

**16.198 Appointment, salary, benefits, conditions of employment, and number of individuals employed as a Trooper R Class or a CVE R Class -- Administrative regulations.**

The appointment, salary, benefits, and number of individuals employed as a Trooper R Class and CVE R class shall be as follows:

- (1) The commissioner may appoint CVE R Class employees. CVE R Class employees shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than nine (9) additional one (1) year terms. A CVE R Class employee shall be required to pass a physical fitness test every three (3) years.
- (2) The commissioner may appoint Trooper R Class employees who shall serve on a contractual basis for a term of one (1) year. The contract may be renewed on an annual basis upon the agreement of both parties. A Trooper R Class employee shall be required to pass a physical fitness test every three (3) years.
- (3) The compensation for Trooper R Class employees and CVE R Class employees shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.
- (4)
  - (a) All appointments of individuals employed as a Trooper R Class and CVE R Class shall be based upon agency need as determined by the commissioner.
  - (b) Work stations for individuals employed as a Trooper R Class and CVE R Class shall be determined by agency need with consideration given to the applicant's stated preference.
  - (c) Merit of individuals employed as a Trooper R Class and CVE R Class shall be determined by the applicant's work performance history.
  - (d) Fitness of individuals employed as a Trooper R Class and CVE R Class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.
- (5) The number of individuals employed as a Trooper R Class and CVE R Class by the department shall not:
  - (a) Exceed one hundred (100); or
  - (b) Be counted in the total employee cap for the department.
- (6) All individuals employed as a Trooper R Class and CVE R Class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions.
- (7) Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:
  - (a) Individuals employed as a Trooper R Class and CVE R Class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;
  - (b) Individuals employed as a Trooper R Class and CVE R Class shall not be

eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and

- (c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class or CVE R Class.
- (8) The department shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to establish vacation, bereavement, and sick leave and holiday pay for Trooper R Class and CVE R Class employees.
- (9) Individuals employed as a Trooper R Class or CVE R Class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.
- (10) The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R Class or CVE R Class.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 152, sec. 1, effective July 14, 2022. -- Amended 2019 Ky. Acts ch. 194, sec. 3, effective April 9, 2019. -- Amended 2016 Ky. Acts ch. 6, sec. 8, effective July 15, 2016; ch. 109, sec. 9, effective July 15, 2016; and ch. 110, sec. 10, effective July 15, 2016. -- Amended 2013 Ky. Acts ch. 64, sec. 3, effective June 25, 2013. -- Created 2009 Ky. Acts ch. 59, sec. 14, effective June 25, 2009.

**Legislative Research Commission Note (7/15/2016).** This statute was amended in 2016 Ky. Acts ch. 109, sec. 9 and ch. 110, sec. 10. 2016 Ky. Acts ch. 110, sec. 15 provided that ch. 110 takes precedence over ch. 109. Chapter 110 was also the later-passed bill. Therefore, 2016 Ky. Acts ch. 110, sec. 10 has been codified and 2016 Ky. Acts ch. 109, sec. 9 has not. This statute was also amended by 2016 Ky. Acts ch. 6, sec. 8. 2016 Ky. Acts chs. 6 and 110 do not appear to be in conflict and have been codified together.