

KENTUCKY PERSONNEL BOARD

ANNUAL REPORT

FOR

FISCAL YEAR 2023

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 2023.

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. Tracking grievances that are filed within the agencies.
4. Zealous protection of the merit system and due process rights of merit state employees and state agencies.
5. 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.
6. Conducting investigations of matters relating to KRS Chapter 18A as they are brought to the Board by various means.
7. Training state personnel on the activities of the Board and the provisions of KRS Chapter 18A.

KENTUCKY PERSONNEL BOARD MEMBERSHIP
FISCAL YEAR 2023
JULY 1, 2022 – JUNE 30, 2023

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, REAPPOINTMENT OR ELECTION</u>	<u>END OF TERM</u>
Yvette Gentry --Vice Chair, Elected December 2022 prior to Ms. Griffith's term limit	Jefferson	Appointed May 21, 2021	January 1, 2024
Marc Farris	Fayette	Appointed October 31, 2022	January 1, 2024
Rick Reeves	Whitley	Elected July 1, 2022	June 30, 2026
Larry Gillis --Chair	Anderson	Elected July 1, 2022	June 30, 2026
McKinnley Morgan	Jefferson	Appointed January 2, 2021	January 1, 2025
Morgan Ward (Appointed January 18, 2022 to fill vacancy caused by Mark Haines's term limit)	Jefferson	Appointed January 18, 2022	January 1, 2026
Mitchel Denham (Appointed to fill the vacancy caused by Beverly Griffith's term limit)	Jefferson	Appointed January 9, 2023	January 1, 2026

PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2023

Beverly H. Griffith --Vice Chair	Daviess	Appointed June 24, 2016 Reappointed February 1, 2019	January 1, 2019 January 1, 2023
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APPEALS

In Fiscal Year 2023, the Personnel Board received one hundred eighty-one (181) 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. 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 alleged some form of penalization are also allowed to make certain claims to the Board and those appeals are also included in this number. This number also includes appeals filed by individuals over which the Personnel Board's legal jurisdiction is questionable. The appeals were reviewed to determine whether the Board actually had jurisdiction.

The Board held approximately four hundred twenty-nine (429) 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 (including the General Counsel and Executive Director) conducted fourteen (14) evidentiary hearings. Some of these were multiple-day hearings, while others lasted only part of a day. The Board reviews each of the Hearing Officers' Findings of Fact, Conclusions of Law and Recommended Order. The Board also reviews any Exceptions and Responses to Exceptions filed by the parties and considers oral arguments, if requested by the parties. In all cases, the Board takes the final action.

The General Counsel and the Executive Director of the Personnel Board mediated three (3) Personnel Board appeals, none of which resulted in settlement.

APPEAL STATISTICS

Appeals Pending 7-01-2022	269
Appeals Filed During Fiscal Year	181
Final Orders Sent Out for Fiscal Year	<u>220</u>
Total Pending Cases 6-30-2023	230

FINAL ORDERS SENT

Agency Actions Upheld (Appeal dismissed)	86
Appeals Sustained to Extent (Agency's penalty lessened)	2
Appeals Sustained (Agency's action reversed)	6
Reinstatements (Employee returned to work after dismissal)	0
Agreed Orders (Settlements)	60
Withdrawals (Appellant decided not to proceed)	66

INVESTIGATIONS

Pursuant to KRS 18A.075, the Personnel Board has the power to conduct investigations concerning abuses of the merit systems.

1. The Board continued its investigation of merit system violations of the State Board of Elections/Secretary of State's office at the request of Jared Dearing.

2. The Board continued its investigation of discrimination in the Cabinet for Health and Family Services.

3. The Board opened an investigation into the filing of an amended settlement agreement in the matter of David Pritchard v. Transportation Cabinet, Appeal Nos. 2020-108 and 2020-165. The investigation closed on June 13, 2023, with a Settlement Order implementing the agreement of the parties under the Personnel Board's investigation authority pursuant to KRS 18A.075(2).

GRIEVANCES

KRS 18A.075(6) was amended by the General Assembly in 2010 and reads as follows:

(6) Make annual reports to the Governor, the Legislative Research Commission, the secretary of the Personnel Cabinet, and the co-chairs of the Interim Joint Committee on State Government prior to October 1. The board shall make biennial reports to the General Assembly, which reports shall be a public record freely available to those persons interested in obtaining a copy. The board may request state agencies to provide information to assist the board in compiling the reports, which shall include the following:

(a) The number of merit state employees at the beginning and the end of the reporting period;

(b) The total number of grievances filed and mediation requests made by merit employees during the reporting period;

(c) A tabulation of the stages in which employee complaints were resolved during the reporting period; and

(d) The average amount of time taken to resolve employee complaints during the reporting period, by stage.

The total number of Merit (classified) employees on July 1, 2022, was 22,418.

Total number of Merit (classified) employees on June 30, 2023, was 23,855.

Forty-two (42) mediation requests were made by Merit (classified) employees during FY 2023.

Two hundred eighty-two (282) grievances were filed by Merit (classified) employees in FY 2023.

There can be several stages of a grievance, depending at what stage the grievance is resolved.

Number of grievances resolved at first level of review:	29
Average time to resolve for first level:	4 days
Number of grievances resolved at second level of review:	31
Average time to resolve at second level:	3.6 days
Number of grievances resolved at third level of review:	29
Average time to resolve at third level:	7 days
Number of grievances resolved at fourth level of review:	230
Average time to resolve at fourth level:	17 days
Number of grievances resolved at Appointing Authority level (final level):	159
Average time to resolve at Appointing Authority level (final level):	16 days

KENTUCKY PERSONNEL BOARD MEETINGS

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

2022

July 8

August 12

September 9

October 14

November 7*

December 9

2023

January 13

February 10

March 10

April 14

May 12

June 9

*This meeting was moved from the second Friday due to a scheduling conflict.

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.