EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education

Department of Education

(Amendment)

780 KAR 3:020. Compensation plan.

RELATES TO: KRS 156.802(3), 156.808[~~151B.035~~], 161.605

STATUTORY AUTHORITY: KRS 156.802(3), 156.808[~~151B.035~~]

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.808[~~151B.035(1) and~~ ](3)(c) requires the Kentucky Board of Education[~~Executive Director of the Office of Career and Technical Education~~] to promulgate comprehensive administrative regulations to govern the compensation[~~pay~~] plan for all certified and equivalent staff[ ~~and unclassified staff~~]. KRS 156.808(6)(e) requires the Kentucky Board of Education to promulgate administrative regulations to govern proceedings which shall provide for supplementary information for the salary schedule for certified and equivalent staff. This administrative regulation establishes the compensation plan for certified and equivalent employees subject to the personnel system established under KRS 156.800 to KRS 156.860 of the Kentucky Tech area technology centers and Office of Career and Technical Education central office.

Section 1.

(1) Appointments. A new certified or equivalent employee or reentering certified or equivalent employee shall be appointed at the salary specified on the Minimum Salary Schedule for Certified and Equivalent Staff commensurate with education rank and experience. An employee in an administrative position may be provided an index adjustment commensurate with the scope of administrative or supervisory responsibility in addition to the base salary as specified for the particular job classification.

(2) A retired certified or equivalent employee returning to work in a position covered by the Kentucky Teachers' Retirement System shall not be placed on the salary schedule referenced in this section but shall be paid pursuant to the requirements of KRS 161.605(1) and (2).

Section 2. Salary Adjustments.

(1) Promotion.

(a) A certified or equivalent employee who is promoted to a classified position shall receive a salary increase of five (5) percent unless his current salary is above the minimum on the salary schedule. If the employee's salary is above the minimum, the five (5) percent increase shall be at the discretion of the appointing authority.

(b)

1. A certified or equivalent employee promoted to an unclassified position in a Kentucky Tech area technology center or the Office of Career and Technical Education central office shall receive a salary increase of five (5) percent upon promotion unless his current salary is above the minimum. If the employee's salary is above the minimum, the salary increase shall be at the discretion of the appointing authority.

2. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the Associate Commissioner[~~executive director~~] may grant upon promotion a ten (10) percent to twenty (20) percent salary increase over the employee's previous salary.

(2) Demotion.

[~~(a)~~] A certified or equivalent employee [~~in the Office of Career and Technical Education~~] who is demoted shall have his salary adjusted to not more than sixty (60) percent below[~~above~~] the proper cell within the salary schedule. This salary shall not exceed ninety-five (95) percent of the salary which the employee was receiving prior to the demotion.

[~~(b)~~] [~~An unclassified employee in the Office of Career and Technical Education who is demoted~~][~~to a certified or equivalent position shall have his salary adjusted to not more than sixty (60) percent above the proper cell within the salary schedule. This salary shall not exceed ninety-five (95) percent of the salary which the employee was receiving prior to the demotion.~~]

(3) Rank changes. A certified or equivalent employee shall have a salary adjustment retroactive to July 1 for educational rank changes which are confirmed by September 30 of each year.

[~~(4)~~] [~~A certified or equivalent employee who administers the National Occupational Competency Testing Institute Performance Test on a Saturday shall be paid fifty (50) dollars per hour to administer the exam.~~]

[~~(5)~~] [~~A certified or equivalent employee shall be paid at a rate of $100 per lesson plan for each lesson plan that is utilized as a model for other classes located in the area technology centers.~~]

[~~(6)~~] [~~A certified or equivalent employee shall be compensated for participating in specific projects relating to professional or curriculum development, staff exchange, and the integration of academics in career and technical education outside of normal working hours, subject to the provisions and requirements of the Kentucky state plan for career and technical education, 780 KAR 1:010. The rate or payment shall be determined in the approved project proposal.~~]

(4)[~~(7)~~] Other salary adjustments.

[~~(a)~~] [~~The Executive Director for the Office of Career and Technical Education may authorize performance bonuses in lump sum payments for outstanding job performance for nonprobationary status employees in any fiscal year in which monies are available.~~]

[~~(b)~~] A full-time permanent employee working as a dual appointment in the certified or equivalent employment may be paid equal to the hourly rate of his full-time position salary, up to one and five-tenths (1.5) times that hourly rate.

Section 3. Salary Advancements.

(1) The Minimum Salary Schedule for Certified and Equivalent Staff shall be approved by the Kentucky Board of Education annually.[~~The Minimum Salary Schedule for Certified and Equivalent Staff shall be adjusted each year.~~] All certified and equivalent staff shall receive a salary increase not less than the percentage increase provided other elementary and secondary teachers[~~state employees~~]. This increase shall be provided July 1. Salary adjustments for those entitled employees shall be retroactive to July 1 of each year once the salary schedule is confirmed by September 30 of each year.

