

BOARDS AND COMMISSIONS

Personnel Board

(Amendment)

101 KAR 1:325. Probationary periods.

RELATES TO: KRS 18A.005, 18A.0751(1)(e), (4)(e), 18A.111

STATUTORY AUTHORITY: KRS 18A.005, 18A.075(1), 18A.0751(1)(e), (4)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075(1) requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751(1)(e) requires the Personnel Board to promulgate comprehensive administrative regulations for the classified service governing probation. KRS 18A.0751(4)(e) authorizes the Personnel Board to promulgate administrative regulations to establish an initial probationary period in excess of six (6) months for specific job classifications. This administrative regulation establishes the requirements relating to probationary periods.

Section 1. Initial Probationary Period.

(1) The initial probationary period shall be computed from the effective date of appointment to the corresponding date in the sixth or final month, depending upon the length of initial probationary period, except as established in KRS 18A.111.

(2) The following job classifications shall require an initial probationary period in excess of six (6) months:

| Title Code | Job Classification | Length of Initial Probationary Period |
|-----------------------|--|---------------------------------------|
| 20000538 | Golf Course <u>Assistant</u> Superintendent [H] | 9 months |
| 20000539 | Golf Course Superintendent [HH] | 9 months |
| 20000558 | Parks Golf Professional | 9 months |
| 20000677 | State Park Ranger [H] | 9 months |
| 20000562 | Resort Park Manager I | 12 months |
| 20000563 | Resort Park Manager II | 12 months |
| 20000564 | Resort Park Manager III | 12 months |
| 20000568 | Parks Program Services Supervisor | 9 months |
| 20000569 | Parks Camping/Boat Dock Manager | 9 months |
| 20000570 | Park Business Manager I | 12 months |
| 20000571 | Park Business Manager II | 12 months |
| 20000572 | Park Manager I/Historic Site Manager | 12 months |
| 20000573 | Park Manager II | 12 months |
| 20000574 | Park Manager III | 12 months |
| 20000609 | Conservation Officer Recruit | 12 months |
| 20000616 | Veterans Benefits Field Rep I | 9 months |
| 20000618 | Veterans Benefits Regional Administrator | 9 months |
| [20000672] | [Facilities Security Sergeant] | [12 months] |
| [20000673] | [Facilities Security Lieutenant] | [12 months] |
| 20000676 | State Park Ranger Recruit | 12 months |
| [20000680] | [Facilities Security Officer II] | [12 months] |

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| [20000683] | [Mounted Patrol Officer Recruit] | [12 months] |
| 20000687 | <u>Public Safety</u> . [Police] Telecommunicator I | 12 months |
| 20000688 | <u>Public Safety</u> . [Police] Telecommunicator II | 12 months |
| [20000689] | [Police Telecommunications Shift Supervisor] | [12 months] |
| 20000690 | <u>Public Safety</u> . [Police] Telecommunication Supervisor | 12 months |
| 20000692 | CVE Inspector I | 12 months |
| 20000694 | CJIS (Criminal Justice Information System) Compliance Specialist I | 12 months |
| 20000695 | CJIS Compliance Specialist II | 12 months |
| 20000696 | CJIS Compliance Specialist III | 12 months |
| 20000697 | CJIS Compliance Supervisor | 12 months |
| 20000698 | Transportation Operations Center Specialist I | 12 months |
| 20000703 | Polygraph Examiner II | 12 months |
| 20000704 | Polygraph Examiner I | 12 months |
| 20000713 | Driver's Test Administrator | 12 months |
| 20000719 | Law Enforcement Training Instructor I | 12 months |
| 20000722 | Law Enforcement Training Instructor I - Telecommunications | 12 months |
| 20000813 | Boiler Inspector I | 12 months |
| 20000817 | HVAC Inspector I | 12 months |
| [20000820] | [Fire Protection Systems Inspector] | [12 months] |
| 20000821 | <u>OSH</u> Industrial Hygienist I | 12 months |
| 20000834 | OSH Compliance Officer I | 12 months |
| 20000852 | OSH Safety Consultant I | 12 months |
| 20000856 | Industrial Hygienist Consultant I | 12 months |
| 20000888 | Insurance Fraud Investigator I | 12 months |
| 20000889 | Insurance Fraud Investigator II | 12 months |
| 20000890 | Insurance Fraud Investigator Supervisor | 12 months |
| 20000938 | Forensic Firearms and Toolmark Examiner I | 12 months |
| 20000940 | Forensic Chemist I | 12 months |
| 20000941 | Forensic Chemist II | 12 months |
| 20000943 | Forensic Biologist I | 12 months |
| 20000944 | Forensic Biologist II | 12 months |
| 20000953 | Forensic Computer Examiner I | 12 months |
| 20000954 | Forensic Computer Examiner II | 12 months |
| 20000955 | Forensic Computer Examiner III | 12 months |
| 20000963 | Therapy Program Assistant | 9 months |
| 20000974 | Audiologist I | 12 months |

