

1 AN ACT relating to maternity leave.

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

3 ➔Section 1. KRS 156.808 is amended to read as follows:

4 (1) The Kentucky Board of Education shall promulgate, by administrative regulations,
5 personnel policies and procedures for all full-time and part-time unclassified
6 employees, certified and equivalent staff, including administrative, teaching, and
7 supervisory staff in the Office of Career and Technical Education central office and
8 state-operated vocational facilities. All other staff shall remain under the authority
9 of the Kentucky Personnel Cabinet and KRS Chapter 18A. Employees who transfer
10 to or from the KRS Chapter 18A personnel system shall transfer accrued annual,
11 compensatory, and sick leave.

12 (2) As provided in KRS 156.800 to 156.860, the Kentucky Board of Education shall
13 promulgate administrative regulations for the administration of a personnel system
14 in the Office of Career and Technical Education which are consistent with the
15 provisions of KRS 156.800 to 156.860 and with federal standards for state
16 government agencies receiving federal grants.

17 (3) The Kentucky Board of Education shall promulgate administrative regulations for
18 full-time and part-time certified and equivalent staff governing:

19 (a) Establishment and abolishment of positions, including a prohibition against
20 eliminating funding for or abolishment of a teaching position at a state-
21 operated secondary area vocational education and technology center during a
22 school year in which students are enrolled in the program;

23 (b) Applications;

24 (c) Classification and compensation plans;

25 (d) Incentive programs;

26 (e) Selection of employees;

27 (f) Types of appointments;

- 1 (g) Attendance, including hours of work, compensatory time, and annual, court,
2 maternity, military, sick, voting, and special leaves of absence;
- 3 (h) Preparation, maintenance, and revision of a position classification plan and an
4 equitable salary schedule for certified and equivalent staff based on
5 qualifications, experience, and responsibilities;
- 6 (i) Extent and duration of the state-operated area vocational education and
7 technology centers' school term, use of school days, and extended
8 employment;
- 9 (j) Employee evaluations;
- 10 (k) Programs to improve the work effectiveness of employees including staff
11 development;
- 12 (l) Demotion;
- 13 (m) Dismissal;
- 14 (n) Lay-offs;
- 15 (o) Suspensions and other disciplinary measures;
- 16 (p) Probationary periods, limited employment status, and continuing employment
17 status;
- 18 (q) Promotion;
- 19 (r) Transfer;
- 20 (s) Appeals; and
- 21 (t) Employee grievances and complaints.
- 22 (4) (a) Administrative regulations promulgated by the Kentucky Board of Education
23 shall comply with the provisions of KRS 156.800 to 156.860 and KRS
24 Chapter 13A and shall have the force and effect of law.
- 25 (b) Administrative regulations promulgated by the Kentucky Board of Education
26 shall not expand or restrict rights granted to, or duties imposed upon,
27 employees and administrative bodies by the provisions of KRS 156.800 to

1 156.860.

2 (c) No administrative body other than the Kentucky Board of Education shall
3 promulgate administrative regulations governing the subject matters specified
4 in this section.

5 (d) Policies and procedures for the implementation of administrative regulations
6 shall be developed by the Department of Education.

7 (5) The commissioner of education shall be the appointing authority with respect to all
8 personnel actions for the Office of Career and Technical Education. The
9 commissioner may authorize a designee to act on behalf of the agency with respect
10 to employee appointments, position establishments, payroll documents,
11 reemployment lists, waiver requests, or other position actions. Any personnel
12 designation shall be in writing. Authority to employ personnel may be delegated to
13 the vocational school management by the commissioner. Any recommendation for
14 employment from the local level shall be based on guidelines promulgated by the
15 commissioner of education and shall be contingent upon confirmation by the
16 commissioner of education.

17 (6) The Kentucky Board of Education shall promulgate other administrative regulations
18 to govern proceedings which relate to certified and equivalent employees and which
19 shall provide for:

20 (a) The procedures to be utilized by the Kentucky Technical Education Personnel
21 Board in the conduct of hearings, consistent with KRS Chapter 13B;

22 (b) Discharge, as provided by this section;

23 (c) Imposition, as a disciplinary measure, of a suspension from service without
24 pay for up to thirty (30) working days and, in accordance with the provisions
25 of KRS 156.820, for the manner of notification of the employee of the
26 discipline and right of appeal;

