

CERTIFICATION OF PERSONNEL BOARD RECORDS

I certify that attached hereto is a true and correct copy of the Findings of Fact, Conclusions of Law and Recommended Order and Final Order in the cases of **CARMEN IGNAT V. KENTUCKY INFRASTRUCTURE AUTHORITY (APPEAL NOS. 2021-029 and 2021-036)** as the same appears of record in the office of the Kentucky Personnel Board.

Witness my hand this 19th day of October, 2022.



**MARK A. SIPER, SECRETARY
KENTUCKY PERSONNEL BOARD**

Copy to Secretary, Personnel Cabinet

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOS. 2021-029 and 2021-036

CARMEN IGNAT

APPELLANT

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

KENTUCKY INFRASTRUCTURE AUTHORITY

APPELLEE

*** **

The Board, at its regular October 2022 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated September 13, 2022, Appellee's Exceptions, Appellant's Response to Exceptions, 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 appeals are therefore **SUSTAINED**.

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 19th day of October, 2022.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Paul F. Fauri
Hon. Matthew Stephens
Hon. Rosemary Holbrook (Personnel Cabinet)

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOs. 2021-029 and 2021-036

CARMEN IGNAT

APPELLANT

V. FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER

KENTUCKY INFRASTRUCTURE AUTHORITY

APPELLEE

** ** * * * * *

This matter came on for a pre-hearing conference on November 4, 2021, at 2:00 p.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Mark Sipek, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Carmen Ignat, was not present, however, she was represented by the Hon. Paul Fauri. The Appellee, Kentucky Infrastructure Authority (KIA), was present and was represented by the Hon. Matt Stevens.

The purpose of the pre-hearing conference was to discuss the Appellant's outstanding motions.

BACKGROUND

1. The Hearing Officer notes that Appeal No. 2021-029 was filed with the Personnel Board on March 17, 2021, and Appeal No. 2021-036 was filed on April 2, 2021. On the appeal forms and during the pre-hearing conference, the Appellant, a classified employee with status, indicated she was challenging a demotion and involuntary transfer in addition to alleging the Agency penalized her by: 1) misapplying her career employee rights, which she asserts makes both disciplinary actions *void ab initio*, and 2) the Agency's purported mishandling the processing of her disciplinary actions. The Appellant succinctly explained the claims underlying both appeals in an attachment to the narrative portion of the 2021-036 appeal form wherein she states, in pertinent part:

By letter of March 24, 2021, the Appellee attempted to give notice that I was reverted from my position of Finance Investment and Forecasting Program Specialist claiming I had failed to satisfactorily complete promotional probation. This letter also claims that the agency's February 23, 2021 letter used incorrect terminology to describe the personnel action.

That letter was appealed to this Board on March 17, 2021, Appeal No. 2021-[029]. The February 23rd letter makes it clear that Appellee wanted to demote me two (2) grades. The March 24th letter attempts to amend the February 23rd letter, asserting that the February 23rd letter was notification of failure to satisfactorily complete my promotional probation and also incorrectly asserts that, on that same date, there were verbal discussions. My promotional probationary period ended on March 15, 2021.

The Appellee has failed to comply with the mandatory requirements of the regulation for notification of unsatisfactory completion of promotional probation as set forth in Section 2 of 101 KAR 1:325.

2. Following discussion, the Appellant made clear that she was asserting that the Agency's attempt to end her promotional probationary period misapplied the statutes and regulations that pertain to promotional probation and, as a result, the Agency's actions were void. The Agency argued that: 1) the Personnel Board does not have jurisdiction to consider a reversion during a promotional probation, and 2) the Appellant did not allege discrimination, so the Personnel Board should dismiss these appeals. Both parties requested an opportunity to file dispositive motions setting out their legal positions. The parties then agreed to a briefing schedule.

3. The Hearing Officer has reviewed the following:

- A. The Appellant's Motion to Sustain Appeals as a Matter of Law;
- B. The Appellee's Response to Appellant's Motion to Sustain Appeals as a Matter of Law;
- C. The Appellant's Reply to Appellee's Response to Sustain Appeals;
- D. The Appellee's Motion to Dismiss;
- E. The Appellant's Response to Motion to Dismiss;
- F. The Appellee's Reply to Appellant's Response to Motion to Dismiss;
- G. The Appellant's Supplemental Motion to Sustain Appeal;
- H. KIA's Response to Appellant's Supplemental Motion to Sustain Appeal;
- I. The Appellant's Reply to Appellee's Response to Supplemental Motion and Objection to Request to Hold in Abeyance.

