

1 AN ACT relating to paid parental leave.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 18A.005 TO 18A.200 IS CREATED  
4 TO READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Child" means any person who has not reached his or her eighteenth*  
7 *birthday;*

8 *(b) "Fictive kin" has the same meaning as in KRS 199.011;*

9 *(c) "Foster care placement" means the placement of a child in a private home*  
10 *to be cared for by a foster family under the supervision of the Cabinet for*  
11 *Health and Family Services;*

12 *(d) "Kinship care placement" means a temporary placement of a child with a*  
13 *blood relative or fictive kin by a court order;*

14 *(e) "Paid parental leave" means a paid leave of absence provided to a parent*  
15 *employed by the Commonwealth for time off work for the birth, surrogacy,*  
16 *adoption, foster care placement, or kinship care placement of a child. "Paid*  
17 *parental leave" does not include any other form of paid leave that has been*  
18 *granted by the parent's employer;*

19 *(f) "Parent" means the mother or father of a child by birth, surrogacy,*  
20 *adoption, foster care placement, or kinship care placement; and*

21 *(g) "Surrogacy" means a contract between a birth mother and another person*  
22 *agreeing that the birth mother will relinquish all parental rights to the other*  
23 *person upon the child's birth.*

24 *(2) The paid parental leave program is created pursuant to this section to provide*  
25 *parental leave for full-time classified employees upon the birth, surrogacy,*  
26 *adoption, foster care placement, or kinship care placement of a child.*

27 *(3) To be eligible for paid parental leave, the full-time classified employee shall have*

- 1       worked at least twelve (12) months immediately preceding the beginning of the  
2       leave.
- 3       (4) An eligible employee may take up to four (4) weeks of paid parental leave for the  
4       birth, surrogacy, or adoption of a child, or up to two (2) weeks of paid parental  
5       leave for foster care placement, or kinship care placement of a child. Paid  
6       parental leave shall be taken by the classified employee in consecutive weeks one  
7       (1) time per year. Paid parental leave shall be awarded at the classified  
8       employee's base salary.
- 9       (5) Multiple births, adoptions, or placements do not extend the amount of paid  
10       parental leave available pursuant to subsection (4) of this section.
- 11       (6) If both parents are classified employees, both parents are eligible for paid  
12       parental leave pursuant to subsection (4) of this section. This leave may be taken  
13       either concurrently or consecutively to the other parent.
- 14       (7) A parent shall not be required to use compensatory time, sick leave, or annual  
15       leave before being eligible to receive paid parental leave.
- 16       (8) Paid parental leave shall be used within six (6) months following the birth,  
17       surrogacy, adoption, foster care placement, or kinship care placement of a child.  
18       If the leave is not used before the end of the six (6) month period, the paid  
19       parental leave shall lapse for that calendar year.
- 20       (9) Paid parental leave shall run concurrently with leave time available under the  
21       Family and Medical Leave Act of 1993, 29 U.S.C. sec. 2601 et seq.
- 22       (10) An eligible employee pursuant to subsection (2) of this section shall submit a  
23       completed request for paid parental leave to his or her employer at least thirty  
24       (30) days prior to the first day of leave. If a thirty (30) day notice is not possible,  
25       the employee shall submit a completed request to his or her employer for paid  
26       parental leave within five (5) working days of the beginning of leave.
- 27       (11) An eligible employee shall submit written verification of the birth, adoption, or

1        *placement of child to his or her employer.*

2        ➔Section 2. KRS 18A.025 is amended to read as follows:

- 3        (1) The Governor shall appoint the secretary of personnel as provided in KRS 18A.015,  
4        who shall be considered an employee of the state. The secretary shall be a graduate  
5        of an accredited college or university and have at least five (5) years' experience in  
6        personnel administration or in related fields, have known sympathies with the merit  
7        principle in government, and shall be dedicated to the preservation of this principle.  
8        Additional education may be substituted for the required experience and additional  
9        experience may be substituted for the required education.
- 10       (2) The secretary of the Personnel Cabinet or the secretary's designee shall be  
11       responsible for the coordination of the state's affirmative action plan established by  
12       KRS 18A.138.
- 13       (3) There is established within the Personnel Cabinet the following offices,  
14       departments, and divisions, each of which shall be headed by either a  
15       commissioner, executive director, or division director appointed by the secretary,  
16       subject to the prior approval of the Governor pursuant to KRS 12.040 or 12.050,  
17       depending on the level of the appointment, except that the Kentucky Employees  
18       Deferred Compensation Authority shall be headed by an executive director who  
19       shall be appointed by the authority's board of directors:
- 20       (a) Office of the Secretary, which shall be responsible for communication with  
21       state employees about personnel and other relevant issues and for the  
22       administration and coordination of the following:
- 23       1. Office of Employee Relations, composed of the following programs:
- 24       a. Workers' Compensation Program pursuant to KRS 18A.375;
- 25       b. Sick leave Sharing Program, pursuant to KRS 18A.197;
- 26       c. Annual Leave Sharing Program, pursuant to KRS 18A.203;
- 27       d. Health and Safety Program;

- 1 e. Employee Assistance Program;
- 2 f. Employee Incentive Programs, pursuant to KRS 18A.202;
- 3 g. Employee Mediation Program;~~[-and]~~
- 4 h. Living Organ Donor Leave Program, pursuant to KRS 18A.194;
- 5 **and**
- 6 **i. Paid Parental Leave Program, pursuant to Section 1 of this Act;**
- 7 2. Office of Administrative Services, which shall be responsible for the
- 8 Personnel Cabinet's administrative functions, composed of the following
- 9 programs:
- 10 a. Division of Technology Services;
- 11 b. Division of Human Resources; and
- 12 c. Division of Financial Services;
- 13 3. Office of Legal Services, which shall provide legal services to the
- 14 Personnel Cabinet and to executive branch agencies and their
- 15 representatives upon request;
- 16 4. Office of Diversity, Equality, and Training, which shall coordinate and
- 17 implement diversity initiatives for state agencies, the affirmative action
- 18 plan established by KRS 18A.138, the state Equal Employment
- 19 Opportunity Program, and the Minority Management Trainee Program;
- 20 5. Governmental Services Center, which shall be responsible for employee
- 21 and managerial training and organizational development;
- 22 6. Kentucky Public Employees Deferred Compensation Authority, which
- 23 shall maintain a deferred compensation plan for state employees; and
- 24 7. Office of Public Affairs, which shall assist in all aspects of developing
- 25 and executing the strategic direction of the cabinet;
- 26 (b) Department of Human Resources Administration, which shall be composed of
- 27 the:

- 1           1. Division of Employee Management, which shall be responsible for  
2           payroll, records, classification, and compensation. The division shall  
3           also be responsible for implementing layoff plans mandated by KRS  
4           18A.113 and shall monitor and assist state agencies in complying with  
5           the provisions of the federal Fair Labor Standards Act. The division  
6           shall:
  - 7           a. Maintain the central personnel files mandated by KRS 18A.020  
8           and process personnel documents and position actions;
  - 9           b. Operate and maintain a uniform payroll system and certify  
10           payrolls as required by KRS 18A.125;
  - 11           c. Maintain plans of classification and compensation for state service  
12           and review and evaluate the plans; and
  - 13           d. Coordinate and implement the employee performance evaluation  
14           systems throughout state government; and
- 15           2. Division of Career Opportunities, which shall be responsible for  
16           employment counseling, applicant processing, employment register, and  
17           staffing analysis functions. The division shall:
  - 18           a. Operate a centralized applicant and employee counseling program;
  - 19           b. Operate, coordinate, and construct the examination program for  
20           state employment;
  - 21           c. Prepare registers of candidate employment; and
  - 22           d. Coordinate outreach programs, such as recruitment and the  
23           Administrative Intern Program; and
- 24           (c) Department of Employee Insurance, which shall be responsible for the:
  - 25           1. Health Insurance Program, pursuant to KRS 18A.225;
  - 26           2. Flexible Benefit Plan, pursuant to KRS 18A.227;
  - 27           3. Division of Insurance Administration, which shall be responsible for

1 enrollment and service functions;

2 4. Division of Financial and Data Services, which shall be responsible for  
3 fiscal and data analysis functions; and

4 5. Life Insurance Program pursuant to KRS 18A.205 to 18A.220.

