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MEMORANDUM

PERSONNEL MEMO 18-09

TO: Constitutional Officers
Cabinet Secretaries
Agency Heads
HR Administrators

FROM: Thomas B. Stephens, Secretary

A handwritten signature in blue ink, appearing to read "TBS", is placed next to the "FROM:" line.

DATE: October 5, 2018

RE: Regulation Amendments: 101 KAR 2:020, 101 KAR 2:034, 101 KAR 2:076; 101 KAR 2:095, 101 KAR 3:045, and 101 KAR 3:050

Several amendments to Personnel Cabinet regulations become effective October 5, 2018, which will impact all employees.

101 KAR 2:020 - Job Classification Plan: Section 1(7) is amended to include a statement that the Personnel Cabinet may change any job class specification in whole or part.

101 KAR 2:034 - Classified compensation administrative regulations: Along with general maintenance edits, the regulation is amended as follows:

- **Section 2. Reentrance to Classified Service:**
 - o **Subsection (3) - Probationary increments upon reentrance to state service:**
 - This subsection is amended to state that a former employee probationarily appointed **at or below** midpoint salary shall receive a probationary increment after successful completion of probation.
 - The option to defer a probationary salary increase is removed from paragraph (b).
- **Section 3. Salary Adjustments:**
 - o Subsections 3(1) and (3) are amended to permit promotions and reclassifications up to midpoint of the pay grade in certain circumstances. This same revision is made to 101 KAR 3:045 for unclassified employees.
 - o **Subsections (2) Demotion, (3) Reclassification, and (4) Reallocation:** These subsections are amended to add successful completion of promotional probation and pay grade changes to the personnel actions that will not result in a salary increase for those employees who retained salary upon demotion, reclassification, or reallocation. This subsection is further amended to

state that should a pay grade change occur, it is deemed a change from the grade from which the employee demoted, reclassified, or reallocated.

- Subsection (3) Reclassification: A new paragraph (c) is created to preclude reclassification of an employee from a job classification that does not require supervision to a job classification requiring supervision. This same revision is made to 101 KAR 3:045 for unclassified employees.
 - Subsection (6) Reversion: A new paragraph (c) is created to state that the increment date of an unclassified employee who reverts to classified service shall be the increment date of the employee prior to departure from the classified service.
 - Subsection (7) Pay grade changes: Paragraph (a) is amended to remove reference to adjustment of employee salaries to a dollar amount approved by the Personnel Cabinet Secretary. This same revision is made to 101 KAR 3:045 for unclassified employees.
- Section 4. Salary Advancements:
- Subsections (3) and (5) are amended to clarify establishment of increment dates. These same revisions are made to 101 KAR 3:045 for unclassified employees.
 - Subsection (4): A new paragraph (k) is added to include reemployment after layoff as criteria that will not change the annual increment date of an employee.
 - Subsection (7) is amended to include reversion and establishment of a special entrance rate as two additional salary adjustments that must be applied before increment increases, should these actions occur at the same time. This same revision is made to 101 KAR 3:045 for unclassified employees.
- Section 5. Educational Achievement Award:
- Subsection (5)(a) – This subsection is amended to add an established increment date to those criteria required for an employee obtaining a high school diploma, equivalency certificate, or passing score on the GED test to receive an educational achievement award.
 - Subsection (5)(c) is amended to remove reference to the Kentucky Certified Public Manager Program, which no longer exists. This same revision is made to 101 KAR 3:045 for unclassified employees.
- Section 6. Salary Schedule Adjustment: This section is amended to remove language limiting application of the section to only those instances when “all grades” in the salary schedule are adjusted.
- Section 9(1) Locality Premium: A subsection is added to allow for a locality premium in certain circumstances if an agency demonstrates sustained recruitment and retention issues for a job classification in an organizational unit and work county. This same revision is made to 101 KAR 3:045 for unclassified employees.
- Subsections (1)(e), (2)(e), (3)(h) are amended to state that shift differential pay, weekend premiums, and the multilingual hourly premium shall not be applied to any leave time usage. This same revision is made to 101 KAR 3:045 for unclassified employees.
- Section 10. Employee Recognition Award (ERA) & Section 11 Adjustment for Continuing Excellence (ACE) Award: The ERA section is amended to allow for an ERA if an employee demonstrates a sustained level of exceptional job performance, a criteria already present for ACE awards. Both the ACE and ERA sections are amended to clarify that the twenty-four months

required to receive these awards must be KRS Chapter 18A state service, as opposed to state service of any kind. These same revisions are made to 101 KAR 3:045 for unclassified employees.

