

1 AN ACT relating to state employees.

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

3 ➔Section 1. KRS 18A.110 is amended to read as follows:

- 4 (1) The secretary shall promulgate comprehensive administrative regulations for the  
5 classified service governing:
- 6 (a) Applications and examinations;
  - 7 (b) Certification and selection of eligibles;
  - 8 (c) Classification and compensation plans;
  - 9 (d) Incentive programs;
  - 10 (e) Layoffs;
  - 11 (f) Registers;
  - 12 (g) Types of appointments;
  - 13 (h) Attendance; hours of work; compensatory time; annual, court, military, sick,  
14 voting, living organ donor, and special leaves of absence, provided that the  
15 secretary shall not promulgate administrative regulations that would reduce  
16 the rate at which employees may accumulate leave time below the rate  
17 effective on December 10, 1985; and
  - 18 (i) Employee evaluations.
- 19 (2) The secretary shall promulgate comprehensive administrative regulations for the  
20 unclassified service.
- 21 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate  
22 administrative regulations that would reduce an employee's salary; and
- 23 (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed  
24 administrative regulation providing for an initial probationary period in excess  
25 of six (6) months to the board for its approval.
- 26 (4) The secretary may promulgate administrative regulations to implement state  
27 government's affirmative action plan under KRS 18A.138.

- 1 (5) (a) The administrative regulations shall comply with the provisions of this  
2 chapter and KRS Chapter 13A, and shall have the force and effect of law after  
3 compliance with the provisions of KRS Chapters 13A and 18A and the  
4 procedures adopted thereunder;
- 5 (b) Administrative regulations promulgated by the secretary shall not expand or  
6 restrict rights granted to, or duties imposed upon, employees and  
7 administrative bodies by the provisions of this chapter; and
- 8 (c) No administrative body other than the Personnel Cabinet shall promulgate  
9 administrative regulations governing the subject matters specified in this  
10 section.
- 11 (6) Prior to filing an administrative regulation with the Legislative Research  
12 Commission, the secretary shall submit the administrative regulation to the board  
13 for review.
- 14 (a) The board shall review the administrative regulation proposed by the secretary  
15 not less than twenty (20) days after its submission to it;
- 16 (b) Not less than five (5) days after its review, the board shall submit its  
17 recommendations in writing to the secretary;
- 18 (c) The secretary shall review the recommendations of the board and may revise  
19 the proposed administrative regulation if he or she deems it necessary; and
- 20 (d) After the secretary has completed the review provided for in this section, he or  
21 she may file the proposed administrative regulation with the Legislative  
22 Research Commission pursuant to the provisions of KRS Chapter 13A.
- 23 (7) The administrative regulations shall provide:
- 24 (a) For the preparation, maintenance, and revision of a position classification plan  
25 for all positions in the classified service, based upon similarity of duties  
26 performed and responsibilities assumed, so that the same qualifications may  
27 reasonably be required for, and the same schedule of pay may be equitably

1 applied to, all positions in the same class. The secretary shall allocate the  
2 position of every employee in the classified service to one (1) of the classes in  
3 the plan. The secretary shall reallocate existing positions, after consultation  
4 with appointing authorities, when it is determined that they are incorrectly  
5 allocated, and there has been no substantial change in duties from those in  
6 effect when such positions were last classified. The occupant of a position  
7 being reallocated shall continue to serve in the reallocated position with no  
8 reduction in salary;

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

- 12 1. The relative levels of duties and responsibilities of various classes of  
13 positions;
- 14 2. Rates paid for comparable positions elsewhere taking into consideration  
15 the effect of seniority on such rates; and
- 16 3. The state's financial resources.

17 Amendments to the pay plan shall be made in the same manner. Each  
18 employee shall be paid at one (1) of the rates set forth in the pay plan for the  
19 class of position in which he or she is employed, provided that the full amount  
20 of the annual increment provided for by the provisions of KRS 18A.355, and  
21 the full amount of an increment due to a promotion, salary adjustment,  
22 reclassification, or reallocation, shall be added to an employee's base salary or  
23 wages;

24 *(c) 1. That prior to offering a salary to a new employee, the appointing*  
25 *authority shall demonstrate that the agency budget can support the*  
26 *new employee salary, and the new employee salary after initial or*  
27 *promotional probation shall not be equal to or greater than the salary*

1 of an incumbent employee in the same job classification, unless  
 2 adjustments to the salary of any incumbent employee in the same class  
 3 of position, work county, and department or office of the new  
 4 employee shall be adjusted to equal at least five percent (5%) above the  
 5 new employee initial probationary salary.

