

1 AN ACT relating to travel required for certain state employees.

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

3 ➔Section 1. KRS 18A.115 is amended to read as follows:

- 4 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise
5 all positions in the state service now existing or hereafter established, except the
6 following:
- 7 (a) The General Assembly and employees of the General Assembly, including the
8 employees of the Legislative Research Commission;
 - 9 (b) Officers elected by popular vote and persons appointed to fill vacancies in
10 elective offices;
 - 11 (c) Members of boards and commissions;
 - 12 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,
13 the Office of the Secretary of the Governor's Cabinet, and the Office of
14 Program Administration;
 - 15 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
16 of all boards and commissions, including the executive director of Kentucky
17 Educational Television and the executive director and deputy executive
18 director of the Education Professional Standards Board;
 - 19 (f) Employees of Kentucky Educational Television who have been determined to
20 be exempt from classified service by the Kentucky Authority for Educational
21 Television, which shall have sole authority over such exempt employees for
22 employment, dismissal, and setting of compensation, up to the maximum
23 established for the executive director and his principal assistants;
 - 24 (g) One (1) principal assistant or deputy for each person exempted under
25 subsection (1)(e) of this section;
 - 26 (h) One (1) additional principal assistant or deputy as may be necessary for
27 making and carrying out policy for each person exempted under subsection

1 (1)(e) of this section in those instances in which the nature of the functions,
2 size, or complexity of the unit involved are such that the secretary approves
3 such an addition on petition of the relevant cabinet secretary or department
4 head and such other principal assistants, deputies, or other major assistants as
5 may be necessary for making and carrying out policy for each person
6 exempted under subsection (1)(e) of this section in those instances in which
7 the nature of the functions, size, or complexity of the unit involved are such
8 that the board may approve such an addition or additions on petition of the
9 department head approved by the secretary. Effective August 1, 2010:

- 10 1. All positions approved under this paragraph prior to August 1, 2010,
11 shall be abolished effective December 31, 2010, unless reapproved
12 under subparagraph 2. of this paragraph; and
 - 13 2. A position approved under this paragraph on or after August 1, 2010,
14 shall be approved for a period of five (5) years, after which time the
15 position shall be abolished unless reapproved under this subparagraph
16 for an additional five (5) year period;
- 17 (i) Division directors subject to the provisions of KRS 18A.170. Division
18 directors in the classified service as of January 1, 1980, shall remain in the
19 classified service;
 - 20 (j) Physicians employed as such;
 - 21 (k) One (1) private secretary for each person exempted under subsection (1)(e),
22 (g), and (h) of this section;
 - 23 (l) The judicial department, referees, receivers, jurors, and notaries public;
 - 24 (m) Officers and members of the staffs of state universities and colleges and
25 student employees of such institutions; officers and employees of the
26 Teachers' Retirement System; and officers, teachers, and employees of local
27 boards of education;

- 1 (n) Patients or inmates employed in state institutions;
- 2 (o) Persons employed in a professional or scientific capacity to make or conduct a
3 temporary or special inquiry, investigation, or examination on behalf of the
4 General Assembly, or a committee thereof, or by authority of the Governor,
5 and persons employed by state agencies for a specified, limited period to
6 provide professional, technical, scientific, or artistic services under the
7 provisions of KRS 45A.690 to 45A.725;
- 8 (p) Interim employees;
- 9 (q) Officers and members of the state militia;
- 10 (r) Department of Kentucky State Police troopers;
- 11 (s) University or college engineering students or other students employed part-
12 time or part-year by the state through special personnel recruitment programs;
13 provided that while so employed such aides shall be under contract to work
14 full-time for the state after graduation for a period of time approved by the
15 commissioner or shall be participants in a cooperative education program
16 approved by the commissioner;
- 17 (t) Superintendents of state mental institutions, including heads of centers for
18 individuals with an intellectual disability, and penal and correctional
19 institutions as referred to in KRS 196.180(2);
- 20 (u) Staff members of the Kentucky Historical Society, if they are hired in
21 accordance with KRS 171.311;
- 22 (v) County and Commonwealth's attorneys and their respective appointees;
- 23 (w) Chief district engineers and the state highway engineer;
- 24 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 25 (y) Employees of the Kentucky Peace Corps;
- 26 (z) Employees of the Council on Postsecondary Education;
- 27 (aa) Executive director of the Commonwealth Office of Technology;

