

18A.113 Layoff, furlough, and reduction-in-hours rules -- Notice -- Reemployment -- Administrative regulations.

- (1) As used in this section:
 - (a) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period; and
 - (b) "Layoff" means discharge of employment subject to the rights contained in this section.
- (2) An appointing authority shall have the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:
 - (a) Lack of funds or budgetary constraints;
 - (b) A reduction in spending authorization;
 - (c) Lack of work;
 - (d) Abolishment of a position;
 - (e) Efficiency; or
 - (f) Other material change in duties or organization.
- (3) The appointing authority shall determine the classifications affected, the number of employees laid off in each classification, and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid off before full-time or part-time employees with status. For purposes of layoff, "probationary employee" shall not include an employee with status serving a promotional probation.
- (4) The provisions of this section shall not apply to federally funded time-limited employees.
- (5) The secretary of the Personnel Cabinet shall approve all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until the approval has been granted. The appointing authority, with the approval of the secretary, shall have the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section.
- (6) In determining a layoff, the appointing authority shall consider all employees under the same appointing authority, within the classification affected, and within the county affected. Consideration shall be given to the following relevant factors and in this order:
 - (a) Job performance evaluations;
 - (b) Education, training, and experience;
 - (c) Disciplinary record; and
 - (d) Seniority.
- (7) Any classified employee with status whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action at least thirty (30) days in advance of the effective date of the action.
- (8)
 - (a) Any classified employee with status who is laid off shall be eligible to apply as a reemployment applicant for the job classification from which he or she

was laid off, in the cabinet from which he or she was laid off for a period of two (2) years. A reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same register.

- (b) A reemployment applicant shall not be removed from any register except as provided in KRS 18A.032.
 - (c) When a reemployment applicant is removed from a register, he or she shall be notified in writing or electronically and shall have the right to appeal to the board within thirty (30) calendar days after receipt of the notification, excluding the day he or she receives notice.
 - (d) A reemployment applicant who accepts any classified position, or who retires through the Kentucky Employees Retirement System or Kentucky Teachers' Retirement System, shall cease to have eligibility rights as a reemployment applicant.
- (9) With the approval of the secretary, the Personnel Cabinet may place employees subject to a reduction in workforce in a different position.
- (10) The secretary shall promulgate administrative regulations pursuant to KRS Chapter 13A to fully implement the provisions of this section.
- (11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be appealable to the Personnel Board.

Effective: June 29, 2023

History: Repealed and reenacted 2023 Ky. Acts ch. 35, sec. 7, effective June 29, 2023. -- 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.

2022-2024 Budget Reference. See State/Executive Branch Budget, 2022 Ky. Acts ch. 199, Pt. I, C, 2, (1) at 1658.