6 2. If the new employee position is part of a job classification series:

7 a. The salaries of incumbent employees in the same position  
 8 classification series shall be reviewed to reflect the apportion  
 9 between grades established by the pay plan in KRS 18A.110(7) to  
 10 maintain progression in the job classification series; and

11 b. Calculate the adjusted salary of any incumbent employee within  
 12 the same position classification series, work county, and  
 13 department or office to incorporate any salary or wage  
 14 adjustments to include, but not be limited to, seniority,  
 15 experience, education, and professional licenses of each  
 16 incumbent employee.

17 The regulations shall provide uniform guidance for adjustments to  
 18 incumbent employee salaries to include, but not be limited to a reflection of  
 19 years of service, experience, education, and professional licenses.

20 ~~(d)~~~~(e)~~ For the advertisement and acceptance of applications for at least five (5)  
 21 days for those positions to be filled by classified appointment or promotion.  
 22 The secretary may continue to receive applications and review applicants on a  
 23 continuous basis long enough to ensure a sufficient number of applicants;

24 ~~(e)~~~~(d)~~ For the rejection of candidates or eligibles who fail to comply with  
 25 reasonable requirements of the secretary in regard to such factors as age,  
 26 physical condition, training, and experience, or who have attempted any  
 27 deception or fraud in connection with an examination;

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

4        ~~(g)~~(f)     For annual, sick, and special leaves of absence, with or without pay, or  
5                reduced pay, after approval by the Governor as provided by KRS  
6                18A.155(1)(d);

7        ~~(h)~~(g)     For layoffs, in accordance with the provisions of KRS 18A.113, by  
8                reasons of lack of work, abolishment of a position, a material change in duties  
9                or organization, or a lack of funds;

10       ~~(i)~~(h)     For the development and operation of programs to improve the work  
11                effectiveness of employees in the state service, including training, whether in-  
12                service or compensated educational leave, safety, health, welfare, counseling,  
13                recreation, employee relations, and employee mobility without written  
14                examination;

15       ~~(j)~~(i)     For a uniform system of annual employee evaluation for classified  
16                employees, with status, that shall be considered in determining eligibility for  
17                discretionary salary advancements, promotions, and disciplinary actions. The  
18                administrative regulations shall:

- 19                1.    Require the secretary to determine the appropriate number of job  
20                        categories to be evaluated and a method for rating each category;
- 21                2.    Provide for periodic informal reviews during the evaluation period  
22                        which shall be documented on the evaluation form and pertinent  
23                        comments by either the employee or supervisor may be included;
- 24                3.    Establish a procedure for internal dispute resolution with respect to the  
25                        final evaluation rating;
- 26                4.    Permit a classified employee, with status, who receives either of the two  
27                        (2) lowest possible evaluation ratings to appeal to the Personnel Board

1 for review after exhausting the internal dispute resolution procedure.  
2 The final evaluation shall not include supervisor comments on ratings  
3 other than the lowest two (2) ratings;

4 5. Require that an employee who receives the highest possible rating shall  
5 receive the equivalent of two (2) workdays, not to exceed sixteen (16)  
6 hours, credited to his or her annual leave balance. An employee who  
7 receives the second highest possible rating shall receive the equivalent  
8 of one (1) workday, not to exceed eight (8) hours, credited to his or her  
9 annual leave balance; and

10 6. Require that an employee who receives the lowest possible evaluation  
11 rating shall either be demoted to a position commensurate with the  
12 employee's skills and abilities or be terminated; and

13 ~~(k)(j)~~ For other administrative regulations not inconsistent with this chapter  
14 and KRS Chapter 13A, as may be proper and necessary for its enforcement.

15 (8) For any individual hired or elected to office before January 1, 2015, and paid  
16 through the Kentucky Human Resources Information System, the Personnel  
17 Cabinet shall not require payroll payments to be made by direct deposit or require  
18 the individual to use a web-based program to access his or her salary statement.

