

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2025-067

PAUL FIELDS

APPELLANT

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

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF JUVENILE JUSTICE

APPELLEE

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

The Board, at its regular November 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated October 22, 2025, 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 21st day of November, 2025.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Paul Fields, Appellant
Hon. Saeid Shafizadeh, counsel for Appellee
Hon. William Codell, co-counsel for Appellee
Hon. Rosemary Holbrook (Personnel Cabinet)
Melanie Jenkins

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2025-067**

PAUL FIELDS

APPELLANT

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDED ORDER**

**JUSTICE AND PUBLIC SAFETY CABINET
DEPARTMENT OF JUVENILE JUSTICE**

APPELLEE

* * * * *

This matter came on for an initial pre-hearing conference on September 22, 2025, at 11:00 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before Erritt H. Griggs, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The appellant herein, Paul Fields (the “Appellant”), was present by telephone and was not represented by legal counsel. The appellee herein, the Justice and Public Safety Cabinet, Department of Juvenile Justice (the “Appellee” or “DJJ”), was present by telephone and was represented by the Hon. Saeid Shafizadeh.

As described in and attached to his Appeal Form, the Appellant has appealed a written reprimand issued by Appellee on May 26, 2025. The Appellant affirmed during the pre-hearing conference that he cannot properly allege any type of protected class discrimination. The Hearing Officer notes the Personnel Board’s obligation under KRS 18A.095(16)(a) to deny any appeal after a preliminary hearing if it lacks jurisdiction to grant relief. Based on the reasons stated in more detail below, the Hearing Officer recommends the Board dismiss this appeal as a matter of law.

FINDINGS OF FACT

1. The Appellant, Paul Fields, is employed by the Department of Juvenile Justice as an EEO Coordinator for the Woodsbend Youth Development Center. He is a classified employee with status. [See Appeal Form at p. 2.]

2. On May 26, 2025, the Appellant was given a written reprimand by the Appellee for failure to report an EEO incident in violation of Department of Juvenile Justice policy and procedures. [See letter of Written Reprimand (the “Reprimand Letter”) dated May 26, 2025, which is attached to the Appeal Form.] In the Reprimand Letter, the Appellee stated that the Appellant’s actions violated Department of Juvenile Justice Policy and Procedure (DJJ PP) #103.2 “Sexual Harassment and Anti-Harassment” Sections I. and IV., (D and G.); DJJ PP #104

“Code of Conduct” Sections I. and IV. B; as well as WBYDC Standard Operating Procedures (SOP) #104 “Code of Conduct” Sections I. and IV. B.

3. The Appellant timely filed this appeal on May 8, 2025. He appealed the written reprimand as an “other” claim and also claimed the reprimand was “unwarranted” because he was made aware of the harassment allegation from a second-hand source. [See Appeal Form.]

4. During the pre-hearing conference held on September 22, 2024, the Appellant affirmed that he was appealing his written reprimand by letter dated May 6, 2025. He also acknowledged that he cannot properly allege any type of protected class discrimination.

5. The Hearing Officer explained the process for challenging a written reprimand and the petition for removal process pursuant to 101 KAR 1:335, Section 5.

CONCLUSIONS OF LAW

1. 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.”

2. The Personnel Board does not have authority to hear any appeal not specifically authorized by KRS Chapter 18A. In fact, the Personnel Board is **required** to dismiss any appeal in which it determines “it lacks jurisdiction to grant relief.” KRS 18A.095(16)(a).

3. In terms of the written reprimand, the Board clearly does not have jurisdiction to hear the Appellant’s appeal of that action. A written reprimand is not one of the personnel actions specifically enumerated under KRS 18A.095 that employees can appeal. *See* KRS 18A.095(7) and (8) (classified employees may appeal dismissal, suspension, demotion and involuntary transfer actions within thirty days of notification of action). The Personnel Board has consistently held that it does not have jurisdiction to hear an appeal of a written reprimand. *See e.g. Jackie Arnold v. Education and Workforce Development Cabinet*, 2021 WL 6050520 (KY PB) (concluding unambiguously that written reprimands are not appealable to the Personnel Board).

4. An employee who has received a written reprimand has limited remedies. After the employee has reviewed a written reprimand, the employee may draft a written response to the reprimand and the response will be included in his/her personnel file. KRS 18A.020(2)(c). Three (3) years after the written reprimand has been issued, the employee can petition the Secretary of the Personnel Cabinet to remove the written reprimand from the employee’s personnel file. 101 KAR 1:335, Section 5 (1). The Personnel Cabinet Secretary’s decision on whether to remove the reprimand is final and not appealable to the Personnel Board. 101 KAR 1:335, Section 5 (2)(b).

5. KRS 18A.095 also permits a classified employee to appeal a discriminatory personnel action but the employee must allege and prove the elements of discrimination.

6. The Appellant has unequivocally stated in the record that he is not claiming discrimination. Therefore, there are no material facts in dispute regarding the Personnel Board's lack of jurisdiction over the reprimand and the Appellee is entitled to judgment as a matter of law in relation to the dismissal of this appeal.

RECOMMENDED ORDER

WHEREFORE, based on the nature of the written reprimand underlying this appeal and the limitations of the Personnel Board's jurisdiction under KRS 18A.095(16)(a) and 101 KAR 1:335, the Hearing Officer **RECOMMENDS** that the appeal of **PAUL FIELDS V. JUSTICE AND SAFETY CABINET, DEPARTMENT OF JUVENILE JUSTICE (Appeal No. 2025-067)**, 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 22nd day of October 2025.

KENTUCKY PERSONNEL BOARD

ERRITT H. GRIGGS
GENERAL COUNSEL

A copy hereof was emailed and mailed to the following persons at their respective addresses as provided to the Personnel Board on this 22nd day of October 2025:

Paul Fields, Appellant

Hon. William Codell, Counsel for Appellee

Hon. Saeid Shafizadeh, Counsel for Appellee