

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Administration and Financial Management
(Amendment)

902 KAR 8:070. Recruitment, examination, and certification of eligible applicants for local health departments.

RELATES TO: KRS 61.872, 211.170(1), (2), 211.1751, 212.170, 212.870

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2)

CERTIFICATION STATEMENT:

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(2) requires the cabinet to promulgate administrative regulations that establish policies and procedures for the personnel program for local health departments. This administrative regulation establishes a recruitment program, procedures, and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

Section 1. Announcement of a Vacant Position.

(1) An agency, prior to announcing a specific vacancy, shall determine whether to recruit for a vacant position on a scheduled basis or on a continuous basis for positions that are difficult to recruit and fill with qualified applicants.

(2) Except as provided by 902 KAR 8:090, Sections 1 and 2, and 902 KAR 8:080, Section 3, an agency desiring to fill a vacant position shall announce the vacant position in the following manner:

(a) Provide notice of the vacant position within the agency in a manner that affords the ability of current employees to know of the vacancy and procedures for submitting an application;

(b) Provide notice of the vacant position through recruitment resources that are external to the agency; or

(c) A combination of paragraphs (a) and (b) of this subsection.

(3) An announcement shall contain the following information:

(a) The conditions under which an application for potential employment will be received;

(b) The assessment method utilized to select the individual, which may include an interview or demonstration of skills and abilities;

(c) The title and minimum salary or approved salary range of the class of position;

(d) ~~The rates of pay at which appointments are expected to be made;~~

~~(e)~~ A general statement of the duties to be performed;

~~(e)~~ ~~(f)~~ The minimum qualifications of education, training, and experience required as stated in the classification plan;

~~(f)~~ ~~(g)~~ The date, if required, on which an application is to be received in the agency; and

~~(g)~~ ~~(h)~~ If an agency requires pre-employment drug testing, criminal records information, physical examination, or other special conditions, a statement that they shall be required upon an offer of employment.

(4) The notice of the external recruitment effort shall meet the criteria of subsection (3) of this section and shall be distributed to one (1) or more of the following advertising methods:

(a) Newspapers;

- (b) Web site;
- (c) Other media viewable by the public;
- (d) Employment services offices;
- (e) Educational institutions;
- (f) Professional and vocational societies; or
- (g) Other media, individuals, and organizations as appropriate.

Section 2. Application for Employment Submittal and Review Process.

- (1) The agency shall be the custodian of applications.
- (2) ~~An applicant shall apply for employment electronically at <https://chfs.wd12.myworkdayjobs.com/CHFS> [Until July 1, 2020, an Application for Employment, form CH-36, shall be required of an individual seeking employment with an agency.]~~
- ~~[(3)] [Effective July 1, 2020, all applications for employment shall be submitted electronically via <https://kog.chfs.ky.gov/home/> and form CH-36 shall not be accepted].~~

Section 3. Review of Applications by the Department.

- (1) The department shall review and determine the eligibility of an applicant for a position announced by an agency.
- (2)
 - (a) The department shall take one (1) or more of the actions listed in paragraph (b) of this subsection if an applicant, eligible, or appointee:
 - 1. Lacks a specific requirement established for the assessment for the class or position;
 - 2. Is unable to perform the duties of the class;
 - 3. Makes a false statement or misrepresentation in the application;
 - 4. Has used or attempted to use political pressure or bribery to secure an advantage in obtaining the position in the examination or appointment;
 - 5. Has directly or indirectly obtained information regarding the assessment method to which the applicant was not entitled;
 - 6. Has failed to submit a complete application;
 - 7. Has failed to submit the application by the end date established by the agency in a published announcement;
 - 8. Has taken part in the compilation or administration of the interview process;
 - 9. Has submitted an application for an unadvertised position to an agency that is not on continuous open recruitment; or
 - 10. Has failed a background check or drug screen.
 - (b) Based on one (1) or more of the reasons listed in paragraph (a) of this subsection, the department shall take any of the following actions:
 - 1. Refuse to examine an applicant;
 - 2. Not qualify an applicant;
 - 3. Remove the applicant's name from a register;
 - 4. Refuse to certify an eligible on a register; or
 - 5. Consult with the appointing authority in taking steps to remove a person already appointed.
- (3) An applicant or employee who has been convicted of a misdemeanor or felony may be employed, or continue employment, if the appointing authority and the department determine after review that:
 - (a) The applicant is highly qualified and eligible for appointment;
 - (b) The misdemeanor or felony conviction will not adversely affect the applicant's job performance;
 - (c) A specific need exists for the appointment or continuing appointment of this applicant or employee; and

