

### **18A.125 Control through payroll certification.**

- (1) No disbursing or auditing officer of the Commonwealth shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the classified or unclassified service unless the payroll voucher or account of such pay bears the certification of the secretary, or of his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of KRS 18A.005 to 18A.200 and the rules, regulations, and orders thereunder. The secretary may for proper cause or upon order of the board withhold certification from an entire payroll or from any specific item or items thereon. The secretary may, however, provide that certification of payrolls may be made once every six (6) months, and such certification shall remain in effect except in the case of any officer or employee whose status has changed after the last certification of his payroll. In the latter case no voucher for payment of salary to such employee shall be issued or payment of salary made without the further certification of the secretary.
- (2) Any citizen, including public officers, may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of KRS 18A.005 to 18A.200, or of any rule, regulation or order thereunder. Any sum paid contrary to any provision of KRS 18A.005 to 18A.200 or of any rule, regulation, or order thereunder may be recovered in an action maintained by any citizen, from any officer who made, approved, or authorized such payment or who signed or countersigned a voucher, payroll check or warrant for such payment, or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the Treasury.
- (3) Any person appointed or employed in contravention of any provision of KRS 18A.005 to 18A.200 or of any rule, regulation, or order thereunder, who performs service for which he is not paid, may maintain an action against the officer or officers, employee or employees, who purported so to appoint or employ him, to recover the agreed pay for such services, or the reasonable value thereof if no pay was agreed upon. No such officer or employee shall be reimbursed by the Commonwealth at any time for any sum paid to such person on account of such services.
- (4) If the secretary wrongfully withholds certification of the payroll voucher or account of any employee, such employee may maintain a proceeding in the Circuit Court in the county in which he resides to compel the secretary to certify such payroll voucher or account.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 154, sec. 32, effective July 15, 1998. -- Repealed, reenacted, and amended as KRS 18A.125, 1982 Ky. Acts ch. 448, sec. 25, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 6, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 308, sec. 17. -- Created 1960 Ky. Acts ch. 63, sec. 13.

**Formerly codified as** KRS 18.260.

**2018-2020 Budget Reference.** See State/Executive Branch Budget, 2018 Ky. Acts ch. 169, Pt. I, C, 2, (1) at 1309.