



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State

Frankfort
Kentucky

2008-471
June 2, 2008

ESTABLISHMENT OF THE GOVERNOR'S
EMPLOYEE ADVISORY COUNCIL

WHEREAS, the fair and equitable treatment of all employees of the Government of the Commonwealth of Kentucky is essential to the effective operation of state government; and

WHEREAS, the Commonwealth has established a classified service to promote the efficiency of state government by developing a cadre of classified employees to carry on the day-to-day functions of state government protected from political or other arbitrary influences which might reduce their effectiveness as public servants; and

WHEREAS, the state classified service was provided, under Governor Patton's Executive Order [20]01-623, a formal mechanism for additional employee input into the terms and conditions of their employment until rescinded by Governor Fletcher's Executive Order 2003-041; and

WHEREAS, two-way communication between employee and employer improves the morale and efficiency of employees; and

WHEREAS, the citizens of Kentucky will benefit from improvements in the relationship between the Commonwealth and its classified employees by reinstating a structure for effective communication between classified employees, their majority representative and the Governor; and

WHEREAS, communication between classified employees and their majority representative will be improved by a process which will consist of representatives of classified employees that convene periodically to meet with the Governor and advise him on matters pertaining to wages, hours, and other terms and conditions of employment of classified employees;

NOW, THEREFORE, I Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 81, 79 and 69 of the Kentucky Constitution, and KRS 12.029 and 12.080, do hereby Declare, Order and Direct the following:

(1) This Executive Order applies only to non-supervisory classified employees of the program cabinets and the administrative bodies attached to the program cabinets or directly to the Governor's Office in the Executive Branch of the government of the Commonwealth of Kentucky as provided in KRS Chapter 12, et seq. This Executive Order shall not apply to employees of Kentucky's other constitutional officers and employees of the Commonwealth's elementary, secondary, and post-secondary educational systems.

(2) There is hereby re-created and established the Governor's Employee Advisory Council ("Council") which shall provide advice and recommendations to the Governor concerning state employee/employer relations and shall advise and discuss with the Governor on behalf of classified employees matters pertaining to wages, hours and other



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State

Frankfort
Kentucky

2008-471
June 2, 2008

terms and conditions of employment which are within the authority of the Governor to decide or recommend to the General Assembly.

(3) The Council is hereby constituted as an advisory and resource body pursuant to KRS 12.029 and shall have such functions and responsibilities as are hereinafter set forth.

(4) The Council shall meet at least on a quarterly basis and more frequently as it deems necessary, and shall forward recommendations to the Governor relating to wages, hours and other terms and conditions of employment including but not limited to:

- a. Compensation and incentive plans, policies related to employee attendance, leave and the appointment of state employees;
- b. Recommendations concerning employee health insurance, life insurance and other employee benefits and matters concerning grievances and complaints;
- c. Recommendations of the Governor to the Legislature concerning the terms and conditions of state employment;
- d. And such other matters as the Council shall deem appropriate for recommendation and discussion with the Governor.

(5) The Governor or his designee and the Personnel Cabinet Secretary shall meet at least twice annually with the Council to discuss its advice and recommendations provided under this Order and may meet more frequently with the Council as he deems appropriate.

(6) In recognition of the fact that classified employees in different job classifications may have different concerns in addition to the common concerns of all classified employees, classified employees shall be divided in to the following nine (9) classified employee categories:

- (a) Clerical, semi-technical and para-professional employees;
- (b) Administrative employees;
- (c) Labor and trade employees;
- (d) Employment and social services employees;
- (e) Health Services employees;
- (f) State police officers;
- (g) Corrections, Parole, and law enforcement employees;
- (h) Professionals, specialists, scientific and related employees; and
- (i) Regulatory and inspection employees.

(7) The membership of the Council shall consist of the Secretary of the Labor Cabinet or designee, the Secretary of the Personnel Cabinet or designee, a representative of the Office of the Governor, and a representative of any employee organization or group of employee organizations previously certified in accordance with Executive Order [20]01-623 as the majority representative for one of the nine (9) classified employee categories listed above. Employee organization members of the Council shall continue their status as an employee representative[s] and may be redesignated as such by the Secretary of the Labor Cabinet on the effective date of this Order unless the employees no longer desire representation. The employee categories with recognized majority



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State

Frankfort
Kentucky

2008-471
June 2, 2008

representatives are (a), (c), (d), (e), (f), and (g). If no representation is desired, an employee or an employee organization may:

(a) Within sixty (60) days of the effective date of this Order, present evidence of a showing of interest to the Secretary of the Labor Cabinet that 30% of the classified employees in any of the six (6) employee categories listed above do not desire the current organization to be their representative. A secret ballot election, conducted by the Secretary of the Labor Cabinet, shall be then held to determine if the current employee organization is the preferred choice of a majority of the classified employees voting in that employee category. Organizations certified by the Secretary of Labor as representing one(1) of the six (6) employee categories shall become a member of the Governor's Employee Advisory Council as the representative of all the classified employees in that employee category for the purpose of advising the Governor on matters pertaining to state employee/employer relations.

(b) Subsequent to July 1, 2008, if any employee organization presents evidence of a showing of interest to the Secretary of the Labor Cabinet that 30% of the classified employees in categories (b), (h) and (i) listed above desire that organization to be their representative, then the Secretary of Labor shall determine by secret ballot if that employee organization is the preferred choice of a majority of the classified employees voting in that employee category. Organizations certified as representing one(1) of the three (3) employee categories shall become a member of the Governor's Employee Advisory Council as the representative of all the classified employees in that employee category for the purpose of advising the Governor on matters pertaining to state employee/employer relations.

(8) The provisions of Executive Order 2001-623, to the extent that they are not inconsistent, are incorporated herein and made a part of this Order by reference. The provisions of Executive Order 2003-041 are rescinded and declared to be null and void.

(9) In all cases where questions arise concerning the provisions of this Order, its interpretation and intent, the Governor shall determine any such questions, and actions shall be taken in accordance with such determination pursuant to KRS 12.100.

(10) The Finance and Administration Cabinet, the Labor Cabinet and the Personnel Cabinet shall take all steps necessary to implement this Order.

This Order is effective July 1, 2008.

A handwritten signature in black ink, appearing to read "Steven L. Beshear", written over a horizontal line.

STEVEN L. BESHEAR
Governor

A handwritten signature in black ink, appearing to read "Trey Grayson", written over a horizontal line.

TREY GRAYSON
Secretary of State