

18A.025 Appointment of secretary of personnel -- Responsibilities -- Organization and duties of cabinet.

- (1) The Governor shall appoint the secretary of personnel as provided in KRS 18A.015, who shall be considered an employee of the state. He shall be a graduate of an accredited college or university and have at least five (5) years' experience in personnel administration or in related fields, have known sympathies with the merit principle in government and shall be dedicated to the preservation of this principle. Additional education may be substituted for the required experience and additional experience may be substituted for the required education.
- (2) The secretary of the Personnel Cabinet or his designee, shall be responsible for the coordination of the state's affirmative action plan, established by KRS 18A.138.
- (3) There is established within the Personnel Cabinet the following offices, departments, and divisions, each of which shall be headed by either a commissioner, executive director, or division director appointed by the secretary, subject to the prior approval of the Governor pursuant to KRS 12.040 or 12.050, depending on the level of the appointment. The Kentucky Employees Deferred Compensation Authority shall be headed by an executive director who shall be appointed by the authority's board of directors:

- (a) Office of the Secretary, which shall be responsible for the administration and coordination of the following programs:
 1. The state Equal Employment Opportunity Program;
 2. The state Minority Management Program; and
 3. The state's affirmative action plan established in KRS 18A.138.

Kentucky Public Employees Deferred Compensation Authority shall be attached to the Office of the Secretary for administrative purposes only. The authority shall be governed by a board of trustees composed of seven (7) members including the secretary of finance and administration, ex officio; the secretary of personnel, ex officio; the state controller, ex officio; and four (4) at large members appointed by the Governor, one (1) of whom shall have at least five (5) years of investment or banking experience and one (1) of whom shall represent a nonstate employer. The authority shall be headed by an executive director who shall be appointed by the board of directors of the authority without the limitations imposed by KRS 12.040 and KRS Chapter 18A;

- (b) Department for Personnel Administration, composed of the:
 1. Division of Employee Management, which shall be responsible for payroll, records, classification, compensation, and performance management functions. The division shall also be responsible for implementing lay-off plans mandated by KRS 18A.113 to 18A.1132 and shall monitor and assist state agencies in complying with the provisions of the Federal Fair Labor Standards Act (FLSA). The division shall:
 - a. Maintain the central personnel files mandated by KRS 18A.020 and process personnel documents and position actions;

- b. Operate and maintain a uniform payroll system and certify payrolls as required by KRS 18A.125;
 - c. Maintain plans of classification and compensation for state service and review and evaluate the plans; and
 - d. Coordinate and implement the employee performance evaluation systems throughout state government;
 - 2. Division of Staffing Services, which shall be responsible for employment counseling, applicant processing, employment register, and staffing analysis functions. The division shall:
 - a. Operate a centralized applicant and employee counseling program;
 - b. Operate, coordinate, and construct the examination program for State employment;
 - c. Prepare registers of candidate employment; and
 - d. Coordinate outreach programs, such as recruitment and the Administrative Intern Program;
- (c) Office for Employee Relations, composed of the following divisions:
 - 1. Division of Employee Benefits, which shall consist of the following:
 - a. Workers' Compensation Program pursuant to KRS 18A.375;
 - b. Life Insurance Program pursuant to KRS 18A.205 to KRS 18A.220;
 - c. Sick leave Sharing Program, pursuant to KRS 18A.197;
 - d. Annual Leave Sharing Program, pursuant to KRS 18A.203;
 - e. Health and Safety Programs (OSHA); and
 - f. Employee Assistance Program;
 - 2. Division of Communications and Recognition, which shall:
 - a. Communicate with state employees about personnel issues and other relevant issues through publications;
 - b. Administer the employee incentive programs established by KRS 18A.202; and
 - c. Provide dispute resolution assistance to state employees and agencies;
- (d) Department for Employee Insurance, which shall be responsible for the:
 - 1. Health Insurance Program, pursuant to KRS 18A.225; and
 - 2. Flexible Benefit Plan, pursuant to KRS 18A.227;
- (e) Office of Administrative Services, which shall be responsible for the Personnel Cabinet's Administrative Services;
- (f) Office of Legal Services, which shall provide legal services to the Personnel Cabinet and to executive branch agencies and their representatives, upon request; and

- (g) Office of Government Training, which shall improve individual and organizational performance throughout state government through employee and managerial training, consultation, and survey research services.
- (4) The cabinet shall include principal assistants appointed by the secretary, pursuant to KRS 12.050 or 18A.115(1)(g) and (h), as necessary for the development and implementation of policy. The secretary may employ, pursuant to the provisions of this chapter, personnel necessary to execute the functions and duties of the department.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 97, sec. 2, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 122, sec. 2, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 70, sec. 2, effective March 15, 2001. -- Amended 2000 Ky. Acts ch. 97, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 82, sec. 2, effective July 15, 1998; and ch. 154, sec. 13, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 116, sec. 1, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 98, sec. 1, effective July 15, 1986; and ch. 494, sec. 9, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 346, sec. 3, effective July 13, 1984; and ch. 404, sec. 8, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 393, sec. 13; and repealed, reenacted, and amended as KRS 18A.025, ch. 448, sec. 5, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 13, sec. 4. -- Amended 1966 Ky. Acts ch. 255, sec. 22. -- Created 1960 Ky. Acts ch. 63, sec. 7.

2010-2012 Budget Reference. See State/Executive Branch Budget, 2010 (1st Extra. Sess.) StateKy. Acts ch. 1, Pt. I, C, 1, (2) at 18.

2010-2012 Budget Reference. See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. I, D, 10, (1) at 28.

Formerly codified as KRS 18.180.

Legislative Research Commission Note (6/20/2005). The Reviser of Statutes has renumbered the subparagraphs of subsection (3)(a) of this statute and deleted the word "which" under the authority of KRS 7.136(1)(a) and (h).

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts ch. 97, sec. 2, amends this section to insert a reference to "KRS 18A.115(g) and (h)" in subsection (4). Because only subsection (1) of KRS 18A.115 contains paragraphs (g) and (h), and those paragraphs relate to principal assistants exempted from classified service, the reference has been changed in codification to "KRS 18A.115(1)(g) and (h)" under KRS 7.136(1)(e) and (h).

Legislative Research Commission Note (7/14/2000). In codifying the 2000 Regular Session amendment to this statute, former subsection (3)(c)1.e. that read "e. Employee Benefit Plan (KRS 18A.2281);" has been omitted, and the subsequent subdivisions renumbered accordingly, because KRS 18A.2281 was repealed by 1998 Ky. Acts ch. 82, sec. 22, effective July 15, 1998. See KRS 7.136(1)(a) and (e).