintained by the transmission company and if such device or equipment is available for testing and certification by the commission.

(7) Each utility shall make such tests and maintain necessary records to satisfy to the commission that the requirements of this section are being met. Those utilities which bill on the basis of heating value shall, as part of its schedule of Rates, Rules and Regulations, file with the commission the schedule of tests and test procedure(s) it will conduct in order to determine the heating value of its gas.

(8) Any change in the heating value greater than that allowed in subsection (4) of this section shall not be made without the approval of the commission and without adequate notice to the affected customers. In such event, the utility shall make any adjustments to the customer's applicances without charge and shall conduct the adjustment program with a minimum of inconvenience to the customer.

(9) Whenever the standard heating value of the gas supplied is changed sufficiently to necessitate readjustment of appliances, it shall be incumbent upon the utility to properly adjust the customer's appliances for the new heating value.

(10) Where any unusual conditions exist, any utility may apply to the commission to be relieved, in part, of the requirements of this section.

Section 17. Waste. All practices in the production, distribution, consumption, or use of natural gas which are wasteful, such as flambeau lights and the like, are hereby expressly prohibited.

Section 18. Deviations from Rules. In special cases for good cause shown upon application to and approved by, the commission may permit deviations from these rules.

Section 19. 807 KAR 5:021, Gas, is hereby repealed.

LAURA MURRELL, Chairman
ADOPTED: February 8, 1984
APPROVED: M. H. Wilson, Secretary
RECEIVED BY LRC: February 8, 1984 at 11 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Richard D. Hemen, Jr., Secretary, Public Service Commission, P. O. Box 615, 730 Schenkel Lane, Frankfort, Kentucky 40602.

APPENDIX A
INCORPORATED BY REFERENCE

I. List of Organizations and Addresses.
- A. American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.
- B. American Petroleum Institute (API), 1801 K Street N.W., Washington, D.C. 20006 or 300 Corrigan Tower Building, Dallas, Texas 75201.
- C. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
- D. American Society for Testing and Material (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.
- E. Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 5203 Leesburg Pike, Suite 502, Falls Church, Va. 22041.
- F. National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269.

II. Documents incorporated by reference. Numbers in parentheses indicate applicable editions.
- A. American Petroleum Institute:
  - (1) API Specification 5A "API Specification for Casing, Tubing, and Drill Pipe" (1979).
  - (2) API Specification 6A "API Specification for Wellhead Equipment" (1979).
  - (3) API Specification 6D "API Specification for Pipeline Valves" (1977).
  - (4) API Specification 5L "API Specification for Line Pipe" (1980).
  - (5) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1980).
  - (6) API Specification 5LX "API Specification for High-Test Line Pipe" (1980).
  - (7) API Recommended Practice 5L1 "API Recommended Practice for Railroad Transportation of Line Pipe" (1972).
  - (8) API Standard 1104 "Standard for Welding Pipelines and Related Facilities" (1980).
- B. The American Society for Testing and Materials:
  - (1) ASTM Specification A53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53-79).
  - (2) ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-79b).
  - (3) ASTM Specification A134 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Sizes 16 in. and over" (A134-74).
  - (4) ASTM Specification A135 "Standard Specification for Electric-Resistance-Welded Steel Pipe" (A135-79).
  - (5) ASTM Specification A139 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (Sizes 4 in. and over)" (A139-74).
  - (6) ASTM Specification A671 "Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A671-77).
  - (7) ASTM Specification A672 "Electric-Fusion-Welded

Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-79).

(8) ASTM Specification A691 "Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A169-79).

(9) ASTM Specification A211 "Standard Specification for Spiral-Welded Steel or Iron Pipe" (A211-75).

(10) ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service" (A333-79).

(11) ASTM Specification A372 "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A372-78).

(12) ASTM Specification A377 "Standard Specifications for Grey Iron and Ductile Iron Pressure Pipe" (A377-79).

(13) ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for use with High-Pressure Transmission Systems" (A381-79).

(14) ASTM Specification A539 "Standard Specification for Electric Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines" (A539-79).

(15) ASTM Specification B42 "Standard Specification for Seamless Copper Pipe, Standard Sizes" (B42-80).