19 (9) To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and administrative  
20 regulations promulgated by the commissioner of the Department of Kentucky State  
21 Police under authority granted in KRS Chapter 16 conflict with this section or any  
22 administrative regulation promulgated by the secretary pursuant to authority  
23 granted in this section, the provisions of KRS Chapter 16 shall prevail.

24 ➔Section 2. KRS 18A.140 is amended to read as follows:

25 (1) No person shall be appointed or promoted to, or demoted or dismissed from, any  
26 position in the classified service, or in any way favored or discriminated against  
27 with respect to employment in the classified services because of his political or

1 religious opinions, affiliations, ethnic origin, sex, race or disability. No person over  
2 the age of forty (40) shall be discriminated against because of age.

3 (2) No person shall use or promise to use, directly or indirectly, any official authority  
4 or influence, whether possessed or anticipated, to secure or attempt to secure for  
5 any person an appointment or advantage in appointment to a position in the  
6 classified service, or an increase in pay or other advantage in employment in any  
7 such position, for the purpose of influencing the vote or political action of any  
8 person.

9 (3) No employee in the classified service or member of the board or its executive  
10 director or secretary shall, directly or indirectly, pay or promise to pay any  
11 assessment for political purposes, or solicit or take any part in soliciting for any  
12 political party, or solicit or take any part in soliciting any political assessment,  
13 subscription, contribution, or service. No person shall solicit any political  
14 assessment, subscription, contribution, or service of any employee in the classified  
15 service.

16 (4) No employee in the classified service, or member of the board or its executive  
17 director, shall be:

18 (a) A member of any national or state ~~or local~~ committee of a political  
19 party; ~~or~~

20 (b) An officer ~~or member~~ of a committee of a partisan political club; ~~or~~

21 (c) An elected member ~~a candidate for nomination or election~~ to any paid  
22 partisan public office; ~~or~~

23 (d) ~~shall take~~ Part of ~~in~~ the management or affairs of any political party or in  
24 any political campaign for statewide constitutional office, except to exercise  
25 his or her right as a citizen privately to express his or her opinion and to cast  
26 his or her vote.

27 (5) Officers or employees of the classified service may be candidates for and occupy an

1 elected office if the election is on a nonpartisan basis, the officers or employees  
2 have complied with the requirements of KRS 61.080, and the duties of the elective  
3 office do not interfere with, or create any conflicts of interest with, the state duties  
4 of the officers or employees in the classified service. An employee shall give notice  
5 to his or her appointing authority of his or her intent to run for elective office upon  
6 filing to run for the office.

7 ➔Section 3. KRS 18A.355 is amended to read as follows:

- 8 (1) An annual increment of ~~[not less than] two~~~~[five]~~ percent ~~(2%)~~~~(5%)~~ of the base  
9 salary or wages of each state employee shall be granted to each employee on his or  
10 her anniversary date. The employee's base salary or wages shall be increased by the  
11 amount of the annual increment. When any increment due to a promotion,  
12 reallocation, reclassification or salary adjustment is granted an employee, the  
13 employee's base salary or wages shall be increased by the amount of such  
14 increment. An employee's base salary or wages shall not be increased by the  
15 amount of lump-sum payment awarded under KRS 18A.110(7)~~(j)~~~~(i)~~.
- 16 (2) The branch budget recommendation submitted to the General Assembly under KRS  
17 Chapter 48 shall include a request for the amount of the annual increment expressed  
18 as a percentage of each employee's base salary or wages and a request for the total  
19 appropriation needed to fund the annual increment. The annual increment shall be  
20 uniform for all employees. The financial plan enacted under the provisions of KRS  
21 48.300 shall contain the annual increment expressed as a percentage of each  
22 employee's base salary or wages, and the total appropriation needed to fund the  
23 annual increment.
- 24 (3) The budget reduction plan submitted and enacted under the provisions of KRS  
25 Chapter 48 shall provide that a reduction of the annual increment granted under this  
26 section shall be made only after other cost savings measures, as provided by KRS  
27 18A.113 are taken. Any such reduction shall be uniform for all state employees and



1 shall comply with the provisions of this chapter and KRS Chapter 48.