

Former KRS 151B Employees Transferred To KCTCS Under KRS 164.5805 (1) (e)

780 KAR 3:010. Classification plan.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035

requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations, consistent with the provisions of KRS 151B.035, which govern the classification plan for certified and equivalent staff in the Department for Adult and Technical Education so that the same qualifications may reasonably be required for all positions in the same job classification and the same schedule of pay equitably applied in accordance with requirements of the statutes.

Section 1. Interpretation of Class Specifications. (1) Class specifications are descriptive and explanatory. They are designed to indicate the kinds of positions which should be allocated to the various job classifications as determined by their characteristics and duties or responsibilities.

(2) Characteristics of a class are general statements indicating the level of responsibility and discretion of positions in that job classification.

(3) Examples of duties or responsibilities are not to be construed as describing what the duties or responsibilities of any position shall be and are not to be construed as limiting the Commissioner's ability to take, add to, or otherwise alter the duties and responsibilities of a position. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding assignments of others not mentioned which are of similar kind of quality.

(4) Minimum requirements are comprehensive statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

Section 2. Official Copy of Class Specifications. (1) The Department for Adult and Technical Education shall maintain a master set for all approved class specifications. Such specifications shall constitute the official class specifications for the classification plan. The copies of the specification for each job classification shall indicate the date of adoption or the last revision of the specification.

(2) The Department for Adult and Technical Education shall provide class specifications for inspection to any employee or the public under reasonable conditions during regular business hours.

Section 3. Title of Position. The title of the job classification to which a position has been allocated shall be used to designate such position in all payroll and other official records, documents, vouchers, and communications in connection with all personnel processes. For purposes of internal administration or for any other purpose, not involving the personnel processes, any office title, abbreviation or

code symbol may be used in lieu of the class title. (17 Ky.R. 730; eff. 10-14-90.)

780 KAR 3:020. Compensation plan.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035

requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035 which govern the pay plan for all certified and equivalent staff and unclassified staff in the Department for Adult and Technical Education. This administrative regulation is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Appointments. New certified or equivalent employees or reentering certified or equivalent employees shall be appointed at the salary specified on the salary structure for certified and equivalent employees commensurate with education rank and experience. An employee in an administrative position may be provided an index adjustment commensurate with the scope of administrative or supervisory responsibility in addition to the base salary as specified for the particular job classification.

Section 2. Salary Adjustments. (1) Promotion.

(a) A certified or equivalent employee who is promoted shall receive a salary increase of not less than five (5) percent unless his current salary is beyond the minimum on the salary schedule. If the employee's salary is above the minimum, then the five (5) percent increase shall be at the discretion of the appointing authority.

(b) A certified or equivalent employee promoted to an unclassified position in the Department for Adult and Technical Education shall receive a salary increase of not less than five (5) percent upon promotion unless his current salary is beyond the minimum. If the employee's salary is above the minimum, then the salary increase shall be at the discretion of the appointing authority. In no case shall the employee's salary be below the minimum rate of the higher classification following promotion. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the commissioner may grant upon promotion a ten (10) percent to twenty (20) percent salary increase over the employee's previous salary. Upon the successful completion of a one (1) year promotional probationary period, a certified or equivalent employee may receive at the discretion of the commissioner a five (5) percent promotional increase at the beginning of the month following completion of the probationary period.

(2) Demotion. A certified or equivalent employee in the Department for Adult and Technical Education who is demoted shall have his salary adjusted to not more than sixty (60) percent above the proper cell. This salary shall not exceed ninety-five (95) percent of the salary which the employee was receiving prior to the demotion. An unclassified employee in the Department for Adult and Technical Education who is demoted to a certified or equivalent position shall have his salary adjusted to not more than sixty (60) percent above the proper cell. This salary shall not exceed ninety-five (95) percent of the salary which the employee was receiving prior to the demotion.

(3) Rank changes. A certified or equivalent employee shall have a salary adjustment retroactive to July 1 for educational rank changes which are confirmed by September 1 of each year.

(4) Other salary adjustments.

(a) The Commissioner for Adult and Technical Education may authorize performance bonuses in lump sum payments for outstanding job performance for nonprobationary status employees in any fiscal year in which monies are available. The criteria for such awards shall be approved by the State Board for Adult and Technical Education.

(b) Educational achievement increases shall be honored for those

employees who have an approved educational achievement award agreement on file in the Division of Personnel Services as of July 1, 1990. This provision shall expire when previous commitments have been met.

Section 3. Salary Advancements. (1) The salary structure for certified and equivalent employees shall be adjusted by September 30 of each year. All certified and equivalent staff shall receive a salary increase not less than the percentage increase provided other state employees. This increase shall be provided July 1. Salary adjustments for those entitled employees shall be retroactive to July 1 of each year once the salary schedule is confirmed by September 30 of each year.

(2) Annual salary increments for unclassified employees shall occur commensurate with each person's established increment date.

Section 4. Paid Overtime. When applicable, certified and equivalent employees and unclassified employees shall be awarded overtime payments in accordance with the Fair Labor Standards Act, 29 US •201 et seq. (17 Ky.R. 731; eff. 10-14-90; Am. 18 Ky.R. 3527; eff. 8-1-92.)

780 KAR 3:030. Appointments.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035

requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035. KRS 151B.035 specified that the State Board for Adult and Technical Education promulgate comprehensive administrative regulations for the certified and equivalent personnel system.

Section 1. Notice of Classes, Minimum Qualifications, and Vacancies. (1) An official list developed by the Division of Personnel Services of all classifications and minimum qualifications shall be posted in each regional office and each division office for public review.

(2) All vacancies shall be posted in all facilities on a region wide basis for a minimum of ten (10) days. Under emergency or other extenuating circumstances, the commissioner may change the posting requirement. The vacancy posting shall be on a form as prescribed by the Commissioner of Adult and Technical Education and shall contain the title, minimum qualifications, and other pertinent information about the vacancies. The commissioner shall be responsible for developing and implementing a procedure of announcing vacancies on a statewide basis.

Section 2. Establishment and Abolishment of Positions. The appointing authority shall establish and abolish positions consistent with the provisions of KRS 12.060 and the classifications and compensation plan of the certified and equivalent personnel system.

Section 3. Filing Applications. All applications shall be made on forms prescribed by the commissioner. All applications shall be signed and the truth of the statements contained herein certified by such signatures under penalty of removal for falsification and such criminal penalties as may apply. The commissioner may authorize individuals to verify work experience and educational attainment of applicants for positions in the certified and equivalent personnel system. The application shall be consistent with the state and federal equal employment opportunity guidelines.

Section 4. Minimum Qualifications for Filing. All positions shall be filled by applicants who meet the standards or requirements prescribed by the commissioner with regard to education and experience and such other factors as may be held to relate to the

ability of the candidate to perform with reasonable efficiency the duties of the position.

Section 5. Selection of Employees. The appointing authority shall make final selection of employees based on a composite list of regional and statewide applicants for the position. Each regional office shall maintain a list of qualified applicants for the filling of positions. The Division of Personnel Services shall maintain a central referral list which shall be compiled and submitted to regional offices for inclusion in the consideration of qualified applicants.

Section 6. The appointing authority shall fill appointments through the consideration of a list of recommendations submitted by a designated interview committee composed of no less than three (3) or more than seven (7) members, supervisory recommendations and/or peer recommendations. The procedure for determining the composition of the designated interview committee shall be determined by the appointing authority. The committee shall make recommendations to the designated Department for Adult and Technical Education official as determined by the appointing authority. When deemed in the best interest of the Commonwealth, the appointing authority may not utilize an interview committee. (17 Ky.R. 732; eff. 10-14-90.)

780 KAR 3:040. Special appointments.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035

requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with KRS 151B.035, which govern the various types of appointments, such as probationary, emergency, seasonal, temporary, and other such administrative regulations not inconsistent with KRS 151B.035 as may be proper and necessary.

Section 1. Filling of Vacancies. All vacancies in the certified and equivalent personnel system which are not filled by promotion, transfer, demotion, or probationary appointment shall be filled by reemployment, reinstatement, seasonal appointment, temporary appointment, or emergency appointment.

Section 2. Seasonal, Temporary, and Emergency. Seasonal, temporary, and emergency appointments may be made by the commissioner without regard for the minimum requirements of the position.

Section 3. Detail to Special Duty. When the services of a limited or continuing status employee are needed in a position other than the position to which regularly assigned, the employee may be detailed to that position for a period not to exceed one year with prior approval of the commissioner. For detail to special duty, the commissioner may waive the minimum requirements.

Section 4. Dual Appointments. The commissioner may authorize appointments of employees serving in two (2) positions. (17 Ky.R. 733; eff. 10-14-90; Am. 19 Ky.R. 2496; 20 Ky.R. 79; eff. 7-1-93.)

780 KAR 3:060. Probationary periods.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035

requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035 which govern personnel rules for certified and equivalent employees in the Department for Adult and

Technical Education. KRS 151B.035 specifies that the state board promulgate comprehensive administrative regulations for the certified and equivalent staff governing probationary periods, limited employment status and continuing employment status.

Section 1. Initial Probationary Period. (1) All certified and equivalent staff shall serve an initial probationary period of twelve months. The initial probationary period shall be computed from the effective date of the appointment to the corresponding date in the twelfth month.

