

1 PERSONNEL CABINET

2 (Amendment)

3 101 KAR 3:045. Compensation plan and pay incentives for unclassified service.

4 RELATES TO: KRS 18A.110, 18A.155, 18A.202, 199.555

5 STATUTORY AUTHORITY: KRS 18A.030(2), 18A.110(2), 18A.155(1)(b), (e), 18A.202(1)

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.155 requires the Secretary of

7 Personnel to promulgate administrative regulations for persons in positions enumerated

8 in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t), and (u). KRS 18A.110 requires the secretary

9 to promulgate comprehensive administrative regulations for the unclassified service. KRS

10 18A.202 authorizes the secretary to implement work-related incentive programs for state

11 employees. This administrative regulation establishes the compensation plan and pay

12 incentives for employees in unclassified service.

13 Section 1. New Appointments. An appointing authority shall appoint a new employee at a

14 salary not to exceed the midpoint of the pay grade.

15 Section 2. Reentrance to State Service.

16 (1) Returning retirees. An employee who was formerly employed under KRS Chapter 18A

17 and who is appointed to a position covered by the provisions of KRS Chapter 18A, while

18 receiving retirement payments through the Kentucky Public Pensions Authority or

19 Kentucky Teachers Retirement System, shall be appointed in accordance with the

20 provisions for new appointments in this administrative regulation.

21 (2) Other reentering employees. An appointing authority shall set the salary of a former

1 classified or unclassified employee, other than a returning retiree:

2 (a) In accordance with the standards used for making new appointments in this
3 administrative regulation; or

4 (b) Up to an hourly rate ~~[a salary]~~ formerly paid in the classified or unclassified service.

5 Section 3. Salary Adjustments.

6 (1) Promotion.

7 (a)

8 1. An employee who is promoted shall receive a five (5) percent increase or an increase
9 to the minimum of the new grade, whichever is greater; or

10 2. An appointing authority may grant a salary increase of five (5) percent per grade upon
11 promotion.

12 (b) If sufficient funds are available, an appointing authority may adjust the employee's
13 salary up to the midpoint of the pay grade as long as the increase is greater than the
14 increase specified in subparagraph 1. of subsection (1)(a) of this section.

15 (2) Demotion. If an employee is demoted, ~~[the appointing authority shall determine]~~ the
16 salary shall be determined in one (1) of the following ways:

17 (a) The employee's salary shall be reduced by five (5) percent for each grade the
18 employee is reduced~~[to a rate that is not below the minimum for the job classification to~~
19 ~~which the demotion is made];~~

20 (b) If requested in writing by the appointing authority and approved by the secretary, the
21 employee shall retain the salary received prior to demotion. If approved by the
22 secretary, the written request and notice of approval shall be placed in the employee's
23 agency and Personnel Cabinet files maintained in accordance with KRS 18A.020(2)(a)

1 ~~[If the employee's salary is not reduced upon demotion, the appointing authority shall~~
2 ~~explain the reason in writing and place the explanation in the employee's personnel~~
3 ~~files]; or~~

4 (c) In the event of a salary schedule adjustment of an entry level wage of a pay grade, if
5 an employee demoted to a lower pay grade, retained his or her salary, and was
6 subsequently promoted and on promotional probation on the effective date of the new
7 salary schedule, if the employee's salary is less than five (5) percent above the new entry
8 level salary of the pay grade assigned to that employee on the effective date, the
9 Personnel Cabinet shall adjust that employee's salary to five (5) percent above the new
10 entry level wage.

11 (3) Reclassification.

12 (a) An appointing authority shall adjust the salary of an employee who is advanced to a
13 higher pay grade through reclassification in one (1) of the following ways:

- 14 1. The greater of five (5) percent or the new grade minimum;
- 15 2. The greater of five (5) percent for each grade or the new grade minimum; or
- 16 3. If sufficient funds are available, up to the midpoint of the pay grade as long as the
17 increase is greater than the increase specified in subparagraph 1. of this paragraph.

18 (b) An employee who is placed in a lower pay grade through reclassification shall receive
19 the same salary received prior to reclassification.

