

31.045 Transfer of employees of the Louisville and Jefferson County Public Defender Corporation to the department -- Compensation -- Status -- Benefits -- Transfer of property and assets.

- (1)
 - (a) Effective July 1, 2024, employees of the Louisville and Jefferson County Public Defender Corporation shall be transferred to the Department of Public Advocacy within the Justice and Public Safety Cabinet.
 - (b) On or before April 30, 2024, the Department of Public Advocacy shall notify each employee of the Louisville and Jefferson County Public Defender Corporation of the position comparable to their existing position, if one exists, or another position within the Department of Public Advocacy to which he or she may transfer on July 1, 2024.
 - (c) No later than May 31, 2024, the Department of Public Advocacy shall submit to the Personnel Cabinet a list of all employees who will transfer from the Louisville and Jefferson County Public Defender Corporation to the department along with records of each employee's job classification, compensation, dates of employment, dates of professional licensure, probationary status, accumulated leave balances by category, months of service, and any other information necessary under KRS Chapter 18A.
 - (d) The Personnel Cabinet shall assist the Department of Public Advocacy in implementing this section.
- (2) An employee transferred pursuant to subsection (1) of this section shall:
 - (a) Be compensated by the Department of Public Advocacy at a salary no less than his or her salary in effect with the Louisville and Jefferson County Public Defender Corporation as of April 30, 2024, except an employee who is scheduled to complete employment probation as provided under subsection (3) of this section between May 1, 2024, and July 1, 2024, shall be compensated at a salary no less than his or her salary after completion of probation; and
 - (b)
 1. Retain his or her leave time balances accumulated as of the employee's last date of employment with the Louisville and Jefferson County Public Defender Corporation.
 2. For any accumulated leave in a category that is different from a type of leave available to state employees under KRS Chapter 18A, the Personnel Cabinet shall determine which type of leave to convert the transferred leave.
 3. When computing months of service for the purpose of determining leave time accumulation for an employee transferred under subsection (1) of this section, the employee's service begins on the earlier of the date of initial employment with the Louisville and Jefferson County Public Defender Corporation or the date of employment with a state agency.
- (3) Notwithstanding KRS 18A.111, employees transferred pursuant to subsection (1) of this section:
 - (a) Who are appointed to classified positions within the Department of Public Advocacy and who are not on employment probation with the Louisville and

Jefferson County Public Defender Corporation as of the date of transfer to the Department of Public Advocacy shall be appointed with status as defined in KRS 18A.005 without an initial probationary period; and

- (b) Who are appointed to classified positions within the Department of Public Advocacy and who are on employment probation with the Louisville and Jefferson County Public Defender Corporation as of the date of transfer to the Department of Public Advocacy shall be subject to an initial probationary period which shall terminate on the date probation was originally scheduled to terminate with the Louisville and Jefferson County Public Defender Corporation or six (6) months after the date of transfer to the Department of Public Advocacy, whichever is earlier.

The Department of Public Advocacy shall include the probationary status and scheduled probation termination of each employee in its list of employees submitted to the Personnel Cabinet pursuant to subsection (1) of this section.

- (4) Employees transferred pursuant to subsection (1) of this section shall be eligible to participate in the state-sponsored life and health insurance benefit programs administered by the Personnel Cabinet under KRS Chapter 18A. Employees shall be eligible for coverage under the life and health insurance programs effective July 1, 2024, and shall not be subject to any waiting period that may be otherwise applicable to participation in these programs.
- (5)
 - (a) Employees transferred pursuant to subsection (1) of this section shall participate in the Kentucky Employees Retirement System as nonhazardous members pursuant to KRS 61.510 to 61.705.
 - (b) For purposes of KRS 61.510 to 61.705, the membership date of an employee transferred pursuant to subsection (1) of this section shall be the earlier of:
 - 1. The date upon which the employee began participating in the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other state-administered retirement system; or
 - 2. The date the employee began employment with the Louisville and Jefferson County Public Defender Corporation.
- (6) Notwithstanding KRS Chapter 45, 45A, 56, 65, 67, 67C, or 273, or any other provision of law to the contrary:
 - (a) Any lease in the name of the Louisville and Jefferson County Public Defender Corporation in effect on June 30, 2024, relating to real property, equipment, goods, or other property, and any contract to which the Louisville and Jefferson County Public Defender Corporation is a party in effect on June 30, 2024, shall be transferred to the Department of Public Advocacy effective July 1, 2024, to the extent such leases or contracts are transferable or assignable;
 - (b) A lease or contract transferred to and assumed by the Department of Public Advocacy under paragraph (a) of this subsection shall remain in place until its date of expiration or termination, whichever occurs first; and
 - (c) Any equipment, goods, or other property owned in the name of the Louisville

and Jefferson County Public Defender Corporation may be transferred to the Department of Public Advocacy, and any such equipment, goods, or property so transferred by the Louisville and Jefferson County Public Defender Corporation shall be assumed and retained by the Department of Public Advocacy for use in Jefferson County and shall not be subject to transfer to other divisions or departments within the Justice and Public Safety Cabinet or cabinets within the executive branch of state government without the approval of the public advocate.

- (7) The transfer of personnel and any assets from Louisville and Jefferson County Public Defender Corporation to the Department of Public Advocacy pursuant to this section shall not create a parent and subsidiary relationship, agency relationship, or any relationship under a respondeat superior theory or any other similar theory, either before or after the effective date of the transfer. The Department of Public Advocacy shall not be liable for any damages, losses, or injuries as the result of an act, omission, or negligence by the Louisville and Jefferson County Public Defender Corporation, its board of directors, officers, employees, agents, contractors, or any other person carrying out the mission of the Louisville and Jefferson County Public Defender Corporation. Claims made against the Louisville and Jefferson County Public Defender Corporation shall not be the responsibility of the Department of Public Advocacy, the insurer of any insurance policy maintained by the Department of Public Advocacy, or the Office of Claims and Appeals.

Effective: April 9, 2024

History: Created 2024 Ky. Acts ch. 143, sec. 1, effective April 9, 2024.

Legislative Research Commission Note (4/9/2024). 2024 Ky. Acts ch. 143, sec. 5, reads as follows:

"This Act [which created this statute] shall apply retroactively to an employee of the Louisville and Jefferson County Public Defender Corporation who was a member of its staff on September 30, 2023, and is subsequently appointed to a leadership or supervisory position within the Department of Public Advocacy between October 1, 2023, and July 1, 2024."