(2) An employee who satisfactorily completes the initial probationary period in a given classification shall be eligible for reemployment on limited status.

(3) An employee who does not satisfactorily complete the initial probationary period shall not be eligible for reemployment in that job classification in the Department for Adult and Technical Education.

Section 2. Promotional Probationary Period. A continuing status employee promoted to the unclassified system or a certified or equivalent position who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or in the same job classification in the same region as the former position. Any employee failing to complete the promotional probationary period shall be notified in writing at least ten (10) working days prior to the effective date of the reversion. The notification shall advise the employee of the effective date of the reversion.

(1) The promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the twelfth month following promotion.

(2) A teacher serving a probationary period concurrent with an internship for teacher certification may have the initial probationary period extended one more year if the internship committee so recommends and the Commissioner desires to extend the options. (17 Ky.R. 735; eff. 10-14-90.)

780 KAR 3:070. Attendance, compensatory time, and leave.

RELATES TO: KRS 151B.035, Chapter 337, 29 USC 201-219
STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate comprehensive administrative regulations for the certified and equivalent staff governing attendance, including hours of work, compensatory time, and annual, court, military, sick, voting, and special leave of absence. The Family and Medical Leave Act of 1993 (PL 103-3) as implemented by 29 CFR Part 825 requires the granting of family and medical leave. This administrative regulation is necessary to comply with these statutory requirements.

Section 1. Definitions. (1) "Employee" means an employee in active payroll status. An employee who has resigned or retired or who has been placed in unpaid leave status by a personnel action shall not qualify to donate or receive sick leave under the Sick Leave Sharing Program.

(2) "Immediate family" means a spouse, parent or child.

(3) "Medically certified illness, injury, impairment or physical or mental condition" means a disabling medical condition which renders the employee incapable of performing the essential duties of his job.

(4) "Medical emergency" means an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty on leave with or without pay for ten (10) or more consecutive working days.

(5) "Child", son or daughter, means a biological, adopted, or foster child (under an agreement with a state government agency), a stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age, or eighteen (18) years of age

or older and incapable of self-care because of a mental or physical disability.

(6) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Secretary of Labor to be capable of providing health care services as set forth in regulations found in the Federal Register, Volume 58, No. 106, Section 825.118, dated June 4, 1993.

(7) "Parent" means the biological parent of one (1) employee or an individual who stood in loco parentis to an employee.

(8) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(9) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

(10) "Spouse" means a husband or wife.

Section 2. Attendance. (1) Full-time employees shall be required to work thirty-seven and one-half (37 1/2) hours per week for all positions unless otherwise specified by the appointing authority.

(2) The normal work day for school-based employees shall coincide with the appropriate school schedule as recommended by the principal and approved by the regional executive director of the respective school operation.

(3) The appointing authority may require employees to work hours and work days other than normal including but not limited to inclement weather schedules if it is in the best interest of the agency.

(4) Employees who work within schools, regions, or divisions which require more than one (1) shift or seven (7) days a week operation may be assigned from one (10) shift to another and from one (1) post to another or alternate days to meet staffing requirements, or to maintain or provide essential services of the agency, or to meet scheduling needs of students. Employees shall be given as much advance notice as possible when schedules are changed. The employee is required to give reasonable notice in advance of absence from a work station.

Section 3. Compensatory Time. (1) An employee who is requested in advance to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour for hour basis. Compensatory leave may be accumulated or taken off in one-half (1/2) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) Compensatory time shall be granted for those working in full-time positions only and who perform duties and responsibilities pertaining only to this full-time position.

(3) Upon separation from state service, employees shall be paid for all unused compensatory leave at the greater of their regular hourly rate of pay or at the average rate of pay for the final three (3) years of employment.

(4) Any school-based employee who has accumulated compensatory leave shall be permitted to take time off during the following times:

(a) Spring break.

(b) Christmas break except on the four (4) official holidays normally given to state employees.

(5) All certified and equivalent employees shall be permitted to use accumulated compensatory time when practicable and requested in advance and if approved by the respective supervisor.

(6) To maintain a manageable level of accumulated compensatory leave and for the specific purpose of reducing an employee's compensatory leave, the commissioner or designee may direct an employee to take accumulated compensatory time off from work.

Section 4. Annual Leave. (1) Full-time employees in the certified and equivalent personnel system except seasonal, temporary, per diem, emergency and part-time employees shall accumulate annual

leave with pay at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 leave day per month; 12 per year
60-119 months	1 1/4 leave days per month; 15 per year
120-179 months	1 1/2 leave days per month; 18 per year
180 months and over	1 3/4 leave days per month; 21 per year

(2) Annual leave shall be accumulated only in the months in which the employee is hired to work. A teacher employed to teach ten and one-half (10 1/2) months shall only accrue leave during the actual school term, unless he is approved to work extended employment.

(3) Computing annual leave.

(a) A full-time employee must have worked more than half of the work days in a month to qualify for annual leave.

(b) Leave shall be credited on the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted.

(c) Former employees who have been reinstated and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where dismissal resulted from a violation of KRS 151B.090. Only those months for which the employee earned annual leave shall be counted in computing months of total service.

(4) The maximum accumulated annual leave which may carry forward from one (1) fiscal year to the next shall not exceed the following amounts:

Months of Service	Maximum Amount
0-59 months	Thirty (30) work days
60-119 months	Thirty-seven (37) work days
120-179 months	Forty-five (45) work days
180-239 months	Fifty-two (52) work days;
240 months and over	Sixty (60) work days

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the fiscal year or upon retirement. Months of service for the purpose of determining the maximum accumulation of annual leave and the amount to be converted to sick leave shall be computed as provided in subsections (1), (2), and (3) of this section. Annual leave shall not be granted in excess of that earned prior to starting date of leave.

(5) Absence due to sickness, injury, or disability in excess of that authorized for these purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(6) Taking annual leave.

(a) Accumulated leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of employees. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(b) School-based employees shall take time off during the following times:

1. Spring break.

2. Christmas break except on the four (4) official holidays normally given to state employees.

(c) In cases of emergency, the supervisor may request an employee to work during the above times without loss of annual leave.

(7) Employees are charged with annual leave for absence only on days they would otherwise work and receive pay or on designated school closure days.

(8) Employees shall be allowed up to two (2) professional leave days for the purpose of continuing staff development or participation in professional organization workshops and meetings without loss of

pay.

(9) Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated leave.

(11) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave and compensatory leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(12) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contributions for life insurance and health benefits unless he worked for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for these benefits.

(d) Any employee who leaves the Department for Adult and Technical Education certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(13) Lump sum payment for accumulated annual leave.

(a) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in subsection (5) of this section when separated by proper resignation or retirement.

(b) In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave.

(c) An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave.

(d) The effective date of the separation shall be the last work day.

(14) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in subsection (4) of this section.

(15) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(16) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-half (1/2) hour.

Section 5. Sick Leave. (1) Employees in the certified and equivalent personnel system, except emergency, per diem, and part-time employees shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave on the first day of the month following the month in which the sick leave is earned.

(2) Sick leave credits: full-time and former employees.

(a) Full-time employees completing 120 months of total service with the state shall be credited with ten (10) additional days of sick

leave upon the first day of the month following the completion of 120 months of service.

1. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.

2. Only those months for which the employee earned sick leave shall be counted in computing total months of service.

3. The total service must be verified before the leave is credited to the employee's record.

(b) Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where dismissal resulted from the violation of KRS 151B.090.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay, with the exception of educational leave with pay.

(5) The appointing authority shall grant accrued sick leave with pay when an employee:

(a) Receives medical, dental, or optical examination or treatment;

(b) Is disabled by sickness, injury, or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement supporting the need for care by the employee;

(d) Would jeopardize the health of others at his duty post because of exposure to a readily transmittable contagious disease; or

(e) Has lost by death a spouse, or a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(7) Continuous leave limitation, doctor's statements, availability of position on return, dismissal after one (1) year, and sick leave without pay.

(a) The appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year.

(b) The appointing authority may require periodic doctor's statements attesting to the continued inability to perform his duties.

(c) When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit if there is no position available, the statutes pertaining to layoff apply.

(d) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of his sick leave, shall be dismissed by the appointing authority.

(e) An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(B) Employees eligible for state contributions for life insurance and health benefits under the provision of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for these benefits.

(d) The Department for Adult and Technical Education shall continue to pay the state's contribution toward health and life insurance benefits between June 15 and August 1 for employees whose normal work year consists of ten and one-half (10 1/2) months.

(e) Any employee who leaves the certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(9) Absence for a fraction or a part of a day that is chargeable to sick leave shall be charged in hours or increments of one-half (1/2) hour.

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated sick leave.

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or reemployed shall have unused sick leave balances revived upon reentrance and placed to their credit.

(12) In cases of absence due to illness or injury for which workers' compensation benefits are received, accumulated sick leave may be used in order to maintain regular full salary. If paid sick leave is used, workers' compensation pay benefits shall be assigned back to the state for whatever period of time an employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that workers' compensation benefits were assigned.

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

(a) The appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. The appointing authority shall grant sick leave when the application is supported by acceptable evidence.

