

109 KAR 2:020. Training incentive.

RELATES TO: KRS 64.5275(1), (2), (6), (7), 441.055

STATUTORY AUTHORITY: KRS 64.5275(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 64.5275(6) establishes an annual incentive award of \$100, adjusted by the consumer price index, for an eligible officer who successfully completes an annual forty (40) hour training unit, is in continuing service in the same office, and successfully completes forty (40) hours of training each subsequent year. The statute requires the Department for Local Government to approve and certify each training unit, and to promulgate administrative regulations to establish guidelines for approval and certification. This administrative regulation establishes guidelines for approval and certification of training units qualifying eligible officers to obtain annual incentive awards.

Section 1. Definitions. (1) "Department" means the Department for Local Government.

(2) "Division" means the Division of Local Resources, Department for Local Government.

(3) "Director" means the Director of the Division of Local Resources, Department for Local Government.

(4) "Eligible officer" means a:

(a) County judge/executive;

(b) County clerk;

(c) Jailer who operates a full-service jail, as determined by the Department of Corrections;

(d) Jailer who operates a life-safety jail, as determined by the Department of Corrections;

(e) Jailer who is part of a transportation plan;

(f) Jailer who acts as court bailiff;

(g) Sheriff; and

(h) In a county that does not contain an urban-county form of government, a:

1. Justice of the peace who serves on a fiscal court; and

2. County commissioner.

(5) "Life safety jail" means a jail in a county that elects not to hold state prisoners in their jails, as described at KRS 441.055(2), and for which standards are limited to health and life safety.

(6) "Training incentive" the monetary award described at KRS 64.5275(6).

Section 2. Areas of Learning. The director shall base approval and certification of each training-incentive-eligible course upon its relation to one (1) of the following primary areas of instruction regarding the operation of county government:

(1) County financial reporting, including course instruction in:

(a) Budget preparation;

(b) Adoption of tax rates;

(c) Tax collection policy and enforcement;

(d) Investment policy; and

(e) Audits.

(2) Duties and responsibilities of elected county officials, including course instruction in:

(a) Election law and procedure;

(b) Conducting meetings of the fiscal court and various local government committees, including:

1. Proper keeping of fiscal court minutes;

2. Parliamentary procedure; and

3. The legal ramifications of the open meetings and open records law;

- (c) Ethics in county government, and ethics codes;
- (d) Dealing appropriately with juveniles; and
- (e) Money for roads and the county road plan.
- (3) Personnel law and regulation, including course instruction in:
 - (a) Labor and wage and hour law and regulation;
 - (b) Payroll procedures; and
 - (c) Avoiding legal pitfalls in the area of personnel administration, including:
 1. Harassment and sexual harassment;
 2. Equal employment opportunity;
 3. Americans with Disabilities Act;
 4. Family Medical Leave Act;
 5. Political terminations;
 6. Personnel policies and procedures; and
 7. Other legal issues that may affect county government personnel.
 - (4) County legislative issues, including course instruction in:
 - (a) Adopting an effective county administrative code; and
 - (b) Proper adoption of county ordinances and resolutions.
 - (5) The director may certify and approve courses or areas of learning in addition to those found in subsections (1) through (4) of this section, based on the criteria established in this section and Section 3 of this administrative regulation.

Section 3. Approval of Courses or Additional Areas of Learning. The director shall:

- (1) Approve each course of instruction prior to an eligible officer attending and receiving hourly credit for that course;
- (2) Approve and certify each course on an hourly basis, or portion of an hour;
- (3) Approve and certify each course pursuant to KRS 64.5275(6), based upon the following criteria:
 - (a) Relevance of instruction to the statutory duties performed by the officer seeking certification and approval;
 - (b) Relevance of instruction to the areas of learning established in Section 2 of this administrative regulation;
 - (c) Organization or entity sponsoring the training event;
 - (d) Extent of actual training at the event;
 - (e) Ability of the entity sponsoring the training to verify that the officer attended the training event;
 - (f) Qualifications of the training instructor; and
 - (g) Other information relevant to the approval and certification of the training course or event;
- (4) Refuse to approve or certify a training course or event that fails to meet criteria established in Section 2 of this administrative regulation or this section;
- (5) Automatically approve and certify a training course sponsored by the department;
- (6) Assign hourly credit in accordance with subsection (2) of this section;
- (7)(a) Approve and certify a training course sponsored by another entity or organization if the director determines that the course or training event meets the criteria established in this section and Section 2 of this administrative regulation;
- (b) Consider submissions for approval and certification from an organization, entity, or individual, if it is submitted at least fourteen (14) days prior to the scheduled training event, and if it contains:

1. A description of the proposed training course or event on a Training Approval Request Form; and
2. An outline of the proposed training course or event, including the name and qualification of each instructor; and
3. Additional dates the training course or event is scheduled to be performed; omission of scheduled dates shall preclude the grant of credit for the course;
 - (c) Prior to the scheduled training course, notify the organization or entity of his decision concerning approval; and
 - (d) Not approve training courses or events submitted after the scheduled training course or event, except upon a showing of hardship by the organization, entity or individual;
 - (8) Not allow training course credit for and eligible officer if proof of attendance was submitted more than sixty (60) days after the date of the event; and
 - (9) Offer training course credit to an eligible officer who conducts a training session which meets the criteria established in Section 2 of this administrative regulation or this section.

Section 4. Annual Training Unit Approval. (1) The department shall pay an incentive award to an eligible officer:

- (a) Upon completion of the qualifying training unit; and
 - (b) Annually, upon completion of the qualifying training unit for subsequent calendar years.
- (2) An eligible officer shall carry training incentive awards received into a new term of office, based upon continuing service in that office.

Section 5. Certification by the Department. (1) The division shall:

- (a) Keep track of the hours earned by each eligible officer; and
 - (b) Certify the hours earned to an eligible officer upon his request.
- (2) Upon successful completion of the forty (40) hour training unit, the director shall certify to the eligible officer, the fiscal court, and the county treasurer that the officer has qualified to receive the training incentive.
- (3)(a) In order to receive credit for an approved course or training event, the eligible officer shall submit a Training Approval Request Form to the division for processing.
- (b) Failure by an eligible officer to submit a Training Approval Request Form for a particular training course or event may result in:
1. The eligible officer losing credit toward his training incentive; and
 2. An inaccurate transcript for that eligible officer.
- (4) Training incentives shall be included as a part of the county budget.

Section 6. Evaluations. (1) The division may provide a Workshop Evaluation Form for each participant at a training course or event approved and certified by the division.

- (2) Each organization, state agency, or entity hosting a training course or event shall assure that each participant completes and turns in the Workshop Evaluation Form prior to leaving the training.
- (3) The department shall use the completed evaluation forms to:
 - (a) Measure the success of the training program;
 - (b) Expand the training curriculum; and
 - (c) Identify additional areas of potential training.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The "Department for Local Government Training Approval Request Form, December 2001 edition"; and

(b) The "Workshop Evaluation, December 2001 edition".

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the offices of the Department for Local Government, 1024 Capital Center Drive, Suite 340, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 494; Am. 991; eff. 11-15-99; 28 Ky.R. 1442; 1790; eff. 2-7-2002; 29 Ky.R. 493; 914; eff. 10-16-2002.)