- 1 (ab) Employees of the Kentucky Commission on Community Volunteerism and
2 Service;
- 3 (ac) Persons employed in certified teaching positions at the Kentucky School for
4 the Blind and the Kentucky School for the Deaf; and
- 5 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 6 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
7 amend the provisions of KRS 150.022 and 150.061.
- 8 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
9 nonmanagement, nonpolicy-making position which must be included in the
10 classified service as a prerequisite to the grant of federal funds to a state agency.
- 11 (4) Career employees within the classified service promoted to positions exempted
12 from classified service shall, upon termination of their employment in the exempted
13 service, revert to a position in that class in the agency from which they were
14 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
15 considered for employment in any vacant position for which they were qualified
16 pursuant to KRS 18A.130 and 18A.135.
- 17 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
18 officers from filling unclassified positions in the manner in which positions in the
19 classified service are filled except as otherwise provided in KRS 18A.005 to
20 18A.200.
- 21 (6) The positions of employees who are transferred, effective July 1, 1998, from the
22 Cabinet for Workforce Development to the Kentucky Community and Technical
23 College System shall be abolished and the employees' names removed from the
24 roster of state employees. Employees that are transferred, effective July 1, 1998, to
25 the Kentucky Community and Technical College System under KRS Chapter 164
26 shall have the same benefits and rights as they had under KRS Chapter 18A and
27 have under KRS 164.5805; however, they shall have no guaranteed reemployment

1 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
2 employee who seeks reemployment in a state position under KRS Chapter 151B or
3 KRS Chapter 18A shall have years of service in the Kentucky Community and
4 Technical College System counted towards years of experience for calculating
5 benefits and compensation.

6 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
7 personnel, and all certified and equivalent and unclassified vacant positions in the
8 Department for Adult Education and Literacy shall be transferred from the
9 personnel system under KRS Chapter 151B to the personnel system under KRS
10 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
11 system. All records shall be transferred including accumulated annual leave, sick
12 leave, compensatory time, and service credit for each affected employee. The
13 personnel officers who administer the personnel systems under KRS Chapter 151B
14 and KRS Chapter 18A shall exercise the necessary administrative procedures to
15 effect the change in personnel authority. No certified or equivalent employee in the
16 Department for Adult Education and Literacy shall suffer any penalty in the
17 transfer.

18 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
19 in the Department for Technical Education and the Department for Adult Education
20 and Literacy shall be transferred from the personnel system under KRS Chapter
21 151B to the personnel system under KRS Chapter 18A. The positions shall be
22 deleted from the KRS Chapter 151B system. All records shall be transferred
23 including accumulated annual leave, sick leave, compensatory time, and service
24 credit for each affected employee. No employee shall suffer any penalty in the
25 transfer.

26 **(9) (a) Prior to initial appointment, and every four (4) years thereafter, cabinet**
27 **secretaries, deputy secretaries, and commissioners shall provide their**

1 appointing authorities with a certificate from the following county clerks to
2 certify physically traveling to the clerks' offices:

3 1. Fulton or Hickman; and

4 2. Pike, Martin, or Letcher.

5 (b) The certificates shall be on a form provided by the appropriate agency and
6 shall be dated no earlier than six (6) months prior to the appointment to the
7 applicable position. Reimbursement shall not be received for expenses
8 related to travel under this subsection, nor shall the employee travel on state
9 time to satisfy the requirements of this subsection.