

**18A.1131 Lay-off rules applicable to classified employees only.**

- (1) A layoff of a state employee with status in the executive branch due to the abolition of a position, lack of work, or a material change in duties or organization shall comply with the provisions of this section.
- (2) Prior to the notification of an employee that he is subject to layoff and prior to the layoff of an employee, the appointing authority shall submit a lay-off plan to the secretary of the Personnel Cabinet for approval. Such plan shall contain the name of the employee and the reasons, in detail, for such layoff. Upon approval of the plan by the secretary, the employee shall be notified that he is subject to layoff and of:
  - (a) The reason for the layoff;
  - (b) The procedures established by the provisions of KRS 18A.113 and this section for the layoff of employees; and
  - (c) The rights granted employees subject to layoff and to laid-off employees.
- (3)
  - (a) An employee subject to layoff shall be transferred to a vacant position of the same pay grade, level of duties, and responsibilities for which he is qualified within the cabinet. Such position shall be located in the same county as the position from which the employee is subject to layoff;
  - (b) If such a vacancy does not exist, the employee shall be transferred to a vacant position within the cabinet for which he is qualified. Such position shall be located in the same county as the position from which the employee is subject to layoff; and
  - (c) If such a position is not available, the employee shall be notified of all vacant positions within the cabinet for which he is qualified to take an examination. The employee shall have the right to take an examination for any vacant position within the cabinet for which he is qualified. If he passes the examination, he shall be appointed to that position before any applicant or eligible on a register, except another laid-off employee with greater seniority already on such register.
- (4)
  - (a) If no position is available to an employee subject to layoff under the procedure established by subsection (3) of this section, the appointing authority shall notify the employee and the Personnel Cabinet; and
  - (b) The Personnel Cabinet shall coordinate efforts to transfer an employee subject to layoff to another agency. It shall have the authority to transfer an employee subject to layoff under this section, with the approval of the appointing authority of the agency to which the employee is to be transferred.
- (5) If no position is available, the employee shall have the right to take an examination for any position for which he is qualified. If he passes the examination, he shall be hired before any applicant or eligible on a register, except a laid-off employee with greater seniority already on such register.
- (6) If no position is available to an employee subject to layoff under the procedure established by subsections (3) and (4) of this section, the employee shall be notified in writing that he is to be laid off effective fifteen (15) days after receipt of notice, and of the rights and privileges granted laid-off employees.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 154, sec. 29, effective July 15, 1998; and ch. 487, sec. 3, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 494, sec. 5, effective July 15, 1986.

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 154 and 487. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 487, which was last enacted by the General Assembly, prevails under KRS 446.250.