



# Kentucky Law Enforcement Foundation Program And Firefighter Foundation Program Funds

Research Report No. 421

*Prepared By*

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# **Kentucky Law Enforcement Foundation Program And Firefighter Foundation Program Funds**

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## **Abstract**

The Kentucky Law Enforcement Foundation Program Fund is used to provide officers \$3,100 annual training incentive pay and to support the Department of Criminal Justice Training, Criminal Justice Council, and Law Enforcement Council. The Kentucky Firefighter Foundation Program Fund is used to support the Commission on Fire Protection, Personnel, Standards, and Education and its staff; the volunteer fire department aid and loan programs; the hepatitis B inoculation program; the thermal vision grant program; the firefighter training facility grant program; and the health and wellness program. It is also used to provide professional firefighters \$3,100 annual training incentive pay. The sole source of revenue for both funds is a 1.8 percent surcharge on certain insurance premiums, which generated \$103 million in fiscal year 2014, of which \$60.6 million was allocated to the law enforcement fund and \$42.3 million was allocated to the firefighter fund. This report makes eight recommendations related to funding and compliance with statutes.



## Foreword

The Legislative Research Commission was established in 1948 to provide the staffing essential to the smooth and efficient operation of the Kentucky General Assembly. Over the course of the last 70 years, this organization has evolved into today's LRC: a multifaceted organization filling the many needs of a modern state legislature. As Kentuckians, we are fortunate to have hundreds of knowledgeable and dedicated professionals who provide high levels of analysis, legislative support, and customer service.

The staff of the Program Review and Investigations Committee perform the important work of monitoring and evaluating governmental programs throughout the Commonwealth. At the direction of the committee, they undertake a number of research reports every year, focusing on specific, well-defined questions of public policy.

Such work is done in collaboration with the community and within LRC. Program Review staff thank employees of the Department of Criminal Justice Training and the Kentucky Fire Commission for their cooperation and assistance. Other individuals and agencies who contributed to this report include the Kentucky Department of Fish and Wildlife Resources; the Kentucky Board of Emergency Medical Services; Chief Jeff Abrams, Frankfort Police Department; Lt. Col. Brad Bates, Kentucky State Police; Sheriff Pat Melton, Franklin County Sheriff's Department; Linda Benton and Gary C. Morris, Department of Revenue; Libby Carlin, with the Auditor of Public Accounts; John Hicks, Office of State Budget Director; and Deputy Secretary Vickie Wise, Justice and Public Safety Cabinet. Several LRC staff members provided assistance: Jennifer Anglin, Tonya Capito, Laura Hendrix, Zachary Ireland, John McKee, Perry Papka, Leah Settle, and Rob Williams.

Thank you for your interest in this publication and thank you to everyone who made this report possible.

A handwritten signature in black ink, appearing to read 'DAB', with a long, sweeping horizontal line extending to the right from the end of the signature.

David A. Byerman  
Director

Legislative Research Commission  
Frankfort, Kentucky  
November 12, 2015





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## Summary

The Kentucky Law Enforcement Foundation Program Fund was created by statute in 1972 to ensure that criminal laws are fairly and effectively enforced by improving local law enforcement, attracting competent candidates, retaining qualified and experienced officers, and offering a monetary supplement for officers who complete required in-service training. The Department of Criminal Justice Training administers the fund.

The Kentucky Firefighters Foundation Program Fund was created by statute in 1980 to continually strengthen and upgrade fire protection services and to annually provide state aid to qualified volunteer fire departments and incentive pay to professional firefighters who complete required in-service training. The Commission on Fire Protection, Personnel, Standards, and Education (Fire Commission) administers the fund.

The sole revenue source for both funds is a 1.8 percent surcharge on certain insurance premiums and investment returns from the revenue. Surcharge revenue collected from Kentucky-based insurance companies is allocated to the firefighter fund. Other surcharge revenue is combined into a single account and later allocated to the two funds. Total surcharge revenue was \$103 million in FY 2014. By statute, the commissioner of revenue is to adjust the surcharge rate each fiscal year to ensure receipts meet the financial needs of both funds. According to KRS 136.392, the rate should be calculated using as its base the number of local government units eligible for participation in the funds. This is no longer the most accurate way to calculate the funds' financial needs, however.

### **Recommendation 1.1**

**The General Assembly may wish to consider changing the statutory language for surcharge rate calculation to use as its base trends of participating law enforcement officers and firefighters and budget bill appropriations instead of the number of local government units participating in each fund.**

By statute, the Finance and Administration Cabinet is responsible for allocating surcharge revenue that is not already dedicated to the firefighter fund to the two funds based on quarterly reports provided by the Department of Criminal Justice Training and the Fire Commission. In practice, Office of State Budget Director staff produce expense projections, which are used to set quarterly allotments to each fund in eMARS. This means that quarterly reporting requirements may no longer be necessary.

### **Recommendation 1.2**

**The General Assembly may wish to consider updating the quarterly reporting requirement in KRS 42.190(1) to account for information available through Kentucky's financial reporting system.**

The current allocation of surcharge receipts is 72 percent to the law enforcement fund and 28 percent to the firefighter fund. The firefighter fund also receives, on average, \$16.2 million annually from a surcharge on fire insurance premiums.

Law enforcement fund revenue is used to fund the Department of Criminal Justice Training, which is responsible for training law enforcement officers and providing incentive pay for officers who complete required annual training. The fund also supports the Criminal Justice Council and the Kentucky Law Enforcement Council. In FY 2014, 64 percent of the law enforcement fund expenses were for incentive payments and 32 percent were for training expenses.

The Department of Criminal Justice Training operates one of four law enforcement training facilities in the state, instructing approximately 14,000 students per year. It can be inferred from statutory intent that a portion of the law enforcement fund is intended for law enforcement training. Historically, enacted budget language allowed for the use of restricted law enforcement fund revenue to operate the department and its training facility. Such language has been absent from the enacted budget bills since at least 2000, but similar language still appears in the Budget of the Commonwealth document produced by the Governor's Office of Policy and Management.

### **Recommendation 2.1**

**If it is the intent of the General Assembly that the Kentucky Law Enforcement Foundation Program Fund be used for operating the Department of Criminal Justice Training facility, it may wish to consider revising the statute or resume adopting budgetary language to authorize this.**

The Department of Criminal Justice Training employs 164 staff. In FY 2014, the Training Operations Division accounted for the largest portion, 43 percent, of operation expenses. Department training programs are accredited by the Commission for Accreditation of Law Enforcement Agencies. The department is accredited by the International Association for Continuing Education and Training.

The department offers 17 categories of training courses. Patrol and investigation classes accounted for one-half of courses in 2014. From 2010 to 2014, the number of courses has decreased from 606 to 445, but the total hours of instruction have remained stable, averaging more than 23,000 hours per year.

Officers are not charged for training at the department's facility. Department staff estimated the hourly cost of training by determining all costs connected to training officers, such as the salaries of instructors and capital outlays for rooms and buildings. For FY 2014, the department spent \$15.6 million on training, resulting in an hourly training cost of \$27.49.

The department distributes a \$3,100 annual incentive to officers who complete training requirements. The officer must be a full-time member of a county, urban-county, or city government; state or public university; or county sheriff's office. The local government must meet seven requirements for its officers to receive the incentive. Eight groups of officers meet the same hiring and training standards as eligible officers but cannot receive incentive pay because they are not associated with a local government or public university. Extending eligibility to those groups would cost an additional \$1.3 million per year.

When a local government unit wishes to participate in the law enforcement fund incentive pay program, the government must contact the Department of Criminal Justice Training and submit law enforcement personnel information. The department reviews personnel records and conducts site visits to determine whether officers meet all fund statutory requirements. The department's commissioner reviews all findings and staff recommendations and makes the final decision on incentive payments to local government entities for officers.

The Department of Criminal Justice Training disburses incentive pay to local governments, and local governments disburse incentive funds to police agencies, which pay the individual officers. If an officer participates in a retirement system, an additional amount based on the system's contribution rate is submitted to the system. The department requests monthly roster reports from each police agency. If rosters are not returned, payments are halted. From FY 2010 to FY 2014, participation has varied little, averaging 7,282 officers per month.

The department's Compliance and Auditing Section audits one-third of participating police agencies each year. The audits examine payroll, retirement system participation, training records, time cards, and overtime pay rates for the year of the audit and the preceding year. Department staff compare the police agency's records with departmental records for accuracy of submitted information. Compliance staff also conduct yearly training requirement checks. If an officer does not meet training requirements, incentive payments are stopped, and the officer's law enforcement authority is revoked.

When the Department of Criminal Justice Training discovers that an officer was ineligible to receive the incentive pay, department staff issue recoveries. Recoveries are calculated by multiplying the average daily incentive rate by the number of days an officer should not have received the incentive pay. In FY 2014, the department issued 115 recoveries for approximately \$39,000. The majority of recoveries were the result of officers leaving a police agency and the agency not informing the department.

The Criminal Justice Council is a 14-member board created in 1998 to guide law enforcement policies. It has met annually since 2011. The council was originally funded by the law enforcement fund through notwithstanding budget language. After the 2002-04 budget, biennial budgets have not included the budgetary language. Program Review staff could find no statutory or regulatory authority for the council to receive restricted law enforcement fund revenue.

### **Recommendation 2.2**

**If it is the intent of the General Assembly that the Criminal Justice Council receive Kentucky Law Enforcement Foundation Program Fund revenue, it may wish to consider revising the statute or biennially adopting budgetary language to authorize this.**

The council's sole source of funding is the transfer of law enforcement fund revenue from the Department of Criminal Justice Training budget. Salaries and wages of employees are the largest council expenditures, 66.8 percent in FY 2014. Council members are not paid for their services but are reimbursed for expenses. Council balances were positive from FY 2010 to FY 2012 and negative from FY 2013 to FY 2014.

Statute authorizes the Kentucky Law Enforcement Council (KLEC) to receive law enforcement fund revenue. KLEC's primary responsibility is setting standards for and certifying law enforcement training schools, facilities, faculty, curriculum, and police officers. It meets four times per year. Members of the council are not paid but may be reimbursed for expenses, such as traveling and lodging.

KLEC coordinates with Department of Criminal Justice Training staff to monitor law enforcement fund programs. If issues with an officer require certification review, the council may authorize revocation of an officer's authority. The council may also send compliance staff to inspect training schools and instructors.

KLEC has two reporting requirements. The council has complied with the General Assembly's reporting requirement detailing professional development training courses established in the previous year and subjects under consideration for future trainings. Program Review staff could not locate separate annual activity reports to the governor and General Assembly as required under KRS 15.320(4). The council reports activities in the Department of Criminal Justice Training's annual reports.

Firefighters Foundation Program Fund revenue is restricted to the purposes detailed in KRS 95A.200-95A.300, which include paying for the administrative costs of operating the Fire Commission, annual training incentive pay for professional firefighters, programs to assist volunteer and professional fire departments, and mandated classes.

Firefighter fund revenue was \$42 million in FY 2014, up from more than \$37 million in FY 2011 and FY 2012. More than \$7 million was transferred to the general fund in FY 2013; more than \$9 million was transferred in FY 2014.

The Commission on Fire Protection, Personnel, Standards, and Education is attached to the Kentucky Community and Technical College System (KCTCS), which provides administrative support. The Fire Commission's governing board has 17 members: 15 appointed by the governor and 2 ex officio. The commission meets six times each year and is responsible for establishing the state's minimum education standards and training requirements, certifying firefighter training and education programs, and certifying instructors. KRS 95A.040(1)(d) mandates that the Fire Commission promulgate administrative regulations that state certain requirements for being a volunteer firefighter. No such regulation currently exists.

### **Recommendation 3.1**

**The Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations in compliance with KRS 95A.040(1)(d).**

The Fire Commission's daily operations are overseen by an executive director and staff, whose salaries are paid with firefighter fund revenue.

Certification as a firefighter in Kentucky requires completion of a basic training course of at least 400 hours within 1 year of employment at a school recognized by the Fire Commission. An in-service training program of at least 100 hours must be completed in each of the following years.



Certification as a volunteer firefighter requires completion of at least 150 hours of certified training within the first 2 years. Maintaining certification requires completion of at least 20 hours of training annually.

KRS 95A.090 mandates that the Fire Commission promulgate administrative regulations for reviewing and accepting the training received by US military personnel who served as firefighters toward their certification as a firefighter in Kentucky. No such administrative regulation exists.

### **Recommendation 3.2**

**In accordance with KRS 95A.090, the Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations to govern the policy and procedures for reviewing and accepting US military service as a firefighter toward certification as a firefighter in Kentucky.**

As of September 2015, the Fire Commission recognized 835 fire departments: 58 professional and 777 volunteer. More than 80 percent of fire departments are staffed only by volunteer firefighters, and slightly less than 5 percent are staffed only by professional firefighters. The remaining 15 percent have a mix of volunteer and professional firefighters.

The Fire Commission's State Fire Rescue Training division is responsible for planning, directing, and administering a comprehensive and uniformly delivered program to meet firefighters' training needs. The division is funded with general fund appropriations through KCTCS's budget. The Fire Rescue Training division received, on average, \$2.1 million annually from FY 2010 to FY 2015. Fire rescue training is coordinated through 14 regional offices, each of which can provide the full range of training and services offered by the commission.

When a class is finished, the fire department enters the training information into the Fire Commission's database through a website. Except for a few required classes, candidates working toward their firefighter certification are free to select which courses they take within each of the prescribed training subjects. Firefighter fund revenue is used for the instructor's salary and travel expenses for the required classes. Instructor salaries are reimbursed at \$21 per hour, and travel is at actual cost.

Firefighter fund revenue is used to operate several programs that offer financial assistance to professional and volunteer fire departments and personnel. The Fire Commission allots \$8,250 annually to each certified volunteer fire department that meets its training requirements. A fire department may use the aid to purchase items from a list approved by the Fire Commission or may hold its aid for up to 5 years to purchase expensive items. Departments must submit to the Fire Commission proof of purchases they made with the previous year's aid money. On average, the Fire Commission spends \$5.6 million annually on aid to volunteer fire departments.

Statute provides instructions on how firefighter fund aid is to be paid if two or more volunteer fire departments merge. KRS 95A.530 requires the trustees of the volunteer fire district to notify the Fire Commission within 30 days of the merger or splitting of a merged volunteer fire district.

The statute also requires the Fire Commission to promulgate administrative regulations for this procedure. No such administrative regulation exists.

### **Recommendation 3.3**

**In accordance with KRS 95A.530, the Commission on Fire Protection, Personnel, Standards, and Education should promulgate an administrative regulation describing the manner in which volunteer fire districts should notify the commission of a merger or splitting of a volunteer fire district.**

KRS 95A.262 authorizes the Fire Commission to use firefighter fund revenue to make low-interest loans to volunteer fire departments. Loans can be used to purchase specified equipment or construct a new facility. These low-interest loans are available to departments that meet the training requirements for receiving state aid and that have received state aid for the past 3 years. The loan period may not exceed 12 years, and the maximum loan is \$75,000. The interest rate for the loans is 3 percent. Over the past 5 years, the Fire Commission made 57 loans for a total of \$3 million.

KRS 95A.250 authorizes the Fire Commission to use firefighter fund revenue to pay a \$3,100 annual training incentive to eligible local governments for each qualified professional firefighter who meets training requirements. The number of individuals participating in the firefighter fund training incentive pay program has remained relatively consistent over the past 5 years, averaging nearly 3,700 each month.

The Fire Commission uses the firefighter fund for a voluntary hepatitis B inoculation program, which allows firefighters to receive the 3-shot vaccine at no cost. Over the past 5 years, the Fire Commission has spent on average \$8,900 per year on this program.

The Fire Commission uses the firefighter fund to provide \$3,200 grants to fire departments for purchasing thermal vision cameras. All fire departments that are certified and recognized by the Fire Commission are eligible. In 2014, the commission awarded 153 fire departments thermal vision grants for a total of \$489,600. KRS 95A.430(1) mandates that the Fire Commission promulgate administrative regulations for this program. No such regulation exists.

