

1 AN ACT relating to state personnel.

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

3 ➔Section 1. KRS 18A.005 is amended to read as follows:

4 As used in this chapter, unless the context indicates otherwise:

- 5 (1) "Appointing authority" means the agency head or any person whom he or she has
6 authorized by law to designate to act on behalf of the agency with respect to
7 employee appointments, position establishments, payroll documents, register
8 requests, waiver requests, requests for certification, or other position actions. Such
9 designation shall be in writing and signed by both the agency head and his or her
10 designee. Prior to the exercise of appointing authority, such designation shall be
11 filed with the secretary;
- 12 (2) "Base salary or wages" means the compensation to which an employee is entitled
13 under the salary schedules adopted pursuant to the provisions of KRS 18A.030 and
14 18A.110. Base salary or wages shall be adjusted as provided under the provisions of
15 KRS 18A.355 and 48.130;
- 16 (3) "Board" means the Personnel Board created by KRS 18A.045;
- 17 (4) "Career employee" means a state employee with sixteen (16) or more years of
18 permanent full-time state service, or the part-time employment equivalent of at least
19 sixteen (16) years of full-time state service. The service may have been in the
20 classified service under this chapter, the unclassified service in the executive branch
21 of state government, or a combination thereof. At least five (5) years of the
22 combined service shall have been in the classified service under this chapter;
- 23 (5) "Certification" means the referral of the name of one (1) or more qualified
24 prospective employees by the secretary on request of an appointing officer for
25 consideration in filling a position in the classified service;
- 26 (6) "Class" means a group of positions sufficiently similar as to duties performed,
27 scope of discretion and responsibility, minimum requirements of training,

- 1 experience, or skill, and such other characteristics that the same title, the same tests
2 of fitness, and the same schedule of compensation have been or may be applied to
3 each position in the group;
- 4 (7) "Classified employee" means an employee appointed to a position in the classified
5 service under this chapter whose appointment and employment are subject to the
6 classified service provisions of this chapter and the administrative regulations
7 promulgated under this chapter;
- 8 (8) "Classified position" means a position in the executive branch of state government
9 that is not exempt from the classified service under KRS Chapter 16, KRS 18A.115,
10 KRS Chapter 151B, or any other provision of law;
- 11 (9) "Classified service" includes all the employment subject to the terms of this chapter
12 except for those positions expressly cited in KRS 18A.115; a "classified position" is
13 a position in the classified service;
- 14 (10) "Secretary" means the secretary of the Personnel Cabinet as provided for in KRS
15 18A.015;
- 16 (11) "Demotion" means a change in the rank of an employee from a position in one (1)
17 class to a position in another class having a lower minimum salary range and less
18 discretion or responsibility;
- 19 (12) "Cabinet" means the Personnel Cabinet provided for in KRS 18A.015, unless the
20 context indicates otherwise;
- 21 (13) "Eligible" refers to a person who has made a passing score on any examination
22 required under KRS 18A.005~~[18A.010]~~ to 18A.200 or 18A.201 or who has
23 qualified to be placed on a register;
- 24 (14) "Employee" means a person regularly appointed to a position in the state service for
25 which he or she is compensated on a full-time, part-time, or interim basis;
- 26 (15) "Federally funded time-limited employee" means an employee in the unclassified
27 service, appointed to a position that is funded one hundred percent (100%) by a

1 federal grant or grants. An employee appointed to a federally funded time-limited
2 position shall be required to meet the minimum requirements for the classification
3 in which he or she is hired and, subject to the provisions of KRS 18A.113, shall
4 serve at the pleasure of the appointing authority during a period of time that shall
5 not exceed the life of the federal grant that funds the position. A federally funded
6 time-limited employee who has been aggrieved by notice of disciplinary action or
7 termination, other than an action based on expiration of the federal grant funding,
8 may petition the appointing authority of the agency for the opportunity to be heard
9 by the appointing authority or his or her designee prior to the effective date of the
10 disciplinary action or termination. The decision of the appointing authority shall be
11 final except as provided by KRS 18A.095(11)(~~14~~) and 18A.140. A federally
12 funded time-limited employee shall not have the right of appeal to the Personnel
13 Board except as provided by KRS 18A.095(11)(~~14~~) and 18A.140;

14 (16) "Federally funded position" means a full-time or a part-time position in which the
15 unclassified employee is eligible for benefits at the same level as a classified
16 employee in a permanent position;

17 (17) "Full-time employee" means an employee in a full-time position;

18 (18) "Full-time position" means a position, other than an interim position, requiring an
19 employee to work at least thirty-seven and one-half (37.5) hours in a work week,
20 except for the following:

21 (a) Positions in the state parks, where the work assigned is dependent upon
22 fluctuations in tourism, may be assigned work hours from twenty-five (25)
23 hours per week during the off seasons and remain in full-time positions; and

24 (b) Positions in health care facilities, which regularly involve three (3)
25 consecutive days of twelve (12) hour shifts to cover weekends, shall be
26 considered full-time;

27 (19) "Initial probation" means the period of service following initial appointment to any

1 position under KRS 18A.005~~[18A.010]~~to 18A.200 or 18A.201 which requires
2 special observation and evaluation of an employee's work and which must be
3 passed successfully before status may be conferred as provided in KRS 18A.110
4 and by the provisions of this chapter. If the appointee is granted leave in excess of
5 twenty (20) consecutive work days during this period, his or her initial probation
6 shall be extended for the same length of time as the granted leave to cover such
7 absence;

8 (20) "Interim employee" means an unclassified employee without status who has been
9 appointed to an interim position that shall be less than nine (9) months duration;

10 (21) "Interim position" means a position established to address a one-time or recurring
11 need of less than nine (9) months duration and exempt from the classified service
12 under KRS 18A.115;

13 (22) "Part-time employee" means an employee in a part-time position;

14 (23) "Part-time position" means a position, other than an interim position, requiring an
15 employee to work less than one hundred (100) hours per month;

16 (24) "Position" means an office or employment in an agency (whether part-time, full-
17 time, or interim, occupied, or vacant) involving duties requiring the services of one
18 (1) person;

19 (25) "Promotion" means a change of rank of an employee from a position in one (1)
20 class to a position in another class having a higher minimum salary or carrying a
21 greater scope of discretion or responsibility;

22 (26) "Promotional probation" means the period of service, consistent with the length of
23 the initial probationary period, following the promotion of an employee with status
24 which must be successfully completed in order for the employee to retain the
25 position to which he or she has been promoted. If the employee is granted leave in
26 excess of twenty (20) consecutive work days during this period, his or her
27 promotional probation shall be extended for the same length of time as the granted

- 1 leave to cover such absence;
- 2 (27) "Qualifying" means the selection method type which results when the knowledge,
3 skills, and abilities necessary for a job classification cannot be accurately measured
4 by written examination;
- 5 (28) "Reallocation" means the correction of the classification of an existing position by
6 placement of the position into the classification that is appropriate for the duties the
7 employee has been and shall continue to perform;
- 8 (29) "Reclassification" shall mean the change in the classification of an employee when
9 a material and permanent change in the duties or responsibilities of that employee
10 has been assigned in writing by the appointing authority;
- 11 (30) "Reemployment" shall mean the rehiring of an employee with status who has been
12 laid off;
- 13 (31) "Reemployment register" means the separate list of names of persons who have
14 been separated from state service by reason of layoff. Reemployment registers shall
15 be used as provided by the provisions of KRS 18A.110, 18A.130, and 18A.135;
- 16 (32) "Register" means any official list of eligibles for a particular class and, except as
17 provided in this chapter, placed in rank order according to the examination scores
18 maintained for use in making original appointments or promotions to positions in
19 the classified service;
- 20 (33) "Reinstatement" means the privilege of restoration of an employee who has
21 resigned in good standing at the option of the appointing authority, or who has been
22 ordered reinstated by the board or a court to a position in his former class, or to a
23 position of like status and pay;
- 24 (34) "Reversion" means either the returning of a status employee to his or her last
25 position held in the classified service, if vacant, or the returning of a status
26 employee to a vacant position in the same or similar job classification as his or her
27 last position held in the classified service. Reversion occurs after a career employee

1 is terminated other than for cause from the unclassified service or after a status
2 employee fails to successfully complete promotional probation. Reversion after
3 unsuccessful completion of promotional probation, or in the case of a career
4 employee after termination from the unclassified service, may only be appealed to
5 the Personnel Board under KRS 18A.095(11);

6 (35) "Seniority" means the total number of months of state service;

7 (36) "Status" means the acquisition of tenure with all rights and privileges granted by the
8 provisions of this chapter after satisfactory completion of the initial probationary
9 period by an employee in the classified service; and

10 (37) "Transfer" means a movement of any employee from one (1) position to another of
11 the same grade having the same salary ranges, the same level of responsibility
12 within the classified service, and the same salary received immediately prior to
13 transfer.