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| 20001001 | Patient Aide I | 9 months |
| 20001021 | Nursing Investigator | 12 months |
| 20001037 | Medical Investigator I | 12 months |
| 20001038 | Medical Investigator II | 12 months |
| 20001105 | [KSB/KSD Administrator III] | [12 months] |
| 20001107 | [KSB/KSD Administrator V] | [12 months] |
| 20001122 | Disability Adjudicator I | 12 months |
| 20001125 | Social Service Worker I | 9 months |
| 20001132 | Field Services Supervisor | 12 months |
| 20001135 | Juvenile Facility Superintendent I | 12 months |
| 20001136 | Juvenile Facility Superintendent III | 12 months |
| 20001137 | Facilities Regional Administrator | 12 months |
| 20001138 | Youth Services Program Supervisor | 12 months |
| 20001139 | Juvenile Facility Superintendent II | 12 months |
| 20001140 | Family Services Office Supervisor | 12 months |
| 20001142 | Human Rights Specialist | 12 months |
| 20001157 | Administrative Hearing Officer I | 12 months |
| 20001159 | Human Rights Enforcement Branch Manager | 12 months |
| 20001162 | Human Rights Research/Information Compliance Supervisor | 12 months |
| 20001163 | Human Rights Housing Compliance Supervisor | 12 months |
| 20001164 | Human Rights Employment/Public Accommodations Compliance Supervisor | 12 months |
| 20001165 | Human Rights Compliance Enforcement Officer II | 12 months |
| 20001166 | Probation and Parole Officer I | 12 months |
| 20001171 | Youth Worker I | 12 months |
| 20001174 | Youth Worker Supervisor | 12 months |
| 20001175 | Juvenile Services District Supervisor | 12 months |
| 20001184 | Service Region Administrator | 12 months |
| 20001185 | Service Region Administrator Associate | 12 months |
| 20001186 | Service Region Clinical Associate | 12 months |
| 20001841 | Criminal Intelligence Analyst I | 12 months |
| 20001842 | Criminal Intelligence Analyst II | 12 months |
| 20001876 | Law Clerk | 12 months |
| 20001895 | Environmental Administrative Hearing Officer | 12 months |
| 20001904 | Investigator I | 12 months |
| 21000900 | Financial Institutions Examiner I | 12 months |
| 21000901 | Financial Institutions Examiner II | 12 months |
| 21002025 | Highway Technician Assistant I | 12 months |

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| 21002026 | Highway Technician Assistant II | 12 months |
| 21002027 | Highway Technician I | 12 months |
| 21002028 | Highway Technician II | 12 months |
| 21002029 | Highway Technician III | 12 months |
| 21002030 | Highway Technician IV | 12 months |
| 21002031 | Highway Technician Superintendent I | 12 months |
| 21002032 | Highway Technician Superintendent II | 12 months |
| 21002326 | Apprentice I | 12 months |
| 21002327 | Apprentice II | 12 months |
| 21002476 | Boards and Commissions Support Specialist | 12 months |
| 21002825 | Advanced Practice Registered Nurse Investigator | 12 months |
| <u>21003600</u> | <u>Public Safety Telecommunication Manager</u> | <u>12 months</u> |
| <u>21003601</u> | <u>Public Safety Telecommunicator III</u> | <u>12 months</u> |

(3) If the length of the initial probationary period for a job classification is changed, an employee serving an initial probationary period on the effective date of the change shall serve the shorter of the initial probationary periods. If an employee is appointed, the employee's appointing authority shall advise the employee of the period of his initial probation.