### **Recommendation 3.4**

**The Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations to govern the Thermal Vision Grant Program. These regulations should include eligibility requirements, funding levels, reporting requirements, and whether approval of grant applications requires approval of the full commission.**

Each year, the Fire Commission budgets \$500,000 of the firefighter fund to provide training facility grants. All fire departments recognized by the Fire Commission are eligible for these grants, which may be used for specified construction projects. Grant applications are reviewed and voted on by the Fire Commission. Of the 93 applications over the past 4 years, the commission funded 39 grants for a total of \$2.1 million.

KRS 95A.040(2) requires the Fire Commission to establish and maintain a uniform standard for a candidate physical agility test (CPAT) to ensure that recruits are able to do their jobs efficiently and safely. CPAT is a line item in the firefighter fund budget and receives, on average, \$1 million each year. Instructors are paid \$21 per hour to proctor the CPAT and are reimbursed for travel expenses. Commission staff schedule approximately 26 tests per year.

The Fire Commission sometimes has firefighter fund revenue available to purchase health and wellness equipment for fire departments. Money spent on such wellness equipment has decreased annually over the past 5 years.

Other firefighter fund expenditures include workers' compensation premiums for nearly 800 volunteer fire departments, fleet vehicles, protective equipment for instructors, specialized equipment for fire rescue training instructors, and training and equipment for emergency medical services personnel.

The Fire Commission is included in KCTCS's annual audit, which is performed by an outside firm. Much of the Fire Commission's oversight comes from reporting requirements and monitoring of the programs it administers. Many of the programs require board approval and are reviewed for compliance during bimonthly meetings.

The Fire Commission has two full-time staff members who audit each fire department every 4 years. The auditors check each department's training hours, education records, and in-house training records from the current and previous year.



# Chapter 1

## Overview

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The Kentucky Law Enforcement Foundation Program Fund is administered by the Department of Criminal Justice Training. The Kentucky Firefighters Foundation Program Fund is administered by the Commission on Fire Protection, Personnel, Standards, and Education (Fire Commission). Among other functions, the funds provide \$3,100 annual awards to law enforcement officers and firefighters who complete required training.

At its December 16, 2014, meeting, the Program Review and Investigations Committee voted to initiate a study of the Kentucky Law Enforcement Foundation Program Fund and the Kentucky Firefighters Foundation Program Fund.

The law enforcement fund, administered by the Department of Criminal Justice Training, was created in 1972 to ensure that criminal laws are fairly and effectively enforced by improving local law enforcement, to attract competent candidates, to retain qualified and experienced officers, and to offer a monetary supplement for officers. The supplement is a \$3,100 annual award paid to officers who complete required in-service training.

The firefighter fund, administered by the Commission on Fire Protection, Personnel, Standards, and Education (Fire Commission), was created in 1980 to continually strengthen and upgrade fire protection, attract highly qualified candidates, provide a state monetary supplement to volunteer fire departments, and offer a monetary supplement to professional firefighters. The fund provides \$8,250 annually to each qualified volunteer fire department. The supplement to professional firefighters is a \$3,100 annual award to those who complete required in-service training.

## Major Conclusions

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This report has five major conclusions.

This report has five major conclusions.

- The Kentucky Law Enforcement Foundation Program Fund and the Kentucky Firefighters Foundation Program Fund receive revenue from a 1.8 percent surcharge on certain insurance premiums. Surcharge revenue from Kentucky-based insurers, \$18.8 million in fiscal year 2014, goes to the firefighter fund. Of the other surcharge receipts, \$84.1 million in FY 2014, the Finance and Administration Cabinet allocates 72 percent to the law enforcement fund and 28 percent to the firefighter fund.
- The law enforcement fund supports the Criminal Justice Council, the Kentucky Law Enforcement Council, and the Department of Criminal Justice Training, and it provides training incentive pay for most peace officers. The

firefighter fund finances the Fire Commission's operating cost, annual training incentive pay for professional firefighters, programs to assist volunteer and professional fire departments financially, and a few mandated classes.

- Historically, enacted budget language allowed for the use of restricted law enforcement fund revenue to operate the Department of Criminal Justice Training facility. Since at least 2000, this language has been absent from the enacted budget bill, but present in the Budget of the Commonwealth document produced by the Governor's Office of Policy and Management.
- In FY 2014, the Department of Criminal Justice Training spent 46 percent of the law enforcement fund's annual revenue and carried forward funds on incentive pay for 7,332 law enforcement officers. The Fire Commission spent 24 percent of the firefighter fund annual revenue and carried forward funds on incentive pay for 3,728 professional firefighters.
- The Department of Criminal Justice Training and the Fire Commission have reasonable oversight measures in place to ensure that the law enforcement fund and firefighters fund are used for their intended purposes. The Department of Criminal Justice Training is included in the Auditor of Public Accounts' statewide single audit. The Fire Commission is included in the Kentucky Community and Technical College System's annual outside audit.

### **Insurance Premium Surcharges**

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The sole revenue source for the law enforcement and firefighter funds is a 1.8 percent surcharge on certain insurance premiums and investment returns from the revenue. Surcharge revenue was \$103 million in FY 2014.

The sole revenue source for the firefighter and law enforcement funds is a surcharge on certain insurance premiums established in KRS 136.392 and investment returns from the revenue. All domestic, foreign, and alien insurers, except life and health insurers, must collect from policyholders a surcharge of \$1.80 per \$100 of insurance premiums charged. The surcharge is collected at the same time as the insurance premium. On or before the 20<sup>th</sup> of each month, insurers must report and remit to the Department of Revenue surcharges collected during the preceding month. The funds are deposited in a State Treasury account specifically allocated for the uses and purposes found in KRS 15.430 to 15.515 (law enforcement fund) and KRS 95A.220 to 95A.300 (firefighter fund). Surcharge revenue was \$103 million in FY 2014.<sup>1</sup>

According to Finance and Administration Cabinet officials, the insurance policies that contribute most to annual surcharge receipts

are commercial multiple peril, commercial auto liability, private passenger auto liability, homeowners multiple peril, construction and alteration liability, and inland marine insurance.<sup>a, 2</sup>

Several types of policyholders are statutorily exempt from the surcharge.

Policyholders exempt from the surcharge pursuant to KRS 136.392(5) are

- the federal government;
- resident educational and charitable institutions qualifying under Section 501(c)(3) of the Internal Revenue Code;
- resident nonprofit religious institutions for real, tangible, and intangible property coverage only;
- state government for coverage of real property; and
- local governments for coverage of real property.

Also exempt from the insurance premium surcharge are premiums received by life and health insurers pursuant to KRS 136.392(1); municipal premium taxes pursuant to KRS 136.392(1); and premiums received for accident and health insurance, federally insured crop insurance, federally insured flood insurance, reinsurance, title insurance, or workers' compensation insurance.

Surcharge revenue collected from Kentucky-based insurance companies is allocated to the firefighter fund. Other surcharge revenue is combined into a single account and later allocated to the law enforcement and firefighter funds.

Surcharge revenue collected from Kentucky-based insurance companies is allocated to the firefighter fund. Other surcharge revenue is combined into a single account and later allocated to the law enforcement and firefighter funds. Table 1.1 shows the surcharge receipts for FY 2010 to FY 2014. On average, surcharge from Kentucky-based companies represents 17 percent of the total surcharge collected annually. Other surcharge receipts increased 4 percent in most years, except for an 18 percent increase from FY 2010 to FY 2011 when the surcharge rate was increased.

**Table 1.1**  
**Annual Surcharge Receipts By Insurer Type (In Millions)**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Surcharge</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Kentucky-based insurers	\$12.56	\$16.60	\$15.66	\$17.35	\$18.75
Other insurers	63.17	74.59	78.58	81.66	84.14
<b>Total</b>	<b>\$75.73</b>	<b>\$91.19</b>	<b>\$94.24</b>	<b>\$99.00</b>	<b>\$102.89</b>

Note: Receipts may not sum to the total shown due to rounding.

Source: Morris, Gary. "LRC data request." Message to Chris Hall. Aug. 17, 2015. Email.

<sup>a</sup> "Peril" refers to ways in which assets may be lost, so homeowners multiple peril insurance would cover multiple ways in which a home could be damaged or lost, such as fire or theft.

## Surcharge Rate And Division Of Receipts

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The commissioner of revenue is responsible for adjusting the surcharge rate each fiscal year to ensure that receipts meet the financial needs of both funds. Office of State Budget Director officials find it more accurate to use the number of participants in each fund to calculate financial need, rather than the number of local government units, which is specified in statute.

As Figure 1.A shows, the commissioner of revenue is statutorily charged with adjusting the surcharge rate each fiscal year to ensure that receipts meet the financial needs of the firefighter and law enforcement funds. KRS 136.392(1)(b) states that the rate shall “be calculated using as its base the number of local government units eligible for participation in the funds.” According to Office of State Budget Director officials, this is no longer the most accurate way to calculate financial need. Trends of the number of participating law enforcement officers and firefighters are more useful.<sup>3</sup> In practice, General Assembly appropriations govern the amount of the surcharge that is allocated. Office of State Budget Director officials, through the statutory allotment process, approve the agencies’ requests for quarterly allotments to each fund in eMARS.<sup>4</sup>

### Recommendation 1.1

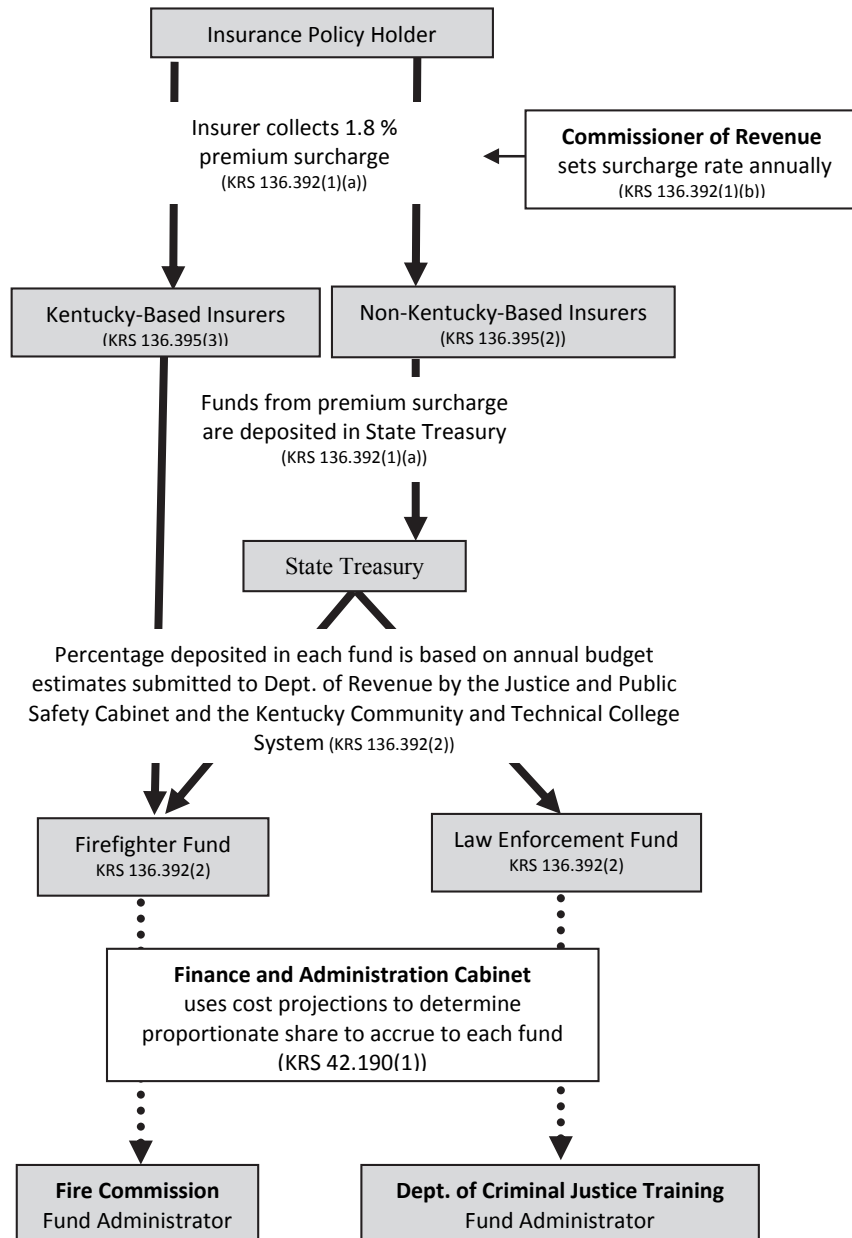
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Recommendation 1.1

**The General Assembly may wish to consider changing the statutory language for surcharge rate calculation to use as its base trends of participating law enforcement officers and firefighters and budget bill appropriations instead of the number of local government units participating in each fund.**



**Figure 1.A**  
**Surcharge Collection And Distribution Process**



Note: Shaded boxes show flow of money.  
Source: Program Review staff compilation.

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The surcharge rate was originally set at 1.5 percent. The Commissioner of Revenue adjusted the rate to 1.8 percent in 2010 because of shortfalls in both funds.

The surcharge rate was originally set at 1.5 percent. The Commissioner of Revenue adjusted the rate to 1.8 percent in 2010 because of shortfalls in both funds. When changed, KRS 136.392(1)(b) states that “[t]he new rate shall take effect no earlier than six (6) months from the date that the commissioner of insurance notifies the affected insurers.”

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The Finance and Administration Cabinet allocates surcharge revenue that is not already dedicated to the firefighter fund to the two funds. Statute requires quarterly projections from the Department of Criminal Justice Training and the Fire Commission. The department and commission also work with Office of State Budget Director staff to produce expense projections, which are used to set quarterly allotments in eMARS. This means that the quarterly reporting requirements may be unnecessary.

The Finance and Administration Cabinet is statutorily responsible for allocating surcharge revenue that is not already dedicated to the firefighter fund to the two funds. KRS 42.190(1) requires the cabinet to request in writing quarterly cost projections from the Department of Criminal Justice Training and the Fire Commission and to use projections to determine the division. Cabinet officials stated that they no longer make these quarterly requests because they “have the historical information available to determine if changes in the proportionate share are required to fund both programs.”<sup>5</sup> The department and the Fire Commission confirmed they do not submit quarterly cost estimates to the Finance and Administration Cabinet.<sup>6,7</sup>

Division of surcharge receipts from companies based outside of Kentucky is reviewed at the start of every biennium and set to percentages that meet both funds’ expected expenses, while considering that some types of insurance surcharge receipts are dedicated to the firefighter fund.<sup>8</sup> The department and Fire Commission staff cooperate with Office of State Budget Director staff to produce expense projections, which are used to set quarterly allotments in eMARS. This means that quarterly reporting requirements may be unnecessary.

## Recommendation 1.2

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Recommendation 1.2

**The General Assembly may wish to consider updating the quarterly reporting requirement in KRS 42.190(1) to account for information available through Kentucky’s financial reporting system.**

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The current allocation of surcharge receipts is 72 percent to the law enforcement fund and 28 percent to the firefighter fund.

Beginning with the FY 1984 budget, surcharge receipts were allocated evenly to the two funds. This changed in 2000 to the current allocation of 72 percent to the law enforcement fund and 28 percent to the firefighter fund. This was done to cover the additional cost to the law enforcement fund when sheriffs and deputies became eligible to receive the training incentive. Allocation of receipts is based on appropriations in biennial budget bills.<sup>9</sup>

## Chapter 2

### Kentucky Law Enforcement Foundation Program Fund

The Kentucky Law Enforcement Foundation Program Fund, created in 1972, supports the Department of Criminal Justice Training, the Criminal Justice Council, and the Kentucky Law Enforcement Council. Almost all law enforcement fund revenue goes to the department, including 64 percent for training incentive pay and 32 percent for the cost of providing training.