14 ➔Section 2. KRS 18A.035 is amended to read as follows:

15 (1) The secretary may from time to time designate in writing an employee of the
16 cabinet to act for him in case of his absence or inability from any cause to discharge
17 the powers and duties of his position. In this case, the powers and duties of the
18 secretary shall devolve upon his designee.

19 (2) The secretary may request appropriate persons, including officers and employees in
20 the state service, to assist in the preparation and rating of tests. Department heads
21 shall cooperate to the fullest extent possible in making the services of their
22 employees available for such work.

23 (3) (a) The secretary may enter into written agreements with an appointing authority
24 which would provide for the delegation of his authority and power to the
25 appointing authority. The secretary is prohibited from delegating any powers
26 or authority pertaining to disciplinary actions, lay-offs, or registers.

27 (b) All written agreements delegating the secretary's power and authority as

1 provided in paragraph (a) of this subsection shall be specific in nature and
2 renewed annually.

3 (c) A copy of the written agreements shall be forwarded to the Personnel Board.

4 ~~[(4) The secretary shall serve ex officio as a member of the board of trustees of the
5 Kentucky Employees Retirement System.]~~

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

7 (1) There is hereby created a Personnel Board in which shall be vested the
8 constitutional powers and responsibilities of officers of the Commonwealth. The
9 board shall consist of seven (7) members, six (6)~~[five (5)]~~ of whom shall be
10 appointed by the Governor as provided in KRS 18A.050. One (1) member~~[Two (2)
11 members]~~ of the board shall be elected by classified employees as provided in KRS
12 18A.0551.

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

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

21 ➔Section 4. KRS 18A.050 is amended to read as follows:

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

1 and for the remainder of such term.

2 (2) ~~[Upon the expiration of the terms of office of the two (2) board members whose~~
3 ~~terms expire January 1, 1984, The Governor shall appoint two (2) members from a~~
4 ~~list of four (4) names submitted by the Legislative Research Commission.~~
5 ~~Thereafter, upon the expiration of these terms, such terms shall be filled in the same~~
6 ~~manner as provided in this subsection.~~

7 (3) ~~Upon the expiration of the terms of office, of the members whose terms expire~~
8 ~~December 31, 1982, January 1, 1985, and January 1, 1986,]The Governor shall~~
9 ~~appoint six (6) citizens at large who are not associated with state government in any~~
10 ~~manner. Thereafter upon the expiration of these terms, such terms shall be filled in~~
11 ~~the same manner as provided in this subsection.~~

12 (3)~~(4)~~ These six (6)~~[five (5)]~~ appointments to the board shall be subject to
13 confirmation by the Senate. If the Senate is not in session, these six (6)~~[five (5)]~~
14 appointments shall be subject to review by the Interim Joint Committee on State
15 Government which shall hold a public hearing and shall transmit its
16 recommendations to the Senate.

17 (4)~~(5)~~ **The one (1) board member who is a classified employee shall be elected**~~[The~~
18 ~~initial election of classified employees] to the board [shall be held]as provided in~~
19 ~~KRS 18A.0551. The [two (2)]classified employee shall serve[employees initially~~
20 ~~elected to the board shall serve until July 1, 1986. Subsequent elections shall be] for~~
21 ~~a term of four (4) years from the date of expiration of the term for which his or her~~
22 ~~predecessor was elected. If a vacancy occurs prior to the expiration of such term,~~
23 ~~the board shall fill the vacancy as provided in KRS 18A.060.~~

24 (5)~~(6)~~ If an elected board member **separates from the classified service, the member**
25 **shall immediately vacate his or her position on the board, or his or her**
26 **membership shall be terminated by the board,**~~[accepts an unclassified position~~
27 ~~with state government, his membership on the board shall be terminated~~

1 ~~immediately~~ and the vacancy shall be filled as provided in KRS 18A.060.

2 ~~(6)~~~~(7)~~ If an elected board member accepts a classified position in a cabinet
3 employing another board member or if, through no fault of his or her own, he or
4 she is placed in that cabinet, his or her membership on the board shall not be
5 terminated for the remainder of his term.

6 ➔Section 5. KRS 18A.0551 is amended to read as follows:

- 7 (1) (a) Elections to the board shall be scheduled every four (4) years on or before
8 June 15. The Personnel Cabinet shall provide written or electronic notification
9 of the date of the election to all classified employees on or before April 1.
- 10 (b) Upon receipt of the notification provided for by paragraph (a) of this
11 subsection, a classified employee wishing to serve on the board shall notify
12 the board, in writing or electronically, no later than May 15. This notification
13 shall include the candidate's name, address, unique personal identification
14 number, job classification, length of state employment, and name of his or her
15 current employer.
- 16 (2) The cabinet shall determine which employees are eligible to vote in the Personnel
17 Board election as of the last calendar day in April.
- 18 (3) At least ten (10) working days prior to the election provided for in subsection (1) of
19 this section, the cabinet shall notify each classified employee identified in
20 subsection (2) of this section of the upcoming election and include in the
21 notification a ballot and instructions for voting.
- 22 (4) Upon receipt of the ballot, a classified employee wishing to participate in the
23 election provided for in subsection (1) of this section shall:
- 24 (a) Vote for no more than one (1) candidate~~two (2) candidates~~ on the ballot,
25 following the cabinet's instructions for voting; and
- 26 (b) Submit the ballot by the means and date specified by the cabinet.
- 27 (5) The cabinet shall:

- 1 (a) Receive, validate, and tabulate all returned votes; and
- 2 (b) Transmit the results to the board.
- 3 (6) For at least sixty (60) days after the completion of the tabulation provided for by
- 4 subsection (5) of this section, the election materials shall be public record and open
- 5 to inspection. However, any personally identifiable information, including home
- 6 addresses and unique personal identification numbers of the eligible employees and
- 7 voters, shall be redacted prior to public inspection or disclosure.
- 8 (7) The *candidate*~~[two (2) eligible candidates]~~ receiving the greatest number of votes
- 9 shall be declared the successful *candidate*~~[candidates]~~. In the event of a tie vote, the
- 10 tie shall be broken by a coin toss in the presence of the candidates receiving the tie
- 11 vote.
- 12 (8) *The successful candidate*~~[Successful candidates]~~ shall be notified by the board no
- 13 later than ten (10) working days after the election *and*~~[Successful candidates]~~ shall
- 14 take office immediately upon notification.
- 15 (9) State employees may use state materials or equipment, except for state-paid first-
- 16 class postage, to vote in the election of classified employees to the board. Except
- 17 for voting in accordance with this section, any activity related to the election of a
- 18 classified employee to the board shall not be conducted during working hours.
- 19 (10) The secretary may promulgate administrative regulations pursuant to KRS Chapter
- 20 13A to implement the provisions of this section.
- 21 ➔Section 6. KRS 18A.0751 is amended to read as follows:
- 22 (1) The board shall promulgate comprehensive administrative regulations for the
- 23 classified service governing:
- 24 (a) Appeals by state employees;
- 25 (b) Demotion;
- 26 (c) Dismissal;
- 27 (d) ~~[Fines,]~~Suspensions~~[,]~~ and other disciplinary measures;

