

## **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 2012.

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 2012**  
**July 1, 2011 – June 30, 2012**

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>
David F. Hutcheson, Jr.	McCracken	December 14, 2009 January 2, 2011	January 1, 2011 January 1, 2015
Douglas Wayne Sapp --Chair	Adair	November 20, 2009 Reappointed April 27, 2012	January 1, 2012 January 1, 2016
David B. Stevens	Fayette	June 30, 2009	January 1, 2013
Tommy W. Chandler	Webster	June 16, 2011	January 1, 2014
Larry B. Gillis --Vice Chair	Anderson	December 12, 2008 July 1, 2010	June 30, 2010 June 30, 2014
Susan E. Gardner	Franklin	July 1, 2010	June 30, 2014 Resigned June 30, 2012
Donald W. Blevins	Fayette	August 11, 2011 Reappointed April 27, 2012	January 1, 2012 January 1, 2016

## **APPEALS**

In Fiscal Year 2012, the Personnel Board received two hundred ninety-eight (298) 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.

Appeals Pending 7-1-11	214
Appeals Filed During Fiscal Year	298
Final Orders Sent Out for Fiscal Year	<u>287</u>
 Total Pending Cases 6-30-12	 225

The Board held approximately four hundred (400) 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 conducted ninety (90) 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. The average length of time from filing an appeal to final adjudication by the Board was approximately 9.75 months. Of the seventy (70) settlements, eight (8) were mediated by the Kentucky Employees Mediation Program, administered by the Personnel Cabinet.

## **FINAL ORDERS SENT**

Agency Actions Upheld (Appeal dismissed)	115
Appeals Sustained to Extent (Agency's penalty lessened)	14
Appeals Sustained (Agency's action reversed)	5
Reinstatements (Employee returned to work after dismissal)	7
Agreed Orders (Settlements)	70
Withdrawals (Appellant decided not to proceed)	76

## **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. Patton Database Investigation
2. Returning Retiree Investigation
3. Starting Salaries (New hires versus incumbent)
4. Investigation of Two Assistant Director positions in Department of Agriculture by Larry Gillis (concluded)

The following new investigations were requested:

1. Anonymous Request for Investigation of Department of Agriculture and referral of personnel matters by the Auditor's Report on Agriculture
2. Dept. of Juvenile Justice, Lincoln Village Youth Detention Center, request by Thomas Brandenburg (Request denied)

## **KENTUCKY ADMINISTRATIVE REGULATIONS**

Amendments were submitted and approved as follows:

1. Effective November 16, 2011, to 101 KAR 1:375, Employee Grievances and Complaints. The changes were made so that the length of time for supervisor's to answer grievances were the same in the regulation as in the Governor's Employee Advisory Council (GEAC) Master Agreement.

2.\* Effective July 6, 2012, to 101 KAR 2:102 and 2:140. The regulation dealt with some terminology changes and incorporation of new forms for leave. (This change was approved by the Board in FY 2012.)

3.\* Effective May 4, 2012, to 101 KAR 2:180, changes to Employee Performance Evaluation System, including adding a third interim review.

\*Personnel Cabinet Regulation

## **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, 2011, was 29,064.

Total number of Merit (classified) employees on June 30, 2012, was 28,810.

Forty-eight (48) mediation requests were made by merit (classified) employees FY 2012.

Two hundred ninety-six (296) grievances were filed by merit (classified) employees FY 2012.

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:	151
Average time to resolve for first level:	12 days
Number of grievances resolved at second level of review:	46
Average time to resolve at second level:	16 days
Number of grievances resolved at third level of review:	42
Average time to resolve at third level:	20 days
Number of grievances resolved at fourth level of review:	24
Average time to resolve at fourth level:	18 days
Number of grievances resolved at Appointing Authority level (final level):	33
Average time to resolve at Appointing Authority level (final level):	20 days

## KENTUCKY PERSONNEL BOARD MEETINGS

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

### 2011

July 8

August 12

September 9

October 7

November 14

December 9

### 2012

January 13

February 7

March 9

April 13

May 14

June 18

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.