

**18A.0751 Personnel Board -- Regulatory authority.**

- (1) The board shall promulgate comprehensive administrative regulations for the classified service governing:
  - (a) Appeals by state employees;
  - (b) Demotion;
  - (c) Dismissal;
  - (d) Fines, suspensions, and other disciplinary measures;
  - (e) Probation, provided that the board may not require an initial probationary period in excess of six (6) months except as provided in subsection (4)(e) of this section and KRS 18A.005;
  - (f) Promotion;
  - (g) Reinstatement;
  - (h) Transfer; and
  - (i) Employee grievances and complaints.
- (2)
  - (a) These administrative regulations 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 board, after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder;
  - (b) Administrative regulations promulgated by the board shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter; and
  - (c) No administrative body, other than the personnel board, shall promulgate administrative regulations governing the subject matters specified in this section.
- (3) Prior to filing an administrative regulation with the Legislative Research Commission, the board shall submit the administrative regulation to the secretary for review:
  - (a) The secretary shall review the administrative regulation proposed by the board not more than twenty (20) days after its submission to him;
  - (b) Not more than five (5) days after his review, the secretary shall submit his recommendations in writing to the board;
  - (c) The board shall review the recommendations of the secretary and may revise the proposed administrative regulation as it deems necessary; and
  - (d) After the board has completed the review provided for in this section, it may file the proposed administrative regulation with the Legislative Research Commission pursuant to the provisions of KRS Chapter 13A.
- (4) These administrative regulations shall provide:
  - (a) For the procedures to be utilized by the board in the conduct of hearings by the board, consistent with the provisions of KRS Chapter 13B;
  - (b) For reduction in rank or grade as provided by this chapter;

- (c) For discharge, as provided by this section;
- (d) For imposition, as disciplinary measures, of a fine of not more than ten (10) working days' pay, or for suspension from the service without pay for no longer than thirty (30) working days and, in accordance with the provisions of KRS 18A.095, for the manner of notification of the employee of the discipline and his right of appeal;
- (e) No probationary period may exceed twelve (12) months, except as provided in KRS 18A.005. The secretary may recommend an initial probationary period in excess of six (6) months for specific job classifications to the board. This recommendation shall take the form of a proposed administrative regulation that shall be submitted to the board for approval. The subject of the administrative regulation shall be limited to job classifications for which an initial probationary period in excess of six (6) months is required and shall specify:
  - 1. The job classification for which an initial probationary period in excess of six (6) months is required; and
  - 2. The specific number of months constituting the initial probationary period for the job classification. No other administrative regulation shall include any provision prescribing an initial probationary period in excess of six (6) months, except as provided in KRS 18A.005. Upon approval by the board of the proposed administrative regulation provided for in this paragraph, the board shall file the regulation with the Legislative Research Commission as provided by KRS Chapter 13A;
- (f) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct, and seniority. Except as provided by this chapter, vacancies shall be filled by promotion whenever practicable and in the best interest of the service;
- (g) For reemployment of laid-off employees in accordance with the provisions of this chapter;
- (h) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges as provided by the provisions of KRS 18A.1131(3)(a);
- (i) For establishment of a plan for resolving employee grievances and complaints. This plan shall not restrict rights granted employees by the provisions of this chapter;
- (j) For promotion of career employees to positions in the unclassified service without loss of status to the individual employees so promoted, as provided by this chapter; and
- (k) For any other administrative regulations not inconsistent with this chapter and KRS Chapter 13A as may be proper and necessary for its enforcement.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 91, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 22, effective July 15, 1998. -- Amended 1996 Ky. Acts

ch. 318, sec. 20, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 203, sec. 2, effective July 25, 1988. -- Created 1986 Ky. Acts ch. 494, sec. 14, effective July 15, 1986.

**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.