

902 KAR 8:040. Definitions for 902 KAR Chapter 8.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870, Chapter 337, 29 U.S.C. 206, 29 C.F.R. Part 541

STATUTORY AUTHORITY: KRS 194A.050, 211.1755(2)

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 definitions for the terms used in 902 KAR Chapter 8.

Section 1. Definitions. (1) "Above minimum salary" means due to recruitment difficulties the local health department has requested and been given approval by the department for a minimum salary upon appointment for a specific classification which is higher than the minimum salary established by the Compensation Plan.

(2) "Agency" is defined by KRS 211.1751(1).

(3) "Allocate" means assigning a position to an appropriate class on the basis of similarity of work and level of responsibility performed in the position.

(4) "Appeal" means the right, under 902 KAR 8:110, to appear before the Local Health Department Employment Personnel Council or a hearing officer appointed by the department and be heard on matters of discrimination or disciplinary actions, provided for under 902 KAR 8:060 through 902 KAR 8:140.

(5) "Appointing authority" means the board of health or other individual authorized under KRS Chapter 212 to make appointments.

(6) "Available" means an individual on a register for a class of positions willing to accept appointment in specified areas to a particular position of that class.

(7) "Cabinet" means the Cabinet for Health and Family Services.

(8) "Certification of eligibles" means a list of eligible applicants issued by the Department for Public Health to the appointing authority of an agency certifying that the individuals listed meet the established minimum qualifications of the position, passed the required examination, if any, and may be considered for employment.

(9) "Class" means a group of positions similar as to the duties performed; degree of supervision exercised or required; minimum requirements of training, experience, or skill; and other relevant characteristics.

(10) "Classified service" means employment subject to 902 KAR 8:060 through 902 KAR 8:140 except for:

(a) A health officer or a health department director employed under the provisions of 902 KAR 8:140;

(b) An employee appointed on a seasonal, temporary, or emergency basis as described in 902 KAR 8:080;

(c) An employee appointed as a janitor; or

(d) An employee appointed under 902 KAR 8:080 to work an irregular schedule as needed by an agency and whose hours of actual work do not exceed 800 hours per year.

(11) "Classification plan" is defined by KRS 211.1751(2).

(12) "Closed Advertisement" means the local health department recruits for a position by accepting applications only in response to a designated advertisement having a specified date.

(13) "Compensation plan" is defined by KRS 211.1751(3).

(14) "Compensatory time" means the accumulation of leave time for time worked on an hour-for-hour basis in excess of thirty-seven and one-half (37.5) hours per week subject to KRS Chapter 337 and the Fair Labor Standards Act, 29 U.S.C. 206.

(15) "Continuous open recruitment" means the local health department accepts applications at any time for a designated classification.

(16) "Council" is defined by KRS 211.1751(4).

(17) "Demotion" means a change of an employee from a position in one (1) class to a position in another class having a lower entrance salary.

(18) "Department" is defined by KRS 211.1751(5).

(19) "Detail to special duty" means the assignment of an employee to a position for not more than twenty-six (26) pay periods to fulfill the responsibilities of an employee on leave or the assumption of additional job duties which are temporary.

(20) "Disabled veteran" means a veteran who has established by official records of the United States government the present existence of a service connected disability.

(21) "Discrimination" means any administrative decision based on a person's race, sex, age, religion, national origin, color, or disability, except if the decision is supported by a valid occupational qualification.

(22) "Discipline" means any effort to positively instruct or punish an employee concerning inappropriate conduct and behavior or unsatisfactory job performance requiring redirection.

(23) "Eligible" means an individual whose name appears on a register for a particular class.

(24) "Eligible list" means a list of names of persons who have been found qualified for positions or classes of positions.

(25) "Emergency appointment" means the appointment of a person to a position, for a period not to exceed seven (7) pay periods, if an emergency makes it impractical or impossible to fill the position through standard appointment procedures.

(26) "Excessive absenteeism" means absences from the employee's work station or assigned place of work that cause the irregular attendance with or without approval of the agency. Absences may include tardiness, leaving early, abuse in the use of sick leave, excessive unexcused absence that causes repetitive disruption of job performance and responsibilities of the employees and the agency, abuse in the use of annual leave, violating agency break policy, or violation of agency lunch policy.

(27) "Exempt" means an employee in an executive, administrative, or professional position who receives an exemption from the minimum wage and overtime pay requirements under the Fair Labor Standards Act, 29 C.F.R. Part 541, based upon salary level, salary basis, and job duties.

(28) "Flagrant violation" means:

(a) A breach of: State law;

2. An agency rule; or

3. An agency policy;

(b) Failure of an employee to follow a directive which constitutes a clear, present, threat or danger to the life, safety, health, or welfare of:

1. A patient;

2. Another employee;

3. The general public; or

4. The subject employee; or

(c) Activity or behavior by an employee that seriously disrupts the normal course of business in the agency.