4. The Hearing Officer has also reviewed the Personnel Action Notifications (PANs) that have been submitted by the parties at the Hearing Officer's request.

5. This matter has now been submitted to Hearing Officer Mark A. Sipek for a ruling on the pending motions.

FINDINGS OF FACT

1. The Appellant, Carmen Ignat, was promoted to the position of Finance Investment and Forecasting Program Specialist (grade 16) on September 16, 2020. The Appellant had

previously worked sixteen (16) years for the Finance and Administration Cabinet and thus qualified as a career employee as defined by KRS Chapter 18A. She accepted a promotion to KIA from a position as a Revenue Section Supervisor (Grade 15).

2. While serving her promotional probationary period with KIA, the Appellant was advised, by letter dated February 23, 2021, that she was being demoted for cause two (2) grades to a position as a Finance Investment and Forecasting Program Technician II, which is a grade 14 position. A copy of this letter is attached as **Recommended Order Attachment A**. The effective date of this demotion was March 1, 2021. Her salary was reduced from \$4,377.82 to \$3,722.66.

3. On March 17, 2021, the Appellant filed Appeal No. 2021-029 challenging her demotion. She alleged that the demotion violated her rights as a merit employee with status, that the allegations in the demotion letter were not true, and that the demotion letter itself did not comply with the requirements of KRS 18A.095(8)(c).

4. On March 24, 2021, the Appellant was notified by letter of Commissioner Dennis Keene that - by letter dated February 23, 2021, and also through verbal discussion - she did not successfully complete her promotional probationary period. In his March 24, 2021 letter, Commissioner Keene asserted that he used "incorrect terminology" in the February 23, 2021 letter when attempting to revert the Appellant. The March 24, 2021 letter informed the Appellant that she was now being reverted to her prior position as a Revenue Section Supervisor, effective March 15, 2021. The letter also informed the Appellant that, on that same March 15, 2021 date, she was also being transferred to a position as a Finance Investment and Forecasting Program Technician III, grade 15. The March 24, 2021 letter is attached as **Recommended Order Attachment B**.

5. The Appellant then filed Appeal No. 2021-036 on April 2, 2021. She alleged that, pursuant to regulation, she attained status in her position as a Finance Investment and Forecasting Program Specialist on March 15, 2021, when she did not receive written notification that she had failed to complete her probationary period and was being reverted as a result. The Appellant argued that the February 23, 2021 letter did not provide proper notification regarding her reversion. She further alleged that the March 24, 2021 letter - informing her of her failure to complete her promotional probationary period and that she was being reverted - was issued after she had attained status in her new position. She stated that both letters were void. She also alleged that she should be entitled to attorneys fees because the Agency had violated her rights as a merit employee. She also referenced an email and involuntary demotion form was submitted to her on March 19, 2021. She did not sign the demotion form.

6. The Hearing Officer finds that the February 23, 2021 letter from Commissioner Dennis Keene clearly did not inform the Appellant that she failed to satisfactorily complete her promotional probationary period. Additionally, the letter did not inform the Appellant that she was being reverted to her former position or a position in the same classification as her former position. In addition, it is noteworthy that the Agency attempts to demote the Appellant two (2) grades while her September 16, 2020 promotion was one (1) grade.

7. The Appellee alleged the Appellant was given verbal notification that she failed to satisfactorily complete her promotional probationary period. For purposes of ruling on the Appellee's motion, the Hearing Officer assumes this factual allegation to be true.

8. The Hearing Officer makes no finding with respect to the March 19, 2021 email to the Appellant.

9. The March 24, 2021 letter from Commissioner Keene to the Appellant was received by the Appellant after her six (6) month promotional probationary period had ended. This March 24, 2021 letter does not relate to the February 23, 2021 letter. Commissioner Keene was attempting to change a demotion into a reversion with the March 24, 2021 letter. He was also attempting to change the effective date from March 1, 2021, to March 15, 2021.

