

1 AN ACT relating to the Personnel Board.

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

3 ➔Section 1. KRS 18A.045 is amended to read as follows:

4 (1) There is hereby created a Personnel Board in which shall be vested the
5 constitutional powers and responsibilities of officers of the Commonwealth. The
6 board shall consist of seven (7) members, five (5) of whom shall be appointed by
7 the Governor as provided in KRS 18A.050. Two (2) members of the board shall be
8 elected by classified employees as provided in KRS 18A.0551. ***In addition to the***
9 ***seven (7) members, the secretary of the Personnel Cabinet or his or her designee***
10 ***shall serve as an ex officio, nonvoting member of the board.***

11 (2) Personnel Board members shall not accept gifts as provided in KRS 11A.045(1),
12 benefit under any contract or agreement as provided in KRS 11A.040(4), or fail to
13 disclose to other members of the board any direct or indirect conflict of interest as
14 described in KRS 11A.005(2)(c).

15 (3) Any person retaliating in any manner and any person ordering retaliation against a
16 classified employee or a member of his family because he has participated in an
17 election to the board, either by being a candidate or voting for a candidate, shall be
18 subject to the provisions of KRS 18A.990.

19 ➔Section 2. KRS 18A.050 is amended to read as follows:

20 (1) Any person serving on the board on July 15, 1982, shall serve until the expiration of
21 his ***or her*** current term of office. Subsequent appointments shall be for a term of
22 four (4) years from the date of expiration of the term for which his ***or her***
23 predecessor was appointed as provided in subsections (2) and (3) of this section,
24 except that a person appointed to fill a vacancy prior to the expiration of such term
25 shall be appointed in the same manner as provided in KRS 18A.045 and for the
26 remainder of such term.

27 (2) Upon the expiration of the terms of office of the two (2) board members whose

- 1 terms expire January 1, 1984, the Governor shall appoint two (2) members from a
2 list of four (4) names submitted by the Legislative Research Commission.
3 Thereafter, upon the expiration of these terms, such terms shall be filled in the same
4 manner as provided in this subsection.
- 5 (3) Upon the expiration of the terms of office, of the members whose terms expire
6 December 31, 1982, January 1, 1985, and January 1, 1986, the Governor shall
7 appoint citizens at large who are not associated with state government in any
8 manner. Thereafter upon the expiration of these terms, such terms shall be filled in
9 the same manner as provided in this subsection.
- 10 (4) These five (5) appointments to the board shall be subject to confirmation by the
11 Senate. If the Senate is not in session, these five (5) appointments shall be subject to
12 review by the Interim Joint Committee on State Government which shall hold a
13 public hearing and shall transmit its recommendations to the Senate.
- 14 (5) The initial election of classified employees to the board shall be held as provided in
15 KRS 18A.0551. The two (2) classified employees initially elected to the board shall
16 serve until July 1, 1986. Subsequent elections shall be for a term of four (4) years
17 from the date of expiration of the term for which his or her predecessor was elected.
18 If a vacancy occurs prior to the expiration of such term, the board shall fill the
19 vacancy as provided in KRS 18A.060.
- 20 (6) If an elected board member separates from the classified service~~accepts an~~
21 ~~unclassified position with state government~~, his or her membership on the board
22 shall be terminated immediately and the vacancy shall be filled as provided in KRS
23 18A.060.
- 24 (7) If an elected board member accepts a classified position in a cabinet employing
25 another board member or if, through no fault of his or her own, he or she is placed
26 in that cabinet, his or her membership on the board shall not be terminated for the
27 remainder of his or her term.

1 ➔Section 3. KRS 18A.0551 is amended to read as follows:

- 2 (1) (a) Elections to the board shall be scheduled every four (4) years on or before
3 June 15. The **Personnel Cabinet**~~[board]~~ shall provide written **or electronic**
4 notification of the date of the election to all classified employees on or before
5 April 1.~~[-; and]~~
- 6 (b) Upon receipt of the notification provided for by paragraph (a) of this
7 subsection, ~~a~~~~[an]~~ **classified** employee wishing to serve on the board shall
8 notify the board, in writing **or electronically**, no later than May 15. This
9 notification shall~~[be notarized and shall]~~ include the candidate's name,
10 address, unique personal identification number, job classification,~~[and]~~ length
11 of state employment, **and**~~[. It shall also include the]~~ name~~[and address]~~ of his
12 **or her** current employer.
- 13 (2) ~~[On the last working day of April,]~~The cabinet shall **determine**~~[certify a payroll]~~
14 **which employees are eligible to vote in the election as of the last calendar day in**
15 **April**~~[listing to the board that is current on such day and that contains the name,~~
16 ~~unique personal identification number, and home address of every classified~~
17 ~~employee].~~
- 18 (3) At least ten (10) working days prior to the election provided for in subsection (1) of
19 this section, the **cabinet**~~[board]~~ shall **notify**~~[mail to]~~ each classified employee
20 **identified in subsection (2) of this section of the upcoming election and include in**
21 **the notification a ballot and instructions for voting**~~[whose name appeared on the~~
22 ~~payroll listing certified by the cabinet at his home address:~~
- 23 (a) ~~—A list of candidates for election to the board;~~
- 24 (b) ~~—Instructions for voting;~~
- 25 (c) ~~—A ballot listing the names of all candidates for election to the board; and~~
- 26 (d) ~~—An envelope for returning the ballot should the classified employee wish to~~
27 ~~return the ballot by first-class mail].~~

