

902 KAR 8:140. Appointment of a health officer or a health department director of a local health department.

RELATES TO: KRS 211.170(1), (2), 212.170, 212.230, 212.870

STATUTORY AUTHORITY: KRS 194A.050, 212.170, 212.870

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.1755(2) requires the cabinet to promulgate administrative regulations establishing the policies and procedures for the local health department personnel program. This administrative regulation establishes the process for appointing a health officer or health department director and the provisions of the merit system.

Section 1. Appointment of Health Officer. (1) An agency shall appoint a health officer in accordance with the provisions of KRS 212.170, 212.230, or 212.870.

(2) The health officer shall be an unclassified employee and hold office at the pleasure of both the board of health of the agency and the department.

(3) The health officer in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:060, Salary adjustments for local health departments;

(b) 902 KAR 8:070, Recruitment, examination and certification of eligible applicants for local health departments;

(c) 902 KAR 8:080, Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments;

(d) 902 KAR 8:120, Leave provisions applicable to employees of local health departments; and

(e) This administrative regulation.

(4) An individual promoted to the position of health officer shall receive a salary increase, which shall be the greater of the following:

(a) Fifteen (15) percent above current salary;

(b) The minimum of the grade assigned to the health officer; or

(c) Three (3) percent per grade not to exceed midpoint of grade.

Section 2. Appointment of Health Department Director. (1) In the absence of a health officer provided for in this administrative regulation, an agency shall be under the direction of a health department director who shall meet minimum qualification of education and experience established by the department.

(2) A qualified individual appointed or promoted to the position of health department director after the effective date of this administrative regulation, shall be employed in the unclassified service and hold office at the pleasure of both the board of health of the agency and the department.

(3) Individuals who are in the position of physician director or health department director as of September 3, 1993 shall maintain their status.

(4) A health department director in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:060, Salary adjustments for local health departments;

(b) 902 KAR 8:070, Recruitment, examination and certification of eligible applicants for local health departments;

(c) 902 KAR 8:080, Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments;

(d) 902 KAR 8:120, Leave provisions applicable to employees of local health departments;

and

(e) This administrative regulation.

(5) An individual promoted to the position of health department director shall receive a salary increase, which shall be the greater of the following:

- (a) Fifteen (15) percent above current salary;
- (b) The minimum of the grade assigned to the health officer; or
- (c) Three (3) percent per grade not to exceed midpoint of grade.

Section 3. Removal of a Health Officer or Health Department Director in the Unclassified Service. (1) Except as provided for in Section 2 (3) and (4) of this administrative regulation, if a health officer and health department director in the unclassified services is removed by the board of health or the department, he shall be notified in writing, and within fourteen (14) days may make a written request for a pre-termination conference.

(2) If no request for a pre-termination conference is made, the removal shall become effective upon the expiration of fourteen (14) days.

(3) If a request for a pre-termination conference is made, the pre-termination conference shall be held at the office of the agency within fourteen (14) calendar days after the request is received by the board of health of the agency.

(4) The health officer or director of health shall not be removed until the pre-termination conference has been held and a decision rendered by the board of health of the agency and the department.

(5) Upon termination of employment, an employee who was promoted to the health officer or health department director position may revert to the position from which he was promoted or may be considered for a vacant position for which he qualifies in the agency. The employee shall have had at least five (5) years of continuous service with the agency prior to the promotion to be considered for reversion. The reversion shall be subject to the approval of the board of health of the agency.

(6) An employee originally appointed to the health officer or health department director position shall not be reverted to a position in the classified service unless he qualifies. (19 Ky.R. 2778; eff. 9-3-1993; 21 Ky.R. 598; 1055; eff. 9-21-1994; 22 Ky.R. 2360; eff. 8-1-1996; 24 Ky.R. 2216; 25 Ky.R. 123; 583; eff. 8-19-1998; 37 Ky.R. 1796; 2181; eff. 4-1-2011.)