

### **78.455 Action of chief or board final -- Exceptions -- Appeals to courts.**

In all cases provided for in KRS 78.445 and 78.450, the action of the chief or of the board shall be final except in the following cases:

- (1) Every action in the nature of a dismissal, suspension, reduction, or fine made by the chief, shall be subject to review by the board at the request of any officer or employee affected by KRS 78.400 to 78.460, and the board shall give notice and hold a public hearing. After the public hearing, the board shall retire in executive session to discuss the evidence introduced at the hearing and make its determination and conclusion. While in executive session, the board shall not receive any further evidence or communication from any source prior to reaching its determination and conclusion. The board, while in executive session, may request and receive legal advice from board counsel on specific legal issues which may arise during deliberations. If a majority of the members of the board are of the opinion that the action of the chief is unjustified or unsupported by proper evidence, the order of the chief may be set aside and revoked by the board and the board may impose the penalty or punishment it may deem necessary and appropriate, if any.
- (2)
  - (a) Every action in the nature of a dismissal, suspension, reduction, or fine made by the board shall be final, except that any person aggrieved thereby may, within twenty (20) days after the rendition of the action, appeal to the Circuit Court of the county in which the board meets. The board shall be named respondent as the county police force merit board, and service shall be had on the chairman thereof. The appeal taken to the Circuit Court shall be docketed by the clerk as a civil action and shall be tried anew, as if no action had been rendered by the board.
  - (b) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in civil action.

**Effective:** July 13, 1990

**History:** Amended 1990 Ky. Acts ch. 312, sec. 1, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 126, sec. 2, effective June 17, 1978. -- Amended 1970 Ky. Acts ch. 198, sec. 7. -- Amended 1966 Ky. Acts ch. 25, sec. 1. -- Created 1952 Ky. Acts ch. 141, sec. 4(2), effective March 4, 1952.