

**164.5807 Governance and management of community colleges -- Transfer of funds -- Rules governing employees -- Personnel system -- Courses for employees -- Rights and privileges of students -- Conflicts.**

- (1) Effective upon the affirmative completion of the regional accrediting agency's substantive change process but not later than July 1, 1998, the board of trustees of the University of Kentucky shall delegate to the board of regents of the Kentucky Community and Technical College System the management responsibilities for the University of Kentucky Community College System, except for the Lexington Community College. Responsibilities shall include, but not be limited to, management of facilities and grounds, assets, liabilities, revenues, personnel, programs, financial and accounting services, and support services. In this capacity, the board shall receive and disburse funds and handle other financial matters. The board of regents, in exercising its personnel management responsibilities, shall establish the operating policies and procedures for the University of Kentucky employees in the community colleges. The board of regents shall have the right to appoint and dismiss personnel and to set the compensation for the employees. The president and board of regents of the Kentucky Community and Technical College System shall have jurisdiction over the use and distribution of the resources to operate the system effectively and efficiently.
- (2) All funds that are appropriated to the University of Kentucky Community College System or funds that are allocated in the University of Kentucky budget for administering the community college system shall be transferred and allotted to the board of regents for the benefit of the University of Kentucky Community College System.
  - (a) The board may divide the assets and funds among the specific organizations and institutions within the community college system to meet the mission of the system.
  - (b) Funds held in escrow or invested solely for the purpose of a community college and bequests, and private funds specifically earmarked for a community college may, at the discretion of that local community college, be managed by the University of Kentucky or that local community college.
  - (c) Private funds, foundation funds, and funds raised by a not-for-profit or nonprofit organization for the use and benefit of a specific program or community college shall be used exclusively for that program or that community college.
- (3) Employees in the University of Kentucky Community College System as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System shall be governed by the University of Kentucky administrative regulations as of the effective date of the transfer and any subsequent changes made by the university, except that appeals shall be to the board of regents or to the board's designee. The following provisions shall apply:
  - (a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee;

- (b) Employees with tenure shall retain their tenure. Employees without tenure shall earn tenure based on personnel policies in effect at the time of their employment. New employees without tenure shall earn tenure based on the new policies established by the board;
  - (c) Employees shall maintain a salary not less than their previous salary as of the effective date of the transfer; and
  - (d) All employees hired as of the effective date of the transfer shall be provided the same benefit package available for other University of Kentucky employees as it may be modified by the University of Kentucky for all employees.
- (4) A person employed as of the effective date of the transfer described in subsections (1) and (3) of this section in a University of Kentucky Community College may elect to participate in the new Kentucky Community and Technical College personnel system. An employee who elects to accept this option may not return to the previous personnel policy. The employee shall have the right to exercise this option at any time.
  - (5) New employees hired after July 1, 1997, in the Kentucky Community and Technical College System and on and after July 1, 2004, at the Lexington Community College shall be governed by the rules established by the board.
  - (6) A regular full-time employee may, with prior administrative approval, take one (1) course per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.
  - (7) Students enrolled in the University of Kentucky Community College System shall have all of the responsibilities, privileges, and rights accorded to University of Kentucky Community College System students as of the effective date of the transfer described in subsections (1) and (3) of this section. The privileges shall include, but not be limited to, tickets to athletic events, homecoming queen contests, the Great Teacher Award Contest, and the University of Kentucky scholarship programs.
  - (8) If any conflict arises between the University of Kentucky board of trustees and the Kentucky Community and Technical College board of regents relating to the delegation of authority from the university to the board of regents in the transfer of the Lexington Community College to the Kentucky Community and Technical College System, the Council on Postsecondary Education shall resolve the conflict.
  - (9) Notwithstanding any statute to the contrary, the governance and management responsibilities for the Lexington Community College are delegated to the Kentucky Community and Technical College System. The agreement entitled "Memorandum of Agreement Among the University of Kentucky, the Kentucky Community and Technical College System and Lexington Community College Pursuant to House Joint Resolution 214" signed by the respective institutions on July 1, 2004, shall remain in force and effect after June 20, 2005.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 29, sec. 5, effective June 20, 2005. -- Created 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 19, effective May 30, 1997.