The General Assembly created the Kentucky Law Enforcement Foundation Program Fund in 1972. KRS 15.410 states that the fund’s purpose is to ensure that criminal laws are fairly and effectively enforced by improving local law enforcement, attracting competent candidates, retaining qualified and experienced officers, and offering a monetary supplement for officers. In FY 2014, the law enforcement fund was appropriated \$60.6 million in surcharge receipts and carried forward \$6.1 million from FY 2013. In FY 2014, \$17.5 million was transferred to the general fund.

To meet its goals, the law enforcement fund is used to support the Department of Criminal Justice Training, which is responsible for training and certifying law enforcement officers. The department also uses the fund to provide training incentive pay to officers and to cover the administrative cost of the Criminal Justice Council, which helps guide state law enforcement policy through research, and the Kentucky Law Enforcement Council, which sets state training curriculum and standards. Table 2.1 shows the proportion of law enforcement fund revenue each received in FY 2014. Almost all law enforcement fund revenue goes to the department, including 64 percent for training incentive pay and 32 percent for the cost of providing training.

**Table 2.1**  
**Law Enforcement Fund Expenses By Agency, Fiscal Year 2014**

Agency	Expense Type	Expenses	Percent
Dept. of Criminal Justice Training	Incentive	\$30,781,573	64.1%
	Training	15,560,328	32.4
	Expenses	1,390,699	2.9
Criminal Justice Council	Administrative	271,900	0.6
Kentucky Law Enforcement Council	Administrative	12,365	0.0*
Total		\$48,016,865	100.0%

Note: Training includes salary of instructors. The expenses category is funding for the Peace Officer Professional Standards program and debt expenses not captured by training expense calculations.

\*Actual value is 0.0003%.

Source: Dept. of Criminal Justice Training; Masters, Donna. “KLEEC Meeting Expenses for Members.” Message to Chris Hall. Aug. 27, 2015. Email.

## Department Of Criminal Justice Training

The Department of Criminal Justice Training provides entry-level and in-service training for law enforcement officers and administers the law enforcement fund.

The Department of Criminal Justice Training, an agency of the Justice and Public Safety Cabinet, provides entry-level and in-service training for Kentucky's law enforcement officers. The department operates one of four training facilities in the state, where it instructs approximately 14,000 students each year.<sup>b, 10</sup> The department is the designated administrator of the law enforcement fund.<sup>11</sup>

Historically, the department was explicitly authorized to receive law enforcement fund restricted revenue for training operations via enacted budget language.

Historically, the department was explicitly authorized to receive law enforcement fund restricted revenue for training operations via enacted budget language. For example:

- FY 1988-90: "... included in the above appropriation is \$2,520,300 in fiscal year 1989 and \$2,608,600 in fiscal year 1990 for the cost of operating the Department of Criminal Justice Training, for the operation of the Kentucky Law Enforcement Council Program and the administration of the Kentucky Law Enforcement Foundation Program Fund ..."
- FY 1990-92: "...included in the above restricted funds appropriation is \$3,021,600 in fiscal year 1990-91 and \$3,097,500 in fiscal year 1991-92 for the cost of operating the Department of Criminal Justice Training, for the operation of the Kentucky Law Enforcement Council Program and the administration of the Kentucky Law Enforcement Foundation Program Fund." (1990 Ky. Acts Ch. 514).

Enacted budget language authorizing the department to receive law enforcement fund revenue has been absent since at least 2000.

Such language has been absent from enacted budget bills since at least 2000, but similar language still appears in the Budget of the Commonwealth document produced by the Governor's Office of Policy and Management.<sup>12</sup> The 2014-2016 enacted budget bill appropriates money to the fund but does not explicitly authorize law enforcement fund revenue to be used for department operations (2014 Ky. Acts Ch. 117).

### Recommendation 2.1

Recommendation 2.1

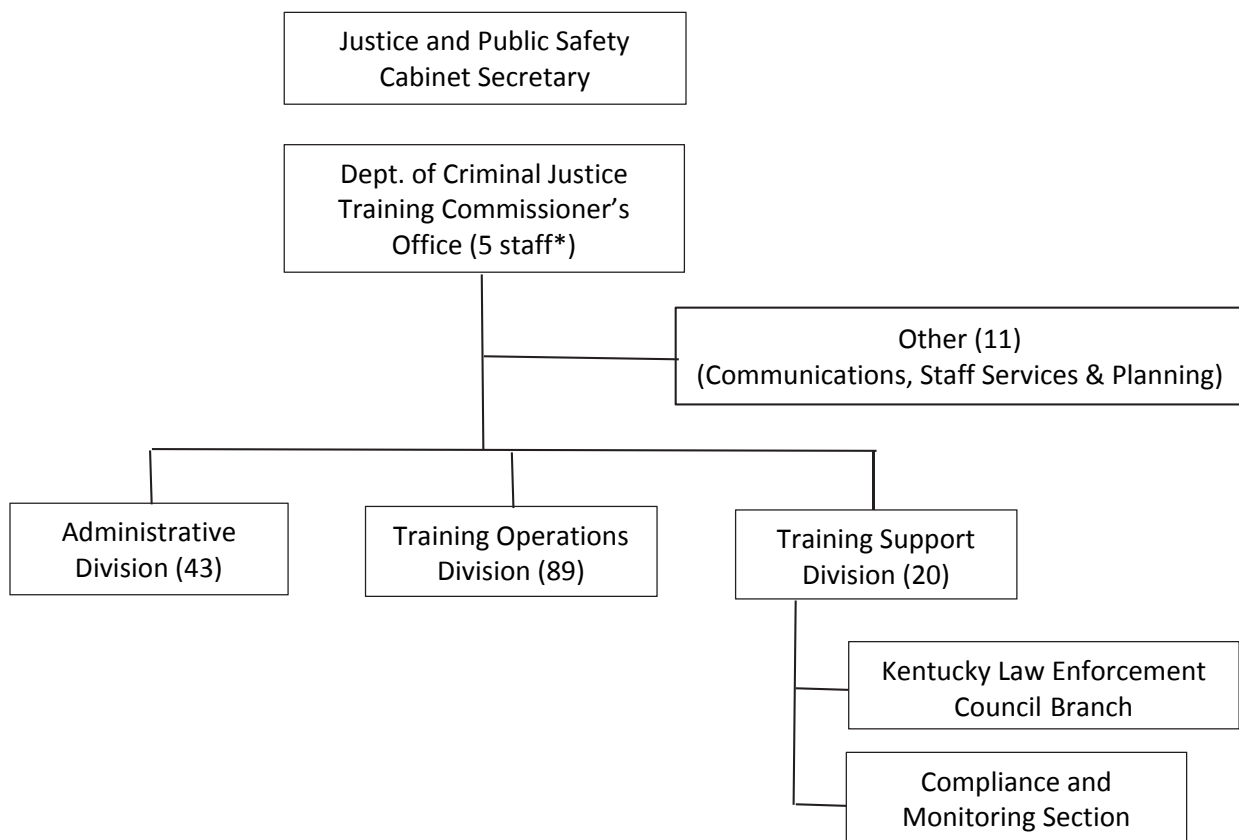
**If it is the intent of the General Assembly that the Kentucky Law Enforcement Foundation Program Fund be used for operating the Department of Criminal Justice Training facility, it may wish to consider revising the statute or resume adopting budgetary language to authorize this.**

<sup>b</sup> The remaining law enforcement training academies are for the Kentucky State Police, Lexington Division of Police, and Louisville Metro Police Department.

### Organization

The department is divided into the Commissioner’s Office and Administrative, Training Operations, and Training Support divisions. The department employs 164 staff as depicted in Figure 2.A.

**Figure 2.A**  
**Organization Of The Department Of Criminal Justice Training**



\*Four of five staff in the commissioner’s office also serve elsewhere in the department.

Source: Compiled by Program Review staff from information provided by the Dept. of Criminal Justice Training and Masters, Donna. “Response to LRC Data Request.” Message to Chris Hall. May 5, 2015. Email.

Table 2.2 shows department expenses for FY 2014. More than 40 percent of expenses are attributed to the training operations division, which provides instruction and training to law enforcement officers. The administrative division includes the information system, supply, and fiscal management branches. The training support division includes travel and meeting expenses for the Kentucky Law Enforcement Council and the department’s monitoring branch. The “other” category represents all spending that does not apply to specific divisions, including approximately \$2 million in debt service payments.<sup>13</sup>

**Table 2.2**  
**Department Of Criminal Justice Training**  
**Expenditures By Division**  
**Fiscal Year 2014**

<b>Division</b>	<b>Expenditures</b>	<b>Percent</b>
Training Operations Division	\$7,477,749	43.4%
Administrative Division	2,893,892	16.8
Commissioner's Office	1,365,827	7.9
Training Support Division	914,253	5.3
Other	4,583,571	26.6
<b>Total</b>	<b>\$17,235,291</b>	<b>100.0%</b>

Note: Total does not equal the sum of expenditures due to rounding.

Source: Information provided by the Dept. of Criminal Justice Training.

### Accreditation Of Training

The department's training programs are accredited by the Commission on Accreditation for Law Enforcement Agencies. The department's programs are also accredited by the International Association for Continuing Education and Training.

The department's training programs are accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), a national standard for public safety accreditation. The process of receiving CALEA accreditation consists of a self-assessment, an on-site assessment, and ongoing commission reviews to ensure that standards are being met. The department is reaccredited every 3 years and provides yearly compliance reports to CALEA.<sup>14</sup>

The department is also accredited by the International Association for Continuing Education and Training (IACET) for adult continuing education. Certification by IACET requires a self-assessment, review by the IACET commission, and an on-site visit to ensure compliance with national standards for training program design, development, administration, and evaluation. The department was reaccredited in October 2013 and will be assessed every 5 years for reaccreditation.<sup>15</sup>

### Training Courses

Most courses offered by the department are related to patrol and investigation skills.

Courses are taught by certified instructors who must complete 40 hours training annually and maintain subject-matter certification related to their assignment.<sup>16</sup> The department divides classes into 17 categories. Table 2.3 provides the number of courses taught over the past 5 years. Most classes are related to patrol and investigation skills, accounting for one-half of courses in 2014. The number of courses offered decreased over the period,

primarily because of decreases in the number of criminal justice information services and patrol courses. Total instruction time has remained stable, averaging 23,342 hours per year from FY 2010 to FY 2014.

**Table 2.3**  
**Department Of Criminal Justice Training Courses**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Course Type</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Patrol	208	235	214	131	114
Investigations	102	91	104	105	112
Distance learning	46	43	45	57	42
Telecommunications—advanced	45	46	24	32	41
Basic training	24	22	23	24	26
Supervision/management	38	33	27	28	24
Standards	15	15	15	17	17
Instructor development	17	17	20	16	14
Telecommunications—basic	9	14	13	13	14
Skills	10	11	11	11	12
Coroners	13	13	13	10	11
Telecommunications—leadership	8	11	9	10	9
Criminal justice information services	67	70	63	6	5
Specialized training	4	3	4	4	4
Technical	0	0	2	2	0
Management	0	1	0	0	0
Other	0	1	0	0	0
<b>Total</b>	<b>606</b>	<b>626</b>	<b>587</b>	<b>466</b>	<b>445</b>

Note: Skills include defensive driving and weapon instruction courses.

Source: Program Review staff analysis of Dept. Of Criminal Justice Training Database of Classes.

In FY 2014, the most commonly offered patrol courses were those related to legal issues (19 courses), court security officer in-service training (12), stress and wellness (12), crisis intervention team training (11), and rapid deployment (9). Other courses included “Leadership Is a Behavior,” “Prevention and Deterrence of Terrorist Acts,” and “Collision Investigation Techniques.” Patrol training hours decreased in FY 2013 because of changes in the breath test operator recertification course, which is available online and is thus categorized as distance learning.

The most commonly offered investigation courses in FY 2014 were those related to interviews and interrogations (13 courses), controlled substance and diversion investigation (12), criminal

investigation for first responders (12), crime scene investigation (6), and domestic abuse and sexual assault (6).

Table 2.4 provides examples of the common courses in the remaining categories. For most categories, the table shows courses with the most and second most sessions in FY 2014. The technical, management, and pastoral categories had single courses from 2010 to 2014, and those courses were not provided in 2014.

**Table 2.4**  
**Common Training Courses From 2010 To 2014**

<b>Category</b>	<b>Courses</b>
Distance learning	Breath test operator recertification Law enforcement mobile data terminal access
Telecommunications—advanced	Domestic violence roles and resources Critical incident training for dispatchers
Basic	Breath test operator Law enforcement basic training
Supervision/management	Academy of police supervision Values based leadership
Standards	Kentucky homeland security Constitutional procedure
Instructor development	Law enforcement instructor development Firearms instructor
Telecommunications—basic	Public safety dispatch academy for CJIS agencies* Public safety dispatch academy for non-CJIS agencies
Skills	Patrol rifle Defensive driving
Coroners	Office administration Basic training
Telecommunications—leadership	Communications training officer Leadership 911
Criminal justice information services	CJIS-full access* Advanced CJIS/terminal agency coordinator
Specialized training	Hazardous materials technician Drug evaluation and classification training
Technical	Hazardous materials technician/meth lab investigations
Management	Prevention and deterrence of terrorist acts
Other	Pastoral II

\*CJIS is the Criminal Justice Information System.

Source: Program Review staff analysis of information provided by the Dept. of Criminal Justice Training.



### Cost Of Classes

Officers are not charged for training. The law enforcement fund is used to pay for the costs of training.

Officers are not charged for training at the department. Classes are paid for by the law enforcement fund.<sup>17</sup> Department staff estimated the hourly cost of training by determining all costs connected to training officers. The total costs of training appear in Table 2.5. Personnel costs are the compensation costs of staff assigned to training, operating costs are the supply costs of providing the classes, and capital outlays are costs for providing rooms and buildings for training. Depreciation was included to represent purchases of equipment and facilities and is based on a 50-year lifespan.<sup>18</sup>

**Table 2.5**  
**Cost Of Department Of Criminal Justice Training Courses**  
**Fiscal Year 2010 To Fiscal Year 2014**

Category	2010	2011	2012	2013	2014
Personnel	\$11,324,406	\$11,326,771	\$11,308,077	\$11,992,427	\$12,022,775
Operating costs	1,750,098	2,106,275	2,138,780	2,228,334	1,953,647
Building depreciation	751,401	751,401	751,401	751,401	751,401
Debt service	1,002,333	845,765	796,322	677,824	580,906
Capital outlay	57,438	46,722	47,509	104,642	251,597
<b>Total training costs</b>	<b>\$14,885,677</b>	<b>\$15,076,933</b>	<b>\$15,042,090</b>	<b>\$15,754,628</b>	<b>\$15,560,328</b>

Note: Total training costs may not equal the sum of training costs due to rounding. Totals differ from Table 2.2. Table 2.5 does not include transfers for the Criminal Justice Council and Peace Officer Professional Standards certification and debt costs attributable to principal repayment. Table 2.2 does not include building depreciation. Source: Information provided by the Dept. of Criminal Justice Training.

Department staff estimated that the hourly cost of training in FY 2014 was \$27.49.

Dividing the total cost of training by the number of hours equals the average cost per hour. In FY 2014, total cost of hourly training was \$15,560,328. There were 565,985 classroom hours, so the cost per hour was \$27.49. In the previous 4 fiscal years, hourly costs ranged from \$24.35 to \$26.70.

### Costs Of Additional Students

The Kentucky State Police and Louisville and Lexington police departments conduct most of their own training. Training the three groups at the Department of Criminal Justice Training's facility would cost \$2.8 million per year.

The Kentucky State Police and the Lexington and Louisville police departments conduct most of their own training. Table 2.6 shows a cost estimate of moving all training for these groups to the Department of Criminal Justice Training's Richmond facility. Requiring the three groups to conduct all in-service training in Richmond would cost the department an additional \$2.8 million per year.