10. The Appellant's PAN forms were submitted by both parties at the Hearing Officer's request. The parties submitted the same five (5) PANs summarized as follows:

a) On September 16, 2020, the Appellant was "promoted up to midpoint" from Revenue Section Supervisor (grade 15) to Finance Investment and Forecasting Program Specialist (grade 16), with a salary increase from \$4,169.34 per month to \$4,377.82 per month.

b) On December 1, 2020, the Appellant received an Annual Increment with no change in salary.

c) On March 15, 2021, the Appellant's file contains a PAN denoted as a "reversion from promotional probation" and transfer. She was involuntarily transferred from Revenue Section Supervisor (grade 15) to a Finance Investment and Forecasting Program Technician III (grade 13) with a loss of pay from \$4,169.34 to \$3,908.78 monthly. [**Hearing Officer note:** This PAN does not reflect the Appellant's move from Finance Investment and Forecasting Program Specialist to Revenue Section Supervisor.]

d) On December 1, 2021, the Appellant received an Annual Increment with no change in salary.

e) On July 1, 2022, the Appellant received an eight percent (8%) salary adjustment to \$4,221.50. (All state employees received this raise).

These forms demonstrate that the Appellee abandoned its attempted demotion of the Appellant for cause. Although the reversion transfer PAN shows an effective date of March 15, 2021, it does not show the date the document was prepared or the date it was shared with the Appellant. The Appellee does not argue that this document notified the Appellant that she failed

to satisfactorily complete her probationary period. To the extent that the issue is being controverted, the Hearing Officer finds the March 15, 2021 PAN does not notify the Appellant that she failed to satisfactorily complete her probationary period.

11. The Hearing Officer finds that the Appellant attained status in her position as a Finance Investment and Forecasting Program Specialist on March 16, 2021.

12. It is not in dispute that, at all times relevant to these appeals, the Appellant was a classified employee with status; the dispute between the parties is to which position the Appellant possesses status.

13. The Appellant, by counsel, filed a Supplemental Motion to Sustain Appeal, arguing that Commissioner Dennis Keene lacked appointing authority “to take the disciplinary actions that are set forth in both appeals.” In support of her motion, the Appellant relied on the Board’s Final Order in the appeal of *Donna McNeil vs. Kentucky Infrastructure Authority*, KY PB Appeal No 2020-025. The Appellant stated that “pursuant to KRS 224A.070, the KIA Board of Directors is the agency head and has the authority to take disciplinary and other position actions or to designate someone to take disciplinary action against its employees.”

14. The Appellee filed a Response stating in part:

The *McNeil* final order does not change the analysis or law at issue in this appeal. As the KIA has provided in all its filings, the only requirement for reversion is that the employee who fails to satisfactorily complete a promotional probationary period is for her to receive “written notification” with “the effective date of reversion.” 101 KAR 1:325, Section 2(2). Those requirements were clearly satisfied by the KIA in the current appeal, and the Appellant would not be entitled to relief under any set of facts which could be proven in support of her claim, as the Personnel Board has found numerous times. Thus, the Appellant’s Motion to Sustain should be denied and Appellee’s Motion to Dismiss should be granted.

The Appellee suggested, in the alternative, that this case should be held in abeyance pending finality in the *McNeil* case, which has been appealed to the Franklin Circuit Court.

15. In her Reply to Appellee’s Response to Supplemental Motion and Objection to Request to Hold in Abeyance, the Appellant stated that she is preserving “the appointing authority issue before the Personnel Board in compliance with the case of *Puckett vs. Cabinet for Health and Family Services and Kentucky Personnel Board*, 621 S.W.3d 402.” She also stated that this case has been pending for a substantial period of time and should not be held in abeyance.

16. In this case, the factual record has not been developed on the appointing authority issue. It is unknown if Commissioner Keene was a properly assigned appointing authority. For purposes of ruling on this motion, it is assumed Commissioner Keene had appointing authority.

17. There are no genuine issues of material fact on all other issues and this matter may be decided as a matter of law on the undisputed facts based on the appeal forms, the statements of the parties at the pre-hearing conferences, and the competing dispositive motions, responses and replies, including attachments.

CONCLUSIONS OF LAW

1. As a classified employee with status, the Appellant could only be demoted or penalized for cause. KRS 18A.095(1).

2. As a classified employee with status who had been promoted, the Appellant was serving a six (6) month promotional probationary period. KRS 18A.111(1), (2), and (4).

3. KRS 18A.111(4) makes clear that, while serving her promotional probationary period, the Appellant maintained her status in the classified service and retained "the rights and privileges granted by the provision of this chapter to status employees."

4. As an employee with status, the Appellant had every right to appeal the February 23, 2021 letter attempting to demote her. The Appellant was also within her rights to file Appeal 2021-029 appealing from the demotion and alleging a penalization. KRS 18A.005(24) and 18A.095(1). The Appellee acknowledged the Appellant's appeal rights by giving her notice of these rights in the disciplinary letter.