(d) Every determination made is fully supported by written documentation available for public inspection under the provisions of KRS 61.872.

(4) A disqualified applicant shall be promptly notified of the action in writing.

Section 4. Establishment of Registers of Eligible Applicants.

(1) An agency may announce a position on a continuous basis for a position that is difficult to recruit for and fill.

(2) A qualified ~~[If a job classification requires an applicant to meet the minimum qualifications,]~~ ~~[an]~~ individual may~~[shall]~~ remain on the register for a period not to exceed six (6) months~~[of one (1) year]~~ from the date ~~[on which]~~ the individual is determined qualified.

(3) If a vacancy exists in a class of positions for which there is no appropriate register, the department may certify a new register for the class from a previous existing register.

(4) ~~[A register may be deemed to be exhausted by the department if fewer than five (5) eligible applicants remain on the register.]~~

~~[(5)]~~ The department may remove the name of an eligible from a register:

(a) For a disqualifying cause stipulated in Section 3(2)(a) of this administrative regulation;

(b) On receipt of a statement from the eligible stating that he or she no longer desires consideration for a position;

(c) If an offer of a probationary appointment to the class for which the register was established has been declined by the eligible;

(d) If the eligible declines an offer of appointment for which the eligible previously indicated acceptance;

(e) If the eligible fails to report for a scheduled interview without valid reason; or

(f) If an eligible has ~~[been certified three (3) times to a valid register and has]~~ not been offered employment within six (6) months~~[one (1) year]~~ of the application.

(5) ~~[(6)]~~ If an eligible receives a probationary appointment, the eligible shall be removed from the applicable register unless otherwise requested in writing.

Section 5. Issuance of Certification of Eligible Applicants.

(1) The department shall issue a certification of eligible applicants to an agency in the following manner:

(a) A promotional certification of eligible applicants that responded to an announcement provided within an agency;

(b) A regular certification of eligible applicants that responded to an announcement provided to recruitment resources external to the agency; or

(c) A combination of paragraphs (a) and (b) of this subsection.

(2) The certification of eligible applicants shall expire sixty (60) days from the date of issue unless otherwise specified on the certification of eligible applicants.

(3) A regular status employee, placed in a layoff category, shall be considered in filling a vacancy in a classified position for which the employee is qualified in the agency from which the employee was laid off, for up to one (1) year.

(4) A regular status employee in the layoff category shall indicate in writing to the agency that he or she desires~~[desire]~~ reemployment.

(5) If a laid-off regular status employee desires reemployment in a different job classification, the employee shall meet the minimum requirements of the classification.

Section 6. Assessment Method.

(1) An assessment method shall be practical in nature, constructed to reveal the capacity of the applicant for the particular position, as well as general background and related knowledge. An assessment method may be:

(a) A personal interview;

- (b) Physical examination;
 - (c) An evaluation of experience and training;
 - (d) A demonstration of skill; or
 - (e) A combination of types, if all applicants for a position are given the same assessment method.
- (2) An agency may form an interview committee to evaluate an eligible applicant through a structured interview process.
- (3) The interview committee shall structure questions to assess the knowledge, skills, abilities, education, and work experience of the applicants chosen to be interviewed.
- (4) The interview questions, criteria for selecting applicants to be interviewed, profiles of interviewed applicants, and results of the interview process shall be maintained by the agency for a period of thirteen (13) months after an applicant has been appointed to the vacant position.

