

SUMMARY OF ACTIVITIES

This annual report is generated pursuant to KRS 18A.075(6).

The list below enumerates the major activities of the Personnel Board during Fiscal Year 2009.

1. Hearing appeals pursuant to the provisions of KRS Chapter 18A of Merit System (classified) employees and unclassified employees, who have been dismissed, demoted, suspended or otherwise penalized.
2. Revision of administrative regulations as needed.
3. Zealous protection of equitable treatment and due process of all state employees, including answering various questions from state employees, members of the press and the general public concerning the merit system and its procedures.
4. Participation by hearing officers, Executive Director and General Counsel in intensive hearing officer training conducted by the Office of the Attorney General and other professional organizations as mandated by KRS Chapter 13B, Administrative Hearing Procedures Act.
5. Training state personnel on the activities of the Board and the provisions of KRS Chapter 18A.
6. Conducting investigations of matters relating to KRS 18A as they are brought to us by various means.

KENTUCKY PERSONNEL BOARD MEMBERSHIP
FISCAL YEAR 2009
July 1, 2008 – June 30, 2009

The Kentucky Personnel Board consists of five members who are appointed by the Governor for overlapping terms of four years, and two Merit System (classified) employees who are elected by their peers, also for four year terms.

<u>ACTIVE MEMBERS</u>	<u>RESIDENCE</u>	<u>APPOINTMENT, RE-APPOINTMENT OR ELECTION</u>	<u>END OF TERM</u>
Christine J. Goodmann --Chair	Frankfort	July 10, 2006	June 30, 2010
Larry B. Gillis	Lawrenceburg	December 12, 2008	June 30, 2010
Betty M. Gibson	Frankfort	October 5, 2006	January 1, 2010
Robert B. Frazer --Vice-Chair	Marion	January 11, 2007	January 1, 2011
M. Suzanne Cassidy	Covington	February 20, 2008	January 1, 2012
David B. Stevens	Lexington	June 30, 2009	January 1, 2013

PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2009

John T. Dunaway	Henderson	January 6, 2009	June 10, 2009
Lisa T. Hendricks	Georgetown	November 7, 2006	January 1, 2009
Robert G. Higgins	Lawrenceburg	July 10, 2006	October 31, 2008
Julianne True	Frankfort	September 16, 2008	March 26, 2009

APPEALS

In Fiscal Year 2009, the Personnel Board received three hundred (300) appeals alleging some violation of KRS Chapter 18A. These appeals came from classified employees who had been dismissed, suspended, demoted, laid off, or who alleged some other merit system violation. Also included in this number are appeals from unclassified employees who were dismissed, suspended, demoted, or otherwise penalized for cause or who made allegations of discrimination. Persons eligible on employment registers compiled by the Personnel Cabinet who allege some form of penalization are also allowed to appeal to the Board and those appeals are also included in this number. This number includes appeals filed by individuals over which the Personnel Board's legal jurisdiction is questionable. The appeals were reviewed to determine whether or not the Board actually had jurisdiction.

Appeals Pending 7-1-08	246
Appeals Filed During Fiscal Year	300
Final Orders Sent Out for Fiscal Year	<u>342</u>
Total Pending Cases 6-30-09	204

The Board held approximately three hundred sixty (360) pre-hearing conferences. Each appeal is scheduled for a pre-hearing to determine the issues and address any matters that need to be clarified before the evidentiary hearing. Some appeals may require more than one pre-hearing conference. The Board's Executive Director and General Counsel conduct almost all the pre-hearings to conserve the hearing officers' funding.

The hearing officers conducted one hundred and one (101) evidentiary hearings. Some of these were multiple-day hearings, while others lasted only part of a day. After the hearing officer completes his recommended order, and upon filing of subsequent pleadings and oral arguments, if requested, the Board takes its final action.

FINAL ORDERS SENT

Agency Actions Upheld (Appeal dismissed)	125
Appeals Sustained to Extent (Agency's penalty lessened)	22
Appeals Sustained (Agency's action reversed)	13
Reinstatements (Employee returned to work after dismissal)	2
Agreed Orders (Settlements)	74
Withdrawals (Appellant decided not to proceed)	<u>106</u>
	342

INVESTIGATIONS

Pursuant to KRS 18A.075, the Board has the power to conduct investigations concerning abuses of the merit systems. The following investigations were carried forward from prior fiscal years:

1. Merit Hiring Investigation (Doug Doerting petition)
2. Patton Database Investigation
3. Returning Retiree Investigation
4. Starting Salaries (New hires versus incumbent)
5. Rebecca Smith v. Veterans Affairs and Transportation Cabinet

The Rebecca Smith investigation was completed in this fiscal year. The Personnel Board found that the Department of Veterans' Affairs complied with the Personnel Board's final order and KRS Chapter 18A in regard to Ms. Smith's appeal; and that the Transportation Cabinet did not violate KRS Chapter 18A in not reinstating Ms. Smith.

The Board received five (5) requests for investigation, denied four of them and one is still pending, awaiting the outcome of a companion appeal.

KENTUCKY ADMINISTRATIVE REGULATIONS

Amendments were submitted and approved effective April 3, 2009 to 101 KAR 1:325, the regulation establishing the length of probationary periods.

Amendments were submitted and approved effective September 5, 2008 to 101 KAR 1:335, allowing employees and former employees to petition the Personnel Cabinet Secretary for removal of a written reprimand from an employee's official personnel file after a period of three years.

KENTUCKY PERSONNEL BOARD MEETINGS

In compliance with KRS 18A.070(2), the Personnel Board scheduled at least one regular meeting each month.

2008

July 18

August 8

September 19

October 10

November 14

December 12

2009

January 9

February 13

March 13

April 17

May 11

June 12

All meetings were conducted in accordance with the Kentucky Open Meetings Act (KRS 61.805, *et seq.*). Notices were sent to the press and posted in public places.