

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 2010.

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 Chapter 18A as they are brought to us by various means.

**KENTUCKY PERSONNEL BOARD MEMBERSHIP
FISCAL YEAR 2009
July 1, 2009 – June 30, 2010**

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>COUNTY OF RESIDENCE</u>	<u>APPOINTMENT, RE-APPOINTMENT OR ELECTION</u>	<u>END OF TERM</u>
Christine J. Goodmann --Chair	Franklin	July 10, 2006	June 30, 2010
Larry B. Gillis	Anderson	December 12, 2008	June 30, 2010
Betty M. Gibson	Franklin	October 5, 2006	January 1, 2010
David F. Hutcheson, Jr.	McCracken	December 14, 2009	January 1, 2011
M. Suzanne Cassidy --Vice Chair	Kenton	February 20, 2008	January 1, 2012
Douglas Wayne Sapp	Adair	November 20, 2009	January 1, 2012
David B. Stevens	Fayette	June 30, 2009	January 1, 2013

PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2009

Robert B. Frazer --Vice-Chair	Crittenden	January 11, 2007	November 15, 2009
----------------------------------	------------	------------------	-------------------

APPEALS¹

In Fiscal Year 2010, the Personnel Board received three hundred twenty-nine (329) 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.

Appeals Pending 7-1-09	204
Appeals Filed During Fiscal Year	329
Final Orders Sent Out for Fiscal Year	<u>295</u>
Total Pending Cases 6-30-10	238

The Board held approximately three hundred ninety-one (391) 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 seventeen (117) evidentiary hearings. Some of these were multiple-day hearings, while others lasted only part of a day. After a hearing officer completes the 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)	113
Appeals Sustained to Extent (Agency's penalty lessened)	14
Appeals Sustained (Agency's action reversed)	10
Reinstatements (Employee returned to work after dismissal)	16
Agreed Orders (Settlements)	51
Withdrawals (Appellant decided not to proceed)	<u>91</u>
	295

¹ Figures corrected on December 6, 2011.

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)

The Board voted to close the Merit Hiring Investigation and the Patton Database Investigation at the November 2009 meeting. The only actions remaining on these investigations are letters concluding the investigations.

KENTUCKY ADMINISTRATIVE REGULATIONS

Amendments were submitted and approved effective May 7, 2010, to 101 KAR 1:325, the regulation establishing the length of probationary periods.

KENTUCKY PERSONNEL BOARD MEETINGS

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

2009

July 10

August 14

September 11

October 9

November 13

December 11

2010

January 8

February 12

March 12

April 9

May 7

June 11

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.