

90.380 Number of employees -- Salaries -- Protection from dismissal, suspension, or reduction -- Abolishment of office or position -- Reinstatement.

- (1) The city legislative body shall fix by ordinance the number and classification of city employees, and the salaries for each classification. When the number of employees and their classification has been fixed by ordinance, no employee shall be dismissed, suspended, or reduced in grade or pay for any reason except that set out in KRS 90.360.
- (2) Provided, further, that: Whenever in the exercise of a reasonable discretion, it shall be the judgment of the legislative body of the city that economic necessity requires it, or that there is no longer a need for a particular office or position to exist, the board of commissioners may abolish said office or position and any officer or employee occupying said office or position may be laid-off or suspended until and if such office or position is re-created or reestablished. The abolition of any office or position must not be a subterfuge to effect another purpose, but must be actual and bona fide and must not amount to the mere alteration, modification, or abolition of title only.
- (3) Should any officer or employee conceive that he has been aggrieved by the abolition or the proposed abolition of said office or position, he may, at any time within ninety (90) days, file a petition in equity in the Circuit Court of the county wherein the city is located, stating his reason why the position or office has not been fairly abolished, or why it should not be abolished, and upon issue joined thereon by the city, the burden shall be on the latter to establish the necessity for and the good faith of the city in abolishing said office or position. The right to abolish and the right to have the office or position re-created shall be determined as other equitable actions are determined.
- (4) If the office or position is re-created or reestablished within five (5) years, then any person who was deprived of his office or position shall be restored to the office or position he formerly held or occupied in the order of his seniority if he shall elect to do so, and the city shall advise said officer or employee at his last known address and advertise pursuant to KRS Chapter 424, that the office or position has been re-created or reestablished.

History: Amended 1966 Ky. Acts ch. 239, sec. 64. -- Amended 1946 Ky. Acts ch. 50, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3235h-9, 3480e-9.