5 (4) The cabinet shall include principal assistants appointed by the secretary, pursuant to  
6 KRS 12.050 or 18A.115(1)(g) and (h), as necessary for the development and  
7 implementation of policy. The secretary may employ, pursuant to the provisions of  
8 this chapter, personnel necessary to execute the functions and duties of the  
9 department.

10 ➔Section 3. KRS 18A.110 is amended to read as follows:

11 (1) The secretary shall promulgate comprehensive administrative regulations for the  
12 classified service governing:

13 (a) Applications and examinations;

14 (b) Certification and selection of eligibles;

15 (c) Classification and compensation plans;

16 (d) Incentive programs;

17 (e) Layoffs;

18 (f) Registers;

19 (g) Types of appointments;

20 (h) Attendance; hours of work; compensatory time; annual, court, military, sick,  
21 voting, *paid parental leave*, living organ donor, and special leaves of absence,  
22 provided that the secretary shall not promulgate administrative regulations  
23 that would reduce the rate at which employees may accumulate leave time  
24 below the rate effective on December 10, 1985; and

25 (i) Employee evaluations.

26 (2) The secretary shall promulgate comprehensive administrative regulations for the  
27 unclassified service.

- 1 (3) (a) Except as provided by KRS 18A.355, the secretary shall not promulgate  
2 administrative regulations that would reduce an employee's salary; and
- 3 (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed  
4 administrative regulation providing for an initial probationary period in excess  
5 of six (6) months to the board for its approval.
- 6 (4) The secretary may promulgate administrative regulations to implement state  
7 government's affirmative action plan under KRS 18A.138.
- 8 (5) (a) The administrative regulations shall comply with the provisions of this  
9 chapter and KRS Chapter 13A, and shall have the force and effect of law after  
10 compliance with the provisions of KRS Chapters 13A and 18A and the  
11 procedures adopted thereunder;
- 12 (b) Administrative regulations promulgated by the secretary shall not expand or  
13 restrict rights granted to, or duties imposed upon, employees and  
14 administrative bodies by the provisions of this chapter; and
- 15 (c) No administrative body other than the Personnel Cabinet shall promulgate  
16 administrative regulations governing the subject matters specified in this  
17 section.
- 18 (6) Prior to filing an administrative regulation with the Legislative Research  
19 Commission, the secretary shall submit the administrative regulation to the board  
20 for review.
- 21 (a) The board shall review the administrative regulation proposed by the secretary  
22 not less than twenty (20) days after its submission to it;
- 23 (b) Not less than five (5) days after its review, the board shall submit its  
24 recommendations in writing to the secretary;
- 25 (c) The secretary shall review the recommendations of the board and may revise  
26 the proposed administrative regulation if he or she deems it necessary; and
- 27 (d) After the secretary has completed the review provided for in this section, he or

1 she may file the proposed administrative regulation with the Legislative  
2 Research Commission pursuant to the provisions of KRS Chapter 13A.

3 (7) The administrative regulations shall provide:

4 (a) For the preparation, maintenance, and revision of a position classification plan  
5 for all positions in the classified service, based upon similarity of duties  
6 performed and responsibilities assumed, so that the same qualifications may  
7 reasonably be required for, and the same schedule of pay may be equitably  
8 applied to, all positions in the same class. The secretary shall allocate the  
9 position of every employee in the classified service to one (1) of the classes in  
10 the plan. The secretary shall reallocate existing positions, after consultation  
11 with appointing authorities, when it is determined that they are incorrectly  
12 allocated, and there has been no substantial change in duties from those in  
13 effect when such positions were last classified. The occupant of a position  
14 being reallocated shall continue to serve in the reallocated position with no  
15 reduction in salary;

16 (b) For a pay plan for all employees in the classified service, after consultation  
17 with appointing authorities and the state budget director. The plan shall take  
18 into account such factors as:

- 19 1. The relative levels of duties and responsibilities of various classes of  
20 positions;
- 21 2. Rates paid for comparable positions elsewhere taking into consideration  
22 the effect of seniority on such rates; and
- 23 3. The state's financial resources.

