

503 KAR 5:090. Participation: requirements; application; withdrawal.

RELATES TO: KRS 15.440, 15.450

STATUTORY AUTHORITY: KRS 15.450(1), 15.440(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.450(1) authorizes the Secretary of the Justice and Public Safety Cabinet or his designated representative to promulgate administrative regulations necessary to the administration of the Kentucky Law Enforcement Foundation Program Fund. This administrative regulation establishes the requirements for application to, participation in, and withdrawal from the fund, and conforms to the training requirements established by the Kentucky Law Enforcement Council pursuant to KRS 15.330(1)(f) and (h).

Section 1. Education Requirements.

(1) To demonstrate that an officer has completed the education requirement found in KRS 15.440(1)(c), the local unit shall send to the fund administrator:

- (a) A copy of the high school diploma issued or recognized by the state department of education; or
- (b) A copy of a General Educational Development (GED) certificate issued by a state department of education.

(2) A police officer who was "grandfathered" into the fund without having to meet the educational requirement found in KRS 15.440(1)(c), who subsequently experiences a separation of employment as a police officer, may regain eligibility to participate in the fund:

- (a) Upon reemployment as a police officer by a local unit which is participating in the fund, and completion of the educational requirement found in KRS 15.440(1)(c), if the separation was a result of resignation or dismissal; or
- (b) Without completion of the educational requirement found in KRS 15.440(1)(c) if the police officer:
 - 1. Retired pursuant to KRS 61.637; and
 - 2. Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 2. Basic Training Requirement.

(1) Time limit.

(a) A local unit that elects to participate in the fund shall require all police officers employed as of the date of the initial participation to demonstrate compliance with the basic training requirement within one (1) year of the date of initial participation. An officer employed after the date of the initial participation shall demonstrate compliance by completing the basic training requirement within one (1) year of the date of employment.

(b) If extenuating circumstances occur that are beyond the control of an officer, including serious injury or illness, personal tragedy, or agency emergency, the local unit may request an extension of time in which the officer shall complete basic training. The agency shall request an extension, in writing, not less than thirty (30) days prior to expiration of the one (1) year time limit as established in subsection (1)(a) of this section. The extension of time to be granted shall not exceed 180 days.

(c) The local unit shall be in violation of this subsection if:

- 1. An officer fails to complete training during the one (1) year period and has not experienced an extenuating circumstance; or
- 2. An officer fails to complete training prior to expiration of a time extension based upon an extenuating circumstance.

(2) Compliance. A police officer shall demonstrate completion of the basic training requirement by:

- (a) If the officer has never completed basic training, the officer shall successfully complete:
 - 1. The Department of Criminal Justice Training 800 hour basic training course; or
 - 2. A basic training course approved and recognized by the council which consists of a minimum of 800 hours with a course content equivalent to the Department of Criminal Justice Training 800 hour basic training course;
- (b) If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course, additional basic training shall not be required if he has:
 - 1. Been continuously employed as a police officer since the completion of that basic training; or
 - 2. Experienced a separation of employment as a police officer for no more than twelve (12) months prior to his present eligibility to participate in the fund;
- (c) If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course; and has experienced a separation of employment as a police officer for more than twelve (12) months but less than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:
 - 1. The twenty-four (24) hour legal update: Penal Code course; and
 - 2. The sixteen (16) hour legal update: Constitutional Procedure course; or
- (d) If the officer has successfully completed a Department of Criminal Justice Training basic training course, or another council-approved and recognized basic training course, and experienced a separation of employment as a police officer for more than thirty-six (36) months prior to his present eligibility to participate in the fund, he shall successfully complete the following Department of Criminal Justice Training courses:
 - 1. The twenty-four (24) hour legal update: Penal Code course;
 - 2. The sixteen (16) hour legal update: Constitutional Procedure course; and
 - 3. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment as determined by the fund administrator:
 - a. Basic officer skills; or
 - b. Orientation for new police chiefs.
- (3) If calculating the total number of months of separation and service described in subsection (2)(c) and (d) of this section:
 - (a) Calculation shall begin effective the first date employed as a police officer and shall include all subsequent months.
 - (b) For the first or last month of a continuous period of employment or separation:
 - 1. If the number of days of service for a specific month is less than the maximum possible number of regular service days for that month, the officer shall receive credit for a full month of service;
 - 2. If the number of days of separation for a specific month is less than the maximum possible number of regular service days for that month, the month shall not be calculated as a month of separation.
- (4) A police officer that is required to meet the requirements of subsection (2)(c) or (d) of this section, shall not be:
 - (a) Eligible to participate in the fund until meeting those requirements; or
 - (b) Entitled to back payment of funds from their original hire date.
- (5) A police officer who has never completed basic training and is not eligible to be "grandfathered" into the fund shall not be:
 - (a) Eligible to participate in the fund until completing the basic training requirement in subsection (2)(a) of this section; or
 - (b) Entitled to back payment of funds from their original hire date.

(6) A police officer who was "grandfathered" into the fund without having to meet the basic training requirement found in KRS 15.440(1)(d), shall not be required to demonstrate compliance with the basic training requirement to regain eligibility to participate in the fund if the police officer:

- (a) Retired pursuant to KRS 61.637; and
- (b) Is reemployed as a police officer with the same agency no later than twelve (12) months from the initial retirement date.

Section 3. In-service Training Requirement.

