

101 KAR 2:076. Vacancies, detail to special duty and temporary overlap.

RELATES TO: KRS 18A.005, 18A.110(1)(g), (7), 18A.115, 18A.120

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(1)(g) and (7) require the Secretary of Personnel to promulgate administrative regulations to govern the types of appointments as necessary to implement KRS Chapter 18A. This administrative regulation establishes the requirements for filling a vacancy, for detail to special duty, and for temporary overlap.

Section 1. Filling of Vacancies. A vacancy in the classified service shall be filled by appointment, demotion, promotion, reemployment, reinstatement, reversion, or transfer.

Section 2. Detail to Special Duty. (1)(a) With approval of the secretary, if the services of an employee with status are needed in a vacant position within an agency other than the position to which the employee is regularly assigned, the employee may be detailed to that position. If detailed to that position, the period shall not exceed one (1) year.

(b) With prior approval of the secretary and approval of the receiving appointing authority, if the services of an employee with status are needed in a vacant position in a different agency, the employee may be detailed to that position. If detailed to that position, the period shall not exceed ninety (90) calendar days.

(2) For detail to special duty, the secretary may waive the minimum requirements if requested and justified by the appointing authority in writing.

(3) The appointing authority shall notify the employee, in writing, of:

(a) The detail to special duty;

(b) The reasons for the action;

(c) The employee's retention of status in the position from which he was detailed to special duty; and

(d) The pay grade of the position to which the employee is detailed, the work week, and the salary.

Section 3. Temporary Overlap. For training purposes or if it is in the best interests of the service, with the approval of the secretary, an agency may place an employee in a position currently occupied by another employee. If an employee is so placed, the period shall not exceed ninety (90) calendar days.

Section 4. Detail to Special Duty with Temporary Overlap. (1) For training purposes or the best interest of the service, with the approval of the secretary, an agency may detail an employee to a position currently occupied by another employee within the agency. If an employee is so placed, the period shall not exceed ninety (90) calendar days. This detail with temporary overlap shall not be considered a part of the one (1) year detail to special duty to a vacant position. The detail to special duty with temporary overlap shall be a separate action.

(2) For training purposes or the best interest of the service, with the prior approval of the secretary, an agency may detail an employee to a position currently occupied by another employee in a different agency with the approval of the receiving appointing authority. If an employee is so placed, the period shall not exceed ninety (90) calendar days.

(3) For detail to special duty with temporary overlap, the secretary may waive the minimum requirements if requested and justified by the appointing authority in writing.

(4) The appointing authority shall notify the employee, in writing, of:

- (a) The detail to special duty with temporary overlap;
- (b) The reasons for the action;
- (c) The employee's retention of status in the position held prior to the detail to special duty with temporary overlap; and
- (d) The pay grade of the position to which the employee is detailed with temporary overlap, the work week, and the salary. (18 Ky.R. 3555; eff. 8-1-1992; 26 Ky.R. 96; 566; eff. 8-25-1999; 39 Ky.R. 2361; 40 Ky.R. 259; eff. 9-6-2013; 45 Ky.R. 133; eff. 10-5-2018.)