

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

902 KAR 8:096. Local health department employee performance evaluation program.

RELATES TO: KRS 211.090(2)~~(3)~~, 211.170(1), 211.1751, 212.170(4), 212.870, 38 U.S.C 4301-4335

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 establishing the policies and procedures of the personnel program for local health departments. This administrative regulation establishes the requirements and ~~the~~ procedures for the evaluation of local health department employee performance.

Section 1.

(1) Upon Board of Health approval, each agency shall elect to participate in one (1) of the following employee performance evaluation programs:

(a) The evaluation program described in 902 KAR 8:080, Section 8, effective until July 1, 2030; or

(b) The evaluation program described in this administrative regulation.

(2) Between the effective date of this administrative regulation and July 1, 2030;

(a) An agency electing to participate in the employee evaluation program pursuant to this administrative regulation shall notify the department prior to the start of each fiscal year; and

(b) ~~the~~

~~(3)~~ An agency electing to participate in the employee evaluation program pursuant to 902 KAR 8:080, Section 8, shall:

1. ~~(a)~~ Notify the department prior to the start of each fiscal year;

2. ~~(b)~~ Remain under the requirements of that administrative regulation unless the agency elects to participate in the provision of this administrative regulation at the start of a subsequent fiscal year; and

3. ~~(c)~~ Not be subject to any provisions of this administrative regulation.

(3) Effective July 1, 2030, all employee performance evaluation programs shall be in accordance with this administrative regulation.

(4) The department shall provide technical assistance and training for appropriate local health department supervisory employees if requested by the agency and upon notification of the board's approval.

Section 2. Purpose of the Employee Performance Evaluation Program.

(1) The purpose of the employee performance evaluation program shall be to establish a uniform process for the evaluation of an employee's performance during a specified period of time.

(2) Specific objectives of the program shall include the following:

(a) Increase the efficiency of the agency and employee through the annual planning of job duties, objectives, and performance characteristics, and assisting the employee to improve performance through prior knowledge of the expectations of the supervisor;

- (b) Serve as a medium which brings the supervisor and employee together for constructive performance discussion and written documentation;
- (c) Serve as a means to determine the level at which an employee is performing;
- (d) Recognize performance that meets and exceeds performance standards;
- (e) Identify and correct substandard performance;
- (f) Assist in determining and recording special talents, skills, and capabilities that might otherwise not be noticed or recognized;
- (g) Ensure understanding of duties and standards expected of the employee;
- (h) Provide assistance in assigning work and delegating responsibility based on a mutual understanding of the employee's skills and abilities;
- (i) Encourage the continued growth and development of employees; and
- (j) Serve as a basis to review the employee's performance for granting work related salary adjustments.

Section 3. Designated Employee Performance Evaluations. Employee performance evaluations shall be completed at the following times:

- (1) Prior to the completion of the required initial appointment probationary period established in 902 KAR 8:080, Section 9;
- (2) At the annual employee performance evaluation in accordance with Section 4 of this administrative regulation;
- (3) Prior to completion of the required probationary period following promotion established in 902 KAR 8:090, Section 1(3); or
- (4) Following reinstatement of an employee that had a gap of service with an agency of more than one (1) year but does not exceed three (3) years from date of separation in accordance with 902 KAR 8:080, Section 3(2) ~~[- or]~~
- ~~[(5) [At a special performance evaluation required by Section 10 of this administrative regulation].~~

Section 4. Annual Employee Performance Evaluation.

- (1) An employee that has gained regular status shall be evaluated by the appointing authority or designated supervisor on an annual basis.
- (2)
 - (a) An employee's established annual increment date shall be the first day of the first pay period after completion of twenty-six (26) pay periods of service during which the employee earned annual and sick leave pursuant to 902 KAR 8:120.
 - (b) A designated part-time employee's established annual increment date shall be the first day of the first pay period upon completion of twenty-six (26) pay periods of service.
- (3) An employee returning to duty from leave without pay shall receive an annual increment when the employee has completed twenty-six (26) pay periods of service since the date the employee last received an annual increment.
- (4) An annual increment date shall not change when an employee:
 - (a) Is in a position that is assigned a new or different salary grade;
 - (b) Receives a salary adjustment as a result the employee's position being reallocated;
 - (c) Is transferred;
 - (d) Receives a demotion;
 - (e) Is approved for detail to special duty;
 - (f) Returns from military leave covered under the Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. 4301 to 4335;
 - (g) Is reclassified; or
 - (h) Is promoted.

Section 5. Employee Performance Evaluation Process.

(1) The supervisor shall maintain a record throughout the evaluation period for each employee supervised.

(2) The record shall provide a chronological record of accomplishments or problems of an employee. The records shall include:

- (a) Dates;
- (b) Details;
- (c) Names; and
- (d) Any written statements regarding accomplishments or problems.

(3) The purpose of the record shall be to ensure that the evaluations are based on actual activities and performance during the review period and provide documentation necessary for the performance salary adjustment or indicated disciplinary actions necessary in the case of unacceptable performance.

~~(4) [A performance evaluation shall be completed for each regular status employee using the Local Health Department Employee Performance Evaluation form CH-40B.]~~

~~[(5)] [The CH-40B shall contain documented efforts made during the review period to correct unacceptable performance of the employee.]~~

~~[(6)]~~ At the beginning of the review period, the supervisor shall identify and develop an annual, written performance plan that outlines for each employee supervised:

- (a) The performance competencies;
- (b) Expectations;
- (c) Goals; and
- (d) Objectives.

~~(5) [(7)] [A supervisor shall develop an annual, written performance plan for each employee supervised.]~~

~~[(8)]~~ The supervisor and employee shall meet to discuss the identified performance competencies, expectations, goals, and objectives, and decide on an individual development plan to assist the employee in performing the job. The annual performance plan shall include:

- (a) An annual performance plan period;
- (b) Job-related performance competencies, goals, and objectives that are consistent with the employee's position description and relate to the agency's goals and performance competencies. Each performance competency shall describe:
 - 1. Standards or indicators of success; and
 - 2. Measurable results and time frames if applicable; and
- (c) Provisions for a minimum of one (1) interim performance plan review during the plan year to discuss performance progress, any deficiencies, and plan updates as necessary.

~~(6) [(9)]~~ The supervisor, at the end of the review period, shall rate the performance of an employee on the identified performance competencies, indicating both the level of work performed and examples of the employee's work supporting the rating given on each measure and the final rating the employee will receive.

~~(7) [(10)]~~ The supervisor shall identify the performance competencies, goals, expectations, and objectives for the next plan year.

~~(8) [(11)]~~ The results of the employee performance evaluation may be submitted to the second line supervisor, if other than the appointing authority, and the appointing authority prior to meeting with the employee.

~~(9) [(12)]~~ The supervisor and the employee shall meet to discuss the supervisory ratings, performance competencies, goals, and expectations, objectives identified for the next review period, and the employee's development plan for the next review period. The employee shall have the opportunity to provide input, examples of work, and a self-evaluation for the supervisor's consideration.

(10) ~~((13))~~ The employee shall have an opportunity to provide~~[attach written]~~ comments concerning the rating of the supervisor's evaluation. The comments shall be provided to the supervisor no later than five (5) working days after the supervisor and employee meet to discuss the performance evaluation.

(11) ~~((14))~~ An employee that disagrees with the performance rating conducted by the employee's supervisor may ask for a review with the second line supervisor or appointing authority. If the employee is not satisfied with the response, the employee may submit a grievance through the agency's grievance procedure.

Section 6. Employee Performance Evaluation Competencies.

(1) An employee shall be evaluated on at least the following performance competencies:

- (a) Position knowledge;
- (b) Communication;
- (c) Concern for accuracy;
- (d) Service orientation;
- (e) Organizational awareness; and
- (f) Performance orientation.

(2) A supervisor shall be evaluated on the following competencies in addition to those stated above:

- (a) Staff development;
- (b) Functional planning; and
- (c) Decision making.

(3) In addition to the required competencies established in subsections (1) and (2) of this section, additional competencies may be added to the employee's or supervisor's evaluation that reflects the level of development of the employee, level of responsibility, degree of independence, complexity of duties, and the overall scope of the employee's job duties.

Section 7. Employee Evaluation Rating Factors. The following ratings shall be used by the supervisor to evaluate an employee's job performance for the competencies identified:

- 5 Highly Commendable Performance
- 4 Proficient and Commendable Performance
- 3 Effective and Competent Performance
- 2 Needs Development Performance
- 1 Unacceptable Performance

Section 8. Overall Performance Rating of the Employee. The supervisor shall provide an overall rating of the employee's performance based on the following levels of performance:

(1) Highly commendable performance rating level for the employee who:

- (a) Consistently surpasses skill expectations in execution of the majority of critical job responsibilities and objectives;
- (b) Makes exceptional contributions to the overall functioning of a department by demonstrating initiative, flexibility, and creativity in addressing issues or developing systems, procedures, or enhancements for greater efficiencies and effectiveness;
- (c) Possesses superior skills and knowledge;
- (d) Constantly anticipates or responds quickly to changing situations and departmental needs;
- (e) Constantly contributes workable solutions to projects or problems;
- (f) Demonstrates work of a superior quality; and
- (g) Is a solution-oriented team player who maintains and promotes excellent working relationships.

- (2) Proficient and commendable performance rating level for the employee who:
 - (a) Consistently demonstrates skill in the execution of the majority of critical job responsibilities and objectives;
 - (b) Makes important contributions to the overall functioning of a department by demonstrating solid performance with respect to productivity and quality;
 - (c) Possesses strong skills and knowledge; and
 - (d) Is an excellent team player who maintains and promotes good working relationships.
- (3) Effective and competent performance rating level for the employee who:
 - (a) Competently executes the majority of critical job responsibilities and objectives;
 - (b) Makes positive contributions to the overall functioning of an agency by demonstrating sufficient performance with respect to productivity and quality of work;
 - (c) Possesses appropriate level of skills and knowledge;
 - (d) Maintains and promotes positive working relationships as a team player;
 - (e) Works positively to influence the work group; and
 - (f) Adjusts readily to changing situations and work assignments.
- (4) Needs development performance rating level for the employee who:
 - (a) The overall performance to ensure consistent execution of all job responsibilities and objectives needs development;
 - (b) Demonstrates success in some areas but guidance in other areas has been needed; and
 - (c) Demonstrates performance competencies that need further development and consistent application.
- (5) Unacceptable performance rating level for the employee whose overall performance indicates that:
 - (a) Job duties, responsibilities, and objectives have not been consistently met;
 - (b) Employee's performance requires close monitoring and has not kept pace with job related requirements; and
 - (c) Successes have been only occasional or of minimal impact and performance has failed to demonstrate sufficient level of competencies required.

Section 9. Salary or Annual Leave Adjustment for an Employee Based on the Levels of Performance.

- (1) An employee who receives an overall rating at the highly commendable or proficient and commendable level, shall be eligible to receive:
 - (a) The annual increment rate adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary; and
 - (b)
 1. An additional lump sum payment that was adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary if adequate documented justification is provided to the department for approval; or
 2. An additional one (1) or two (2) days annual leave.
 - (c) The lump sum payment or annual leave adjustment shall be effective the same date as the annual increment awarded.
- (2) An employee who receives a performance rating at the effective and competent level shall be eligible to receive the annual employee performance rate adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary.
- (3)
 - (a) An employee who receives a rating at the needs development level after appropriate supporting documentation has been made, shall be eligible to receive a salary adjustment equivalent to fifty (50) percent of the annual performance evaluation rate

adopted by the Board of Health at the beginning of the fiscal year not to exceed five (5) percent of the employee's salary.

(b) An employee shall be notified by the appointing authority in writing at least seven (7) days prior to the annual increment date if the employee:

1. Is denied an annual increment; or

2. Only receives a portion of the annual increment.

(c) An appointing authority shall require a special evaluation to be conducted no later than 120 days following the annual evaluation to determine if the employee's level of performance has improved.

(d) ~~(e)~~ If the employee's performance has improved to the effective and competent level, the appointing authority shall approve the employee's receipt of the additional fifty (50) percent over the remainder of the evaluation period.

(e) ~~(d)~~ For the employee who shows no improvement in performance or whose performance deteriorates, the appointing authority shall:

1. Remove the ~~[fifty (50) percent]~~ salary increment allowed under paragraph (a) of this subsection; and

2. Initiate appropriate disciplinary action in accordance with 902 KAR 8:100.

(4)

(a) For an employee who receives a rating at the unacceptable level, the appointing authority shall not grant a salary increase except as provided in paragraph (d) of this subsection.

(b) The appointing authority shall initiate dismissal action if indicated by supporting documentation.

(c) If the supporting documentation does not indicate a dismissal action, the appointing authority shall initiate appropriate disciplinary action followed by a performance re-evaluation to be completed no later than 120 days after the disciplinary action was initiated.

(d) The appointing authority shall provide the employee a salary adjustment equivalent to fifty (50) percent of the annual performance evaluation rate at the needs development performance level if an employee improves the level of performance and satisfactorily meets the performance improvement objectives as determined by the re-evaluation.

(5) The employee performance salary adjustment shall be given to the eligible employee at the beginning of the first pay period following twenty-six (26) pay periods of service during which the employee was in pay status.

~~[(6)] [An employee whose annual increment is denied shall be notified by the appointing authority in writing at least fourteen (14) calendar days prior to the annual increment date.]~~

Section 10. Special Performance Evaluation. A special performance evaluation may be conducted at any time by the employee's supervisor to gauge the level of performance or to improve performance.

~~[Section 11.] [Incorporation by Reference.]~~

~~[(1)] ["Local Health Department Employee Performance Evaluation", CH 40B-5/2019, 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.]~~

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 the requirements and procedures for the evaluation of local health department employee performance.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure consistent employee performance evaluation 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 the conditions of employment, conditions of termination, and employee performance evaluations.

(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 employee performance evaluations.

(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 employee performance procedures and deletes the material incorporated by reference as this material is no longer required.

(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 an electronic system for documenting employee performance evaluations.

(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 the conditions of employment, conditions of termination, and employee performance evaluations.

(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 procedures related to evaluating employee performance.

(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:

Local health department supervisors who conduct employee performance evaluations will need to be aware of the updated procedures.

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

There will not no cost to the regulated entities to comply with the amendment to this administrative regulation.

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

The update to an electronic employee evaluation system will streamline the performance evaluation process for supervisors and employees.

(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.

(b) On a continuing basis:

There will be no cost associated with implementing the amendment to this administrative regulation on an ongoing basis.

(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 the amendment to this administrative regulation are applied equally 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 will not impact the expenditures for the promulgating agency.

Revenues:The amendment to this administrative regulation does not generate revenue.

Cost Savings:The amendment to this administrative regulation will not result in cost savings.

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

There will be no change to 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 the affected local entities.

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

Cost Savings:The amendment to this administrative regulation will result in minimal cost savings for the affected local entities.

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

Expenditures, revenues, and cost savings will not change 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 will have minimal fiscal impact. It will not impact the expenditures, revenues, or cost savings for the promulgating agency. The transition to an electronic employee performance evaluation system will result in minimal cost savings for the affected local entities but will no impact on expenditures or revenues for the local health departments.

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

This administrative regulation does not generate revenue. Cost savings will be incurred by reducing the amount of printing cost for a paper version of the employee performance evaluation.

(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 will not have an overall negative or adverse major economic impact.

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

Not applicable.