**Table 2.6**  
**Cost Of Adding Additional Trainees**  
**To The In-Service Training Program**

<b>Law Enforcement Group</b>	<b>Trainees</b>	<b>Training Hours</b>	<b>Cost</b>
Louisville police department	1,193	47,720	\$1,306,574
Kentucky State Police	914	36,560	1,001,013
Lexington police department	484	19,360	530,077
<b>Total</b>	<b>2,591</b>	<b>103,640</b>	<b>\$2,837,664</b>

Source: Information provided by the Dept. of Criminal Justice Training.

The hypothetical costs were calculated using the same process as the hourly training costs for FY 2010-FY 2014. Department staff adjusted expenses because new students would require additional personnel, operating, and capital outlay costs, debt interest for a new building, and depreciation costs of using the new building.<sup>19</sup> Department staff indicated that the organization does not currently have enough personnel or training space to accommodate potential new trainees. After adjusting for new resources, department staff estimated that adding the three groups would cost \$27.38 per hour. The calculations assume that all 40 hours of in-service training would be conducted at the Richmond facility.<sup>20</sup>

### **Registering For Classes**

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Training supervisors or law enforcement staff register officers for classes through a Web-based database of classes.

Law enforcement agencies use the department's Training and Registration Information System to register their officers for classes. The system is a Web-based database of classes being offered that is accessible only to the agency's training supervisor or designated staff member. Once the database is accessed, the user sees a list of officers for the user's agency. The user can register multiple officers to a single course or multiple courses to a single officer. If a course is full or the officer has reached the required hours of training, an officer can be placed on a waiting list.

In the future, all officers will be able to access the system so they may check their own training records. The department has no plans to allow officers to register for training without a supervisor's approval. Restricting control over course registration allows agencies to select the training that may be most useful for the agency as a whole.<sup>21</sup>

## Monitoring

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The department's internal database documents each officer's training. The database is used to confirm agency records and identify officers who have not met training requirements.

The Training and Administration Support System (TASS) is a database that documents each law enforcement officer's hours of training and courses taken. TASS is the internal counterpart to the Training and Registration Information System and cannot be accessed by the public. Department staff use TASS data during site audits to confirm agency records and annually check these data to contact officers who have not met the minimum hours of training.<sup>22</sup>

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Executive department staff receive weekly expenditures analyses to determine future priorities.

Another monitoring measure is that executive staff receive weekly expenditure analyses to monitor department activities and spending. Spending data are pulled from Kentucky's data warehouse and can be extracted at any time. Each analysis provides current, spent, average, and projected spending. The data are discussed with executive staff to determine future priorities. The analyses may be discussed with the Office of the State Budget Director for planning purposes.<sup>23</sup>

## Training Incentive Pay

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Law enforcement officers may receive \$3,100 per year if they complete mandatory training and meet additional requirements.

One of the primary purposes of the law enforcement fund is to support the training incentive pay program. Law enforcement agencies pay an annual stipend of \$3,100 to their officers who complete mandatory training and meet specified requirements. The Department of Criminal Justice Training uses the law enforcement fund to distribute the amount due to local governments, which then reimburse the law enforcement agencies.

## Qualifying For Incentive Pay

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An officer may be eligible for incentive pay if the officer is a member of a local government, state or public university, or county sheriff's office. Budget bills have extended eligibility to State Police and Vehicle Enforcement officers since 2005.

A law enforcement officer can receive incentive pay if the officer is a full-time member of a county, urban-county, or city government that is eligible to participate in the fund (503 KAR 5:100). KRS 15.420(2) specifies that eligible officers include sheriffs who do not earn the maximum constitutional salary, full-time deputy sheriffs, and state or public university police officers. Commonwealth budget bills have included Kentucky State Police and Vehicle Enforcement officers since 2005. Statute excludes court security officers and jailors from participating in the fund (KRS 15.442; KRS 15.515).

Local government units apply to participate in the law enforcement incentive pay program (KRS 15.440). In addition to cities and

counties and combinations thereof, local government units include state or public universities and county sheriffs' offices (KRS 15.420).

All officers employed by applicant agencies must

- have a high school diploma or its equivalent as determined by the Kentucky Law Enforcement Council;
- within 1 year of employment date, complete a basic training course of at least 640 hours' duration at a council-certified school; and
- annually complete in-service training of at least 40 hours' duration at a council-certified school (KRS 15.440(1)).<sup>c</sup>

Once a local government enters the law enforcement fund incentive pay program, each officer begins receiving a \$3,100 salary supplement and retirement contribution. Officers may continue to receive the supplement if they leave temporarily due to activation of the Kentucky National Guard or any reserve component of the United States Armed Forces (KRS 15.460(2)). However, officers leaving for a military activation do not receive the pension contribution (KRS 15.460(4)(b)).

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Eight groups of officers are not eligible for incentive pay but meet the same standards and complete the same training as eligible officers. Extending eligibility to the 329 officers would cost \$1.3 million per year.

Eight groups of officers are not eligible to receive incentive pay but meet the same hiring standards and complete the same training requirements as eligible officers. These officers cannot participate because they are not associated with a local government or public university. Department staff stated that including the other officers would likely require a statutory amendment or an inclusion in the state budget bill.<sup>24</sup> As shown in Table 2.7, extending eligibility to the 329 currently ineligible officers would cost \$1.3 million per year. The Department of Fish and Wildlife Resources has received authorization to use its own funds to provide an identical stipend to its law enforcement officers.<sup>25</sup> If statutory language is changed to allow Fish and Wildlife officers' stipends to be paid using law enforcement fund revenue, the \$3,100 per officer that the department currently spends would revert to the Fish and Game Fund.

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<sup>c</sup> This requirement may be waived for the period of time a police officer is on active US military duty.

**Table 2.7**  
**Cost Of Including Qualifying Officers Ineligible To Participate**  
**In The Law Enforcement Fund Incentive Pay Program**

<b>Officer Type</b>	<b>Trainees</b>	<b>Incentive</b>	<b>Retirement</b>	<b>Total</b>
Fish and Wildlife	123	\$381,300	\$100,434	\$481,857
School resource	72	223,200	58,791	282,063
Parks	54	167,400	44,093	211,547
Attorney General	35	108,500	28,579	137,114
Alcoholic Beverage Control	29	89,900	23,680	113,609
Insurance fraud	7	21,700	5,716	27,423
Charitable Gaming	5	15,500	4,083	19,588
Agriculture	4	12,400	3,266	15,670
<b>Total</b>	<b>329</b>	<b>\$1,019,900</b>	<b>\$268,642</b>	<b>\$1,288,871</b>

Note: Potential trainees are as of May 1, 2015. Incentive amounts are based on the current \$3,100 rate. Retirement amounts assume that the retirement contribution rate for hazardous employees in the Kentucky Employee Retirement System would remain at 26.34 percent. Source: Information provided by the Department of Criminal Justice Training.

**Increasing Training Incentive Pay.** During the 2014 session, Senate Bill 200 and House Bill 208 proposed increasing law enforcement training incentive pay to \$4,000 per officer by 2016 and to \$4,500 by 2018. It would cost an additional \$29.1 million per year to increase incentive pay to \$4,000 and \$32.8 million per year to increase incentive pay to \$4,500. This assumes that 7,282 law enforcement officers participate each month, the average over the past 5 years. These estimates do not include pension contributions, which typically match 33 percent of the stipend amount.

### **Joining The Incentive Pay Program**

A local government must submit an application, a roster, retirement participation details, and education records to join the incentive pay program. Department staff audit the new agency to determine whether it is compliant with requirements.

To join the incentive pay program, a local government must submit to the department a completed and signed application, a personnel roster, retirement fund participation, and education records of law enforcement officers. Applications must identify the law enforcement agency head and the local government fiscal officer who will receive the reimbursement payments. Department staff compare the roster to their database to determine whether all officers comply with Peace Officer Professional Standards and whether there are any training delinquencies.<sup>26</sup>

The department performs an on-site audit of the new agency. If the agency is found to be in compliance, the department's commissioner sends an acceptance letter to the local government

and authorizes law enforcement fund disbursements to the agency.<sup>27</sup>

### **Incentive Distribution Process**

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Law enforcement agencies pay officers the \$3,100 annual stipend in equal disbursements each pay period.

The training incentive pay program works on a reimbursement basis.

Local law enforcement agencies pay their qualified officers the \$3,100 annual stipend in equal disbursements each pay period from the agency's operating budget.<sup>28</sup>

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The department confirms how much money was spent on incentive pay by issuing a monthly roster report. Agencies must confirm the report's information. The department disburses the amount due to the local fiscal officer, who reimburses the law enforcement agency.

The department confirms how much money each local law enforcement agency spent on incentive pay by issuing a monthly roster report. This report contains the number of officers, retirement system participation, and hours worked. If an officer does not work a full schedule during the month, the incentive pay is prorated based on the number of hours worked (503 KAR 5:100 Sec. 2). Agency staff confirm the information by signing and returning the report to the department. If local agencies do not return the signed roster reports, the department halts future reimbursement payments.<sup>29</sup>

Based on this information, the department distributes the total amount due to the local fiscal officer, who then reimburses the law enforcement agency. The fiscal officer is responsible for sending retirement contributions to the correct system.<sup>30</sup>

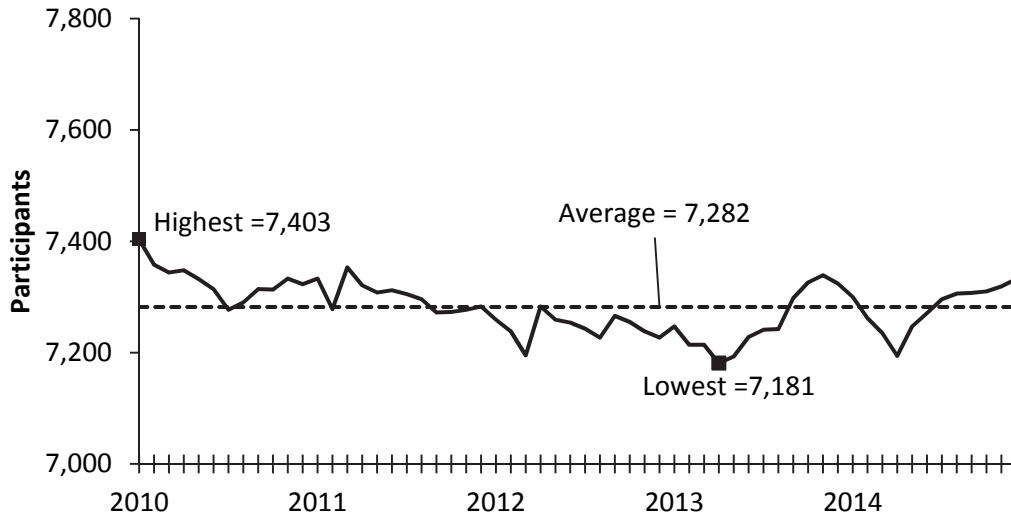
### **Incentive Participants**

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Participation in the incentive pay program has remained stable from FY 2010 to FY 2014, averaging 7,282 officers per month. Most participants are in the hazardous category of the County Employees Retirement System.

Program Review staff asked department staff to provide the monthly total incentive participation from FY 2010 to FY 2014. Figure 2.B shows participation over this period. Participation has remained stable across this period, averaging 7,282 officers per month. Most participants are enrolled in the County Employees Retirement System Hazardous plan and receive a pension contribution for that system. Few participants, approximately 3.5 percent per month, are not attached to a retirement system.

**Figure 2.B**  
**Monthly Law Enforcement Fund Incentive Pay Participation**  
**Fiscal Year 2010 To Fiscal Year 2014**



Source: Compiled by Program Review staff from information provided by the Dept. of Criminal Justice Training.

Participation can vary due to long-term and short-term changes. Individual officers or entire police departments may enter or leave the system. Some departments have left the program and returned later.<sup>31</sup> Participation numbers will change when officers temporarily do not work at a department. Temporary leaves may be attributed to sick leave, military leave, suspensions, and leave without pay.<sup>32</sup>

### Audits Of Participating Agencies

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Participating agencies are audited on a 3-year cycle, with one-third of agencies reviewed each year.

The department's Compliance and Auditing Section audits participating agencies on a 3-year cycle. Each year, the section selects one-third of participating agencies for review. Kentucky State Police submits training hours to the department, but it is not part of the 3-year audit. The Kentucky State Police is excluded because it receives law enforcement fund incentive payments through the budget bill instead of directly participating in the law enforcement fund.<sup>33</sup>

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Audits examine payroll, retirement system participation, and training records for the year of the audit and the previous year. If information is incorrect, the department recovers any funds that should not have been sent to the agency.

The audits examine payroll, retirement system participation, and training records for the year of the audit and the preceding year. During an audit, department staff compare the agency's documentation with the information in the Training and Administration Support System. If submitted information is incorrect, the department recovers any funds that should not have

been sent to the agency. The requests are sent to the agency, not specific officers.<sup>34</sup>

When an audit is scheduled, department staff send the agency a letter informing it of the audit, outlining the process, and requesting necessary documentation. Personnel lists showing part-time and full-time employees are requested because department staff found that part-time employees have sometimes been recorded as full time in department records. All payroll records are checked to determine whether employees are correctly receiving law enforcement fund benefits. Payroll records are checked by requesting a list of employee wages with and without the incentive.<sup>35</sup>

Time cards are requested to see whether employees are receiving overtime pay. Department staff sample overtime rates to confirm that the incentive pay is included in the base rate. The incentive pay adds \$2.24 per hour to overtime pay. Time cards are also checked to determine whether agencies are incorrectly combining law enforcement hours with hours in other areas of government. Hours worked in other areas of government do not count toward law enforcement fund requirements.<sup>36</sup>

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Annual delinquency checks determine whether active officers have not met training requirements. If an officer does not complete training, incentive payments are stopped and the officer's law enforcement authority is revoked.

Compliance staff also conduct annual delinquency checks to determine whether active officers have not met training requirements. The check reviews Training and Administration Support System records to produce the names of officers who have not obtained the minimum number of training hours.<sup>37</sup> Each October, department staff call officers who have not obtained training. In December, department staff check training records again, call the individuals who have not completed training, and tell the individuals to request an extension if they have a justifiable reason. In June of the following year, department staff perform a final check. If an officer has not completed training, incentive payments are stopped and the officer's law enforcement authority is revoked.<sup>38</sup>

Discrepancies are most commonly associated with failure to submit an employment status change form, which is sometimes sent too late to be processed before an audit.<sup>39</sup> New sheriffs or city clerks may not be aware of the correct procedures. Agencies are sometimes too busy or do not have staff available to submit forms.<sup>40</sup>



### Recoveries

Recovery amounts are based on a daily rate of incentive pay and the number of days an officer should not have received incentive pay.

When a recovery is required, the method depends on the amount received by the local agency. Recovery amounts are calculated by averaging the incentive pay to a daily rate and multiplying the rate by the number of days an officer should not have received incentive pay. If the recovery is less than the amount received in a month, the recovery is subtracted from the next month's amount and the agency receives the remainder. If the recovery is greater than the amount received in a month, the department sends an invoice to the local agency. The process is the same if the error was in payments to an officer or in contributions to a retirement system.<sup>41</sup> If the law enforcement agency is associated with a city, the recovery request is typically sent to a city clerk. If the agency is associated with a county, the request is typically sent to a treasurer.<sup>42</sup>

Recovery payments are relatively small, averaging \$420 or 1.6 months of incentive pay. Recoveries decreased by 53 percent from FY 2012 to FY 2014.

Program Review staff analyzed data from all department recoveries over 3 fiscal years. As shown in Table 2.8, recoveries decreased over the period, with the total amount recovered decreasing by 53 percent from FY 2012 to FY 2014. Individual recoveries are relatively small, averaging \$420 or 1.6 months of incentive pay.