20 (c) If sufficient funds are available, an appointing authority may adjust up to the midpoint
21 of the pay grade the salary of an employee who is placed in the same pay grade through
22 reclassification.

23 (d) An employee shall not be reclassified from a job classification that does not require

1 the supervision of employees to a job classification that requires the supervision of
2 employees as mandated within the job class specification.

3 (4) Reallocation.

4 (a) An employee who is advanced to a higher pay grade through reallocation shall receive
5 a five (5) percent increase or an increase to the new grade minimum, whichever is
6 greater. An appointing authority may grant a five (5) percent increase per grade upon
7 reallocation to a higher grade.

8 (b) An employee who is placed in a lower pay grade through reallocation shall receive the
9 same salary received prior to reallocation.

10 (5) Detail to special duty.

11 (a) An employee who is detailed to special duty in a higher grade shall receive a five (5)
12 percent increase or an increase to the minimum of the grade, whichever is greater, for the
13 duration of the period of the detail. An appointing authority may grant a salary increase of
14 five (5) percent per grade for the duration of the detail.

15 (b) If sufficient funds are available, an appointing authority may adjust the salary of an
16 employee who is placed in the same pay grade or higher pay grade through detail to
17 special duty, up to the midpoint of the pay grade, as long as the increase is greater than
18 the increase specified in paragraph (a) of this subsection.

19 (c) An employee who is detailed to special duty to the same or lower grade shall continue
20 to receive the same salary except as provided under paragraph (b) of this subsection.

21 (6) Reversion.

22 (a) The salary of an employee who is reverted following detail to special duty in a higher
23 pay grade shall be adjusted to:

- 1 1. The salary received prior to the detail; and
- 2 2. All salary advancements and adjustments which would have been awarded if the detail
- 3 had not occurred.
- 4 (b) The salary of an employee who is reverted from a position in the unclassified service
- 5 to a position in the classified service shall be adjusted to:
- 6 1. The salary received prior to leaving the classified service; and
- 7 2. All salary advancements and adjustments which would have been awarded if the
- 8 individual had remained in the classified service.
- 9 (7) Pay grade changes.
- 10 (a) If a job classification is assigned to a higher pay grade, the appointing authority shall
- 11 raise the salary of an employee below the new grade minimum to the new grade
- 12 minimum. If sufficient funds are available, an appointing authority may uniformly adjust
- 13 the salary of all employees in that agency in that job classification to:
- 14 1. The greater of the new grade minimum or five (5) percent per pay grade;
- 15 2. The greater of the new grade minimum or ten (10) percent per pay grade; or
- 16 3. At a percentage determined by the Personnel Cabinet.
- 17 (b) If a job classification is assigned to a lower pay grade, an employee in that job
- 18 classification shall retain his current salary.
- 19 (8) Special entrance rates. If a special entrance rate is established for a job classification,
- 20 an appointing authority shall adjust the salary of an employee in that job classification,
- 21 who is below the special entrance rate, to the new rate. If sufficient funds are available,
- 22 on the same date as the establishment of the special entrance rate, an appointing
- 23 authority may also grant a salary adjustment equal to the difference between the entrance

1 of the pay grade and the new special entrance rate to other employees in that job
2 classification, except those employees who are on initial probation.

3 (9) Other salary adjustments.

4 (a) On the 16th of a month, an appointing authority may grant a five (5) percent salary
5 adjustment to an employee who was eligible for, but did not receive, an increase upon the
6 completion of six (6) months service following promotion.

7 (b) On the 16th of a month, an appointing authority may grant a salary adjustment to an
8 employee within an agency who was eligible for, but did not receive, at least a five (5)
9 percent per pay grade increase or ten (10) percent per pay grade increase as a result of a
10 grade change on or after January 1, 1999. The total adjustment under this provision when
11 combined with an increase at the time of the grade change shall equal a five (5) percent
12 per pay grade increase or ten (10) percent per pay grade increase to the employee's
13 salary immediately prior to the grade change. The adjustment shall not be retroactive.

