



1 PERSONNEL CABINET

2 (Amendment)

3 101 KAR 2:095. Classified service general requirements.

4 RELATES TO: KRS 18A.030(2), 18A.110

5 STATUTORY AUTHORITY: KRS 18A.030, 18A.110

6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110 requires the Secretary of

7 Personnel to promulgate comprehensive administrative regulations for the classified

8 service. This administrative regulation establishes requirements for the classified service

9 and governs the maintenance of employee and other records and reports in the cabinet

10 and other conditions of employment.

11 Section 1. Attendance; Hours of Work.

12 (1) The number of hours a full-time employee shall be required to work shall be thirty-

13 seven and one-half (37 1/2) hours per week or forty (40) hours per week, unless specified

14 otherwise by the appointing authority or the statutes.

15 (2) The normal work day shall be from:

16 (a) 8 a.m. to 4:30 p.m., local time, Monday through Friday, for a thirty-seven and one-half

17 (37 1/2) hour work schedule; or

18 (b) 8 a.m. to 5 p.m., local time, Monday through Friday, for a forty (40) hour work

19 schedule.

1 (3) An appointing authority may require an employee to work hours and days other than
2 regular days and hours, including an overtime or inclement weather schedule if it is in the
3 best interest of the agency.

4 (4) An employee who works for an agency that requires more than one (1) shift or seven
5 (7) days a week operation may be reassigned from one (1) shift to another or from one (1)
6 post to another or alternate days off by the agency to meet staffing requirements or to
7 maintain security or provide essential services of the agency.

8 (5) An employee shall give reasonable notice in advance of absence from an official work
9 station or alternate work station.

10 Section 2. Official Work Station, Alternate Work Station, and Temporary Assignment.

11 (1) Each employee shall be assigned an official work station and may be assigned one
12 (1) or more additional alternate work stations by the appointing authority.

13 (2) An official work station or alternate work station may be changed to better meet the
14 needs of the agency.

15 (3) An employee may be temporarily assigned to a different official work station or
16 alternate work station in a different county. The assignment shall be to the same job
17 classification.

18 (a) If an employee is temporarily assigned to a different official work station or alternate
19 work station in a different county, the assignment shall not last more than sixty (60)
20 calendar days.

21 (b) Temporary assignment may be renewed with prior approval of the Secretary of
22 Personnel.

1 (c) A temporarily reassigned employee shall be reimbursed for travel expenses in
2 accordance with 200 KAR 2:006, and the appointing authority shall notify the employee in
3 writing prior to the effective date of the action.

4 (4) An appointing authority may assign an employee to work in a different site within the
5 county of employment within the same job classification.

6 Section 3. Dual Employment. An employee holding a full-time position covered under
7 KRS Chapter 18A shall not hold another KRS Chapter 18A position except upon
8 recommendation of the appointing authority and the written approval of the secretary.

9 Section 4. Notice of Resignation and Retirement.

10 (1) An employee who decides to terminate his or her service shall submit a written
11 resignation or notice of retirement to the appointing authority.

12 (2) A resignation or notice of retirement shall be submitted at least fourteen (14) calendar
13 days before the final working day. A copy of an employee's notice shall be attached to the
14 separation personnel action and placed in the personnel files maintained by the agency
15 and the Personnel Cabinet.

16 (3) Failure of an employee to give fourteen (14) calendar days' notice may result in
17 forfeiture of accrued annual leave, based on:

18 (a) If the fourteen (14) day deadline was:

19 1. Practicable under the circumstances;

20 2. Appropriate for the situation; and

21 3. Complied with; or

22 (b) If the appointing authority and the employee have agreed that the employee shall
23 retain the leave.

1 (4) The effective date of a separation shall be the next calendar day following the last
2 work day unless the employee has been approved for the use of annual, compensatory,
3 or sick leave prior to termination.

4 Section 5. Records and Reports.

5 (1) An appointing authority shall provide a request to the Personnel Cabinet for a
6 personnel action or status change.

7 (a) The Secretary of the Personnel Cabinet shall determine which personnel actions
8 warrant a Personnel Action Notification to the employee, in accordance with KRS
9 18A.020 and 18A.095.

10 (b) The secretary shall provide a Personnel Action Notification to the appointing authority.

11 (c) The appointing authority shall provide a copy of a Personnel Action Notification to the
12 employee affected by the action.

13 (2) The secretary shall maintain a leave record showing for each employee:

14 (a) Annual leave earned, used and unused;

15 (b) Sick leave earned, used and unused;

16 (c) Compensatory leave earned, used and unused; and

17 (d) Special leave or other leave with or without pay.

18 Section 6. Telecommuting.

19 (1) Telecommuting shall be a work arrangement in which a selected state employee is
20 allowed to perform the normal duties and responsibilities of his or her position through the
21 use of computer or telecommunications at home or another place apart from the
22 employee's usual official work station or alternate work station.

1 (2) An appointing authority may establish a telecommuting program for all or any part of
2 the agency.

3 (3) Eligibility and selection for participation in a telecommuting program shall be the
4 decision of the agency, with no implied or specific right to participation being granted to
5 an employee.

6 (4) The telecommuter's conditions of employment shall remain the same as for a
7 nontelecommuting employee.

8 (a) Employee salary, benefits, and employer-sponsored insurance coverage shall not
9 change as a result of telecommuting.

10 (b) The telecommuter shall be responsible for the security and confidentiality of data, as
11 well as the protection of state-provided equipment, used and accessed during
12 telecommuting.