(16) ASTM Specification B68 "Standard Specification for Seamless Copper Tube, Bright Annealed" (B68-80).

(17) ASTM Specification B75 "Standard Specification for Seamless Copper Tube" (B75-80).

(18) ASTM Specification B88 "Standard Specification for Seamless Copper Water Tube" (B88-80).

(19) ASTM Specification B251 "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube" (B251-76).

(20) ASTM Specification D638 "Standard Test Method for Tensile Properties of Plastic" (D368-77a).

(21) ASTM Specification D900 "Standard Method Test for Calorific Value of Gaseous Fuels by the Water Flow Calorimeter" (D900-55-1974 Edition).

(22) ASTM Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-91).

(23) ASTM Specification D2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-73) (Reapproved 1979).

C. The American National Standards Institute, Inc.:

(1) ANSI A21.11 "Rubber-Gasket Joints for Ductile-Iron, and Grey Iron Pressure Pipe and Fittings" (A21.11-1979).

(2) ANSI A21.50 "Thickness Design of Ductile-Iron Pipe" (1976).

(3) ANSI A21.52 "Ductile-Iron Pipe, Centrifugually Cast, in Metal Molds or Sand-Lined Molds for Gas" (1976).

(4) ANSI B16.1 "Cast-Iron Pipe Flanges and Flanged Fittings" (1975).

(5) ANSI B16.5 "Steel Pipe Flanges and Flanged Fittings" (1977).

(6) ANSI B16.24 "Bronze Pipe Flanges and Flanged Fittings" (1979).

(7) ANSI B36.10 "Wrought Steel and Wrought Iron Pipe" (1979).

(8) ANSI C101-67 "Thickness Design of Cast-Iron Pipe" (C101-67-1977).

D. The American Society of Mechanical Engineers:

(1) ASME Boiler and Pressure Vessel Code, Section VIII "Pressure Vessels Division 1" (1977).

(2) ASME Boiler and Pressure Vessel Code, Section IX "Welding Qualifications" (1977).

E. Manufacturer's Standardization Society of the Valve and Fittings Industry:

(1) MSS SP-25 "Standard Marking System for Valves, Fittings, Flanges, and Unions" (1978).

(2) MSS SP-44 "Steel Pipe Line Flanges" (1975).

(3) MSS SP-70 "Cast-Iron Gate Valves, Flanged and Threaded Ends" (1976).

(4) MSS SP-71 "Cast-Iron Swing Check Values, Flanged and Threaded Ends" (1976).

(5) MSS SP-78 "Cast-Iron Plug Valves" (1977).

F. National Fire Protection Association:

(1) NFPA Standard 30 "Flammable and Combustible Liquids Code" (1977).

(2) NFPA Standard 54 "National Fuel Gas Code" (1980).

(3) NFPA Standard 58 "Standard for the Storage and Handlings of Liquefied Petroleum Gases" (1979).

(4) NFPA Standard 59 "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1979).

(5) NFPA Standard 59A "Storage and Handling Liquefied Natural Gas" (1979).

(6) "National Electrical Code" NFPA-70 (ANSI) (1978).

G. National Bureau of Standards.

(1) Circular No. 48 "Standard Methods of Gas Testing" (1916).

(2) Research Paper No. 1741 "Testing Large Capacity Rotary Gas Meters," National Bureau of Standards Journal of Research, September, 1946.

