

18A.1132 Lay-off rules applicable to both classified and unclassified employees.

- (1) Prior to a layoff of state employees in the executive branch required by a budget reduction plan enacted pursuant to KRS 48.130, each cabinet shall prepare a lay-off plan that complies with the provisions of KRS 18A.113 and this section.
- (2) Each lay-off plan shall provide that a layoff of state employees shall occur only after all other cost saving measures are taken and have failed to alleviate the revenue shortfall, as defined in KRS 48.010, of five percent (5%) or less. These measures shall be specified in the plan, in detail, and shall include but not be limited to:
 - (a) A hiring freeze of all types of appointments;
 - (b) A reduction or delay of expenditures that would not prevent the provision of services required by law;
 - (c) Consolidation of offices and job duties that would not prevent the provision of services required by law;
 - (d) Transfer of funds as provided by the budget reduction plan enacted pursuant to KRS Chapter 48;
 - (e) Transfer of funds appropriated for or allotted to vacant positions as provided by the budget reduction plan provided for by KRS 48.130, unless it is certified that the positions are essential and cannot be filled in the period during which layoffs are to occur by transfer of existing employees of the appointing authority;
 - (f) The filling of vacancies and promotions from within the cabinet; and
 - (g) Transfers of employees within the cabinet as provided by KRS 18A.1131(3) and (4).
- (3) Each cabinet shall submit:
 - (a) Its lay-off plan; and
 - (b) A list of employees who would remain subject to layoff after the implementation of cost-saving measures;to the secretary of the Personnel Cabinet for review. Upon approval, the lay-off plans shall be submitted to the Governor for approval.
- (4) Upon approval of the plan by the Governor, the secretary shall attempt to transfer employees as provided by KRS 18A.1131(4)(b). Employees who cannot be so transferred may be laid off.
- (5) If no position is available to an employee subject to layoff under the procedures established by 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.
- (6) When the hiring freeze is ended, laid-off employees shall be hired before any applicant or eligible except laid-off employees already on such registers.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 78, sec. 25, effective June 25, 2009. -- Amended 1998 Ky. Acts ch. 154, sec. 30, effective July 15, 1998; and ch. 487, sec. 4, effective

July 15, 1998. -- Amended 1994 Ky. Acts ch. 387, sec. 30, effective July 15, 1994. -- Created 1986 Ky. Acts ch. 494, sec. 6, 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.

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.) StateKy. Acts ch. 1, Pt. I, D, 10, (1) at 28.