

1 AN ACT relating to Department of Fish and Wildlife Resources conservation  
2 officers and declaring an emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) Notwithstanding any provision of KRS Chapter 18A to the contrary, the*  
7 *qualification requirements, salary schedules, and rate structures for conservation*  
8 *officers employed by the department shall be established according to the*  
9 *requirements of this section.*

10 *(2) The base compensation of full-time sworn conservation officers shall be*  
11 *determined based on years of service and rank, as provided in this section.*

12 *(3) The years-of-service requirements for the salary schedule for ranks below*  
13 *sergeant shall be:*

14 *(a) A conservation officer recruit, which shall be a newly hired officer that has*  
15 *not completed the Department of Fish and Wildlife Resources Academy*  
16 *training, the Department of Criminal Justice Basic Police Officer Training,*  
17 *and the Department of Fish and Wildlife Resources Law Enforcement Field*  
18 *Training Program;*

19 *(b) A conservation officer I, which shall be a conservation officer who has*  
20 *completed all of the training programs referenced in paragraph (a) of this*  
21 *subsection and has completed at least one (1) year of service;*

22 *(c) A conservation officer II, which shall be a conservation officer who has*  
23 *completed five (5) or more years of service; and*

24 *(d) A master conservation officer, which shall be a conservation officer who*  
25 *has completed ten (10) or more years of service.*

26 *(4) Promotions to sergeant within the department shall be on the following terms and*  
27 *conditions:*

- 1        (a) The applicant must have served six (6) years of continuous service as a  
2        commissioned conservation officer to be eligible for promotion to sergeant;
- 3        (b) The applicant may be excluded from promotion eligibility by the  
4        commissioner for up to thirty-six (36) months on the basis of substantiated  
5        misconduct, as set forth in department policy;
- 6        (c) Promotions shall be based on cumulative scores computed from twenty-five  
7        percent (25%) on personnel performance evaluation, thirty percent (30%)  
8        on job simulation examination, and forty-five percent (45%) on a written  
9        examination on which the applicant achieved at least a minimum score as  
10       determined by the commissioner in consultation with the commission;
- 11       (d) The promotional list shall be valid for one (1) year, shall consist of the  
12       numerical scores and rankings of each applicant, and promotions shall be  
13       made in consecutive order beginning with the highest numerical ranking to  
14       fill an interim vacancy. When two (2) or more applicants receive the same  
15       numerical score, the order of placement on the list shall be determined by  
16       seniority of service. Upon the determination of a new numerical ranking  
17       following a new examination, all previous rankings shall be null and void;
- 18       (e) The written examination shall be prepared and administered by an  
19       individual designated by the commissioner. The materials and textbooks  
20       shall be selected by the commissioner and his or her staff. The  
21       commissioner shall inform all applicants at least three (3) months prior to  
22       the examination date of the exact material from which test questions will be  
23       taken and the minimum score required to be eligible for placement on the  
24       promotional list;
- 25       (f) The written test shall be administered to all applicants at the same time.  
26       Upon completion of the written test, the applicant shall receive his or her  
27       numerical score. The numerical score shall remain valid for a period of two

- 1           (2) years following the date of examination unless the source material upon  
2           which the test is based is changed by more than thirty percent (30%),  
3           provided that the numerical score meets or exceeds the minimum score set  
4           in paragraph (e) of this subsection for the current year's promotional list;
- 5           (g) The job simulation examination shall be evaluated by boards designated by  
6           the commissioner consisting of the commissioner or his or her designated  
7           appointee not lower than rank of captain, an officer from another police  
8           agency of the rank equal to the position for which the applicant is  
9           competing, an instructor from an accredited law enforcement education  
10           program, a personnel director from private industry, and an officer from  
11           the department of the rank equal to the position for which the applicant is  
12           competing;
- 13           (h) The designated job simulation examination boards shall perform all  
14           evaluations under guidelines developed and approved by the commissioner;  
15           and
- 16           (i) Personnel evaluations shall be made by the appropriate supervisory  
17           personnel under procedures established and approved by the commissioner.
- 18           (5) Promotions from sergeant to lieutenant within the department shall be on the  
19           same terms and conditions as promotions to sergeant. In addition, any applicant  
20           for lieutenant must have completed at least one (1) year of continuous service in  
21           grade as sergeant.
- 22           (6) Promotions from lieutenant to captain within the department shall be on the  
23           same terms and conditions as promotions to lieutenant. In addition, any  
24           applicant for captain must have completed at least one (1) year of continuous  
25           service in grade as lieutenant.
- 26           (7) The department shall develop and administer only one (1) test for each of the  
27           ranks described in subsections (4), (5), and (6) of this section. All eligible

1 applicants shall be permitted to participate in the promotional process to the next  
2 highest position of responsibility wherever a vacancy exists.