- 1 (e) Probation, provided that the board may not require an initial probationary
2 period in excess of six (6) months except as provided in subsection (4)(~~d~~)(~~e~~)
3 of this section and KRS 18A.005;
- 4 (f) Promotion;
- 5 (g) Reinstatement;
- 6 (h) Transfer; and
- 7 (i) Employee grievances and complaints.
- 8 (2) (a) ~~These~~ Administrative regulations ***promulgated by the board*** shall comply
9 with the provisions of this chapter and KRS Chapter 13A, and shall have the
10 force and effect of law, when approved by the board, after compliance with
11 the provisions of KRS Chapters 13A and 18A and the procedures adopted
12 thereunder.~~;~~
- 13 (b) Administrative regulations promulgated by the board shall not expand or
14 restrict rights granted to, or duties imposed upon, employees and
15 administrative bodies by the provisions of this chapter.~~;~~~~and~~
- 16 (c) No administrative body, other than the Personnel Board, shall promulgate
17 administrative regulations governing the subject matters specified in this
18 section.
- 19 (3) Prior to filing an administrative regulation with the Legislative Research
20 Commission, the board shall submit the administrative regulation to the secretary
21 for review:
- 22 (a) The secretary shall review the administrative regulation proposed by the board
23 not more than twenty (20) days after its submission to him or her;
- 24 (b) Not more than five (5) days after his review, the secretary shall submit his or
25 her recommendations in writing to the board;
- 26 (c) The board shall review the recommendations of the secretary and may revise
27 the proposed administrative regulation as it deems necessary; and

1 (d) After the board has completed the review provided for in this section, it may
2 file the proposed administrative regulation with the Legislative Research
3 Commission pursuant to the provisions of KRS Chapter 13A.

4 (4) These administrative regulations shall provide:

5 (a) For the procedures to be utilized by the board in the conduct of hearings by
6 the board, consistent with the provisions of KRS Chapter 13B;

7 (b) For reduction in rank or grade as provided by this chapter;

8 (c) For discharge, as provided by this section;

9 (d) ~~[For imposition, as disciplinary measures, of a fine of not more than ten (10)~~
10 ~~working days' pay, or for suspension from the service without pay for no~~
11 ~~longer than thirty (30) working days and, in accordance with the provisions of~~
12 ~~KRS 18A.095, for the manner of notification of the employee of the discipline~~
13 ~~and his or her right of appeal;~~

14 (e) ~~]~~No probationary period may exceed twelve (12) months, except as provided
15 in KRS 18A.005. The secretary may recommend an initial probationary
16 period in excess of six (6) months for specific job classifications to the board.
17 This recommendation shall take the form of a proposed administrative
18 regulation that shall be submitted to the board for approval. The subject of the
19 administrative regulation shall be limited to job classifications for which an
20 initial probationary period in excess of six (6) months is required and shall
21 specify:

22 1. The job classification for which an initial probationary period in excess
23 of six (6) months is required; and

24 2. The specific number of months constituting the initial probationary
25 period for the job classification. No other administrative regulation shall
26 include any provision prescribing an initial probationary period in
27 excess of six (6) months, except as provided in KRS 18A.005. Upon

1 approval by the board of the proposed administrative regulation
2 provided for in this paragraph, the board shall file the regulation with
3 the Legislative Research Commission as provided by KRS Chapter 13A;

4 ~~(e)(f)~~ For promotions which shall give appropriate consideration to the
5 applicant's qualifications, record of performance, conduct, and seniority.

6 Except as provided by this chapter, vacancies shall be filled by promotion
7 whenever practicable and in the best interest of the service;

8 ~~(g) For reemployment of laid-off employees in accordance with the provisions of~~
9 ~~this chapter;~~

10 ~~(f)(h)~~ For transfer from a position in one (1) department to a similar position
11 in another department involving similar qualifications, duties, responsibilities,
12 and salary ranges as provided by the provisions of KRS 18A.113;

13 ~~(g)(i)~~ For establishment of a plan for resolving employee grievances and
14 complaints. This plan shall not restrict rights granted employees by the
15 provisions of this chapter;

16 ~~(h)(j)~~ For promotion of career employees to positions in the unclassified
17 service without loss of status to the individual employees so promoted, as
18 provided by this chapter; and

19 ~~(i)(k)~~ For any other administrative regulations not inconsistent with this
20 chapter and KRS Chapter 13A as may be proper and necessary for its
21 enforcement.

22 ➔Section 7. KRS 18A.080 is amended to read as follows:

23 (1) Except as provided in KRS 18A.200, members of the board shall receive
24 compensation of one hundred dollars (\$100) per diem for each meeting of the board
25 and reimbursement for actual and necessary expenses in accordance with state
26 regulations and standards applicable to state employees.

27 (2) In addition to payments for attendance at board meetings all board members may

1 also be paid one hundred dollars (\$100) for each day spent in the preparation of
2 recommended orders, the review of transcripts or other matters related to appeals
3 before the board.

4 (3) Any board member missing three (3) consecutive regular meetings shall be deemed
5 to have vacated his office. Replacements to the board shall be made as provided in
6 KRS 18A.050~~[(2)]~~ and 18A.060.

7 ➔Section 8. KRS 18A.095 is amended to read as follows:

8 (1) A classified employee with status shall not be dismissed, demoted, suspended
9 without pay, or involuntarily transferred except for cause.

10 (2) Prior to dismissal, a classified employee with status shall be notified in writing of
11 the intent to dismiss him or her. The notice shall also state:

12 (a) The specific reasons for dismissal, including:

- 13 1. The statutory, regulatory, or policy violation;
- 14 2. The specific action or activity on which the intent to dismiss is based;
- 15 3. The date and place of such action or activity; and
- 16 4. The names of the parties involved;

17 (b) That the employee has the right to appear personally, or with counsel if he or
18 she has retained counsel, to reply to the appointing authority or his or her
19 designee; and

20 (c) Whether the employee is placed on administrative leave by the appointing
21 authority with pay upon receiving the intent to dismiss letter prior to the
22 agency's final action.

23 (3) The Personnel Cabinet shall prescribe and distribute a pretermination form to be
24 completed and forwarded by an employee who wishes to appear before the
25 appointing authority or his or her designee. The form shall be attached to every
26 notice of intent to dismiss and shall contain written instructions explaining:

27 (a) The right granted an employee under the provisions of this section relating to

- 1 pretermination hearings; and
- 2 (b) The time limits and procedures to be followed by all parties in pretermination
- 3 hearings.
- 4 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,
- 5 excluding the day he or she receives the notice, the employee may request to
- 6 appear, personally or with counsel if he or she has retained counsel, to reply to the
- 7 appointing authority or his or her designee.
- 8 (5) Unless agreed to by the appointing authority or his or her designee and the
- 9 employee, the appearance shall be scheduled within six (6) working days after
- 10 receipt of an employee's request to appear before the appointing authority or his or
- 11 her designee, excluding the day his or her request is received.
- 12 (6) No later than five (5) working days after the employee appears before the
- 13 appointing authority or his or her designee, excluding the day of the appearance, the
- 14 cabinet head or agency or his or her designee shall:
- 15 (a) Determine whether to dismiss the employee or to modify or rescind the intent
- 16 to dismiss; and
- 17 (b) Notify the employee in writing of the decision.
- 18 (7) If the appointing authority or his or her designee determines that the employee shall
- 19 be dismissed, the employee shall be notified in writing of:
- 20 (a) The effective date of his or her dismissal;
- 21 (b) The specific reason for the dismissal, including:
- 22 1. The statutory, regulatory, or policy violation;
- 23 2. The specific action or activity on which the dismissal is based;
- 24 3. The date and place of the action or activity; and
- 25 4. The names of the parties involved; and
- 26 (c) That he or she may appeal the dismissal to the board within thirty (30)
- 27 calendar days after receipt of this notification, excluding the day he or she

1 receives notice.

