

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2019-167

BRIAN BLACK

APPELLANT

VS.

FINAL ORDER
SUSTAINING HEARING OFFICER'S
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER

LABOR CABINET

APPELLEE

AND

AMANDA HALL

INTERVENOR

*** **

The Board, at its regular April 2020 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated March 6, 2020, Appellant's exceptions and request for oral argument. Intervenor's response to Appellant's exceptions, Appellee's response to Appellant's exceptions, oral arguments, and being duly advised,

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer are approved, adopted and incorporated herein by reference as a part of this Order, and the Appellant's appeal is therefore **DISMISSED**.

The parties shall take notice that this Order may be appealed to the Franklin Circuit Court in accordance with KRS 13B.140 and KRS 18A.100.

SO ORDERED this 22nd day of April, 2020.

KENTUCKY PERSONNEL BOARD


MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:
Hon. Haley Kincer
Mr. Brian Black
Ms. Amanda Hall
Ms. Leslie Tindall

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This matter came on for an evidentiary hearing on January 22 and 23, 2020, at 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. R. Hanson Williams, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Brian Black, was present at the evidentiary hearing and was not represented by legal counsel. The Appellee, Labor Cabinet, was present and represented by the Hon. Haley Kincer. Appearing as Agency representative was Leslie Tindall. The Intervenor, Amanda Hall, was present and was not represented by legal counsel.

This matter involves the appeal by the Appellant of his failure to receive a promotion to the position of Assistant Director of Occupational Safety and Health Compliance in the Labor Cabinet. The selected candidate was Amanda Hall.

At issue was whether the Appellee complied with the provisions set forth in KRS 18A.0751(4)(f) and 101 KAR 1:400 in selecting the Intervenor as the Assistant Director. The Appellant was assigned the burden of proof by a preponderance of the evidence to show the selection of the Intervenor was not in conformity with the applicable statutes and regulations.

BACKGROUND

1. The Appellant called as his first witness the **Intervenor, Amanda Hall**. Director Randy Harris recommended Hall for selection to Appointing Authority Anya Carnes by memo dated May 6, 2019, which selection was subsequently approved.

2. The witness introduced Appellant's Exhibit 1, a Position Description (PD) for the Assistant Director of the Division for Occupational Safety and Health (OSH) Compliance. This PD provides for a Statement of Duties, under which are seven tasks. The Statement of Duties portion reads, as follows:

Provides assistance related to the overall management of the staff for the Division of OSH Compliance. Ensures all functions are in compliance with applicable OSH Compliance laws, statutes and regulations, as well as Labor Cabinet policies. Manages and oversees the Ky. Occupational Safety & Health Program statewide to include health inspection and investigation compliance. Performs other duties as required.

3. The various tasks are outlined as follows:

Task No. 1 (30%): Provides assistance with all functions of the division, including the management of day-to-day operations of office and personnel to include but not limited to: performance management and the required, yearly performance evaluations, review and analysis of the division's budget, and administrative functions to include written correspondence, invoices and travel documents.

Task No. 2 (25%): Responsible for overseeing the work of the employees to include the case assignment process, ensuring that all inspections are properly and promptly investigated, and supporting employees with the interpretation of applicable statutes and regulations as they apply to specific cases or general questions. Assist employees with cases as needed.

Task No. 3 (15%): Assist with various division-level initiatives, such as the implementation of the employee

training program, business plan, and the case management system.

Task No. 4 (10%): Monitor/measure the division's progress toward program goals and objectives; provide monthly updates and reports about the division's work and work performance, and relevant laws and regulations to ensure compliance with all state and federal statutes, regulations, and Cabinet policies.

Task No. 5 (10%): Represents the division in various meetings with employers and employees, as well as hearings, informal conferences, etc. Communicate with the Office of General Counsel on the interpretation of applicable laws relating to complex cases.

Task No. 6 (5%): Respond to public inquiries verbally or through written correspondence regarding general questions, complaints, or specific cases.

