

KENTUCKY PERSONNEL BOARD

ANNUAL REPORT

FOR

FISCAL YEAR 2024

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 2024.

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 who have alleged some other violation of KRS Chapter 18A.
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, 2023 – JUNE 30, 2024

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>
Michael Eaves --Chair	Madison	Appointed September 25, 2023	January 1, 2025
(Appointed to fill vacancy caused by McKinnley Morgan's resignation)			
Mitchel Denham --Vice Chair	Jefferson	Appointed January 9, 2023	January 1, 2026
Rick Reeves	Whitley	Elected July 1, 2022	June 30, 2026
Larry Gillis (--Resigned Chair 4/9/2023)	Anderson	Elected July 1, 2022	June 30, 2026
Morgan Ward	Jefferson	Appointed January 18, 2022	January 1, 2026
Josh Hardesty	Jefferson	Appointed May 15, 2024	January 1, 2028

PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2024

Yvette Gentry --Vice Chair	Jefferson	Appointed December 2022	January 1, 2024
(Appointed to fill vacancy caused by Demetrius Holloway's resignation)			
McKinnley Morgan	Jefferson	Appointed January 2, 2021	Resigned July 31, 2023
Marc Farris --Vice Chair	Fayette	Appointed October 31, 2022	Resigned February 27, 2024

APPEALS

In Fiscal Year 2024, the Personnel Board received one hundred eighty (180) appeals alleging some violation of KRS Chapter 18A. These appeals came from classified and unclassified employees who had been dismissed, suspended, demoted, laid off, or who alleged some other merit system violation. Included in this number are appeals from employees 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 included in this number. This number also includes appeals filed by individuals over which the Personnel Board's legal jurisdiction is questionable. Those appeals were reviewed to determine whether the Board actually had jurisdiction.

The Board held approximately three hundred fifty-five (355) 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 conducted all the pre-hearing conferences in Fiscal Year 2024.

The Hearing Officers (the General Counsel and Executive Director) conducted eighteen (18) 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 Board's Executive Director and General Counsel conducted all hearings and pre-hearing conferences during Fiscal Year 2024 but anticipate that contract hearing officers will be taking on some of those responsibilities in Fiscal Year 2025, which should improve the efficiency of the hearing process.

The Executive Director(s) and the General Counsel of the Personnel Board did not mediate any Personnel Board appeals during Fiscal Year 2024. However, the Personnel Board made twenty-one (21) referrals to the Kentucky Employee Mediation Program (KEMP) resulting in nine (9) successful mediations in twelve (12) appeals.

APPEAL STATISTICS

Appeals Pending 7-01-2023	230
Appeals Filed During Fiscal Year	180
Final Orders Sent Out for Fiscal Year	<u>204</u>
Total Pending Cases 6-30-2024	206

FINAL ORDERS SENT

Agency Actions Upheld (Appeal dismissed)	99
Appeals Sustained to Extent (Agency's penalty lessened)	9
Appeals Sustained (Agency's action reversed)	4
Reinstatements (Employee returned to work after dismissal)	0
Agreed Orders (Settlements)	47
Withdrawals (Appellant decided not to proceed)	47

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. This investigation is ongoing.

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, 2023, was 23,720.

Total number of Merit (classified) employees on June 30, 2024, was 24,791.

Nine hundred sixty-nine (969) grievances were filed by Merit (classified) employees in FY 2024.

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:	234
Average time to resolve for first level:	5 days
Number of grievances resolved at second level of review:	196
Average time to resolve at second level:	4 days
Number of grievances resolved at third level of review:	189
Average time to resolve at third level:	5 days
Number of grievances resolved at fourth level of review:	178
Average time to resolve at fourth level:	11 days
Number of grievances resolved at Appointing Authority level (final level):	172
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.

2023

July 14

August 11

September 8

October 13

November 3*

December 8

2024

January 12

February 9

March 1*

April 12

May 10

June 14

*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.