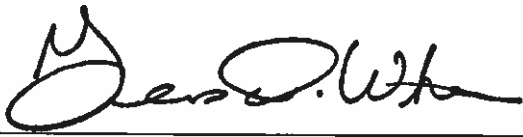


1 PERSONNEL CABINET
2 (Repealer)
3 101 KAR 2:181. Repeal of 101 KAR 2:180.
4 RELATES TO: KRS 18A.110(7)(j)
5 STATUTORY AUTHORITY: KRS 18A.110(7)(k)
6 NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(7)(k) authorizes the
7 Secretary of Personnel to promulgate administrative regulations consistent with the
8 provisions of KRS Chapter 18A. This administrative regulation repeals 101 KAR 2:180,
9 which has been replaced by 101 KAR 2:190, Employee performance management
10 system.
11 Section 1. 101 KAR 2:180, Employee performance evaluation system, is hereby
12 repealed.



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 (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 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 2:181

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 repeals 101 KAR 2:180, Employee performance evaluation system.

(b) The necessity of this administrative regulation: This administrative regulation eliminates an outdated regulation. It has been replaced with 101 KAR 2:190, Employee performance management system.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 18A.110(7)(k) authorizes the Secretary of Personnel to promulgate administrative regulations consistent with the provisions of KRS Chapter 18A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation eliminates an outdated regulation. It has been replaced with 101 KAR 2:190, Employee performance management system.

(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: NA

(b) The necessity of the amendment to this administrative regulation: NA

(c) How the amendment conforms to the content of the authorizing statutes: NA

(d) How the amendment will assist in the effective administration of the statutes: NA

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All KRS Chapter 18A classified employees with status and the agencies in which they serve are affected by this regulation.

(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 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 costs to any entity identified in question (3).

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

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

(a) Initially: This regulation is not anticipated to generate any new costs.

(b) On a continuing basis: This regulation is not anticipated to generate any new costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation is not anticipated to generate any new 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 is not anticipated to increase fees or funding.

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

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

FISCAL NOTE

101 KAR 2:181

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 KRS Chapter 18A classified employees with status and the agencies in which they serve are affected by this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.110(7)(k)

(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? None

(d) How much will it cost to administer this program for subsequent years? None

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: NA

(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? None

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None

(c) How much will it cost the regulated entities for the first year? None

(d) How much will it cost the regulated entities for subsequent years? None

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: NA

(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)]* This administrative regulation will not have a major economic impact.



KENTUCKY PERSONNEL BOARD

Andy Beshear
Governor

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

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

TEAM
KENTUCKYTM

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