3 (8) Officers promoted to rank of sergeant, lieutenant, or captain shall serve a  
4 probationary period for one (1) year of continuous service from the effective date  
5 of their promotions, and may be reverted to their previous rank with or without  
6 cause at any time during this period. If reverted to a previous rank, an individual  
7 is ineligible for promotion the next time the promotional process is offered.

8 (9) Notwithstanding the provisions of this chapter or KRS Chapter 18A to the  
9 contrary, all ranks above the grade of captain are temporary and shall not be  
10 subject to the provisions for selection and promotion as required in this section.  
11 All officers in these temporary positions shall serve at the pleasure of the  
12 commissioner and shall revert to their previous permanent rank upon the  
13 termination of their temporary appointment.

14 (10) The total number of supervisory officers of all classifications shall be limited to a  
15 ratio not to exceed one (1) supervisor for every five (5) nonsupervisory officers.

16 (11) No officer of the department, other than temporary positions above the rank of  
17 captain, shall be promoted to the next highest rank without competing with other  
18 officers as prescribed by the promotional procedure in this section.

19 (12) There shall be no discrimination based on race, sex, age, national origin, color,  
20 religion, creed, or political affiliation with respect to the department promotional  
21 system. All personnel actions are to be based solely on merit.

22 (13) Any salary supplement received from the Law Enforcement Foundation Program  
23 Fund pursuant to KRS 15.460(1)(e) or any comparable supplements received  
24 from another funding source shall be in addition to the amounts reflected in the  
25 base salary schedules established in subsection (14) of this section.

26 (14) (a) The salary schedules established in this subsection are based on a  
27 combination of officer classification and years of service.

- 1 (b) When "NA" appears in the schedule, it is not possible for an officer to be in
- 2 that classification and years-of-service combination based upon statutory or
- 3 regulatory conditions established for promotion or advancement.
- 4 (c) Salary increases based on years of service shall be effective on the first day
- 5 of the month during which the anniversary of the officer's appointment as a
- 6 commissioned Department of Fish and Wildlife Resources conservation
- 7 officer falls.
- 8 (d) Salary increases based on promotion to a higher rank shall be effective on
- 9 the first day of the month following completion of any probationary period
- 10 established for that rank.
- 11 (e) If an officer is reverted to a previous rank, the officer's salary shall be
- 12 adjusted to the salary reflected in the base salary schedule for the officer's
- 13 applicable number of years of service and rank. The adjustment shall take
- 14 effect the first pay period following the pay period in which the reversion
- 15 occurs.
- 16 (f) The base salary for a conservation officer recruit shall be forty-five
- 17 thousand dollars (\$45,000).

**BASE SALARY SCHEDULE FOR RANKS BELOW SERGEANT**

| <u>Years of Service</u> | <u>Conservation Officer Salary Steps Based on Rank</u> |                     |                            |
|-------------------------|--|---------------------|----------------------------|
|                         | <u>Conservation</u>                                    | <u>Conservation</u> | <u>Master Conservation</u> |
|                         | <u>Officer I</u>                                       | <u>Officer II</u>   | <u>Officer</u>             |
| <u>Base Pay</u>         | <u>\$55,888.74</u>                                     | <u>NA</u>           | <u>NA</u>                  |
| <u>3 years</u>          | <u>\$59,582.94</u>                                     | <u>\$61,421.95</u>  | <u>NA</u>                  |
| <u>5 years</u>          | <u>NA</u>  | <u>\$62,719.18</u>  | <u>NA</u>                  |
| <u>7 years</u>          | <u>NA</u>  | <u>\$64,053.11</u>  | <u>NA</u>                  |
| <u>9 years</u>          | <u>NA</u>  | <u>\$65,428.04</u>  | <u>NA</u>                  |
| <u>10 years</u>         | <u>NA</u>  | <u>NA</u>           | <u>\$65,723.75</u>         |