**Table 2.8**  
**Incentive Recoveries**  
**Fiscal Year 2012 To Fiscal Year 2014**

<b>Fiscal Year</b>	<b>Recoveries</b>	<b>Total Recovered</b>	<b>Largest Recovery</b>	<b>Average Recovery</b>
2012	157	\$82,607.24	\$6,200.00	\$526.16
2013	127	45,962.03	2,686.71	361.91
2014	115	38,945.44	5,579.97	338.66
FY 2012-FY 2014	399	\$167,514.71	\$6,200.00	\$419.84

Source: Program Review staff analysis of information provided by the Dept. of Criminal Justice Training.

Most recoveries were caused by agencies not submitting update forms when officers left their jobs.

From FY 2012 to FY 2014, 60 percent of recoveries were a result of officers leaving their posts and update forms not being submitted. The next most common reason—21.3 percent—was changing of work hours. Officers would work fewer hours, go on special leaves, or be temporarily suspended. Department staff were responsible for 1.5 percent of recovery issues, with problems such as not recovering funds in the correct month, paying officers too much, and entering separation dates on the incorrect record. Other recovery issues included officers going on military leave and not

informing the department, part-time officers presented as full time, and officers not completing basic training.

### Department Audits

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The department has not been audited by a private auditor. The department is audited annually as part of the statewide single audit. From FY 2010 to FY 2014, the Auditor of Public Accounts had no recommendations for the department.

The department has not been audited by a private auditor. The department is audited annually as part of the statewide single audit. The auditor of public accounts conducts a digital review of department finances and requests additional information if potential issues are discovered. For example, the department was asked to provide details on its procurement card program as part of the FY 2014 audit.<sup>43</sup> Program Review staff reviewed audit findings from FY 2010 to FY 2014 and found no recommendations for the department.

### Criminal Justice Council

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The Criminal Justice Council guides state law enforcement policies through research and coordinating the efforts of stakeholders.

The Criminal Justice Council is a 14-member board, created in 1998, that guides state law enforcement policies through research and coordinating the efforts of stakeholders. Justice and Public Safety Cabinet officials indicated that the council has met annually since 2011.<sup>44</sup> Members are not paid but are compensated for expenses. Support staff for the council, who are located in the cabinet secretary's office, are an executive director, a public information officer, and a program coordinator. Only the latter position is currently filled.<sup>45</sup>

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The council was originally funded with law enforcement fund revenue via budget language. The budget language has not appeared since the 2002-2004 budget, but the law enforcement fund remains the council's sole revenue source. Program Review staff could find no other authority for the council to receive restricted law enforcement fund revenue.

The council and staff were originally funded with law enforcement fund revenue via notwithstanding budget language (2003 Ky. Acts Ch. 156). It continued to receive funds in this manner through the 2002-2004 biennial budget. Biennial budgets have not included such language since then, but the council continues to be funded with law enforcement fund revenue.

Other than past budgetary language, Program Review staff could find no statutory or regulatory authority for the council to receive restricted law enforcement fund revenue. The council does not manage or oversee any law enforcement fund-related activities.

### Recommendation 2.2

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Recommendation 2.2

**If it is the intent of the General Assembly that the Criminal Justice Council receive Kentucky Law Enforcement Foundation Program Fund revenue, it may wish to consider revising the statute or biennially adopting budgetary language to authorize this.**

Table 2.9 summarizes the income and expenditures of the council. Its sole source of income is the transfer of the law enforcement fund from the department’s operating budget. The “Other” category includes security guard payments in FY 2010 and FY 2014, in- and out-of-state travel, and office supplies. End-of-year balances have varied significantly, from a deficit of \$21,161 to a surplus of \$91,959. A decrease in council salaries and wages of more than 40 percent influenced the FY 2011 surplus.

In FY 2013 and FY 2014, the council experienced end-of-year deficits. However, the council is allowed to carry forward surplus funds at the end of a fiscal year.<sup>46</sup> The \$92,000 surplus from FY 2011 allowed the council to incur higher costs without requiring additional funds beyond the Department of Criminal Justice transfers.

**Table 2.9**  
**Criminal Justice Council Income And Expenditures**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Income/Expenditures</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Department of Criminal Justice	\$286,200	\$286,200	\$213,000	\$172,500	\$271,900
Training transfer					
Rental of state owned building/land	-2,002	0	0	0	-2,803
FICA*	-15,394	-11,540	-13,211	-7,412	-11,252
Health insurance	-23,149	-23,838	-19,455	-16,244	-23,167
Employee retirement and sick leave	-24,859	-27,897	-31,980	-25,009	-47,253
Regular salaries and wages	-215,513	-129,200	-139,701	-141,922	-187,562
Other	-4,139	-1,767	-1,315	-3,074	-8,951
<b>Balance</b>	<b>\$1,144</b>	<b>\$91,959</b>	<b>\$7,337</b>	<b>-\$21,161</b>	<b>-\$9,087</b>

Note: Amounts may not add to the balance shown due to rounding.

\*FICA=Federal Insurance Contributions Act costs.

Source: Information provided by the Dept. of Criminal Justice Training.

### Kentucky Law Enforcement Council

The Kentucky Law Enforcement Council receives law enforcement fund revenue. It sets standards for and certifies law enforcement training schools, facilities, faculty, curriculum, and police officers.

Statute authorizes law enforcement fund revenue to be used to operate the Kentucky Law Enforcement Council (KLEC). The council is an independent administrative state government body created by KRS 15.315 that functions via four subcommittees.<sup>47, 48</sup>

Its primary responsibility is to set standards for and certify law enforcement training schools, facilities, faculty, curriculum, and police officers. Statute authorizes and requires the council to

- prescribe standards and qualifications for law enforcement and telecommunicator training schools, including standards for

- facilities, faculty, curriculum, and hours of attendance; and qualifications for attendance and conditions for expulsions;
- prescribe minimum qualifications for schools' instructors<sup>d</sup>;
  - prescribe minimum standards for voluntary career development programs for peace officers and telecommunicators and issue certificates for those meeting standards;
  - approve, issue, and revoke for cause certificates to schools and instructors;
  - approve law enforcement officers and others for certification;
  - inspect and evaluate schools and instructors at any time;
  - monitor the Law Enforcement Foundation Program;
  - promulgate reasonable rules and administrative regulations to accomplish the purposes of KRS 15.310 to 15.404 and KRS 15.334(5) (relating to the council operations, peace officer training, and reporting to LRC on current and future training courses);
  - adopt bylaws for the conduct of its business;
  - certify peace officers as set out in KRS Chapter 15; and
  - report annually to the governor and General Assembly on council activities (KRS 15.220, 15.320 and 15.460).<sup>49</sup>

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Members of the council are not eligible for a salary but are reimbursed for travel, lodging, and meals. Yearly council expenses are approximately \$12,365.

By statute, members of KLEC are not eligible for a salary but can be reimbursed for reasonable and necessary expenses (KRS 15.325). Members may submit expenses for travel, lodging, and meals.<sup>50</sup> Meeting expenses are relatively consistent, and meetings are held four times per year.<sup>51</sup> Expenses for the August 2015 KLEC meeting totaled \$3,091.<sup>52</sup> As a result, yearly KLEC costs will be approximately \$12,365.

### **Monitoring Of Law Enforcement Fund**

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The council approves curriculums and certification standards for law enforcement fund incentive eligibility. It also monitors the fund through officer hiring documents and coordination with department personnel.

The council approves curriculums and certification standards required for law enforcement fund pay incentive eligibility.<sup>53</sup> It also monitors the fund by receiving copies of all officer hiring documents and coordinating with department personnel on a case-by-case basis to confirm training hours and certification.<sup>54</sup> Most problems that arise are simple. For example, one database may indicate an officer is full-time while another indicates part-time status, or a hiring date might be incorrect. These bookkeeping errors are corrected to reflect accurate information.

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<sup>d</sup> Institutions of higher education are exempt from council requirements under KRS 15.330(1)(b).

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The council works with the department's compliance section when serious anomalies are found. If an officer's actions merit certification review, the council determines whether to revoke certification.

When anomalies are more serious, the council works with the Department of Criminal Justice Training's Compliance and Monitoring Section, which may direct staff to visit a police station to investigate the problem. If an officer's actions merit certification review under the standards, compliance staff presents this determination to KLEC staff. The item is added to the next KLEC meeting agenda, and compliance staff present investigation results to the Professional Standards Committee. The committee votes to revoke or not and reports back to the full council, which votes to accept the decision or not and may add comments. Due process protections may expand the time frame for a revocation of an officer's certification. Finalizing a revocation may take up to 2 years.<sup>55</sup>

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The council may inspect training schools and instructors at any time. The council uses the department's compliance section to perform inspections.

Law also allows KLEC to inspect training schools and instructors at any time (KRS 15.330(1)(g); 503 KAR 1:080 and 1:100). KLEC uses contract employees within the Compliance and Monitoring Section to perform inspections. The section staff review the database to determine which schools or instructors will get monitoring inspections, or academy commander feedback may prompt an inspection. The only reported problem resulting from these types of inspections is an instructor failing to file proper paperwork to teach a specific class. When this occurs, instructors are notified and rectify the situation by filing proper documentation with KLEC.<sup>56</sup>

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Other than specific statutory reporting requirements, no oversight measures are in place for the council. The council provides the General Assembly with reports detailing training courses established in the previous year and subjects under consideration for the future.

**Oversight Of The Council.** Other than statutory reporting requirements, no formal oversight measures are in place for KLEC. The council has complied with the KRS 15.334(5) reporting requirement to the General Assembly detailing mandatory professional development training courses established in the previous year and subjects under consideration for future trainings. KLEC reports its annual activities as required by KRS 15.320(4) in the department's annual reports.<sup>57</sup>



## Chapter 3

### Kentucky Firefighters Foundation Program Fund

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The Kentucky Firefighters Foundation Program Fund is established in KRS 95A.220.

The Kentucky Firefighters Foundation Program Fund is established in KRS 95A.220 to support the General Assembly's intention

to assure that fire protection in the Commonwealth is continually strengthened, upgraded and attractive to highly qualified men and women who choose firefighting as a profession; and to retain qualified and experienced firefighters for the purpose of providing maximum protection and safety to the citizens of, and visitors to, this Commonwealth; and to offer a state monetary supplement for local firefighters while upgrading the educational and training standards of such firefighters (KRS 95A.200).

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Only a small portion of the firefighter fund pays for training. Funds are restricted to the purposes detailed in KRS 95A.200 to 95A.300.

Only a small portion of the firefighter fund pays for training. Funds are restricted to the purposes detailed in KRS 95A.200 to 95A.300, which include paying for the administrative costs of operating the Commission on Fire Protection, Personnel, Standards, and Education, training incentive pay for professional firefighters, programs to assist volunteer and professional fire departments financially, and a few mandated classes.

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Over the past 5 fiscal years, almost all firefighter fund revenue in any given year was from insurance surcharge receipts. In FY 2014, surcharge revenue was \$42 million. More than \$9 million was transferred to the general fund in FY 2014.

Table 3.1 summarizes firefighter fund revenue and expenditures for the past 5 fiscal years. Almost all the new revenue in any given year was from insurance surcharge receipts. Surcharge revenue was \$42 million in FY 2014, up from more than \$37 million in FY 2011 and FY 2012. Over time, a larger portion of revenue was carried forward, for which the commission does not typically receive spending authority.<sup>58</sup> Other receipts came from activities conducted by the commission, such as selling certified firefighter identification cards, providing wellness programs, and providing services to the International Fire Service Accreditation Congress. More than \$7 million was transferred to the general fund in FY 2013; more than \$9 million was transferred in FY 2014.

**Table 3.1**  
**Kentucky Firefighters Foundation Program Fund**  
**Revenue And Expenditures (In Millions)**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Category</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Surcharge receipts	\$30.2	\$37.5	\$37.1	\$40.2	\$42.3
Carried forward	2.5	5.4	11.7	18.7	20.7
Interest income	0.1	0.1	0.2	0.0	0.2
Other receipts	0.1	0.1	0.1	0.0	0.0
Transfer to general fund	0.0	0.0	0.0	-7.4	-9.4
Expenditures	-29.8	-29.6	-29.7	-32.2	-35.3
Balance	\$3.2	\$13.4	\$19.3	\$19.4	\$18.5

Note: Balance may not equal the sum of each column due to rounding.  
Source: Information provided by the Fire Commission.

### **Commission On Fire Protection, Personnel, Standards, And Education**

The Fire Commission, an agency of the Kentucky Community and Technical College System, administers the firefighter fund.

The Fire Commission, established in KRS 95A.020, administers the firefighter fund. According to the commission's handbook, its purpose is established in KRS 95A.020 for the purpose of enhancing safety and education within the fire service for the citizens and industries within the Commonwealth through standardized special and technical education, training, communication, coordination and the distribution of funds to the agencies throughout the Commonwealth of Kentucky.<sup>59</sup>

The commission is attached to the Kentucky Community and Technical College System (KCTCS), which provides administrative support, ratifies certain personnel decisions, submits the commission's budget for inclusion in the executive branch budget, and provides certificates and diplomas for commission programs.

The commission's governing board consists of 2 ex officio members and 17 members appointed by the governor. The board meets six times per year.

The commission is governed by a 19-member board. The 17 members appointed by the governor are

- two volunteer firefighters, neither of whom is a fire chief or assistant fire chief;
- three paid firefighters, at least one of whom shall be a full-time paid county firefighter and none of whom shall be a fire chief or assistant fire chief;
- one trustee of a volunteer fire department or fire district who is not a volunteer firefighter;



- two fire chiefs of paid fire departments;
- one licensed physician;
- two fire chiefs of volunteer fire departments;
- one representative of the Kentucky Industrial Response Committee;
- one representative of the Division of Emergency Management of the Department of Military Affairs;
- one mayor of a Kentucky city;
- one county judge/executive;
- one representative of Kentucky industry or business enterprise; and
- one representative of the general public (KRS 95A.020(3)).

Appointive members serve 4-year terms. The two ex officio members of the commission are the chancellor for the Technical Institutions' Branch of KCTCS and the state fire marshal, or their designees (KRS 95A.020(3)). All members have full voting rights. All required parties are currently represented on the commission.

The Fire Commission is required to meet six times per year. Meetings are open to the public, and minutes are available online. Members receive no compensation except for actual and necessary expenses incurred in the performance of their duties (KRS 95A.020(4), (6)).

### **Statutory Responsibilities**

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By statute, the Fire Commission establishes the state's minimum education standards and training requirements for firefighters. It is also responsible for establishing the procedures for certifying firefighters and instructors.

Under KRS 95A.040, the Fire Commission establishes the state's minimum education standards and training requirements for firefighters. It is also responsible for establishing the procedures for certifying firefighters and firefighter instructors.

The commission is responsible for establishing a candidate physical agility test to assess professional firefighting candidates' ability to handle the physical demands of fighting fires. This is carried out as part of the commission's Health and Wellness Program.

Pursuant to KRS 95A.315, the commission reviews applications for survivor benefits and authorizes the payment of those benefits from the general fund to the survivors of firefighters killed in the line of duty. The statute mandates that the commission promulgate regulations to govern this process, which it has done.

Under KRS 95A.040(3) and (4), the Fire Commission has the authority to

- certify fire protection training and education program as having met the state’s minimum required standards and provide financial support for the provisioning of such training, training aids, and salaries of instructors;
- certify fire protection training instructors;
- direct fire protection research;
- recommend curriculums for advanced courses; and
- administer all state programs and all state and federally funded grant programs related to fire protection personnel training and education.

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Statute mandates that the Fire Commission promulgate administrative regulations regarding abilities and character traits required of all volunteer firefighters. No such administrative regulation exists.

KRS 95A.040(1)(d) mandates that the Fire Commission promulgate administrative regulations to require that each volunteer firefighter be able to read, write and understand the English language, is a person of sobriety and integrity, is and has been an orderly, law-abiding citizen, is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, and has reached the age of 18.

No such administrative regulation exists.