Section 2. Promotional Probationary Period.

(1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. A written notification shall be sent to the employee to advise the employee of the effective date of reversion. A copy of the notice of reversion shall be forwarded to the Secretary of Personnel on the same date notice is delivered to the employee.

(3) Except as established in KRS 18A.111, the promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the appropriate month following promotion as established in KRS 18A.005(27).

(4) The promotional probationary period shall be the same length as the initial probationary period for each job classification.

Section 3. Probationary Period Upon Reinstatement.

(1) An employee who is reinstated to a position in the classified service no later than twelve (12) months after the beginning of a break in the classified service shall be reinstated with status. This shall include an employee ordered reinstated pursuant to KRS 18A.111(3), unless the board rules otherwise.

(2) An employee who is reinstated to the classified service more than twelve (12) months after a break in service, except an employee ordered reinstated pursuant to KRS 18A.111(3), shall serve an initial probationary period.

(13 Ky.R. 393; eff. 9-4-1986; 899; eff. 12-2-1986; 1709; eff. 5-14-1987; 14 Ky.R. 831; eff. 12-11-1987; 15 Ky.R. 266; 950; eff. 9-14-1988; 1659; 2148; eff. 3-8-1989; 16 Ky.R. 372; eff. 10-11-89; 2439; eff. 7-12-1990; 17 Ky.R. 1114; eff. 11-14-1990; 2755; 3104; eff. 4-10-1991; 18 Ky.R. 82; eff. 9-6-1991; 19 Ky.R. 961; eff. 12-9-1992; 21 Ky.R. 1361; eff. 12-14-1994; 22 Ky.R. 1332; eff. 3-7-1996; 23 Ky.R. 3070; eff. 3-26-1997; 24 Ky.R. 1749; 2105; eff. 4-13-1998; 25 Ky.R. 398; eff. 10-12-1998; 26 Ky.R. 1021; 1402; eff. 1-18-2000; 28 Ky.R. 2242; eff. 6-14-2002; 29 Ky.R. 2116; 2446; eff. 4-11-2003; 31 Ky.R. 994; eff. 1-21-2005; 32 Ky.R. 1141; eff. 3-3-2006; 33 Ky.R. 1875; 2930; eff. 4-6-2007; 34 Ky.R. 2022; 2378; eff. 6-6-2008; 35 Ky.R. 1846; eff. 4-3-2009; 36 Ky.R. 1961; eff. 5-7-2010; 37 Ky.R. 2666; eff. 7-21-2011; 40 Ky.R. 1813; 2252; eff. 5-2-2014; 41 Ky.R. 1839; 2067; eff. 5-1-2015; 42 Ky.R. 1582; eff. 2-5-2016; 43 Ky.R. 1001; 3-3-2017; 44 Ky.R. 1374, 1809; eff. 3-9-2018; 44 Ky.R. 2542; eff. 8-31-2018; 46 Ky.R. 2290; eff. 9-1-2020; 48 Ky.R. 1825; eff. 5-31-2022; 49 Ky.R. 1337; eff. 5-30-2023.)

MARK A. SIPEK, Executive Director

APPROVED BY AGENCY: November 7, 2022

FILED WITH LRC: November 8, 2022 at 9:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 26, 2023, at 9:30 a.m. Eastern Time at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays 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 end of the day, January 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stafford Easterling General Counsel, Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 695-5799, email stafford.easterling@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stafford Easterling

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation defines the mandatory initial probationary periods of specific job classifications from the effective date of appointment.

(b) The necessity of this administrative regulation:

This regulation is necessary to set the requirements of probationary periods.

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

18A.075(1)(4)(e) authorizes the Personnel Board to establish initial probationary periods.

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

This regulation will continue to provide effective administration of the statutes by its requirements to establish probationary periods.

