

1 AN ACT relating to paid parental leave.

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

3 ➔Section 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Child" means a human being under the age of six (6) years old;*

7 *(b) "Parent" means the mother or father of a child by birth, including by a*
8 *surrogate, or by adoption;*

9 *(c) "Employee" means a person employed by the same employer for at least*
10 *one (1) year; and*

11 *(d) 1. "Paid parental leave" means a paid leave of absence provided to a*
12 *parent for time off work for the birth or adoption of a child and the*
13 *recovery and bonding time associated with the birth or adoption; and*
14 *2. "Paid parental leave" does not include any other form of paid leave*
15 *that has been granted by the parent's employer.*

16 *(2) The Commonwealth of Kentucky Paid Parental Leave Program is created. A*
17 *parent may request to receive parental leave upon birth or adoption of a child.*

18 *(3) Before being approved to receive any amount of paid parental leave, the parent*
19 *shall submit verification of the birth or adoption of a child to his or her employer.*

20 *(4) Once approved, a parent shall be granted paid parental leave in an amount of*
21 *twelve (12) weeks.*

22 *(5) A parent shall not be required to use compensatory time, sick leave, or annual*
23 *leave before being eligible to receive paid parental leave.*

24 *(6) While a parent is on paid parental leave, he or she shall be deemed a state*
25 *employee and shall receive the same treatment with respect to salary, wages, and*
26 *employee benefits.*

27 *(7) For purposes of determining seniority, pay or pay advancement, performance*

1 awards, and the receipt of any benefit that may be affected by a leave of absence,
2 the service of the parent shall be considered uninterrupted by the leave of
3 absence.

4 (8) The secretary of the Personnel Cabinet shall promulgate administrative
5 regulations in accordance with KRS Chapter 13A to implement the provisions of
6 this section.

7 ➔Section 2. KRS 18A.025 is amended to read as follows:

8 (1) The Governor shall appoint the secretary of personnel as provided in KRS 18A.015,
9 who shall be considered an employee of the state. The secretary shall be a graduate
10 of an accredited college or university and have at least five (5) years' experience in
11 personnel administration or in related fields, have known sympathies with the merit
12 principle in government and shall be dedicated to the preservation of this principle.
13 Additional education may be substituted for the required experience and additional
14 experience may be substituted for the required education.

15 (2) The secretary of the Personnel Cabinet or the secretary's designee, shall be
16 responsible for the coordination of the state's affirmative action plan, established by
17 KRS 18A.138.

18 (3) There is established within the Personnel Cabinet the following offices,
19 departments, and divisions, each of which shall be headed by either a commissioner,
20 executive director, or division director appointed by the secretary, subject to the
21 prior approval of the Governor pursuant to KRS 12.040 or 12.050, depending on the
22 level of the appointment, except that the Kentucky Employees Deferred
23 Compensation Authority shall be headed by an executive director who shall be
24 appointed by the authority's board of directors:

25 (a) Office of the Secretary, which shall be responsible for communication with
26 state employees about personnel and other relevant issues and for the
27 administration and coordination of the following:

- 1 1. Office of Employee Relations, composed of the following programs:
 - 2 a. Workers' Compensation Program pursuant to KRS 18A.375;
 - 3 b. Sick leave Sharing Program, pursuant to KRS 18A.197;
 - 4 c. Annual Leave Sharing Program, pursuant to KRS 18A.203;
 - 5 d. Health and Safety Program;
 - 6 e. Employee Assistance Program;
 - 7 f. Employee Incentive Programs, pursuant to KRS 18A.202;
 - 8 g. Employee Mediation Program;~~[-and]~~
 - 9 h. Living Organ Donor Leave Program, pursuant to KRS 18A.194;
 - 10 and
 - 11 *i. Paid parental leave, pursuant to Section 1 of this Act;*
- 12 2. Office of Administrative Services, which shall be responsible for the
 - 13 Personnel Cabinet's administrative functions, composed of the following
 - 14 programs:
 - 15 a. Division of Technology Services;
 - 16 b. Division of Human Resources; and
 - 17 c. Division of Financial Services;
- 18 3. Office of Legal Services, which shall provide legal services to the
 - 19 Personnel Cabinet and to executive branch agencies and their
 - 20 representatives upon request;
- 21 4. Office of Diversity, Equality, and Training, which shall coordinate and
 - 22 implement diversity initiatives for state agencies, the affirmative action
 - 23 plan established by KRS 18A.138, the state Equal Employment
 - 24 Opportunity Program, and the Minority Management Trainee Program;
- 25 5. Governmental Services Center, which shall be responsible for employee
 - 26 and managerial training and organizational development;
- 27 6. Kentucky Public Employees Deferred Compensation Authority, which

1 shall maintain a deferred compensation plan for state employees; and

2 7. Office of Public Affairs, which shall assist in all aspects of developing
3 and executing the strategic direction of the cabinet;

4 (b) Department of Human Resources Administration, which shall be composed of
5 the:

6 1. Division of Employee Management, which shall be responsible for
7 payroll, records, classification, and compensation. The division shall
8 also be responsible for implementing lay-off plans mandated by KRS
9 18A.113 to 118A.1132 and shall monitor and assist state agencies in
10 complying with the provisions of the federal Fair Labor Standards Act.