### **Recommendation 3.1**

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Recommendation 3.1

**The Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations in compliance with KRS 95A.040(1)(d).**

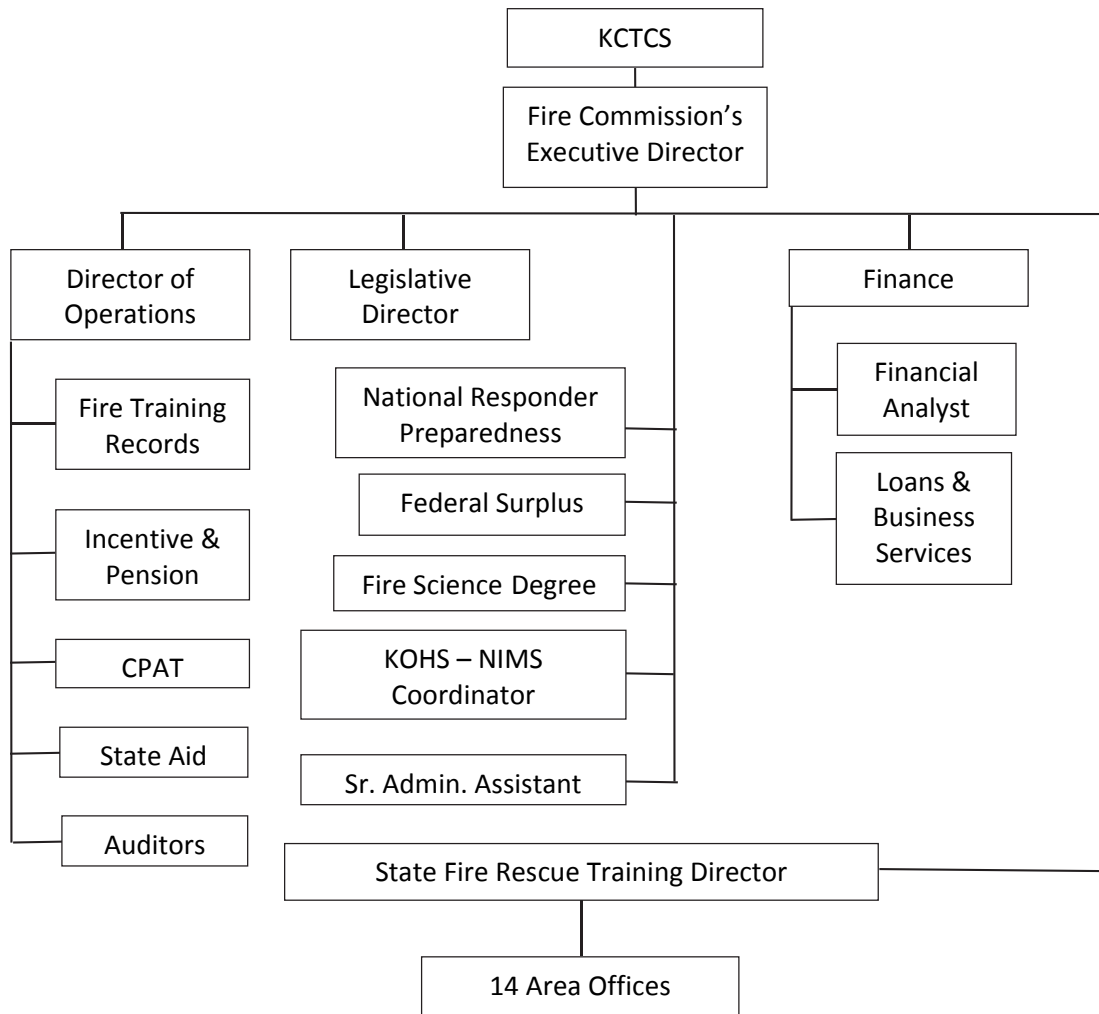
### **Daily Operations**

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Daily operations of the Fire Commission are overseen by an executive director and staff, whose salaries are paid with firefighter fund revenue.

Daily operations of the Fire Commission are overseen by an executive director and staff, whose salaries are paid with firefighter fund revenue. The executive director works with commission members to develop appropriate policies and procedures to deliver quality fire protection services in Kentucky. Figure 3.A shows the organization of Fire Commission staff. The director of operations oversees the Fire Training Record System, mobile training fleet, firefighter certification, two auditors, instructor certification, and various other Fire Commission programs. The National Responders Preparedness Center Coordinator markets, coordinates, and delivers training for in-state and out-of-state military, government agencies, businesses, and fire departments on-site at the center in Greenville. The curriculum coordinator updates and distributes training curriculums used by

**Figure 3.A**  
**Organization Of The Commission On Fire Protection,  
Personnel, Standards, And Education**



Note: KCTCS is Kentucky Community and Technical College System; CPAT is Candidate Physical Ability Test Program; KOHS-NIMS is Kentucky Office of Homeland Security/National Incident Management System.

Source: Day, Ronnie. "Updated org chart." Message to Chris Hall. July 16, 2015. Email.

State Fire Rescue instructors and ensures they meet state and national standards. The Kentucky Office of Homeland Security National Incident Management Coordinator oversees and provides training under the National Incident Management System. The financial director and staff are responsible for overseeing the Fire Commission's budget, reconciling accounts, monitoring expenditures, reviewing payables, and other duties.

The State Fire Rescue Training Coordinator oversees all aspects of the training provided through 14 area offices, each of which is

staffed with an area coordinator and an office coordinator, whose salaries are paid with firefighter fund revenue.

### **Firefighter Certification And Training**

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The criteria and procedures required to become a certified firefighter are not specifically laid out in statute or administrative regulation. Fire Commission staff said they use the training requirements in KRS 95A.230 for professional departments and those in 739 KAR 2:050 for volunteer departments.

The criteria and procedures required to become a certified firefighter are not specifically laid out in statute or administrative regulations. Fire Commission staff said they use the training requirements found in statute for professional firefighters and those found in regulation for volunteer firefighters.<sup>60</sup> KRS 95A.230 establishes the requirements that professional fire departments must meet to participate in the firefighter fund training incentive program. 739 KAR 2:050 establishes the requirements for volunteer fire departments to participate in the firefighter fund state aid program.

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To become a certified professional firefighter in Kentucky, a person must have a minimum education of a high school degree and complete a basic training course of at least 400 hours within 1 year of employment. To remain certified, the individual must complete at least 100 hours of in-service training annually.

To become a certified professional firefighter in Kentucky, a person must have a minimum education of a high school degree and complete a basic training course of at least 400 hours within 1 year of employment at a school recognized by the Fire Commission. The commission has established a list of 34 subject areas within which firefighters must take a prescribed number of hours, as seen in Table 3.2. Once professional firefighters have obtained their 400-hour certification, they must successfully complete in each calendar year an in-service training program appropriate to their rank and responsibility of at least 100 hours at a school recognized by the commission. All training hours must be submitted to the commission by December 31 to count for that year.

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To become certified, a volunteer firefighter must complete at least 150 hours of training within the first 2 years. Maintaining certification requires completion of at least 20 hours of in-service training annually.

To become certified, a volunteer firefighter must complete at least 150 hours of certified training within the first 2 years of service. Maintaining certification requires completion of at least 20 hours of certified training annually.

**Table 3.2**  
**Required Subject And Class Hours For Kentucky Firefighter Certification**

<b>Training Subject</b>	<b>Volunteer</b>	<b>Professional</b>
Administration and organization	2	4
Safety	3	8
Communications	3	8
Fire behavior	3	12
Portable extinguishers	3	8
Personal protective equipment	6	16
Forcible entry	3	16
Ventilation	3	16
Ropes	3	16
Ladders	6	16
Fire hose, nozzles, and appliances	9	16
Foam fire streams	3	8
Fire control	9	24
Loss control	3	8
Victim search and rescue	3	8
CPR	3	3
First aid	3	3
Vehicle extrication	3	8
Water supply	3	8
Fire protection systems	3	8
Hazardous material awareness	8	8
Hazardous materials operations	12	12
Fire prevention and public fire education	3	8
Building construction	3	12
Aircraft firefighting	3	8
Emergency and disaster planning	2	8
Fire investigation	3	4
Pumper operation and maintenance	6	12
Drivers training	9	12
Firefighter survival	6	6
Firefighter rescue	6	6
Wildland firefighting awareness	3	3
Flashover and recognition	3	8
Electives	6	79
<b>Total hours</b>	<b>150</b>	<b>400</b>

Note: On January 1, 2014, the Fire Commission issued a directive allowing firefighters with previous International Fire Service Accreditation Congress certification to receive 80 hours of equivalency toward their 150-hour or 400-hour Kentucky firefighter certification.

Source: Kentucky. Fire Commission. "Training Hours 2014." Jan. 1, 2014. Web. Jan. 1, 2015.

Statute mandates that the Fire Commission promulgate administrative regulations related to applying US military personnel's experience as firefighters while active toward their Kentucky certification. No such administrative regulation exists.

KRS 95A.090 mandates that the Fire Commission promulgate administrative regulations for reviewing and accepting the training received by US military personnel who served as firefighters toward their certification as firefighters in Kentucky. No such administrative regulation exists.

### Recommendation 3.2

Recommendation 3.2

**In accordance with KRS 95A.090, the Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations to govern the policy and procedures for reviewing and accepting US military service as a firefighter toward certification as a firefighter in Kentucky.**

As of September 2015, the commission recognized 835 fire departments: 58 professional and 777 volunteer. More than 80 percent of fire departments are staffed only by volunteer firefighters, and slightly less than 4 percent are staffed only by professional firefighters. The remaining 16 percent have a mix of volunteer and professional firefighters.

As of September 2015, the commission recognized 835 fire departments: 58 professional and 777 volunteer.<sup>61</sup> To qualify as a professional fire department, at least 50 percent of the firefighters must be full-time employees, earn at least \$8,000, and work a minimum of 2,080 hours annually. A volunteer fire department must have a minimum of 12 members plus a chief, it must have at least one operational fire apparatus, and less than 50 percent of the firefighters can be full-time paid employees. Fire apparatus means any large equipment used for fighting fires, such as pumpers or mobile water supply.

As Table 3.3 shows, more than 80 percent of fire departments are staffed only by volunteer firefighters and slightly less than 4 percent are staffed only by professional firefighters. The remaining 16 percent of departments have a mix of volunteer and professional firefighters, with the majority of those being classified as volunteer fire departments.

**Table 3.3**  
**Volunteer And Professional Fire Departments And Firefighters**

Department Type	Departments	Firefighters		Total
		Professional	Volunteer	
Paid only	31	2,440	0	2,440
Less than 50 percent volunteer	27	937	378	1,315
At least 50 percent volunteer	104	711	3,471	4,182
Volunteer only	673	0	15,978	15,978
Total	835	4,088	19,827	23,915

Source: Rodgers, Jeremy. "Fire Department List." Message to Chris Hall. Sept. 2, 2015. Email.

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The Fire Commission's State Fire Rescue Training division is responsible for planning, directing, and administering a comprehensive and uniformly delivered program to meet training needs. The division is funded with general fund appropriations through the Kentucky Community and Technical College System (KCTCS) budget. From FY 2010 to FY 2015, the division received \$2.1 million on average.

The Fire Commission's State Fire Rescue Training division is responsible for planning, directing, and administering a comprehensive and uniformly delivered program to meet these individuals' training needs. The division is funded with general fund appropriations through KCTCS's budget. From FY 2010 to FY 2015, the division received an average of \$2.1 million annually.<sup>62</sup> Part of its annual budget includes 20 hours of free training for each fire department. The Fire Commission has approved firefighter fund revenue for funding another 10 hours of training per department upon request.<sup>63</sup> Fire departments often coordinate training with other departments in surrounding districts to take advantage of this free training, sometimes receiving up to 100 hours annually.<sup>64</sup>

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Fire rescue training efforts are coordinated through 14 regional offices. A fire department can arrange for training by contacting the area coordinator serving its region.

Fire rescue training efforts are coordinated through 14 regional offices, each providing the full range of training and services offered by the commission. A fire department can arrange for training by contacting the area coordinator serving its region.

When a class is finished, the fire departments enter the training information into the commission's database through a website. The database tracks which individual enters the data.<sup>65</sup> The database software is based on a program called Fire House. The commission must pay Fire House's developer for licenses, limiting how many may access the program.<sup>66</sup>

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Fire departments enter their training hours and classes taken into a Web-based program. Each year's training must be entered by December 31 for the hours to count for that year.

The chief of each fire department selects one or two people to enter information into the database. The commission must be told who is selected so that passwords may be issued specifically for those individuals. Each year's training information must be entered into the database by December 31 for those hours to count for that year. The information must include the number of hours of training and the courses taken. Fire department personnel cannot remove or edit any information entered into the database. Commission staff may modify the data, but the system will document when records are edited and who edited the records. Inactive departments are not removed from the database, and inactive firefighters are removed only upon receipt of a death certificate.<sup>67</sup>

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Each October, Fire Commission staff run a training report to review the hours accrued by individual firefighters. Staff then inform departments lacking the required training hours.

Each October, Fire Commission staff run a training report to review the hours accrued by individual firefighters. Emails are sent to any department with firefighters who lack the required training hours. Volunteer fire departments need only a 50 percent compliance rate, but they will be notified if any of their firefighters lack the minimum number of training hours. In January, Fire Commission staff check records to determine whether any

firefighters lack the required training hours for the previous year. Auditors travel to the department to review documentation if a firefighter has missed the training requirements and the commission does not have a letter justifying the issue.<sup>68</sup>

### **Mandated Classes**

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Except for a few mandated classes, candidates working toward their certification are free to select which courses they take within each of the prescribed training subjects. Firefighter Fund revenue is used to cover the expense of teaching mandated classes.

Candidates working towards their firefighter certification are free to select which courses they take within each of the prescribed training subjects. However, there are classes that the Fire Commission requires every candidate to take. Provided that the instructor who teaches these mandated classes submits the proper paperwork to the Fire Commission in a timely manner, firefighter fund revenue is used to credit the Fire Rescue Training Division budget for the instructor's salary and travel expenses. Instructor salaries are reimbursed at \$21 per hour, and travel is reimbursed at actual costs.<sup>69</sup> A brief description of each of the mandated classes is provided below.

Firefighter Survival was mandated by a Fire Commission directive in July 2000 for any individual who is new to Kentucky fire service or has 0 hours of firefighter training. It reviews conditions and situations that may pose a risk to firefighters and trains firefighters how to help other firefighters in emergency conditions.

Firefighter Rescue was mandated by a Fire Commission directive in July 2001 for any individual who is new to the Kentucky fire service or who has 0 hours in firefighter training. The class is designed to help the fire service rescue its own members. Topics discussed in this course include calling the mayday, rapid intervention teams, fireground safety, and communication.

Wildland Firefighting Awareness was mandated by a Fire Commission directive in July 2000 for any individual who is new to Kentucky fire service or has 0 hours in firefighter training. The class introduces structural firefighters to wildland firefighting situations encountered in Kentucky.

The Fire Commission's driver training simulators allow students with limited to no experience driving large vehicles to learn vehicle control and handling before being placed in a real-world situation. The commission requires a minimum of 9 hours of drivers' training for the 150-hour certification and 12 hours for the 400-hour certification.



National Fire Protection Association 1403 is a national standard for live fire training, and it is nationally recognized that all instructors who participate in live fire training should be trained to this standard. Classes covered under this training include acquired structural firefighting, flashover, burn trailers, burn buildings and rooms, and bobtail propane.

The Fire Commission has obtained certification from the International Fire Service Accreditation Congress to assess the competency of and issue certificates to individual firefighters who pass examinations based on the National Fire Protection Association fire service professional qualifications and other standards approved by the congress. Although instructors funded by the Fire Rescue Training Division teach the classes needed prior to testing, the Fire Commission uses firefighter fund revenue to administer the final certification test.

### Programs And Expenditures

The majority of firefighter fund expenditures are spent on programs to financially assist volunteer and professional fire departments and firefighters.