APPENDIX B
QUALIFICATION OF PIPE

I. Listed Pipe Specifications. Numbers in parentheses indicate applicable editions.

API 5L—Steel Pipe (1980).
API 5LS—Steel Pipe (1980).
API 5LX—Steel Pipe (1980).
ASTM A53—Steel Pipe (1979).
ASTM A106—Steel Pipe (1979).
ASTM A134—Steel Pipe (1974).
ASTM A135—Steel Pipe (1979).
ASTM A139—Steel Pipe (1974).
ASTM A211—Steel and Iron Pipe (1975).
ASTM A333—Steel Pipe (1979).
ASTM A377—Cast Iron Pipe (1979).
ASTM A381—Steel Pipe (1979).
ASTM A539—Steel Tubing (1979).
ASTM Specification A671—Steel Pipe (1977).
ASTM Specification A672—Steel Pipe (1979).
ASTM Specification A691—Steel Pipe (1979).
ASTM B42—Copper Pipe (1980).
ASTM B68—Copper Tubing (1980).
ASTM B75—Copper Tubing (1980).
ASTM B88—Copper Tubing (1980).
ASTM B251—Copper Pipe and Tubing (1976).
ASTM D2513—Thermoplastic Pipe and Tubing (1981).
ASTM D2517—Thermosetting Plastic Pipe and Tubing (1973).
ANSI A21.52—Ductile Iron Pipe (1971).

II. Steel pipe of unknown or unlisted specification.

A. Bending Properties. For pipe two (2) inches or less in diameter, a length of pipe must be cold bent through at least ninety (90) degrees around a cylindrical mandrel that has a diameter twelve (12) times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld.

For pipe more than two (2) inches in diameter, the pipe must meet the requirements of the flattening test set forth in ASTM A53, except that the number of tests must be at least equal to the minimum required in paragraph II-D of this appendix to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than four (4) inches in diameter, at least one (1) test weld must be made for each 100 lengths of pipe. On pipe four (4) inches or less in diameter, at least one (1) test weld

must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104. If requirements of API Standard 1104 cannot be met, weldability may be established by making chemical test for carbon and manganese, and proceeding in accordance with Section IX of the ASME Boiler and Pressure Vessel Code. The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i.g. or less, or the tensile properties may be established by performing tensile tests as set forth in API Standard 5LX. All test specimens shall be selected at random and the following number of tests must be performed:

NUMBER OF TENSILE TEST—ALL SIZES

10 lengths or less	1 set of tests for each length.
11 lengths to 100 lengths	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths	1 set of tests for each 10 lengths, but not less than 10 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in 192.55(c).

III. Steel pipe manufactured before November 12, 1970, to earlier editions of listed specifications. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in Section I of this appendix, is qualified for use under this part if the following requirements are met:

A. Inspection. The pipe must be clean enough to be inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe.

B. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in Section I of this appendix:

(1) Physical (mechanical) properties of pipe, including yield and tensile strength, elongation, and yield to tensile ratio, and testing requirements to verify those properties.

(2) Chemical properties of pipe and testing requirements to verify those properties.

C. Inspection or test of welded pipe. On pipe with welded seams, one (1) of the following requirements must be met:

(1) The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in Section I of this appendix.

(2) The pipe must be tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least eight (8) hours.

APPENDIX C
QUALIFICATION OF WELDERS FOR LOW STRESS LEVEL PIPE

I. Basic test. The test is made on pipe twelve (12) inches or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one (1) section of overhead position welding. The beveling, root opening, and other details must conform to the specification of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four (4) coupons and subjected to a root bend test. If as a result of this test, two (2) or more of the four (4) coupons develop a crack in the weld material, or between the weld material and base metal, that is more than one-eighth (1/8) inch long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered.

II. Additional tests for welders of service line connections to mains. A service line connection fitting is welded to a pipe section with the same diameter as a typical main. The weld is made in the same position as it is made in the field. The weld is unacceptable if it shows a serious undercutting or if it has rolled edges. The weld is tested by attempting to break the fitting off the run pipe. The weld is unacceptable if it breaks and shows incomplete fusion, overlap, or poor penetration at the junction of the fitting and run pipe.

III. Periodic tests for welders of small service lines. Two (2) samples of the welder's work, each about eight (8) inches long with the weld located approximately in the center, are cut from steel service line and tested as follows:

(1) One (1) sample is centered in a guilded bend testing machine and bent to the contour of the die for a distance of two (2) inches on each side of the weld. If the sample shows any breaks or cracks after removal from the bending machine, it is unacceptable.

(2) The ends of the second sample are flattened and the entire joint subjected to a tensile strength test. If failure occurs adjacent to or in the weld metal, the weld is unacceptable. If a tensile strength testing machine is not available, this sample must also pass the bending test prescribed in subparagraph (1) of this paragraph.