(1) A local unit that elects to participate in the fund shall:

- (a) Require all police officers employed as of the date of initial participation, and all officers employed after the date of initial participation, to successfully complete the forty (40) hour in-service training requirement each calendar year; and
- (b) Not be considered to be in violation of this paragraph if an officer's failure to meet the in-service training requirement in a calendar year is due to an extenuating circumstance including serious injury or illness, personal tragedy, or agency emergency.

(2) An officer meeting the requirements of subsection (1)(b) of this section shall be required to meet the in-service training requirement within a reasonable time as determined by the fund administrator or his designee. The reasonable time shall not exceed 180 days from the termination of the extenuating circumstance.

(3) If an officer, under circumstances that are not extenuating, fails to successfully complete forty (40) hours of in-service training in a calendar year:

- (a) The fund administrator or his designee shall notify the local unit that the officer must complete the in-service training for the year of delinquency within a reasonable time, but not to exceed 180 days, as determined by the fund administrator or his designee, or else the local unit, if it continues to employ the officer full time, shall be in violation of this paragraph and shall lose its eligibility to participate in the fund; and
- (b) He shall not:

- 1. Receive a salary supplement until he makes up the in-service training for the year of delinquency; and
- 2. Be entitled to receive back pay supplement for the period of nonpayment caused by the delinquency in training.

(4)

(a) A police officer who successfully completes a basic training course approved and recognized by the council shall be considered to have fulfilled the in-service training requirement for the calendar year in which the basic training is completed when that completion occurs in the calendar year of the present application for participation in the fund.

(b) An officer who demonstrates compliance with the basic training requirement by completion of a course approved and recognized by the council prior to the calendar year of the present application for participation in the fund, shall complete a forty (40) hour in-service training course for that calendar year in order to remain eligible to participate in the fund.

(c) Earned in-service training hours in excess of the mandatory forty (40) hours per year shall not be carried forward to subsequent calendar years.

(5) If a police officer who is qualified to participate in the fund has his police service terminated due to resignation or dismissal before he meets his in-service training requirement for the calendar year, he shall still be eligible to participate in the fund for that part of the calendar year during which he was employed as a police officer.

(6)

(a) Except for courses as authorized in paragraph (b) of this subsection, a police officer shall not, for fund eligibility purposes, take the same in-service training course that he has successfully completed in a previous year for fund eligibility purposes unless at least three (3) years have passed since the earlier course was completed.

(b) A police officer may repeat in-service training courses providing instruction in diminishable skills that the officer has successfully completed in the previous year up to a maximum of sixteen (16) hours as specified in each of the following training areas:

1. Four (4) hours of a course or courses in driver training, including techniques, operational principles, and legal considerations necessary for enhancement of driving skills for law enforcement officers;
2. Four (4) hours of a course or courses in firearms training, including tactical situations, marksmanship, and legal considerations necessary to enhance the skills of law enforcement officers in firearms use;
3. At least one (1) hour, but no more than eight (8) hours, in a course or courses in law enforcement legal update training that shall include training on recent federal and state legislation and regulations, issuance and development of recent case law, and basic legal consideration impacting law enforcement officers in the exercise of their peace officer powers; and
4. No more than seven (7) hours in a course or courses in tactical law enforcement training that may include self-defense techniques, administration of first aid, active shooter tactics and techniques, and de-escalation techniques.

Section 4. Local Ordinance Requirement.

(1) To be eligible to participate in the fund, a local unit shall enact an ordinance or resolution requiring the local unit and police department to comply with KRS 15.410 to 15.510 and with 503 KAR Chapter 5.

(2) A certified copy of this local ordinance or resolution shall be submitted by the local unit to the fund administrator along with the application for participation in the fund.

(3) If the local unit has withdrawn from, or lost eligibility to participate in the fund, the previously enacted local ordinance or resolution shall no longer be recognized by the fund administrator, and a new ordinance or resolution shall be submitted with a new application for participation in the fund.

Section 5. Application. A local unit desiring to apply for admission to the fund shall submit an Application for Police Training Incentive form to the fund administrator.

Section 6. Withdrawal.

(1) To withdraw from the fund, a local unit shall send a written notice of withdrawal to the fund administrator.

(2) The fund administrator or his designee shall acknowledge in writing the receipt of the withdrawal notice.

(3) The withdrawal shall be effective as of the date the withdrawal notice is received by the fund administrator.

(4) Upon withdrawal, a local unit shall return all salary supplement funds received from the fund for which its police officers have not yet become qualified.

Section 7. Audits.

(1) A participating agency shall comply with audits if requested by the fund administrator's designee, to demonstrate compliance with 503 KAR Chapter 5.

(2) The audit shall include examination of records of police officer training attendance, and payroll and KLEFPF records.

Section 8. Incorporation by Reference.

(1) The "Application for Police Training Incentive", Form KLEFPF-1, 10/16, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

(11 Ky.R. 1546; eff. 5-14-1985; 12 Ky.R. 1629; 1834; eff. 5-6-1986; 16 Ky.R. 1986; eff. 5-13-1990; 26 Ky.R. 1205; eff. 2-14-2000; 28 Ky.R. 143; eff. 9-10-2001; 29 Ky.R. 2347; 2670; eff. 5-15-2003; 43 Ky.R. 446, 682; eff. 12-2-2016; 45 Ky.R. 2637; eff. 10-5-2018.)