

**PERSONNEL CABINET  
(Amendment)**

**101 KAR 2:066. Certification and selection of eligible applicants for appointment.**

RELATES TO: KRS 18A.030(2), 18A.110(1)(b), (7), 18A.113, 18A.135, 18A.165

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(1)(b) and (7) requires the Secretary of Personnel to promulgate administrative regulations that govern the establishment of eligibility lists for appointment, and for consideration for appointment of persons whose scores are included in the five (5) highest scores on the examination. This administrative regulation establishes the requirements for certification and selection of eligible applicants for appointment.

Section 1. Request for Certification of Eligible Applicants. To fill a vacant position in the classified service that is not filled by lateral transfer, reinstatement, reversion, or demotion, the appointing authority shall submit a request for a register to the secretary. The request shall:

- (1) Be for one (1) or more positions in the same:
  - (a) Job classification; or
  - (b) County;
- (2) Indicate:
  - (a) The number and identity of the positions to be filled;
  - (b) The title of the job classification for each position; and
  - (c) Other pertinent information that the appointing authority and the secretary reasonably determine are necessary; and
- (3) Be made by the appointing authority as far in advance as possible of the date the position is to be filled.

Section 2. Certification of Eligible Applicants.

(1) Upon receipt of a request for a register, the secretary shall certify and submit to the appointing authority the names of eligible applicants for the position who have applied.

(a) If one (1) position is involved, the secretary shall certify the names of:

1. Each applicant who:
  - a. Applied for the vacant position; and
  - b. If it is a tested position, has a score included in the highest five (5) scores earned through the selection method; and
2. All internal mobility candidates who are eligible and have applied for the vacant position.

(b) If more than one (1) vacancy is involved, the secretary may certify sufficient additional names for the agency's consideration in filling the total number of vacancies.

(c) Each appointment shall be made from:

1. The internal mobility candidate listing of eligible applicants who have applied for the vacant position; or
2. The eligible applicants with the five (5) highest scores who have applied for the vacant position, if applicable.

(2) The life of a certificate during which action may be taken shall be ninety (90) days from the date of issue unless otherwise specified on the certificate or job requisition. An appointment made from the certificate during that time shall not be subject to a change in the condition of the register taking place during that period.

(3) Subject to the provisions of KRS 18A.113 and KRS 18A.135, a vacancy associated with an active register certificate may be filled by an eligible who did not apply if filled by lateral transfer, reinstatement, reversion, or demotion.

Section 3. Prescreening [~~Preferences and Skills~~] Questions.

(1) The secretary shall approve prescreening[~~a list of preferences and skills~~] questions to assist in the determination of an applicant's qualifications and availability for a job vacancy.

(2) The appointing authority may identify prescreening[~~preferences and skills questions from the approved list of~~] questions that relate to the specific job classification. The appointing authority may request that an applicant answer those prescreening[~~preferences and skills~~] questions when applying for employment. After an appointing authority has received a register, the appointing authority may consider the answers to the prescreening[~~preferences and skills~~] questions to assist in applicant selection.

Section 4. Selection. The appointing authority shall report to the secretary the recommended candidate for appointment.

*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 requirements for certification and selection of eligibles for appointment.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to set forth the requirements for certification and selection of eligibles for appointment.

**(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)(b) and (7).

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

This regulation establishes the requirements for certification and selection of eligibles for appointment.

**(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 administrative regulation changes terminology used in Section 3. "Preferences and skills" is replaced with "prescreening."

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

This amendment is necessary to reflect language used in the current applicant tracking system.

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

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

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

This amendment promotes consistency and clarifies requirements for certification and selection of eligibles.

**(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:**

No additional action is 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)(b) and (7).

**(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:**