

**61.120 Salary -- Deduction from for failure to perform duty.**

- (1) If any officer paid in whole or in part out of the State Treasury or by any county fails or neglects to perform his duties, without a good excuse set out in full by his affidavit and certified by order of court to the Finance and Administration Cabinet or other paying officer, there shall be thereafter deducted from his salary such an amount as the total number of days during the year in which he failed or neglected to discharge his duty bears to the whole number of days in the year for which he received compensation. So much of the amount deducted as is necessary shall be applied to the payment of the special officer who performs the duty of the officer so failing.
- (2) Before the court enters an order under KRS 61.130, the court or judge designated in KRS 61.130 shall inform the officer accused of failure to perform or neglect of duty of the accusations and shall conduct a hearing on the accusations. At the conclusion of the hearing, the court or judge shall enter findings of facts and conclusions of law and an appropriate order. Either party may appeal the order to the Court of Appeals in accordance with the Rules of Civil Procedure, and such appeal shall be advanced on the docket for immediate review. Provided, however, that the notice of appeal and order appealed from shall be filed with the clerk of the Court of Appeals within thirty (30) days after the order appealed from was filed with the county clerk or Circuit Court clerk.
- (3) The court or judge designated in KRS 61.130 may appoint a hearing commissioner to conduct the hearing authorized by subsection (2) of this section. If a hearing commissioner is appointed, the case shall proceed in accordance with the Rules of Civil Procedure regarding hearing commissioners.

**Effective:** April 10, 1990

**History:** Amended 1990 Ky. Acts ch. 419, sec. 2, effective April 10, 1990. --  
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.  
sec. 3763.