

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2024-039

ELIZABETH BLEVINS

APPELLANT

v.

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

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

*** *** *** *** ***

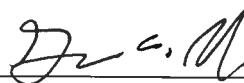
The Board, at its regular October 2024 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated September 4, 2024, and being duly advised,

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 16^{21st}0 day of October, 2024.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Elizabeth Blevins
Hon. Edward Baylous
Hon. Rosemary Holbrook (Personnel Cabinet)
Rodney Moore

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
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FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

* * * * *

This matter came on for a pre-hearing conference on August 12, 2024, at 10:30 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Gordon A. Rowe, Jr., Executive Director/Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The appellant herein, Elizabeth Blevins (the "Appellant"), was present by telephone and was not represented by legal counsel. The appellee herein, the Justice and Public Safety Cabinet, Department of Corrections (the "Appellee" or "DOC"), was present by telephone and was represented by the Hon. Edward Baylous.

This was the initial pre-hearing conference for the parties. The Hearing Officer opened the pre-hearing conference by stating the purposes of the conference: 1) to define the issues for the appeal; 2) to discuss the jurisdiction of the Personnel Board; and 3) next steps in the case.

As described in her Appeal Form, the Appellant stated she was appealing a written reprimand issued by the Appellee on February 26, 2024. Specifically, the Appellant stated she was "appealing this written reprimand due to the vague directives and lack of formal training per CPP 4.9." [See Appeal Form at p.1.] The Appellant reported that she resigned from DOC on August 7, 2024 and was not sure if she could go forward with her appeal due to the resignation. The Hearing Officer stated that the Personnel Board does not have jurisdiction to hear an appeal of a written reprimand and explained the limits of the Personnel Board's jurisdiction. KRS 18A.075 and KRS 18A.095 describe the limits of the Personnel Board's jurisdiction and state employees' rights to appeal certain employment actions. State employees cannot appeal written reprimands or the denial of written reprimands. See KRS 18A.095 and 101 KAR 1:335. Counsel for the Appellee made an oral motion to dismiss the appeal on the grounds of jurisdiction, which motion the Hearing Officer stated was well-taken.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Appellant's appeal is solely based on her claim that a written reprimand issued on February 26, 2024 by the Appellee was erroneous.

2. The Personnel Board does not have jurisdiction to hear an appeal of a written reprimand.

3. Pursuant to KRS 18A.095(16)(a), the Personnel Board "shall deny any appeal after a preliminary hearing if it lacks jurisdiction to grant relief."

4. In this appeal, there are no genuine issues of material fact on the issue of jurisdiction and the appeal can be decided as a matter of law.

RECOMMENDED ORDER

WHEREFORE, the Hearing Officer, having listened to the statements of the parties, having reviewed the file in this matter, and being otherwise duly advised,

Based on the nature of the written reprimand upon which the appeal herein is based and the limitations of the Personnel Board's jurisdiction under KRS 18A.095 and 101 KAR 1:335, **IT IS HEREBY RECOMMENDED** that the appeal of **ELIZABETH BLEVINS V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS (APPEAL NO. 2024-039)**, is **DISMISSED** unless, **within fifteen (15) days** of entry of this Order, the Appellant files a statement showing good cause as to why this appeal should not 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 fifteen (15) 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).

[Hearing Officer Note: Any document filed with the Personnel Board shall also 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).

The parties are strongly encouraged to send any exceptions and/or requests for oral argument by email to: PersonnelBoard@ky.gov

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.

SO ORDERED at the direction of the Hearing Officer this 4th day of September, 2024.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR.

EXECUTIVE DIRECTOR

A copy hereof was emailed and mailed to the following persons at their respective addresses as provided to the Personnel Board on this 4th day of September, 2024:

Elizabeth Blevins, Appellant
Hon. Edward Baylous, Counsel for Appellee
Hon. Rosemary Holbrook, Personnel Cabinet