

SUPREME COURT OF KENTUCKY

Friedman v. Armstrong

59 S.W.3d 875 (Ky. 2001) · Decided November 21, 2001

SUMMARY

The Kentucky Supreme Court held that final authority to remove Jefferson County Correctional Department employees rested with the Jefferson County Judge-Executive, subject to approval by the Jefferson County Fiscal Court, rather than with the Jefferson County Merit Board. The court affirmed the Court of Appeals, concluding that the applicable county ordinance, merit-board rules, and statutes did not give the Merit Board final removal authority.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Johnstone
JURISDICTION	Kentucky
DECIDED	November 21, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Friedman challenged his termination before the Jefferson County Merit Board and then sought judicial review in Jefferson Circuit Court. The circuit court ordered reinstatement, the Court of Appeals reversed, and the Supreme Court of Kentucky granted discretionary review.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion
PARTIES	Mark Friedman v. David Armstrong, Ron Bishop, Jefferson County Fiscal Court

TOPICS

- municipal law
- statutory interpretation
- administrative law
- employment law

PRACTICE AREAS

- municipal law
- administrative law
- employment law

QUESTIONS PRESENTED

1. Whether the Jefferson County Merit Board or the Jefferson County Judge-Executive, subject to approval by the Jefferson County Fiscal Court, possessed final authority to remove Jefferson County Correctional

Department employees.

2. Whether KRS 67B.050 and KRS 67B.060 vested final dismissal authority in the Merit Board despite the dissolution of the prior correctional-services merit personnel board.

HOLDINGS

1. Final authority to remove employees covered by the Jefferson County Merit Board rests with the Jefferson County Judge-Executive, subject to approval by the Jefferson County Fiscal Court.
2. KRS 67B.060 did not give the Jefferson County Merit Board final authority to dismiss Friedman because any merit system created specifically for the correctional services department ceased to have effect when the prior correctional-services merit personnel board was dissolved.

KEY QUOTATIONS

“We conclude that the authority rests with the Jefferson County Judge-Executive and, therefore, affirm the Court of Appeals.” (875)

“Thus, we hold that the trial court erred in finding that the final authority to remove JCCD employees covered by the Jefferson County Merit Board rests with the merit board and, therefore, we affirm the Court of Appeals.” (878)

FACTUAL BACKGROUND

Mark Friedman, a twenty-year employee of the Jefferson County Correctional Department, was terminated by the department chief for conduct unbecoming a public employee and violations of Title VII. The Jefferson County Merit Board held a hearing and recommended reinstatement, but Jefferson County Judge-Executive David Armstrong rejected the recommendation. The dispute centered on whether final removal authority rested with the Merit Board or with the county judge-executive subject to fiscal court approval.

PROCEDURAL HISTORY

The Jefferson County Merit Board recommended that Friedman be reinstated after a hearing. Jefferson Circuit Court held that the Merit Board possessed final dismissal authority and ordered reinstatement. The Court of Appeals reversed, and the Supreme Court of Kentucky affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Calvert v. Allen County Fiscal Court, 252 Ky. 450, 67 S.W.2d 701 (1934)