14 (c) If sufficient funds are available, an appointing authority may adjust the salary of one
15 (1) or more unclassified employees in an office or department due to internal pay equity
16 issues within a job classification or sustained retention issues impacting the mission of the
17 agency.

18 1. The appointing authority shall substantiate in writing to the secretary the need for
19 adjustment and include the proposed adjustment for each employee.

20 2.

21 a. An adjustment shall be any amount that does not cause an employee's hourly rate to
22 exceed the midpoint of the pay grade; or

23 b. An adjustment that causes an employee's hourly rate to exceed the midpoint of the pay

1 grade shall not exceed twenty-five (25) percent of the employee's hourly pay rate.

2 (10) Conversion rule. The salary of an employee whose position changes from a thirty-
3 seven and one-half (37.5) hour workweek to a forty (40) hour workweek, or vice versa,
4 shall be converted to accurately reflect the employee's hourly rate of base pay. This
5 conversion shall be applied before applying any other salary adjustment to which the
6 employee is entitled pursuant to this section.

7 Section 4. Salary Advancements.

8 (1) Initial appointment increase. An appointing authority may grant a five (5) percent
9 increase to an employee, except an interim employee, on the first day of the month
10 following completion of the greater of six (6) months of service or the months of service
11 required by 101 KAR 1:325 Section 1(2).

12 (2) Six (6) month promotional increase. An employee may receive a five (5) percent
13 increase following the completion of the greater of six (6) months service after promotion
14 or the months of service required by 101 KAR 1:325 Section 1(2).

15 (3) Annual increment dates shall be established as follows:

16 (a) On the first day of the month following completion of the initial probation period; or

17 (b) On the first day of the month following completion of twelve (12) months service since
18 receiving the last annual increment for an employee, other than an interim employee, who
19 returns from leave without pay.

20 (4) Annual increment dates shall not change if an employee:

21 (a) Is in a position which is assigned a new or different pay grade;

22 (b) Receives a salary adjustment as a result of his position being reallocated;

23 (c) Is promoted;

- 1 (d) Is transferred;
- 2 (e) Is demoted;
- 3 (f) Is detailed to special duty;
- 4 (g) Receives an educational achievement award;
- 5 (h) Returns from military leave;
- 6 (i) Is reclassified; or
- 7 (j) Receives an increase six (6) months following promotion.

8 (5) Return from leave without pay. An employee, other than an interim employee,
9 returning to duty from leave without pay shall receive an annual increment on the first of
10 the month after receiving compensation in any twelve (12) months since the last
11 increment was received.

12 (6) Service computation. Full-time and part-time service shall be counted when computing
13 service for purposes of determining increment eligibility. Service as an interim employee,
14 or in the former seasonal, temporary, or emergency categories shall not be considered.

15 (7) Order of calculating increments and other salary increases which occur at the same
16 time. If an employee's increment date occurs on the same date that a salary adjustment
17 or advancement is granted, the increment shall be applied before the adjustment or
18 advancement is added to the employee's salary, except if the adjustment is based on a
19 reversion, pay grade change, a salary schedule change, or establishment of a special
20 entrance rate.

21 Section 5. Educational Achievement Award.

22 (1) On the 16th of a month, an appointing authority may grant a five (5) percent increase
23 to an employee's base salary based on educational achievement as specified in this

1 section.

2 (2) An agency may elect not to participate in the educational achievement program if
3 sufficient funds are not available.

4 (3) An employee shall not receive more than one (1) educational achievement award in a
5 fiscal year.

6 (4) An employee shall not receive an educational achievement award and an adjustment
7 for continuing excellence (ACE) based on the same training.

8 (5) By submitting a personnel action to grant an educational achievement award, the
9 appointing authority shall certify that all of the qualifying conditions established in
10 subsection (5) of this section for the appropriate type of educational achievement award
11 have been met.

12 (a) For a high school diploma, high school equivalency certificate, or a passing score on
13 the GED test, the qualifying conditions shall be met if:

14 1. The employee has obtained the high school diploma, equivalency certificate, or
15 passing score on the GED test:

16 a. Outside of work hours;

17 b. While in state service; and

18 c. After establishing an increment date.