Task No. 7 (5%): Performs other duties as assigned.

4. The witness also produced Appellant's Exhibit 2, a Request for Merit Hiring Action for the position in question. Under "Justification" for requesting this position, the Request provides an explanation as to why the position is critical for mission accomplishment. This states as follows:

This position is essential to the ongoing operation and management of the division and its two branches within the division (Safety and Health) This position manages and oversees the KY Occupational Safety & Health program statewide to ensure all division functions are in compliance with applicable OSH Compliance laws, statutes, and regulations. The holder of this position "gets in the weeds" to assist with the management of office personnel and field personnel on a day-to-day basis to allow the division director valuable time to perform his duties. This position will assist personnel and General Counsel in monitoring complex cases as well as monitoring the division's progress toward program goals and objectives.

(Hearing Officer Note: At this point, the reader should be aware that the interview panel for the position consisted of Director Randy Harris, Human Resource

Administrator Patricia Dempsey, and Executive Advisor Jeff Smith. The same 11 questions were asked of each candidate and the panel rated the candidate's answers. The ratings assessment ranged from Poor to Fair to Good to Very Good to Excellent.)

5. Each candidate was reviewed as to the five factors set forth in 101 KAR 1:400. Those are: seniority, qualifications, performance evaluations, record of performance, and conduct.

6. The following comparisons are set forth, as follows:

Seniority:

	<u>Black</u>	<u>Hall</u>
Months of state service	216	116
Months of Cabinet service	216	0

Qualifications:

	<u>Black</u>	<u>Hall</u>
	B.S. Degree, UK	B.A. Degree, Bellarmine University

Performance Evaluations:

	<u>Black</u>	<u>Hall</u>
	2017 - Outstanding	2017 - Highly Effective
	2018 - Highly Effective	2018 - Highly Effective

Record of Performance:

Black - Various leadership roles and training and mentoring roles. Also given an Employee Recognition Award for his compliance office work.

Hall - Governor's Ambassador Award nominee, recognized by federal DOL.

Conduct:

Black - No previous disciplinary action.

Hall - No previous disciplinary action.

7. Referred to the various job tasks in the Position Description, Hall admitted she had no previous Labor Cabinet experience. Therefore, she had no specific experience with OSHA programs or regulations. She continued that she had 10 years' experience at an auto factory where she was in a supervisory role, performing evaluations and the management of employees. She testified that, on her application and in her interview, she had attempted to emphasize her leadership qualities in the past. Her resumé shows that her state government experience has been as a Workplace Development Consultant, an Administrative Section Supervisor with the Office of Inspector General, and an Administrative Section Supervisor with the Department for Medicaid Services. Her total supervisory experience in state government was 24 months.

8. When queried as to how she could be effective in the new duties with no previous OSH experience, the witness explained that she would have two program managers under her who were "expert support." Regarding Task No. 3, the duty of being responsible for the case management system (OSH Express), the witness stated that she is computer literate and felt it would be no problem in learning this system with the assistance of her managers. This task would be 15% of her duties.

9. Regarding Task No. 5, as to the duty to communicate with the Office of General Counsel, the witness stated that in her previous jobs she had no direct communication with counsel, but rather worked through the chain of command to assist. This would be 10% of her duties.

10. The witness stated that in her previous supervisory roles, she has had experience in the searching of applicable regulations and laws pertaining to her programs. Regarding Task No. 3 in the Position Description, which pertains to the training of employees, the witness stated that she had emphasized her leadership and management skills during her interview. She also added that, during this interview, she was advised that the division was looking for someone to train leaders to "be leaders." Later in her testimony, the witness advised that morale and performance were sorely lagging in the OSH compliance program and there was some fear that the program might be taken over by the federal agency. This testimony indicated that the person sought for the Assistant Director position was one who could train, manage, lead, and inspire employees to better performance.

11. The Intervenor then added that, during her interview, she was not told that she was expected to learn the OSH regulations and laws on the first day of employment. Rather, the Agency was looking for leadership qualities.