~~[Section 7.] [Incorporation by Reference.]~~

~~[(1)] ["Form CH-36 Application for Employment", 2/2011, Cabinet for Health and Family Services, is incorporated by reference.]~~

~~[(2)] [Until July 1, 2020, 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.]~~

JOHN R. LANGEFELD, MD, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: October 5, 2025

FILED WITH LRC: January 7, 2025 at 12:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 23, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by March 16, 2026, five (5) 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 attends virtually 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 this proposed administrative regulation through March 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie Brooks and Krista Quarles

Subject Headings: Local Health Departments; Personnel; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes a recruitment program, procedures, and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure consistent recruitment, certification, and examination procedures are applied across all local health departments.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 211.1755 authorizes the cabinet to promulgate administrative regulations that establish policies and procedures for recruitment of applicants, the determination of eligibility of applicants, the appropriate examination for applicants, and the provision of a list of qualified individuals for employment with an agency.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation ensures all local health departments follow consistent policies and procedures related to recruitment and retention of employees.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment to this administrative regulation updates the application to an electronic process, deletes the material incorporated by reference as this material is no longer required, and revises the register of eligible applicant requirements.

(b) The necessity of the amendment to this administrative regulation:

The amendment to this administrative regulation is necessary because the local health department personnel program has moved to an electronic system for advertising open positions and for submission of applications for employment.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 211.1755 authorizes the cabinet to promulgate administrative regulations that establish policies and procedures for recruitment of applicants, the determination of eligibility of applicants, the appropriate examination for applicants, and the provision of a list of qualified individuals for employment with an agency.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment to this administrative regulation ensures all local health departments follow consistent policies and procedures related to recruitment and retention of employees.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The amendment to this administrative regulation will impact individuals seeking employment at fifty-eight (58) local health departments.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

Individuals seeking employment with an impacted local health department will need to be aware of the changes to the application process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

The amendment to this administrative regulation will not result in a cost to the identified regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Local health departments will be more competitive in their ability to attract and retain a qualified workforce.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This is an ongoing program, there are no initial costs to implement the requirements of the amended administrative regulation.

(b) On a continuing basis:

The amendment to this administrative regulation does not impact costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Local health departments are funded through a mix of revenue received through fees, local tax dollars, federal grant dollars, and additional funds received from the state.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees and funding is not needed to implement the amendment to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no fees contained in this administrative regulation.

(10) TIERING: Is tiering applied?

Tiering is not applied as the requirements of this administrative regulation are equally applied to all regulated entities.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050 and 211.1755.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Division of Administration and Financial Management in the Department for Public Health, Cabinet for Health and Family Services is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures:The amendment to this administrative regulation does not impact the expenditures for the promulgating agency.

Revenues:The amendment to this administrative regulation does not generate revenue for the promulgating agency.

Cost Savings:The amendment to this administrative regulation will result in minimal cost savings for the promulgating agency.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no change in expenditures, revenues, or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Affected local entities are fifty-eight (58) local health departments.

(a) Estimate the following for the first year:

Expenditures:The amendment to this administrative regulation will not result in expenditures for affected local entities.

Revenues:The amendment to this administrative regulation does not generate revenue for the affected local entities.

Cost Savings:The amendment to this administrative regulation does not result in cost savings for the affected local entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no change to expenditures, revenues, and cost savings in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

There are no additional regulated entities.

(a) Estimate the following for the first year:

Expenditures:Not applicable.

Revenues:Not applicable.

Cost Savings:Not applicable.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Not applicable.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The amendment to this administrative regulation does not have a fiscal impact on either the promulgating agency or the affected local entities.

(b) Methodology and resources used to determine the fiscal impact:

Not applicable.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

The amendment to this administrative regulation does not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion:

Not applicable.