2 (8) A classified employee with status who is demoted, suspended without pay, or
3 involuntarily transferred shall be notified in writing of:

4 (a) The demotion, suspension, or involuntary transfer;

5 (b) The effective date of the demotion, suspension, or involuntary transfer;

6 (c) The specific reason for the demotion, suspension, or involuntary transfer,
7 including:

8 1. The statutory, regulatory, or policy violation;

9 2. The specific action or activity on which the demotion, suspension, or
10 involuntary transfer is based;

11 3. The date and place of the action or activity; and

12 4. The names of the parties involved; and

13 (d) That he or she has the right to appeal to the board within thirty (30) calendar
14 days, excluding the day that he or she received notification of the personnel
15 action.

16 (9) Any unclassified employee who is dismissed, demoted, suspended without pay, or
17 involuntarily transferred for cause may, within thirty (30) calendar days after the
18 dismissal, demotion, suspension, or involuntary transfer, appeal to the board for
19 review thereof.

20 (10) (a) An employee whose position is reallocated or reclassified to a lower grade
21 shall be notified in writing by the appointing authority of:

22 1. The reallocation or reclassification; and

23 2. ~~If the reallocation or reclassification is to a lower grade,~~ His or her
24 right to request reconsideration by the secretary within ten (10) working
25 days of receipt of the notice, excluding the day he or she receives
26 notification.

27 (b) The employee shall file a written request for reconsideration of the

1 reallocation or reclassification to a lower grade with the secretary in a manner
2 and form prescribed by the secretary and shall be given a reasonable
3 opportunity to be heard by the secretary. The secretary shall make a
4 determination within sixty (60) calendar days after the request has been filed
5 by an employee. The secretary's determination shall be final and shall not be
6 appealable to the Personnel Board.

7 (11) (a) Any applicant, classified employee, or federally funded time-limited
8 employee may appeal to the board an action alleged to be based on
9 discrimination due to race, color, religion, national origin, sex, disability, age
10 forty (40) and above, or any other category protected under state or federal
11 civil rights laws. Nothing in this section shall be construed to preclude any
12 applicant, classified employee, or unclassified employee from filing with the
13 Kentucky Commission on Human Rights a complaint alleging discrimination
14 on the basis of race, color, religion, national origin, sex, disability, or age in
15 accordance with KRS Chapter 344.

16 (b) Appeals alleging discrimination shall be filed within thirty (30) calendar days
17 after the alleged discriminatory action occurred.

18 (12) (a) Any applicant for classified employment under KRS Chapter 18A who has
19 been notified by the Personnel Cabinet that he or she did not meet the
20 minimum qualifications for a position may request reconsideration from the
21 secretary not more than ten (10) calendar days after the notification was sent.
22 The secretary's review and determination of the reconsideration shall be
23 completed within ten (10) calendar days from the receipt of the request for
24 reconsideration. The secretary's determination shall be final and shall not be
25 appealable to the Personnel Board.

26 (b) Any applicant for employment in a classified position under KRS Chapter
27 18A may appeal the hiring agency's nonselection based on an alleged

1 violation of appointment and promotion provisions contained in this chapter
2 or administrative regulations promulgated under this chapter to the board. The
3 appeal shall be filed not later than thirty (30) calendar days after the notice of
4 nonselection was mailed or sent electronically.

5 (13) When an employee who qualifies for a position has his or her name removed from
6 the register, the employee may petition the secretary for the opportunity to be heard
7 by the secretary or his or her designee. The petition shall be delivered to the
8 secretary in writing or electronically no later than ten (10) calendar days after the
9 removal notification has been sent. The secretary's decision shall be final and not
10 appealable to the Personnel Board.

11 (14) (a) Appeals to the board shall be in writing on an appeal form prescribed by the
12 board. The Personnel Board shall be responsible for the distribution of these
13 forms.

14 (b) The appeal form shall be attached to any notice of dismissal, demotion,
15 suspension, or involuntary transfer. The appeal form shall instruct the
16 employee to state whether he or she is a classified or unclassified employee,
17 his or her full name, his or her appointing authority, work station address and
18 telephone number, home address and personal telephone number, personal
19 email address, and, if he or she has retained counsel at the time he or she files
20 an appeal, the name, address, and telephone number of his or her attorney.

21 (c) The form shall also instruct a classified employee to state the action he or she
22 is appealing in a short, plain, concise statement of the facts. The form shall
23 instruct an unclassified employee to make a short, plain, concise statement of
24 the reason for the appeal and the cause given for his or her dismissal,
25 demotion, suspension, or involuntary transfer.

26 (d) *The appellant* ~~Any appeal form filed by a classified or unclassified employee~~
27 shall identify the statute, administrative regulation, or policy that *the*

1 ~~agency~~ ~~was~~ allegedly violated on the appeal form.

2 (e) Upon receipt of the appeal by the board, the appointing authority and the
3 Personnel Cabinet shall be notified and the board shall schedule a hearing.

4 (15) All administrative hearings conducted by the board shall be conducted in
5 accordance with KRS Chapter 13B.

6 (16) (a) The board shall deny a hearing to an employee who has failed to file an
7 appeal within the time prescribed by this section; and to an unclassified
8 employee who has failed to state the reasons for the appeal and the cause for
9 which he or she has been dismissed, demoted, suspended without pay, or
10 involuntarily transferred. The board shall deny any appeal after a preliminary
11 hearing if it lacks jurisdiction to grant relief. The board shall notify the
12 employee of its denial in writing and shall inform the employee of his or her
13 right to appeal the denial under the provisions of KRS 18A.100.

14 (b) Any investigation by the board of any matter related to an appeal filed by an
15 employee shall be conducted only upon notice to the employee, the
16 employee's counsel, and the appointing authority. All parties to the appeal
17 shall have access to information produced by the investigations and the
18 information shall be presented at the hearing.

19 (17) Each appeal shall be decided individually, unless otherwise agreed by the parties
20 and the board. The board shall not:

21 (a) Employ class action procedures; or

22 (b) Conduct test representative cases.

23 (18) Board members shall abstain from public comment about a pending or impending
24 proceeding before the board. This shall not prohibit board members from making
25 public statements in the course of their official duties or from explaining for public
26 information the procedures of the board.

27 (19) An appeal to the board may be heard by the full board or one (1) or more of the

1 following: Its executive director, its general counsel, any nonelected member of the
2 board, or any hearing officer secured by the board pursuant to KRS 13B.030.

3 (20) (a) If the board finds that the action complained of was taken by the appointing
4 authority in violation of laws prohibiting favor for, or discrimination against,
5 or bias with respect to, his or her political or religious opinions or affiliations
6 or ethnic origin, or in violation of laws prohibiting discrimination because of
7 such individual's sex or age or disability, the appointing authority shall
8 immediately reinstate the employee to his or her former position or a position
9 of like status and pay, without loss of pay for the period of time at issue, or
10 otherwise make the employee whole unless the order is stayed by the board or
11 the court on appeal.

12 (b) If the board finds that the action complained of was taken without just cause,
13 the board shall order the immediate reinstatement of the employee to his or
14 her former position or a position of like status and pay, without loss of pay for
15 the period of time at issue, or otherwise make the employee whole unless the
16 order is stayed by the board or the court on appeal.

17 (c) If the board finds that the action taken by the appointing authority was
18 excessive or erroneous in view of all the surrounding circumstances, the board
19 shall direct the appointing authority to modify or rescind the action at issue.

20 (d) In all other cases, the board shall direct the appointing authority to rescind the
21 action taken or otherwise grant specific relief or dismiss the appeal.

22 (21) If a final order of the board is appealed, a court may award reasonable attorney fees
23 to an employee who prevails by a final adjudication on the merits as provided by
24 KRS 453.260. This award shall not include attorney fees attributable to the hearing
25 before the board.

26 (22) When any employee is dismissed and not ordered reinstated after the appeal, the
27 board in its discretion may direct that his or her name be placed on an appropriate

1 reemployment list for employment in any similar position other than the one from
2 which he or she had been removed.

3 (23) After a final decision has been rendered by the board or court, an employee who
4 prevails in his or her appeal may be credited with the amount of leave time used for
5 time spent at his or her hearing before the board or court. Employees who had an
6 insufficient amount of leave time shall be credited with leave time equal to the
7 amount of time spent at their hearings before the board or court.