12. The Appellant's next witness was **Randy Harris**. He has served as the Division Director for the Division of Occupational Safety and Health Compliance in the

Agency for the past 16 months. He testified that he and the other interview panel members were cognizant of 101 KAR 1:400 and its five factors. He confirmed that the panel gave appropriate consideration to those factors.

13. The witness next referenced Appellant's Exhibit 1, the Position Description (PD) for the Assistant Director position. He confirmed that the Assistant Director would give him assistance in managing the day-to-day operations of the division. Those duties would include investigating and responding to complaints of accidents and incidents. He added that the duties also included overseeing administrative functions and managing first-line supervisors.

14. Regarding the position's responsibility for evaluating people, the witness stated that there are different levels of supervisors under the Assistant Director, some of which include the Compliance Officers. The witness stressed that he was looking to select a person to have a "broad view" of the division's responsibilities and, most particularly, he was seeking a person who was strong in management and supervisory skills. The witness admitted that Intervenor Hall did not bring any previous technical experience for OSH to the interview, but felt that she could learn the applicable statutes and regulations.

15. The witness then added that, regarding Task No. 2, he felt that Hall could ensure prompt and proper investigations of accidents and incidents as she had some investigatory experience. He then added that the Appellant had varied experience and was clearly experienced in the OSH laws and regulations.

16. Regarding the case management system (OSH Express), the witness admitted that Hall had no specific experience, but he felt she had the ability to learn. He did admit that Black had specific knowledge of this system. The witness admitted that for all duties which required OSH experience, Black clearly had more experience, as Hall had never worked in the Labor Cabinet. However, he again emphasized that she had the supervisory and leadership management experience that he was seeking.

17. The witness then testified that the panel had considered the letters of recommendation for the Appellant and the Intervenor. Although they were considered, these were not a big factor in the final decision.

18. Regarding Appellant's Exhibit 2, the Request for Merit Hiring Action packet for the OSH Compliance Assistant Director position, the witness commented on the statement that the holder of the position would "get in the weeds." The witness stated that he felt that the person holding the position would have to deal with multiple issues and, therefore, would need good leadership skills. He felt Hall had the management attributes regarding people and the processes that would need to be managed.

19. On cross-examination, the witness stated that he would be the first-line supervisor of the Assistant Director. He added that Patricia Dempsey, the HR representative on the panel, had gathered all the information needed to comply with the five factors for the panel to consider. The witness then confirmed that he and the other panel members had reviewed the Internal Mobility Applicant Forms of the Appellant and Hall (Appellant's Exhibits 5 and 8). These forms detail the applicable information for each of the five factors. Regarding the Intervenor's lack of OSH experience, the witness stated that he believed that, after interviewing Hall, she would be able to perform the duties required. He also stated that, on day one, a person would not necessarily have to have the OSH knowledge required to carry out the duties. He again emphasized that he was looking for a person who had strong management and leadership skills. As such, the witness testified that he did not rely solely on the factors detailed on the Internal Mobility Applicant Forms.

20. Referred to Appellant's Exhibit 3, the Interview Questionnaire Worksheet for Hall, the witness confirmed he had rated her as an overall "Very Good" and the other panel members agreed. For the Appellant, the witness noted that he had also rated him as a "Very Good" on his interview. The witness went on to say that he felt Hall's responses were better, as she had emphasized the use of Performance Improvement Plans (PIP) for her previous employees.

21. Next, the witness stated that he felt Hall's qualifications regarding management, supervision, and leadership were superior to the supervision detailed in Black's history. This was because his was in retail and hers was in state government.

22. On re-direct, the witness addressed the issue of experience by stating that the Appellant's was solely within the Labor Cabinet, while Hall's management experience had been in different situations. The Intervenor, Hall, then questioned the witness and introduced Intervenor's Exhibits 1 and 2. Intervenor's Exhibit 1 was her Interim Review from January through June 2017 while serving as an Administrative Section Supervisor. (Intervenor's Exhibit 1 also contains the 2017 Annual Employee Performance Evaluation of her.) The 2017 year end score she received was 449, "Highly Effective." The Interim Review notes that Hall quickly learned regulations, policies, and procedures and that she developed a system of quality reviews of staff's work using the expertise of her peers. It is further noted that her knowledge and abilities with the staff at hand was great.

