

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD

REBECCA MAYFIELD (APPEAL NO. 2023-091) AND
LORI HOLDERMAN (APPEAL NO. 2023-094)

APPELLANT

VS. 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 September 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated August 19, 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 Appellants' appeals are 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 18th day of September, 2025.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Rebecca Mayfield
Lori Holderman
Hon. Kristin Wehking
Hon. Rosemary Holbrook (Personnel Cabinet)
Rodney Moore

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD**

**REBECCA MAYFIELD (2023-091)
LORI HOLDERMAN (2023-094)**

APPELLANTS

V.

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

**JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS**

APPELLEE

** ** ** ** **

The above-captioned appeals (now consolidated) are before the Hearing Officer on the Renewed Motion to Dismiss filed by the appellee herein, the Justice and Public Safety Cabinet, Department of Corrections. The appeals last came on for a pre-hearing conference on November 1, 2024, at 9:30 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Gordon Rowe, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The appellants herein, Rebecca Mayfield and Lori Holderman (collectively, the “Appellants”), were present in-person at the pre-hearing conference and were not represented by legal counsel. The appellee herein, the Justice and Public Safety Cabinet, Department of Corrections (the “Appellee”), was present by telephone and was represented by the Hon. Kristin Wehking.

At issue in these consolidated appeals are the Appellants’ almost identical claims in regard to salary increases awarded to correctional officers but not to the Appellants. The Appellants have alleged they were unjustly denied two (2) types of salary increases approved for corrections officers attributable to: a) 2023 Senate Bill (“SB”) 162 allocated funds for salary increases for corrections officers and b) a 2023 agency-awarded locality premium for corrections officers that was in addition to the raises approved by General Assembly and the Governor. The Appellee previously filed a motion to dismiss the appeal(s), which was granted in part by former Hearing Officer Mark Sipek in an Interim Order signed on or about March 7, 2024 (the “March 7 Order”). In that March 7, 2024 Order, the former Hearing Officer dismissed the Appellants’ claims regarding the salary increases given to Correctional Officers under SB 162 on the grounds that the Personnel Board does not have jurisdiction to consider claims for salary adjustment or salary disputes after passage of Senate Bill 153. The Appellee renewed its motion to dismiss in September 2024, arguing that, as a matter of law, the Board does not have jurisdiction to award the Appellants the locality premium increase given to corrections officers.

Due to the nature of the undisputed facts in this appeal, the Hearing Officer entered an order allowing for legal briefs on the issue of Personnel Board jurisdiction regarding the

Appellants' locality premium claim. The Appellee filed its renewed motion to dismiss on September 10, 2024. The Appellants did not file a response to the September 2024 renewed motion to dismiss but previously filed responses to the Appellee's motion to dismiss (which the Hearing Officer considered in relation to the renewed motion to dismiss). For the reasons stated herein, the Hearing Officer finds that the Appellee's renewed motion to dismiss is well-taken and recommends the Board dismiss these consolidated appeals.

FINDINGS OF FACT AND PROCEDURAL BACKGROUND

1. Both of the Appellants, Rebecca Mayfield and Lori Holderman, are classified employees of the Department of Corrections, with status. At the time their appeals were filed, both Appellants held the job classification of Correctional Unit Administrator I.

2. Appellant Rebecca Mayfield filed her appeal on July 11, 2023, alleging salary inequity with uniformed security officers and Deputy Wardens. She alleged she was penalized when she did not receive the same pay raise uniformed security officers and Deputy Wardens were awarded (at least in part due to SB 162). Appellant Lori Holderman filed her appeal on July 14, 2023 and also alleged she was penalized when she did not receive the same pay raise and locality premium as uniformed security officers and Deputy Wardens. Both Appellants alleged they supervise security officers and assume some security functions on occasion. These appeals (Appeal No. 2023-091 and Appeal No. 2023-094) were consolidated by Interim Order entered on September 15, 2023. Both appeals involve the same relevant, operative facts and those facts are undisputed for purposes of the Appellee's Motion to Dismiss.

3. According to the official position description for the job classification of Correctional Unit Administrator (which was submitted by both Appellants as part of the documents attached to their Appeal Forms), a Correctional Unit Administrator's job functions include: "Supervise employees and inmate population assigned to living unit at the Kentucky Correctional Institute for Women..." and to "assist and back-up the unit administrator as needed or required." Among other specific duties, the Correctional Unit Administrator will "supervise correctional officers and ensure coverage of a unit post." [See Mayfield Appeal Form statement at p. 2.] Both Appellants allege that, as staff members of a correctional facility, some aspect of security is included in their work, including processing intake of inmates and answering questions from correctional officers. [Id.] The Appellee did not dispute this description of the Appellants' job duties.