19 2. The employee has not previously attained a high school diploma, equivalency
20 certificate, or passing score on the GED test; and

21 3. The employee has not completed college coursework on the undergraduate or
22 graduate level prior to obtaining the high school diploma, equivalency certificate, or a
23 passing score on the GED test.

- 1 (b) For postsecondary education or training, the qualifying conditions shall be met if:
- 2 1. The employee has completed 260 hours of job-related instruction, or the equivalent;
 - 3 2. The employee began the course work after becoming a state employee and completed
4 the course work after establishing an increment date;
 - 5 3. The employee has completed the course work within five (5) years of the date on which
6 it was begun;
 - 7 4. The course work has not previously been applied toward an educational achievement
8 award;
 - 9 5. The agency has not paid for the course work or costs associated with it, in whole or in
10 part; and
 - 11 6. The employee was not on educational or extended sick leave when the courses were
12 taken.

13 Section 6. Salary Schedule Adjustment.

14 (1) If the secretary authorizes an adjustment of a salary schedule, an appointing authority
15 shall adjust the salaries of all employees below the new schedule entry level wage for the
16 pay grade to the new schedule entry level wage for the pay grade. If sufficient funds are
17 available, the secretary may authorize an appointing authority to grant a salary increase
18 for all employees equal to the difference in the old schedule entry level wage for the
19 grade and the new schedule entry level wage for the grade.

20 (2) After consultation with the state budget director, if sufficient funds are available, and
21 the Secretary of Personnel determines that an increase in the entry level wage of one (1)
22 or more pay grades is warranted, the Personnel Cabinet shall identify each currently
23 active employee in the pay grade(s), other than an interim employee, who is not on initial

1 or promotional probation at the time the revised salary schedule becomes effective. For
2 an employee whose salary is less than five (5) percent above the new entry level salary of
3 the pay grade assigned to that employee on the effective date, the Personnel Cabinet
4 shall adjust that employee's salary to five (5) percent above the new entry level wage.

5 Section 7. Maintenance and Maintenance Allowance. If an employee, or the employee
6 and family, is provided with full or partial maintenance, consisting of one (1) or more
7 meals per day, lodging or living quarters, and domestic or other personal services, the
8 maintenance shall be treated as partial payment of wages. The value of those services
9 shall be deducted from the employee's salary in accordance with a maintenance schedule
10 developed by the appropriate appointing authority after consultation with the Secretary of
11 the Finance and Administration Cabinet.

12 Section 8. Supplemental Premiums.

13 (1) Locality premium.

14 (a)

15 1. Upon request by an appointing authority, the secretary may authorize and establish the
16 amount of the payment of a locality premium for an employee who is regularly,
17 temporarily, or intermittently assigned to work in a job classification, work county, and
18 organizational unit where the agency can demonstrate sustained recruitment and
19 retention issues impacting the mission of the agency; or

20 2. The secretary may direct the payment of a locality premium for an employee who is
21 regularly, temporarily, or intermittently assigned to work in a job classification, work
22 county, and organizational unit where there are demonstrated sustained recruitment and
23 retention issues impacting the mission of the agency.

1 (b) Once authorized or directed, this premium shall apply to all employees in that
2 organizational unit who are regularly or temporarily assigned to work in the job
3 classification and work county for which the locality premium is approved.

4 (c) An employee shall not receive a locality premium after transfer, reclassification,
5 reallocation, detail to special duty, promotion, or demotion to a position in a job
6 classification, organizational unit, or work county that is ineligible for a locality premium.

7 (d) The secretary may rescind authorization to pay a locality premium for a job
8 classification at any time.

9 (e) Locality premium pay shall not be considered a part of base pay or wages and shall
10 not be applied to any leave time usage.

11 (2) Shift premium.

12 (a) Upon request by an appointing authority, the secretary may authorize the payment of
13 a supplemental premium for an employee who is regularly assigned to work an evening
14 or night shift in that agency.

15 (b) Once authorized, this premium shall apply to all employees in that agency who are
16 regularly assigned to work an evening or night shift in a job classification for which the
17 shift premium is approved.

18 (c) An employee shall not receive a shift premium after shift reassignment, transfer,
19 promotion, or demotion to a position that is ineligible for a shift differential premium.

20 (d) The secretary may rescind authorization to pay shift premium for a job classification at
21 any time.

22 (e) Shift differential pay shall not be considered a part of base pay or wages and shall not
23 be applied to any leave time usage.

1 (3) Weekend premium.

2 (a) Upon request by an appointing authority, the secretary may~~shall~~ authorize the
3 payment of a weekend premium for an employee in a specific job classification who is
4 regularly assigned to work on Saturdays, Sundays, or state holidays as part of the usual
5 work week.

6 (b) Once authorized, the premium shall apply to all employees in the specified job
7 classifications in that agency who are regularly assigned to work Saturdays, Sundays, or
8 state holidays as part of their usual work week.

9 (c) An employee shall not receive a weekend premium after reassignment, transfer,
10 promotion, or demotion to a position that is ineligible for weekend premium.

11 (d) The secretary may rescind authorization to pay weekend premium at any time.

12 (e) Weekend premium pay shall not be considered part of the employee's base salary or
13 wages and shall not be applied to any leave time usage.

14 (f) An agency may request, and be authorized for, both shift premium and weekend
15 premium for the same job classifications.

16 (4) Multilingual hourly premium.

17 (a) Upon request by an appointing authority, the secretary may authorize the payment of
18 a supplemental multilingual hourly premium for an employee who is assigned to complete
19 work duties in a specified foreign language. An employee completing work duties in a
20 specified foreign language shall receive a multilingual hourly premium based on the
21 percentage of time multilingual skills are performed. An employee in a job classification
22 that includes interpreting services as a characteristic of the job on the job class
23 specification shall not be eligible for this premium.

1 (b) Language proficiency testing shall be completed prior to an employee receiving the
2 multilingual hourly premium. Testing shall indicate a standard level of multilingual
3 proficiency as required by the appointing authority.

4 (c) An appointing authority shall submit the multilingual premium request to the Personnel
5 Cabinet in writing. The request shall contain, at a minimum:

- 6 1. An explanation of the reason or reasons for granting the multilingual premium;
- 7 2. The percentage of time the employee will use multilingual skills; and
- 8 3. Certification by the appointing authority that the employee has completed multilingual
9 testing and received a standard level of multilingual proficiency rating. This certification
10 shall include the name of the testing facility or organization, the format of the test taken
11 (oral, written, or a combination of oral and written), and the level of proficiency granted in
12 the request for the multilingual premium.

13 (d) Once authorized, the multilingual hourly premium shall apply to all employees in that
14 agency who are regularly assigned to complete work in a specified foreign language once
15 the employees are individually approved in accordance with this subsection.

16 (e) An employee shall not receive a multilingual hourly premium after reassignment,
17 reclassification, transfer, promotion, reallocation, or demotion to a position which no
18 longer requires work in a specified foreign language.

19 (f) An employee who ceases to perform work duties in a specified foreign language shall
20 not be eligible to receive a multilingual hourly premium.

21 (g) The secretary may rescind the multilingual hourly premium authorization provided to
22 an agency or individual employee at any time.

23 (h) The multilingual hourly premium shall not be considered a part of base pay or wages

- 1 and shall not be applied to any leave time usage.
- 2 (5) Critical position premium.
- 3 (a) Upon request by an appointing authority, the secretary may authorize the payment of
4 a premium for a position held by an employee who has established an annual increment
5 date and is regularly assigned to perform job duties that are deemed critical to the
6 operation of the agency.
- 7 (b) A critical position premium may be authorized for at least three (3)~~one (1)~~ full-time
8 filled positions~~position~~ in an office or department. The premium may be authorized for
9 additional full-time filled positions if the total number of premiums does not exceed one (1)
10 percent of the total number of full-time filled positions in an office or department.
- 11 (c) The premium shall not exceed twenty-five (25) percent of the employee's hourly rate.
- 12 (d) The critical position designation shall expire when the position becomes vacant.
- 13 (e) An employee shall not receive a critical position premium after transfer,
14 reclassification, reallocation, detail to special duty, promotion, or demotion to a position in
15 a different job classification, organizational unit, or work county, unless the appointing
16 authority submits a new request, for approval by the secretary, to designate the position
17 in the different job classification, organizational unit, or work county as critical prior to the
18 personnel action at issue.
- 19 (f) The appointing authority or the secretary may rescind authorization to pay a critical
20 position premium at any time.
- 21 (g) A critical position premium shall not be considered a part of base pay or wages and
22 shall not be applied to any leave time usage.
- 23 (6) Sign-on bonus.

