

90.370 Action in Circuit Court.

- (1) Any employee of the city found guilty by the civil service commission of any charge as provided by KRS 90.360 may bring an action in the Circuit Court of the county in which the city is located to contest the action of that body.
- (2) Upon request in writing by the accused, and the payment of costs therefor, the clerk 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 as an original action.
- (3) If the clerk 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 clerk 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 clerk by entering proper mandatory order, and upon failure of the clerk so to do, he shall be liable to fine and imprisonment for contempt. Such action shall have precedence over other business and be determined speedily.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 103, effective January 2, 1978. -- Amended 1946 Ky. Acts ch. 50, sec. 7. -- Amended 1944 Ky. Acts ch. 107, sec. 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3235h-8, 3480e-8.