

1 AN ACT relating to sexual harassment policies for state employees.

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

3 ➔Section 1. KRS 7.090 is amended to read as follows:

- 4 (1) There is created a Legislative Research Commission as an independent agency in  
5 the legislative branch of state government, which is exempt from control by the  
6 executive branch and from reorganization by the Governor. The Commission shall  
7 have the duties, responsibilities, and powers assigned to it or authorized it by the  
8 General Assembly, by statute or otherwise.
- 9 (2) The Legislative Research Commission shall be composed of the President of the  
10 Senate, the President Pro Tempore of the Senate, the Speaker of the House of  
11 Representatives, the Speaker Pro Tempore of the House of Representatives, the  
12 majority and minority floor leaders of the Senate and the House of Representatives,  
13 the majority and minority whips of the Senate, the majority and minority whips of  
14 the House, and the majority and minority caucus chairs of the Senate and House of  
15 Representatives. Any vacancy in the Commission shall be filled by the remaining  
16 members who are of the same chamber membership and political party affiliation as  
17 the person having vacated Commission membership. If the vacancy is in the  
18 membership of the House of Representatives, the successor shall be from the  
19 House, and if the vacancy is from the Senate membership of the Commission, the  
20 successor shall be from the Senate. A member elected to fill any vacancy shall hold  
21 office for the unexpired term of his or her predecessor. The President of the Senate  
22 and the Speaker of the House of Representatives shall serve as co-chairs of the  
23 Commission.
- 24 (3) The Legislative Research Commission shall meet during regular and special  
25 sessions of the General Assembly, and during the intervals between sessions at such  
26 times and places as the co-chairs may determine. Meetings of the Commission shall  
27 be called by the co-chairs on their own initiative, or at the written request of any

1 three (3) members of the Commission. Any action of the Commission shall require  
2 an affirmative roll call vote of a majority of the Commission's entire membership.  
3 For attending meetings of the Commission or any of its subcommittees whose  
4 membership consists only of members of the Commission between sessions of the  
5 General Assembly, the members of the Commission shall be paid their necessary  
6 traveling expenses and in addition thereto an amount per day equal to the per diem  
7 compensation they receive during any session. For attending meetings of interim  
8 joint committees or other Commission subcommittees, members of the Commission  
9 shall be paid an amount per day equal to that received by all other members of the  
10 committees or subcommittees who are not designated as chairs or co-chairs.

11 (4) The Commission shall appoint a director, who shall be a person who has  
12 demonstrated exemplary moral and ethical leadership while holding a significant  
13 leadership position in business, government, military service, or a nonprofit  
14 organization or charity, and who shall hold office at the pleasure of the  
15 Commission. The salary of the director shall be determined by the Commission.  
16 The Commission shall have exclusive jurisdiction over the employment of  
17 personnel necessary to effectuate the provisions of KRS 7.090 to 7.110.

18 (5) Any professional, clerical, or other employees required by any committee appointed  
19 by the General Assembly shall be provided to the committee by the Legislative  
20 Research Commission. The chair of the committee shall advise the director of the  
21 Legislative Research Commission of his or her need for personnel. In the event that  
22 the personnel required by any committee cannot be met by the staff of the  
23 Legislative Research Commission, the director shall employ personnel as necessary  
24 to meet the needs of the committee, and shall fix the rate of compensation of the  
25 employees.

26 (6) The director shall, at the discretion of the Commission and under its supervision  
27 and control, provide for the:

- 1 (a) Allocation of the work and activities of all employees of the Commission;  
2 ~~{and}~~
- 3 (b) Implementation of a work-related incentive program for employees of the  
4 Commission using an employee suggestion system. Employees may be  
5 recognized and rewarded for submitting suggestions that result in the  
6 improvement of services or in the realization of financial savings by the  
7 legislative branch. When an employee suggestion has been adopted and  
8 resulted in financial savings to the legislative branch of government, the  
9 employee who submitted the suggestion may be compensated through a cash  
10 bonus in an amount that is the lesser of ten percent (10%) of the amount saved  
11 or two thousand five hundred dollars (\$2,500); and
- 12 (c) Establishment of a written sexual harassment policy for all employees of the  
13 Commission. The policy shall include a requirement that all reports of  
14 sexual harassment be investigated in as confidential a manner as possible.  
15 The policy shall also state that no person who objects to harassment, makes  
16 a complaint, or assists in any investigation shall be subject to any form of  
17 retaliation pursuant to KRS 61.102. Nothing in this paragraph shall be  
18 construed to preclude any employee from filing with the Kentucky  
19 Commission on Human Rights a complaint alleging discrimination on the  
20 basis of race, color, religion, national origin, sex, disability, or age in  
21 accordance with KRS Chapter 344.
- 22 (7) The director shall inform the President of the Senate, the Speaker of the House, and  
23 the Minority Floor Leaders of each chamber of any personnel matter or allegation of  
24 wrongdoing involving a member of the General Assembly that has the potential of  
25 leading to litigation in which the General Assembly or Legislative Research  
26 Commission may be a party. The members so informed shall keep the matter  
27 confidential. The director shall inform the members within forty-eight (48) hours of

1 becoming aware of the allegation or situation.

2 (8) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110,  
3 contract with any public or private agency or educational institution or any  
4 individual for research studies, the gathering of information, or the printing and  
5 publication of its reports.

6 (9) The Legislative Research Commission shall constitute administrative offices for the  
7 General Assembly and the director shall serve as administrative officer for the  
8 assembly when it is not otherwise in session.

9 (10) A Senate bill may be pre-filed or approved as pre-filed by an interim joint  
10 committee if it receives the affirmative votes of a majority of the Senate members  
11 of that interim joint committee. A House of Representatives bill may be pre-filed or  
12 approved as pre-filed by an interim joint committee if it receives the affirmative  
13 votes of a majority of the House members of that interim joint committee. An  
14 interim joint committee shall not pre-file a bill or approve a bill as pre-filed in any  
15 other manner.

16 (11) The President of the Senate and the Speaker of the House of Representatives shall  
17 have the authority to approve the in-state and out-of-state per diem and expenses for  
18 members of their respective chambers.

19 (12) The Legislative Research Commission shall display the national motto "In God We  
20 Trust" directly above and behind the chairman or chairwoman in each committee  
21 room used by members of the General Assembly in the Capitol and Capitol Annex  
22 and behind the dais of the Speaker of the House of Representatives and the  
23 President of the Senate. The display shall be consistent with the historic and  
24 patriotic display of the national motto located directly above and behind the dais of  
25 the Speaker of the United States House of Representatives.

26 ➔Section 2. KRS 18A.030 is amended to read as follows:

27 (1) The secretary shall be the executive and administrative head of the cabinet and shall

1 supervise and control all examinations and work of the cabinet. He *or she* shall  
2 advise the board on matters pertaining to the classified service of this state. Within  
3 the limitations of the budget, the secretary shall appoint and supervise the staff  
4 needed in the cabinet to carry out the purposes of KRS 18A.005 to 18A.200 except  
5 employees of the board who shall be appointed as provided in KRS 18A.090.

6 (2) Subject to the provisions of this chapter and KRS Chapter 13A, the secretary shall,  
7 with the aid of his *or her* staff:

8 (a) Attend all meetings of the board;

9 (b) As provided by this chapter, promulgate comprehensive administrative  
10 regulations consistent with the provisions of KRS Chapters 13A and 18A, and  
11 with federal standards for the administration of a personnel system in the  
12 agencies of the state government receiving federal grants;

13 (c) Establish general procedures for personnel recruitment, for certification, and  
14 for improving the efficiency of employed personnel;

15 (d) Appoint the examiners and technicians necessary for the conduct of the  
16 personnel program, whether on a permanent or temporary basis;

17 (e) Prepare and maintain a record of all employees, showing for each employee  
18 his *or her* name, address, title of position held, rate of compensation, changes  
19 in status, compensation, or title, transfer, and to make the data and the class  
20 specifications for all positions available to the press and public;

