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## PERSONNEL CABINET

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Mary Elizabeth Bailey  
SECRETARY

### MEMORANDUM

#### PERSONNEL MEMO 25-15

**TO:** Constitutional Officers  
Cabinet Secretaries  
Agency Heads  
Human Resource (HR) Administrators

**FROM:** Mary Elizabeth Bailey, Secretary *MEB*

**DATE:** September 5, 2025

**RE:** Regulation Amendments – 101 KAR 2:034, 2:102, 3:015, 3:045

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Several amendments to Personnel Cabinet regulations will become effective on September 30, 2025, to include the following revisions:

**101 KAR 2:034 – Classified compensation administrative regulations:** Along with general maintenance edits, the regulation is amended as follows:

- **Section 1. New Appointments:**

- **Subsection (3)** – Previously this section of the regulation provided that the appointing authority, in his/her discretion “may” “if sufficient funds were available,” adjust salaries of certain incumbent employees upon appointment of a new employee. This section is amended to state that the appointing authority **shall** adjust the salary of an incumbent employee who is not on initial or promotional probation, and whose salary is the same or less than five (5) percent above the new appointment salary, to five (5) percent above the new employee’s salary, if the appointing authority determines that the incumbent employee:
  - (a) Is in the same job classification;
  - (b) Is in the same department or office;
  - (c) Is in the same work county; and
  - (d) Has a similar combination of education and experience relating to the relevant job class specification.

The “if sufficient funds were available” language is no longer present in this amended provision of the regulation. These amendments will require appointing authorities to ensure that incumbent salaries remain 5% above newly appointed employees and will prevent the new appointees from surpassing the incumbent employee salaries once the new appointee completes probation and receives a five (5) percent salary increase.

- **Section 2. Reentrance to Classified Service:**
  - **Subsection (2)(a) - Former Classified Employees:** Similar to the previous amendment regarding new appointments, language was removed from this section which stated that the appointing authority “may” adjust incumbent employee salaries. The previous “if sufficient funds are available” language is also removed. Adjustment of certain incumbent employee salaries is now required if the agency hires a former classified employee “in accordance with the standards used for making new appointments” under Section 1 of the regulation.
  - **Subsection (2)(b) - Former Unclassified Employees with Prior Classified Service:** Similar to the above amendments, language that allowed for the appointing authority’s discretion to adjust salaries (“may”/“sufficient funds available”) has been removed. Adjustment of certain incumbent classified employee salaries is now required if the agency hires a former unclassified employee back into the classified service “in accordance with the standards used for making new appointments” under Section 1 of the regulation.
  - **Subsection (2)(c) – Former Unclassified Employees with no Prior Classified Service:** Similar to the above amendments, language that allowed for the appointing authority’s discretion to adjust salaries (“may”/“sufficient funds available”) has been removed. Adjustment of certain incumbent classified employee salaries is now required if the agency hires a former unclassified employee with no prior classified service “in accordance with the standards used for making new appointments” under Section 1 of the regulation.
- **Section 3. Salary Adjustments:** Subsection (2) – Demotions: This section of the regulation is amended to require the appointing authority to reduce an employee’s salary upon demotion by five (5) percent for each grade the employee is reduced. An employee will not be permitted to retain salary upon demotion unless the appointing authority submits a written request for salary retention to the Personnel Cabinet Secretary for review/approval. **This same revision is made to 101 KAR 3:045, which governs compensation for unclassified employees.**
- **Section 9. Supplemental Premiums:** Subsection (5) – Critical Position Premium: This subsection is amended to increase the total amount of critical position premiums from one (1) to (3) in an office or department. **This same revision is made to 101 KAR 3:045 for unclassified employees.**
- **Section 11. Adjustment for Continuing Excellence (ACE) Award:** Subsection (1)(b) is amended to clarify that in order for an employee to receive an ACE award, the employee must have worked at least “**the immediately preceding**” twenty-four (24) consecutive months in the KRS Chapter 18A state service, twelve (12) consecutive months of which shall have been in the department or office granting the award. **This same revision is made to 101 KAR 3:045 for unclassified employees.**

**101 KAR 2:102 – Classified leave general requirements:**

- **Section 4: Employer Paid Leave:** Employer paid leave (EPL) is added to the regulation to provide a full-time employee with up to a maximum of six (6) weeks of continuous employer paid leave for one of the following reasons:
  - (a) For the birth of a child and to care for a newborn child if the leave is taken within one (1) year of the child’s birth;
  - (b) For placement with the employee of a child for adoption or foster care if the leave is taken within one (1) year of the child’s placement; or
  - (c) Because of a serious health condition that makes an employee unable to perform the functions of the employee’s job.
 Please refer to 101 KAR 2:102, Section 4 of the amended regulation to review the requirements that pertain to application and use of EPL. **This same revision is made to 101 KAR 3:015, which governs leave for unclassified employees.**

- **Section 12: Absences Due to Adverse Weather:** Adverse weather leave has been amended to remove the previous requirement for employees to make up adverse weather leave used. Instead, all employees, to include employees in mandatory operations, will be eligible for one (1) working day of adverse weather leave in a calendar year based on the employee's weekly work schedule and with supervisor approval. **This same revision is made to 101 KAR 3:015 for unclassified employees.**

The Personnel Cabinet will communicate these changes to employees. Additionally, the Personnel Cabinet's Department of Human Resources Administration (DHRA) will be providing any additional guidance, as necessary, to Human Resource Administrators on these changes. Please direct questions to Jamie Caldwell, Commissioner, Department of Human Resources Administration, at [Jamie.Caldwell@ky.gov](mailto:Jamie.Caldwell@ky.gov).