Table 3.4 shows firefighter fund expenditures over the past 5 fiscal years. The cost of reimbursing the Fire Rescue Training budget for Fire Commission-mandated courses has varied from year to year. The \$2.64 million for FY 2014 was the highest in the 5-year period, but funds for the previous year were the lowest. The administrative cost category is the cost of operating the Fire Commission and its programs. It includes salaries, rent for the Lexington office, equipment, supplies, and travel. The majority of firefighter fund expenditures are for programs to financially assist volunteer and professional fire departments and firefighters.

**Table 3.4**  
**Kentucky Firefighters Foundation Program Fund**  
**Expenditures By Major Categories (In Millions)**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Expenditures</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Mandatory courses	\$2.05	\$1.54	\$1.54	\$0.87	\$2.64
Administrative	1.54	1.68	1.88	3.36	3.68
Programs	22.69	22.13	21.95	21.54	23.10
Other	3.48	4.24	4.33	6.44	5.86
<b>Total</b>	<b>\$29.75</b>	<b>\$29.58</b>	<b>\$29.70</b>	<b>\$32.21</b>	<b>\$35.28</b>

Note: Totals may not equal the sum of expenditures due to rounding.  
 Source: Information provided by the Fire Commission.

Table 3.5 summarizes firefighter fund expenditures for each of the programs administered by the Fire Commission. The Volunteer Fire Department Loan program is not shown in this table because it is self-sustaining.

**Table 3.5**  
**Expenditures For Fire Commission Programs**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Expenditures</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Volunteer department aid	\$5,756,790	\$5,639,375	\$5,644,625	\$5,394,000	\$5,615,509
Training incentive	14,958,192	15,004,314	14,943,749	15,107,207	15,342,382
Hepatitis B inoculations	8,693	4,565	7,488	9,918	13,873
Thermal vision grants	0	0	0	482,270	489,600
Fire training facility grant	1,000,000	484,200	515,800	-60,000	1,060,000
CPAT and peer training	392,017	495,255	345,465	459,973	554,475
Fitness equipment	569,537	504,989	494,710	151,116	28,784
<b>Total</b>	<b>\$22,685,229</b>	<b>\$22,132,698</b>	<b>\$21,951,837</b>	<b>\$21,544,484</b>	<b>\$23,104,623</b>

Note: CPAT is the Candidate Physical Ability Test Program. The Volunteer Fire Department Loan program is not shown in this table because it is self-sustaining.

Source: Information provided by the Fire Commission.

### **Volunteer Fire Department Aid Program**

The Fire Commission uses the firefighter fund to allot \$8,250 annually to each certified volunteer fire department that meets certain criteria.

Pursuant to KRS 95A.262(2), the Fire Commission uses the firefighter fund to allot \$8,250 annually to each certified volunteer fire department. In FY 2014, 683 volunteer fire departments received more than \$5.6 million in state aid. For a new department to qualify, it must have at least 12 firefighters, a chief, and at least one operational fire apparatus, and 50 percent of its volunteer firefighters must complete at least 75 of the 150 required training hours within the first 6 months following their application to the Fire Commission for certification. In following years, the department must have at least 12 firefighters and a chief, and at least 50 percent of its volunteer firefighters must have received the required 20 hours of training for the year and must be 150-hours certified within 2 years. Departments that do not participate in the National Fire Incident Reporting System, an online reporting system used to track fire incidents, forfeit \$500 of the annual state aid allotment.

If a department eligible for state aid has an outstanding loan with the commission, the commission deducts the department's annual loan payment from state aid and issues a check for the remaining balance.

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Annual state aid may be used to purchase items from a list approved by the Fire Commission. A fire department can hold its aid check up to 5 years to purchase costlier items.

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State aid recipients must submit to the Fire Commission proof of purchases. The commission's Education and Eligibility Committee meets bimonthly to review state aid compliance, and the Fire Commission auditors physically check for purchased items every 4 years.

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Statute provides a method for distributing state aid when two or more volunteer fire departments merge. Statute also mandates that the Fire Commission promulgate administrative regulations for this procedure, but none exist.

A department may use state aid to purchase items from a list approved by the Fire Commission, which includes extinguishers, personal protective gear, rescue equipment, ladders, hoses, nozzles, and medical equipment. Purchasing items not on the approved list requires written approval from the commission. A department may hold its aid check up to 5 years to purchase costlier items, such as a fire apparatus or a self-contained breathing apparatus. If departments choose to do this, the money must be kept in a separate checking account denoted as State Aid.

The department must submit to the Fire Commission proof of purchases it made with the previous year's aid money. The commission's Education and Eligibility Committee meets bimonthly to review volunteer fire departments that have received state aid for continued compliance with the eligibility requirements. Fire Commission auditors check for each item purchased when they visit the department every 4 years.

**State Aid For Merged Volunteer Fire Departments.** If two or more volunteer fire departments merge, and each is qualified to receive state aid at the time of merger, then the Fire Commission pays each qualified department its \$8,250 allotment for the first 3 years after the merger. During the fourth, fifth, and sixth years, the commission pays each qualified department 50 percent of its state aid allotment (\$4,125), plus the merged department receives an annual \$4,000 merger incentive during this period. During the seventh year following the merger, and every year thereafter, the Fire Commission pays the merged district \$8,250 annually. Penalties for failure to participate satisfactorily in the Kentucky fire incident reporting system still apply.

KRS 95A.530 requires the trustees of the volunteer fire district to notify the Fire Commission, in writing, within 30 days of the merger or division of a merged volunteer fire district. The statute also requires the commission to promulgate administrative regulations for this procedure. No such administrative regulation exists.

### Recommendation 3.3

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Recommendation 3.3

**In accordance with KRS 95A.530, the Commission on Fire Protection, Personnel, Standards, and Education should promulgate an administrative regulation describing the manner in which volunteer fire districts should notify the commission of a merger or splitting of a volunteer fire district.**

### Volunteer Fire Department Loan Program

Statute authorizes the Fire Commission to use the firefighter fund to make low-interest loans to volunteer fire departments that meet training requirements and have received state aid for the past 3 consecutive years. The department must have matching funds in the amount of 25 percent of the total cost of its project. The Fire Commission board makes the final decision on approval or denial.

The loan interest rate is 3 percent. Payments are deducted from the volunteer fire department's annual state aid. The loan program is self-sustaining. From FY 2010 to FY 2014, the commission made 57 loans for a total of \$3 million.

KRS 95A.262 authorizes the Fire Commission to use the firefighter fund to make low-interest loans to volunteer fire departments that do not have other sources of funds at rates that are favorable given their financial resources. These low-interest loans are available to any volunteer fire department that meets the training requirements for receiving state aid and has received state aid for the past 3 consecutive years. The department must submit an application, including verification that it has matching funds in the amount of 25 percent of the total cost of its project. The application is first reviewed by the Fire Commission Loan Committee and then voted on by the full commission for final approval or denial.

The interest rate for Fire Commission loans is 3 percent. The fire department must agree to maintain state aid qualifications and obligate state aid as payment for the duration of the loan. Therefore, the low-interest loans are self-sustaining. If a department does not meet the training requirements for the year and does not receive state aid, the Fire Commission sends the department an invoice for loan payment. Table 3.6 shows the number of loans and amounts loaned over the past 5 years. Over the period, the commission made 57 loans for a total of more than \$3 million.

**Table 3.6**  
**Loans To Volunteer Fire Departments**  
**Fiscal Year 2010 To Fiscal Year 2014**

<b>Fiscal Year</b>	<b>Loans</b>	<b>Amount Loaned</b>
2010	13	\$747,900
2011	15	814,382
2012	10	601,400
2013	12	568,802
2014	7	314,585
<b>Total</b>	<b>57</b>	<b>\$3,047,069</b>

Source: Goddard, Brenda. "follow-up to 8/18 meeting." Message to Chris Hall. Email.

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Loan money can be used to purchase a variety of items, but it cannot be used for investment, acquisition of existing facilities, operating expenses, or reduction of debt.

Loan money can be used to purchase or rehabilitate a fire apparatus, communication equipment, accessory equipment, or protective gear; the construction of a new facility; or modernization of an existing facility. The loan may not be used for investment, acquisition of existing facilities, operating expenses, reduction of debt or other obligations incurred prior to the loan, or the payment of fees for designing or planning of facilities of application. Loans are granted in order of need and availability of funds for each qualifying volunteer fire department.

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Fire Commission auditors check that loan money was used for its intended purpose when they visit the fire department.

All equipment purchased must meet current National Fire Protection Association standards at the time it was manufactured. Any apparatus equipment or facilities financed by this loan program must be titled in the name of the volunteer fire department with the Fire Commission listed as a lien holder of the property. Fire Commission auditors check that loan money was used for its intended purpose when they visit the fire department.<sup>70</sup>

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Loan periods may not exceed 12 years. The maximum loan is \$75,000.

Per 739 KAR 2:707, the loan period may not exceed 12 years and the maximum loan is \$75,000. The repayment schedule ranges from 3 years for loans of \$5,000 to \$10,000 to 12 years for loans of \$65,001 to \$75,000.

### **Professional Firefighter Training Incentive**

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By statute, eligible local governments are entitled to receive a \$3,100 annual supplement for each qualified professional firefighter they employ, plus an amount equal to the required employer's contribution on the supplement to the defined-benefit pension plan.

KRS 95A.250 states that eligible local governments are entitled to receive a \$3,100 annual supplement for each qualified professional firefighter they employ, plus an amount equal to the required employer's contribution on the supplement to the defined-benefit pension plan. This incentive and pension program is available to each local government that

- employs one or more firefighters;
- pays every firefighter a minimum salary of \$8,000;
- maintains a minimum education requirement of a high school degree, or its equivalent;
- requires all firefighters to successfully complete a basic training course of a minimum of 400 hours within 1 year of employment at a school recognized by the Fire Commission;
- requires all firefighters to successfully complete in each calendar year an in-service training program appropriate to the firefighters' rank and responsibility of at least 100 hours at a school recognized by the Fire Commission;
- requires compliance with all provisions of law applicable to local firefighters; and
- requires compliance with all rules and regulations issued by the Fire Commission to facilitate the administration of the fund.

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Once a fire department is deemed eligible to participate in the incentive pay by the Fire Commission's Education and Eligibility Committee, it must send in a monthly request for funds that includes a roster of all active professional firefighters.

A fire department wishing to participate in the program must send a completed application to the Fire Commission. A commission auditor travels to the department to determine whether it is capable of providing emergency services. If it is, the application is forwarded to the commission's Education and Eligibility Committee for eligibility determination. Once approved, the department must send in a monthly request for funds that includes a roster of all active professional firefighters.

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Local governments receive the funding for incentive pay and distribute it to the qualified fire departments.

Local governments receive the money and distribute it to the qualified fire departments. Funds must be distributed in the month they were received and must be presented as a separate check or as a line item in the pay. Newly recruited firefighters receive the incentive pay, but if they do not meet their training requirements within 1 year, the Fire Commission will request money back from the department and will stop any programs benefiting the department. One person can cause the entire department to lose the Fire Commission's support, so it is common for fire departments to have a policy that anyone not meeting training requirements will be dismissed.<sup>71</sup>

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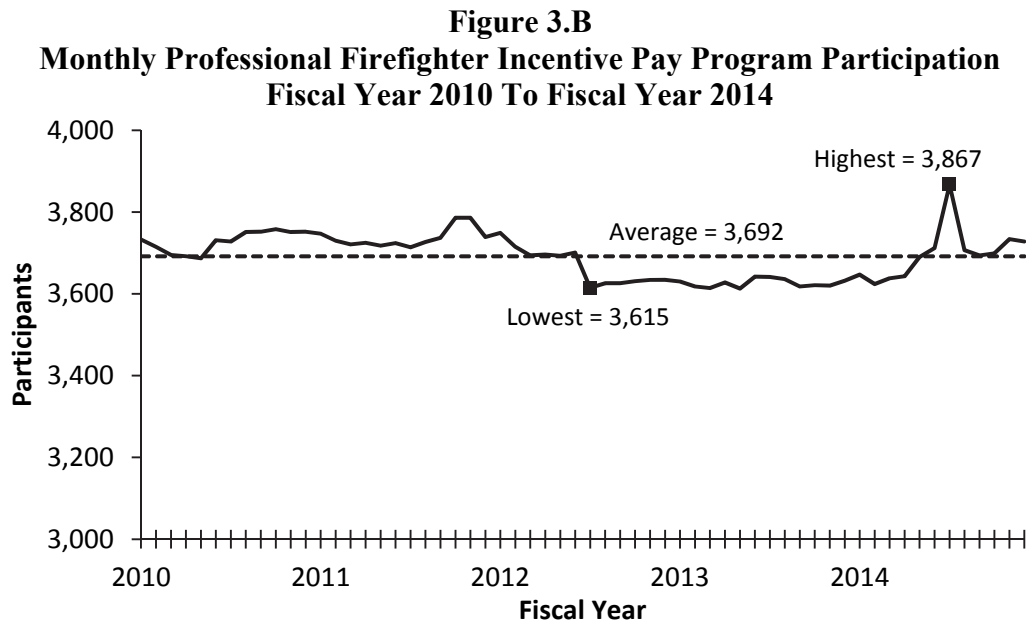
Participating fire departments must submit quarterly reports to the Fire Commission, including a roster, the number who received incentive pay each month, and the amount of incentive pay disbursed. The Fire Commission will terminate the department's eligibility if reporting requirements are not met.

Participating fire departments are required to submit quarterly reports to the Fire Commission in a timely manner. These reports include a roster of all paid personnel in the department, the number of firefighters who were eligible to receive incentive pay each month, the amount of incentive pay received each month, and the amount of incentive pay disbursed each month. Also to be included is documentation of changes that have affected payment of firefighter incentives during the quarter, such as hiring new firefighters, suspensions, retroactive payments, or retirements. Failure to submit quarterly reports may result in the Fire Commission withholding payments or terminating the department's eligibility to participate in the program.

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Participation in the incentive pay program has remained relatively consistent since 2010, averaging 3,692 participants per month.

Figure 3.B shows the number of firefighters in the training incentive program for each month from July 2010 to June 2014.



Source: Program Review staff compilation from information provided by the Fire Commission.

Incentive participation remained relatively consistent during the sample, averaging 3,692 participants per month. Incentive participants may also receive a pension contribution to their retirement system. Pension participation is slightly lower but similarly stable, averaging 3,600 participants per month.

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A 2007 court case concerned whether incentive pay should be included in the calculation of the overtime pay rate and what constituted overtime for firefighters who work a 24-hours on, 48-hours off schedule.

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The Court of Appeals ruled that incentive pay should be used to calculate a firefighter's overtime pay rate and that the local government only pay overtime on unscheduled work hours. The Fire Commission does not assist local governments with paying overtime rates.

**Firefighter Overtime Pay.** Most professional fire departments in Kentucky schedule their firefighters to work 24 hours on duty and then 48 hours off.<sup>72</sup> A 2007 court case, originally filed as a wage and hour complaint with the Kentucky Department of Labor, challenged the method used by the City of Louisville to calculate overtime pay for firefighters. At question was whether to use the total number of hours annually worked on a 24-hours on, 48-hours off work schedule as the divisor to convert annual incentive pay to an hourly rate for calculation of overtime pay, or to use the traditional 40-hour work week figure as the divisor.

In the 2007 case *Commonwealth of Kentucky, Department of Labor v. Michael Hasken, et al.*, the Court of Appeals ruled that firefighters' overtime rate should include the incentive. The additional overtime pay should be calculated by dividing the incentive by 2,080 hours, an estimate reached by multiplying 40 hours per week by 52 weeks. At the current amount of \$3,100, the incentive raises overtime pay by approximately \$1.49 per hour.

