

AN ACT relating to the staff of the legislative branch of state government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

(1) With the assistance of the Personnel Cabinet, the Commission shall establish:

(a) A job classification and compensation system for all nonpartisan employees of the Commission similar to the system described in KRS 18A.037 and 18A.110. The cabinet shall present a proposed classification and compensation system to the Commission by August 1, 2015. The cabinet shall then propose the allocation of existing nonpartisan employees of the Commission to the proper job classifications and pay grades under the system approved by the Commission. All nonpartisan employees of the Commission shall be allocated to their proper job classification and pay grade by December 31, 2015. All nonpartisan employees of the Commission hired after the effective date of this Act shall be employed under this system. The Personnel Cabinet shall assist the Commission in any revisions of the job classification and compensation system, and shall advise the Commission on salaries for employees of the General Assembly; and

(b) Employment procedures for nonpartisan staff by December 31, 2015. The employment procedures shall be similar to those:

1. Established by the Personnel Cabinet relating to hiring, transfers, detail to special duty, performance evaluation, and earning compensatory time on an hour-for-hour basis; and

2. Established by the Kentucky Personnel Board relating to grievances, reprimands, promotions, disciplinary actions, and other penalizations.

(2) Nonpartisan staff of the Commission shall only be employed, promoted, reprimanded, demoted, transferred, dismissed, and receive pay increases in

accordance with procedures established by the Commission under this section.

- (3) Each nonpartisan employee of the Commission shall have a personnel record showing his or her name, address, title of position held, rate of compensation, changes in status, compensation, or title, and transfer. The record shall include copies of any grievances, final disciplinary actions, employee responses, and letters of commendation or acknowledgement of services rendered. Employees shall have access to their own personnel records.
- (4) The Commission shall establish personnel policies and procedures to apply the provisions of the federal Family and Medical Leave Act of 1993, as amended, to partisan and nonpartisan staff.
- (5) The classification and compensation system and the employment procedures established under this section shall be placed in the personnel manual for Commission employees and shall be published on the Commission staff Web site.
- (6) In allocating existing nonpartisan employees to the proper job classification and compensation under paragraph (a) of subsection 1 of this Act, no nonpartisan employee shall earn less than the minimum salary established for their pay grade. New employees, including employees who have retired from Kentucky state government service, shall receive the minimum salary of their pay grade unless:

 - (a) Their education and experience qualifies them for a higher salary up to the midpoint of the pay grade; and
 - (b) All other nonpartisan employees in the same classification with the same education and experience receive at least the same salary as the new employee.
- (7) The Commission may establish additional personnel policies and procedures for nonpartisan and partisan staff of the Commission.
- (8) No policy or procedure adopted by the Commission under this section shall grant rights under KRS Chapter 18A to employees of the Commission.

(9) The Commission shall utilize a deputy director whose duties shall be focused on human resource management, including monitoring the agency's compliance with both federal and state laws and agency policies and procedures and regularly reporting to the Commission on the agency's compliance with those laws and policies. This deputy director shall be appointed by the Commission upon recommendation of the director and may thereafter be removed only upon the approval of the Commission. Only a person having substantial educational training and workplace experience in workplace harassment law and human resource management shall qualify for an appointment under this subsection.

➔Section 2. KRS 7.090 is amended to read as follows:

- (1) There is created a Legislative Research Commission as an independent agency in the legislative branch of state government, which is exempt from control by the executive branch and from reorganization by the Governor. The Commission shall have the duties, responsibilities, and powers assigned to it or authorized it by the General Assembly, by statute or otherwise.
- (2) The Legislative Research Commission shall be composed of the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, the majority and minority whips of the Senate, the majority and minority whips of the House, and the majority and minority caucus chairs of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members who are of the same chamber membership and political party affiliation as the person having vacated Commission membership. If the vacancy is in the membership of the House of Representatives, the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission, the successor shall be from the Senate. A member elected to fill any vacancy shall hold

office for the unexpired term of his or her predecessor. The President of the Senate and the Speaker of the House of Representatives shall serve as co-chairs of the Commission.

