

PERSONNEL CABINET
(Amendment)

101 KAR 2:046. Applying for employment, qualifications and examinations.

RELATES TO: KRS 18A.030(2), 18A.032, 18A.110(1)(a), (7)(c), 18A.120, 18A.150

STATUTORY AUTHORITY: KRS 18A.030(2), 18A.110(1)(a), (7)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(1)(a) and (7)(c) requires the Secretary of Personnel to promulgate administrative regulations that govern open competitive exams to determine the relative fitness of applicants and for the rejection of candidates or eligibles who fail to meet reasonable requirements of the secretary. This administrative regulation establishes the process and requirements to apply for employment.

Section 1. Notices of Examinations.

- (1) An examination for entrance to the classified service shall be conducted on an open-competitive basis.
- (2) The recruitment program shall:
 - (a) Accept an applicant's submission for employment; and
 - (b) Hold an examination whenever and wherever the secretary reasonably determines it to be in the best interests of the Merit System.
- (3) Eligibles shall be listed in rank order upon certification of a register based on their highest valid scores.
- (4) The public notice of examination required by KRS 18A.110(7)(c) shall specify:
 - (a) The title and minimum salary of the job classification;
 - (b) The minimum qualifications required;
 - (c) The opening date on which application may be made for placement of the applicant on the register; and
 - (d) All other pertinent information and requirements.

Section 2. Minimum Qualifications for Applying. An open-competitive examination shall be available to each applicant who meets the minimum requirements determined by the secretary with regard to:

- (1) Education;
- (2) Experience;
- (3) Training;
- (4) Licensure;
- (5) Certification; or
- (6) Other factors that relate to the ability of the candidate to perform the essential functions of the position with reasonable efficiency.

Section 3. Applying for Employment.

- (1) An applicant shall apply for employment electronically as required by instructions at <https://careers.ky.gov>.
- (2) An applicant shall provide information concerning:
 - (a) Personal characteristics;
 - (b) Education;
 - (c) Experience;
 - (d) References; and
 - (e) Other pertinent information specific to the position sought.
- (3) The truth of the statements provided pursuant to subsection (2) of this section shall be certified by the applicant's act of electronic submission.
- (4) An applicant shall:

- (a) Meet the minimum qualifications established in the job class specification as to education and experience; and
 - (b) Not be guaranteed a passing grade by admission to an examination.
- (5) For a job classification for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that submissions shall be received until further notice.

Section 4. Advance Eligibility. An applicant shall be eligible to apply to a specific vacancy within thirty (30) calendar days of completing the education required in the job classification or anytime thereafter. Except as requested in writing by the appointing authority and authorized by the secretary, all applicants shall comply with this section.

Section 5. Character of Examinations. An examination shall:

- (1) Be practical in nature;
- (2) Be constructed to reveal the capacity of the candidate for the particular job classification for which the applicant is competing;
- (3) Consider the applicant's general background and related knowledge; and
- (4) Be rated impartially.

Section 6. Conduct of Examinations.

- (1) An examination shall be conducted in as many places in the commonwealth as are found convenient for applicants and practicable for administration.
- (2) Reasonable accommodation in testing shall be provided upon timely request and receipt of verification of need.
- (3) The secretary may:
 - (a) Designate monitors in various parts of the commonwealth to conduct an examination under instructions prescribed by the secretary;
 - (b) Provide for the compensation of the monitors; and
 - (c) Make arrangements for the use of a public building in which to conduct an examination.
- (4) Retest procedures. For open continuous testing, an applicant shall not:
 - (a) Be admitted to the same exam or its alternate more than two (2) times within a regular workweek; or
 - (b) Take the same exam or its alternate more than twelve (12) times in a twelve (12) month period beginning with the original date the test is taken.

Section 7. Rating Examinations.

- (1) The secretary shall determine the rating or standing of an applicant on the register for each examination at the time of certification of a register.
- (2) The secretary shall determine the passing score of each examination.
- (3) All applicants for the same job classification shall be accorded uniform and equal treatment in all phases of the examination procedure.