(b) The appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 6. Sick Leave Sharing Procedures. (1) An employee with a sick leave balance in excess of seventy-five (75) hours may donate any or all excess to an employee with a documented medical emergency who has exhausted all annual leave, sick leave, and compensatory leave.

(2) Voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the Commissioner and shall include:

(a) The name of the donor.

(b) The agency or office in which the donor is employed.

- (c) The position number of the donor.
 - (d) The Social Security number of the donor.
 - (e) The name of the employee to which leave is being donated.
 - (f) The agency or office in which the donee is employed.
 - (g) The donee position number.
 - (h) The donee Social Security Number.
 - (i) The maximum amount of the donor's leave in excess of seventy-five (75) hours which may be credited to the individual donee.
 - (j) Certification by the donor that this donation is given without expectation or promise for any purpose other than that authorized by this administrative regulation.
- (3) The donating employee shall retain a sick leave balance of not less than seventy-five (75) hours.
- (4) A donating employee shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for any consideration or in any manner other than that authorized by this administrative regulation.
- (5) An employee with a medical emergency who has exhausted all annual leave, sick leave, and compensatory leave may make application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made on behalf of the employee by a personal representative of the employee in the event of the employee's incapacity to make application on his own behalf.
- (6) Application shall be made to the appointing authority on a form prescribed by the commissioner and shall include:
- (a) Employee name.
 - (b) Position number.
 - (c) Social Security number.
 - (d) Employee title.
 - (e) The reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency.
 - (f) Signature of the requestor or his personal representative.
- (7) The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of this position for ten (10) or more consecutive working days.
- (8) The appointing authority may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.
- (9) At the end of each pay period while an employee is on donated leave, the appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay and shall reduce the donor's leave balance by that amount.
- (10) No employee on donated sick leave shall be credited with leave in an amount in excess of the time of the documented medical emergency.
- (11) No person shall through his office of employment use any promise, exchange, or influence to require an employee to donate excess sick leave or annual leave to any other employee.
- (12) Sick leave shall not be transferred in increments of less than seven and one-half (7.5) hours.
- (13) Where multiple donors donate sick leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.
- (14) The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates and applications. Donated sick leave shall not be used retroactively except to cover the period between the first day sick leave would have been granted and the date of approval by the appointing authority.
- (15) The sick leave sharing recipient shall be responsible for monitoring the amount of sick leave donated and used.
- (16) donated sick leave shall be used on consecutive days except as provided by Section 5(7)(e) of this administrative regulation. Any

Leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave.

(17) When the recipient of donated leave returns to work, resigns, retires, or otherwise terminates from state employment, unused donated leave shall be restored to the donors, in chronological order of receipt of the donation forms, unless the recipient provides medical evidence that he or a member of his immediate family will require continued, periodic medical treatment relating to the original condition for which leave was donated.

(18) If a sick leave donor resigns, retires or is otherwise terminated from state employment before the donor's sick leave has been transferred to the recipient, such leave shall not be available for use by the recipient.

(19) An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

Section 7. Family and Medical Leave. (1) Effective August 5, 1993, every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family and medical leave without pay. On the first day of January of each year thereafter every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family and medical leave without pay. Unused family and medical leave shall not be carried over from year to year.

(2) Calculating a week of family and medical leave.

(a) A week of family and medical leave is the amount of time an employee normally works each week.

(b) If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family and medical leave shall be used for calculating the employee's normal work week.

(c) If there has been a permanent or long-term change in the employee's schedule (for reasons other than family and medical leave), the hours worked under the new schedule shall be used for calculating the employee's normal workweek.

(3) The appointing authority shall grant family and medical leave upon the receipt of a completed application from an employee. The appointing authority shall require the employee to use accumulated sick, annual and compensatory leave prior to granting unpaid family and medical leave, except that the employee may request to reserve ten (10) days of paid sick leave. The amount of available family and medical leave shall be reduced by the amount of paid or unpaid leave used. A completed application consists of the request form and the medical certification required by subsection (6) of this section. The employee shall make the application as far in advance of the start of the leave as reasonable.

(4) Family and medical leave shall be granted:

(a) For the birth of a child of the employee, adoption by the employee of a child, or placement with the employee of a foster child. The appointing authority shall require a couple in the employ of the same agency to limit the total amount of family and medical leave to twelve (12) weeks where leave is sought in connection with the birth, adoption, or placement of a foster child or to care for a sick parent;

(b) Within one (1) year of the birth of a child of the employee, adoption by the employee or placement with the employee of a foster child, for the care of such newborn, adopted, or foster child;

(c) To an employee to care for the employee's spouse, parent, or child if the spouse, parent, or child has a serious health condition.

(d) Because of a serious health condition of the employee that makes the employee unable to perform the essential functions of his position.

(5) Certification requirements.

(a) The appointing authority shall require an employee granted family and medical leave for a serious health condition of the employee or child, spouse or parent to supply a certification, on a form prescribed by the cabinet secretary, from a health care provider

that includes a statement that the employee is needed to care for a child, spouse, or parent in order to assist in their recovery. The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.

(b) An employee requesting intermittent leave or leave on a reduced leave schedule due to serious health condition of the employee or child, spouse, or parent shall be required to supply a certification from a licensed health care provider that such leave is medically necessary and the expected duration and schedule of such leave. The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.

(c) If the appointing authority has reason to doubt the validity of a medical certification, the appointing authority may require the employee to obtain a second opinion at the agency's expense. The appointing authority shall designate the health care provider to furnish the second opinion. The designated health care provider shall not be employed on a regular basis by the agency.

(d) If the opinions of the employee and the designated health care provider differ, the appointing authority may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and binding. If the appointing authority does not act in good faith to attempt to reach an agreement on the third health care provider, the appointing authority shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider.

(e) The appointing authority may require recertification of the need for family and medical leave every thirty (30) working days and a report on the status and intention of the employee to return to work.

(6) If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill child, parent, or spouse or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the appointing authority may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

(7) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave or shall have been on family and medical leave during the previous month subject to the following conditions:

(a) Work days and paid leave and family and medical leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) When an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall use his paid leave days consecutively;

(c) An employee who has exhausted paid leave and family and medical leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the work days in a month. If the employee is unable to work for more than half of the work days in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contribution and the employee contributions for such benefits.

(d) An employee who uses family and medical leave as the sole qualification for the state contribution for life insurance and health benefits who fails to return to work for thirty (30) calendar days after the family and medical leave is exhausted shall reimburse the agency for state contributions paid on behalf of the employee. The employee shall not be required to reimburse the agency if the reason the employee does not return is due to:

1. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family and medical leave under this administrative regulation.

2. Other circumstances beyond the employee's control. These

circumstances include but are not limited to when a parent, spouse, or child has a serious health condition and the employee is needed to provide care; or the employee is laid off while on leave. Examples of circumstances which are not beyond the employee's control are where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care; or a parent's decision not to return to work to stay with a newborn child.

(e) An employee on family and medical leave shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits. If the employee does not make the contribution within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverages as were provided when the leave commenced, effective with the employee's return to work.

(8) At the conclusion of the family and medical leave, an employee shall be restored to the same position that the employee held before going on leave, or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Section 8. Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party to the court or administrative proceeding. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 9. Military Leave: Training Duty and Military Duty. (1) Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and This absence shall not be charged to leave.

(a) Absence in excess of this amount will be charged as annual leave, compensatory leave, or leave without pay.

(b) The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(2) The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of duty not to exceed six (6) years. All Accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 10. Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. This absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 11. Special Leave of Absence. (1) In addition to leave as above provided, the appointing authority may grant leave without pay

for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) The Commissioner of Adult and Technical Education may grant leave of absence when requested by an employee for a period not to exceed twenty-four (24) months, with or without pay, for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service. All employees granted this leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave. Employees shall not be guaranteed the identical position held at time of beginning of leave.

(3) The appointing authority may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this administrative regulation that are deemed to be in the best interest of the state. All employees granted this leave shall be guaranteed a position as similar as possible to this position held at the time of the beginning of leave. Employees shall not be guaranteed the identical position held at the time of leave.

(4) The Commissioner of Adult and Technical Education may grant a sabbatical leave of absence without pay when requested by a continuing status employee for a period not to exceed twelve (12) months for attendance at a college, university, vocational, business school or any other business and industrial training program for the purpose of retraining due to changing technology. If retraining occurs at a Kentucky Technical institution, the employee shall be exempt from tuition. Employees granted this leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave, or if there is no similar position available, the first opening for a similar position for which the employee is qualified. Employees shall not be guaranteed the identical position held at the time of beginning of leave.

(5) The appointing authority may place an employee on leave without pay for a period of time not to exceed sixty (60) working days pending an investigation into allegations of employee misconduct. Unless there is imminent danger to staff, students or other individuals, there shall be a preliminary hearing after which the employee shall be notified in writing by the appointing authority that he is being placed on leave without pay and of the reasons therefor. If the investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of leave, and all records relating to the investigation will be purged from the Department for Adult and Technical Education files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken including those cases where the employee voluntarily resigns in the interim.

(6) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B, shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) Any combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) When an employee is unable to work and elects to use paid leave to qualify for state contributions for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contributions for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for these benefits.

(d) Any employee who leaves the Department for Adult and Technical Education certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the

following month.

