

### **18A.005 Definitions for chapter.**

As used in this chapter, unless the context indicates otherwise:

- (1) "Appointing authority" means the agency head or any person whom he has authorized by law to designate to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification, or other position actions. Such designation shall be in writing and signed by both the agency head and his designee. Prior to the exercise of appointing authority, such designation shall be filed with the secretary;
- (2) "Base salary or wages" means the compensation to which an employee is entitled under the salary schedules adopted pursuant to the provisions of KRS 18A.030 and 18A.110. Base salary or wages shall be adjusted as provided under the provisions of KRS 18A.355 and 48.130;
- (3) "Board" means the Personnel Board created by KRS 18A.045;
- (4) "Career employee" shall mean a state employee with sixteen (16) or more years of permanent full-time state service, or the part-time employment equivalent of at least sixteen (16) years of full-time state service. The service may have been in the classified service, the unclassified service, or a combination thereof;
- (5) "Certification" means the referral of the name of one (1) or more qualified prospective employees by the secretary on request of an appointing officer for consideration in filling a position in the classified service;
- (6) "Class" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group;
- (7) "Classified employee" means an employee appointed to a position in the classified service whose appointment and continued employment are subject to the classified service provisions of this chapter;
- (8) "Classified position" means a position in the executive branch of state government that is not exempt from the classified service under KRS Chapter 16, KRS 18A.115, KRS Chapter 151B, or any other provision of law;
- (9) "Classified service" includes all the employment subject to the terms of this chapter except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service;
- (10) "Secretary" means the secretary of the Personnel Cabinet as provided for in KRS 18A.015;
- (11) "Demotion" means a change in the rank of an employee from a position in one (1) class to a position in another class having a lower minimum salary range and less discretion or responsibility;
- (12) "Cabinet" means the Personnel Cabinet provided for in KRS 18A.015, unless the context indicates otherwise;

- (13) "Eligible" refers to a person who has made a passing score on any examination required under KRS 18A.010 to 18A.200 or who has qualified to be placed on a register;
- (14) "Employee" means a person regularly appointed to a position in the state service for which he is compensated on a full-time, part-time, or interim basis;
- (15) "Federally funded time-limited employee" means an employee in the unclassified service, appointed to a position that is funded one hundred percent (100%) by a federal grant or grants. An employee appointed to a federally funded time-limited position shall be required to meet the minimum requirements for the classification in which he or she is hired and, subject to the provisions of KRS 18A.113, shall serve at the pleasure of the appointing authority during a period of time that shall not exceed the life of the federal grant that funds the position. A federally funded time-limited employee who has been aggrieved by notice of disciplinary action or termination, other than an action based on expiration of the federal grant funding, may petition the appointing authority of the agency for the opportunity to be heard by the appointing authority or his designee prior to the effective date of the disciplinary action or termination. The decision of the appointing authority shall be final except as provided by KRS 18A.095(14) and 18A.140. A federally funded time-limited employee shall not have the right of appeal to the Personnel Board except as provided by KRS 18A.095(14) and 18A.140;
- (16) "Federally funded position" means a full-time or a part-time position in which the unclassified employee is eligible for benefits at the same level as a classified employee in a permanent position;
- (17) "Full-time employee" means an employee in a full-time position;
- (18) "Full-time position" means a position, other than an interim position, requiring an employee to work at least thirty-seven and one-half (37.5) hours in a work week, except for the following:
  - (a) Positions in the state parks, where the work assigned is dependent upon fluctuations in tourism, may be assigned work hours from twenty-five (25) hours per week during the off seasons and remain in full-time positions; and
  - (b) Positions in health care facilities, which regularly involve three (3) consecutive days of twelve (12) hour shifts to cover weekends, shall be considered full-time;
- (19) "Initial probation" means the period of service following initial appointment to any position under KRS 18A.010 to 18A.200 which requires special observation and evaluation of an employee's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 and by the provisions of this chapter. If the appointee is granted leave in excess of twenty (20) consecutive work days during this period, his initial probation shall be extended for the same length of time as the granted leave to cover such absence;
- (20) "Interim employee" means an unclassified employee without status who has been appointed to an interim position that shall be less than nine (9) months duration;
- (21) "Interim position" means a position established to address a one-time or recurring

need of less than nine (9) months duration and exempt from the classified service under KRS 18A.115;

