

151B.080 Coercion of employees prohibited -- Lay-off priorities.

- (1) It shall be unlawful to coerce certified and equivalent employees who may be or who are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with applicable statutes and layoffs shall not be utilized as a method of dismissal.
- (2) In the same office, county, and job classification, temporary, emergency, limited status, and probationary employees shall be laid off before permanent full-time or permanent part-time employees with continuing status. The Office of Career and Technical Education shall not transfer positions, including vacant positions, in order to circumvent the provisions of this section.
- (3) If two (2) or more employees subject to layoff in a layoff plan submitted to the executive director have the same qualifications and similar performance evaluations, the employee with the lesser seniority shall be laid off first.
- (4) An employee who is laid off shall be placed on a reemployment list for the class of position from which laid off and for any class for which such employee is qualified.
- (5) For a period of three (3) years, laid-off employees shall be considered before any applicant from outside the Office of Career and Technical Education, except another laid-off employee with more seniority who is already on the list.
- (6) For a period of three (3) years, a laid-off employee shall not be removed from the list unless:
 - (a) The laid-off employee notifies the office in writing that he or she no longer wishes to be considered for a position on the list;
 - (b) Two (2) written offers of appointment are declined, the offers to be for a position of the same classification and salary, and located in the same county or contiguous counties, as the position from which laid off;
 - (c) Two (2) written offers to schedule an interview are made and the laid-off employee fails to respond to a certified letter requesting the laid-off employee to schedule an interview within ten (10) working days;
 - (d) The laid-off employee fails to report for an interview after notification in writing at least ten (10) calendar days prior to the date of the interview;
 - (e) The laid-off employee cannot be located by postal authorities at the last address provided; or
 - (f) The laid-off employee has willfully violated the provisions of this chapter.
- (7) When a laid-off employee has accepted a bona fide offer of appointment to any position, effective on a specified date, the employee's name may be removed from the list for all classes for which the maximum salary is the same as or less than that of the class of appointment.
- (8) When a laid-off employee is removed from the reemployment list, the employee shall be notified in writing and shall be notified of the right to appeal to the board under provisions of KRS 151B.055.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 211, sec. 31, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 526, sec. 24, effective July 14, 2000. -- Amended 1994 Ky. Acts

ch. 363, sec. 5, effective July 15, 1994; and ch. 469, sec. 16, effective July 15, 1994.
-- Created 1990 Ky. Acts ch. 470, sec. 14, effective July 1, 1990.