

1 AN ACT relating to meetings concerning the allocation of resources to Jefferson
2 County.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 18A.115 is amended to read as follows:

- 5 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise
6 all positions in the state service now existing or hereafter established, except the
7 following:
- 8 (a) The General Assembly and employees of the General Assembly, including the
9 employees of the Legislative Research Commission;
 - 10 (b) Officers elected by popular vote and persons appointed to fill vacancies in
11 elective offices;
 - 12 (c) Members of boards and commissions;
 - 13 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,
14 the Office of the Secretary of the Governor's Cabinet, and the Office of
15 Program Administration;
 - 16 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
17 of all boards and commissions, including the executive director of Kentucky
18 Educational Television and the executive director and deputy executive
19 director of the Education Professional Standards Board;
 - 20 (f) Employees of Kentucky Educational Television who have been determined to
21 be exempt from classified service by the Kentucky Authority for Educational
22 Television, which shall have sole authority over such exempt employees for
23 employment, dismissal, and setting of compensation, up to the maximum
24 established for the executive director and his principal assistants;
 - 25 (g) One (1) principal assistant or deputy for each person exempted under
26 subsection (1)(e) of this section;
 - 27 (h) One (1) additional principal assistant or deputy as may be necessary for

1 making and carrying out policy for each person exempted under subsection
2 (1)(e) of this section in those instances in which the nature of the functions,
3 size, or complexity of the unit involved are such that the secretary approves
4 such an addition on petition of the relevant cabinet secretary or department
5 head and such other principal assistants, deputies, or other major assistants as
6 may be necessary for making and carrying out policy for each person
7 exempted under subsection (1)(e) of this section in those instances in which
8 the nature of the functions, size, or complexity of the unit involved are such
9 that the board may approve such an addition or additions on petition of the
10 department head approved by the secretary. Effective August 1, 2010:

- 11 1. All positions approved under this paragraph prior to August 1, 2010,
12 shall be abolished effective December 31, 2010, unless reapproved
13 under subparagraph 2. of this paragraph; and
 - 14 2. A position approved under this paragraph on or after August 1, 2010,
15 shall be approved for a period of five (5) years, after which time the
16 position shall be abolished unless reapproved under this subparagraph
17 for an additional five (5) year period;
- 18 (i) Division directors subject to the provisions of KRS 18A.170. Division
19 directors in the classified service as of January 1, 1980, shall remain in the
20 classified service;
 - 21 (j) Physicians employed as such;
 - 22 (k) One (1) private secretary for each person exempted under subsection (1)(e),
23 (g), and (h) of this section;
 - 24 (l) The judicial department, referees, receivers, jurors, and notaries public;
 - 25 (m) Officers and members of the staffs of state universities and colleges and
26 student employees of such institutions; officers and employees of the
27 Teachers' Retirement System; and officers, teachers, and employees of local

- 1 boards of education;
- 2 (n) Patients or inmates employed in state institutions;
- 3 (o) Persons employed in a professional or scientific capacity to make or conduct a
4 temporary or special inquiry, investigation, or examination on behalf of the
5 General Assembly, or a committee thereof, or by authority of the Governor,
6 and persons employed by state agencies for a specified, limited period to
7 provide professional, technical, scientific, or artistic services under the
8 provisions of KRS 45A.690 to 45A.725;
- 9 (p) Interim employees;
- 10 (q) Officers and members of the state militia;
- 11 (r) Department of Kentucky State Police troopers;
- 12 (s) University or college engineering students or other students employed part-
13 time or part-year by the state through special personnel recruitment programs;
14 provided that while so employed such aides shall be under contract to work
15 full-time for the state after graduation for a period of time approved by the
16 commissioner or shall be participants in a cooperative education program
17 approved by the commissioner;
- 18 (t) Superintendents of state mental institutions, including heads of centers for
19 individuals with an intellectual disability, and penal and correctional
20 institutions as referred to in KRS 196.180(2);
- 21 (u) Staff members of the Kentucky Historical Society, if they are hired in
22 accordance with KRS 171.311;
- 23 (v) County and Commonwealth's attorneys and their respective appointees;
- 24 (w) Chief district engineers and the state highway engineer;
- 25 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 26 (y) Employees of the Kentucky Peace Corps;
- 27 (z) Employees of the Council on Postsecondary Education;

