

67A.290 Appeal to Circuit Court and Court of Appeals.

- (1) Any employee of the urban-county government found guilty by the civil service commission of any charge as provided by KRS 67A.280 or any action upheld under subsection (7) of the said section, or any amendment thereto, may appeal to the Circuit Court of the county in which the urban-county government is located within thirty (30) days after such action becomes final, but the enforcement of the judgment of the civil service commission shall not be suspended pending appeal.
- (2) Upon request in writing by the accused and the payment of costs therefor, the secretary of the civil service commission shall file a certified copy of the charges and the judgment of that body in the Circuit Court. Upon the transcript being filed the case shall be docketed in the Circuit Court and tried de novo.
- (3) If the secretary fails to certify the transcript to the Circuit Court within five (5) days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement that demand for the transcript had been made of the secretary more than five (5) days prior to the filing of the affidavit. Upon filing of this affidavit in the Circuit Court, the case shall be docketed in that court and the court may compel the filing of the transcript by the secretary by entering proper mandatory order, and upon failure of the secretary so to do, he shall be liable to fine and imprisonment for contempt. Such appeal shall have precedence over other business and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases, if the original punishment fixed by the civil service commission was dismissal of the accused. An appeal will also lie from the judgment of a Circuit Court in any controversy arising under this section or any other section of the statutes relating to civil service for urban-county governments.

Effective: June 21, 1974

History: Created 1974 Ky. Acts ch. 246, sec. 9, effective June 21, 1974.