Section 12. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of absence. Absence without leave may constitute grounds for disciplinary action. (17 Ky.R. 736; eff. 10-14-90; Am. 18 Ky.R. 3234; eff. 7-4-92; 19 Ky.R. 1650; 2031; eff. 3-4-93; 20 Ky.R. 847; 1623; 2336; eff. 2-2-94.)

780 KAR 3:080. Extent and duration of school term, use of school days and extended employment.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 authorizes the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations relating to the extent and duration of the Kentucky Tech System school term, use of school days, and extended employment.

Section 1. Postsecondary schools shall have a regular school year of four (4) terms or quarters with no less than 200 teaching days. A school calendar shall be prepared and distributed annually to students and staff.

Section 2. Postsecondary schools may provide a three (3) week intersession in addition to the regular school year.

Section 3. All postsecondary schools shall close five (5) days during the spring for a break for staff and students in the school. Staff shall be on some form of official leave during this time. The school director may approve an employee to be on work status for security reasons or for extenuating circumstances. If spring break occurs on a date designated for an official statewide conference or an approved staff development activity, the employee may be on official work status without loss of leave.

Section 4. Instructors and administrators employed in full-time postsecondary programs shall be employed twelve (12) months. Leave time shall be utilized when students are not in school or when there is no scheduled in-service. No instructor shall be prohibited from the opportunity to use leave time equal to the amount accrued during a given year.

Section 5. The regular work year for secondary instructors in area centers and state vocational technical schools shall be August 1 through June 15. During this work year, secondary students shall begin classes based on the participating school district schedules. No area center shall be closed when secondary school students need to be served for the participating school districts. Employees required to work on official holidays in order to serve students shall be granted compensatory time. If school districts close due to inclement weather, staff in the area centers or state schools shall report to work as usual or take official leave unless a state of emergency is declared by the Governor or the appointing authority.

Section 6. Effective July 1, 1991, secondary instructors in state vocation/technical schools or area vocational education centers may be employed up to six (6) weeks beyond the ten and one-half (10.5) month calendar year (August 1 through June 15) for specified activities which cannot be carried out routinely during the year and which include at least three (3) weeks of planned direct student contact. The maximum extended time for an instructor without three (3) weeks of planned direct student contact shall be three (3) weeks. Extended instructional summer options are to be planned jointly by the instructor and school principal or director.

(1) Extended employment activities shall conform to the following conditions:

(a) Up to six (6) weeks may be approved for supervision of students in specific classroom instruction. Before approval is granted for extended time, an instructional plan for the summer teaching activities shall be approved by the central office. This plan shall include purpose, classes to be taught, time schedule, and inclusive dates.

(b) Up to one (1) week may be approved for required state technical update and school in-service.

(c) Up to two (2) weeks may be approved for staff/industry exchange and other educational approved programs. The commissioner may request secondary instructors to perform other essential services for which extended employment shall be provided. These special requests shall be handled on an individual basis.

(2) All secondary instructors in state vocational/technical schools or area vocational education centers shall make an official request for extended employment to the regional executive director by April 15 and, by May 30 of each year, shall receive written notification of approved extended days.

Section 7. Effective July 1, 1991, The instructors employed ten and one-half (10 1/2) months may request that their salaries be paid in twenty-four (24) paychecks. The last two (2) paychecks will be adjusted if necessary to reflect any salary variance due to changes in work schedules.

Section 8. All schools including area centers, state vocational technical schools, and regional offices shall be officially closed to employees and students on the official holidays designated for Christmas and New Year's as well as the days in between. The employees shall be on some form of official leave status with the exception of the four identified paid holidays. The regional executive director may require an employee to work for safety or security reasons.

Section 9. Effective July 1, 1997, extended employment shall be eliminated except for specific activities approved by the State Board for Adult and Technical Education. ("Extended Employment for 10 1/2 Month Employee" incorporated by reference.) Applications for expanded work year extended employment shall be received by the Secretary of the State Board for Adult and Technical Education on or before April 15th in order to be considered for approval. (17 Ky.R. 741; eff. 10-14-90.)

780 KAR 3:100. Employee actions.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate comprehensive administrative regulations for the certified and equivalent staff governing promotion, demotion, transfer, and reemployment.

Section 1. Definition: Work Station. (1) The official work station of an employee assigned to an office is the street address where the office is located.

(2) The official work station of a field employee is that address to which the employee is assigned at the time of appointment to the employee's position.

(3) Each employee shall be assigned to a work station by the appointing authority. A work station may be changed to better meet the needs of the agency. An employee may be temporarily assigned to a different work station in a different county for a period of up to sixty (60) calendar days, provided that such employee is reimbursed

for his travel expenses in accordance with regulatory provisions and the appointing authority notifies the employee in writing prior to the effective date of the action. Nothing within this administrative regulation shall be construed as prohibiting the appointing authority from assigning an employee to work in a different site within the county of employment. Reassignment within a county is not an appealable action.

Section 2. Promotion. Any employee in the certified and equivalent personnel system may be promoted to a position of greater scope of discretion and responsibility or to the unclassified system in the Department for Adult and Technical Education.

Section 3. Demotion. An appointing authority may demote an employee who makes a written request for voluntary demotion. The written request shall be on a form prescribed by the Commissioner of Adult and Technical Education and shall include a statement of the reason for the request, the effective date of the demotion, identifying information concerning the position demoted from and to, and a waiver of the right of appeal concerning the demotion. A copy of the request shall be placed in the employee's official file.

Section 4. Transfer. (1) Any employee in the certified and equivalent personnel system may be transferred from one office to another and from one region to another.

(2) Transfers may be on a voluntary or involuntary basis. Unless an employee requests a transfer in writing, such transfer shall be deemed to have been made on an involuntary basis. The appointing authority shall establish a reasonable basis for selecting an employee for involuntary transfer.

(3) If the transfer is on an involuntary basis, the employee shall receive written notice of his transfer. Following notification of an involuntary transfer, an employee shall report for work at the work station to which transferred on the effective date of the transfer. The notice shall be in writing, shall state the effective date of the transfer, the reason for the employee's selection for transfer, and the employee's obligation to report to the new work station. The notice shall also advise the employee that he has the right to appeal the transfer to the State Board for Adult and Technical Education within thirty (30) days of receipt of the notice excluding the day that he received notification. When the employee is notified, copies of the notice shall be forwarded to the Commissioner of Adult and Technical Education.

(4) If an involuntary transfer is to a position with a work station in a different county, the employee shall receive the notice specified in subsection (3) of this section at least thirty (30) days prior to the effective date of the transfer. The appointing authority shall pay the employee's travel expenses following transfer for up to thirty (30) days following the effective date of transfer in accordance with administrative regulations relating to reimbursement of travel expenses, and shall pay the employee's reasonable moving expenses, if any, in accordance with the Finance and Administration Cabinet's Policy Procedures relating to Moving Expenses and Reimbursement. The notice specified in subsection (3) of this section shall advise the employee of these provisions.

(5) If an employee with status requests in writing that he be transferred, the appointing authority may make a voluntary transfer. The written request shall be on a form prescribed by the Commissioner of Adult and Technical Education and shall include a statement of the reason for the request, the effective date of the transfer, identifying information concerning the position transferred from and to, and a waiver of the right to appeal concerning the transfer. A copy of this request shall be forwarded to the Commissioner of Adult and Technical Education.

Section 5. Reemployment. Reemployment in the certified and equivalent personnel system may occur in accordance with KRS Chapter 151B, Section 14. Former employees on a reemployment list shall meet all qualifications in order to be considered for a position.

Section 6. Resignations. An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least thirty (30) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give thirty (30) calendar days notice with his resignation may result in forfeiture of accrued annual leave. Part-time hourly employees who have not worked for two (2) consecutive years shall be deemed to have resigned.

Section 7. Temporary Overlap. The appointing authority for training purposes may place an employee in a position currently occupied by another employee for a period not to exceed sixty (60) calendar days.

Section 8. Retirement. If an employee voluntarily retires, he is considered as separated without prejudice. (17 Ky.R. 743; eff. 10-14-90.)

780 KAR 3:110. Disciplinary actions.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate administrative regulations for the certified and equivalent staff governing dismissals, suspensions, and any other disciplinary measures.

Section 1. General Provision. Except as otherwise provided in these administrative regulations, the tenure of an employee in the certified and equivalent personnel system shall be during good behavior and the satisfactory performance of his duties. The appointing authority may discipline employees for lack of good behavior or the unsatisfactory performance of duties. Lack of good behavior or the unsatisfactory performance of duties include but are not limited to the following:

- (1) Insubordination, including but not limited to violations of lawful rules and administrative regulations established for the operation of schools and central office in the Department of Adult and Technical Education and refusal to recognize or obey the regional executive director, school director, school principal, or any other supervisory personnel with the department in the performance of their duties;
- (2) Immoral character or unbecoming conduct;
- (3) Inefficiency, incompetency, or neglect of duty, when a written statement identifying the problems or difficulties has been furnished the individuals involved including but not limited to;
 - (a) Chronic absenteeism or excessive tardiness;
 - (b) Inability to control students or exert appropriate supervision of subordinates;
 - (c) Inappropriate discipline of students or treatment of subordinates and peers;
 - (d) Poor teaching or supervisory habits;
 - (e) Lack of completion of records and required reports.