4. Both Appellants acknowledge and concede that although they supervise correctional officers and may, on occasion, be called upon for security functions, they are not correctional officers nor are they part of the correctional officer job series (which also includes correctional sergeants, lieutenants and captains). [See Appellants' Response to Motion to Dismiss (Appellants' Oct.17 Response), filed October 17, 2023 at p. 1-2.]

5. The Appellants are considered part of the program staff for the Kentucky Correctional Institute for Women ("KCIW") as distinguished from the security staff, which includes correctional officers, correctional sergeants, correctional lieutenants, and correctional captains. Even though the Appellants may be called upon at times to take on some security

functions, they are not security staff. [See Rebecca Mayfield Appeal Form statement and attachments].

6. During the 2023 Kentucky legislative session, SB 162 was passed by the General Assembly and subsequently signed by the Governor. SB 162 allocated \$30,000,000 to the Justice and Public Safety Cabinet for “fiscal year 2023-2024 to provide salary increases for **correctional officers** (emphasis added) within the Department of Corrections facilities.” 2023 RS SB 162, Section 11.(3). After passage of SB 162, correctional officers were to receive a base pay of \$50,000. *Id.*

7. The Appellants did not receive the pay raises funded by SB 162. The Appellants have acknowledged and conceded that they are outside the job classification of correctional officers but have argued they were penalized because they supervise correctional officers and are also periodically called upon to carry out security functions similar to the duties of correctional officers and because pay raises were also awarded to Deputy Wardens. [Appellants’ Oct.17 Response at p. 1-2; Mayfield Appeal Form statement.]

8. The Appellants did receive pay raises equivalent to six percent (6%) of their current salary, based on 2023 House Bill 444, which awarded 6% raises to all state employees. Under SB 162, correctional officers were specifically excepted from the 6% raises authorized by HB 444, in light of the pay increases they were authorized to receive by virtue of SB 162. 2023 RS SB 162, Section 17. In addition to the SB 162 raises, the Appellee decided to award locality premiums of \$5.23 per hour to uniformed security officers. [Appellants’ Oct. 17 Response at p. 1-2; Mayfield Appeal Form statement.] It is unclear from the record whether the locality premium was funded by the \$30,000,000 appropriation or from other appropriations to the Appellee but it is clear the Appellants did not receive the locality premium.

9. The Appellee filed a Motion to Dismiss these consolidated appeals on August 8, 2023. Former Hearing Officer/Executive Director Mark Sipek entered an Interim Order on or about March 7, 2024 (the “March 7 Order”) dismissing the Appellants’ claims with regard to the salary increases given to Correctional Officers under SB 162. The March 7 Order found that the salary increases authorized under SB 162 took effect on July 1, 2023 and consequently, the Personnel Board did not have jurisdiction to consider the disputed salary increases since Senate Bill 153, also passed by the General Assembly during the 2023 legislative session and made effective on June 29, 2023, removed the Personnel Board’s authority under KRS 18A.095 to consider appeals not based on suspensions, demotions, dismissals, involuntary transfers, or discriminatory actions.¹ Accordingly, the only remaining issue to be determined in this case is whether the Appellants are entitled to appeal the locality premium given to correctional officers (which occurred prior to June 29, 2023).

10. In the March 7 Order, the Hearing Officer acknowledged that some question remained as to the Personnel Board’s jurisdiction over the Appellants’ locality premium claim and

¹ KRS Chapter 18A was amended by the Kentucky Legislature, effective June 29, 2023. Among other changes, the category of other penalizations was removed from KRS 18A.095 as a basis for the Personnel Board’s jurisdiction.

concluded that the Board's jurisdiction to consider the locality premium could not be determined "at that time." [See March 7, 2024 Interim Order.]

11. The Appellee filed a Renewed Motion to Dismiss these appeals on September 10, 2024, arguing that the Board lacks jurisdiction over the salary inequity issue and that the Appellants were not penalized by the locality premium awarded to security officers and Deputy Wardens. The Appellants did not file a response to the Renewed Motion to Dismiss.

12. After further analysis, it is clear the Personnel Board does not have jurisdiction over the locality premium awarded to correctional officers.

CONCLUSIONS OF LAW

1. A motion to dismiss should only be granted when it appears the complaining party would not be entitled to relief under any set of facts that could prove his claim. *Pari-Mutuel Clerk's Union, Local 541 v. Kentucky Jockey Club*, 551 S.W.2d 801 (Ky. 1977). In examining whether it is proper to grant such a motion, the facts must be liberally construed in favor of the complaining party and the facts alleged in the complaint document must be accepted as true. *Pike v. George*, 434 S.W.2d 626 (Ky. 1968).

2. Even construing the alleged facts in the light most favorable to the Appellants, the Appellants cannot establish that they were "otherwise penalized" as that term was defined in the pre-SB 153 version of KRS 18A.005.

