MODEL CODE OF ETHICS

FOR STATE BOARD AND COMMISSION MEMBERS

ETHICAL PRINCIPLES

The principles of ethical behavior for public servants of the Commonwealth are provided in KRS 11A.005(1). Although not "public servants" as defined in KRS Chapter 11A, as members of the (*name of board or commission*), we believe that our public service is for the benefit of the people of the Commonwealth. We also recognize that such public service is a public trust and that we have a duty to:

(a) Be independent and impartial;

(b) Make policy and decisions through established processes of government;

(c) Not use our positions to obtain private benefits; and

(d) Uphold the public trust in the integrity of the (*name of board or commission*).

Thus, the members of the (*name of board or commission*) shall comply with the following minimum standards of ethical conduct.

ACCEPTANCE OF GIFTS

A member of the (name of board or commission), his spouse, or dependent child knowingly shall not accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars ($25) in a single calendar year from any person or business that does business with, is

regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the (*name of board or commission*), or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this paragraph shall prohibit the (*name of board or commission*) from authorizing exceptions to this paragraph where such exemption would not create an appearance of impropriety.

DISCLOSURE OF CONFLICTS OF INTEREST

A member of the (*name of board or commission*) shall disclose to the other members of the (*name of board or commission*) any direct or indirect interest in any undertaking that puts his personal interest in conflict with that of the (*name of board or commission*). This disclosure shall be made in writing or shall be recorded in the minutes of a formal meeting. A member who is required to publicly disclose a direct or indirect interest shall abstain from all decisions concerning his interest, if the decision would affect him as a member of a business, profession, occupation, or group in a manner different from other members of the business, profession, occupation, or group.

CONTRACTS/AGREEMENTS

No member of the (*name of board or commission*) shall himself or through a business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into,

awarded, or granted by the board, commission, authority, council, or committee of which he is a member. This prohibition shall not apply to purchases that are available on the same terms to the general public or which are made at public auction.

Proposed Future Hiring Processes

for the Blue Ribbon Task Force

Commonwealth of Kentucky
Personnel Cabinet
September 2005

Future Hiring Process

Applicant	Personnel Cabinet	Agency

Standardized Processes and Procedures across the Commonwealth

1. Agency obtains all necessary approvals/paperwork in order to fill a vacant position

2. Agency sends request to Personnel including information on preferred job skills

3. Personnel consults with Agency

- To pick or create the correct Job Specifications
- To select or develop the preferred job skills and/or questions
- Creates Job Requisition based on agreement with agency
- Determines appropriate sourcing efforts

4. Agency approves Job Requisition and preferred skills sent from Personnel

5. and 7. Personnel posts approved job to Personnel job site

6. Applicant accesses Personnel Job Site through any internet connection (portal) to do the following:

- Search and apply for unlimited number of open job vacancies
- Do a search by keyword on job postings
- Search and view class specs for all jobs
- Input resume using builder or upload existing resume
- Update/add/change personal information
- Create job search agents to alert applicants of newly posted jobs of interest to the applicant and provide option to apply

See Proposed Changes A

8. Personnel electronically reviews Applicant information, ensures that the appropriate testing has been completed and qualifies them for the classification using a combination of Selection Methods.