11 The division shall:

12 a. Maintain the central personnel files mandated by KRS 18A.020
13 and process personnel documents and position actions;

14 b. Operate and maintain a uniform payroll system and certify payrolls
15 as required by KRS 18A.125;

16 c. Maintain plans of classification and compensation for state service
17 and review and evaluate the plans; and

18 d. Coordinate and implement the employee performance evaluation
19 systems throughout state government; and

20 2. Division of Career Opportunities, which shall be responsible for
21 employment counseling, applicant processing, employment register, and
22 staffing analysis functions. The division shall:

23 a. Operate a centralized applicant and employee counseling program;

24 b. Operate, coordinate, and construct the examination program for
25 state employment;

26 c. Prepare registers of candidate employment; and

27 d. Coordinate outreach programs, such as recruitment and the

- 1 Administrative Intern Program; and
- 2 (c) Department of Employee Insurance, which shall be responsible for the:
- 3 1. Health Insurance Program, pursuant to KRS 18A.225;
- 4 2. Flexible Benefit Plan, pursuant to KRS 18A.227;
- 5 3. Division of Insurance Administration, which shall be responsible for
- 6 enrollment and service functions;
- 7 4. Division of Financial and Data Services, which shall be responsible for
- 8 fiscal and data analysis functions; and
- 9 5. Life Insurance Program pursuant to KRS 18A.205 to 18A.220.
- 10 (4) The cabinet shall include principal assistants appointed by the secretary, pursuant to
- 11 KRS 12.050 or 18A.115(1)(g) and (h), as necessary for the development and
- 12 implementation of policy. The secretary may employ, pursuant to the provisions of
- 13 this chapter, personnel necessary to execute the functions and duties of the
- 14 department.
- 15 ➔Section 3. KRS 18A.110 is amended to read as follows:
- 16 (1) The secretary shall promulgate comprehensive administrative regulations for the
- 17 classified service governing:
- 18 (a) Applications and examinations;
- 19 (b) Certification and selection of eligibles;
- 20 (c) Classification and compensation plans;
- 21 (d) Incentive programs;
- 22 (e) Lay-offs;
- 23 (f) Registers;
- 24 (g) Types of appointments;
- 25 (h) Attendance; hours of work; compensatory time; annual, court, military, sick,
- 26 voting, *paid parental leave*, living organ donor, and special leaves of absence,
- 27 provided that the secretary shall not promulgate administrative regulations that

- 1 would reduce the rate at which employees may accumulate leave time below
2 the rate effective on December 10, 1985; and
- 3 (i) Employee evaluations.
- 4 (2) The secretary shall promulgate comprehensive administrative regulations for the
5 unclassified service.
- 6 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate
7 administrative regulations that would reduce an employee's salary; and
- 8 (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed
9 administrative regulation providing for an initial probationary period in excess
10 of six (6) months to the board for its approval.
- 11 (4) The secretary may promulgate administrative regulations to implement state
12 government's affirmative action plan under KRS 18A.138.
- 13 (5) (a) The administrative regulations shall comply with the provisions of this chapter
14 and KRS Chapter 13A, and shall have the force and effect of law after
15 compliance with the provisions of KRS Chapters 13A and 18A and the
16 procedures adopted thereunder;
- 17 (b) Administrative regulations promulgated by the secretary shall not expand or
18 restrict rights granted to, or duties imposed upon, employees and
19 administrative bodies by the provisions of this chapter; and
- 20 (c) No administrative body other than the Personnel Cabinet shall promulgate
21 administrative regulations governing the subject matters specified in this
22 section.
- 23 (6) Prior to filing an administrative regulation with the Legislative Research
24 Commission, the secretary shall submit the administrative regulation to the board
25 for review.
- 26 (a) The board shall review the administrative regulation proposed by the secretary
27 not less than twenty (20) days after its submission to it;

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

3 (c) The secretary shall review the recommendations of the board and may revise
4 the proposed administrative regulation if he deems it necessary; and

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

8 (7) The administrative regulations shall provide:

9 (a) For the preparation, maintenance, and revision of a position classification plan
10 for all positions in the classified service, based upon similarity of duties
11 performed and responsibilities assumed, so that the same qualifications may
12 reasonably be required for, and the same schedule of pay may be equitably
13 applied to, all positions in the same class. The secretary shall allocate the
14 position of every employee in the classified service to one (1) of the classes in
15 the plan. The secretary shall reallocate existing positions, after consultation
16 with appointing authorities, when it is determined that they are incorrectly
17 allocated, and there has been no substantial change in duties from those in
18 effect when such positions were last classified. The occupant of a position
19 being reallocated shall continue to serve in the reallocated position with no
20 reduction in salary;

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

24 1. The relative levels of duties and responsibilities of various classes of
25 positions;