Section 8. Rating Education and Experience.

- (1) If the selection method is rating of education and experience, the secretary shall determine a procedure for the evaluation of the education and experience qualifications of an applicant.
- (2) The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience and the pertinence of the education.
- (3) The secretary shall investigate the candidate's educational documentation.
- (4) The secretary shall investigate the candidate's work history.
- (5) If the results of this investigation disclose information affecting the rating of education and experience, the secretary shall:
 - (a) Rate the candidate accordingly;

- (b) Make the necessary revision of the rating; and
 - (c) Notify the candidate.
- (6) The secretary shall determine the selection method for a qualifying job classification based upon the knowledge, skills, and abilities necessary for the job classification.
- (a) The secretary shall notify the Personnel Board of the job classification and the minimum requirements for a qualifying selection method.
 - (b) The secretary shall maintain for public review a list of those job classifications that are qualifying along with the minimum requirements for each job classification.

Section 9. Notice of Examination Results.

- (1) Each applicant shall be notified of the examination score as soon as the rating of the examination has been completed.
- (2) An eligible shall be entitled to information concerning his or her relative position on the register upon request and presentation of proper identification.

Section 10. Adjustment of Errors.

- (1) The secretary shall correct a clerical error in the rating of an examination, if the error is called to the attention of the secretary within thirty (30) calendar days after receipt of the notice of examination results. Further, the secretary may correct an applicant's submission error, if the error is called to the attention of the secretary within thirty (30) calendar days of the issuance of a register certificate.
- (2) A correction shall not invalidate a certification and appointment previously made.

~~[Section 11.] [Examination Records. The secretary shall maintain all records pertinent to an applicant's submission for employment or examination for a period of three (3) years.]~~

GERINA D. WHETHERS, Secretary

APPROVED BY AGENCY: April 11, 2022

FILED WITH LRC: April 15, 2022 at 9:25 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2022 at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rosemary Holbrook, Assistant General Counsel, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone (502) 564-7430, fax (502) 564-0224, email RosemaryG.Holbrook@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rosemary Holbrook

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the application and examination requirements for state employment.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to communicate requirements for application and eligibility for classified employment.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation complies with KRS 18A.030(2), 18A.110 (1)(a) and (7)(c).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the procedures for personnel recruitment and certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment adds language to allow an appointing authority to seek an exception to the thirty (30) day education completion requirement for future graduates, to assist agencies in recruiting new hires. Other changes include minor clean-up and removal of the section pertaining to the retention period for applicant submissions, which is already addressed in the retention schedule on file with the Kentucky Department for Libraries and Archives.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to provide an exception to advance eligibility in the application process for future graduates, potentially making agencies more competitive in hiring endeavors.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment complies with KRS 18A.030(2), 18A.110(1)(a) and (7)(c).

(d) How the amendment will assist in the effective administration of the statutes:

This amendment assists with the secretary's duty of personnel recruitment per KRS 18A.030.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Applicants for state employment, the Personnel Cabinet and all Commonwealth Executive Branch agencies are affected by this regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

An agency must formally request an exception to advance eligibility if an exception is desired. No additional actions are required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no additional costs anticipated to any entity identified above.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

No additional benefits will accrue. (5) Provide an estimate of how much it will cost to implement this administrative regulation:

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This regulation, as amended, is not anticipated to generate any new or additional costs.

(b) On a continuing basis:

This regulation, as amended, is not anticipated to generate any new or additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

This regulation, as amended, is not anticipated to generate any new or additional costs.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

This regulation, as amended, is not anticipated to generate any new or additional fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This regulation, as amended, is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied?

No. This regulation, as amended, treats all impacted entities the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

All state agencies with employees and applicants covered under KRS Chapter 18A.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 18A.030(2), 18A.110(1)(a), (7)(c).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

There are no estimated additional costs to administer the amendments to this regulation.

(d) How much will it cost to administer this program for subsequent years?

There are no estimated additional costs to administer the amendments to this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: