

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)

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 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;

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

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

(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) 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) If a job classification requires an applicant to meet the minimum qualifications, an individual shall remain on the register for a period 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 one (1) year of the application.
- (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 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.

(19 Ky.R. 2765; 20 Ky.R. 371; eff. 9-3-1993; 21 Ky.R. 584; 1053; eff. 9-21-1994; 22 Ky.R. 1159; eff. 2-12-1996; 24 Ky.R. 2197; 25 Ky.R. 110; 570; eff. 8-19-1998; 27 Ky.R. 2254; 2809; eff. 4-9-2001; 32 Ky.R. 981; 1666; eff. 3-9-2006; 37 Ky.R. 1773; 2166; eff. 4-1-2011; 46 Ky.R. 1954, 2450; eff. 3-19-2020.)