- 1 (a) Upon written request by an appointing authority, the secretary may prospectively
2 authorize a sign-on bonus for full-time or part time unclassified positions if:
- 3 1. The positions are in the same job classification, work county, and department or office
4 where the appointing authority can substantiate sustained recruitment and retention
5 issues impacting the mission of the agency;
 - 6 2. The total amount of the sign-on bonus is uniform and does not exceed \$5,000 for the
7 job classification; and
 - 8 3. Eligibility for the sign-on bonus is limited to a newly appointed or rehired employee
9 who:
 - 10 a. Has not been employed in a KRS Chapter 18A classified position within ninety (90)
11 calendar days preceding the effective date of appointment or rehire;
 - 12 b. Has not previously received any amount of sign-on bonus pursuant to this subsection;
13 and
 - 14 c. Is working or on approved leave at the time payment is scheduled to be issued.
- 15 (b) Once a sign-on bonus is authorized by the secretary, an eligible employee shall
16 receive:
- 17 1. Twenty-five (25) percent of the total sign-on bonus on the first day of the month after
18 appointment or rehire;
 - 19 2. Twenty-five (25) percent of the total sign-on bonus on the first day of the month after
20 completion of six (6) months of active service in the position into which the employee was
21 appointed or rehired; and
 - 22 3. Fifty (50) percent of the total sign-on bonus on the first day of the month after
23 completion of twelve (12) months of active service in the position into which the employee

1 was appointed or rehired.

2 (c) An employee shall not receive future payment of any portion of a sign-on bonus after
3 transfer, promotion, or demotion to a position in a job classification, department or office,
4 or work county other than the position into which the employee was appointed or rehired.

5 (d) An employee who is detailed to special duty or whose position is reclassified or
6 reallocated shall remain eligible for future payment of the original sign-on bonus amount.

7 (e) The secretary may rescind authorization to pay a sign-on bonus at any time prior to
8 the effective date of appointment or rehire.

9 (f) A sign-on bonus shall not be considered a part of base pay or wages and shall not be
10 applied to any leave time usage.

11 Section 9. Employee Recognition Award (ERA).

12 (1) On the 16th day of a month, an appointing authority may grant an employee an ERA
13 in the form of a lump sum payment of any whole percentage from one (1) to ten (10)
14 percent of the employee's annual salary under the following conditions:

15 (a) The employee has not received an ERA in the preceding twenty four (24) months, nor
16 an Adjustment for Continuing Excellence (ACE) award in the preceding twelve (12)
17 months; and

18 (b)

19 1. The appointing authority determines that the employee's acts or ideas have resulted in
20 significant financial savings or improvements in services to the Commonwealth and its
21 citizens;

22 2. The employee has exhibited distinguished performance during participation in special
23 projects that have had a significant beneficial impact on the department, office, or

1 governmental operations; or

2 3. The employee has demonstrated a sustained level of exceptional job performance.

3 (2) An employee shall not be eligible for an ERA under this section for an act or idea that
4 has been approved or submitted for consideration as an Employee Suggestion System
5 Award. An employee who has received an ERA shall not be eligible to be considered for
6 an Employee Suggestion System Award for those acts or ideas upon which the ERA is
7 based.

8 (3) The granting of an ERA shall be within the sole discretion of the appointing authority.

9 (4) If an appointing authority grants an ERA, the justification for the award shall be stated
10 in writing, and placed in the employee's personnel files.

