

64.475 Executive Branch Compensation Advisory Council -- Organization -- Staff -- Duties -- Recommendations.

- (1) There is hereby established an advisory council to be known as the Executive Branch Compensation Advisory Council.
 - (a) The council shall consist of three (3) voting members: the state budget director, the secretary of the Governor's Executive Cabinet, and the secretary of the Finance and Administration Cabinet.
 - (b) The state budget director shall serve as the chair of the council.
 - (c) If a voting member is unable to attend a meeting of the council, he shall designate, in writing, a member of his staff to attend in his place, and such designation shall confer on such designee, for that meeting only, the authority to act, including the right to vote on any matter coming before the council.
- (2) The council shall be attached to the Personnel Cabinet for administrative purposes. Personnel Cabinet staff shall provide necessary administrative and operational support for the council. The council may, from time to time, utilize the services of professional and technical personnel employed by other agencies of state government, if the need arises. The council shall meet on a quarterly basis at a time and place to be determined by the council. Additional meetings may be called upon request of two (2) voting members of the council.
- (3) The duties of the council shall include the following:
 - (a) Advise and make recommendations to the secretary of the Personnel Cabinet on appropriate salaries for the following:
 1. The heads of the various departments in the executive branch of state government, with the exception of:
 - a. Departments headed by constitutionally elected officers;
 - b. The Department of Education;
 - c. The Council on Postsecondary Education; and
 - d. The Kentucky Authority for Educational Television;
 2. The heads of offices, as defined in KRS 12.010;
 3. The administrative heads of boards and commissions and for their employees, if they are not covered by the salary schedules set forth in KRS Chapter 16, KRS Chapter 18A, or KRS Chapter 151B, notwithstanding any other statute to the contrary empowering a board, commission, authority, or other administrative body for which the Personnel Cabinet provides personnel and payroll services except for any board governing any of the Kentucky Retirement Systems, the Kentucky Higher Education Assistance Authority, the Kentucky Authority for Educational Television, or the Council on Postsecondary Education to establish, set, or approve the salaries of its administrative head and other employees;
 4. Requests from boards, commissions, or cabinet heads to approve salary increases in excess of those increases provided other state employees to individuals in the positions listed in paragraphs (a), (b), and (c) of this subsection;

- (b) Advise the secretary of the Personnel Cabinet on requests from agencies to establish or abolish a separate salary schedule, or schedules, reflective of the marketplace need to recruit and hire classified employees in technical or professional fields when the classified service salary schedule is inadequate. A positive recommendation of such requests shall not be granted unless significant credible evidence exists of a job market shortage and an inadequacy of the classified or unclassified salary schedules to recruit and retain competent, qualified applicants for such positions; and
 - (c) Recommend that the Personnel Cabinet conduct salary surveys of the executive branch positions outlined in subsection (3)(a)1., 2., and 3. of this section, using state governments in the seven (7) states contiguous to the Commonwealth, other states in the southeastern United States, and private sector employers, where appropriate.
- (4) The council's recommendations shall:
- (a) Take into consideration the provisions of KRS 64.640, if the specific position in question is subject to the provisions of KRS 64.640; and
 - (b) Not take into consideration the provisions of KRS 64.640, if the specific position in question is exempt from the provisions of KRS 64.640.

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