Section 2. Dismissals. When the employee is notified, copies of the notice of intent to dismiss and the notice of dismissal or other penalization shall be forwarded to the commissioner of Adult and Technical Education on the same date notice is delivered to the employee. Probationary and limited status employees do not have appeal rights except as provided in KRS Chapter 151B, Section 6(6).

Section 3. Demotion. When the employee is notified, copies of the notice of demotion shall be forwarded to the Commissioner of Adult

and Technical Education on the same date the notice is delivered to the employee.

Section 4. Suspension. When the employee is notified, copies of the notice of suspension shall be forwarded to the Commissioner of Adult and Technical Education on the same date the notice is delivered to the employee. (17 Ky.R. 745; eff. 10-14-90.)

780 KAR 3:140. Certification and professional development requirements.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations for full-time and part-time certified and equivalent staff governing certification and professional development requirements.

Section 1. Certified and equivalent employees in the Department for Adult and Technical Education shall meet the requirements for professional education as specified in the classification system and shall maintain the continuing education requirements and administrative regulations promulgated by the State Board for Adult and Technical Education and the Board for Elementary and Secondary Education specified for each certified position as a condition of employment.

Section 2. Maintaining certification shall be the responsibility of the individual employee.

Section 3. An employee may elect to maintain the certification requirements in effect at the time of initial employment, or may transfer to current requirements for the position held. Whenever an employee changes from one position to another position with different requirements, the current requirements governing the new position shall be met.

Section 4. Secondary instructors and school administrators shall be fully certified under the provisions of teacher and principal certification administrative regulations as specified by the Kentucky State Board for Elementary and Secondary Education or other subsequent body with this authority. Postsecondary instructors and school administrators shall meet the same requirements as secondary or meet the initial alternative requirements with professional education commitment as specified in the classification system for certified and equivalent employees.

Section 5. All instructors in the Kentucky Tech System who do not have previous certification and teaching experience shall be required to successfully complete the methods of instruction training offered through the Office of Technical Education prior to teaching students.

Section 6. All new school principals and school directors who possess administrative certification but have no experience in administration shall participate in required staff development activities offered through the Office of Technical Education.

Section 7. Principals, school directors, assistant directors, and guidance counselors, and all other certified and equivalent school personnel shall complete at least twenty-five (25) hours of training annually beginning July 1 of each year.

Section 8. All instructors shall complete at least twenty-five (25) clock hours upgrade training annually. Instructors who must meet specific continuing education requirements as a part of their occupational licensure obligation shall earn those hours in accordance with the administrative regulations set by the credentialing body.

These hours, when completed, shall apply to the twenty-five (25) clock hour obligation on an hour-for-hour basis beginning July 1 of each year.

Section 9. The commissioner may specify required upgrade training for central office and field office certified and equivalent staff, but in no case shall they complete less than twenty-five (25) clock hours of training annually beginning July 1 of each year.

Section 10. If an employee does not hold a valid certificate, does not complete the requirements for renewal, or does not complete the appropriate continuing education requirements, his employment shall be terminated. The commissioner may make an exception if the requirements could not be met due to personal illness or other just cause beyond the control of the employee. The employee may be granted one (1) year in which to obtain the requirement. (17 Ky.R. 749; eff. 10-14-90; Am. 20 Ky.R. 154; eff. 10-7-93.)

780 KAR 3:150. Staff development and in-service.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035 related to programs to improve work effectiveness of employees.

Section 1. In-service and staff development activities shall be provided in all schools as specified in the school calendars and scheduled in advance. Such programs shall be designed to improve the work effectiveness of employees.

Section 2. Attendance is required for all faculty and administrators at the designated in-services. Unless the supervisor has given prior approval due to extenuating circumstances, employees not in attendance shall be placed on leave without pay.

Section 3. In-service and staff development activities shall be developed cooperatively with the faculty and the administration and shall be evaluated on an annual basis.

Section 4. Central office certified and equivalent employees shall be provided staff development programs. Scheduled in-service workshops or staff development activities shall be planned cooperatively by the administrators and professional employees. All events shall be announced in advance.

Section 5. Certified and equivalent employees shall have the right to join professional organizations for their professional improvement. Dues and related costs shall be the responsibility of the individual teacher. Two (2) professional days shall be provided certified and equivalent employees to participate in professional organization meetings without loss of pay or official leave. However, such days shall be requested in advance and not compromise the efficient operation of the school or programs. Participating in professional meetings beyond the two (2) days will generally require the employee to be on official leave.

Section 6. The commissioner or designee may approve certified and equivalent employees to assume regional, state, or national leadership roles in professional organizations for the purposes of additional days on work status. These requested must be made in advance. The maximum number of days shall not exceed fifteen (15) paid days and shall be handled on a case-by-case basis. The skills and leadership to be developed by the employee shall be considered of value to the organization before such approval is granted.

Section 7. Travel reimbursement for an employee participating in staff development or continuing education activities provided by a professional organization shall be considered on a case-by-case situation. The commissioner or designee shall communicate the administrative policy prior to such events. It is the responsibility of the employee to receive prior approval when requesting travel reimbursement. Travel reimbursement shall be in compliance with state travel administrative regulations. (17 Ky.R. 750; eff. 10-14-90.)

780 KAR 3:160. Local school district service credit.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations governing classification and compensation plans.

Section 1. An employee of a local school district who transfers to become an employee of the Department of Education after June 30, 1983, and subsequently to the Department for Adult and Technical Education on July 1, 1990, or who transferred to the Department for Adult and Technical Education after July 1, 1990, shall be allowed to transfer accrued sick leave. The employee shall be allowed credit for each year of experience in the local school system for the purposes of determining the rate of accumulation of annual and sick leave in the Department for Adult and Technical Education. (17 Ky.R. 3337; eff. 7-5-91.)

780 KAR 5:010. Institutional courses, approval of.

RELATES TO: KRS 151B.110, 151B.150

STATUTORY AUTHORITY: KRS 151B.110, 151B.145, 151B.150, 38 USC 3670 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: To establish a procedure and minimal criteria for approval of courses in all types of schools for the training of veterans.

Section 1. Educational institutions may receive approval of courses for the education and training of veterans, reservists, and other eligible persons by applying to the state approving agency, the Veterans Education Branch of the Department for Technical Education on forms and in the manner prescribed by the State Board for Adult and Technical Education in this administrative regulation.

Section 2. The state approving agency shall approve accredited courses for the training of veterans and other eligible persons when the institution meets all the requirements of 38 USC 3675.

Section 3. The state approving agency shall approve nonaccredited courses for the training of veterans and other eligible persons only if:

- (1) The institution meets all of the requirements of 38 USC 3675.
- (2) The specific course has been in operation for a minimum of two (2) years immediately preceding the date of application for approval.
- (3) The instructors meet certification standards as specified in 780 KAR 3:140. (17 Ky.R. 755; eff. 10-14-90; Am. 22 Ky.R. 372; 734; eff. 10-5-95.)

780 KAR 5:020. Apprenticeship and OJT courses, approval of.

RELATES TO: KRS 151B.110, 151B.150

STATUTORY AUTHORITY: KRS 151B.110, 151B.145, 151B.150, 38 USC 3670 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: To establish a procedure and criteria for approval of apprenticeship and other on-the-job training programs for veterans.

Section 1. Training establishments may receive approval of apprenticeship and other on-the-job courses for the training of veterans and other eligible persons by applying to the state approving agency, the Veterans Education Branch of the Department for Technical Education.

Section 2. The state approving agency shall approve apprentice and other on-the-job courses for the training of veterans and other eligible persons when the training establishment meets all of the requirements of Sections 3672 and 3677, respectively, of Title 38, United States Code. (17 Ky.R. 755; eff. 10-14-90; Am. 22 Ky.R. 373; 734; eff. 10-5-95.)

780 KAR 5:030. Revisions and amendments approval.

RELATES TO: KRS 151B.110, 151B.150

STATUTORY AUTHORITY: KRS 151B.110, 151B.145, 151B.150, 38 USC 3670 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: To provide for updating of programs by revisions and amendments to initial approvals.

Section 1. Should the educational institution or training establishment desire to make changes in any portion of its program or any amendments after initial approval has been granted, the institution or training establishment shall make application to the state approving agency, the Veterans Education Branch of the Department for Technical Education for approval. (17 Ky.R. 756; eff. 10-14-90; Am. 22 Ky.R. 374; 735; eff. 10-5-95.)

780 KAR 5:040. Denial or revocation of approval.

RELATES TO: KRS 151B.110, 151B.150

STATUTORY AUTHORITY: KRS 151B.110, 151B.145, 151B.150, 38 USC 3670 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: To provide a means of withholding or withdrawing approval in any case that fails to conform to required standards.

Section 1. If the state approving agency, the Veterans Education Branch of the Department for Technical Education finds that an institution or training establishment has been guilty of unscrupulous practice, misrepresentation, fraud, or has failed to conform to any of the representations contained in its application for approval, approval shall be withheld; or if the institution or training establishment has been approved, the approval shall be withdrawn. (17 Ky.R. 757; eff. 10-14-90; Am. 22 Ky.R. 375; 735; eff. 10-5-95.)