23. Hall also introduced Intervenor's Exhibit 2, the 2017 Annual Employee Performance Evaluation for the Appellant. He received a score of 460 (Outstanding) in 2017, and his year-end 2018 Annual Employee Performance Evaluation was scored as 412 (Highly Effective).

24. On re-cross, the witness noted that Hall's 2018 Annual Employee Performance Evaluation was while she served as a supervisor, whereas Black's 2018 Annual Employee Performance Evaluation was not while serving as a supervisor.

25. Appellant's next witness was **Patricia Dempsey**. She has served as a Human Resource Administrator with the Agency for the previous two years. She was one of the three interview panel members. She testified that she is very familiar with the five factors outlined in 101 KAR 1:400.

26. The witness testified in general terms that the Appellant had more OSH experience and admitted that, of course, it would be helpful. However, she stated that not all the tasks outlined in the PD required OSH experience on day one. The witness then testified that every new employee at a job has to learn their job. She did not feel that the lack of specific OSH knowledge was necessarily a hindrance. The witness then again referred to the Internal Mobility Applicant Forms (Appellant's Exhibits 5 and 8) and noted that the Appellant's supervisory experience was for 6 years in a grocery store, while the Intervenor had two years of supervisory duties with the state. The witness admitted that neither the Appellant nor the Intervenor had any previous conduct problems, and noted the evaluations for both were generally at a high level. The witness then went on to differentiate between the Assistant Director position and a Compliance Officer position within the Agency. She stated that if one were being hired as a Compliance Officer, they would need to be trained on specifics and would need to have some experience with applicable statutes and regulations. She then added that, if the hiring manager was looking for other qualities, experience in OSH would not be necessary.

27. Referred to the statement in Appellant's Exhibit 2, that the Assistant Director would have to "get in the weeds," the witness opined that she thinks this would require a very deep involvement in the day-to-day duties of the division and, of course, the Appellant had more experience with OSH statutes and regulations.

28. On cross-examination, the witness testified that she had previously sat on 10 to 12 interview panels. She was aware that all of the five factors must be considered and stated that she had compiled the Internal Mobility Applicant Forms and given them to the other panel members.

29. She added that, in her experience, the interview panels make their decision not on numerical ratings only. She also opined that she felt that none of the five factors should weigh more than the others. She also added that no candidate would be required to perform all duties of those listed on the PD on the first day.

30. The witness also remarked that she had been very impressed during Hall's interview, especially with her previous supervisory duties and experiences, which the panel felt were important in filling the Assistant Director position. She concluded by stating that the Assistant Director position needed more management experience than technical experience.

31. The Appellant's next witness was **Jeff Smith**. He has been an Executive Advisor with the Cabinet since August 2019 and was on the interview panel. He testified that he was familiar with the applicable statutes and regulations.

32. Referred to Appellant's Exhibit 1, the PD of the position in question, the witness testified that the primary focus in filling the position was to obtain a good supervisor. He stated that he felt that supervisory experience was not required, but was weighted heavily in the decision. He concluded by stating that he felt that Hall had more of a background in supervisory experience than the Appellant.

33. Referred to Task No. 3 in the PD, the witness explained that, as far as assisting with division initiatives and implementation of the employee training program, anyone coming into that position would have to learn the OSH statutes and regulations. He stated that it was obvious the Appellant had more OSH experience, but felt that was not particularly vital to the selection of the candidate.