- **Section 12. Voluntary Actions:** A new section is added to incorporate and require completion of the Voluntary Transfer/Demotion/Promotion Employee Agreement Form for transfers, demotions, and promotions.

101 KAR 2:076 – Vacancies, Detail to Special Duty, and Temporary Overlap: Along with general maintenance edits, the regulation is amended as follows:

- **Section 1. Filling of Vacancies:** This section is amended to alphabetically clarify the options an agency has to fill vacant positions, which are: appointment, demotion, promotion, reemployment, reinstatement, reversion, or transfer.
- **Section 2. Detail to Special Duty:**
 - o Subsection (1)(b) is added to allow for a detail across agencies for up to ninety (90) days.
 - o Subsection (3)(d) is added to require detail to special duty letters to indicate the pay grade, work week, and salary of the detail position.
- **Section 4. Detail to Special Duty with Temporary Overlap:** A new section 4 is added to permit a detail to special duty with temporary overlap.

101 KAR 2:095 – Classified service general requirements: Along with general maintenance edits, the regulation is amended as follows:

- **Section 2. Requirements for the Kentucky Employees Charitable Campaign (KECC):** The regulation is amended to move previous section 8 up to this section 2, so it now appears immediately after the applicable KECC definitions in section 1.
- **Section 4. Work Station and Temporary Assignment:** This section is amended to clarify that any temporary assignment to a different work station or work site shall be to the “same job classification.” Furthermore, the section is amended to require the Personnel Cabinet Secretary’s “prior” approval of any temporary assignment renewals.
- **Section 5. Dual Employment:** This section is amended to indicate its applicability to dual employment in KRS Chapter 18A positions, rather than dual employment in any state government positions.
- **Section 6. Notice of Resignation and Retirement:** Subsection (4) is amended to clarify that the effective date of a separation is “the next calendar day following” an employee’s last work day.
- **Section 8. Telecommuting:** Subsection (4)(d) is amended to clarify that an on-site visit by the employer does not require advance notice to the employee.

101 KAR 3:045 – Compensation plan and pay incentives for unclassified service. Along with general maintenance edits and the above-referenced amendments, the regulation is further amended as follows:

- Section 4: Salary Advancements: This section is amended to make optional the provision of a salary increase after completion of six months of service.
- Section 11: Adoption Benefit Program: For consistency, this section is amended to adopt the provisions of the Adoption Benefit Program set forth in 101 KAR 2:120, the classified regulation.

101 KAR 3:050 – Unclassified service; promotion, transfer, and disciplinary actions. Along with general maintenance edits, the regulation is amended as follows:

- Section 1: Appointment: A new subsection (4) is added to require prior KRS 12:040 or 12:050 approval before the effective date of an appointment.
- Section 5: Detail to Special Duty: A new subsection (3) is added to require that an appointing authority notify an unclassified employee of a detail to special duty, in writing, of the reasons for the action, the pay grade of the position to which the employee is detailed, the work week, and salary.
- Section 6: Temporary Overlap: This section is amended to include language that a temporary overlap may be used for training purposes or if in the best interests of the service, to make it consistent with the classified regulation. The section is also amended to remove the requirement for “prior” approval from the Personnel Cabinet secretary and simply requires approval.
- Section 7: Detail to Special Duty with Temporary Overlap: This section is added to set forth the requirements for an agency to detail an unclassified employee to special duty with temporary overlap.

The Personnel Cabinet’s Department of Human Resources Administration (DHRA) will be providing additional guidance, as necessary, to HR Administrators on these changes. Please direct questions to Mary Elizabeth Bailey, Commissioner, Department of Human Resources Administration, at MaryE.Bailey@ky.gov or (502) 564-7571, or Rosemary Holbrook, Executive Director, Office of Legal Services, at RosemaryG.Holbrook@ky.gov or (502) 564-6761.