780 KAR 5:050. Inspection and supervision.

RELATES TO: KRS 151B.110, 151B.150

STATUTORY AUTHORITY: KRS 151B.110, 151B.145, 151B.150, 38 USC 3670 et seq.

NECESSITY, FUNCTION, AND CONFORMITY: To provide a means of withholding or withdrawing approval in any case that fails to conform to required standards. KRS 151B.150 vests with the State Board for Adult and Technical Education the authority to carry out the purposes of vocational education and the provisions of the Acts of Congress accepted by KRS 151B.145, and gives the State Board for Adult and Technical Education all necessary power and authority in

promulgating administrative regulations and administering vocational education. This administrative regulation sets monitoring standards for approving training institutions provided training of veterans, reservists and other eligible persons under 38 USC 3670 et seq.

Section 1. The state approving agency, the Veterans Education Branch, in the Department for Technical Education shall:

(1) Visit institutions and training establishments in order to inspect the training facilities and ascertain that they meet the minimum criteria before approval is granted; and

(2) Visit approved institutions and training establishments when deemed necessary to ascertain continuing compliance. (17 Ky.R. 757; eff. 10-14-90; Am. 22 Ky.R. 375; 735; eff. 10-5-95.)

780 KAR 6:010. Classification plan.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate administrative regulations, consistent with the provisions of KRS 151B.035, which govern the classification plan for unclassified service in the Department for Adult and Technical Education so that the same qualifications may reasonably be required for all positions in the same job classification and the same schedule of pay equitably applied in accordance with requirements of the statutes.

Section 1. General Provisions. The commissioner shall prepare and recommend through the Secretary of the Workforce Development Cabinet to the State Board for Adult and Technical Education and to the Governor a classification plan for adoption. The plan shall be based upon similarity of duties performed and responsibilities assumed so that the same qualifications may reasonably be required and the same schedule of pay may be equitably applied to all positions in the same class. Each position shall be allocated to its proper class in the classification plan. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience, and other qualifications.

Section 2. Interpretation of Class Specifications. (1) Class specifications are descriptive and explanatory. They are designed to indicate the kinds of positions which should be allocated to the various job classifications as determined by their characteristics and duties or responsibilities.

(2) Characteristics of a class are general statements indicating the level of responsibility and discretion of positions in that job classification.

(3) Examples of duties or responsibilities are not to be construed as describing what the duties or responsibilities of any position shall be and are not to be construed as limiting the Commissioner's ability to take, add to, or otherwise alter the duties and responsibilities of a position. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding assignments of others not mentioned which are of similar kind or quality.

(4) Minimum requirements are comprehensive statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

Section 3. Official Copy of Class Specifications. (1) The Department for Adult and Technical Education shall maintain a master set for all approved class specifications. Such specifications shall constitute the official class specifications for the classification plan. The copies of the specification of each job classification shall indicate the date of adoption or the last revision of the specification.

(2) The Department for Adult and Technical Education shall provide class specifications for inspection to any employee or the public under reasonable conditions during regular business hours.

(3) Title of position. The title of the job classification to which a position has been allocated shall be used to designate such position

in all payroll and other official records; documents, vouchers, and communications in connection with all personnel processes. For purposes of internal administration or for any other purpose, not involving the personnel processes, any office title, abbreviation or code symbol may be used in lieu of the class title. (17 Ky.R. 1276; eff. 12-9-90.)

780 KAR 6:020. Compensation plan.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035 which govern the pay plan for all unclassified service in the Department for Adult and Technical Education. This administrative regulation is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. General Provision. The commissioner shall prepare and recommend through the Secretary of the Workforce Development Cabinet to the State Board for Adult and Technical Education and the Secretary of the Finance and Administrative Cabinet a pay plan for all aforementioned employees in the unclassified service taking into account but not limited to 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 shall become effective upon approval by the Governor after submission by the commissioner through the Secretary of the Workforce Development Cabinet and the Secretary of the Department of Finance. Amendments to the pay plan may be made in the same manner. Each employee shall be appointed at a rate set forth within the pay plan for the position in which he is employed.

Section 2. Appointments. New unclassified service employees or reentering unclassified service employees shall be appointed at the salary within the salary structure for unclassified service employees commensurate with education level and experience.

Section 3. Salary Adjustments. (1) Promotion. A certified or equivalent employee who is promoted to the unclassified service may receive a five (5) percent salary increase at the time of promotion. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the commissioner may grant upon promotion a ten (10) percent to twenty (20) percent salary increase over the employee's previous salary. Upon the successful completion of a six (6) month promotional probationary period, an unclassified employee may receive at the discretion of the commissioner a five (5) percent promotional increase at the beginning of the month following completion of the probationary period.

(2) Demotion. An unclassified employee in the Department for Adult and Technical Education who is demoted to another position in the unclassified service shall have his salary adjusted in accordance with the appropriate salary schedule.

(3) Other salary adjustments.

(a) The Commissioner for Adult and Technical Education may authorize performance bonuses in lump sum payments for outstanding job performance in the unclassified service in any fiscal year in which monies are available. The criteria for such awards shall be approved by the State Board for Adult and Technical Education.

(b) Educational achievement increases will be honored for those employees who have an approved educational achievement award agreement on file in the Division of Personnel Services as of July 1, 1990. This provision will expire when previous commitments have been met.

Section 4. Salary Advancements. (1) Annual salary increments for unclassified employees shall occur commensurate with each person's established increment date.

(2) Paid overtime. Unclassified employees shall be awarded overtime payments in accordance with the Fair Labor Standards Act, 29 US •201 et seq. (17 Ky.R. 1277; eff. 12-9-90.)

780 KAR 6:030. Appointments.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035. KRS 151B.035 specifies that the State Board for Adult and Technical Education promulgate administrative regulations for the unclassified service.

Section 1. Establishment and Abolishment of Positions. The appointing authority shall establish and abolish positions consistent with the classification and compensation plan of the unclassified service.

Section 2. Filing Applications. All applications shall be made on forms prescribed by the commissioner. All applications shall be signed and the truth of the statements contained herein certified by such signatures under penalty of removal for falsification and such criminal penalties as may apply. The commissioner may authorize individuals to verify work experience and educational attainment of applicants for positions in the unclassified service. The application shall be consistent with the state and federal equal employment opportunity guidelines.

Section 3. Minimum Qualifications for Filing. All positions shall be filled by applicants who meet the standards or requirements prescribed by the commissioner with regard to education and experience and such other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position.

Section 4. Selection of Employees. The commissioner shall make the selection of employees. Employees in the executive policy-making positions serve at the discretion of the appointing authority contingent upon the approval of the secretary of the cabinet and the Governor. The selection and appointment of appropriate personnel shall be contingent upon approval of the secretary of the cabinet and the Governor. (17 Ky.R. 1278; eff. 12-9-90.)

780 KAR 6:040. Special appointments.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate administrative regulations consistent with KRS 151B.035, which govern the various types of appointments, and other such administrative regulations not inconsistent with KRS 151B.035 as may be proper and necessary.

Section 1. Detail to Special Duty. When the services of a limited or continuing status employee are needed in the unclassified service, the employee may be detailed to that position for a period not to exceed one (1) year with prior approval of the commissioner contingent upon approval of the secretary of the cabinet and the Governor. For detail to special duty, the commissioner may waive the minimum requirements. The employee shall retain status in the certified and equivalent service.

Section 2. Dual Appointments. The commissioner may authorize appointments of employees serving in two (2) positions. The commissioner may designate one (1) of the appointments as serving in an acting capacity contingent upon approval of the secretary of the cabinet and the Governor. (17 Ky.R. 1279; eff. 12-9-90.)

780 KAR 6:050. Probationary periods.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035 which govern personnel rules for the unclassified service in the Department for Adult and Technical Education. KRS 151B.035 specifies that the state board promulgate comprehensive administrative regulations for the unclassified staff governing probationary periods.

Section 1. All unclassified staff shall serve an initial probationary period of six (6) months. The initial probationary period shall serve as an adjustment period for the newly appointed employee and as an evaluation period for management. Completion of the initial six (6) months of employment does not indicate permanent status. Employees may be granted a five (5) percent increase in pay at the completion of the initial six (6) months. An employee who satisfactorily completes the initial probationary period in a given classification shall be eligible for continued employment. An employee who does not satisfactorily complete the initial probationary period shall not be eligible for reemployment in that job classification in the Department for Adult and Technical Education. (17 Ky.R. 1279; eff. 12-9-90.)

780 KAR 6:060. Attendance, compensatory time, and leave.

RELATES TO: KRS 151B.035, 151B.040, 151B.085, 29 USC 2601 to 2654, Part 825

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035(3) requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations for the unclassified service staff governing attendance, including hours of work, compensatory time, and annual, court, military, sick, voting, and special leave of absence. The Family and Medical Leave Act of 1993, 29 USC 2601 to 2654, as implemented by 29 CFR Part 825 requires the granting of family and medical leave. This administrative regulation establishes the attendance, compensatory time, and leave requirements for unclassified service staff.

Section 1. Attendance. (1) A full-time employee shall be required to work thirty-seven and one-half (37 1/2) hours per week unless otherwise specified by the appointing authority.