8 (24) If the appointing authority appeals the final order of the board, unless the board
9 rules otherwise, the reinstated employee shall remain in his or her former position,
10 or a position of like status or pay, until the conclusion of the appeals process, at
11 which time the appointing authority shall take action in accordance with the court
12 order.

13 (25) After a final decision in a contested case has been rendered by the last
14 administrative or judicial body to which the case has been appealed, the board shall
15 make the decision available to the public in electronic format on its website and
16 shall organize the decisions according to the statutory basis for which the appeal
17 was based.

18 (26) Appeals concerning dismissals of classified employees with status shall take
19 precedence for hearings before the board over all other appeals.

20 (27) Any classified or unclassified employee as defined in KRS 18A.005 who is not
21 restored to a position pursuant to KRS 61.371 to 61.377, or who is dismissed
22 without cause within one (1) year after reinstatement, may appeal to the Personnel
23 Board. The appeal shall be filed in writing with the executive director of the board
24 not later than thirty (30) days after the notification of the action in question has
25 been mailed or sent electronically.

26 (28) If an individual received a notice that does not comply with subsection (7)(c),
27 (8)(d), or (14)(b) of this section, or received no written or electronic notification of

1 his or her dismissal, demotion, suspension, or involuntary transfer pursuant to
 2 subsection (7) or (8) of this section, he or she shall file his or her appeal to the
 3 board within one hundred eighty (180) days of:

- 4 (a) Receipt of the written notice, if he or she received a written notice that does
 5 not comply with subsection (7)(c), (8)(d), or (14)(b) of this section; or
 6 (b) The alleged act, if he or she did not receive written or electronic notification
 7 of the alleged act in question.

8 (29) If a classified or unclassified employee refuses or fails to cooperate as a witness in
 9 an agency, Personnel Cabinet, or board investigation, hearing, proceeding, or
 10 inquiry, the employee may be subject to disciplinary action.

11 (30) Unless otherwise provided by this chapter, the board shall not have jurisdiction over
 12 any appeal except as authorized by this section.

13 ➔Section 9. KRS 18A.100 is amended to read as follows:

14 **Any party aggrieved by a final order of the board may appeal by filing a petition with**
 15 **the clerk of the Franklin Circuit Court in accordance with KRS Chapter 13B.**~~[(1) Any~~
 16 ~~final order of the board either upholding or invalidating the dismissal, demotion, or~~
 17 ~~suspension of a classified or an unclassified employee may be appealed either by the~~
 18 ~~employee or by the appointing authority.~~

19 ~~(2) The party aggrieved may appeal a final order by filing a petition with the clerk of~~
 20 ~~the Franklin Circuit Court in accordance with KRS Chapter 13B.]~~

21 ➔Section 10. KRS 18A.110 is amended to read as follows:

22 (1) The secretary shall promulgate comprehensive administrative regulations for the
 23 classified service governing:

- 24 (a) Applications and examinations;
 25 (b) Certification and selection of eligibles;
 26 (c) Classification and compensation plans;
 27 (d) Incentive programs;

- 1 (e) ~~[(g)]~~ Layoffs;
- 2 (f) ~~[(h)]~~ Registers;
- 3 ~~[(g)]~~ Types of appointments;
- 4 ~~[(h)]~~ Attendance; hours of work; compensatory time; annual, court, military,
 5 sick, voting, living organ donor, and special leaves of absence, provided that
 6 the secretary shall not promulgate administrative regulations that would
 7 reduce the rate at which employees may accumulate leave time below the rate
 8 effective on December 10, 1985; and
- 9 ~~[(i)]~~ Employee evaluations.
- 10 (2) The secretary shall promulgate comprehensive administrative regulations for the
 11 unclassified service.
- 12 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate
 13 administrative regulations that would reduce an employee's salary; and
- 14 (b) As provided by KRS 18A.0751(4)~~[(d)]~~~~[(e)]~~, the secretary may submit a
 15 proposed administrative regulation providing for an initial probationary period
 16 in excess of six (6) months to the board for its approval.
- 17 (4) The secretary may promulgate administrative regulations to implement state
 18 government's affirmative action plan under KRS 18A.138.
- 19 **(5) The secretary may promulgate administrative regulations to:**
- 20 **(a) Implement scholarship programs, internship programs, education**
 21 **programs, and educational assistance programs; and**
- 22 **(b) Provide interview preference for job applicants who complete an executive**
 23 **branch internship program.**
- 24 **(6) The secretary may promulgate administrative regulations for the classified**
 25 **service governing layoffs, furloughs, and reduction of hours, including but not**
 26 **limited to reemployment of laid-off employees.**
- 27 ~~[(5)]~~ (a) The administrative regulations shall comply with the provisions of this

1 chapter and KRS Chapter 13A, and shall have the force and effect of law after
2 compliance with the provisions of KRS Chapters 13A and 18A and the
3 procedures adopted thereunder;

4 (b) Administrative regulations promulgated by the secretary shall not expand or
5 restrict rights granted to, or duties imposed upon, employees and
6 administrative bodies by the provisions of this chapter; and

7 (c) No administrative body other than the Personnel Cabinet shall promulgate
8 administrative regulations governing the subject matters specified in this
9 section.

10 ~~(8)~~~~(6)~~ Prior to filing an administrative regulation with the Legislative Research
11 Commission, the secretary shall submit the administrative regulation to the board
12 for review.

13 (a) The board shall review the administrative regulation proposed by the secretary
14 not less than twenty (20) days after its submission to it;

15 (b) Not less than five (5) days after its review, the board shall submit its
16 recommendations in writing to the secretary;

17 (c) The secretary shall review the recommendations of the board and may revise
18 the proposed administrative regulation if he or she deems it necessary; and

19 (d) After the secretary has completed the review provided for in this section, he or
20 she may file the proposed administrative regulation with the Legislative
21 Research Commission pursuant to the provisions of KRS Chapter 13A.

22 ~~(9)~~~~(7)~~ The administrative regulations shall provide:

23 (a) For the preparation, maintenance, and revision of a position classification plan
24 for all positions in the classified service, based upon similarity of duties
25 performed and responsibilities assumed, so that the same qualifications may
26 reasonably be required for, and the same schedule of pay may be equitably
27 applied to, all positions in the same class. The secretary shall allocate the

1 position of every employee in the classified service to one (1) of the classes in
2 the plan. The secretary shall reallocate existing positions, after consultation
3 with appointing authorities, when it is determined that they are incorrectly
4 allocated, and there has been no substantial change in duties from those in
5 effect when such positions were last classified. The occupant of a position
6 being reallocated shall continue to serve in the reallocated position with no
7 reduction in salary;

8 (b) For a pay plan for all employees in the classified service, after consultation
9 with appointing authorities and the state budget director. The plan shall take
10 into account such factors as:

- 11 1. The relative levels of duties and responsibilities of various classes of
12 positions;
- 13 2. Rates paid for comparable positions elsewhere taking into consideration
14 the effect of seniority on such rates; and
- 15 3. The state's financial resources.

