

**KENTUCKY PERSONNEL BOARD**

**ANNUAL REPORT**

**FOR**

**FISCAL YEAR 2017**

## 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 2017.

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 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.
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 us 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 2017  
JULY 1, 2016 – JUNE 30, 2017**

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.

<b><u>ACTIVE MEMBERS</u></b>	<b><u>COUNTY OF RESIDENCE</u></b>	<b><u>APPOINTMENT, RE-APPOINTMENT OR ELECTION</u></b>	<b><u>END OF TERM</u></b>
Brian J. Crall --Chairman	Jessamine	Appointed March 4, 2016	January 1, 2020
Mark O. Haines	Barren	Appointed April 28, 2016	January 1, 2018
Beverly H. Griffith	Daviess	Appointed June 24, 2016	January 1, 2019
William J. Byrley	Jefferson	Appointed October 14, 2016	January 1, 2020
Heather C. Wagers (Sworn in February 10, 2017)	Franklin	November 16, 2016	June 30, 2018
Catherine J. Monteiro	Jefferson	Appointment March 23, 2017	January 1, 2021

**PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2016**

David B. Stevens	Fayette	June 30, 2009 Reappointed July 11, 2013	January 1, 2013 January 1, 2017
D. Brian Richmond --Accepted a non-merit position in state government - Resigned September 20, 2016	Kenton	Appointment March 4, 2016	January 1, 2020
Larry B. Gillis --Vice Chair	Anderson	December 12, 2008 Elected July 1, 2010 Re- Elected July 1, 2014	June 30, 2010 June 30, 2014 June 30, 2018
--Accepted a non-merit position in state government - Resigned May 22, 2017			
Amanda Cloyd --Accepted a non-merit position in state government - Resigned August 17, 2017	Shelby	Elected July 1, 2014	June 30, 2018

## **APPEALS**

In Fiscal Year 2017, the Personnel Board received three hundred forty two (342) 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 make certain claims 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.

The Board held approximately three hundred thirty-two (332) 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 of the pre-hearings to conserve the hearing officers' funding.

The hearing officers (including the General Counsel and Executive Director) conducted seventy-three (73) evidentiary hearings. Some of these were multiple-day hearings, while others lasted only part of a day. The Board reviews 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 Kentucky Employee Mediation Program, administered by the Personnel Cabinet, mediated twenty (20) Personnel Board appeals which resulted in fourteen (14) settlements.

### **APPEAL STATISTICS**

Appeals Pending 7-1-16	316
Appeals Filed During Fiscal Year	342
Final Orders Sent Out for Fiscal Year	<u>316</u>
Total Pending Cases 6-30-17	342

### **FINAL ORDERS SENT**

Agency Actions Upheld (Appeal dismissed)	130
Appeals Sustained to Extent (Agency's penalty lessened)	5
Appeals Sustained (Agency's action reversed)	2
Reinstatements (Employee returned to work after dismissal)	0
Agreed Orders (Settlements)	88
Withdrawals (Appellant decided not to proceed)	91

### **KENTUCKY ADMINISTRATIVE REGULATIONS**

Amendments were submitted and approved effective March 2, 2017, to 101 KAR 1:325, the regulation establishing the length of probationary periods.

## **INVESTIGATIONS**

Pursuant to KRS 18A.075, the Board has the power to conduct investigations concerning abuses of the merit systems. There were no investigations carried forward from the prior fiscal year.

No new investigations were requested or denied by the Board.

## 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, 2016, was 26,975.

Total number of Merit (classified) employees on June 30, 2017, was 26,570.

Thirty-one (31) mediation requests were made by merit (classified) employees FY 2017.

One hundred eighty-eight (188) grievances were filed by merit (classified) employees in FY 2017.

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:	52
Average time to resolve for first level:	17 days
Number of grievances resolved at second level of review:	51
Average time to resolve at second level:	22 days
Number of grievances resolved at third level of review:	17
Average time to resolve at third level:	39 days
Number of grievances resolved at fourth level of review:	20
Average time to resolve at fourth level:	17 days
Number of grievances resolved at Appointing Authority level (final level):	21
Average time to resolve at Appointing Authority level (final level):	50 days

## KENTUCKY PERSONNEL BOARD MEETINGS

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

### 2016

July 8

August 12

September 9

October 31

November 18

December 9

### 2017

January 13

February 10

March 10

April 17

May 15

June 9

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.