13 (c) The telecommuter shall agree to maintain a clean, safe workplace.

14 (d) An on-site visit by the employer for monitoring of safety issues shall not require
15 advance notice by the employer.

16 Section 7. Workplace Violence Policy.

17 (1) Workplace violence shall be prohibited and shall include:

18 (a) The attempted, threatened, or actual conduct of a person who endangers or is likely to
19 endanger the health and safety of state employees or the general public; or

20 (b) A threatening statement, harassment, or behavior that gives a state employee or
21 member of the general public reasonable cause to believe that his or her health or safety
22 is at risk.

23 (2) Examples of prohibited workplace violence shall include:

- 1 (a) Threats of harm;
- 2 (b) Brandishing or displaying a weapon or an object that looks like a weapon in a manner
- 3 that would present a safety risk to a state employee or a member of the general public or
- 4 threatens or intimidates them;
- 5 (c) Intimidating, threatening, or directing abusive language toward another person, either
- 6 verbally, in writing or by gesture;
- 7 (d) Stalking;
- 8 (e) Striking, slapping, or otherwise physically attacking another person; or
- 9 (f) Disobeying or failing to follow the reasonable directive of a supervisor to take action or
- 10 cease actions that create a risk to the health or safety of a state employee or the public or
- 11 threatens or intimidates them.

12 (3) Violation of this section shall constitute grounds for disciplinary action and referral for
13 criminal prosecution.

14 **Section 8. Issuance of Pay to State Employees.**

15 (1) Pay shall be issued to state employees on the 15th and 30th day of each month.

16 (2) If the regularly scheduled pay date falls on a weekend, state employees shall be
17 issued pay on the preceding Friday.

18 (3) If the regularly scheduled pay date falls on a state holiday, as defined in KRS
19 18A.190, pay shall be issued on the workday preceding the holiday.

20 **Section 9. Correction of errors. With the appointing authority's concurrence, the secretary**
21 **may correct an executive branch agency's pay or leave error when in the best interest of**
22 **the service.**

23 **Section 10. Incorporation by Reference.**

- 1 (1) "Personnel Action Notification", PAN, August 2011, is incorporated by reference.
- 2 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
- 3 law, at the Personnel Cabinet, 501 High Street, 3rd Floor, Frankfort, Kentucky 40601,
- 4 Monday through Friday, 8 a.m. to 4:30 p.m.



Gerina D. Whethers, Secretary, Personnel Cabinet

3/14/2023

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2023, at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five 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 May 31, 2023. 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, Assistant General Counsel, 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 2:095

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 sets forth the requirements governing employee records, the maintenance and handling of these records, and other conditions of employment.

(b) The necessity of this administrative regulation: This administrative regulation is necessary for the oversight and maintenance of the state employment system pursuant to KRS Chapter 18A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: Pursuant to 18A.030(2), the Personnel Cabinet Secretary is required to promulgate comprehensive regulations consistent with the provisions for KRS Chapter 18A. KRS 18A.110 provides that the secretary shall promulgate comprehensive administrative regulations for the classified and unclassified service.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to satisfy the statutory requirement of establishing for the state a system of personnel administration based on merit principles. This regulation sets forth general terms and conditions of employment, to assist in the consistent application and treatment of KRS Chapter 18 employees.

(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: A new section is added for correction of errors. With the appointing authority's concurrence, the secretary may correct an executive branch agency's pay or leave error when in the best interest of the service.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies that a correction of a pay or leave error may be made without the need for a legal order.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is consistent with the authority provided in KRS 18A.030 and 18A.110.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies that a correction of a pay or leave error may be made without the need for a legal order.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All KRS Chapter 18A employees are affected.

(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: No additional action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs anticipated to any entity identified above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No additional benefits will accrue.

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

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

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

FISCAL NOTE

101 KAR 2:095

Contact person: Rosemary Holbrook

Phone: (502) 564-7430

Email: RosemaryG.Holbrook@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All state agencies with employees covered under KRS Chapter 18A.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.030(2) and 18A.110.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? There are no estimated additional costs to administer the amendments to this regulation.

(d) How much will it cost to administer this program for subsequent years? There are no estimated additional costs to administer the amendments to this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0

Expenditures (+/-): \$0

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This regulation does not create any cost savings for regulated entities during the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This regulation will not generate any cost savings for regulated entities during subsequent years.

(c) How much will it cost the regulated entities for the first year? This regulation does not create any cost for regulated entities during the first year.

(d) How much will it cost the regulated entities for subsequent years? This regulation does not create any cost for regulated entities for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): \$0

Expenditures (+/-): \$0

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]* No, this administrative regulation will not have a major economic impact.



KENTUCKY PERSONNEL BOARD

Andy Beshear
Governor

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Mark A. Sipek
Executive Director and Secretary

Stafford Easterling
General Counsel

March 10, 2023

Ms. Rosemary Holbrook
Personnel Cabinet
501 High Street, 3rd Floor
Frankfort, KY 40601

RE: Approval of amendments to Personnel Cabinet regulations 101 KAR 2:034, 101 KAR 2:095, 101 KAR 2:181 (Repeal of 2:180), and 101 KAR 3:045

Dear Ms. Holbrook:

In accordance with 18A.110(6), the Personnel Board reviewed the proposed changes to the above regulations presented by the Personnel Cabinet. The Board unanimously approved the changes as submitted during its March 2023 Board Meeting.

If there are any questions regarding the Board's actions or if any additional information is needed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Sipek".

Mark A. Sipek
Executive Director