27 (d) Promotions which shall give appropriate consideration to the applicant's

- 1 qualifications, record of performance, and conduct;
- 2 (e) Supplementary information for the salary schedule for certified and equivalent
3 staff including teachers, counselors, administrators, managers, and
4 educational consultants in state-operated vocational technical facilities, field
5 offices, and central office in the Office of Career and Technical Education
6 that shall provide uniformity, recognition of education, teaching, and
7 supervisory experience and use as a base the average salary paid to beginning
8 classroom teachers by all public schools in the state for personnel with
9 comparable qualifications and experience. Indexes may be incorporated in the
10 compensation plan for administrative responsibilities. The salary schedule
11 shall be computed annually, and shall be submitted to and approved by the
12 Governor;
- 13 (f) Reemployment of laid-off employees in accordance with the provisions of
14 KRS 156.800 to 156.860;
- 15 (g) Establishment of a plan for resolving employee grievances and complaints.
16 The plan shall not restrict rights granted employees by the provisions of KRS
17 156.800 to 156.860; and
- 18 (h) Any other administrative regulations not inconsistent with this chapter and
19 KRS Chapter 13A proper and necessary for its enforcement.
- 20 (7) The Department of Education shall make investigations, either on petition of a
21 citizen, taxpayer, interested party, or as deemed necessary by the commissioner,
22 concerning the enforcement and effect of KRS 156.808, 156.810, 156.812, 156.814,
23 156.816, 156.818, 156.820, 156.822, 156.824, 156.826, 156.828, 156.830, 156.832,
24 156.834, 156.836 , and 156.838, shall require observance of the provisions and the
25 administrative regulations promulgated pursuant to the provisions of KRS 156.800
26 to 156.860 and KRS Chapter 13A, and shall make investigation as requested by the
27 General Assembly or the Governor and to report thereon.

- 1 (8) The Kentucky Board of Education shall promulgate administrative regulations,
2 pursuant to KRS Chapter 13A, for an appeal system for aggrieved certified or
3 equivalent employees.
- 4 (9) The Kentucky Technical Education Personnel Board shall hear appeals from
5 applicants for positions or from certified, equivalent, and unclassified employees
6 who have been dismissed, demoted, suspended, or otherwise penalized for cause.
7 Effective August 15, 2000, appeals from assistants and secretaries in the Office of
8 Career and Technical Education attached to policymaking positions shall be
9 governed by KRS 18A.095. The State Personnel Board, established in KRS
10 18A.045, shall hear appeals that are pending as of August 15, 2000, from assistants
11 and secretaries attached to policymaking positions in the Office of Career and
12 Technical Education.
- 13 (10) The Kentucky Technical Education Personnel Board may, any statute to the
14 contrary notwithstanding, delegate the conduct of the hearing and the rendition of a
15 recommended order to the full board, to a panel of the board, or to a hearing officer,
16 relative to any hearing appeal, or decision, judicial or quasi-judicial in nature,
17 which the board is empowered or directed, by KRS 156.800 to 156.860 or any other
18 chapter, to conduct, hear, or make; provided, however, that the full board as
19 provided by statute, makes the final order, based upon the evidence submitted.
- 20 (11) The Kentucky Board of Education shall promulgate administrative regulations,
21 pursuant to KRS Chapter 13A, governing the unclassified service including the
22 preparation and maintenance of a salary schedule and other administrative
23 regulations authorized by KRS 156.800 to 156.860.
- 24 (12) The annual percentage salary increment for all certified and equivalent employees
25 subject to the personnel system established under KRS 156.800 to 156.860 shall be
26 at least equal to that funded and provided for other elementary and secondary
27 teachers.

1 (13) The positions of employees who are transferred, effective July 1, 1998, from the
2 former Cabinet for Workforce Development to the Kentucky Community and
3 Technical College System shall be abolished and the employees' names removed
4 from the roster of state employees. Employees who are transferred, effective July 1,
5 1998, to the Kentucky Community and Technical College System under KRS
6 Chapter 164 shall have the same benefits and rights as they had under KRS Chapter
7 18A and have under KRS 164.5805; however, they shall have no guaranteed
8 reemployment rights in KRS 156.800 to 156.860 or KRS Chapter 18A personnel
9 systems. An employee who seeks reemployment in a state position under KRS
10 156.800 to 156.860 or KRS Chapter 18A shall have years of service in the
11 Kentucky Community and Technical College System counted toward years of
12 experience for calculating benefits and compensation.