- 1 (4) Upon receipt of ~~the~~^{his} ballot, a classified employee wishing to participate in the
2 election provided for in subsection (1) of this section shall:
- 3 (a) Vote for no more than two (2) candidates on the ballot, following the
4 instructions for voting; ***and***
- 5 (b) ***Submit the ballot by a means and date specified by the cabinet***~~[Print his or~~
6 ~~her unique personal identification number on the ballot in the space provided~~
7 ~~on the ballot; and~~
- 8 ~~(c) Deliver the ballot to the board by any means, including first class mail,~~
9 ~~facsimile, scanned e-mail, or hand delivery. Ballots shall arrive at the board's~~
10 ~~principal address no later than the date of the election or be postmarked on or~~
11 ~~before the date of the election].~~
- 12 (5) The ***cabinet***~~[board]~~ shall:
- 13 (a) ~~[Select an impartial third party to]~~Receive, validate, and tabulate all
14 ***votes***~~[returned ballots as provided by this subsection and subsection (6) of this~~
15 ~~section]; and~~
- 16 (b) ***Transmit the results to the board***~~[Provide the impartial third party with a~~
17 ~~computer-generated list of the unique personal identification numbers of~~
18 ~~eligible voters in numerical order].~~
- 19 (6) ~~[The impartial third party selected by the board shall collect all ballots from the~~
20 ~~board and:~~
- 21 ~~(a) Set aside, untabulated, any envelope postmarked with, or ballot stamped as~~
22 ~~received at the board on, a date subsequent to the deadline provided for by this~~
23 ~~section;~~
- 24 ~~(b) Verify the unique personal identification number on the ballot by comparing~~
25 ~~the number to the computer-generated list of unique personal identification~~
26 ~~numbers of eligible voters provided by the cabinet;~~
- 27 ~~(c) Set aside, untabulated, any ballot containing a unique personal identification~~

1 ~~number that does not match the unique personal identification number~~
 2 ~~appearing next to the name on the computer generated list;~~

3 ~~(d) Tabulate the timely ballots;~~

4 ~~(e) Compare the total tabulated vote with the total number of eligible employees~~
 5 ~~appearing on the computer generated list provided by the cabinet;~~

6 ~~(f) Return the ballots; envelopes, including envelopes that have not been opened;~~
 7 ~~and other election material to the board; and~~

8 ~~(g) Certify to the board:~~

9 ~~1. That the tabulation does not include two (2) or more ballots with the~~
 10 ~~same unique personal identification number;~~

11 ~~2. The total number of ballots received;~~

12 ~~3. The total number of ballots not included in the tabulation, and the reason~~
 13 ~~each such ballot was not included in the tabulation;~~

14 ~~4. The total number of ballots included in the tabulation; and~~

15 ~~5. The total vote for each candidate.~~

16 ~~(7) For at least sixty (60) days after the completion of the tabulation provided for by~~
 17 ~~subsection (5)(6) of this section, the [ballots, envelopes, and other] election~~
 18 ~~materials [provided for by this section] shall be public record and open to~~
 19 ~~inspection, **however any**[but the] home addresses and unique personal identification~~
 20 ~~numbers of the eligible employees and voters shall be redacted prior to public~~
 21 ~~inspection or disclosure.~~

22 ~~(7)(8) The two (2) candidates receiving the greatest number of votes shall be~~
 23 ~~declared the successful candidates. In the event of a tie vote, the tie shall be broken~~
 24 ~~by a coin toss in the presence of the candidates receiving the tie vote.~~

25 ~~(8)(9) Successful candidates shall be notified by the board no later than ten (10)~~
 26 ~~working days after the election. Successful candidates shall take office immediately~~
 27 ~~upon notification.~~

1 ~~(9)~~~~(10)~~ State employees may use state materials or equipment, except for state-paid
 2 first-class postage, to vote in the election of classified employees to the board.
 3 Except for voting in accordance with this section, any activity related to the election
 4 of a classified employee to the board shall not be conducted during working hours.

5 **(10) The secretary may promulgate administrative regulations pursuant to KRS**
 6 **Chapter 13A to implement the provisions of this section.**

7 ➔Section 4. KRS 18A.060 is amended to read as follows:

- 8 (1) If an elected member of the board vacates his **or her** seat for any reason other than
 9 the normal expiration of his **or her** term, the cabinet shall provide written **or**
 10 **electronic** notification of the vacancy to all classified employees within **thirty**
 11 **(30)**~~fifteen (15)~~ **calendar** days of the vacancy.
- 12 (2) Classified employees wishing to fill the vacancy shall notify the **board**~~cabinet~~
 13 within **fifteen (15)**~~ten (10)~~ **calendar** days of the cabinet's notification of the
 14 vacancy.
- 15 (3) A majority of the remaining members of the board shall make the appointment to
 16 fill the vacancy from the list of those employees who have notified the board under
 17 subsection (2) of this section.