|   |                 |           |           |                    |
|---|-----------------|-----------|-----------|--------------------|
| 1 | <u>13 years</u> | <u>NA</u> | <u>NA</u> | <u>\$68,367.86</u> |
| 2 | <u>15 years</u> | <u>NA</u> | <u>NA</u> | <u>\$74,741.79</u> |
| 3 | <u>17 years</u> | <u>NA</u> | <u>NA</u> | <u>\$77,837.02</u> |
| 4 | <u>19 years</u> | <u>NA</u> | <u>NA</u> | <u>\$81,116.79</u> |
| 5 | <u>21 years</u> | <u>NA</u> | <u>NA</u> | <u>\$84,499.10</u> |
| 6 | <u>23 years</u> | <u>NA</u> | <u>NA</u> | <u>\$88,834.36</u> |
| 7 | <u>25 years</u> | <u>NA</u> | <u>NA</u> | <u>\$88,834.36</u> |
| 8 | <u>27 years</u> | <u>NA</u> | <u>NA</u> | <u>\$89,594.13</u> |
| 9 | <u>29 years</u> | <u>NA</u> | <u>NA</u> | <u>\$90,361.47</u> |

**BASE SALARY SCHEDULE SERGEANT AND ABOVE**

| <u>Years of Service</u> | <u>Salary Steps Based on Rank</u> |                     |                     |
|-------------------------|-----------------------------------|---------------------|---------------------|
|                         | <u>Sergeant</u>                   | <u>Lieutenant</u>   | <u>Captain</u>      |
| 13                      | <u>\$68,991.10</u>                | <u>NA</u>           | <u>NA</u>           |
| 14                      | <u>\$70,458.42</u>                | <u>NA</u>           | <u>NA</u>           |
| 15                      | <u>\$70,458.42</u>                | <u>NA</u>           | <u>NA</u>           |
| 16                      | <u>\$71,970.84</u>                | <u>NA</u>           | <u>NA</u>           |
| 17                      | <u>\$72,296.13</u>                | <u>\$79,525.74</u>  | <u>NA</u>           |
| 18                      | <u>\$75,204.65</u>                | <u>\$82,725.11</u>  | <u>\$87,478.31</u>  |
| 19                      | <u>\$75,204.65</u>                | <u>\$82,725.11</u>  | <u>\$90,997.62</u>  |
| 20                      | <u>\$82,215.97</u>                | <u>\$90,437.57</u>  | <u>\$99,481.32</u>  |
| 21                      | <u>\$85,620.72</u>                | <u>\$94,182.79</u>  | <u>\$103,601.07</u> |
| 22                      | <u>\$89,228.47</u>                | <u>\$98,151.32</u>  | <u>\$107,996.45</u> |
| 23                      | <u>\$92,949.01</u>                | <u>\$102,243.91</u> | <u>\$112,468.30</u> |
| 24                      | <u>\$96,889.17</u>                | <u>\$106,578.08</u> | <u>\$117,235.89</u> |
| 25                      | <u>\$97,717.80</u>                | <u>\$107,489.58</u> | <u>\$118,238.53</u> |
| 26                      | <u>\$98,553.54</u>                | <u>\$108,408.90</u> | <u>\$119,248.79</u> |
| 27                      | <u>\$99,397.62</u>                | <u>\$109,337.38</u> | <u>\$120,271.12</u> |

1 (15) The salary schedules shall be applied to officers employed by the department on  
2 the effective date of this Act as follows:

3 (a) Any officer whose base salary exceeds the amount established for his or her  
4 years of service and rank in subsection (14) of this section shall retain his  
5 or her base salary and shall not receive an increase under the salary  
6 schedule until the officer's years of service and rank require a higher base  
7 salary than the base salary he or she was receiving on the effective date of  
8 this Act; and

9 (b) Any officer whose base salary is below the amount established for his or her  
10 years of service and rank in subsection (14) of this section shall receive the  
11 base salary he or she qualifies for under the salary schedule for the pay  
12 period beginning July 1, 2022.