Local governments pay the overtime rate only on unscheduled work hours. If a firefighter's regular schedule exceeds 40 hours,

the firefighter will not receive overtime pay unless the individual works more than the regularly scheduled hours. Although the incentive is included in overtime calculations, the Fire Commission does not assist local governments with paying overtime rates.<sup>73</sup>

**Increasing Training Incentive Pay.** During the 2014 session, Senate Bill 200 and House Bill 208 proposed increasing firefighter training incentive pay to \$4,000 per officer by 2016 and to \$4,500 by 2018. It would cost an additional \$14.8 million per year to increase the incentive pay to \$4,000 and \$16.6 million per year for \$4,500. This assumes that 3,692 firefighters participate each month, the average over the past 5 years. These estimates do not include pension contributions, which typically match 33 percent of the stipend amount.

**Addition Of Emergency Medical Service Personnel.** The possibility of adding emergency medical service (EMS) personnel to the training incentive pay program was discussed at a recent legislative hearing.<sup>74</sup> As of October 29, 2015, there were 13,568 certified EMS providers in Kentucky. The Kentucky Board of Emergency Medical Services estimates that 5,651 of these individuals work in the private sector, in hospitals, or as part of a fire department. These individuals would be ineligible for incentive pay because they do not work for a local government or because they already receive incentive pay as a professional firefighter. Given how the board tracks EMS employment, it was not possible to determine the exact number, but officials estimated that there were 7,917 EMS providers working for a local government entity not providing fire protection services who would be eligible to receive incentive pay.<sup>75</sup> Adding these individuals to the incentive pay program would cost an estimated \$24,542,700 annually, not including pension contribution costs.

### **Hepatitis B Inoculation Program**

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By statute, the Fire Commission uses the firefighter fund for a voluntary hepatitis B inoculation program, which allows firefighters to receive the vaccine at no cost. Procedures are in place to reimburse local health departments that administer the vaccine. Over the past 5 years, the Fire Commission spent an average of \$8,900 per year on this program.

In accordance with KRS 95A.262(1), the Fire Commission uses the firefighter fund for a voluntary hepatitis B inoculation program, which allows professional and volunteer firefighters to receive the three-shot vaccine at no cost. When a firefighter goes to the local health department for any of the three shots, he or she must take an official Fire Commission hepatitis B voucher that has been signed by his or her chief verifying that the individual is an active firefighter on the fire department's roster. Once the shot has been administered, an official with the local health department signs and dates the voucher and sends it, with an invoice, to the Fire



Commission. Staff use the commission's online database to ensure that each recipient was an active firefighter on the day the shot was given. If the information is verified, the local health department is reimbursed for the cost of the vaccine plus a \$22 administrative fee. According to Fire Commission officials, local health departments sometimes contract with the commission for a higher reimbursement rate if they can demonstrate the need.<sup>76</sup> Over the past 5 years, the Fire Commission has spent on average \$8,900 per year on the hepatitis B inoculation program.

### Thermal Vision Grant Program

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The Fire Commission uses the firefighter fund to provide a \$3,200 grant to fire departments for purchasing thermal vision cameras. Statute mandates that the Fire Commission promulgate administrative regulations for this program, but none exist.

The Fire Commission uses the firefighter fund to provide \$3,200 grants to volunteer and professional fire departments for purchasing thermal vision cameras. All fire departments that are certified and recognized by the commission are eligible.

KRS 95A.430(1) mandates that the Fire Commission promulgate administrative regulations for this program. No such regulations exist.

### Recommendation 3.4

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Recommendation 3.4

**The Commission on Fire Protection, Personnel, Standards, and Education should promulgate administrative regulations to govern the Thermal Vision Grant Program. These regulations should include eligibility requirements, funding levels, reporting requirements, and whether approval of grant applications requires approval of the full commission.**

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All thermal vision grants are approved by the commission's Education and Eligibility Committee and are awarded based on fund availability. If awarded a grant, the department is responsible for purchasing the device and submitting proof of purchase to the Fire Commission. In 2014, 153 grants were awarded, totaling \$489,600.

According to Fire Commission officials, any department that wants to participate in this program must submit an application to the commission. All applications are reviewed by staff and must be approved by the commission's Education and Eligibility Committee. Awards are based on the funds available, the date of the application, and the number of thermal vision cameras the department already has.<sup>77</sup>

Once the commission notifies a department that it has been awarded a thermal vision grant, the department is responsible for purchasing the device and must submit proof of purchase, device serial number, and manufacturer to the commission. The grant is released to the department once the commission has received this information. In FY 2014, the Fire Commission awarded 153 fire departments thermal vision grants totaling \$489,600.

## Firefighter Training Facility Grant Program

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The Fire Commission uses the firefighter fund to provide training facility grants.

Each year, the Fire Commission budgets \$500,000 of the firefighter fund to provide training facility grants. Volunteer and professional fire departments recognized and certified by the commission are eligible for these grants, which may be used for building a multipurpose building, a burn/smoke building, a training tower, or training props.<sup>78</sup>

Departments must submit an application to the Fire Commission, which includes a standardized application form, a letter containing a general statement of intent, a list of fire departments and agencies that will use the facility, a list of available labor or materials, a drawing or sketch of the proposed training facility, the name of a contact person or agency, and a cost estimate. The applications must also comply with statutes related to capital construction projects.

The commission's Training Facility Grant Committee reviews the applications and, subject to fund availability, determines which applications will be funded and at what levels, and any necessary terms and conditions. The full commission has final approval of which projects are funded. The commission typically votes to save the \$500,000 from the first year of each biennium and distributes \$1 million in grants in the second year.

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Departments have 1 year to complete the project or show considerable progress. If this condition is not met, the commission may request that funding be returned.

If a department is granted funds, it has 1 year to complete the project or show considerable progress. If this condition is not met, the Fire Commission may request that funds be returned. A review of Fire Commission meeting minutes indicates that it has requested that funds be returned by departments that failed to comply.

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Of the 93 requests for training facility grants over the past 4 fiscal years, the commission funded 39, for a total of \$2.1 million.

Table 3.7 summarizes training facility grants over the past 4 fiscal years. Of the 93 requests over the period, the commission funded 39 grants for a total of \$2.1 million. In FY 2011, the commission awarded most of the yearly budget and rolled \$15,800 into the next year. In FY 2013, the commission opted to roll all funds into FY 2014 and the City of Ashland returned a \$60,000 grant from FY 2012. The \$60,000 was distributed as part of a new grant in FY 2014.<sup>79</sup>

**Table 3.7**  
**Fire Commission Training Facility Grants**  
**Fiscal Year 2011 To Fiscal Year 2014**

<b>Fiscal Year</b>	<b>Number Funded</b>	<b>Amount Funded</b>	<b>Number Requested</b>	<b>Amount Requested</b>
2011	9	\$484,200	47	\$7,374,620
2012	11	570,967	18	1,854,060
2013	0	-600,000	0	0
2014	19	1,060,000	28	2,913,041
<b>Total</b>	<b>39</b>	<b>\$2,115,167</b>	<b>93</b>	<b>\$12,141,721</b>

Note: The amount listed for FY 2012 differs from that shown in Table 3.5 because two loans were returned to the Fire Commission in FY 2012.

Source: Goddard, Brenda. "follow-up to 8/18 meeting." Message to Chris Hall. Email.

### **Firefighter Health And Wellness Program**

Statute requires the commission to establish a uniform standard for a candidate physical agility test to ensure recruits are able to do their jobs efficiently and safely.

KRS 95A.040(2) requires the Fire Commission to establish and maintain a uniform standard for a candidate physical agility test to ensure recruits are able to do their jobs efficiently and safely. The commission holds a license to administer the Candidate Physical Ability Test Program (CPAT), which is copyrighted by the International Association of Fire Fighters. CPAT is designed to assess a candidate's ability to handle the physical demands of fighting fires and has eight events: stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, and ceiling breach and pull. A new candidate applying for full-time employment as a firefighter in Kentucky after January 1, 2013, must successfully complete CPAT. Firefighters must requalify for CPAT certification each year.

The Candidate Physical Ability Test Program is a line item in the firefighter fund budget and receives \$1 million per year on average. Instructors are paid \$21 per hour to proctor the test.

CPAT is a line item in the firefighter fund budget and receives \$ million per year on average. Instructors are paid \$21 per hour to proctor the CPAT and are reimbursed for traveling expenses, for which they must provide time sheets and travel vouchers to the commission to receive payment. Other costs associated with CPAT include setting up courses through mobile facilities.

The Fire Commission releases CPAT schedules, including dates and locations, in December of each year. Commission staff schedule approximately 26 tests per year, with at least one test conducted in each region. Firefighters can take CPAT at any location.

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The Fire Commission also certifies peer fitness instructors as part of its Health and Wellness Program.

The Fire Commission also certifies peer fitness instructors as part of its Health and Wellness Program. These individuals receive a 20-hour certified course on firefighter fitness programs and diet education, which must be renewed every 2 years. Fire departments can request that a certified peer fitness instructor come to the department to perform firefighter fitness evaluation testing for all members of the department. The approximately 80 certified peer fitness instructors are paid \$21 per hour.<sup>80</sup>

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The commission sometimes has firefighter fund revenue available to purchase health and wellness equipment for fire departments. If auditors find the equipment is not being used, the commission will retrieve it and give it to another fire department.

The Fire Commission sometimes has firefighter fund revenue available to purchase health and wellness equipment for fire departments. When this occurs, the Fire Commission mails applications to all fire departments. Returned applications are reviewed by the Health and Wellness Committee, and decisions on which fire departments receive the equipment are based on the date of the application and equipment each department has received in the past. If awarded a piece of health equipment, the department must sign a memorandum of agreement with the Fire Commission stating that the department must use it or the commission will retrieve the equipment and give it to another department. Fire Commission auditors check meters inside treadmills when they visit departments.<sup>81</sup> A review of Fire Commission meeting minutes shows that it has retrieved treadmills that were not being used.

Table 3.8 shows the expenditures for CPAT certification, peer fitness training, and exercise equipment for the past 5 fiscal years. Funding in FY 2014 was less than \$600,000, down from \$1 million in FY 2011. The decrease is largely due to lower funding for exercise equipment.

**Table 3.8**  
**Expenditures For The Candidate Physical Ability Test Program,**  
**Peer Fitness Training, And Exercise Equipment**  
**Fiscal Year 2010 To Fiscal Year 2014**

	2010	2011	2012	2013	2014
Physical ability testing, fitness instructors	\$392,017	\$495,255	\$345,465	\$459,973	\$554,475
Exercise equipment	569,537	504,989	494,710	151,116	28,784
<b>Total</b>	<b>\$961,554</b>	<b>\$1,000,244</b>	<b>\$840,176</b>	<b>\$611,089</b>	<b>\$583,259</b>

Note: Expenditures may not sum to totals shown due to rounding.

Source: Information provided by the Fire Commission.

### Other Fire Commission Expenditures

In a given year, more than one-half of other firefighter fund expenditures, sometimes much more, goes to paying workers' compensation premiums for nearly 800 volunteer fire departments.

Table 3.9 shows other firefighter fund expenditures over the past 5 fiscal years. From FY 2010 to FY 2012, paying workers' compensation premiums for nearly 800 volunteer fire departments constituted more than 94 percent of these costs. From FY 2013 to FY 2014, workers' compensation premiums accounted for more than one-half of expenditures in this category. Mobile facilities funds are used to purchase and maintain fleet vehicles and other equipment used by fire rescue training instructors.

**Table 3.9**  
**Other Firefighter Fund Expenditures, Fiscal Year 2010 To Fiscal Year 2014**

Expenditure	2010	2011	2012	2013	2014
Workers' compensation*	\$3,457,300	\$3,985,492	\$4,147,761	\$3,488,528	\$3,488,528
Mobile facilities	0	0	0	1,119,810	1,311,012
Personal protective equipment	0	214,953	115,931	474,952	467,183
Weapons of mass destruction, hazardous materials, and terrorism	0	0	0	1,277	352,055
EMS training and equipment	0	19,133	45,382	1,306,730	182,950
Driver/operator	0	0	0	22,975	33,959
National Fire Academy training	18,667	18,858	21,058	24,153	25,173
Public education	368	0	319	0	0
<b>Total</b>	<b>\$3,476,335</b>	<b>\$4,238,436</b>	<b>\$4,330,451</b>	<b>\$6,438,425</b>	<b>\$5,860,860</b>

\*Fire Commission uses the firefighter fund to provide volunteer fire departments with workers' compensation.

Source: Information provided by the Fire Commission.

Other expenditures include purchasing protective gear and specialized equipment for instructors.

The Fire Commission uses firefighter fund revenue to purchase protective gear for approximately 450 instructors across the state, including bunker gear, gloves, hoods, boots, and self-contained breathing apparatuses. Nearly \$500,000 was spent in FY 2013 and in FY 2014.

The Fire Commission uses the firefighter fund to purchase specialized equipment for fire rescue training instructors who teach courses in weapons of mass destruction, hazardous materials, and response to terrorism. It also purchases equipment used by the state fire rescue training accredited emergency medical technician and paramedic program. Costs were lower in the initial years because the Fire Commission needed time to initiate the program. The program, now fully active, cost more than \$350,000 in FY 2014.<sup>82</sup>

Training and equipment for Emergency Medical Services personnel cost more than \$1.3 million in FY 2013, but the cost was relatively low in other years. FY 2013 was the first year the Fire Commission sought accreditation by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Profession. Additional equipment was necessary to receive accreditation. The commission has 14 EMS training locations, three of which are accredited.<sup>83</sup> If the commission seeks accreditation for the remaining locations, costs for EMS training will likely increase.

The commission has spent approximately \$25,000 in each of the most recent 2 fiscal years to print National Fire Academy training material used by state fire training instructors who teach various fire departments across the state. Fire schools provide the academy training; the commission provides approximately \$10,000 per event in assistance.<sup>84</sup>

Spending on public education in schools has been minimal due to inactivity of the current administrator. The program requires cooperation with local schools, and the administrator has made no effort to work with the school system, resulting in no spending in 3 years and less than \$400 of spending in 2 years. The Fire Commission plans to reinstate a former administrator.<sup>85</sup>

## Oversight

### Oversight Of The Fire Commission

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The Fire Commission is included in the annual audit of KCTCS. Much of the commission's oversight comes from reporting requirements and monitoring of the programs it administers.

The Fire Commission is included in the Kentucky Community and Technical College System's annual audit, which is performed by an outside firm. Program Review staff examined these audits, which had no major findings regarding the Fire Commission.

### Oversight By The Fire Commission

Much of the oversight by the Fire Commission comes from reporting requirements and monitoring of the programs it administers. For example, volunteer fire departments receiving state aid must meet yearly training requirements, must submit receipts for any item purchased off a commission-approved list, and must be able to show those items to Fire Commission staff during audits. Many of the programs require board approval and are monitored for compliance during bimonthly meetings.

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The Fire Commission audits each fire department every 4 years. Auditors review a department's training records for compliance before traveling for an on-site inspection. At the fire department, auditors spot check 10 percent to 15 percent of firefighters' records to compare with commission records. If the department participated in one of the loan or grant programs, those items and records are also checked.

**Audits Of Fire Departments.** The Fire Commission audits each fire department every 4 years. Auditors review documents from the current and previous year, and spot check other years as needed.<sup>86</sup>

Before visiting a department, auditors log into the Fire Commission's training system to determine the number of active firefighters and which firefighters count against the volunteer and paid requirements. Volunteer firefighters do not count against requirements until they have worked 2 years or completed basic training. Paid firefighters must complete training within 1 year.<sup>87</sup>

At the department, auditors sample 10 to 15 percent of firefighters' records from the previous year to compare against Fire Commission records. Training hours are manually counted to prevent computer errors. Education records are checked to ensure that each firefighter has at least a high school diploma or GED. Auditors review department records for compliance and completeness of paperwork.

If the department has received exercise equipment through the health and wellness program, auditors check meters measuring hours of use of the equipment. If the department participates in the training facility grants, the auditors determine whether the facility matches the specifications in the documents submitted to the Fire Commission.





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