

**151B.035 Personnel of Office of Career and Technical Education -- Administrative regulations -- Appeals to Kentucky Technical Education Personnel Board.**

- (1) The executive director of the Office of Career and Technical Education shall promulgate, by administrative regulations, personnel policies and procedures for all full-time and part-time unclassified employees, certified and equivalent staff, including administrative, teaching, and supervisory staff in the Office of Career and Technical Education central office and state-operated vocational facilities. All other staff shall remain under the authority of the Kentucky Personnel Cabinet and KRS Chapter 18A. Employees who transfer to or from the KRS Chapter 18A personnel system shall transfer accrued annual, compensatory, and sick leave.
- (2) As provided in this chapter, the executive director of the Office of Career and Technical Education shall promulgate comprehensive administrative regulations for the administration of a personnel system in the Office of Career and Technical Education which are consistent with the provisions of this chapter and with federal standards for state government agencies receiving federal grants.
- (3) The executive director of the Office of Career and Technical Education shall promulgate comprehensive administrative regulations for full-time and part-time certified and equivalent staff governing:
  - (a) Establishment and abolishment of positions;
  - (b) Applications;
  - (c) Classification and compensation plans;
  - (d) Incentive programs;
  - (e) Selection of employees;
  - (f) Types of appointments;
  - (g) Attendance, including hours of work, compensatory time, and annual, court, military, sick, voting, and special leaves of absence;
  - (h) Preparation, maintenance, and revision of a position classification plan and an equitable salary schedule for certified and equivalent staff based on qualifications, experience, and responsibilities;
  - (i) Extent and duration of the state-operated area vocational education and technology centers' school term, use of school days, and extended employment;
  - (j) Employee evaluations;
  - (k) Programs to improve the work effectiveness of employees including staff development;
  - (l) Demotion;
  - (m) Dismissal;
  - (n) Layoffs;
  - (o) Suspensions and other disciplinary measures;
  - (p) Probationary periods, limited employment status, and continuing employment status;

- (q) Promotion;
  - (r) Transfer;
  - (s) Appeals; and
  - (t) Employee grievances and complaints.
- (4) (a) Administrative regulations promulgated by the executive director of the Office of Career and Technical Education shall comply with the provisions of this chapter and KRS Chapter 13A and shall have the force and effect of law, when approved by the commissioner of the Department of Workforce Investment and after compliance with the provisions of KRS Chapter 13A.
- (b) Administrative regulations promulgated by the executive director of the Office of Career and Technical Education shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter.
- (c) No administrative body other than the executive director of the Office of Career and Technical Education shall promulgate administrative regulations governing the subject matters specified in this section.
- (d) Policies and procedures for the implementation of administrative regulations shall be developed by the Office of Career and Technical Education.
- (5) The commissioner for the Department of Workforce Investment shall be the appointing authority with respect to all personnel actions for the Office of Career and Technical Education. The commissioner may authorize a designee to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, reemployment lists, waiver requests, or other position actions. Any personnel designation shall be in writing. Authority to employ personnel may be delegated to the vocational school management by the commissioner. Any recommendation for employment from the local level shall be based on guidelines promulgated by the executive director and shall be contingent upon confirmation by the executive director.
- (6) The executive director of the Office of Career and Technical Education shall promulgate other administrative regulations to govern proceedings which relate to certified and equivalent employees and which shall provide for:
- (a) The procedures to be utilized by the Kentucky Technical Education Personnel Board in the conduct of hearings, consistent with KRS Chapter 13B;
  - (b) Discharge, as provided by this section;
  - (c) Imposition, as a disciplinary measure, of a suspension from service without pay for up to thirty (30) working days and, in accordance with the provisions of KRS 151B.055, for the manner of notification of the employee of the discipline and right of appeal;
  - (d) Promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, and conduct;
  - (e) Supplementary information for the salary schedule for certified and equivalent staff including teachers, counselors, administrators, managers, and educational

consultants in state-operated vocational technical facilities, field offices, and central office in the Office of Career and Technical Education that shall provide uniformity, recognition of education, teaching, and supervisory experience and use as a base the average salary paid to beginning classroom teachers by all public schools in the state for personnel with comparable qualifications and experience. Indexes may be incorporated in the compensation plan for administrative responsibilities. The salary schedule shall be computed annually, and shall be submitted to and approved by the Governor;

- (f) Reemployment of laid-off employees in accordance with the provisions of this chapter;
  - (g) Establishment of a plan for resolving employee grievances and complaints. The plan shall not restrict rights granted employees by the provisions of this chapter; and
  - (h) Any other administrative regulations not inconsistent with this chapter and KRS Chapter 13A proper and necessary for its enforcement.
- (7) The executive director of the Office of Career and Technical Education shall make investigations, either on petition of a citizen, taxpayer, interested party, or as deemed necessary by the executive director, concerning the enforcement and effect of KRS 151B.035 to 151B.090, shall require observance of the provisions and the administrative regulations promulgated pursuant to the provisions of this chapter and KRS Chapter 13A, and shall make investigation as requested by the General Assembly or the Governor and to report thereon.
  - (8) The executive director of the Office of Career and Technical Education shall promulgate administrative regulations, pursuant to KRS Chapter 13A, for an appeal system for aggrieved certified or equivalent employees.
  - (9) The Kentucky Technical Education Personnel Board shall hear appeals from applicants for positions or from certified, equivalent, and unclassified employees who have been dismissed, demoted, suspended, or otherwise penalized for cause. Effective August 15, 2000, appeals from assistants and secretaries in the Office of Career and Technical Education attached to policymaking positions shall be governed by KRS 18A.095. The State Personnel Board, established in KRS 18A.045, shall hear appeals that are pending as of August 15, 2000, from assistants and secretaries attached to policymaking positions in the Office of Career and Technical Education.
  - (10) The Kentucky Technical Education Personnel Board may, any statute to the contrary notwithstanding, delegate the conduct of the hearing and the rendition of a recommended order to the full board, to a panel of the board, or to a hearing officer, relative to any hearing appeal, or decision, judicial or quasi-judicial in nature, which the board is empowered or directed, by this or any other chapter, to conduct, hear, or make; provided, however, that the full board as provided by statute, makes the final order, based upon the evidence submitted.
  - (11) The executive director of the Office of Career and Technical Education shall promulgate administrative regulations, pursuant to KRS Chapter 13A, governing

the unclassified service including the preparation and maintenance of a salary schedule and other administrative regulations authorized by this chapter.

- (12) The annual percentage salary increment for all certified and equivalent employees subject to the personnel system established under this chapter shall be at least equal to that funded and provided for other elementary and secondary teachers.
- (13) The positions of employees who are transferred, effective July 1, 1998, from the former Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees who are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS Chapter 151B or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted toward years of experience for calculating benefits and compensation.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 211, sec. 24, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 29, sec. 9, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 526, sec. 18, effective August 15, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 78, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 46, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 318, sec. 41, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 363, sec. 2, effective July 15, 1994; and ch. 469, sec. 9, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 417, sec. 3, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 470, sec. 5, effective July 1, 1990.