

67A.300 Number of employees -- Salaries -- Protection from dismissal, suspension, or reduction -- Abolishment of office or position -- Reinstatement.

- (1) The urban-county legislative body shall fix by ordinance the number and classification of urban-county employees, and the salaries for each classification. When the number of employees and their classification has been fixed by comprehensive plan or ordinance, including any ordinance of a city or other municipality existing prior to the adoption of the urban-county form of government, which prior ordinance is adopted for any period of time by the urban-county government under its comprehensive plan or ordinance, no employee shall be dismissed, suspended or reduced in grade or pay for any reason except that set out in KRS 67A.280.
- (2) Provided, further, that: whenever in the exercise of a reasonable discretion, it shall be the judgment of the legislative body of the urban-county government that economic necessity requires it, or that there is no longer a need for a particular office or position to exist, the legislative body 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 the Circuit Court of the county wherein the urban-county government is located, stating his reason why it should not be abolished, and upon issue joined thereon by the urban-county government, the burden shall be on the latter to establish the necessity for and the good faith of the urban-county government 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 one (1) year, 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 urban-county government 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.

Effective: June 21, 1974

History: Created 1974 Ky. Acts ch. 246, sec. 10, effective June 21, 1974.