

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Management
(New Administrative Regulation)

106 KAR 1:241. Local emergency management director appointment process.

RELATES TO: KRS 39B.020

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.020 requires the chief executive officer of a local government entity to appoint a local emergency management director. This administrative regulation establishes the process to be followed for the chief executive officer of a local government entity to appoint or reappoint a local emergency management director.

Section 1. Definitions.

(1) "Candidate" means the individual proposed to be appointed pursuant to KRS 39B.020.

(2) "Local appointing authority" means a county judge/executive, mayor, or chief executive officer of a local government entity.

Section 2. Appointment Process.

(1) To appoint a local emergency management director, a local appointing authority shall submit:

(a) A completed "Commonwealth of Kentucky Application for Employment;"

(b) A completed KYEM Form 15, "Appointment of Local Emergency Management Director;" and

(c) Written authorization consistent with KRS 39B.020(3)(d)(1) or (2) or (3) or (4).

(2) If a fiscal court, city commission, or other local governing body has adopted administrative procedures that formally establish a personnel merit system, a local appointing authority shall submit a local employment application in lieu of the document specified in subsection (2)(a) of this section. A local employment application shall not be submitted for review by the Personnel Cabinet.

(3) A local appointing authority shall submit the documents, specified in subsections (1) and (2) of this section, to the area manager for transmittal through the Division of Kentucky Emergency Management, Emergency Management Performance Grant ("EMPG") Section Chief, to the Director of the Division of Emergency Management, within the time specified in KRS 39B.020(1).

Section 3. Approval Process.

(1) Within thirty (30) calendar days of receiving materials specified in Section 2 of this administrative regulation, the Director of the Division of Emergency Management shall:

(a) Request the human resources officer of the Department of Military Affairs evaluate the candidate's qualifications for the position of local director; and

(b) Determine the jurisdiction's eligibility for supplementary state funds to support the operations and activities of a local emergency management agency.

(2) Funding shall be suspended when it is determined that a candidate does not meet the qualification required for the position of a local director.

Section 4. Reappointment Process. To reappoint a local director pursuant to KRS 39B.020(3), a local appointing authority shall execute the actions established in Section 2(1)(b) and (c) of this administrative regulation.

Section 5. Incorporation by Reference.

(1) The following materials are incorporated by reference:

- (a) "Commonwealth of Kentucky Application for Employment;" and
 - (b) KYEM Form 15, "Appointment of local Emergency Management Director."
- (2) This material may be inspected, copied, or obtained subject to applicable copyright law, at the Division of Emergency Management, Emergency Operations Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601-6168, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

HALDANE B. LAMBERTON, Major General, KYNG, Adjutant General

JEREMY C. SLINKER, Director

CHARLES T. JONES, Brigadier General US Army (Ret), Executive Director

APPROVED BY AGENCY: June 7, 2022

FILED WITH LRC: June 15, 2022 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 11:00 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 canceled. 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 through August 31, 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: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, Kentucky 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.