

### **90.350 Appointments -- Promotions.**

- (1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the lists of applicants certified to him by the civil service commission after examination. Appointments shall be made only by the selection of one (1) of the three (3) holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) of this section.
- (2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three (3) persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission for noncompetitive examination, and if certified by the commission as qualified after the noncompetitive examination he may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission, which eligible list shall be prepared within thirty (30) days after a vacancy occurs in cities of the second class, or within ninety (90) days after vacancy in cities of the third class.
- (3) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than thirty (30) days in cities of the second class, or sixty (60) days in cities of the third class, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.
- (4) Temporary appointments made necessary by reason of illness or disability of regular employees shall continue only during such period of disability.
- (5) The death of an employee shall not authorize an appointment without examination in cities of the second class.
- (6) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employee in said classification ranking next highest in seniority, if he chooses, shall succeed to and fill said vacancy, unless upon charges made by the city that said employee is not qualified to fill said vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of an employee, it be established by the city that said employee has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occurs. Provided that in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority, competitive examination in such case has failed to provide an eligible list; the commission may suspend the provisions requiring competitive examination under civil service.
- (7) Where the service to be rendered by an appointee in the classified service is for a temporary period not to exceed thirty (30) days in cities of the second class, or sixty

(60) days in cities of the third class, and the need of such service is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

- (8) No person shall be certified by the commission from an eligible list more than four (4) times to the same appointing authority for the same or similar position.
- (9) The appointing authority may provide that all appointments for initial permanent employment may be probationary appointments for a period of not more than twelve (12) months, after which probationary period regular appointments shall be given to all probationary employees who are deemed to be satisfactory by the respective appointing authority.

**Effective:** July 15, 1982

**History:** Amended 1982 Ky. Acts ch. 281, sec. 2, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 289, sec. 1. -- Amended 1962 Ky. Acts ch. 137, sec. 3. -- Amended 1956 Ky. Acts ch. 246, sec. 10. -- Amended 1946 Ky. Acts ch. 50, secs. 4 and 5. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3235h-4, 3480e-4.