APPENDIX D
CRITERIA FOR CATHODIC PROTECTION AND DETERMINATION OF MEASUREMENTS

I. Criteria for cathodic protection:

A. Steel, cast iron, and ductile iron structures.

(1) A negative (cathodic) voltage of at least 0.85 volt, with reference to a saturated copper-copper sulfate half cell. Determination of this voltage must be made with the protective current applied, and in accordance with Sections II and IV of this appendix.

(2) A negative (cathodic) voltage shift of at least 300 millivolts. Determination of this voltage shift must be made with the protective current applied, and in accordance with Sections II and IV of this appendix. This criterion of voltage shift applies to structures not in contact with metal of different anodic potentials.

(3) A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Sections III and IV of this appendix.

(4) A voltage at least as negative (cathodic) as that originally established at the beginning of the Tafel segment of the E-log-I curve. This voltage must be measured in accordance with Section IV of this appendix.

(5) A net protective current from the electronlyte into the structure surface as measured by an earth current technique applied at predetermined current discharge (anodic) points of the structure.

B. Aluminum structures.

(1) Except as provided in paragraphs (3) and (4) of this paragraph, a minimum negative (cathodic) voltage shift of 150 millivolts, produced by the application of protective current. The voltage shift must be determined in accordance with Sections II and IV of this appendix.

(2) Except as provided in paragraphs (3) and (4) of this paragraph, a minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Sections III and IV of this appendix.

(3) Notwithstanding the alternative minimum criteria in paragraphs (1) and (2) of this paragraph, aluminum, if cathodically protected at voltages in excess of 1.20 volts as measured with reference to a copper-copper sulfate half cell, in accordance with Section IV of this appendix, and compensated for the voltage (IR) drops other than those across the structure-electrolyte boundary may suffer corrosion resulting from the build-up of alkaili on the metal surface. A voltage in excess of 1.20 volts may not be used unless previous test results indicate no appreciable corrosion will occur in the particular evnironment.

(4) Since aluminum may suffer from corrosion under high pH conditions, and since application of cathodic protection tends to increase the pH at the metal surface, careful investigation or testing must be made before applying cathodic protection to stop pitting attack on aluminum structures in environments with a natural pH in excess of eight (8).

C. Copper structures. A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with Sections III and IV of this appendix.

D. Metal of different anodic potentials. A negative (cathodic) voltage, measured in accordance with Section IV of this appendix, equal to that required for the most anodic metal in the system must be maintained. If amphoteric structures are involved that could be damaged by high alkalinity covered by paragraphs (3) and (4) of paragraph B of this section, they must be electrically isolated with insulating flanges, or the equivalent.

II. Interpretation of voltage measurement. Voltage (IR) drops other than those across the structure-electrolyte boundary must be considered for valid interpretation of the voltage measurement in paragraphs A(1) and (2) and paragraph B(1) of Section I of this appendix.

III. Determination of polarization voltage shift. The polarization voltage shift must be determined by interrupting the protective current and measuring the polarization decay. When the current is initially interrupted, an immediate voltage shift occurs. The voltage reading after the immediate shift must be used as the base reading from which to measure polarization decay in paragraphs A(3), B(2), and C of Section I of this appendix.

IV. Reference half cells.

A. Except as provided in paragraphs B and C of this section, negative (cathodic) voltage must be measured between the structive surface and a saturated copper-copper sulfate half cell contacting the electrolyte.

B. Other standard reference half cells may be substituted for the saturated copper-copper sulfate half cell. Two (2) commonly used reference half cells are listed below along with their voltage equivalent to -0.85 volt as referred to a saturated copper-copper sulfate half cell:

(1) Saturated KCI calomel half cell: -0.78 volt.

(2) Silver-silver chloride half cell used in sea water: -0.80 volt.

C. In addition to the standard reference half cell, an alternate metallic material or structure may be used in place of the saturated copper-copper sulfate half cell if its potential stability is assured and if its voltage equivalent referred to a saturated copper-copper sulfate half cell is established.

Reprint

COMPILER'S NOTE: This regulation is being reprinted due to the omission of Section 4 in its original publication.

