

**18A.032 Applicants to and eligibles for the classified service -- Examination -- Placement on and removal from registers -- Certification for employment.**

- (1) Except as provided by the provisions of this chapter, the secretary may refuse to examine an applicant; or, after examination, may disqualify an applicant, remove his or her name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove the person already appointed if:
  - (a) It is found that he or she does not meet any one (1) of the preliminary requirements established for the examination for the class of position;
  - (b) He or she is unable to perform the duties of the class;
  - (c) He or she has made a false statement of material fact in his or her application;
  - (d) He or she has used or attempted to use political pressure or bribery to secure an advantage in the examination;
  - (e) He or she has directly or indirectly obtained information regarding the examination to which, as an applicant, he or she was not entitled;
  - (f) He or she has failed to submit his or her application correctly or within the prescribed time limits;
  - (g) He or she has taken part in the compilation, administration, or correction of the examination for which he or she is an applicant;
  - (h) He or she has previously been dismissed from a position in the state service for cause or has resigned while charges for dismissal for cause of which he or she had knowledge were pending;
  - (i) He or she has been convicted of a felony within the preceding five (5) years and his or her civil rights have not been restored or he or she has not been pardoned by the Governor;
  - (j) He or she has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification; or
  - (k) He or she has otherwise willfully violated the provisions of this chapter.
- (2) An eligible may be removed from a register:
  - (a) If the eligible cannot be located by postal authorities at the last address provided by the eligible;
  - (b) If the eligible responds in writing that he or she no longer desires consideration for position in that class;
  - (c) If the eligible declines an offer of probationary appointment to the class for which the register was established;
  - (d) If it is shown that the eligible is not qualified or is unsuitable for appointment to the class for which the register is established;
  - (e) If the eligible fails to reply within a period of ten (10) calendar days of the receipt of the written request of the appointing authority for an interview, or fails to appear for an interview which he or she has scheduled with the appointing authority without good cause;

- (f) If the eligible accepts an appointment and fails to present himself or herself for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;
  - (g) If the eligible states in writing that he or she is not available for appointment or does not wish to be considered for appointment; or
  - (h) If the eligible demonstrates erratic, unsafe, or threatening behavior.
- (3) When an eligible notifies the cabinet in writing that he or she is unavailable for employment or employment consideration, the cabinet may remove the name of that eligible from the appropriate register without further notification to the person.
- (4) When the cabinet is notified in writing by an appointing authority that an eligible has accepted a bona fide offer of probationary appointment to any position, effective on a specified date, his or her name may be removed from the register for all classes for which the maximum salary is the same or less than that of the class to which he or she has been appointed.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 35, sec. 3, effective June 29, 2023. -- Amended 1998 Ky. Acts ch. 154, sec. 15, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 190, sec. 1, effective April 4, 1988. -- Created 1986 Ky. Acts ch. 494, sec. 1, effective July 15, 1986.