

### **18A.113 Lay-off rules -- General.**

- (1) It shall be unlawful to coerce employees who may be or who are subject to layoff to resign or retire in lieu of layoff. Dismissals shall comply with statutes relating thereto, and layoffs shall not be utilized as a method of dismissal.
- (2) In the same cabinet, county, and job classification, federally funded time-limited, interim, and probationary employees shall be laid off before full-time or part-time employees with status. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation. A cabinet 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 lay-off plan submitted to the secretary have the same qualifications, the employee with the lesser seniority shall be laid off first.
- (4) An employee who is laid off shall be placed on a reemployment register for the class of position from which he was laid off and for any class for which he is qualified. He shall have the right to test for any class of position for which he is qualified to take an examination. If he passes the examination, he shall be placed on the register for the class.
- (5) For a period of five (5) years, laid-off employees shall be hired before any applicant or eligible except another laid-off employee with greater seniority who is already on such register.
- (6) For a period of five (5) years, a laid-off employee shall not be removed from any register unless:
  - (a) He notifies the cabinet in writing that he no longer desires consideration for a position on such register;
  - (b) He declines two (2) written offers of appointment to a position of the same classification and salary, and located in the same county, as the position from which he was laid off;
  - (c) Without good cause, he fails to report for an interview after he has been notified in writing at least ten (10) calendar days prior to the date of the interview;
  - (d) He is unqualified for appointment;
  - (e) He is unable to perform the duties of the class;
  - (f) He has made a false statement of a material fact in his application;
  - (g) He has used or attempted to use political influence or bribery to secure an advantage in connection with his placement on the register;
  - (h) He has been convicted of a felony within the preceding five (5) years and his civil rights have not been restored or he has not been pardoned by the Governor;
  - (i) He has been convicted of a job related misdemeanor, except that convictions for violations of traffic regulations shall not constitute grounds for disqualification;

- (j) He cannot be located by postal authorities at the last address provided by him;  
or
  - (k) He has otherwise willfully violated the provisions of this chapter.
- (7) When the cabinet is notified by an appointing authority that a laid-off employee has accepted a bona fide offer of appointment to any position, effective on a specified date, his name may be removed from the register for all classes for which the maximum salary is the same as or less than that of the class to which he has been appointed.
- (8) When a laid-off employee is removed from a register he shall be notified in writing and shall be notified of his right to appeal to the board under the provisions of KRS 18A.095.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 127, sec. 2, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 154, sec. 28, effective July 15, 1998; and ch. 540, sec. 3, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 494, sec. 4, effective July 15, 1986.

**2010-2012 Budget Reference.** See State/Executive Branch Budget, 2010 (1st Extra. Sess.) StateKy. Acts ch. 1, Pt. I, C, 1, (2) at 18.

**2010-2012 Budget Reference.** See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. I, D, 10, (1) at 28.