See Proposed Changes B

9. Personnel sends the certified register of qualified candidates to the Agency

See Proposed Changes C

10. Agency searches through the certified register for candidates that meet their preferred skills

11. Agency contacts applicants for interviews and selects a recommended applicant to fill the vacant position

See Proposed Changes C

12. Personnel Cabinet Secretary approves recommendation

13. Applicant accepts/reject offer

Future Hiring Process Regulation/ Statute Proposed Changes

A			
Application Process			
Current	**Proposed**	**KRS/KAR**	**Comments**
• Can apply to all 1400 Job Classifications even if they are not currently vacant. Some classifications rarely become vacant • Limited to 15 Registers per Candidate • Cannot receive personalized notice of job vacancy • Cannot view/update personal information • Keyword searching within job openings /classification not available • Help on the application process is text based and/or in person	• Can apply to only vacant positions allowing the applicant to apply for jobs they know are open and available • Apply to Unlimited number of jobs • Receive email alerts of newly posted job relevant to applicant skills • Keyword searching on all openings /classifications • Expand help to application process through online video presentations	101 KAR 2:046, Section 1 101 KAR 2:056, Section 8 KRS 18A.110 101 KAR 2:066 101 KAR 2:020	
Qualifying			
Current	**Proposed**	**KRS/KAR**	**Comments**
• Applicants must come into Frankfort to have a counselor review qualifications in order to meet the 10 day posting window • Applicant wait time is approximately 1-3 hours • There is no way for the Personnel Cabinet to search applicants for particular skills/abilities in order to qualify	• Applicants can apply via the web 24/7 • Personnel Cabinet will be able to search for specific applicant skills/abilities in order to qualify	101 KAR 2:046, Section 1(6) KRS 18A.110(7)(c) KRS 18A.025(3) KRS 18A.025(3)(b)(3)	
B			
Selection Methods			
Current	**Proposed**	**KRS/KAR**	**Comments**
• There are currently only 3 types of selection methods: Qualifying, Written and T&E	• Update selection methodology	101 KAR 1:400 101 KAR 2:066 KRS 18A.110(7)(c) KRS 18A.110(d)	Must be amended to provide flexibility in selection methods

Tested Positions			
Current	**Proposed**	**KRS/KAR**	**Comments**
• Testing can be a cumbersome process because most remote test sites are only open once a month and require the use of paper tests. • In order to be placed on the register in a timely manner, the applicant must drive to Frankfort to take a test • Current tests are created through the use of internal Subject Matter Experts who are not necessarily certified in their area of expertise • Some tests have not been reviewed or modified since the 1980's • There are not current test benchmarking practices in place	• Update testing process • Expand the number of proctored remotes sites providing online testing • Tests developed by certified testing experts to ensure reliability and validity	KRS 18A.030(2)(d) KRS 18A.040 KRS 18A.110 (7)(c) KRS 18A.030(2) 101 KAR 2:046 KRS 18A.025 (3)(b)	Personnel Cabinet is currently looking at partnering with other state agencies to improve the testing process
C			
Register			
Current	**Proposed**	**KRS/KAR**	**Comments**
• When a job closes, the Personnel Cabinet sends the Agency an electronic register that contains very basic information (Name, Address, SSN, Phone, Score) • In order to view the applicant's application(s)/resume or any other information, some Personnel Administrators must print off everything on paper for the hiring managers • Registers are not searchable or sortable • Some registers have in excess of over 1,500 people on them • The Certified Register can include: Applicants who applied for this specific position, current employees who got on the register simply to be promoted or re-	• Personnel Cabinet provides electronic register with links to an applicants online application/resume and any other corresponding information • Hiring manager will have direct access to view applicant information • Agency can search and sort applicants by preferred job skills • Registers will include applicants who have expressed an interest in that particular position • Eliminate creating registers for career path promotions and promotions.	101 KAR 2:056 (8) KRS 18A.110 (1)(f) KRS 18A.025 (3)(b) 101 KAR 2:066, Section 2 & Section 5 KRS 18A.110 7(c) 101 KAR 2:046 101 KAR 2:056	Personnel actions for promotions and recluses should be handled separate from the hiring process

classed; applicants who applied to the job classification almost a year ago but have since found other employment; people who have already been hired by the Commonwealth but wish to remain on the register for future possibilities; people who are no longer interested in the position but have not contacted Personnel requesting to be removed from the register			
D			
Hiring			
Current	**Proposed**	**KRS/KAR**	**Comments**
• No Commonwealth wide standardized interview process	• Provide e-learning opportunities and standard interview techniques	No Changes	