3. Under the version of KRS Chapter 18A in effect at the time the Appellants filed their appeals, a penalization of a state employee meant "demotion, dismissal, suspension, fines, and other disciplinary actions; involuntary transfers; salary adjustments; any action that increases or diminishes the level, rank, discretion, or responsibility of an employee without proper cause or authority, including a reclassification or reallocation to a lower grade or rate of pay; and the abridgment or denial of other rights granted to state employees." KRS 18A.005(30).

4. The Appellants have not been penalized in any of the ways described in KRS 18A.005(30). In particular, the Appellants are not receiving a lower grade of pay nor have they been denied any rights granted to state employees.

5. The Appellants have conceded that they cannot contest the General Assembly's award of raises to correctional officers under SB 162 and it is clear as a matter of law that the Personnel Board does not have jurisdiction to hear an appeal of any act of the General Assembly, including pay raises adopted by legislative act. *See Kelli Morrow v. Justice and Public Safety Cabinet, Dept. Of Juv. Justice*, 2023 WL 2660708 at *4 (KY PB 2023).

6. Instead, the Appellants have argued they should have been entitled to the same increases because they share some duties with correctional officers and because they supervise some correctional officers. However, the Appellants' claims fail as a matter of law because the Appellants had no right to the raise for correctional officers or to the locality premium for security staff. As the Board has previously found, employees are not penalized when an agency raises the

pay of some employees but not others, as long as the other employees' current pay was not reduced or otherwise affected. *See Vicki Allen v. Justice and Public Safety Cabinet, Department of Corrections*, 2023 WL 4404751 at *3 (KY PB 2023) (holding that the Appellant did not suffer a penalization or an adverse employment action when other co-employees, some in lower grade classifications, received raises while she did not); and *see Morrow v. Justice and Public Safety Cabinet, Dept. Of Juv. Justice*, 2023 WL 2660708 at *4 (KY PB 2023) (holding that General Assembly's decision to raise the pay of workers who had similar job duties to the Appellant but were in a different job classification than the Appellant was not an appealable penalization).

7. The Appellants have conceded that they are not in the same job classification or job series as correctional officers. The fact that the Appellants may share some duties in common with correctional officers or uniformed security officers does not mean that the Appellants are entitled to the same pay or the same pay raises as employees in a different job classification.

8. The Personnel Board has consistently held that there is no regulation or statute that mandates similarly situated state employees be paid at the same rate. *Michael Frost et al. v. Transportation Cabinet, et al.*, 2019 WL 5212758 (KY PB 2019.); *George Fortune v Cabinet for Health and Family Services*, 2008 WL 4329627 (KY PB 2008). Similarly, the Franklin Circuit Court has held that there is no statute or regulation which requires uniformity of pay, even in Kentucky's merit system. *Adkins, et al. v. Energy and Environment Cabinet, et al.*, Civ. Action No. 18-CI-00027 (Franklin Cir. Ct. Feb. 4, 2020).

9. In terms of locality pay specifically, the Board does not have jurisdiction to consider this matter. Awarding such pay is discretionary and generally not subject to appeal. The Secretary of the Personnel Cabinet may "authorize and establish...a locality premium" for a job classification where the agency requesting the premium can demonstrate "sustained recruitment and retention issues" in that job classification, which are "impacting the mission of the agency." *See* 101 KAR 2:034, Section 9. The Secretary of the Personnel Cabinet has discretion to determine the amount of the locality premium and the job classification(s) to which it may be applicable. *Id.* The Secretary's decision in this regard is not appealable to the Personnel Board.

10. As the Board has frequently observed in cases involving salary disputes, across the merit system, the analysis of job classifications and individual salaries, which is frequently undertaken to ensure compliance with the applicable provisions of statutes and regulations, may sometimes result in salary discrepancies that cause confusion and frustration for employees. Unfortunately for the Appellants, their claims do not amount to a penalization as a matter of law and these consolidated appeals should be dismissed by the Personnel Board.

RECOMMENDED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends to the Personnel Board that the consolidated appeals of **REBECCA MAYFIELD (APPEAL NO. 2023-091) AND REBECCA HOLDERMAN (APPEAL NO. 2023-094) V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS**, 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.]

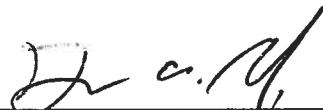
The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

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 19th day of August, 2025.

KENTUCKY PERSONNEL BOARD


GORDON A. ROWE, JR.

EXECUTIVE DIRECTOR

A copy hereof was emailed and mailed to the following persons on this 19th day of August, 2025:

Rebecca Mayfield, Appellant
Lori Holderman, Appellant
Hon. Kristin Wehking, Counsel for Appellee
Hon. Rosemary Holbrook, Personnel Cabinet