GENERAL GOVERNMENT OPERATIONS
Kentucky Board of Barbering
(Proposed Amendment)

201 KAR 14:015. Retaking of [apprentice] examination.

RELATES TO: KRS 317.420, 317.450
PURSUANT TO: KRS 317.440
EFFECTIVE: February 1, 1984
NECESSITY AND FUNCTION: This regulation *establishes the conditions and* [is to] assures the examinees *of* the opportunity of retaking the examination.

Section 1. Any applicant failing the apprentice examinations *two (2) consecutive times shall be required to return to school for eighty (80) additional hours of training prior to being accepted for the third time. Each unsuccessful attempt thereafter will require eighty (80) additional hours of training.* [and any applicant for a regular barbering teacher may retake the examination three (3) times within a twelve (12) month period without paying an additional examination fee.]

Section 2. An examination fee will be required for each examination.

Section 3. Any barber failing the instructor examination would not be permitted to return for ninety (90) days.

Section 4. 201 KAR 14:020, Procedure before board, and 201 KAR 14:025, Demonstration permit, are hereby repealed.

GENE RECORD, Administrator
ADOPTED: December 1, 1983
RECEIVED BY LRC: December 1, 1983 at 3 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: Gene Record, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the January 23, 1984 Meeting

(Subject to subcommittee approval at the February 27, 1984 meeting.)

The Administrative Regulation Review Subcommittee held its monthly meeting on Monday, January 23, 1984 at 10 a.m. in Room 103 of the Capitol Annex Building. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Pat McCuiston; Representatives Albert Robinson and Jim Bruce.

Guests: Terry P. Anderson and Robert W. Ware, Natural Resources and Environmental Protection Cabinet, Division of Water; Etta Ruth Kepp, Environmental Quality Commission; Gary Bale, E. L. Palmer, and Redwood Taylor, Department of Education; Bob Benson and Ed Flint, H.B.P.A.; Keene Daingerfield, George Geoghegan, J. K. Navolio, and John T. Ward, Kentucky State Racing Commission; Teresa A. Birtles, and Linda C. Cozzolino, Kentucky Midwives Association; Karen Doepke, Kentucky Committee on Midwifery Reform; George E. Dodson, M.D. and Clarence P. Marshall, Cabinet for Human Resources, Department of Health; Barbara J. Bryant, Office of the Attorney General, Consumer Protection; Tom Carter and Bill Schmidt, Kentucky State Board of Medical Licensure; Bill Doll, Kentucky Medical Association; William L. Davis and Gene Record, Kentucky Board of Barbering; Ked R. Fitzpatrick and Sharon Rodriguez, Cabinet for Human Resources, Department for Social Insurance; Carl B. Larsen, Kentucky Harness Racing Commission; Don R. McCormick, Department of Fish and Wildife Resources; Charles McDowell, Department for the Blind; Larry Perkins, State Board of Registration for Professional Engineers and Land Surveyors; Richard L. Ross and J. H. Voige, Kentucky Board of Pharmacy; Mike Salyers, Labor Cabinet, OSH Program; Judith Walden, Department of Housing, Buildings and Construction; M. J. Celletti and Mark King.

LRC Staff: Susan Harding, Joe Hood, Donna Valencia, Roy Haddix and Carla Arnold.

Press: Mark Chellgren, Associated Press.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Robinson, seconded by Representative Bruce, the minutes of the December 20-21, 1983 meeting were approved.

The following regulations were recommended for deferral by the subcommittee until the February 27, 1984 meeting:

PUBLIC PROTECTION AND REGULATION CABINET
State Racing Commission

810 KAR 1:001. Definitions.
810 KAR 1:006. Telephones.

CABINET FOR HUMAN RESOURCES
Medical Assistance

904 KAR 1:010. Payments for physician's services.
904 KAR 1:045. Payments for mental health center services.

Department for Health Services
Maternal and Child Health

902 KAR 4:010. Lay-midwifery.

FINANCE AND ADMINISTRATION CABINET
State Investment Commission

200 KAR 14:070. Savings and loan prioritization.

EDUCATION AND HUMANITIES CABINET
Department of Education
Elementary and Secondary Act