Reference Pages
KRS/KAR Table

Number	Description
101 KAR 1:400. Promotion	**RELATES TO: KRS 18A.075, 18A.0751, 18A.115** **STATUTORY AUTHORITY: KRS Chapter 13A, 18A.075** **NECESSITY, FUNCTION, AND CONFORMITY:** KRS 18A.057 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 directs that comprehensive administrative regulations be promulgated by the Personnel Board for the classified service governing promotion. KRS 18A.115 relates to promotion of career employees. The amendment to this administrative regulation is required to conform to Senate Bill 61 (1994 session), and to the requirements of KRS 18A.112, 13A.200, and 13A.222. **Section 1. Promotion.** (1) Agencies shall consider an applicant's qualifications, record of performance, conduct, seniority and performance evaluations in the selection of an employee for a promotion. (2) Promotions may be interagency or intra-agency. (3)(a) An employee in the classified service, other than a career employee, may be promoted to a position in the unclassified service. (b) He shall not have reversion rights to a position in the classified service. (c) An employee who was promoted or changed as a result of other action, with no break in service, from a position in the classified service to a position in the unclassified service prior to July 15, 1986, shall retain the reversion rights he held at the time of promotion or other action. (17 Ky.R. 156; eff. 9-12-90; Am. 21 Ky.R. 463; eff. 9-14-94.)
101 KAR 2:046. Applications, qualifications and examinations	**RELATES TO: KRS 18A.030(2), 18A.032, 18A.110(1)(a), (7)(c), 18A.120, 18A.150** **STATUTORY AUTHORITY: KRS 18A.030(2), 18A.110(1)(a), (7)(c)** **NECESSITY, FUNCTION, AND CONFORMITY**: KRS 18A.110(1)(a) and (7)(c) requires the Secretary of Personnel to promulgate administrative regulations which govern open competitive exams to test the relative fitness of applicants and for the rejection of candidates or eligibles who fail to meet reasonable requirements of the secretary. This administrative regulation establishes the application and examination requirements. **Section 1. Notices of Examinations.** (1) An examination for entrance to the classified service shall be conducted on an open-competitive basis. (2) For a job classification in which there is expected to be a considerable and recurring need of eligibles, the secretary shall establish a recruitment program which shall be both positive and continuous. (3) The recruitment program shall: (a) Accept an application at any time; and (b) Hold an examination whenever and wherever the secretary deems it to be in the best interests of the Merit System. (4) If continuous recruitment is not needed, a special announcement shall be used. (5) Eligibles shall be listed in rank order of score without respect to the date on which the examination was taken. (6) Notice of examinations shall be announced publicly at least ten (10) days prior to the certification of the register. An application shall be accepted up to the date prior to certification of the register. (7) Examinations may be advertised through the press, radio and other media. (8) The public notice of examination required by KRS 18A.110(7)(c) shall specify: (a) The title and minimum salary of the job classification; (b) The minimum qualifications required; (c) The opening date on which an application will be received for placement of the applicant on the register; (d) The relative weights to be assigned to different parts of the examination; and (e) All other pertinent information and requirements. **Section 2. Minimum Qualifications for Filing.** An open-competitive examination shall be open to each applicant who meets the standards or requirements fixed by the secretary with regard to: (1) Education; (2) Experience; (3) Training; (4) Licensure; (5) Certification; or (6) Other factors that relate to the ability of the candidate to perform the essential functions of the position with reasonable efficiency. **Section 3. Filing Applications.** (1) An application shall be submitted on an Application for Employment or Application Update, whichever is appropriate.

Number	Description
	(2) An application shall require information concerning: (a) Personal characteristics; (b) Education; (c) Experience; (d) References; and (e) Other pertinent information. (3) An application shall be signed by the applicant personally or by electronic means. The truth of the statements contained in the application shall be certified by the applicant's signature. (4) An applicant shall: (a) Meet the minimum qualifications established in the class specification as to education and experience; and (b) Not be guaranteed a passing grade by admission to an examination. (5) For a job classification for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that an application shall be received until further notice. (6) If a special announcement bulletin is used, an applicant shall have at least ten (10) calendar days from the date of the announcement to apply and test for an opening. **Section 4. Advance Examinations**. (1) If an applicant does not meet the minimum requirements as to education at the time of application, but will meet these requirements as a result of the completion of currently scheduled educational work in three (3) months following the date of receipt of application, he shall be allowed to take the examination with the approval of the secretary. (2) An applicant taking the examination under subsection (1) of this section shall have his name entered on the register up to thirty (30) days prior to completing the educational requirements. **Section 5. Character of Examinations.** An examination shall: (1) Be practical in nature; (2) Be constructed to reveal the capacity of the candidate for the particular job classification for which he is competing; (3) Consider the applicant's general background and related knowledge; and (4) Be rated impartially. **Section 6. Conduct of Examinations.** (1) An examination shall be conducted in as many places in the Commonwealth as are found convenient for applicants and practicable for administration. (2) Reasonable accommodation in testing shall be provided upon timely request and receipt of verification of need. (3) The secretary may designate monitors in various parts of the Commonwealth to: (a) Conduct an examination under instructions prescribed by the secretary; (b) Provide for the compensation of the monitors; and (c) Make arrangements for the use of a public building in which to conduct an examination. (4) Retest procedures. (a) For open continuous testing, an applicant shall not: 1. Be admitted to the same exam or its alternate more than two (2) times within a regular workweek; or 2. Take the same exam or its alternate more than twelve (12) times in a twelve (12) month period beginning with the original date the test is taken. (b) An eligible, who is removed from a register for failure to report to an appointing authority or appointing authority's designee for consideration or declines appointment by an appointing authority shall not be allowed to retest for the job class from which the eligible was removed for three (3) months from the date of removal unless restored for reasons satisfactory to the secretary or in accordance with the decision of the Personnel Board on appeal. **Section 7. Rating Examinations.** (1) The secretary shall determine the rating or standing of an applicant on the register for each examination. (2) A final rating shall be based upon a weighted average of the various parts of the total examination. (3) All applicants for the same job classification shall be accorded uniform and equal treatment in all phases of the examination procedure. **Section 8. Rating Education and Experience.** (1) If the rating of education and experience forms a part of the total examination, the secretary shall determine a procedure for the evaluation of the education and experience qualifications of an applicant. (2) The formula used in appraisal shall give due regard to recentness and quality as well as quantity of experience and the pertinence of the education. (3) The secretary shall investigate the candidate's educational documentation. (4) The secretary may investigate the candidate's work history. (5) If the results of this investigation disclose information affecting the rating of education and experience, the secretary shall: (a) Rate the candidate accordingly; (b) Make the necessary revision of the rating; and (c) Notify the candidate. (6) If the knowledge, skills and abilities necessary for a job classification cannot be accurately measured by written, performance, or training and experience examination, the secretary may determine the selection method for the classification to be "qualifying". (a) If a classification is determined to be qualifying the secretary shall notify the Personnel Board of the classification and the minimum requirements. (b) The secretary shall maintain for public review a list of those classifications which are qualifying along with the minimum requirements for each classification. **Section 9. Oral Examinations.** (1) If an oral examination forms a part of the total examination for a position, the secretary shall appoint one (1) or more oral examination panels as needed. (2) An oral examination panel shall:

Number	Description
	(a) Consist of three (3) or more members known to be interested in the improvement of public administration and in the selection of efficient government personnel; and (b) Including one (1) member who is technically familiar with the character of work in the position for which an applicant shall be examined. (3) If practicable, all candidates for the same job classification who qualify for the oral examination shall be rated by the same oral examination panel. (4) A member of an oral examination panel shall: (a) Disclose each instance in which the member knows the applicant personally; and (b) Shall refrain from rating that applicant. **Section 10. Notice of Examination Results.** (1) Each applicant shall be notified of the final rating as soon as the rating of the examination has been completed. (2) An eligible shall be entitled to information concerning his relative position on the register upon request and presentation of proper identification. **Section 11. Adjustment of Errors.** (1) The secretary shall correct a clerical error in the rating of an examination, if the error is called to the attention of the secretary within thirty (30) days after receipt of the notice of examination results. (2) A correction shall not invalidate a certification and appointment previously made. **Section 12. Examination Records.** The secretary shall maintain all records pertinent to an application or examination for a period of three (3) years. **Section 13. Incorporation by Reference.** (1) The following material is incorporated by reference: (a) "Application for Employment", Form P-2, September 1999; and (b) "Application Update", September 1999. (2) This material may be inspected, copied, or obtained at the Personnel Cabinet, 200 Fair Oaks Lane, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 3551; Am. 19 Ky.R. 389; eff. 8-1-92; 26 Ky.R. 91; 525; eff. 8-25-99.)
101 KAR 2:056. Registers	**RELATES TO: KRS 18A.005, 18A.110(1)(f), (7) 18A.120** **STATUTORY AUTHORITY: KRS 18A.030(2), 18A.040, 18A.110(1)(f), (7)** **NECESSITY, FUNCTION, AND CONFORMITY:** KRS 18A.110(1)(f) and (7) requires the Secretary of Personnel to promulgate administrative regulations which govern the establishment of eligible lists for appointment and for the rejection of candidates or eligibles who do not meet reasonable selection requirements of the secretary. This administrative regulation establishes requirements for the state registers. **Section 1. Notification of Register Vacancies**. An appointing authority shall notify the secretary, on the prescribed Request for Certification Forms P-7 and P-7(a), as far in advance as possible of a vacancy in a full-time or part-time classified position to be filled from a register. **Section 2. Use of Related Registers.** (1) The secretary may select a register from a job classification for which the minimum qualifications are comparable to or higher than those required for the job classification in which a vacancy exists if there is an inadequate or insufficient register available. (2) The secretary may, if appropriate, rerate an applicant's training and experience on the basis of the minimum qualification required for the job classification in which the vacancy exists. **Section 3. Duration of Registers.** (1) If a register becomes so depleted that the preparation of usable certificates for a major portion of the current vacancies in a particular job classification is impracticable, the register shall be considered exhausted. (2) A register which has become exhausted shall expire upon the administration of a superseding examination and the establishment of a register on the basis of that examination. (3) If a new examination is established for a class, the secretary shall send to each eligible remaining on the current register a notification prior to the administration of a superseding examination. **Section 4. Replenishment of Registers.** If the secretary determines that a register, although not exhausted, is inadequate for the filling of an anticipated vacancy, the secretary may announce an open competitive examination for the purpose of replenishing the register. **Section 5. Internal Mobility Program.** The internal mobility program shall facilitate the movement of a classified employee to a position in a different class in the state personnel system. (1) The secretary shall maintain a full-time and part-time register which shall include: (a) The names of eligibles for reemployment and appointment, in accordance with 101 KAR 2:066; and (b) The names of interested employees with status who: 1. Meet the minimum requirements; and 2. Seek promotion, demotion, or transfer to a position of a different class. (2) An employee with status interested in internal mobility shall: (a) Submit a completed Application for Employment or Application Update, whichever is appropriate, to the Personnel Cabinet; and (b) Request placement on the register. **Section 6. Reemployment Registers.** The secretary shall prepare a reemployment register, which: (1) Shall contain the names of former employees, in rank order of seniority, who are exercising their reemployment rights; and (2) May be combined with the list of current employees in the Internal Mobility Program for the classification.