11 (5) An appointing authority shall submit a written justification to the Personnel Cabinet to
12 award an ERA. The justification shall:

13 (a) Explain the reason or reasons for the granting of the award; and

14 (b) Include a certification by the appointing authority that:

15 1. Sufficient funds are available within the department or office; and

16 2. The criteria and limitations established in this section have been met.

17 Section 10. Adjustment for Continuing Excellence (ACE) Award.

18 (1) On the 16th day of a month, an appointing authority may grant a salary adjustment of
19 any whole percentage from one (1) to ten (10) percent of the employee's annual salary to
20 a full-time employee's base pay as an ACE award under the following conditions:

21 (a) The employee has an established annual increment date;

22 (b) The employee has worked at least the immediately preceding twenty-four (24)

23 consecutive months in KRS Chapter 18A state service, twelve (12) consecutive months of

- 1 which shall have been served in the department or office granting the award;
- 2 (c) The employee has not received an ACE award in the preceding twenty-four (24)
- 3 months or an ERA in the preceding twelve (12) months; and
- 4 (d)
- 5 1. The employee has demonstrated a sustained level of exceptional job performance;
 - 6 2. The employee has assumed a significant level of additional job responsibilities or
 - 7 duties consistent with the assigned job classification, and has performed them in an
 - 8 exceptional manner; or
 - 9 3. The employee has acquired professional or technical skills or knowledge through
 - 10 department or office directed or authorized attainment of a job related licensure,
 - 11 certification, or formal training that will substantially improve job performance.
- 12 (2) An employee shall not be eligible for an ACE award under this section if an
- 13 educational achievement award has been granted for the same training.
- 14 (3) The granting of an ACE award shall be within the sole discretion of the appointing
- 15 authority.
- 16 (4) An appointing authority shall submit a written justification to the Personnel Cabinet to
- 17 grant an ACE award. The justification shall:
- 18 (a) Explain the reason or reasons for the granting of the award; and
 - 19 (b) Include a certification by the appointing authority that:
 - 20 1. The criteria and limitations established in this section have been met; and
 - 21 2. Sufficient funds are available within the department's or office's current recurring base
 - 22 budget to support the award.
- 23 Section 11. Adoption Benefit Program. The provisions of the Adoption Benefit Program

1 established in 101 KAR 2:120 shall apply to an employee in the unclassified service.

Mary Elizabeth Bailey

Mary Elizabeth Bailey, Secretary, Personnel Cabinet

12/13/2024

Date

Andy Beshear

Andy Beshear, Governor

12/13/2024

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2025, at 10:00 a.m. at 501 High Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) 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 cancelled. 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 until 11:59 p.m. on March 31, 2025. 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: Rosemary Holbrook, Executive Director, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

101 KAR 3:045

Contact Person: Rosemary Holbrook

Phone: (502) 564-7430

Email: RosemaryG.Holbrook@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the compensation plan and pay incentives for employees in unclassified service.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the compensation plan and pay incentives for employees in the unclassified service.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 18A.155 requires the Secretary of Personnel to promulgate administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t) and (u). KRS 18A.110 requires the secretary to promulgate comprehensive administrative regulations for the unclassified service. KRS 18A.202 authorizes the secretary to implement work-related incentive programs for state employees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation ensures the consistent application and handling of compensation and pay incentives for employees in unclassified service.

(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: The authority to allow retention of salary upon demotion is changed from the appointing authority to the Personnel Cabinet Secretary. For a critical position premium, the number authorized increases from one to three in an office or department. Finally, minor changes are made to reentrance to state service, weekend premium, and ACE award language to clarify existing provisions.

(b) The necessity of the amendment to this administrative regulation: This amendment ensures the consistent application and handling of compensation for employees in unclassified service as compared to their counterparts in the classified service.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 18A.155 requires the Secretary of Personnel to promulgate administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t) and (u). KRS 18A.110 requires the secretary to promulgate comprehensive administrative regulations for the unclassified service.

(d) How the amendment will assist in the effective administration of the statutes: This amendment ensures the consistent application and handling of compensation for employees in unclassified service as compared to their counterparts in the classified service.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: KRS Chapter 18A employees in unclassified positions within executive branch agencies and their employing agencies are subject to the provisions of 101 KAR 3:045.