704 KAR 10:022. Elementary, middle and secondary schools standards.

The subcommittee took no action on the following emergency regulation:

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health

803 KAR 2:020E. Adoption of 29 CFR Part 1910.

The subcommittee recommended that the following regulations be approved for filing:

PUBLIC PROTECTION AND REGULATION CABINET
State Racing Commission

810 KAR 1:003. Licensing fees.
810 KAR 1:004. Stewards.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Medical Assistance

904 KAR 1:061. Payments for medical transportation.

Public Assistance

904 KAR 2:006. Technical requirements; AFDC.
904 KAR 2:016. Standards for need and amount; AFDC.
904 KAR 2:050. Time and manner of payments.

DEPARTMENT OF LAW
Division of Consumer Protection

40 KAR 2:010. Recreational and retirement use land and disclosure of costs.

FINANCE AND ADMINISTRATION CABINET
Division of Occupations and Professions
Board of Pharmacy

201 KAR 2:145. Drug products with potential bioequivalence issues.
201 KAR 2:180. Pharmacies sanitation. (With technical amendment.)
201 KAR 2:185. Prescription drug refills.
201 KAR 2:190. Return of prescription drugs prohibited.

Board of Medical Licensure

201 KAR 9:020. Licensing qualifications; approved schools.

Board of Barbering

201 KAR 14:015. Retaking of examination.
201 KAR 14:030. Five-year expiration of license.
201 KAR 14:040. Inspection of shops and schools.
201 KAR 14:050. Apprentice's license; qualifications.
201 KAR 14:060. Licensing requirements for qualified non-residents.
201 KAR 14:065. Place of business requirements.
201 KAR 14:067. Shop in residence; requirements.
201 KAR 14:070. Shop license application.

201 KAR 14:080. Number of apprentices per shop.
201 KAR 14:085. Sanitation requirements.
201 KAR 14:090. School curriculum.
201 KAR 14:105. Student application; medical certificate.
201 KAR 14:110. School equipment; plant layout.
201 KAR 14:115. Examinations; school and board.
201 KAR 14:125. Teachers' fees for services.
201 KAR 14:130. Schools' fees for services.
201 KAR 14:140. School licenses.
201 KAR 14:150. School records.

Board of Registration for Professional Engineers and Land Surveyors

201 KAR 18:040. Fees.

COMMERCE CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 1:015. Boats and outboard motors; size limits.
301 KAR 1:055. Angling; limits and seasons.
301 KAR 1:075. Gigging, hand grabbing or snagging, tickling and noodling.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Environmental Protection

Water

401 KAR 5:045. Biochemically degradable wastes; treatment.

EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Administration and Finance

Surplus Property

702 KAR 2:110. State plan of operation for surplus property.

Department for the Blind

Vocational Rehabilitation

706 KAR 2:010. Federal vocational rehabilitation program.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Occupational Safety and Health

803 KAR 2:020. Adoption of 29 CFR Part 1910.

Harness Racing Commission

811 KAR 1:015. Race officials.
811 KAR 1:030. Eligibility and classification.
811 KAR 1:035. Claiming races.
811 KAR 1:040. Stakes and futurities.
811 KAR 1:050. Entries and starters; split races.
811 KAR 1:070. Licensing; owners, drivers, trainers, grooms and agents.
811 KAR 1:090. Stimulants and drugs.
811 KAR 1:120. Licensing of race meetings.
811 KAR 1:170. Telephones.
811 KAR 1:195. Track deductions from wagers.
811 KAR 1:200. Administration of purses and payments.

Housing, Buildings and Construction

Building Code

815 KAR 7:060. Facilities for the physically disabled in new construction.

The meeting was adjourned at 12:00 noon on January 23 until February 27, 1984.

Administrative Register of kentucky

Cumulative Supplement

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NOTE: Emergency regulations expire on being repealed or replaced.

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Amended	344	
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Amended	582	12-2-83
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Amended	588	12-2-83
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Amended	770	1-4-84
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815 KAR 20:100		
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