5. The February 23, 2021 letter does not inform the Appellant that she had failed to successfully complete her promotional probationary period. The letter did not inform her that she was being reverted to her previous classification. Thus, the Hearing Officer finds that the Agency's February 23, 2021 letter failed to comply with KRS 18A.111 and the Appellant was not actually reverted from her promoted position of Finance Investment and Forecasting Program Specialist (grade 16).

6. 101 KAR 1:325, Section 2(1) and (2) read as follows:

(1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee

shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. A written notification shall be sent to the employee to advise the employee of the effective date of reversion. A copy of the notice of reversion shall be forwarded to the Secretary of Personnel on the same date notice is delivered to the employee.

The February 23, 2021 letter does not comply with 101 KAR 1:325, Section 2(1) and (2).

7. The Appellee has alleged that it gave verbal notice to the Appellant that she failed to satisfactorily complete her promotional probationary period, however, it is clear that written notice is required. 101 KAR 1:325, Section 2(2). *See Joan Gershman v. Kentucky Retirement Systems*, No. 2007-CA-000027-MR., January 2008, 2008 WL 54778 and *Thaddeous Price vs. Education and Workforce Development Cabinet* (KY PB Appeal No. 2007-049).

8. The March 15, 2021 PAN does not inform the Appellant that she failed to satisfactorily complete her promotional probationary period and does not constitute notice pursuant to KRS 18A.111 or 101 KAR 1:325, Section 2.

9. On March 16, 2021, the Appellant acquired status in her position as a Finance Investment and Forecasting Program Specialist. At that time, she was no longer subject to being reverted to her prior position. If the Appellee wished to demote the Appellant after March 16, 2021, the Appellant would have to have been demoted for cause.

10. Commissioner Keene's March 24, 2021 letter attempted to correct the February 23, 2021 letter by stating he used the "incorrect terminology to describe the personnel action." The Appellee also attempted to have this letter relate to the February 23, 2021 date. The March 24, 2021 letter accomplished neither. The Appellant had already obtained status and could not be reverted. This action certainly could not be done by giving her a notice after the date upon which she attained status. In addition, the Appellee attempted to give the Appellant notice, on or after March 24, 2021, of an action it was attempting to take on March 15, 2021. Notice after the fact does not comply with KRS 18A.095(8). *Debra Ratliff vs. Transportation Cabinet*, 2010 WL 2936017 (KY PB Appeal No. 2008-291); *John Holloway vs. Transportation Cabinet*, 2010 WL 677198 (KY PB Appeal No. 2008-296).

11. The Appellant was within her rights when she filed Appeal No 2021-036 on April 2, 2021, appealing from her involuntary transfer and penalization. KRS 18A.005(24) and 18A.095(1) and (8).

12. With the March 24, 2021 letter from Commissioner Keene, the Appellee abandoned any argument that they had demoted the Appellant effective March 1, 2021. Also, the Appellant's PANs reflect that the Appellee did not demote the Appellant.

13. The Appellant was not limited to filing an appeal alleging protected class discrimination by KRS 18A.005(27) and (35) and KRS 18A.095(12) because she was never reverted.

14. Since the Appellant was not reverted, she is entitled to be restored to her former position as a Finance Investment and Forecasting Program Specialist with full back pay. KRS 18A.095(22)(b).

15. Both parties have preserved their arguments with respect to the appointing authority issue.

16. The Hearing Officer determines there are no genuine issues of material fact in dispute and judgment is appropriate as a matter of law. KRS 13B.090(2).

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeals of **CARMEN IGNAT V. KENTUCKY INFRASTRUCTURE AUTHORITY, (APPEAL NOS. 2021-029 and 2021-036) be SUSTAINED**. The Appellant shall be reinstated to her position as a Finance Investment and Forecasting Program Specialist or a position of like pay and status with full back pay and benefits, and otherwise be made whole. The Appellee is **ORDERED** to reimburse the Appellant for any leave time she used attending the evidentiary hearing and any pre-hearing conferences at the Personnel Board. (KRS 18A.095(22) and (25), KRS 18A.105, and 200 KAR 12:030)

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).