16 Amendments to the pay plan shall be made in the same manner. Each
17 employee shall be paid at one (1) of the rates set forth in the pay plan for the
18 class of position in which he or she is employed, provided that the full amount
19 of the annual increment provided for by the provisions of KRS 18A.355, and
20 the full amount of an increment due to a promotion, salary adjustment,
21 reclassification, or reallocation, shall be added to an employee's base salary or
22 wages;

23 (c) For the advertisement and acceptance of applications for at least five (5) days
24 for those positions to be filled by classified appointment or promotion. The
25 secretary may continue to receive applications and review applicants on a
26 continuous basis long enough to ensure a sufficient number of applicants;

27 (d) For the rejection of candidates or eligibles who fail to comply with reasonable

- 1 requirements of the secretary in regard to such factors as age, physical
2 condition, training, and experience, or who have attempted any deception or
3 fraud in connection with an examination;
- 4 (e) Except as provided by this chapter, for the appointment of a person whose
5 score is included in the five (5) highest scores earned on the examination;
- 6 (f) For annual, sick, and special leaves of absence, with or without pay, or
7 reduced pay, after approval by the Governor as provided by KRS
8 18A.155(1)(d);
- 9 ~~(g) [For layoffs, in accordance with the provisions of KRS 18A.113, by reasons
10 of lack of work, abolishment of a position, a material change in duties or
11 organization, or a lack of funds;~~
- 12 ~~(h)~~ [For the development and operation of programs to improve the work
13 effectiveness of employees in the state service, including training, whether in-
14 service or compensated educational leave, safety, health, welfare, counseling,
15 recreation, employee relations, and employee mobility without written
16 examination;
- 17 (h)~~(i)~~ For a uniform system of annual employee evaluation for classified
18 employees, with status, that shall be considered in determining eligibility for
19 discretionary salary advancements, promotions, and disciplinary actions. The
20 administrative regulations shall:
- 21 1. Require the secretary to determine the appropriate number of job
22 categories to be evaluated and a method for rating each category;
- 23 2. Provide for periodic informal reviews during the evaluation period
24 which shall be documented on the evaluation form and pertinent
25 comments by either the employee or supervisor may be included;
- 26 3. Establish a procedure for internal dispute resolution with respect to the
27 final evaluation rating;

1 4. ~~Permit a classified employee, with status, who receives either of the~~
2 ~~two (2) lowest possible evaluation ratings to appeal to the Personnel~~
3 ~~Board for review after exhausting the internal dispute resolution~~
4 ~~procedure. The final evaluation shall not include supervisor comments~~
5 ~~on ratings other than the lowest two (2) ratings;~~

6 5. ~~Require that an employee who receives the highest possible rating shall~~
7 ~~receive the equivalent of two (2) workdays, not to exceed sixteen (16)~~
8 ~~hours, credited to his or her annual leave balance. An employee who~~
9 ~~receives the second highest possible rating shall receive the equivalent~~
10 ~~of one (1) workday, not to exceed eight (8) hours, credited to his or her~~
11 ~~annual leave balance; and~~

12 ~~5.16. Require that an employee who receives the lowest possible evaluation~~
13 ~~rating shall either be demoted to a position commensurate with the~~
14 ~~employee's skills and abilities or be terminated; and~~

15 ~~(i)(+)~~ For other administrative regulations not inconsistent with this chapter
16 and KRS Chapter 13A, as may be proper and necessary for its enforcement.

17 ~~(10)(8)~~ For any individual hired or elected to office before January 1, 2015, and paid
18 through the Kentucky Human Resources Information System, the Personnel
19 Cabinet shall not require payroll payments to be made by direct deposit or require
20 the individual to use a web-based program to access his or her salary statement.

21 ~~(11)(9)~~ To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and
22 administrative regulations promulgated by the commissioner of the Department of
23 Kentucky State Police under authority granted in KRS Chapter 16 conflict with this
24 section or any administrative regulation promulgated by the secretary pursuant to
25 authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

26 ➔Section 11. KRS 18A.113 is amended to read as follows:

27 (1) As used in this section:

- 1 (a) "Furlough" or "reduction in hours" means the temporary reduction of hours an
2 employee is scheduled to work by the appointing authority within a pay
3 period; and
- 4 (b) "Layoff" means discharge of employment subject to the rights contained in
5 this section.
- 6 (2) An appointing authority shall have the authority to layoff or furlough employees or
7 reduce hours of employment for any of the following reasons:
- 8 (a) Lack of funds or budgetary constraints;
9 (b) A reduction in spending authorization;
10 (c) Lack of work;
11 (d) Abolishment of a position;
12 (e) Efficiency; or
13 (f) Other material change in duties or organization.
- 14 (3) The appointing authority shall determine the classifications affected, the number of
15 employees laid off in each classification, and each county to which a layoff applies.
16 In the same department or office, county, and job classification, interim and
17 probationary employees shall be laid off before full-time or part-time employees
18 with status. For purposes of layoff, "probationary employee" shall not include an
19 employee with status serving a promotional probation.
- 20 (4) The provisions of this section shall not apply to federally funded time-limited
21 employees.
- 22 (5) The secretary of the Personnel Cabinet shall approve all actions taken under
23 subsection (2) of this section and no such layoff, furlough, or reduction of hours
24 may begin until the approval has been granted. The appointing authority, with the
25 approval of the secretary, shall have the authority to determine the extent, effective
26 dates, and length of any action taken under subsection (2) of this section.
- 27 (6) In determining a layoff, the appointing authority shall consider all employees under

1 the same appointing authority, within the classification affected, and within the
2 county affected. Consideration shall be given to the following relevant factors and
3 in this order:

- 4 (a) Job performance evaluations;
- 5 (b) Education, training, and experience;
- 6 (c) Disciplinary record; and
- 7 (d) Seniority.

8 (7) Any classified employee with status whose position is subject to layoff, furlough, or
9 reduction of hours shall be provided written notice containing the reason for the
10 action at least thirty (30) days in advance of the effective date of the action.

11 (8) (a) Any classified employee with status who is laid off shall be eligible to apply
12 as a reemployment applicant for the job classification from which he or she
13 was laid off, in the cabinet from which he or she was laid off for a period of
14 two (2) years. A reemployment applicant shall be hired before any applicant
15 except another reemployment applicant with greater seniority who is on the
16 same register.

17 (b) A reemployment applicant shall not be removed from any register except as
18 provided in KRS 18A.032.

19 (c) When a reemployment applicant is removed from a register, he or she shall be
20 notified in writing or electronically and shall have the right to appeal to the
21 board within thirty (30) calendar days after receipt of the notification,
22 excluding the day he or she receives notice.

23 (d) A reemployment applicant who accepts any classified position, or who retires
24 through the Kentucky Employees Retirement System or Kentucky Teachers'
25 Retirement System, shall cease to have eligibility rights as a reemployment
26 applicant.

27 (9) With the approval of the secretary, the Personnel Cabinet may place employees

1 subject to a reduction in workforce in a different position.

2 (10) ~~[(The secretary shall promulgate administrative regulations pursuant to KRS Chapter~~
3 ~~13A to fully implement the provisions of this section.]~~

4 ~~[(11)]~~A layoff, furlough, or reduction of hours implemented in accordance with this
5 section shall not be appealable to the Personnel Board.

6 ➔Section 12. KRS 18A.115 is amended to read as follows:

7 (1) The classified service to which KRS 18A.005 to 18A.200 ~~shall~~, **18A.202, and**
8 **18A.203** apply shall **consist of**~~comprise~~ all positions in the state service now
9 existing or hereafter established, except the following:

10 (a) The General Assembly and employees of the General Assembly, including the
11 employees of the Legislative Research Commission;

12 (b) Officers elected by popular vote and persons appointed to fill vacancies in
13 elective offices;

14 (c) Members **and employees** of boards and commissions, **except that the board**
15 **and commission members may elect to employ staff subject to KRS 18A.005**
16 **to 18A.200, 18A.202, and 18A.203;**

17 (d) Officers and employees on the staff of the Governor, the Lieutenant
18 Governor, the Office of the Secretary of the Governor's Cabinet, and the
19 Office of Program Administration;

20 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
21 of all boards and commissions, including the executive director of Kentucky
22 Educational Television;

23 (f) Employees of Kentucky Educational Television who have been determined to
24 be exempt from classified service by the Kentucky Authority for Educational
25 Television, which shall have sole authority over such exempt employees for
26 employment, dismissal, and setting of compensation, up to the maximum
27 established for the executive director and his principal assistants;