(2) The appointing authority may require an employee to work hours and work days other than normal if it is in the best interest of the agency. The employee shall be required to give reasonable notice in advance of absence from a work station. An employee shall be given as much advance notice as possible if a schedule is changed.

Section 2. Compensatory Time. (1) An employee who is requested in advance to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis in accordance with applicable law. Compensatory leave shall be accumulated or taken off in one-half (1/2) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) Upon separation from state service, an employee shall be paid for unused compensatory leave at the greater of his regular hourly rate of pay or at the average rate of pay for the final three (3) years of employment.

(3) An unclassified employee may use accumulated compensatory time if:

- (a) Practicable;
- (b) Requested in advance; and
- (c) Approved by the respective supervisor.

(4) To maintain a manageable level of accumulated compensatory leave and for the specific purpose of reducing an employee's

compensatory leave, the commissioner or designee may direct an employee to take accumulated compensatory time off from work.

Section 3. Annual Leave. (1) A full-time employee in the unclassified service except a seasonal, temporary, per diem, emergency or part-time employee shall accumulate annual leave with pay at the following rate:

Months of Service	Annual Leave Days
0-59 months	1 leave day per month; 12 per year
60-119 months	1 1/4 leave days per month; 15 per year
120-179 months	1 1/2 leave days per month; 18 per year
180 months and over	1 3/4 leave days per month; 21 per year

(2) Annual leave shall be accumulated in the months in which the employee is hired to work.

(3) Computing annual leave.

(a) A full-time employee shall work more than half of the work days in a month to qualify for annual leave.

(b) Leave shall be credited on the first day of the month following the month in which the leave is earned. The months for which an employee earned annual leave shall be counted to compute the months of total service.

(c) A former employee who is rehired and was rehired and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except if the dismissal resulted from a violation of KRS 151B.090. The months for which the employee earned annual leave shall be counted in computing months of total service.

(4) The maximum accumulated annual leave which may carry forward from one (1) fiscal year to the next shall not exceed the following amounts:

Months of Service	Maximum Amount
0-59 months	Thirty (30) work days
60-119 months	Thirty-seven (37) work days
120-179 months	Forty-five (45) work days
180-239 months	Fifty-two (52) work days;
240 months and over	Sixty (60) work days

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the fiscal year or upon retirement, whichever comes first. Months of service for the purpose of determining the maximum amount of annual leave which may be accumulated and the amount to be converted to sick leave shall be computed as provided in subsections (1), (2), and (3) of this section. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(5) Absence due to sickness, injury, or disability in excess of that authorized for these purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(6) Accumulated leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the request of an employee. An employee who makes a timely request for annual leave shall be granted annual leave by the appointing authority, during the calendar year, up to at least the amount of time he earned that year.

(7) An employee shall be charged with annual leave for an absence on a day upon which he would otherwise work and receive pay.

(8) An employee shall be allowed sufficient leave days as determined by the commissioner for the purpose of continuing staff development; i.e., participation in professional organization workshops and meetings without loss of pay.

(9) Annual leave shall accrue if an employee is working or on authorized leave with pay. Annual leave shall not accrue if an

employee is on educational leave with pay.

(10) An employee who is transferred to the Department for Adult Education and Literacy or the Department for Technical Education shall retain his accumulated leave.

(11) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he shall have used or have been paid for his accumulated annual leave and compensatory leave unless he has requested to retain up to ten (10) days of accumulated annual leave.

(12) An employee eligible for state contributions for life insurance and health benefits under KRS 151B.040 shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) A combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month.

(b) If an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contributions for life insurance and health benefits unless he worked for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and the employee contributions for the benefits.

(d) An employee who leaves the Department for Adult Education and Literacy or the Department for Technical Education unclassified system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(13) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts established in subsection (4) of this section.

(14) Upon the death of an employee, his estate shall be entitled to receive pay for the unused portion of the employee's accumulated annual leave.

(15) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-half (1/2) hour.

Section 4. Sick Leave. (1) An employee in the unclassified system, except a per diem or part-time employee shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee shall have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave on the first day of the month following the month in which the sick leave is earned.

(2) Sick leave credits: full-time and former employees:

(a) A full-time employee completing 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service.

1. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, the months for which an employee earned sick leave shall be used.

2. The total service shall be verified before the leave is credited to the employee's record.

(b) A former employee who is rehired and was rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except if the dismissal resulted from a violation of KRS 151B.090.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue if an employee is working or on

authorized leave with pay. Sick leave shall not accrue if an employee is on educational leave with pay.

(5) The appointing authority shall grant accrued sick leave with pay if an employee:

(a) Receives medical, dental, or optical examination or treatment;

(b) Is disabled by sickness, injury, or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his duties;

(c) Is required to care for a sick or injured member of his immediate family for a reasonable period of time. The appointing authority may require a doctor's statement; supporting the need for care by the employee;

(d) Would jeopardize the health of another person at his duty post because of exposure to a readily transmittable contagious disease; or

(e) Has lost by death a spouse, or a parent, child, brother or sister, or the spouse of any of them, or a person related by blood or affinity with a similarly close association. Leave under this paragraph shall be limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(6) At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding six (6) months, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit.

(7) Continuous leave limitation, doctor's statements, availability of position on return, dismissal after one (1) year, and sick leave without pay.

(a) The appointing authority shall grant sick leave without pay for a period not to exceed one (1) year for so long as an employee is disabled by sickness, or illness, or pregnancy.

(b) The appointing authority may require periodic doctor's statements attesting to the continued inability to perform his duties.

(c) If the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit. If there is not a position available, KRS 151B.080 and 151B.085 shall apply.

(d) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of the sick leave, shall be dismissed by the appointing authority.

(e) An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) An employee eligible for state contributions for life insurance and health benefits under KRS 151B.040 shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) A combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) If an employee is unable to work and elects to use paid leave to qualify for state contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contribution for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and the employee contributions for these benefits.

(d) An employee who leaves the unclassified service on or prior to the 15th day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(9) Absence for a fraction or a part of a day that is chargeable to sick leave shall be charged in hours or increments of one-half (1/2)

hour.

(10) An employee who is transferred to the Department for Adult Education and Literacy or the Department for Technical Education shall retain his accumulated sick leave.

(11) An employee shall be credited for accumulated sick leave if separated by proper resignation, layoff, retirement, or granted leave without pay in excess of thirty (30) working days. A former employee who is reemployed shall have his unused sick leave balance revived upon reentrance and placed to his credit.

(12) If absent due to illness or injury for which workers' compensation benefits are received, accumulated sick leave may be used in order to maintain regular full salary. If paid sick leave is used, workers' compensation pay benefits shall be assigned back to the state for whatever period of time an employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that workers' compensation benefits were assigned.

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except for an emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. If there is an illness, an employee shall notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

(a) The appointing authority may require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. The appointing authority shall grant sick leave if the application is supported by acceptable evidence.

(b) The appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

Section 5. Sick Leave Sharing Procedures. (1) An employee with a sick leave balance in excess of seventy-five (75) hours may donate sick leave to an employee with a documented medical emergency who has exhausted his annual leave, sick leave, and compensatory leave. An employee who has resigned, retired, or been placed in unpaid leave status by a personnel action shall not qualify to donate or receive sick leave.

(2) Voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the commissioner and shall include:

- (a) The name of the donor.
- (b) The agency or office in which the donor is employed.
- (c) The position number of the donor.
- (d) The Social Security number of the donor.
- (e) The name of the employee to which leave is being donated.
- (f) The agency or office in which the donee is employed.
- (g) The donee position number.
- (h) The donee Social Security number.

(i) The maximum amount of the donor's leave in excess of seventy-five (75) hours which may be credited to the individual donee.

(j) Certification by the donor that such donation is given without expectation or promise for a purpose other than that authorized by this administrative regulation.

(3) The donating employee shall retain a sick leave balance of not less than seventy-five (75) hours.

(4) A donating employee shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for consideration or in a manner other than that authorized by this administrative regulation.

(5) An employee with a medical emergency who has exhausted his annual leave, sick leave, and compensatory leave may make

application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made on behalf of the employee by a personal representative of the employee if the employee is incapable of making application on his own behalf.

(6) Application shall be made to the appointing authority on a form prescribed by the commissioner and shall include:

- (a) Employee name.
- (b) Position number.
- (c) Social Security number.
- (d) Employee title.

(e) The reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency.

(f) Signature of the requestor or his personal representative.

(7) The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of this position for ten (10) or more consecutive working days.

(8) The appointing authority may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.

(9) At the end of each pay period while an employee is on donated leave, the appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay and shall reduce the donor's leave balance by that amount.

(10) An employee on donated sick leave shall not be credited with leave in an amount in excess of the time of the documented medical emergency.

(11) A person shall not use his office of employment to promise, exchange, or influence an employee to donate excess sick leave or annual leave to an employee.

(12) Sick leave shall not be transferred in increments of less than seven and one-half (7.5) hours.

(13) If multiple donors donate sick leave to an eligible recipient, the agency shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.

(14) The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates and applications. Donated sick leave shall not be used retroactively except to cover the period between the first day sick leave would have been granted and the date of approval by the appointing authority.

(15) The sick leave sharing recipient shall monitor the amount of sick leave donated and used.

