

## 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 2008.

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

**KENTUCKY PERSONNEL BOARD MEMBERSHIP**  
**FISCAL YEAR 2007**  
**July 1, 2007 – June 30, 2008**

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>RESIDENCE</u></b>	<b><u>APPOINTMENT, RE-APPOINTMENT OR ELECTION</u></b>	<b><u>END OF TERM</u></b>
Robert G. Higgins Chairman	Lawrenceburg	July 10, 2006	June 30, 2010
Christine J. Goodmann Vice-Chairman	Frankfort	July 10, 2006	June 30, 2010
Betty M. Gibson	Frankfort	October 5, 2006	January 1, 2010
Lisa T. Hendricks	Georgetown	November 7, 2006	January 1, 2009
Robert B. Frazer	Marion	January 11, 2007	January 1, 2011
M. Suzanne Cassidy	Covington	February 20, 2008	January 1, 2012

**PAST MEMBERS WHO SERVED PART OF FISCAL YEAR 2007**

Rosemary F. Center	Frankfort	November 22, 2006	February 20, 2008
Jackson M. Andrews	Louisville	January 5, 2007	April 15, 2008

## APPEALS

In Fiscal Year 2008, the Personnel Board received four-hundred and eighteen (418) 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 appeal 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 7-1-07	226
Appeals Filed During Fiscal Year	418
Final Orders Sent Out for Fiscal Year	<u>398</u>
Total Pending Cases 6-30-08	246

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. 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 and thirty-eight (138) 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.

## FINAL ORDERS SENT

Agency Actions Upheld (Appeal dismissed)	127
Appeals Sustained to Extent (Agency's penalty lessened)	17
Appeals Sustained (Agency's action reversed)	23
Reinstatements (Employee returned to work after dismissal)	4
Agreed Orders (Settlements)	78
Withdrawals (Appellant decided not to proceed)	<u>149</u>
	398

## **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 received ten (10) requests for investigation and denied nine (9) of them

One investigation was opened in the matter of Rebecca Smith v. Veterans Affairs and Transportation Cabinet concerning a transfer between Cabinets. This investigation is ongoing.

One investigation was completed in this fiscal year. The investigation into the hiring practices of the Cabinet for Health and Family Services in Powell County, requested by Ann Aukerman. The result of the investigation was that a finding that KRS 18A.010 had been violated in the hiring of Kathy Hughes as a Family Support Specialist I, but that no political discrimination occurred. The Board did not remove Ms. Hughes from her position but did order a further review of employment decisions following LINK (Local Initiatives for a New Kentucky) referrals. Following this review, a report on KRS 18A training for some Cabinet for Health and Family Services employees and additional interviews, the investigation was closed. (See Minutes of November 9, 2007 Board meeting.)

The Personnel Board also closed the investigation regarding the Michael Duncan Hiring (2207-06). This investigation was opened at the June 2007 Board meeting at the request of the Personnel Cabinet. After all the Duncan litigation was settled, the investigation was closed at the request of the Personnel Cabinet. (See minutes of January 11, 2008 Board meeting.)

## **KENTUCKY ADMINISTRATIVE REGULATIONS**

Amendments were submitted and approved effective June 6, 2008 to 101 KAR 2:325, 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.

### **2007**

July 13

August 10

September 14

October 12

November 9

December 14

### **2008**

January 11

February 15

March 14

April 11

May 16

June 13

A special meeting of the Personnel Board was held on November 2, 2007, to discuss proposed changes to Kentucky Administrative Regulations and proposed statutory changes.

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.