Number	Description
	Section 7. Full-time or Part-time Registers. (1) The secretary shall maintain a separate register for full-time and part-time positions. (2) An eligible shall notify the cabinet if he wants to be on the register for full time, part time or both. **Section 8. Maximum Number of Classifications**. Except for an individual exercising reemployment rights, a person shall not be eligible to have his name placed on the register for more than fifteen (15) individual job classifications at the same time. **Section 9. Incorporation by Reference**. (1) The following material is incorporated by reference: (a) Request for Certification Forms P-7 and P-7(a), September 1999; (b) "Application for Employment", Form P-2, September 1999; and (c) "Application Update", September 1999. (2) This material may be inspected, copied, or obtained at the Personnel Cabinet, 200 Fair Oaks Lane, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 3553; eff. 8-1-92; Am. 20 Ky.R. 1640; eff. 2-3-94; 26 Ky.R. 93; 564; eff. 8-25-99.)
101 KAR 2:066. Certification and selection of eligibles for appointment	**RELATES TO: KRS 18A.030(2), 18A.110(1)(b), (7), 18A.165** **STATUTORY AUTHORITY: KRS 18A.030(2), 18A.110(1)(b), (7)** **NECESSITY, FUNCTION, AND CONFORMITY**: KRS 18A.110(1)(b) and (7) requires the Secretary of Personnel to promulgate administrative regulations which govern the establishment of eligibility lists for appointment, and for consideration for appointment of persons whose scores are included in the five (5) highest scores on the examination. This administrative regulation establishes the requirements for certification and selection of eligibles for appointment. **Section 1. Request for Certification of Eligibles**. To fill a vacant position in the classified service that is not filled by lateral transfer, reinstatement, reversion or demotion, the appointing authority shall submit a request for a register to the secretary upon a completed Request for Certification Forms P-7 and P-7(a). The request shall: (1) Be for one (1) or more positions in the same: (a) Class; or (b) County; (2) Indicate: (a) The number and identity of the positions to be filled; (b) The title of the job classification for each position; and (c) Other pertinent information which the appointing authority and the secretary deem necessary; and (3) Be made by the appointing authority as far in advance as possible of the date the position is to be filled. **Section 2. Certification of Eligibles**. (1) Upon receipt of a requisition, the secretary shall certify and submit in writing to the appointing authority the names of available persons eligible for the position. (a) If one (1) position is involved, the secretary shall certify and submit from the register for that job classification the names of: 1. The applicants whose scores are included in the highest five (5) scores earned through the selection method; 2. All internal mobility candidates for that classification. (b) If more than one (1) vacancy is involved, the secretary may certify sufficient additional names for the agency's consideration in filling the total number of vacancies. (2) Each appointment shall be made from the internal mobility candidate listing or the eligibles with the five (5) highest scores. Scores shall be considered in whole numbers. (3) The life of a certificate during which action may be taken shall be sixty (60) days from the date of issue unless otherwise specified on the certificate. An appointment made from the certificate during that time shall not be subject to a change in the condition of the register taking place during that period. **Section 3. Availability.** An eligible may, during the life of a register, have himself listed as available or not available for appointment to a position of that job classification in a county or counties in the state by filing notice to that effect with the secretary. **Section 4. Selective Certification**. (1)(a) The appointing authority shall specify, in writing, requirements of particular experience, education, or skill if those requirements are necessary for a position. (b) After investigation of the duties and responsibilities of the position, if the secretary finds that the particular experience, education, or skill is essential for successful performance, the secretary shall certify, in order of rank on the register, the names of those persons with the five (5) highest scores who possess those qualifications. (c) If, in certifying the names of the eligibles, the secretary finds there are fewer than five (5) eligibles, the secretary shall complete the certificate by adding, after the names of the eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register. (2) The secretary shall transmit a copy of all requests for selective certification to the Personnel Board upon approval of the request. **Section 5. Selection**. The final selection by the appointing authority shall be reported in writing to the secretary. At the same time, the appointing authority shall indicate the disposition of the other names listed on the certificate and shall certify to the secretary the nonavailability of an eligible passed over for that reason. **Section 6. Incorporation by Reference**. (1) Request for Certification Forms P-7 and P-7(a), September 1999, is incorporated by reference. (2) This material may be inspected, copied, or obtained at the Personnel Cabinet, 200 Fair Oaks Lane, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (18 Ky.R. 3554; eff. 8-1-92; Am. 19 Ky.R. 1634; eff. 3-10-93; 20 Ky.R. 1641; eff. 2-3-94; 26 Ky.R. 95; 565; eff. 8-25-99.)