26 2. Rates paid for comparable positions elsewhere taking into consideration
27 the effect of seniority on such rates; and

1 3. The state's financial resources.
2 Amendments to the pay plan shall be made in the same manner. Each
3 employee shall be paid at one (1) of the rates set forth in the pay plan for the
4 class of position in which he is employed, provided that the full amount of the
5 annual increment provided for by the provisions of KRS 18A.355, and the full
6 amount of an increment due to a promotion, salary adjustment,
7 reclassification, or reallocation, shall be added to an employee's base salary or
8 wages;

9 (c) For open competitive examinations to test the relative fitness of applicants for
10 the respective positions. The examinations shall be announced publicly and
11 applications accepted at least ten (10) days prior to certification of a register,
12 and may be advertised through the press, radio, and other media. The secretary
13 shall continue to receive applications and examine candidates on a continuous
14 basis long enough to assure a sufficient number of eligibles to meet the needs
15 of the service. Except as provided by this chapter, he shall add the names of
16 successful candidates to existing eligible lists in accordance with their
17 respective ratings. The secretary shall be free to use any investigation of
18 education and experience and any test of capacity, knowledge, manual skill,
19 character, personal traits, or physical fitness, which in his judgment, serves the
20 need to discover the relative fitness of applicants;

21 (d) As provided by this chapter, for the establishment of eligible lists for
22 appointment, upon which lists shall be placed the names of successful
23 candidates in the order of their relative excellence in the respective
24 examinations. Except as provided by this chapter, an eligible's score shall
25 expire automatically one (1) year from the date of testing, unless the life of the
26 score is extended by action of the secretary for a period not to exceed one (1)
27 additional year. Except for those individuals exercising reemployment rights,

1 all eligibles may be removed from the register when a new examination is
2 established;

3 (e) For the rejection of candidates or eligibles who fail to comply with reasonable
4 requirements of the secretary in regard to such factors as age, physical
5 condition, training, and experience, or who have attempted any deception or
6 fraud in connection with an examination;

7 (f) Except as provided by this chapter, for the appointment of a person whose
8 score is included in the five (5) highest scores earned on the examination;

9 (g) For annual, sick, and special leaves of absence, with or without pay, or
10 reduced pay, after approval by the Governor as provided by KRS
11 18A.155(1)(d);

12 (h) For lay-offs, in accordance with the provisions of KRS 18A.113, 18A.1131,
13 and 18A.1132, by reasons of lack of work, abolishment of a position, a
14 material change in duties or organization, or a lack of funds;

15 (i) For the development and operation of programs to improve the work
16 effectiveness of employees in the state service, including training, whether in-
17 service or compensated educational leave, safety, health, welfare, counseling,
18 recreation, employee relations, and employee mobility without written
19 examination;

20 (j) For a uniform system of annual employee evaluation for classified employees,
21 with status, that shall be considered in determining eligibility for discretionary
22 salary advancements, promotions, and disciplinary actions. The administrative
23 regulations shall:

24 1. Require the secretary to determine the appropriate number of job
25 categories to be evaluated and a method for rating each category;

26 2. Provide for periodic informal reviews during the evaluation period
27 which shall be documented on the evaluation form and pertinent

- 1 comments by either the employee or supervisor may be included;
- 2 3. Establish a procedure for internal dispute resolution with respect to the
- 3 final evaluation rating;
- 4 4. Permit a classified employee, with status, who receives either of the two
- 5 (2) lowest possible evaluation ratings to appeal to the Personnel Board
- 6 for review after exhausting the internal dispute resolution procedure.
- 7 The final evaluation shall not include supervisor comments on ratings
- 8 other than the lowest two (2) ratings;
- 9 5. Require that an employee who receives the highest possible rating shall
- 10 receive the equivalent of two (2) workdays, not to exceed sixteen (16)
- 11 hours, credited to his or her annual leave balance. An employee who
- 12 receives the second highest possible rating shall receive the equivalent
- 13 of one (1) workday, not to exceed eight (8) hours, credited to his or her
- 14 annual leave balance; and
- 15 6. Require that an employee who receives the lowest possible evaluation
- 16 rating shall either be demoted to a position commensurate with the
- 17 employee's skills and abilities or be terminated; and
- 18 (k) For other administrative regulations not inconsistent with this chapter and
- 19 KRS Chapter 13A, as may be proper and necessary for its enforcement.
- 20 (8) For any individual hired or elected to office before January 1, 2015, and paid
- 21 through the Kentucky Human Resources Information System, the Personnel Cabinet
- 22 shall not require payroll payments to be made by direct deposit or require the
- 23 individual to use a Web-based program to access his or her salary statement.
- 24 (9) To the extent that KRS 16.010 to 16.199 and administrative regulations
- 25 promulgated by the commissioner of the Department of Kentucky State Police
- 26 under authority granted in KRS Chapter 16 conflict with this section or any
- 27 administrative regulation promulgated by the secretary pursuant to authority granted

1 in this section, the provisions of KRS Chapter 16 shall prevail.