

**18A.115 Employment exempted from classified service -- Reversion rights of career employees promoted outside classified service -- Transfer of employees to Kentucky Community and Technical College System -- Change of personnel system for employees of Department for Technical Education and Department for Adult Education and Literacy.**

- (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:
  - (a) The General Assembly and employees of the General Assembly, including the employees of the Legislative Research Commission;
  - (b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;
  - (c) Members of boards and commissions;
  - (d) Officers and employees on the staff of the Governor, the Lieutenant Governor, the Office of the Secretary of the Governor's Cabinet, and the Office of Program Administration;
  - (e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television and the executive director and deputy executive director of the Education Professional Standards Board;
  - (f) Employees of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employees for employment, dismissal, and setting of compensation, up to the maximum established for the executive director and his principal assistants;
  - (g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;
  - (h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the secretary approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the secretary. Effective August 1, 2010:
    1. All positions approved under this paragraph prior to August 1, 2010, shall be abolished effective December 31, 2010, unless reapproved under subparagraph 2. of this paragraph; and
    2. A position approved under this paragraph on or after August 1, 2010, shall be approved for a period of five (5) years, after which time the

position shall be abolished unless reapproved under this subparagraph for an additional five (5) year period;

- (i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;
- (j) Physicians employed as such;
- (k) One (1) private secretary for each person exempted under subsection (1)(e), (g), and (h) of this section;
- (l) The judicial department, referees, receivers, jurors, and notaries public;
- (m) Officers and members of the staffs of state universities and colleges and student employees of such institutions; officers and employees of the Teachers' Retirement System; and officers, teachers, and employees of local boards of education;
- (n) Patients or inmates employed in state institutions;
- (o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45A.690 to 45A.725;
- (p) Interim employees;
- (q) Officers and members of the state militia;
- (r) Department of Kentucky State Police troopers;
- (s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;
- (t) Superintendents of state mental institutions, including heads of mental retardation centers, and penal and correctional institutions as referred to in KRS 196.180(2);
- (u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;
- (v) County and Commonwealth's attorneys and their respective appointees;
- (w) Chief district engineers and the state highway engineer;
- (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- (y) Employees of the Kentucky Peace Corps;
- (z) Employees of the Council on Postsecondary Education;
- (aa) Executive director of the Commonwealth Office of Technology;

- (ab) Employees of the Kentucky Commission on Community Volunteerism and Service;
  - (ac) Persons employed in certified teaching positions at the Kentucky School for the Blind and the Kentucky School for the Deaf; and
  - (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.
  - (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any nonmanagement, nonpolicy-making position which must be included in the classified service as a prerequisite to the grant of federal funds to a state agency.
  - (4) Career employees within the classified service promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified pursuant to KRS 18A.130 and 18A.135.
  - (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing officers from filling unclassified positions in the manner in which positions in the classified service are filled except as otherwise provided in KRS 18A.005 to 18A.200.
  - (6) The positions of employees who are transferred, effective July 1, 1998, from the 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 that 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 towards years of experience for calculating benefits and compensation.
  - (7) On August 15, 2000, all certified and equivalent personnel, all unclassified personnel, and all certified and equivalent and unclassified vacant positions in the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems under KRS Chapter 151B and KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No certified or equivalent employee in the Department for Adult Education and Literacy shall suffer any penalty in the transfer.

- (8) On August 15, 2000, secretaries and assistants attached to policymaking positions in the Department for Technical Education and the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. No employee shall suffer any penalty in the transfer.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 25, effective July 15, 2010; and ch. 153, sec. 10, effective April 13, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 105, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 208, sec. 1, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 85, sec. 43, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 127, sec. 3, effective July 13, 2004; and ch. 191, sec. 51, effective July 13, 2004. -- Amended 2001 Ky. Acts ch. 137, sec. 4, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 203, sec. 6, effective July 14, 2000; and ch. 526, sec. 16, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 540, sec. 4, effective July 15, 1998; and ch. 353, sec. 7, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 31, effective May 30, 1997. -- Amended 1992 Ky. Acts ch. 100, sec. 11, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 159, sec. 1, effective March 30, 1990; and ch. 496, sec. 25, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 494, sec. 18, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 253, sec. 1, effective July 13, 1984; and ch. 350, sec. 10, effective July 13, 1984. -- Repealed, reenacted, and amended as KRS 18A.115, 1982 Ky. Acts ch. 448, sec. 23, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 98, sec. 3, effective July 15, 1980; and ch. 132, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 155, sec. 18, effective June 17, 1978; and ch. 391, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 17, sec. 18, effective January 1, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 32; ch. 162, sec. 3; and ch. 308, sec. 7. -- Amended 1972 Ky. Acts ch. 13, sec. 2. -- Amended 1970 Ky. Acts ch. 278, sec. 1. -- Created 1960 Ky. Acts ch. 63, sec. 4.

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

**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.) StateKy. Acts ch. 1, Pt. I, D, 10, (1) at 28.

**Formerly codified as KRS 18.140.**

**Legislative Research Commission Note (7/15/2010).** This section was amended by 2010 Ky. Acts chs. 24 and 153, which do not appear to be in conflict and have been codified together.