

902 KAR 8:140. Appointment of a health officer or a public health department director of a local health department.

RELATES TO: KRS 211.170(1), (2), 212.170, 212.230, 212.870

STATUTORY AUTHORITY: KRS 194A.050(1), 211.1755(2), 212.170

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 for the local health department personnel program. This administrative regulation establishes the process for appointing a health officer or public health department director and the provisions of the merit system.

Section 1. Appointment of Health Officer.

(1) An agency shall appoint a health officer in accordance with the provisions of KRS 212.170, 212.230, or 212.870.

(2) The health officer shall be an unclassified employee and hold office in accordance with KRS 212.170.

(3) The health officer in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:060, Salary adjustments for local health departments;

(b) 902 KAR 8:070, Recruitment, examination, and certification of eligible applicants for local health departments;

(c) 902 KAR 8:080, Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments;

(d) 902 KAR 8:120, Leave provisions applicable to employees of local health departments; and

(e) This administrative regulation.

(4) An individual promoted to the position of health officer shall receive a salary increase, which shall be the greater of the following:

(a) Fifteen (15) percent above current salary;

(b) The minimum of the grade assigned to the health officer; or

(c) Three (3) percent per grade not to exceed midpoint of grade.

Section 2. Appointment of Public Health Department Director.

(1) In the absence of a health officer provided for in this administrative regulation, an agency shall be under the direction of a public health department director who shall meet minimum qualification of education and experience established by the department.

(2) A qualified individual shall be:

(a) Appointed or promoted from an external announcement to the position of public health department director;

(b) Employed in the unclassified service; and

(c) Hold office at the pleasure of both the board of health of the agency and the department.

(3) A public health department director in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:060, Salary adjustments for local health departments;

(b) 902 KAR 8:070, Recruitment, examination, and certification of eligible applicants for local health departments;

(c) 902 KAR 8:080, Initial appointment, probationary period, layoffs, performance evaluation, and the resignation of employees of local health departments;

(d) 902 KAR 8:120, Leave provisions applicable to employees of local health departments; and

(e) This administrative regulation.

(4) An individual promoted to the position of public health department director shall receive a salary increase, which shall be the greater of the following:

- (a) Fifteen (15) percent above current salary;
- (b) The minimum of the grade assigned to the health officer; or
- (c) Three (3) percent per grade not to exceed midpoint of grade.

Section 3. Removal of a Health Officer or Public Health Department Director in the Unclassified Service.

(1) A health officer or public health department director removed by the board of health or the department shall be notified in writing, and may, within seven (7) days, make a written request for a pre-termination conference.

(2) If no request for a pre-termination conference is made, the removal shall become effective upon the expiration of seven (7) days.

(3) If a request for a pre-termination conference is made, the pre-termination conference shall be held at the office of the agency within fourteen (14) calendar days after the request is received by the board of health of the agency.

(4) The health officer or public health department director shall not be removed until the pre-termination conference has been held and a decision rendered by the board of health of the agency and the department.

(5) Upon termination of employment, an employee who was promoted to the health officer or public health department director position may:

- (a) Revert to the position held prior to promotion; or
- (b) Be considered for a vacant position in the agency.

(6) The employee shall have had at least five (5) years of continuous service with the agency prior to the promotion to be considered for reversion.

(7) The reversion shall be subject to the approval of the board of health of the agency.

(8) An employee shall not be reverted to a position in the classified service unless the individual meets the minimum qualifications for the position.

(19 Ky.R. 2778; eff. 9-3-1993; 21 Ky.R. 598; 1055; eff. 9-21-1994; 22 Ky.R. 2360; eff. 8-1-1996; 24 Ky.R. 2216; 25 Ky.R. 123; 583; eff. 8-19-1998; 37 Ky.R. 1796; 2181; eff. 4-1-2011; 46 Ky.R. 1968; eff. 3-19-2020.)