

1 AN ACT relating to the transfer of contract staff providing services to the
2 Department of Criminal Justice Training and declaring an emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Effective May 16, 2017, contract employees of Eastern Kentucky University who*
7 *are engaged in providing instructional and support services to the mission of the*
8 *Department of Criminal Justice Training shall be transferred to the Department*
9 *of Criminal Justice Training within the Justice and Public Safety Cabinet along*
10 *with the funding associated with those employees. The Personnel Cabinet shall*
11 *assist in implementing the transfer of employees.*

12 *(2) Employees transferred pursuant to subsection (1) of this section shall retain the*
13 *following:*

14 *(a) All salaries and leave time balances accumulated as of the transfer date;*

15 *(b) The date of initial contract employment with the Eastern Kentucky*
16 *University for purposes of determining leave time accumulation; and*

17 *(c) The date of initial participation in a state-administered retirement system if*
18 *the employee has participated or is participating in the Kentucky Employees*
19 *Retirement System or the Kentucky Teacher's Retirement System for the*
20 *purpose of calculating retirement benefits. However, nothing in this*
21 *paragraph shall be construed to provide additional service credit for an*
22 *employee prior to the transfer date other than what has already been*
23 *credited to the appropriate retirement system.*

24 *(3) As of May 16, 2017, employees transferred pursuant to subsection (1) of this*
25 *section shall participate in the Kentucky Employees Retirement System as*
26 *nonhazardous members pursuant to KRS 61.510 to 61.705.*

27 ➔Section 2. KRS 18A.115 is amended to read as follows:

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

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

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

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

- 1 the Blind and the Kentucky School for the Deaf; and
- 2 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 3 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 4 amend the provisions of KRS 150.022 and 150.061.
- 5 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 6 nonmanagement, nonpolicy-making position which must be included in the
- 7 classified service as a prerequisite to the grant of federal funds to a state agency.
- 8 (4) Career employees within the classified service promoted to positions exempted
- 9 from classified service shall, upon termination of their employment in the exempted
- 10 service, revert to a position in that class in the agency from which they were
- 11 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
- 12 considered for employment in any vacant position for which they were qualified
- 13 pursuant to KRS 18A.130 and 18A.135.
- 14 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
- 15 officers from filling unclassified positions in the manner in which positions in the
- 16 classified service are filled except as otherwise provided in KRS 18A.005 to
- 17 18A.200.
- 18 (6) The positions of employees who are transferred, effective July 1, 1998, from the
- 19 Cabinet for Workforce Development to the Kentucky Community and Technical
- 20 College System shall be abolished and the employees' names removed from the
- 21 roster of state employees. Employees that are transferred, effective July 1, 1998, to
- 22 the Kentucky Community and Technical College System under KRS Chapter 164
- 23 shall have the same benefits and rights as they had under KRS Chapter 18A and
- 24 have under KRS 164.5805; however, they shall have no guaranteed reemployment
- 25 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
- 26 employee who seeks reemployment in a state position under KRS Chapter 151B or
- 27 KRS Chapter 18A shall have years of service in the Kentucky Community and

1 Technical College System counted towards years of experience for calculating
2 benefits and compensation.

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

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

23 **(9) On May 16, 2017, all contract employees of Eastern Kentucky University who are**
24 **engaged in providing instructional and support services to the Department of**
25 **Criminal Justice Training shall be transferred to the personnel system under**
26 **KRS Chapter 18A. All records shall be transferred, including accumulated**
27 **annual leave, sick leave, compensatory time, and service credit for each affected**

1 employee. The personnel officers who administer the personnel systems for
2 Eastern Kentucky University and under KRS Chapter 18A shall exercise the
3 necessary administrative procedures to effect the change in personnel authority.
4 No employee shall suffer any penalty in the transfer.

5 ➔Section 3. Whereas the provisions of this Act are to be implemented by May 16,
6 2017, an emergency is declared to exist, and this Act takes effect upon its passage and
7 approval by the Governor or upon its otherwise becoming a law.