

AN ACT relating to commercial vehicle enforcement officers.

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

➔Section 1. KRS 16.191 is amended to read as follows:

(1) Commercial vehicle enforcement officers shall be promoted according to the terms and conditions established by this subsection:

(a) Promotions to commercial vehicle enforcement sergeant within the department shall be on the following terms and conditions:

1. In order to be eligible for the promotion, the applicant shall have served as a commissioned commercial vehicle enforcement officer for at least six (6) years;
2. Promotions made by the department for this position shall be based upon the applicant's cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination;
3. A promotional list shall be established and shall remain valid for one (1) year. The promotional list shall consist of the numerical scores and rankings of each applicant as provided by subparagraph 2. of this paragraph. Promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. If two (2) or more applicants receive the same numerical score, the order of placement on the list shall be determined by seniority of service. Upon the determination of a new numerical ranking following a new examination, all previous rankings shall be null and void;
4. The written examination for the applicant's cumulative score shall be prepared and administered by an individual designated by the commissioner. Materials and textbooks for the examination shall be

selected by the commissioner and his or her staff. At least three (3) months prior to the examination date, the commissioner shall inform all applicants of the exact material and textbooks from which test questions will be taken. The written examination shall be administered to all applicants at the same time and the applicant shall receive his or her numerical score immediately upon completion of the written examination. An applicant's numerical score shall remain valid for a period of two (2) years following the date of the examination unless the source material used as the basis for the test changes by more than thirty percent (30%);

5. The job simulation examination shall be evaluated by boards designated by the commissioner that shall consist of:
 - a. The commissioner or his or her designee. The designee shall have a rank no lower than commercial vehicle enforcement captain;
 - b. An officer from another police agency of the rank equal to the position for which the applicant is competing;
 - c. An instructor from an accredited law enforcement education program;
 - d. A personnel director from private industry; and
 - e. A commercial vehicle enforcement officer of the rank equal to the position for which the applicant is competing;
6. The designated job simulation examination boards shall perform all evaluations under guidelines developed and approved by the commissioner; and
7. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner;

- (b) Promotions from commercial vehicle enforcement sergeant to commercial vehicle enforcement lieutenant within the department shall be on the same terms and conditions as promotions to sergeant. In addition, any applicant for lieutenant shall have completed at least one (1) year of continuous service in grade as a sergeant;
- (c) Promotions from commercial vehicle enforcement lieutenant to commercial vehicle enforcement captain within the department shall be on the same terms and conditions as promotions to lieutenant. In addition, any applicant for captain shall have completed at least one (1) year of continuous service in grade as a lieutenant;
- (d) The department shall develop and administer only one (1) test for each of the ranks established by this subsection. All eligible applicants shall be permitted to participate in the promotional process to the next highest position of responsibility wherever a vacancy exists;
- (e) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a probationary period for one (1) year of continuous service from the effective date of their promotions, and may be reverted to their previous rank with or without cause at any time during this period;
- (f) Promotions to the rank of commercial vehicle enforcement major are temporary and shall not be subject to the provisions for selection and promotion as required by this subsection. All officers in such temporary positions shall serve at the pleasure of the commissioner and shall revert to their previous permanent rank upon the termination of their temporary appointment;
- (g) The total number of supervisory officers of all classifications established by this subsection shall be limited to a ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers;~~and~~

- (h) No officer of the department, other than temporary positions above the rank of captain, shall be promoted to the next highest rank without competing with other officers as prescribed by the promotional procedure established by this subsection; *and*
 - (i) *Pay for officers within the Commercial Vehicle Enforcement Division shall be equivalent to the pay of officers within the Department of Kentucky State Police with the same rank, grade, and position.*
- (2) Promotions from hazardous devices investigator officer to hazardous devices supervisor shall be on the following terms and conditions:
- (a) The applicant shall have at least seven (7) years of experience involving explosives or hazardous devices used in the areas of law enforcement, the military, or firefighting;
 - (b) The applicant shall demonstrate proficiency on specialized explosive disposal equipment and disposal operations through a job simulation examination;
 - (c) When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from twenty-five percent (25%) on personnel performance evaluation, thirty percent (30%) on job simulation examination, and forty-five percent (45%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by department's human resources branch;
 - (d) Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and
 - (e) The commissioner may appoint a hazardous devices supervisor from outside of the department if the applicant meets the minimum requirements for promotion from hazardous devices investigator to hazardous devices

supervisor as provided by this subsection.

(3) Facilities security officers shall be promoted according to the terms and conditions established by this subsection:

(a) Promotions to facilities security sergeant within the department shall be on the following terms and conditions:

1. The applicant shall have served as either a facilities security officer for at least two (2) years or possess at least two (2) years of other law enforcement or security services experience;
2. The applicant shall complete and pass a written examination established by the department;
3. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and
4. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner; and

(b) Promotions or appointments to facilities security lieutenant within the department shall be on the following terms and conditions:

1. The applicant shall have served as either a facilities security officer for at least three (3) years or possess at least three (3) years of other law enforcement or security services experience;
2. The applicant shall have at least two (2) years previous supervisory experience in a law enforcement or security services position;

3. The applicant shall complete and pass a written examination established by the department;
 4. When there are multiple applicants for a position, promotions shall be based upon a cumulative score computed from sixty percent (60%) on personnel performance evaluation and forty percent (40%) on a written examination. If an applicant is not employed by the department, job evaluations from past employers shall substitute for the personnel performance evaluation on a scale established by the department's human resources branch; and
 5. Personnel performance evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the commissioner.
- (4) There shall be no discrimination based on race, sex, age, national origin, color, religion, creed, or political affiliation with respect to the department promotional system. All personnel actions are to be based solely on merit.