- 1 (aa) Executive director of the Commonwealth Office of Technology;
- 2 (ab) Employees of the Kentucky Commission on Community Volunteerism and
3 Service;
- 4 (ac) Persons employed in certified teaching positions at the Kentucky School for
5 the Blind and the Kentucky School for the Deaf; and
- 6 (ad) Federally funded time-limited employees as defined in KRS 18A.005.
- 7 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
8 amend the provisions of KRS 150.022 and 150.061.
- 9 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
10 nonmanagement, nonpolicy-making position which must be included in the
11 classified service as a prerequisite to the grant of federal funds to a state agency.
- 12 (4) Career employees within the classified service promoted to positions exempted
13 from classified service shall, upon termination of their employment in the exempted
14 service, revert to a position in that class in the agency from which they were
15 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
16 considered for employment in any vacant position for which they were qualified
17 pursuant to KRS 18A.130 and 18A.135.
- 18 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
19 officers from filling unclassified positions in the manner in which positions in the
20 classified service are filled except as otherwise provided in KRS 18A.005 to
21 18A.200.
- 22 (6) The positions of employees who are transferred, effective July 1, 1998, from the
23 Cabinet for Workforce Development to the Kentucky Community and Technical
24 College System shall be abolished and the employees' names removed from the
25 roster of state employees. Employees that are transferred, effective July 1, 1998, to
26 the Kentucky Community and Technical College System under KRS Chapter 164
27 shall have the same benefits and rights as they had under KRS Chapter 18A and

1 have under KRS 164.5805; however, they shall have no guaranteed reemployment
2 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An
3 employee who seeks reemployment in a state position under KRS Chapter 151B or
4 KRS Chapter 18A shall have years of service in the Kentucky Community and
5 Technical College System counted towards years of experience for calculating
6 benefits and compensation.

7 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
8 personnel, and all certified and equivalent and unclassified vacant positions in the
9 Department for Adult Education and Literacy shall be transferred from the
10 personnel system under KRS Chapter 151B to the personnel system under KRS
11 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
12 system. All records shall be transferred including accumulated annual leave, sick
13 leave, compensatory time, and service credit for each affected employee. The
14 personnel officers who administer the personnel systems under KRS Chapter 151B
15 and KRS Chapter 18A shall exercise the necessary administrative procedures to
16 effect the change in personnel authority. No certified or equivalent employee in the
17 Department for Adult Education and Literacy shall suffer any penalty in the
18 transfer.

19 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
20 in the Department for Technical Education and the Department for Adult Education
21 and Literacy shall be transferred from the personnel system under KRS Chapter
22 151B to the personnel system under KRS Chapter 18A. The positions shall be
23 deleted from the KRS Chapter 151B system. All records shall be transferred
24 including accumulated annual leave, sick leave, compensatory time, and service
25 credit for each affected employee. No employee shall suffer any penalty in the
26 transfer.

27 **(9) (a) Within three (3) months of their initial appointment, and every two (2) years**

1 thereafter, cabinet secretaries and the commissioner of the Department of
2 Fish and Wildlife Resources shall meet with the mayor of
3 Louisville/Jefferson County Metro Government or his or her chief of staff
4 and shall discuss the services that are provided to the Louisville/Jefferson
5 County Metro Government from each of the cabinets and from the
6 Department of Fish and Wildlife Resources. Cabinet secretaries may
7 designate deputy secretaries to attend the meetings in their place. The
8 cabinet representatives and the commissioner of the Department of Fish
9 and Wildlife Resources shall also discuss with the mayor or his and her
10 chief of staff any services that other county governments are receiving but
11 that are not being provided to the Louisville/Jefferson County Metro
12 Government, or are not being provided in the appropriate proportion
13 considering the number of the citizens of Louisville/Jefferson County Metro
14 Government. The cabinet representatives and the commissioner of the
15 Department of Fish and Wildlife Resources shall provide their appointing
16 authorities with a certificate from the mayor or his or her chief of staff that
17 certifies the following:

18 1. That a meeting was held as required by this subsection;

19 2. That the services provided were discussed; and

20 3. That there was a discussion of services that are not provided to the
21 Louisville/Jefferson County Metro Government, or are not provided in
22 the appropriate proportion considering the number of the citizens of
23 Louisville/Jefferson County Metro Government.

24 (b) The certificates shall be on a form provided by the appropriate agency and
25 shall not be dated prior to the appointment of the person who holds the
26 applicable position. Expenses shall be reimbursed in accordance with the
27 prevailing state travel guidelines.