13 (16) Beginning on July 1, 2023, the salary schedules established in subsection (14) of  
14 this section shall be adjusted annually to incorporate any increase in the  
15 nonseasonally adjusted Consumer Price Index for all urban consumers, U.S. city  
16 average, all items, published by the United States Department of Labor's Bureau  
17 of Labor Statistics.

18 (17) The commissioner may establish additional ranks beyond those established in  
19 this section, including the rank of major and colonel. If the commissioner  
20 establishes additional ranks, then the commissioner shall set forth in a written  
21 policy the conditions under which an officer may be promoted to those ranks, and  
22 the salary that an officer would receive while serving at that rank.

23 ➔Section 2. KRS 150.090 is amended to read as follows:

24 (1) The commissioner shall appoint, promote, or take other employment actions to the  
25 ranks, grades, and positions of the department conservation officers who are  
26 considered by the commissioner to be necessary for the efficient administration of  
27 the department, but only in accordance with Section 1 of this Act.

- 1 (2) Conservation officers appointed by the commissioner shall have full powers as  
2 peace officers for the enforcement of all of the laws of the Commonwealth,  
3 including the administrative regulations promulgated pursuant to KRS Chapters 150  
4 and 235 and to serve process.
- 5 (3) Each conservation officer is individually vested with the powers of a peace officer  
6 and shall have in all parts of the state the same powers with respect to criminal  
7 matters and enforcement of the laws relating thereto as sheriffs, constables, and  
8 police officers in their respective jurisdictions, and shall possess all the immunities  
9 and matters of defense now available or hereafter made available to sheriffs,  
10 constables, and police officers in any suit brought against them in consequence of  
11 acts done in the course of their employment and within the scope of their duties.  
12 Any warrant of arrest may be executed by any officer of the department.
- 13 (4) Conservation officers charged with the enforcement of this chapter and the  
14 administrative regulations issued thereunder shall have the right to go upon the land  
15 of any person or persons whether private or public for the purpose of the  
16 enforcement of laws or orders of the department relating to game or fish, while in  
17 the normal, lawful and peaceful pursuit of such investigation or work or  
18 enforcement, may enter upon, cross over, be upon, and remain upon privately  
19 owned lands for such purposes, and shall not be subject to arrest for trespass while  
20 so engaged or for such cause thereafter. They may arrest on sight, without warrant,  
21 any person detected by them in the act of violating any of the provisions of this  
22 chapter. They shall have the same rights as sheriffs to require aid in arresting with  
23 or without process any person found by them violating any of the provisions of this  
24 chapter and may seize without process anything declared by this chapter to be  
25 contraband. No liability shall be incurred by any person charged or directed in the  
26 enforcement of this chapter.
- 27 (5) Conservation officers and other officers charged with the enforcement of this



1 chapter, shall have the authority to call for and inspect the license or tag, bag or  
2 creel of any person engaged in any activity for the performance of which a license is  
3 required under this chapter, and shall also have the authority to take proper  
4 identification of any person, or hunter, or fisherman who is actually engaged in any  
5 of these activities, and to call for and inspect any and all firearms and any other  
6 device that may be used in taking wildlife and is in the possession of any person so  
7 engaged.

8 (6) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or  
9 in any other manner interfere with any officer in the discharge of his duties under  
10 the provisions of this chapter. This subsection shall not apply to a criminal  
11 homicide or an assault upon such officer. An assault upon such officer shall be  
12 deemed an offense under KRS Chapter 507 or 508, as appropriate.

13 ➔Section 3. Any funds necessary to meet the salary requirements of Section 1 of  
14 this Act shall be paid from the game and fish fund established under KRS 150.150 and  
15 shall not be appropriated from the general fund.

16 ➔Section 4. Whereas it is critical to the functioning of the Department of Fish and  
17 Wildlife Resources that a uniform salary and promotion schedule be adopted for the  
18 recruitment and retention of conservation officers charged with enforcing the game and  
19 fish laws of the Commonwealth, an emergency is declared to exist, and this Act takes  
20 effect July 1, 2022.