

902 KAR 8:110. Disciplinary appeal process applicable for local health department employees.

RELATES TO: KRS Chapter 13B, 194A.050, 211.170(1), 211.1755, 212.170, 212.870

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 211.1755 requires the Cabinet to promulgate administrative regulations establishing the policies and procedures for the local health department personnel program. This administrative regulation establishes the disciplinary appeal process for employees.

Section 1. Appeals. (1) An employee with status who is demoted according to 902 KAR 8:090, Section 3(1)(c), suspended, or dismissed shall have the right to appeal the action. The appeal shall be:

(a) In writing, on a form CH-41 "Request for Appeal"; and

(b) Filed with or mailed to the department by certified mail, return receipt requested within fifteen (15) days of the demotion, suspension, or dismissal.

(2) An eligible whose name has been removed from a register for any of the reasons specified in 902 KAR 8:070, Section 4(5)(a) through (i) may appeal the action. The appeal shall be mailed to the department within thirty (30) days after the date on which the notification of removal was mailed to the eligible.

(3) An applicant or employee may appeal within thirty (30) days of the alleged discrimination if he or she believes that they have been discriminated against in a personnel action in violation of KRS 344.040.

(4) An appeal shall be conducted in accordance with Section 2 of this administrative regulation.

Section 2. Hearing Process. (1) The department shall schedule an administrative hearing upon an appeal to be held within sixty (60) days of receipt of the Request for Appeal. Notice of the hearing and conduct of the proceedings shall be in accordance with the requirements of KRS Chapter 13B.

(2) The hearing shall be conducted by a designated hearing officer.

(3) The hearing officer shall:

(a) Make findings of fact and conclusions of law; and

(b) Issue a recommended order to each party.

(4) Each party shall have fifteen (15) days from the date of the recommended order to file exceptions to the recommendations with the cabinet.

(5) The secretary of the cabinet shall issue a final order in accordance with KRS 13B.120.

Section 3. Incorporation by Reference. (1) "Request for Appeal", form CH-41, September 2018, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, Division of Administration and Financial Management, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2773; eff. 9-3-1993; 21 Ky.R. 592; eff. 9-21-1994; 22 Ky.R. 1163; 1475; eff. 2-12-1996; 25 Ky.R. 2208; 25 Ky.R. 577; eff. 8-19-1998; 37 Ky.R. 1789; 2176; eff. 4-1-2011; 46 Ky.R. 1711; eff. 2-27-2020.)