(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:

This amendment sets the mandatory probationary period for the job classifications of Public Safety Telecommunicator III and Public Safety Telecommunications Manager to a twelve (12) -month term, expanding the current six (6) -month probationary period due to organizational need. There are also a total of eight (8) positions, Police Telecommunications Shift Supervisor, KSB/KSD Administrator III, and KSB/KSD Administrator V, Facilities Security Sergeant, Facilities Security Lieutenant, Facilities Security Officer II, Mounted Patrol Officer Recruit, and Fire Protection Systems Inspector that have been abolished as requested by their respective agencies and need to be removed from this administrative regulation. Additionally, there were seven (7) classification name changes, and two (2) new classifications added to the regulation, as requested by their respective agencies.

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

The amendment is necessary to provide uniformity with the requirements of the Fair Labor Standards Act.

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

The amendment ensures consistent twelve (12) -month initial probationary periods within the Justice and Public Safety Cabinet, Kentucky State Police for these job classifications. Removing positions that have been abolished by their agencies. Updating name changes and adding new positions.

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

This amendment provides clarity and consistently required for establishment of initial probationary periods in addition to meeting the needs of the Justice and Public Safety Cabinet, Kentucky State Police, and the Personnel Cabinet. This amendment also removes two (2) abolished positions with the Department of Education, Kentucky School for the Blind (KSB)/Kentucky School for the Deaf (KSD), one (1) abolished position with the Justice and Public Safety Cabinet, Kentucky State

Police, and five (5) abolished positions reviewed and processed by the Personnel Cabinet, Department of Human Resources Administration (DRHA). The DHRA also reviewed and submitted four (4) job classification name changes.

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

This regulation affects all state government agencies; however, this amendment affects only the Justice and Public Safety Cabinet, Kentucky State Police, the Department of Education, Kentucky School for the Blind (KSB)/Kentucky School for the Deaf (KSD), the Tourism, Arts and Heritage Cabinet, the Education and Labor Cabinet, and the Personnel Cabinet.

(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:

The impacted agencies will need to implement minor procedural changes to reflect the expansion of the initial probationary period from six (6) months to twelve (12) months for the two (2) job classifications specified, and the Personnel Cabinet will update the state job classification list to remove the abolished positions and update the name changes accordingly.

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

There will be no additional cost to the entities to comply with this regulation.

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

The expansion of the initial probationary period from six (6) months to twelve (12) months for Public Safety Telecommunicator III and Public Safety Telecommunications Manager, makes this Class service uniform. By removing the Police Telecommunications Shift Supervisor, KSB/KSD Administrator III, KSB/KSD Administrator V, Facilities Security Sergeant, Facilities Security Lieutenant, Facilities Security Officer II, Mounted Patrol Officer Recruit, and Fire Protection Systems Inspector, a valid list of job classifications is maintained within this regulation, as well as the name changes.

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

(a) Initially:

There will be no cost to implement this amendment.

(b) On a continuing basis:

There will be no ongoing cost to implement this amendment.

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

There is no need for a source of funding to implement and enforce this regulation.

(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:

There will not be an increase in fees or a necessity in funding to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation, as amended, is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied?

No. This regulation, as amended, treats all impacted employees the same.

FISCAL NOTE

(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?

The Personnel Board, the Personnel Cabinet, the Justice and Public Safety Cabinet, Kentucky State Police, the Department of Education, Kentucky School for the Blind (KSB)/Kentucky School for the Deaf (KSD), the Tourism, Arts and Heritage Cabinet, and the Education and Labor Cabinet.

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

KRS 18A.005, KRS 18A.075(1), and KRS 18A.0751(1)(e) and (4)(e).

(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.

(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?

No revenue will be generated.

(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?

No revenue will be generated.

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

There are no estimated costs to administer the amendments to this regulation.

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

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. There are no estimated costs for subsequent years to administer the amendments to this regulation.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

There should be no increase or decrease in the cost to administer this administrative regulation.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No revenue will be generated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No revenue will be generated.

(c) How much will it cost the regulated entities for the first year?

There are no estimated costs to administer the amendments to this regulation.

(d) How much will it cost the regulated entities for subsequent years?

There are no estimated costs for subsequent years to administer the amendments to this regulation.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

There should be no increase or decrease in the cost to administer this administrative regulation.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

Major economic impact” means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.030(1)] The amendment to this regulation will have no economic impact of any amount on state or local government or regulated entities.