

**PERSONNEL CABINET
(Amendment)**

101 KAR 2:066. Certification and selection of eligible applicants for appointment.

RELATES TO: KRS 18A.030(2), 18A.110(1)(b), (7), 18A.113, 18A.135, 18A.165

STATUTORY AUTHORITY: KRS 18A.030(2), 18A.110(1)(b), (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(1)(b) and (7) requires the Secretary of Personnel to promulgate administrative regulations that govern the establishment of eligibility lists for appointment, and for consideration for appointment of persons whose scores are included in the five (5) highest scores on the examination. This administrative regulation establishes the requirements for certification and selection of eligible applicants for appointment.

Section 1. Request for Certification of Eligible Applicants. To fill a vacant position in the classified service that is not filled by lateral transfer, reinstatement, reversion, or demotion, the appointing authority shall submit a request for a register to the secretary. The request shall:

- (1) Be for one (1) or more positions in the same:
 - (a) Job classification; or
 - (b) County;
- (2) Indicate:
 - (a) The number and identity of the positions to be filled;
 - (b) The title of the job classification for each position; and
 - (c) Other pertinent information that the appointing authority and the secretary reasonably determine are necessary; and
- (3) Be made by the appointing authority as far in advance as possible of the date the position is to be filled.

Section 2. Certification of Eligible Applicants.

(1) Upon receipt of a request for a register, the secretary shall certify and submit to the appointing authority the names of eligible applicants for the position who have applied.

(a) If one (1) position is involved, the secretary shall certify the names of:

1. Each applicant who:

- a. Applied for the vacant position; and
- b. If it is a tested position, has a score included in the highest five (5) scores earned through the selection method; and

2. All internal mobility candidates who are eligible and have applied for the vacant position.

(b) If more than one (1) vacancy is involved, the secretary may certify sufficient additional names for the agency's consideration in filling the total number of vacancies.

(c) Each appointment shall be made from:

1. The internal mobility candidate listing of eligible applicants who have applied for the vacant position; or
2. The eligible applicants with the five (5) highest scores who have applied for the vacant position, if applicable.

(2) The life of a certificate during which action may be taken shall be ninety (90) days from the date of issue unless otherwise specified on the certificate or job requisition. An appointment made from the certificate during that time shall not be subject to a change in the condition of the register taking place during that period.

(3) Subject to the provisions of KRS 18A.113 and KRS 18A.135, a vacancy associated with an active register certificate may be filled by an eligible who did not apply if filled by lateral transfer, reinstatement, reversion, or demotion.

Section 3. Prescreening Questions.

- (1) The secretary shall approve prescreening questions to assist in the determination of an applicant's qualifications and availability for a job vacancy.
- (2) The appointing authority may identify prescreening questions that relate to the specific job classification. The appointing authority may request that an applicant answer those prescreening questions when applying for employment. After an appointing authority has received a register, the appointing authority may consider the answers to the prescreening questions to assist in applicant selection.

Section 4. Selection. The appointing authority shall report to the secretary the recommended candidate for appointment.

(18 Ky.R. 3554; eff. 8-1-1992; Am. 19 Ky.R. 1634; eff. 3-10-1993; 20 Ky.R. 1641; eff. 2-3-1994; 26 Ky.R. 95; 565; eff. 8-25-1999; 33 Ky.R. 4199; 34 Ky.R. 225; eff. 8-31-2007; 42 Ky.R. 86, 663; eff. 10-2-2015; 43 Ky.R. 1634; eff. 6-2-2017; 48 Ky.R. 2792; eff. 9-27-2022.)

GERINA D. WHETHERS, Secretary

APPROVED BY AGENCY: April 11, 2022

FILED WITH LRC: April 15, 2022 at 9:25 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 21, 2022 at 10:00 a.m. at 501 High Street, 3rd floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five 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 cancelled. This hearing is open to the public. Any person who wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Rosemary Holbrook, Assistant General Counsel, Office of Legal Services, 501 High Street, 3rd floor, Frankfort, Kentucky 40601, phone: (502) 564-7430, fax: (502) 564-0224, email: RosemaryG.Holbrook@ky.gov.