- (22) "Part-time employee" means an employee in a part-time position;
- (23) "Part-time position" means a position, other than an interim position, requiring an employee to work less than one hundred (100) hours per month;
- (24) "Penalization" means demotion, dismissal, suspension, fines, and other disciplinary actions; involuntary transfers; salary adjustments; any action that increases or diminishes the level, rank, discretion, or responsibility of an employee without proper cause or authority, including a reclassification or reallocation to a lower grade or rate of pay; and the abridgment or denial of other rights granted to state employees;
- (25) "Position" means an office or employment in an agency (whether part-time, full-time, or interim, occupied, or vacant) involving duties requiring the services of one (1) person;
- (26) "Promotion" means a change of rank of an employee from a position in one (1) class to a position in another class having a higher minimum salary or carrying a greater scope of discretion or responsibility;
- (27) "Promotional probation" means the period of service, consistent with the length of the initial probationary period, following the promotion of an employee with status which must be successfully completed in order for the employee to retain the position to which he has been promoted. If the employee is granted leave in excess of twenty (20) consecutive work days during this period, his promotional probation shall be extended for the same length of time as the granted leave to cover such absence;
- (28) "Qualifying" means the selection method type which results when the knowledge, skills, and abilities necessary for a job classification cannot be accurately measured by written examination;
- (29) "Reallocation" means the correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employee has been and shall continue to perform;
- (30) "Reclassification" shall mean the change in the classification of an employee when a material and permanent change in the duties or responsibilities of that employee has been assigned in writing by the appointing authority;
- (31) "Reemployment" shall mean the rehiring of an employee with status who has been laid-off;
- (32) "Reemployment register" means the separate list of names of persons who have been separated from state service by reason of lay-off. Reemployment registers shall be used as provided by the provisions of KRS 18A.110, 18A.130, and 18A.135;
- (33) "Register" means any official list of eligibles for a particular class and, except as provided in this chapter, placed in rank order according to the examination scores maintained for use in making original appointments or promotions to positions in the classified service;
- (34) "Reinstatement" means the privilege of restoration of an employee who has resigned

in good standing at the option of the appointing authority, or who has been ordered reinstated by the board or a court to a position in his former class, or to a position of like status and pay;

- (35) "Reversion" means either the returning of a status employee to his or her last position held in the classified service, if vacant, or the returning of a status employee to a vacant position in the same or similar job classification as his or her last position held in the classified service. Reversion occurs after a career employee is terminated other than for cause from the unclassified service or after a status employee fails to successfully complete promotional probation. Reversion after unsuccessful completion of promotional probation, or in the case of a career employee after termination from the unclassified service, may only be appealed to the Personnel Board under KRS 18A.095(12);
- (36) "Seniority" means the total number of months of state service;
- (37) "Status" means the acquisition of tenure with all rights and privileges granted by the provisions of this chapter after satisfactory completion of the initial probationary period by an employee in the classified service; and
- (38) "Transfer" means a movement of any employee from one (1) position to another of the same grade having the same salary ranges, the same level of responsibility within the classified service, and the same salary received immediately prior to transfer.

**Effective:** April 13, 2010

**History:** Amended 2010 Ky. Acts ch. 153, sec. 1, effective April 13, 2010. -- Amended 2009 Ky. Acts ch. 75, sec. 14, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 127, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 122, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 91, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 10, effective July 15, 1998; and ch. 540, sec. 1, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 309, sec. 3, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 129, sec. 1, effective July 15, 1988; and ch. 203, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 494, sec. 7, effective July 15, 1986. -- Repealed, reenacted, and amended as KRS 18A.005, 1982 Ky. Acts ch. 448, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 132, sec. 1, effective July 15, 1980; and ch. 355, sec. 4, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 269, sec. 1, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 86, sec. 1, effective March 19, 1976. -- Amended 1974 Ky. Acts ch. 162, sec. 1. -- Created 1960 Ky. Acts ch. 63, sec. 2.

**Formerly codified as** KRS 18.110.

**Legislative Research Commission Note** (7/13/2004). 2004 Ky. Acts ch. 127, sec. 5, provides that "Employment in a federally funded position, as defined in subsection (16) of Section 1 of this Act [KRS 18A.005], shall not exceed the original grant period or any renewal thereof. A copy of the relevant section or sections of the federal grant which relate to the establishment of a time frame for the position shall become part of the employee's personnel file and shall be reported and justified to the State Personnel Board."

**2012-2014 Budget Reference.** See State/Executive Branch Budget, 2012 Ky. Acts ch. 144, Pt. I, C, 1, (2) at 1107.

**2012-2014 Budget Reference.** See State/Executive Branch Budget, 2012 Ky. Acts ch. 144, Pt. I, D, 10, (1) at 1116.

**2012-2014 Budget Reference.** See State/Executive Branch Budget, 2012 Ky. Acts ch. 144, Pt. IV, 7 at 1243.