

67A.280 Dismissal, suspension, or reduction.

- (1) No employee in the classified service of urban-county government, after serving a probationary period provided by comprehensive plan or ordinance for his class, which shall not be in excess of six (6) months, shall be dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law involving moral turpitude.
- (2) Any person may prefer charges in writing against any employee by filing them with the appointing authority who shall communicate the charges without delay to the head of the executive unit in charge of personnel matters, and to the civil service commission. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employee whom he believes guilty of conduct justifying his removal or disciplinary action. Upon the filing of charges, the secretary of the civil service commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place, and hour at which the hearing of charges will begin, this hearing not to be held within three (3) days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three (3) days after they have been filed with the secretary of the civil service commission.
- (3) Upon the hearing, the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges, provided, however, that the charges may be amended prior to trial, in which event the notice procedures hereinabove described shall be again complied with, and reasonable opportunity given for the preparation for trial on the amended charges.
- (4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the secretary of that body and served upon the witnesses by members of the police department of the urban-county government or any officer authorized to serve subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The accused employee shall have the right to have subpoenaed any witnesses he may desire, upon furnishing their names to the secretary. Subpoenas may be served on the request of the accused employee without charge. They shall be issued by the secretary and served by the police department. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.
- (5) In cases where the head of the department or executive unit or the appointing authority has probable cause to believe an employee has been guilty of conduct justifying his removal or punishment, he shall immediately suspend that employee from duty or from both pay and duty pending trial and the

employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

- (6) The civil service commission shall punish any employee found guilty by reprimand or a suspension for any length of time not to exceed six (6) months, or by reducing the grade, if the employee's classification warrants, or by combining any two (2) or more of these punishments, or by dismissal. No employee shall be reprimanded, removed, suspended, or dismissed except as provided in this section.
- (7) Irrespective of the other provisions of KRS 67A.230 to 67A.310, an employee may be suspended by the head of the executive unit in which he is employed, or by the appointing authority, but only as provided by comprehensive plan or ordinance, for a period not exceeding 30 days in any twelve (12) month period, and may be reprimanded by such head or authority not more than twice in any twelve (12) month period. In such event, the actions of such head or appointing authority shall be subject to appeal to the commission. Such appeal shall be filed with the secretary of the commission within ten (10) days of the action of the unit head or appointing authority, and may be reviewed, reduced, or revoked by the commission after a hearing in which the unit head or appointing authority shall have reasonable opportunity under rules established by the commission, to support his charges. The grounds of suspension or reprimand under this subsection shall be only those set out by comprehensive plan or ordinance. The commission shall further have the power, in the event it finds that the unit head or appointing officer acted in error, to take such action as shall be necessary to compensate the appealing employee for such error. An appeal by an employee shall not suspend the operation of the action of the unit head or appointing authority pending action of the commission.
- (8) Nothing herein shall prevent the comprehensive plan or ordinance from providing additional remedies and rights to employees.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 51, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 246, sec. 8, effective June 21, 1974.