21 (f) Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and  
22 the administrative regulations adopted thereunder, examinations, eligible lists,  
23 and ratings of candidates for appointment;

24 (g) Make certification for appointment or promotion within the classified service,  
25 in accordance with the provisions of KRS 18A.005 to 18A.200;

26 (h) Make investigations concerning all matters touching the enforcement and  
27 effect of the provisions of KRS 18A.005 to 18A.200 and administrative

- 1 regulations prescribed thereunder;
- 2 (i) Prepare, in cooperation with appointing authorities and others, programs for  
3 employee training, safety, morale, work motivation, health, counseling, and  
4 welfare, and exercise leadership in the development of effective personnel  
5 administration within the several departments of the Commonwealth, and  
6 make available the facilities of the department to this end;
- 7 (j) Provide personnel services to unclassified employees in agreement with the  
8 agencies involved not otherwise provided for in KRS 18A.005 to 18A.200;
- 9 (k) Present, in accordance with the provisions of KRS Chapter 48, budget  
10 requests for the support of the personnel system created by KRS 18A.005 to  
11 18A.200, excluding the board, which shall present its own budget estimates;
- 12 (l) Make a report and submit the same to the board, the Legislative Research  
13 Commission, and the Governor not later than October first of each year;
- 14 (m) Propose selection method changes for any classification to the Personnel  
15 Board with documentation justifying the need for the selection method  
16 change. The Personnel Board shall, at its next regularly scheduled monthly  
17 meeting, review and comment on any proposed selection method change. A  
18 classification shall not have its selection method changed without review and  
19 comment by the Personnel Board; and
- 20 (n) Discharge the other duties imposed upon him by KRS 18A.005 to 18A.200.
- 21 (3) The secretary on behalf of the cabinet may join or subscribe to any association or  
22 service having as its purpose the interchange of information relating to the  
23 improvement of the public service and especially improvement of personnel  
24 administration.
- 25 (4) The secretary shall keep records relative to employee turnover and report to the  
26 board, the Governor, and the Legislative Research Commission quarterly. The  
27 report shall reflect employee turnover rates by cabinet, department, bureau, division,

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

5 (5) The secretary shall provide to each new state employee and to each existing state  
6 employee, classified or otherwise, on an annual basis an informational pamphlet  
7 about human immunodeficiency virus infection and acquired immunodeficiency  
8 syndrome. The pamphlet shall be approved by the Cabinet for Health and Family  
9 Services and shall contain information about the nature and extent of these diseases,  
10 methods of transmission, preventive measures, and referral services.

11 (6) The secretary shall establish and maintain a list of all filled positions exempted  
12 from classified service under KRS 18A.115(1) (e), (g), (h), (i), (k), (t), (w), (aa), and  
13 (ab). The list shall include the following information for each filled position:

- 14 (a) The name of the agency where the position is assigned;
- 15 (b) The statutory authority for the unclassified status of the position;
- 16 (c) The title of the position;
- 17 (d) The pay grade of the position;
- 18 (e) The annual salary of the employee in the position; and
- 19 (f) The work county of the employee in the position.

20 (7) Beginning September 1, 2010, and every six (6) months thereafter, the secretary  
21 shall provide the Governor and the Legislative Research Commission with a copy  
22 of the list described in subsection (6) of this section, and shall indicate on the list  
23 any position that has been added to the list since the last submission.

24 (8) The secretary shall perform organizational analysis and review.

25 **(9) The secretary shall establish a written sexual harassment policy for all classified**  
26 **and unclassified employees. The policy shall include a requirement that all**  
27 **reports of sexual harassment be investigated in as confidential a manner as**

1       possible. The policy shall also state that no person who objects to harassment,  
2       makes a complaint, or assists in any investigation shall be subject to any form of  
3       retaliation pursuant to KRS 61.102. Nothing in this subsection shall be construed  
4       to preclude any classified or unclassified employee from filing with the Kentucky  
5       Commission on Human Rights a complaint alleging discrimination on the basis  
6       of race, color, religion, national origin, sex, disability, or age in accordance with  
7       KRS Chapter 344 or with the Personnel Board in accordance with KRS 18A.095.