- (3) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the co-chairs may determine. Meetings of the Commission shall be called by the co-chairs on their own initiative, or at the written request of any three (3) members of the Commission. Any action of the Commission shall require an affirmative roll call vote of a majority of the Commission's entire membership. For attending meetings of the Commission or any of its subcommittees whose membership consists only of members of the Commission between sessions of the General Assembly, the members of the Commission shall be paid their necessary traveling expenses and in addition thereto an amount per day equal to the per diem compensation they receive during any session. For attending meetings of interim joint committees or other Commission subcommittees, members of the Commission shall be paid an amount per day equal to that received by all other members of the committees or subcommittees who are not designated as chairs or co-chairs.
- (4) The Commission shall appoint a director, who shall be a person who has demonstrated exemplary moral and ethical leadership while holding a significant leadership position in business, government, military service, or a nonprofit organization or charity, and who shall hold office at the pleasure of the Commission. The salary of the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of personnel necessary to effectuate the provisions of KRS 7.090 to 7.110 *in accordance with Section 1 of this Act.*
- (5) Any professional, clerical, or other employees required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative

Research Commission. The chair of the committee shall advise the director of the Legislative Research Commission of his or her need for personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ personnel as necessary to meet the needs of the committee *in accordance with Section 1 of this Act*, and shall fix the rate of compensation of the employees.

- (6) The director shall, at the discretion of the Commission and under its supervision and control, provide for the:
 - (a) Allocation of the work and activities of all employees of the Commission *in accordance with Section 1 of this Act*; and
 - (b) Implementation of a work-related incentive program for employees of the Commission using an employee suggestion system. Employees may be recognized and rewarded for submitting suggestions that result in the improvement of services or in the realization of financial savings by the legislative branch. When an employee suggestion has been adopted and resulted in financial savings to the legislative branch of government, the employee who submitted the suggestion may be compensated through a cash bonus in an amount that is the lesser of ten percent (10%) of the amount saved or two thousand five hundred dollars (\$2,500).
- (7) The director shall inform the President of the Senate, the Speaker of the House, and the Minority Floor Leaders of each chamber of any personnel matter or allegation of wrongdoing involving a member of the General Assembly that has the potential of leading to litigation in which the General Assembly or Legislative Research Commission may be a party. The members so informed shall keep the matter confidential. The director shall inform the members within forty-eight (48) hours of becoming aware of the allegation or situation.
- (8) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110,

contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.

- (9) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.
- (10) A Senate bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the Senate members of that interim joint committee. A House of Representatives bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the House members of that interim joint committee. An interim joint committee shall not pre-file a bill or approve a bill as pre-filed in any other manner.
- (11) The President of the Senate and the Speaker of the House of Representatives shall have the authority to approve the in-state and out-of-state per diem and expenses for members of their respective chambers.
- (12) The Legislative Research Commission shall display the national motto "In God We Trust" directly above and behind the chairman or chairwoman in each committee room used by members of the General Assembly in the Capitol and Capitol Annex and behind the dais of the Speaker of the House of Representatives and the President of the Senate. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.

➔Section 3. KRS 18A.030 is amended to read as follows:

- (1) The secretary shall be the executive and administrative head of the cabinet and shall supervise and control all examinations and work of the cabinet. He *or she* shall advise the board on matters pertaining to the classified service of this state. Within

the limitations of the budget, the secretary shall appoint and supervise the staff needed in the cabinet to carry out the purposes of KRS 18A.005 to 18A.200 except employees of the board who shall be appointed as provided in KRS 18A.090.

- (2) Subject to the provisions of this chapter and KRS Chapter 13A, the secretary shall, with the aid of his ***or her*** staff:
- (a) Attend all meetings of the board;
 - (b) As provided by this chapter, promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants;
 - (c) Establish general procedures for personnel recruitment, for certification, and for improving the efficiency of employed personnel;
 - (d) Appoint the examiners and technicians necessary for the conduct of the personnel program, whether on a permanent or temporary basis;
 - (e) Prepare and maintain a record of all employees, showing for each employee his ***or her*** name, address, title of position held, rate of compensation, changes in status, compensation, or title, transfer, and to make the data and the class specifications for all positions available to the press and public;
 - (f) Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and the administrative regulations ***promulgated***~~[adopted]~~ thereunder, examinations, eligible lists, and ratings of candidates for appointment;
 - (g) Make certification for appointment or promotion within the classified service, in accordance with the provisions of KRS 18A.005 to 18A.200;
 - (h) Make investigations concerning all matters touching the enforcement and effect of the provisions of KRS 18A.005 to 18A.200 and administrative regulations ***promulgated***~~[prescribed]~~ thereunder;
 - (i) Prepare, in cooperation with appointing authorities and others, programs for

employee training, safety, morale, work motivation, health, counseling, and welfare, and exercise leadership in the development of effective personnel administration within the several departments of the Commonwealth, and make available the facilities of the department to this end;

