

## CHAPTER 128

## ( HB 390 )

AN ACT relating to urban-county government civil service.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 67A.240 is amended to read as follows:

- (1) The civil service commission shall prescribe and propound such said examinations as are proper, commensurate with vacant positions within the various departments of the urban-county government, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of vacancies by publication pursuant to KRS Chapter 424, and shall give actual notice to all eligible applicants of time and place of examinations. Provided, however, that the civil service commission may prescribe and propound job descriptions which reasonably establish minimum qualifications and standards for eligibility to take such examinations, but in no event shall such job descriptions be a subterfuge for the evasion of the requirement that employment be determined on the basis of the principles set out herein.
- (2) The civil service commission shall, as soon after examinations as is practicable, certify to the appointing authority, a list of the applicants so examined, with the one having the highest average ranked first, and all others ranked numerically according to the result of the examination. After the compilation of such a list the commission may provide for further, substantially identical examinations, given on the same basis as the original examination, to supplement the list so compiled, and the results of each such subsequent examination shall be consolidated with the results of the prior examinations to provide an eligible list from among all of those who have taken such several examinations.
- (3) Every soldier, sailor, marine, members of the air forces, Army Nurses Corps and members of other branches of the military services and Red Cross nurses who served during a period of hostilities between the United States and another power in World War II, ~~or~~ the Korean or Vietnam conflict, ***the Persian Gulf War, Operation Iraqi Freedom, or Operation Enduring Freedom***, who has not been dishonorably discharged, and who is an applicant for any position of civil service of the urban-county government shall be entitled to five percent (5%) increase on his examination mark on entrance into civil service employment.
- (4) The civil service commission of urban-county governments shall maintain an eligible list of ***all individuals who, based on the outcome of examinations, are qualified***~~not less than five (5)~~ for each position to be filled.
- (5) The legislative body may designate certain civil service positions and prescribe that for such positions the examinations shall first be given exclusively to current employees; provided, however, that if no employee with a minimum of six (6) months' seniority achieves a passing grade, an examination shall be held in accordance with subsection (1) of this section, and shall be held, if less than five (5) such persons achieve a passing grade if the appointing authority so determines.
- (6) ***Upon the approval of the civil service commission, the appointing authority may promulgate administrative regulations to carry out the provisions of this section.***

➔Section 2. KRS 67A.270 is amended to read as follows:

- (1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the list of applicants certified by the civil service commission after examination. Appointments shall be made only by the selection of one (1) ***applicant from the list***~~of the five (5) holding the highest averages in the particular class and grade wherein the vacancy exists~~, except as provided in subsections (6) and (7) of this section.
- (2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of ~~as many as five (5)~~ persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission and if certified by the commission as qualified he may be appointed temporarily to fill the vacancy until an appointment can be made after competitive examination. Temporary appointments hereunder and under subsection (3) hereof shall continue only until a regular appointment can be made from the eligible list prepared by the commission.

- (3) In the circumstances described in subsection (2) hereof, when no one upon the eligible list, or by promotion from the same class or the next lower rank is available, competent and qualified, a temporary appointment may be made by the appointing authority without examination. In no case shall appointment hereunder or under subsection (2) hereof continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons, to such vacancies, except hereunder or under subsection (2) of this section.
- (4) Where the service to be rendered by an appointee in the classified service is for a temporary period as provided herein, the appointing authority shall select for that temporary service a person on the list of those eligible for permanent appointment, if such person accepts such appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.
- (5) Temporary appointments made by reason of these provisions, made necessary by reason of illness or disability of regular employees, may continue during such period of disability, but shall continue only during such period of disability and in no case longer than nine (9) months. No other temporary appointments other than those provided for herein may be made, except that seasonal appointments may be made for periods not in excess of six (6) months.
- (6) Seniority, in the executive unit in which the vacancy occurs, and seniority in the level or rank of employment nearest the level or rank in which the vacancy occurs, shall each be given material consideration in filling such vacancies as shall occur in the classified civil service. Within six (6) months after June 21, 1974, or within six (6) months after the effective date of the urban-county government, there shall be established by comprehensive plan or ordinance (which function may be delegated to the commission, or to the executive unit charged with personnel matters subject to the control of the commission), a plan which in definite terms complies with this subsection. The said plan may be amended from time to time in accordance with the comprehensive plan or ordinance, but the effective date of any alteration therein shall be no sooner than 180 days after its adoption. Such plan shall provide for and describe in reasonable detail the circumstances, if any, under which the seniority described therein shall be the sole criteria for promotion, and the circumstances in which it will not, and in the latter case, shall provide a reasonably definite method by which applicants shall be entitled to an increase on their examination or evaluation scores by reason of such seniority, the relative importance of each such type of seniority in such determination, and the percentage increase in such scores for such seniority. The Circuit Court of the county in which the urban-county government is located shall have jurisdiction to determine the reasonableness of such plan and alterations thereto, and its compliance with the principles set out in this subsection.
- (7) In case of vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority the commission may suspend the provisions requiring competitive examination under civil service.
- ~~(8) No person shall be certified by the commission from an eligible list more than five (5) times to the same appointing authority for the same or similar positions.~~
- ~~(9)~~ The legislative body may by ordinance provide that any person who successfully completed his probationary period and subsequently ceased working in a position in the classified civil service, for reasons other than dismissal, may be restored to the office or position he formerly held if he so requests in writing to the appointing authority. Such person shall be eligible for reinstatement for a period of one (1) year following separation from the service and shall be reinstated only with the approval of the appointing authority.

**Signed by Governor April 5, 2013.**