34. In response to various questions concerning the respective "experience levels" of Hall and the Appellant, the witness replied that generally the Appellant had more experience than Hall with the OSH program and with dealing with complaints; however, he stated that OSH experience was not the most important thing the interview panel was seeking. Rather, management experience was what the panel was looking for since the Cabinet had been experiencing real problems with the Compliance Division. Regarding the Internal Mobility Applicant Forms that listed the five factors for each candidate (Appellant's Exhibits 5 and 8), the witness testified that the panel members considered all of these factors. He again reiterated that Intervenor Hall had a lot of supervisory experience in a similar situation, that being state government, whereas the Appellant's previous supervisory experience was at a Kroger store.

35. Referred to the letters of recommendation submitted, the witness freely admitted that Hall's recommendations came from someone who was not a Labor Cabinet employee, while the letters of recommendation submitted by the Appellant were from other Labor Cabinet employees.

36. On cross-examination, the witness testified that, prior to employment with the Labor Cabinet, he had received a Bachelor of Arts degree in Human Resource

Management and had 20 years of experience in interviewing and dealing with Human Resource regulations. He added that he had sat on five prior interview panels.

37. He went on to state that he and the other panel members had reviewed the evaluations of each candidate. In doing so, they considered the subject matter, the content, and the interviews as well as any Interim Review comments found on those evaluations.

38. Regarding Appellant's Exhibit 3, the Interview Questionnaire Worksheet of Intervenor Hall, the witness stated he was impressed by the amount of supervisory experience she had and how she had handled various situations. He stated it was obvious she would need to learn the OSH program, but again stressed that the panel was looking for a manager who exhibited good supervision and efficiency.

39. Appellant's next witness was **Leslie Tindall**. She served as the Human Resource Director from February through December 2018 and has been the Human Resource Manager since December 2018.

40. She stated that she had been responsible for reviewing the hiring packet (Appellant's Exhibit 2). When questioned as to seniority, she freely admitted the Appellant had more state seniority and Labor Cabinet seniority. Regarding qualifications, she stated that both applicants had college degrees and that the Appellant's evaluation ratings were slightly higher.

41. She then opined that no technical knowledge of OSH programs or regulations would be needed on day one for any new hire. She stated that technical knowledge of OSH was not specifically listed on the Job Description as required for an Assistant Director.

42. She then went on to detail that the Assistant Director position was the second-line supervisor over the Program Managers and the Compliance Officers. People filling each of those positions were considered to be subject experts and would be available to assist the Assistant Director. She again expressed that the main criteria the interview panel was seeking was effective oversight and supervision of these underlings.

43. The Appellant's next witness was **Anya Carnes**. She is an Executive Staff Advisor and served as the Appointing Authority at the time of the hire for this position. Her job was to make sure that all the pertinent information was available to the panel and the five factors were considered. She feels that the factors were appropriately considered.

44. The Appellant, **Brian Black**, called himself as his next witness. He testified that he has worked with the Labor Cabinet for 18 years and has held positions ranging

from Industrial Hygienist to Compliance Officer to Specialist. He went on to explain that he had 6 years experience with the Kroger store before entering state government and, after entering state government, then began working for the Education and Training Branch with the Division. He added that he had also served in the BPP program, which deals with the audits of facilities, and, at the time of the interview, was employed as an OSH Standards Specialist.

45. He then opined that he felt the Assistant Director position would need to have experience in the OSH Program and in regulations. He stressed the technical skills he possessed, but admitted he did not know what the division was looking for at the time of the interview and selection.

46. He admitted that Division Director Randy Harris had stated that the division was floundering and that he felt the employees were not working to their full capacity. He also stated that Harris had explained he felt there was some danger in the federal agency taking over control of the compliance program.

47. He then opined that he felt he could do all relevant tasks in the PD because of his experience.

48. On cross-examination, the witness admitted that his last job with supervisory experience was approximately 20 years ago at a Kroger store. Under cross-examination by Hall, the witness admitted that he had no training in state disciplinary actions. He also added that he has been on four or five interview panels. With this, the Appellant closed his case-in-chief.