(2) All certified and equivalent staff shall be entitled to equivalent pay raises provided to other state employees.

[~~(2)~~] [~~Annual salary increments for unclassified employees shall occur commensurate with each person's established increment date.~~]

[~~Section 4.~~] [~~Paid Overtime. If applicable, certified and equivalent employees and unclassified employees shall be awarded overtime payments in accordance with the Fair Labor Standards Act, 29 U.S.C. 201 et seq.~~]

[~~Section 5.~~] [~~Incorporation by Reference.~~]

[~~(1)~~] [~~"The Minimum Salary Schedule for Certified and Equivalent Staff", July 1, 2008, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Workforce Investment, Office of Career and Technical Education, Division of Human Resources, 500 Mero, Second Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON E. GLASS, Ed.D., Commissioner & Chief Learner

LU YOUNG, Chairperson

APPROVED BY AGENCY: February 11, 2022

FILED WITH LRC: February 11, 2022 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held April 29, 2022, at 10:00 a.m. in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2022.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the compensation plan for all certified and equivalent staff subject to the personnel system established under KRS 156.800 to KRS 156.860 in the Kentucky Tech area technology centers and Office of Career and Technical Education central office.

(b) The necessity of this administrative regulation:

KRS 156.802(3) provides that the Kentucky Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational and education centers. KRS 156.808(3)(c) requires the Kentucky Board of Education to promulgate administrative regulations to govern the compensation plan for all certified and equivalent staff. KRS 156.808(6)(e) requires the Kentucky Board of education to promulgate administrative regulations to govern proceedings which shall provide for supplementary information for the salary schedule for certified and equivalent staff.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 156.808(3)(c) requires the Kentucky Board of Education to promulgate administrative regulations to govern the compensation plan for all certified and equivalent staff. KRS 156.808(6)(e) requires the Kentucky Board of education to promulgate administrative regulations to govern proceedings which shall provide for supplementary information for the salary schedule for certified and equivalent staff. This administrative regulation establishes the compensation plan for all certified and equivalent staff subject to the personnel system established under KRS 156.800 to KRS 156.860 in the Kentucky Tech area technology centers and Office of Career and Technical Education central office.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation governs the compensation plan and salary schedule for certified and equivalent staff subject to the personnel system established under KRS 156.800 and KRS 156.860 within the ATCs and Office of Career and Technical Education central office.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Proposed amendments to 780 KAR 3:020 update terminology and organizational changes, remove requirements that no longer align to Kentucky Department of Education (KDE) personnel policies, and removes the 2008 Kentucky Tech Salary Schedule (incorporated by reference).

(b) The necessity of the amendment to this administrative regulation:

These amendments ensure compliance with current personnel policies and practices and alignment with other administrative regulations.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 156.808(3)(c) requires the Kentucky Board of Education to promulgate administrative regulations for full-time and part-time certified and equivalent staff governing compensation plans. KRS 156.808(6)(e) requires the Kentucky Board of education to promulgate administrative regulations to govern proceedings which shall provide for supplementary information for the salary schedule for certified and equivalent staff. The amendments are necessary due to outdated terminology and revised personnel policies.

(d) How the amendment will assist in the effective administration of the statutes:

These amendments update information regarding staff compensation plans and align with other current personnel policies in order to provide for better efficiency.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Those affected by this regulation include KRS Chapter 156 employees within the ATCs and Office of Career and Technical Education central office, as well as other Kentucky Department of Education staff by providing the administrative framework for certified and equivalent employee compensation plans.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

These amendments will not require any action by certified and equivalent employees within the ATCs or central office, nor Kentucky Department of Education staff.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

N/A

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

These amendments create greater efficiency by aligning to other existing personnel policies.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

N/A

(b) On a continuing basis:

Minimal staff time at the Kentucky Department of Education will be required to implement these amendments, particularly as it relates to the maintenance of the certified salary schedule on an annual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

State funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in funding will be necessary to implement these amendments at this time; however, all amendments to the certified salary schedule require adequate biennial budget funding for the Kentucky Department of Education to implement.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all certified and equivalent employees of the ATCs and central office.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Kentucky Department of Education (Office of Career and Technical Education and Office of Finance and Operations).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.802(3) provides that the Kentucky Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational and education centers. KRS 156.808(3)(c) requires the Kentucky Board of Education to promulgate administrative regulations to govern the compensation plan for all certified and equivalent staff. KRS 156.808(6)(e) requires the Kentucky Board of education to promulgate administrative regulations to govern proceedings which shall provide for supplementary information for the salary schedule for certified and equivalent staff.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

This regulation will not have any impact on current expenditures or revenue associated with the Kentucky Department of Education. Currently, the Kentucky Tech Salary Schedule costs the Kentucky Department of Education approximately $31M to implement.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

Minimal staff time at the Kentucky Department of Education will be required to implement these amendments.

(d) How much will it cost to administer this program for subsequent years?

Minimal staff time at the Kentucky Department of Education will be required to implement these amendments in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation:

N/A