(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 amendments will require agencies to submit requests for salary retention after demotion to the Personnel Cabinet Secretary for review/approval. The regulation is also amended to permit agencies to apply the current critical position premium to three positions, as opposed to only on position.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Cost increases or decreases would be determined based on the requested action.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): It is anticipated that the amendments will help address salary compression that sometimes occurs at the agencies regarding salary retention upon demotion. Also, the regulation is amended to permit agencies to apply the current critical position premium to three positions, as opposed to only one position. It is also anticipated that these amendments will assist agencies by clarifying application of existing provisions.

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

(a) Initially: This regulation, as amended, is not anticipated to generate any

new or additional costs.

(b) On a continuing basis: This regulation, as amended, is not anticipated to generate any new or additional costs.

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

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

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new or additional fees.

(9) TIERING: Is tiering applied? No. This administrative regulation treats all impacted entities the same.

FISCAL IMPACT STATEMENT

101 KAR 3:045

Contact Person: Rosemary Holbrook

Phone: (502) 564-7430

Email: RosemaryG.Holbrook@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.155 requires the Secretary of Personnel to promulgate administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t) and (u). KRS 18A.110 requires the secretary to promulgate comprehensive administrative regulations for the unclassified service. KRS 18A.202 authorizes the secretary to implement work-related incentive programs for state employees.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Personnel Cabinet is the promulgating agency. KRS Chapter 18A employees in unclassified positions within executive branch agencies and their employing agencies are subject to the provisions of 101 KAR 3:045.

(a) Estimate the following for the first year:

- Expenditures: These changes could have some future cost reduction actions. Others permit some cost increases but only if the agency's budget can accommodate these actions.
- Revenues: This administrative regulation does not generate revenue.
- Cost Savings: This administrative regulation itself will not result in cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? These changes could have some future cost reduction actions. Others permit some cost increases but only if the agency's budget can accommodate these actions.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

(a) Estimate the following for the first year:

- Expenditures: Not applicable
- Revenues: Not applicable
- Cost Savings: Not applicable

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable

(4) Identify additional regulated entities not listed in questions (2) or (3):

(a) Estimate the following for the first year:

- Expenditures: Not applicable
- Revenues: Not applicable
- Cost Savings: Not applicable

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not have a significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: The provisions of this administrative regulation were reviewed, and a significant fiscal impact was not identified.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The provisions of this administrative regulation were reviewed, and a significant fiscal impact was not identified.



KENTUCKY PERSONNEL BOARD

Andy Beshear
GOVERNOR

1025 Capital Center Drive, Suite 105
Frankfort, Kentucky 40601
Phone (502) 564-7830
Fax (502) 695-5799
<http://personnelboard.ky.gov>
www.kentucky.gov

Gordon A. Rowe, Jr.
EXECUTIVE DIRECTOR

December 13, 2024

Hon. Rosemary Holbrook
Executive Director
Office of Legal Services
Personnel Cabinet
501 High Street, 3rd Floor
Frankfort, KY 40601

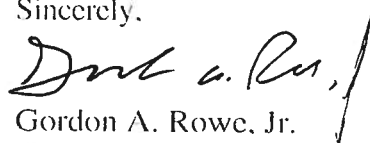
RE: Approval of proposed Personnel Cabinet regulations 101 KAR 2:102, Classified leave general requirements, 101 KAR 3.015, Leave requirements for unclassified service, 101 KAR 2.034, Classified compensation administrative regulations, and 101 KAR 3.045, Compensation plan and pay incentives for unclassified service.

Dear Ms. Holbrook:

In accordance with 18A.110(6), the Personnel Board reviewed the above proposed regulation presented by the Personnel Cabinet. The Board unanimously approved the changes as submitted during its December 13, 2024 Board Meeting.

If there are any questions regarding the Board's actions or if any additional information is needed, please contact me.

Sincerely,


Gordon A. Rowe, Jr.
Executive Director

GAR/gbm

TEAM
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