49. The Cabinet called **Leslie Tindall** as its first witness. She testified that she has been employed in various HR positions within state government for the past 23 years. She has had multiple trainings on the hiring and selection process. She added that she has sat on approximately 20 interview panels. With regard to Appellee's Exhibit 1, the Job Class Specification for Assistant Director, the witness testified that the examples of duties given in this document are not the only duties expected of the Assistant Director position. She then went on to detail the hiring procedure and the steps therein, and it appears that all were executed properly both by the Cabinet and by the Personnel Cabinet.

50. Next, the witness testified that she does not feel that 101 KAR 1:400 provides for any particular weight to be given to each of the five factors. Regarding the end of the interview process, the witness stated that two names were submitted to the Appointing Authority for selection. Those names were the Intervenor, Hall, and a man named Dale Everhart.

51. On cross-examination, the witness was again directed to the Position Description for the position and again stated that it did not require the person selected to have prior OSH experience.

52. Randy Harris was then recalled by the Agency. He again testified that he had signed a statement indicating there was no conflict of interest in the hiring of the Intervenor. He added that he and Jeff Smith had screened the criteria and that all of the Appellant's information was reviewed. He added that all the candidates were asked the same questions. Referred to Appellant's Exhibits 5 and 8 (Internal Mobility Applicant Forms), the witness stated that there was more to the selection process than merely reviewing the five factors, one of those being the interviews themselves and the type of person the division was seeking to employ. He concluded that Intervenor Hall had the knowledge, skills, and abilities that he was looking to find in an Assistant Director.

FINDINGS OF FACT

1. A three-person interview panel (Harris, Dempsey, and Smith) reviewed pertinent information regarding the five factors to be considered under 101 KAR 1:400 where promotions are involved. This information specifically was that of the Appellant and Intervenor Hall, among other candidates for the position of Assistant Director of Occupational Safety and Health Compliance (OSH).
2. Likewise, interviews were conducted of applicants Black and Hall, with each being asked the same questions and rated upon same.
3. A comparison of the five factors under 101 KAR 1:400 as to the Appellant and Hall were basically equal with the exception being the Appellant had more experience in state government and with the Agency.
4. All interview panelists testified that prior OSH experience was not a prerequisite for filling the position. Rather, both Director Harris and Jeff Smith testified that Hall had both the leadership and management skills that the Division needed.
5. The Personnel Board has previously held the use of a mathematical formula is not required under the statute and regulations in a promotional case. See Longworth v. Cabinet for Families and Children, 2000 WL 35675352 (KY PB 1999-549). The Board also held in Ratliff, Allara, and Hall v. Cabinet for Workforce Development, Department of Employment Services, 2003 WL 25749478 (KY PB 2002-063, 2002-064 and 2002-065) there is no particular weight that must be assigned to each individual factor.

6. Lastly, as the Court of Appeals stated in the case of Cabinet for Human Resources v. Ky. State Personnel Board, et al., 846 SW2d. 711, 715 (Ky. App 1992) (the Bargo case), qualifications are defined as "any quality, knowledge, ability, experience, or acquirement that fits a person for a position, office, profession, etc."

7. The Hearing Officer further finds that appropriate consideration may be determined under the circumstances of a particular case when assessing qualifications.

8. Clearly, the Division management team was seeking a person who best fit the Division's needs for one with strong management and supervisory skills, in light of its then-current problems.

9. Therefore, the Hearing Officer finds the Agency gave appropriate consideration to the factors listed in 101 KAR 1:400 and complied with the previous holdings of the Personnel Board.

CONCLUSION OF LAW

The Hearing Officer concludes as a matter of law that the Appellant failed to carry his burden of proof by a preponderance of the evidence to show the Agency failed to follow the provisions of 101 KAR 1:400.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeal of **BRIAN BLACK V. LABOR CABINET AND AMANDA HALL (APPEAL NO. 2019-167)** be **DISMISSED**.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

Any document filed with the Personnel Board shall be served on the opposing party.

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

ISSUED at the direction of Hearing Officer R. Hanson Williams this 6th day of March, 2020.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Haley Kincer
Mr. Brian Black
Ms. Amanda Hall