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 Mark A. Sipek this 13 day of September 2022.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK,
EXECUTIVE DIRECTOR

A copy hereof this day e-mailed and mailed to:

- Hon. Paul Fauri
- Hon. Matt Stephens
- Hon. Rosemary Holbrook (Personnel Cabinet)

Exhibit
B



Andy Beshear
Governor

OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD
FRANKFORT, KENTUCKY 40601
PHONE (502) 573-2382 FAX (502) 227-8691
www.kydlgweb.ky.gov

Dennis Keene
Commissioner

February 23, 2021

Carmen Ignat
[REDACTED]
[REDACTED]
[REDACTED]

Dear Ms. Ignat:

Pursuant to KRS 18A.095, you are advised that you will be demoted for cause from your position as Finance Investment and Forecasting Program Specialist to the position of Finance Investment and Forecasting Program Technician II effective beginning of business March 1, 2021. As a result, pursuant to 101 KAR 2:034, your salary will be reduced from \$4,377.82 (grade 16) to \$3,722.66 (grade 14).

You are demoted for violation of 101 KAR 1:345, Section 1 (unsatisfactory performance) specified as follows:

Limited initiative to contact potential borrowers without prompting to obtain necessary information required to make a funding recommendation, limited understanding of financial statements of water and sewer utilities, inability to timely complete credit analyses, inability to present completed projects to the Kentucky Infrastructure Authority Board. These deficiencies were observed by Sandy Williams, Deputy Executive Director at various times between December 1, 2020 and February 11, 2021, primarily on Zoom staff meetings held each Tuesday at 10:00 a.m. and in various emails sent for the purpose of review of work. No projects were presented to the December 3, 2020, January 7 or February 4, 2021 KIA Board meetings.

For your information, the Kentucky Employee Assistance Program (KEAP) is a voluntary and confidential assessment and referral service for state employees. This service may help you with any personal problems that may be affecting your job performance. KEAP can be reached at (800) 445-5327 or (502) 564-5788.

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In accordance with KRS 18A.095, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,



Dennis Keene
Commissioner

Attachment: Appeal Form

cc: Secretary, Personnel Cabinet
Personnel File

Exhibit

C



Andy Beshear
Governor

OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT
100 AIRPORT ROAD
FRANKFORT, KENTUCKY 40601
PHONE (502) 573-2382 FAX (502) 227-8691
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Donna Keene
Commissioner

March 24, 2021

Ms. Carman Ignat

[REDACTED]

[REDACTED]

Re: Reversion and Involuntary Transfer

Dear Ms. Ignat:

In a letter dated February 23, 2021 and verbal discussion on the same date, you were notified you did not satisfactorily complete promotional probation. The February 23, 2021 letter used incorrect terminology to describe the personnel actions. This letter amends the February 23, 2021 letter and changes the effective dates from beginning of business March 1, 2021 to beginning of business March 16, 2021.

Pursuant to KRS 18A.111 and 101 KAR 1:325, Section 2, you will be reverted to your former position of Revenue Section Supervisor effective March 16, 2021 because you have failed to satisfactorily complete your promotional probationary period. In accordance with 101 KAR 2:034, Section 3, your salary will be reduced from your current rate of \$4,377.82 per month, as a Finance Investment & Forecasting Program Specialist, salaried 37.5 hours per week to your prior salary of \$4,169.34 per month as a Revenue Section Supervisor, salaried 40 hours per week, plus any salary advancements that would have been awarded had the promotion not occurred.

Also, effective March 16, 2021 you are then transferred from the position of Revenue Section Supervisor, pay grade 15, \$4,169.34 per month, 40 hours per week to Finance Investment & Forecasting Program Technician III, pay grade 15, \$3,908.78 per month, 37.5 hours per week with the Kentucky Infrastructure Authority.

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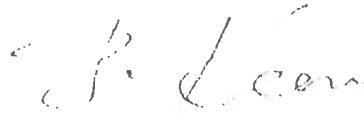
Recommended Order Attachment B

This transfer is due to the fact that your reversion was required to be into your prior Revenue Section Supervisor classification. However, the Kentucky Infrastructure Authority has the business need for you to be in the Finance Investment & Forecasting Program Technician III classification.

As an employee serving on promotional probation pursuant to KRS 18A.111, you do not have the right to appeal this reversion action to the Kentucky Personnel Board. However, KRS 18A.095 provides that you may file a claim of discrimination with the Kentucky Personnel Board if you believe the action was based on unlawful discrimination. In accordance with KRS 18A.095, any claim of discrimination must be filed within thirty (30) days, excluding the date notification is sent. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

In accordance with KRS 18A.095, you may appeal this involuntary transfer to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,



Dennis Keene
Commissioner

Attachment: Appeal Form

cc: Secretary, Personnel Cabinet
Personnel File