Number	Description
18A.025 (3) Appointment of secretary of personnel. Responsibilities Organization and duties of cabinet.	**(3)** There is established within the Personnel Cabinet the following offices, departments, and divisions, each of which shall be headed by either a commissioner, executive director, or division director appointed by the secretary, subject to the prior approval of the Governor pursuant to KRS 12.040 or 12.050, depending on the level of the appointment. The Kentucky Employees Deferred Compensation Authority shall be headed by an executive director who shall be appointed by the authority's board of directors: **(a)** Office of the Secretary, which shall be responsible for the administration and coordination of the following programs: 1. The state Equal Employment Opportunity Program; 2. The state Minority Management Program; and 3. The state's affirmative action plan established in KRS 18A.138. Kentucky Public Employees Deferred Compensation Authority shall be attached to the Office of the Secretary for administrative purposes only. The authority shall be governed by a board of trustees composed of seven (7) members including the secretary of finance and administration, ex officio; the secretary of personnel, ex officio; the state controller, ex officio; and four (4) at large members appointed by the Governor, one (1) of whom shall have at least five (5) years of investment or banking experience and one (1) of whom shall represent a nonstate employer. The authority shall be headed by an executive director who shall be appointed by the board of directors of the authority without the limitations imposed by KRS 12.040 and KRS Chapter 18A; **(b)** Department for Personnel Administration, composed of the: 1. Division of Employee Management, which shall be responsible for payroll, records, and classification, compensation, and performance management functions. The division shall also be responsible for implementing lay-off plans mandated by KRS 18A.113 to 18A.1132 and shall monitor and assist state agencies in complying with the provisions of the Federal Fair Labor Standards Act (FLSA). The division shall: a. Maintain the central personnel files mandated by KRS 18A.020 and process personnel documents and position actions; b. Operate and maintain a uniform payroll system and certify payrolls as required by KRS 18A.125; c. Maintain plans of classification and compensation for state service and review and evaluate the plans; and d. Coordinate and implement the employee performance evaluation systems throughout state government; 2. Division of Staffing Services, which shall be responsible for employment counseling, applicant processing, employment register, and staffing analysis functions. The division shall: a. Operate a centralized applicant and employee counseling program; b. Operate, coordinate, and construct the examination program for State employment; c. Prepare registers of candidate employment; and d. Coordinate outreach programs, such as recruitment and the Administrative Intern Program; **(c)** Office for Employee Relations, composed of the following divisions: 1. Division of Employee Benefits, which shall consist of the following: a. Workers' Compensation Program pursuant to KRS 18A.375; b. Life Insurance Program pursuant to KRS 18A.205 to KRS 18A.220; c. Sick leave Sharing Program, pursuant to KRS 18A.197; d. Annual Leave Sharing Program, pursuant to KRS 18A.203; e. Health and Safety Programs (OSHA); and f. Employee Assistance Program; 2. Division of Communications and Recognition, which shall: a. Communicate with state employees about personnel issues and other relevant issues through publications; b. Administer the employee incentive programs established by KRS 18A.202; and c. Provide dispute resolution assistance to state employees and agencies; **(d)** Department for Employee Insurance, which shall be responsible for the: 1. Health Insurance Program, pursuant to KRS 18A.225; and 2. Flexible Benefit Plan, pursuant to KRS 18A.227; **(e)** Office of Administrative Services, which shall be responsible for the Personnel Cabinet's Administrative Services; **(f)** Office of Legal Services, which shall provide legal services to the Personnel Cabinet and to executive branch agencies and their representatives, upon request; and **(g)** Office of Government Training, which shall improve individual and organizational performance throughout state government through employee and managerial training, consultation, and survey research services.
18A.030 (2) Duties of secretary.	**(2)** Subject to the provisions of this chapter and KRS Chapter 13A, the secretary shall, with the aid of his staff: (a) Attend all meetings of the board; (b) As provided by this chapter, promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapters 13A and 18A, and with federal standards for the administration of a personnel system in the agencies of the state government receiving federal grants; (c) Establish general procedures for personnel recruitment, for certification, and for improving the efficiency of employed personnel; (d) Appoint the examiners and technicians necessary for the conduct of the personnel program, whether on a permanent or temporary basis; (e) Prepare and maintain a record of all employees, showing for each employee his name, address, title of position held, rate of compensation, changes in status, compensation, or title, transfer, and to make the data and the class specifications for all positions available to the press and public; (f) Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and the administrative regulations adopted thereunder, examinations, eligible lists, and ratings of candidates for appointment; (g) Make certification for appointment or promotion within the classified service, in accordance with the provisions of KRS