- (j) Provide personnel services to unclassified employees in agreement with the agencies involved not otherwise provided for in KRS 18A.005 to 18A.200;
 - (k) Present, in accordance with the provisions of KRS Chapter 48, budget requests for the support of the personnel system created by KRS 18A.005 to 18A.200, excluding the board, which shall present its own budget estimates;
 - (l) Make a report and submit the same to the board, the Legislative Research Commission, and the Governor not later than October first of each year;
 - (m) Propose selection method changes for any classification to the Personnel Board with documentation justifying the need for the selection method change. The Personnel Board shall, at its next regularly scheduled monthly meeting, review and comment on any proposed selection method change. A classification shall not have its selection method changed without review and comment by the Personnel Board;~~and~~
 - (n) Discharge the other duties imposed upon him or her by KRS 18A.005 to 18A.200; and
 - (o) Assist the Legislative Research Commission in establishing a classification and compensation system under Section 1 of this Act and allocating nonpartisan employees of the Commission under that system.
- (3) The secretary on behalf of the cabinet may join or subscribe to any association or service having as its purpose the interchange of information relating to the improvement of the public service and especially improvement of personnel administration.
- (4) The secretary shall keep records relative to employee turnover and report to the

board, the Governor, and the Legislative Research Commission quarterly. The report shall reflect employee turnover rates by cabinet, department, bureau, division, and section. If any cabinet, department, bureau, division, or section has a turnover rate of fifteen percent (15%) or more in any twelve (12) month period, the secretary shall conduct an investigation into the reasons for the turnover and report the findings to the board, the Governor, and the Legislative Research Commission.

- (5) The secretary shall provide to each new state employee and to each existing state employee, classified or otherwise, on an annual basis an informational pamphlet about human immunodeficiency virus infection and acquired immunodeficiency syndrome. The pamphlet shall be approved by the Cabinet for Health and Family Services and shall contain information about the nature and extent of these diseases, methods of transmission, preventive measures, and referral services.
- (6) The secretary shall establish and maintain a list of all filled positions exempted from classified service under KRS 18A.115(1) (e), (g), (h), (i), (k), (t), (w), (aa), and (ab). The list shall include the following information for each filled position:
 - (a) The name of the agency where the position is assigned;
 - (b) The statutory authority for the unclassified status of the position;
 - (c) The title of the position;
 - (d) The pay grade of the position;
 - (e) The annual salary of the employee in the position; and
 - (f) The work county of the employee in the position.
- (7) Beginning September 1, 2010, and every six (6) months thereafter, the secretary shall provide the Governor and the Legislative Research Commission with a copy of the list described in subsection (6) of this section, and shall indicate on the list any position that has been added to the list since the last submission.

➔Section 4. The Kentucky General Assembly seeks to embody the highest level of professionalism in all its endeavors, including: (1) Attracting and retaining a diverse,

professional, and competent staff; (2) Improving and promoting staff development; and (3) Creating and maintaining a positive work environment. Without a comprehensive human resources program, much of staff hiring, rewarding, and disciplinary action may be left to subjective criteria that are not clearly understood by either managers or staff, resulting in confusion and misunderstanding.

→Section 5. The director of the Legislative Research Commission shall ensure that the following employee practices are followed for all Commission nonpartisan staff:

- (1) All vacant positions shall be advertised on the Commission employee Web site at least thirty (30) days prior to being filled;
- (2) Employees leaving the Commission shall have an exit interview with the director if requested by the employee;
- (3) The minimum job classification requirements and pay grades established for nonpartisan staff of the Commission shall be developed in consultation with affected staff;
- (4) Employee workloads shall be considered in assigning bill drafts, committee work, and hiring committee staff;
- (5) Middle management employees, including committee staff administrators, shall receive annual management training. Initial training of each middle management employee shall be through the National Conference of State Legislatures. Subsequent training for each employee shall be provided by the National Conference of State Legislatures or the Government Services Center.
- (6) Existing Commission employee experience shall not count toward the experience requirement under subsection (9) of section 1 of this Act.