24 Amendments to the pay plan shall be made in the same manner. Each  
25 employee shall be paid at one (1) of the rates set forth in the pay plan for the  
26 class of position in which he or she is employed, provided that the full amount  
27 of the annual increment provided for by the provisions of KRS 18A.355, and



- 1           the full amount of an increment due to a promotion, salary adjustment,  
2           reclassification, or reallocation, shall be added to an employee's base salary or  
3           wages;
- 4           (c) For the advertisement and acceptance of applications for at least five (5) days  
5           for those positions to be filled by classified appointment or promotion. The  
6           secretary may continue to receive applications and review applicants on a  
7           continuous basis long enough to ensure a sufficient number of applicants;
- 8           (d) For the rejection of candidates or eligibles who fail to comply with reasonable  
9           requirements of the secretary in regard to such factors as age, physical  
10          condition, training, and experience, or who have attempted any deception or  
11          fraud in connection with an examination;
- 12          (e) Except as provided by this chapter, for the appointment of a person whose  
13          score is included in the five (5) highest scores earned on the examination;
- 14          (f) For annual, sick, and special leaves of absence, with or without pay, or  
15          reduced pay, after approval by the Governor as provided by KRS  
16          18A.155(1)(d);
- 17          (g) For layoffs, in accordance with the provisions of KRS 18A.113, by reasons of  
18          lack of work, abolishment of a position, a material change in duties or  
19          organization, or a lack of funds;
- 20          (h) For the development and operation of programs to improve the work  
21          effectiveness of employees in the state service, including training, whether in-  
22          service or compensated educational leave, safety, health, welfare, counseling,  
23          recreation, employee relations, and employee mobility without written  
24          examination;
- 25          (i) For a uniform system of annual employee evaluation for classified employees,  
26          with status, that shall be considered in determining eligibility for discretionary  
27          salary advancements, promotions, and disciplinary actions. The administrative

1 regulations shall:

- 2 1. Require the secretary to determine the appropriate number of job  
3 categories to be evaluated and a method for rating each category;
  - 4 2. Provide for periodic informal reviews during the evaluation period  
5 which shall be documented on the evaluation form and pertinent  
6 comments by either the employee or supervisor may be included;
  - 7 3. Establish a procedure for internal dispute resolution with respect to the  
8 final evaluation rating;
  - 9 4. Permit a classified employee, with status, who receives either of the two  
10 (2) lowest possible evaluation ratings to appeal to the Personnel Board  
11 for review after exhausting the internal dispute resolution procedure.  
12 The final evaluation shall not include supervisor comments on ratings  
13 other than the lowest two (2) ratings;
  - 14 5. Require that an employee who receives the highest possible rating shall  
15 receive the equivalent of two (2) workdays, not to exceed sixteen (16)  
16 hours, credited to his or her annual leave balance. An employee who  
17 receives the second highest possible rating shall receive the equivalent  
18 of one (1) workday, not to exceed eight (8) hours, credited to his or her  
19 annual leave balance; and
  - 20 6. Require that an employee who receives the lowest possible evaluation  
21 rating shall either be demoted to a position commensurate with the  
22 employee's skills and abilities or be terminated; and
- 23 (j) For other administrative regulations not inconsistent with this chapter and  
24 KRS Chapter 13A, as may be proper and necessary for its enforcement.
- 25 (8) For any individual hired or elected to office before January 1, 2015, and paid  
26 through the Kentucky Human Resources Information System, the Personnel  
27 Cabinet shall not require payroll payments to be made by direct deposit or require

1           the individual to use a web-based program to access his or her salary statement.  
2   (9) To the extent that KRS 16.010 to 16.199, 16.080, and 16.584 and administrative  
3       regulations promulgated by the commissioner of the Department of Kentucky State  
4       Police under authority granted in KRS Chapter 16 conflict with this section or any  
5       administrative regulation promulgated by the secretary pursuant to authority  
6       granted in this section, the provisions of KRS Chapter 16 shall prevail.