- 1 (g) One (1) principal assistant or deputy for each person exempted under
2 subsection (1)(e) of this section;
- 3 (h) 1. One (1) additional principal assistant or deputy as may be necessary for
4 making and carrying out policy for each person exempted under
5 subsection (1)(e) of this section in those instances in which the nature of
6 the functions, size, or complexity of the unit involved are such that the
7 secretary approves such an addition on petition of the relevant cabinet
8 secretary or department head and such other principal assistants,
9 deputies, or other major assistants as may be necessary for making and
10 carrying out policy for each person exempted under subsection (1)(e) of
11 this section in those instances in which the nature of the functions, size,
12 or complexity of the unit involved are such that the board may approve
13 such an addition or additions on petition of the department head
14 approved by the secretary. [~~Effective August 1, 2010:~~
15 ~~1. All positions approved under this paragraph prior to August 1, 2010,~~
16 ~~shall be abolished effective December 31, 2010, unless reapproved~~
17 ~~under subparagraph 2. of this paragraph; and]~~
18 2. A position approved under this [~~paragraph on or after August 1, 2010,~~]
19 shall be approved for a period of five (5) years, after which time the
20 position shall be abolished unless reapproved under this subparagraph
21 for an additional five (5) year period;
- 22 (i) Division directors subject to the provisions of KRS 18A.170. Division
23 directors in the classified service as of January 1, 1980, shall remain in the
24 classified service;
- 25 (j) Physicians employed as such;
- 26 (k) One (1) private secretary for each person exempted under subsection (1)(e),
27 (g), and (h) of this section;

- 1 (l) The judicial department, referees, receivers, jurors, and notaries public;
- 2 (m) Officers and members of the staffs of state universities and colleges and
3 student employees of such institutions; officers and employees of the
4 Teachers' Retirement System; and officers, teachers, and employees of local
5 boards of education;
- 6 (n) Patients or inmates employed in state institutions;
- 7 (o) Persons employed in a professional or scientific capacity to make or conduct a
8 temporary or special inquiry, investigation, or examination on behalf of the
9 General Assembly, or a committee thereof, or by authority of the Governor,
10 and persons employed by state agencies for a specified, limited period to
11 provide professional, technical, scientific, or artistic services under the
12 provisions of KRS 45A.690 to 45A.725;
- 13 (p) Interim employees;
- 14 (q) Officers and members of the state militia;
- 15 (r) Department of Kentucky State Police troopers;
- 16 (s) University or college engineering students or other students employed part-
17 time or part-year by the state through special personnel recruitment programs;
18 provided that while so employed such aides shall be under contract to work
19 full-time for the state after graduation for a period of time approved by the
20 commissioner or shall be participants in a cooperative education program
21 approved by the commissioner;
- 22 (t) Superintendents of state mental institutions, including heads of centers for
23 individuals with an intellectual disability, and penal and correctional
24 institutions as referred to in KRS 196.180(2), and including all juvenile
25 facility managers;
- 26 (u) Staff members of the Kentucky Historical Society, if they are hired in
27 accordance with KRS 171.311;

- 1 (v) County and Commonwealth's attorneys and their respective appointees;
- 2 (w) Chief district engineers and the state highway engineer;
- 3 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 4 (y) Employees of the Kentucky Peace Corps;
- 5 (z) Employees of the Council on Postsecondary Education;
- 6 (aa) Executive director of the Commonwealth Office of Technology;
- 7 (ab) Employees of Serve Kentucky;
- 8 (ac) Persons employed in certified teaching positions at the Kentucky School for
- 9 the Blind and the Kentucky School for the Deaf;
- 10 (ad) Federally funded time-limited employees as defined in KRS 18A.005;~~and~~
- 11 (ae) Employees of the Department of Agriculture who are employed to support the
- 12 Agricultural Development Board and the Kentucky Agricultural Finance
- 13 Corporation; **and**
- 14 **(af) Attorneys employed in positions that require a license to practice law in the**
- 15 **Commonwealth.**
- 16 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 17 amend the provisions of KRS 150.022 and 150.061.
- 18 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 19 nonmanagement, nonpolicy-making position which must be included in the
- 20 classified service as a prerequisite to the grant of federal funds to a state agency.
- 21 (4) Career employees within the classified service promoted to positions exempted
- 22 from classified service shall, upon termination of their employment in the exempted
- 23 service, revert to a position in that class in the agency from which they were
- 24 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
- 25 considered for employment in any vacant position for which they were qualified
- 26 pursuant to KRS 18A.130 and 18A.135.
- 27 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing

1 officers from filling unclassified positions in the manner in which positions in the
2 classified service are filled except as otherwise provided in KRS 18A.005 to
3 18A.200.

4 (6) The positions of employees who are transferred, effective July 1, 1998, from the
5 Cabinet for Workforce Development to the Kentucky Community and Technical
6 College System shall be abolished and the employees' names removed from the
7 roster of state employees. Employees that are transferred, effective July 1, 1998, to
8 the Kentucky Community and Technical College System under KRS Chapter 164
9 shall have the same benefits and rights as they had under KRS Chapter 18A and
10 have under KRS 164.5805; however, they shall have no guaranteed reemployment
11 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
12 employee who seeks reemployment in a state position under KRS Chapter 151B or
13 KRS Chapter 18A shall have years of service in the Kentucky Community and
14 Technical College System counted towards years of experience for calculating
15 benefits and compensation.

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

1 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
2 in the Department for Technical Education and the Department for Adult Education
3 and Literacy shall be transferred from the personnel system under KRS Chapter
4 151B to the personnel system under KRS Chapter 18A. The positions shall be
5 deleted from the KRS Chapter 151B system. All records shall be transferred
6 including accumulated annual leave, sick leave, compensatory time, and service
7 credit for each affected employee. No employee shall suffer any penalty in the
8 transfer.

9 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are
10 engaged in providing instructional and support services to the Department of
11 Criminal Justice Training shall be transferred to the personnel system under KRS
12 Chapter 18A. All records shall be transferred, including accumulated annual leave,
13 sick leave, compensatory time, and service credit for each affected employee. The
14 personnel officers who administer the personnel systems for Eastern Kentucky
15 University and under KRS Chapter 18A shall exercise the necessary administrative
16 procedures to effect the change in personnel authority. No employee shall suffer
17 any penalty in the transfer.

18 ➔Section 13. KRS 18A.125 is amended to read as follows:

19 (1) No disbursing or auditing officer of the Commonwealth shall make or approve or
20 take any part in making or approving any payment for personal service to any
21 person holding a position in the classified or unclassified service unless the payroll
22 voucher or account of such pay bears the certification of the secretary, or of his
23 authorized agent, that the persons named therein have been appointed and employed
24 in accordance with the provisions of KRS 18A.005 to 18A.200 and the rules,
25 regulations, and orders thereunder. The secretary may for proper cause or upon
26 order of the board withhold certification from an entire payroll or from any specific
27 item or items thereon. The secretary may, however, provide that certification of

1 payrolls may be made once every six (6) months, and such certification shall remain
2 in effect except in the case of any officer or employee whose status has changed
3 after the last certification of his payroll. In the latter case no voucher for payment of
4 salary to such employee shall be issued or payment of salary made without the
5 further certification of the secretary.

6 (2) All agencies and employees for which the cabinet administers payroll shall
7 comply with the secretary's payroll administration policies, procedures, and
8 requirements.

9 (3) Any citizen, including public officers, may maintain a suit to restrain a disbursing
10 officer from making any payment in contravention of any provision of KRS
11 18A.005 to 18A.200, or of any rule, regulation or order thereunder. Any sum paid
12 contrary to any provision of KRS 18A.005 to 18A.200 or of any rule, regulation, or
13 order thereunder may be recovered in an action maintained by any citizen, from any
14 officer who made, approved, or authorized such payment or who signed or
15 countersigned a voucher, payroll check or warrant for such payment, or from the
16 sureties on the official bond of any such officer. All moneys recovered in any such
17 action shall be paid into the Treasury.

18 ~~(4)~~⁽³⁾ Any person appointed or employed in contravention of any provision of KRS
19 18A.005 to 18A.200 or of any rule, regulation, or order thereunder, who performs
20 service for which he is not paid, may maintain an action against the officer or
21 officers, employee or employees, who purported so to appoint or employ him, to
22 recover the agreed pay for such services, or the reasonable value thereof if no pay
23 was agreed upon. No such officer or employee shall be reimbursed by the
24 Commonwealth at any time for any sum paid to such person on account of such
25 services.

