

**18A.155 Rules for unclassified employees.**

- (1) The secretary shall prepare and submit proposed administrative regulations to the Governor for employees in unclassified positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (t), and (u). Such administrative regulations shall become effective after approval by the Governor and promulgation in accordance with KRS Chapters 12 and 13A. The administrative regulations shall provide:
  - (a) For the preparation, maintenance, and revision of a position classification plan for all aforementioned positions in the unclassified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification plan has been approved by the Governor, the secretary shall allocate the positions of every employee in the unclassified service to one (1) of the classes of the plan. Any employee affected by the allocation of a position to a class shall, after filing with the secretary a written request for reconsideration thereof in such manner and form as the secretary may prescribe, be given a reasonable opportunity to be heard thereon by the secretary;
  - (b) For a pay plan for all aforementioned employees in the unclassified service, after consultation with appointing authorities and the state budget director, and taking into account such factors as:
    1. The relative levels of duties and responsibilities of various classes of positions;
    2. Rates paid for comparable positions elsewhere; and
    3. The state's financial resources.Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the secretary. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed;
  - (c) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;
  - (d) For annual, sick, and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided in subsection (1) of this section;
  - (e) For the development and operation of programs to improve the work effectiveness and morale of employees in the unclassified service, including training, safety, health, welfare, counseling, recreation, and employee relations; and
  - (f) For such other rules and administrative regulations not inconsistent with KRS 18A.005 to 18A.200, as may be proper and necessary for its enforcement.
- (2) Nothing herein shall be construed to preclude the optional use of administrative regulations promulgated under this section on behalf of employees enumerated in

KRS 18A.115(1)(a), (b), (d), (e), (p), (u), and (w) and on behalf of members of state boards and commissions who work on a full-time, salaried basis.

- (3) Months of service earned as a contract employee of the Kentucky Department of Education shall be recognized and credited as service credit for calculating years of service in any public agency position held subsequent to the employment by contract. The provisions of this subsection are retroactive for employees hired in a public agency position on or after January 1, 1997.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 154, sec. 38, effective July 15, 1998; ch. 487, sec. 5, effective July 15, 1998; and ch. 540, sec. 5, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 494, sec. 20, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 52, sec. 2; and repealed, reenacted, and amended as KRS 18A.155, ch. 448, sec. 31, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 269, sec. 5. - - Amended 1976 Ky. Acts ch. 86, sec. 7, effective March 29, 1976. -- Amended 1974 Ky. Acts ch. 162, sec. 7; and ch. 308, sec. 13. -- Created 1960 Ky. Acts ch. 63, sec. 9.

**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 18.220.**

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 154, 487, and 540 which do not appear to be in conflict and have been codified together.