Number	Description
	18A.005 to 18A.200; (h) Make investigations concerning all matters touching the enforcement and effect of the provisions of KRS 18A.005 to 18A.200 and administrative regulations prescribed thereunder; (i) Prepare, in cooperation with appointing authorities and others, programs for employee training, safety, morale, work motivation, health, counseling, and welfare, and exercise leadership in the development of effective personnel administration within the several departments of the Commonwealth, and make available the facilities of the department to this end; (j) Provide personnel services to unclassified employees in agreement with the agencies involved not otherwise provided for in KRS 18A.005 to 18A.200; (k) Present, in accordance with the provisions of KRS Chapter 48, budget requests for the support of the personnel system created by KRS 18A.005 to 18A.200, excluding the board, which shall present its own budget estimates; (l) Make a report and submit the same to the board, the Legislative Research Commission, and the Governor not later than October first of each year; and (m) Discharge the other duties imposed upon him by KRS 18A.005 to 18A.200.
18A.040 Compliance with federal standards.	The board and the commissioner shall see that rules, regulations and practices meeting federal merit system standards shall, where such standards apply as a prerequisite for federal grants-in-aid, be in effect continuously, notwithstanding any other provision of KRS 18A.005 to 18A.200.
18A.110 Personnel secretary - Regulatory authority.	**(1)** The secretary shall promulgate comprehensive administrative regulations for the classified service governing: (a) Applications and examinations; (b) Certification and selection of eligibles; (c) Classification and compensation plans; (d) Incentive programs; (e) Layoffs; (f) Registers; (g) Types of appointments; (h) Attendance; hours of work; compensatory time; annual, court, military, sick, voting, and special leaves of absence, provided that the secretary shall not promulgate administrative regulations that would reduce the rate at which employees may accumulate leave time below the rate effective on December 10, 1985; and (i) Employee evaluations. **(2)** The secretary shall promulgate comprehensive administrative regulations for the unclassified service. **(3)** (a) Except as provided by KRS 18A.355, the secretary shall not promulgate administrative regulations that would reduce an employee's salary; and (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed administrative regulation providing for an initial probationary period in excess of six (6) months to the board for its approval. **(4)** The secretary may promulgate administrative regulations to implement state government's affirmative action plan under KRS 18A.138. **(5)** (a) The administrative regulations shall comply with the provisions of this chapter and KRS Chapter 13A, and shall have the force and effect of law after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder; (b) Administrative regulations promulgated by the secretary shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter; and (c) No administrative body other than the Personnel Cabinet shall promulgate administrative regulations governing the subject matters specified in this section. **(6)** Prior to filing an administrative regulation with the Legislative Research Commission, the secretary shall submit the administrative regulation to the board for review. (a) The board shall review the administrative regulation proposed by the secretary not less than twenty (20) days after its submission to it; (b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the secretary; (c) The secretary shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary; and (d) After the secretary has completed the review provided for in this section, he may file the proposed administrative regulation with the Legislative Research Commission pursuant to the provisions of KRS Chapter 13A. **(7)** The administrative regulations shall provide: (a) For the preparation, maintenance, and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. The secretary shall allocate the position of every employee in the classified service to one (1) of the classes in the plan. The secretary shall reallocate existing positions, after consultation with appointing authorities, when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified. The occupant of a position being reallocated shall continue to serve in the reallocated position with no reduction in salary; (b) For a pay plan for all employees in the classified service, after consultation with appointing authorities and the state budget director. The plan shall take into account such factors as:

Number	Description
	1. The relative levels of duties and responsibilities of various classes of positions; 2. Rates paid for comparable positions elsewhere taking into consideration the effect of seniority on such rates; and 3. The state's financial resources. Amendments to the pay plan shall be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed, provided that the full amount of the annual increment provided for by the provisions of KRS 18A.355, and the full amount of an increment due to a promotion, salary adjustment, reclassification, or reallocation, shall be added to an employee's base salary or wages; (c) For open competitive examinations to test the relative fitness of applicants for the respective positions. The examinations shall be announced publicly and applications accepted at least ten (10) days prior to certification of a register, and may be advertised through the press, radio, and other media. The secretary shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service. Except as provided by this chapter, he shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The secretary shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness, which in his judgment, serves the need to discover the relative fitness of applicants; (d) As provided by this chapter, for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Except as provided by this chapter, an eligible's score shall expire automatically one (1) year from the date of testing, unless the life of the score is extended by action of the secretary for a period not to exceed one (1) additional year. Except for those individuals exercising reemployment rights, all eligibles may be removed from the register when a new examination is established; (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the secretary in regard to such factors as age, physical condition, training, and experience, or who have attempted any deception or fraud in connection with an examination; (f) Except as provided by this chapter, for the appointment of a person whose score is included in the five (5) highest scores earned on the examination; (g) For annual, sick, and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided by KRS 18A.155(1)(d); (h) For layoffs, in accordance with the provisions of KRS 18A.113, 18A.1131, and 18A.1132, by reasons of lack of work, abolishment of a position, a material change in duties or organization, or a lack of funds; (i) For the development and operation of programs to improve the work effectiveness of employees in the state service, including training, whether inservice or compensated educational leave, safety, health, welfare, counseling, recreation, employee relations, and employee mobility without written examination; (j) For a uniform system of annual employee evaluation for classified employees, with status, that shall be considered in determining eligibility for discretionary salary advancements, promotions, and disciplinary actions. The administrative regulations shall: 1. Require the secretary to determine the appropriate number of job categories to be evaluated and a method for rating each category; 2. Provide for periodic informal reviews during the evaluation period which shall be documented on the evaluation form and pertinent comments by either the employee or supervisor may be included; 3. Establish a procedure for internal dispute resolution with respect to the final evaluation rating; 4. Permit a classified employee, with status, who receives either of the two (2) lowest possible evaluation ratings to appeal to the Personnel Board for review after exhausting the internal dispute resolution procedure. The final evaluation shall not include supervisor comments on ratings other than the lowest two (2) ratings; 5. Require that an employee who receives the highest possible rating shall receive the equivalent of two (2) workdays, not to exceed sixteen (16) hours, credited to his or her annual leave balance. An employee who receives the second highest possible rating shall receive the equivalent of one (1) workday, not to exceed eight (8) hours, credited to his or her annual leave balance; and 6. Require that an employee who receives the lowest possible evaluation rating shall either be demoted to a position commensurate with the employee's skills and abilities or be terminated; and (k) For other administrative regulations not inconsistent with this chapter and KRS Chapter 13A, as may be proper and necessary for its enforcement.

Terms

Item	Definition
Sourcing	Methods for finding additional candidate through alternative methods such as word of mouth, searching databases, newspaper, job boards, etc.
Register	List of applicants that have met minimum requirements.
Job Requisition	Job posting approved to be posted.
Job Classification	