26 ~~(5)~~⁽⁴⁾ If the secretary wrongfully withholds certification of the payroll voucher or
27 account of any employee, such employee may maintain a proceeding in the Circuit

1 Court in the county in which he resides to compel the secretary to certify such
2 payroll voucher or account.

3 **(6) An executive branch agency for which the cabinet administers payroll shall not**
4 **authorize performance of duties or provision of services from a work station or**
5 **alternate work station outside the Commonwealth of Kentucky without approval**
6 **from the secretary.**

7 **(7) Notwithstanding any other provision of law to the contrary, an agency may**
8 **request that the secretary deduct the value of the following items from an**
9 **employee's final paycheck, if the deduction is expressly authorized in writing by**
10 **the employee, and the deduction does not reduce the employee's pay below the**
11 **federal minimum wage:**

12 **(a) Unreturned equipment, tools, phones, laptops, or uniforms; or**

13 **(b) Training attendance and travel costs, if the employee terminates the**
14 **employment relationship with the agency within two (2) years of the**
15 **completion of the training.**

16 ➔Section 14. KRS 18A.355 is amended to read as follows:

17 (1) An annual increment of not less than five percent (5%) of the base salary or wages
18 of each state employee shall be granted to each employee on his or her anniversary
19 date. The employee's base salary or wages shall be increased by the amount of the
20 annual increment. When any increment due to a promotion, reallocation,
21 reclassification or salary adjustment is granted an employee, the employee's base
22 salary or wages shall be increased by the amount of such increment. An employee's
23 base salary or wages shall not be increased by the amount of lump-sum payment
24 awarded under KRS 18A.110**(9)(h)**~~[(7)(i)]~~.

25 (2) The branch budget recommendation submitted to the General Assembly under KRS
26 Chapter 48 shall include a request for the amount of the annual increment expressed
27 as a percentage of each employee's base salary or wages and a request for the total

1 appropriation needed to fund the annual increment. The annual increment shall be
2 uniform for all employees. The financial plan enacted under the provisions of KRS
3 48.300 shall contain the annual increment expressed as a percentage of each
4 employee's base salary or wages, and the total appropriation needed to fund the
5 annual increment.

6 (3) The budget reduction plan submitted and enacted under the provisions of KRS
7 Chapter 48 shall provide that a reduction of the annual increment granted under this
8 section shall be made only after other cost savings measures, as provided by KRS
9 18A.113 are taken. Any such reduction shall be uniform for all state employees and
10 shall comply with the provisions of this chapter and KRS Chapter 48.

11 ➔Section 15. KRS 132.370 is amended to read as follows:

12 (1) There shall be a property valuation administrator in each county in lieu of a county
13 assessor. Property valuation administrators shall be state officials and all deputies
14 and assistants of their offices shall be unclassified state employees.

15 (2) Property valuation administrators shall be elected in the year in which county
16 elections are held and shall enter upon the discharge of the duties of their office on
17 the first Monday in December after their election and continue in office for a period
18 of four (4) years, and until the election and qualification of their successors.
19 Property valuation administrators shall possess the qualifications required by
20 Section 100 of the Constitution and by KRS 132.380 and shall be eligible for
21 reelection.

22 (3) The property valuation administrators and all deputies and assistants of their offices
23 who qualify as full-time employees shall be eligible for participation in the
24 provisions of KRS 18A.205, 18A.230 to 18A.355, and 61.510 to 61.705.

25 (4) A property valuation administrator may be removed from office by the Circuit
26 Court of his or her county, upon petition of any taxpayer, or by the commissioner of
27 revenue for willful disobedience of any just or legal order of the department, or for

1 misfeasance or malfeasance in office or willful neglect in the discharge of his or her
2 official duties, including but not limited to intentional underassessment or
3 overassessment of properties and chronic underassessment of properties. For
4 purposes of this section and KRS 133.250, "chronic underassessment" means a
5 widespread pattern and practice of assessing properties at levels substantially below
6 fair market value which persists for a period of two (2) or more years as disclosed
7 by randomly selected sample appraisals conducted under the provisions of KRS
8 133.250, special audits conducted pursuant to KRS 133.250, or other means.

9 (5) If the commissioner determines that a property valuation administrator should be
10 removed from office, the property valuation administrator shall be notified in
11 writing, and the notice of intent to remove shall state the specific reasons for
12 removal. The notice shall also advise the property valuation administrator of his or
13 her right to a preremoval conference and an administrative hearing.

14 (6) A property valuation administrator may request a preremoval conference to appear
15 with or without counsel before the commissioner or his or her designee to answer
16 the charges against him or her. The preremoval conference shall be requested in
17 writing within six (6) working days of the date on which the notice of intent to
18 remove is received, and a preremoval conference shall be scheduled within seven
19 (7) working days of the date on which the request is received. The commissioner or
20 his or her designee shall render a decision within five (5) working days of the
21 conclusion of the preremoval conference. Failure of a property valuation
22 administrator to request a preremoval hearing shall not waive his or her right to
23 contest his or her removal through an administrative hearing.

24 (7) If an action to remove a property valuation administrator is initiated by the
25 commissioner of revenue, the property valuation administrator shall have the right
26 to appeal and upon appeal an administrative hearing shall be conducted in
27 accordance with KRS Chapter 13B. Appeal of the final order of the commissioner

1 of revenue may be filed in a Circuit Court of an adjacent judicial circuit in
2 accordance with KRS Chapter 13B, notwithstanding the provisions of KRS Chapter
3 18A.

4 (8) If a property valuation administrator is removed from office as provided in
5 subsections (4) to (7) of this section, he or she shall be ineligible to serve in the
6 office at any future date and shall forfeit any and all certification from the
7 Department of Revenue pertaining to the office.

8 (9) Notwithstanding the provisions of KRS 18A.110~~(Z)~~~~(5)~~(c), the department shall
9 promulgate administrative regulations allowing property valuation administrators
10 and their deputies to receive lump-sum payments for accrued annual leave and
11 compensatory time when separated from employment because of termination by the
12 employer, resignation, retirement, or death.

13 ➔Section 16. KRS 163.032 is amended to read as follows:

14 (1) The Kentucky Department of Education, with assistance from the Kentucky
15 Personnel Cabinet, shall adopt a salary schedule for teachers in the Kentucky
16 School for the Deaf and the Kentucky School for the Blind. The salary schedule
17 shall be the same as salary schedules in effect in local school districts in counties
18 containing a city of the first class and shall conform to the requirements for a single
19 salary schedule as defined in KRS 157.320, except the salary schedule shall not
20 limit the number of years of experience for a certified employee who transfers to
21 the school.

22 (2) (a) Certified teachers in the Kentucky School for the Deaf and the Kentucky
23 School for the Blind shall have the same statutory employment status and
24 benefits as certified teachers in the public schools.

25 (b) If a teacher qualifies for and requests a tribunal under KRS 161.790, the
26 Attorney General shall appoint the members.

27 (3) Once a teacher has been selected for hiring at the Kentucky School for the Blind or

1 the Kentucky School for the Deaf, the Department of Education and the Personnel
2 Cabinet shall complete the hiring process within two (2) weeks.

3 (4) A certified teacher employed at one (1) of the schools on July 12, 2006, whose job
4 description does not include outreach responsibilities shall not be involuntarily
5 assigned to work on a permanent basis outside the county in which the employing
6 school is located.

7 (5) Nothing in KRS 18A.115 or 163.032 shall result in a loss of any leave accrued by a
8 certified teacher employed prior to July 12, 2006, by one (1) of the schools.
9 Accrued leave may be taken in accordance with the policy of the school.

10 (6) The Kentucky Department of Education, with assistance from the Kentucky
11 Personnel Cabinet, shall adopt a salary schedule for administrators for the Kentucky
12 School for the Deaf and the Kentucky School for the Blind. In considering the rate
13 of pay and the requirements of KRS 18A.110~~(9)~~~~(7)~~(b), the department and the
14 cabinet shall consider rates that are based upon the duties and responsibilities of the
15 positions and that are competitive with rates for similar or comparable services in
16 Kentucky school districts. The salary schedule, which shall be computed prior to
17 September 1 of each year, shall be based on two hundred sixty (260) days per year.