(16) Except as provided in Section 4(7)(e) of this administrative regulation, donated sick leave shall be used on consecutive days. Leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave.

(17) If the recipient of donated leave returns to work, resigns, retires, or otherwise terminates from state employment, unused donated leave shall be restored to the donors, in chronological order of receipt of the donation forms, unless the recipient provides medical evidence that he or a member of his immediate family will require continued, periodic medical treatment relating to the original condition for which leave was donated.

(18) If a sick leave donor resigns, retires or is otherwise terminated from state employment before the donor's sick leave has been transferred to the recipient, the leave shall not be available for use by the recipient.

(19) An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

Section 6. Family and Medical Leave. Leave utilized pursuant to Sections 3 and 4 of this administrative regulation that qualify as family

and medical leave in accordance with the Family and Medical Leave Act, 29 USC 2601 to 2654, and 29 CFR Part 825, shall be designated by the appointing authority as family and medical leave.

Section 7. Court Leave. (1) An employee shall be entitled to a leave of absence from duties during his scheduled working hours, without loss of time or pay, for that amount of time necessary to:

(a) Comply with a subpoena by a court or an administrative agency or body of the federal or state government, or a political subdivision; or

(b) Serve as a juror or witness in a case in which the employee or a member of his family is not a party.

(2) This leave shall include necessary travel time.

(3) If the amount of time required for an activity described in subsection (1) of this section is completed during normal working hours, the employee shall return to work.

Section 8. Military Leave: Training Duty and Military Duty. (1) Upon request, an employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties to serve under orders on training duty without loss of regular compensation for a period not to exceed ten (10) working days in a calendar year. This absence shall not be charged to leave.

(a) Absence in excess of this amount shall be charged as annual leave, compensatory leave, or leave without pay.

(b) The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(2) The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of such duty not to exceed six (6) years. Accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 9. Voting Leave. An employee who is eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. This absence shall not be charged against leave. An employee who is not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. An employee who is permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 10. Special Leave of Absence. (1) In addition to leave established in Sections 7, 8, and 9 of this administrative regulation, the appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in a calendar year.

(2) The Commissioners of the Department for Adult Education and Literacy and the Department for Technical Education may grant leave of absence if requested by an employee for a period not to exceed twenty-four (24) months, with or without pay, for assignment to and attendance at college, university, vocational or business school for the purpose of training in a subject related to the work of the employee and which will benefit the state service. An employee granted this leave shall be guaranteed a position as similar as possible to the position held at the time of the beginning of leave. An employee shall not be guaranteed the identical position held at the time of the beginning of leave.

(3) The appointing authority may grant an employee a leave of absence without pay for a period not to exceed one (1) year for a purpose other than specified in this administrative regulation that is deemed to be in the best interest of the state. An employee granted this leave shall be guaranteed a position as similar as possible to the position held at the time of the beginning of leave. An employee shall not be guaranteed the identical position held at the time of leave.

(4) The Commissioners of the Department for Adult Education and Literacy and the Department for Technical Education may grant a sabbatical leave of absence without pay if requested by a continuing status employee for a period not to exceed twelve (12) months for attendance at a college, university, vocational, business school or other business and industrial training program for the purpose of retraining due to changing technology. If retraining occurs at a Kentucky Technical institution, the employee shall be exempt from tuition. An employee granted this leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave, or if there is no similar position available, the first opening for a similar position for which the employee is qualified. An employee shall not be guaranteed the identical position held at the time of beginning leave.

(5) The appointing authority may place an employee on leave without pay for a period of time not to exceed sixty (60) working days pending an investigation into an allegation of employee misconduct. Unless there is imminent danger to a staff member, student, or other individual, there shall be a preliminary hearing after which the employee shall be notified in writing that he is being placed on leave without pay and of the reasons for that action. If this investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of this leave, and all records relating to the investigation shall be purged from the Department for Adult Education and Literacy and the Department for Technical Education files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken including if the employee voluntarily resigns in the interim.

(6) An employee eligible for state contributions for life insurance and health benefits under KRS 151B.040 shall have worked or been on paid leave during the previous month subject to the following conditions:

(a) A combination of workdays and paid leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

(b) If an employee is unable to work and elects to use paid leave to qualify for state contributions for life insurance and health benefits, he shall utilize his paid leave days consecutively.

(c) An employee who has exhausted paid leave shall not qualify for state contributions for life insurance and health benefits unless he works for more than half of the workdays in a month. If the employee is unable to work for more than half of the workdays in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the state contributions and any employee contributions for such benefits.

(d) An employee who leaves the Department for Adult and Technical Education unclassified system on or prior to the 15th day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

Section 11. Absence Without Leave. An employee who is absent from duty without approval shall report the reason for the absence to his supervisor immediately. Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of absence without leave. An absence without leave may constitute grounds for disciplinary action. (17 Ky.R. 1280; eff. 12-9-90; 19 Ky.R. 1655; eff. 3-4-93; 20 Ky.R. 853; 1629; 2342; eff. 2-2-94; 23 Ky.R. 3104; 24 Ky.R. 1253; eff. 12-4-97.)

780 KAR 6:070. Records and reports.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promul-

gate administrative regulations for the unclassified service in the Department for Adult and Technical Education.

Section 1. Records. (1) The Commissioner of Adult and Technical Education shall prescribe personnel action forms which shall be used to report personnel actions and status changes. The appointing authority shall provide a copy of a personnel action form to the employee affected by such action.

(2) The appointing authority shall maintain a leave record consistent with these administrative regulations for each employee reflecting:

- (a) Annual leave earned, used and unused;
- (b) Sick leave earned, used and unused;
- (c) Compensatory leave earned, used and unused; and
- (d) Special leave or any other leave with or without pay. Such record shall contain documentary evidence to support and justify authorized leave of absence with pay.

(3) Leave balances reported to the Commissioner of Adult and Technical Education shall contain the official leave balances of the employee.

(4) The Commissioner of Adult and Technical Education shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave, annual leave, and compensatory leave.

Section 2. Reports. (1) The Commissioner of Adult and Technical Education shall be responsible for providing raw data for the generation of all federal and state reports including the reporting of equal employment opportunity and affirmative action. (17 Ky.R. 1285; eff. 12-9-90.)

780 KAR 6:080. Employee actions.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate administrative regulations for the unclassified service staff governing promotion, demotion, transfer, and reemployment.

Section 1. Definition: Work Station. (1) The official work station of an employee assigned to an office is the street address where the office is located.

(2) The official work station of a field employee is that address to which the employee is assigned at the time of appointment to the employee's position.

(3) Each employee shall be assigned to a work station by the appointing authority. A work station may be changed to better meet the needs of the agency. An employee may be temporarily assigned to a different work station in a different county for a period of up to sixty (60) calendar days, provided that such employee is reimbursed for his travel expenses in accordance with regulatory provisions and the appointing authority notifies the employee in writing prior to the effective date of the action. Nothing within this administrative regulation shall be construed as prohibiting the appointing authority from assigning an employee to work in a different site within the county of employment.

Section 2. Promotion. (1) Vacancies may be filled by promotion whenever practicable and in the best interest of the service.

(2) Any continuing status employee promoted from the certified and equivalent personnel system retains his status in the certified and equivalent system. If at the time of reversion no vacancy exists in the position of the former class, then status Section 14 of HB 814 (1990 RS) pertaining to layoff shall apply. He shall be considered for employment in any vacant position for which he is qualified pursuant to Section 8 of HB 814 (1990 RS).

Section 3. Demotion. (1) An employee may request a voluntary demotion in writing from the appointing authority. A copy of the

request shall be placed in the employee's official file.

(2) The commissioner may make involuntary demotions when deemed necessary to further the best interest of the department.

Section 4. Transfer. An employee appointed in accordance with KRS 12.050 cannot be transferred. Any other employee in the unclassified service may be transferred from one position to another in the unclassified service by the appointing authority with written notice. If the transfer is on an involuntary basis, the employee shall receive notice of his transfer. Following notification of an involuntary transfer, an employee shall report for work at the work station to which transferred on the effective date of the transfer. The notice shall be in writing, shall state the effective date of the transfer, the reason for the employee's selection for transfer, and the employee's obligation to report to the new work station.

Section 5. Resignations. An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

Section 6. Temporary Overlap. The appointing authority for training purposes may place an employee in a position currently occupied by another employee for a period not to exceed sixty (60) calendar days.

Section 7. If an employee voluntarily retires, he is considered as separated without prejudice. (17 Ky.R. 1286; eff. 12-9-90.)

780 KAR 6:090. Disciplinary actions.

RELATES TO: KRS 151B.035

STATUTORY AUTHORITY: KRS 151B.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate administrative regulations consistent with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate administrative regulations for the unclassified service governing dismissals, suspensions, and any other disciplinary measures.

Section 1. General Provision. Except as provided by Section 6(6) of HB 814 (1990 RS), employees in the unclassified service shall not have appeal rights to the State Board for Adult and Technical Education.

Section 2. Dismissals, Demotions and Suspensions. The commissioner may make dismissals, demotions and suspensions as required to insure effective and efficient management in the Department for Adult and Technical Education. (17 Ky.R. 1287; eff. 12-9-90.)