(29) "Full-time employee" means an employee who is compensated on a salary basis for a standard biweekly pay period.

(30) "In-Range adjustment" means an increase in an employee's salary because the employee's position duties and responsibilities have changed, but not to the extent that would warrant a reclassification.

(31) "Initial probationary period" means the period of six (6) months an employee is required to serve prior to becoming a regular employee in an agency.

(32) "Initial salary adjustment" means an adjustment in an employee's salary upon appointment above the classification grade minimum to reflect additional education or experience the person has which is above the minimum requirements set for that classification.

(33) "Irregular hours" means the employee:

(a) Works variable hours and does not follow a regular schedule for work; and

(b) Is paid per service or paid an hourly rate salary.

(34) "Insubordination" means the refusal or the ignoring of a request to perform a task or to comply with an order given to the employee by a supervisor under circumstances where:

(a) The employee understands the order or request; and

(b) Refusal to perform is not justified by a reasonable safety concern.

(35) "Job description" means a written description for each classification which establishes the:

(a) Title of the class;

(b) Duties and responsibilities of the work;

(c) Minimum requirements for the job; and

(d) Special requirements for the job, including physical standards necessary to perform the work.

(36) "Local health department" means an agency subject to 902 KAR 8:040 through 902 KAR 8:140.

(37) "Lump sum merit payment" means a lump sum payment made to an employee based on that employee's outstanding job performance.

(38) "Material and permanent duties" means a substantial and noticeable difference in status or duties which will be ongoing, without time limitations, and is not expected to change.

(39) "Mid-point" means the salary is equidistant between the minimum and maximum rates of salary compensation set for a classification.

(40) "Minimum qualifications" means a comprehensive statement which establishes the minimum background required as to education and experience.

(41) "Minimum salary" means the lowest rate of pay in the salary range for a class of positions.

(42) "Non-exempt" means the employee is required to receive minimum wage and overtime pay benefits under the Fair Labor Standards Act (29 C.F.R. Part 541).

(43) "Partial year appointment" means the appointment of a person to a position that shall contain regularly-scheduled hours, for a period of time not to exceed seven (7) pay periods per year, during which the incumbent remains an employee but is not at work.

(44) "Part-time employee" means an employee who is compensated on a biweekly basis for hours worked and whose hours worked average less than 100 hours of work per month.

(45) "Part-time 100 hour employee" means an employee who is compensated on a biweekly basis for hours worked and whose hours worked average 100 hours per month or more.

(46) "Pay status" means a period of time for which an employee receives pay for:

(a) Time worked;

(b) A holiday; or

(c) Approved accumulated leave of absence, including:

1. Sick leave;

2. Extended sick leave;

3. Vacation, using annual or compensatory leave;

4. Military leave; or

5. Another type of paid leave provided by 902 KAR 8:120.

(47) "Performance evaluation" means a method of evaluating each employee on the employee's capability of performing the duties and responsibilities of the job.

(48) "Position description" means a written description of responsibilities and duties for an individual employee that:

- (a) The employee is expected to assume for a particular position; and
- (b) Is in line with the job description for the designated classification.

(49) "Probationary employee" means an employee serving the required initial probationary period following appointment.

(50) "Promotional probationary period" means a period during which an employee is required to demonstrate fitness for the duties to which the employee has been promoted by actual performance of the duties of the position.

(51) "Reallocation" means the placement of an employee in one position to a newly established class, or to another class due to the employee's current class having been abolished.

(52) "Reclassification with probation" means the reclassification of an employee who:

(a) Is reclassified to a supervisory position or to a different classification within the same grade;

(b) Will serve a six (6) month probationary period; and

(c) Will receive a three (3) percent salary increase upon successful completion of the probationary period.

(53) "Reemployment list" means a list of persons who may be appointed to a class of positions without further certification or examination due to their prior career status in the classification or related classification.

(54) "Register" means an officially promulgated list of eligible applicants for a job classification.

(55) "Regular status employee" means an employee who has successfully completed a required initial probationary period upon appointment, and any extension, and is subject to 902 KAR Chapter 8.

(56) "Reinstatement" means to return a former employee to a position which the employee held in previous employment.

(57) "Revert" means to return an employee to a previously held position.

(58) "Salary range" means the rate and range of pay established for a class of positions. (19 Ky.R. 2760; 20 Ky.R. 367; 511; eff. 9-3-1993; 21 Ky.R. 580; eff. 9-21-1994; 23 Ky.R. 2192; 25 Ky.R. 566; eff. 8-19-1998; 27 Ky.R. 2250; 2806; eff. 4-9-2001; 37 Ky.R. 1767; 2161; eff. 4-1-2011.)