COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2018-120

MARK JONES **APPELLANT**

VS.

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

ENERGY AND ENVIRONMENT CABINET **APPELLEE**

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

The Board, at its regular October 2019 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated September 23, 2019, 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 16th day of October, 2019.

KENTUCKY PERSONNEL BOARD

MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Erritt Griggs
Hon. Paul Fauri
Ms. Nina Hockinsmith
Mr. David Dooley

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2018-120

MARK JONES **APPELLANT**

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

ENERGY AND ENVIRONMENT CABINET **APPELLEE**

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This matter came on for evidentiary hearing on March 19, 2019, at approximately 9:30 a.m., EST, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Geoffrey Greenawalt, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by KRS Chapter 18A.

The Appellant, Mark Jones, was present and was represented by the Hon. Paul Fauri. The Appellee, Energy and Environment Cabinet, was present and was represented by the Hon. Erritt Griggs.

By Interim Order dated December 10, 2018, at issue in the evidentiary hearing was the Agency's dismissal of the Appellant. The burden of proof was upon the Appellee to establish just cause for the dismissal and that the penalty was neither excessive nor erroneous. The burden of proof was to be by a preponderance of the evidence.

BACKGROUND

1. The Appellant, Mark Jones, filed his appeal with the Personnel Board on June 21, 2018, appealing his dismissal from his position as Environmental Scientist IV at the Energy and Environment Cabinet, Division of Water, Compliance and Technical Assistance Branch, Florence Section.

2. The first to testify at hearing was **Matthew Gross**, who is the Environmental Control Supervisor for the Division of Water at the Florence Regional Office. His general duties were to manage and oversee the day-to-day activities of four Environmental Scientists and Administrative Specialists. Mr. Gross was the Appellant's first-line supervisor between August 2015 and the date of the Appellant's termination.

3. According to Mr. Gross, the Appellant's position was Environmental Scientist IV. Reference was made to Joint Exhibit 6, which is the Job Class Specification for an Environmental Scientist IV, and Joint Exhibit 7, which is the Position Description for an Environmental Scientist IV.

4. Mr. Gross was aware of the circumstances surrounding the Appellant's eventual dismissal. According to Mr. Gross, the Appellant texted him the morning after the Appellant had been arrested for driving under the influence of alcohol (DUI) while operating a state-owned vehicle. Appellee's Exhibit 1 was introduced into the record and is a copy of the Uniform Citation issued to the Appellant on March 19, 2018.

5. Appellee's Exhibit 2 was introduced into the record and is a written explanation of the circumstances surrounding the incident on March 19, 2018, provided to Mr. Gross by the Appellant. Mr. Gross forwarded the same up the chain-of-command.

6. Appellee's Exhibit 3 was introduced into the record and is a copy of a vehicle accident form that Mr. Gross filled out per the instructions of the Appellee's Human Resource Department. According to Mr. Gross, the vehicle the Appellant was driving at the time of the incident was an F-150 pickup truck equipped with various special equipment, including emergency lights and a CB radio. The Appellant was using this vehicle while responding to a train derailment per his voluntary duties as an Emergency Response Team (ERT) member. Mr. Gross inspected this vehicle and noted zero (0) damage related to the accident that eventually resulted in the Appellant's citation for DUI.

7. Appellee's Exhibit 4 was introduced into the record and is a copy of State Vehicle Policy EEC-501-00. Attention was directed to paragraphs 9 and 10 of such policy, indicating that Cabinet employees were not to drive vehicles while impaired by alcohol and prohibited them from transporting alcohol in a state vehicle.

8. Appellee's Exhibit 5 was introduced into the record and is a copy of the Personal Vehicle Policy EEC-502-00. According to Mr. Gross, he never gave the Appellant permission to drive his personal vehicle during the course of his regular duties. Mr. Gross stated that he had never given such permission to any of his inspectors during the course of performing their state duties.

9. Appellee's Exhibit 6 was introduced into the record, and is the Procedures Manual for the Operation and Use of State Vehicles. Specifically, Section II, paragraph D, prohibits any employee from consuming any alcohol if it is reasonable to assume that he will be required to operate a state vehicle.

10. Appellee's Exhibit 7 was introduced into the record and is the Appellant's acknowledgment that he had read and agreed to abide by the State Vehicle Policy, EEC-501-00, Personal Vehicle Policy, EEC-502-00, and the Procedures Manual for the Operation and Use of State Vehicles.

11. According to Mr. Gross, his next contact with the Appellant was after he had gone to retrieve the Appellant's state vehicle the following morning, March 20, 2018, when the Appellant came into work.

12. Mr. Gross reviewed Joint Exhibit 1, the March 21, 2018 suspension letter. According to Mr. Gross, he was involved in delivering this letter to the Appellant, along with Nina Hockensmith, David Dooley, and Sarah Gaddis, who joined in via speakerphone. Joint Exhibit 2 was introduced into the record and is a simple modification of the suspension dates noted on the original suspension letter marked as Joint Exhibit 1.

13. According to Mr. Gross, the Appellant returned to work from his suspension on May 3, 2018, at 12:15 p.m., at which time he was called into the Human Resource Department and hand-delivered Joint Exhibit 3, which is the Intent to Dismiss Notice dated May 3, 2018. Apparently, the decision to deliver the Intent to Dismiss Notice was made after obtaining a copy of the Appellant's driver's license, marked and introduced into the record as Appellee's Exhibit 8, which contained restrictions. Specifically, the Appellant was restricted to operating a vehicle with an interlock ignition device installed.

14. According to Mr. Gross, he was aware that when the Appellant returned to work following his suspension the Appellant and his wife had just had a newborn child. When Gross found out the Appellant would not get his full, unrestricted license to drive until sometime in June, they began talking about taking Family Medical Leave. Mr. Gross testified he never received any document in support of a request for Family Medical Leave from the Appellant.

15. On cross-examination, Mr. Gross testified that he never had any problem with the Appellant's work product.

16. Upon review of Joint Exhibits 6 and 7, Mr. Gross admitted there was nothing set forth on those documents regarding the Appellant's participation in the Emergency Response Team, because that position is voluntary. Mr. Gross also noted that nowhere in these documents did it state that the Appellant was required to drive for work purposes. However, Mr. Gross noted that, although it was not specifically mentioned, in order to do complex inspections, the Appellant has to visit various out of town facilities. Mr. Gross also stated that, as far as he knew, no inspector had ever used their personal vehicle for work purposes. Instead, each inspector had an assigned vehicle. Because the Appellant was on ERT, he had an ERT vehicle that he could use for both ERT purposes and standard inspections.

17. Appellant's Exhibit 1 was introduced into the record and is an email communication from the Appellant to Mr. Gross regarding his interest in requesting Family Medical Leave. Mr. Gross did not respond to the email because he had no in-depth knowledge of the FMLA. Mr. Gross also testified that had the Appellant requested that he be able to use his own personal vehicle for work purposes, he would have passed it along to his supervisor for an answer. However, the Appellant never made that request.

18. The next person to testify was **David Dooley**, who is the Executive Director of the Office of Administrative Services with the Energy and Environment Cabinet. Mr. Dooley is the designated Appointing Authority for the Appellee. He testified that he was familiar with the Appellant's case.

19. Mr. Dooley testified he was involved in all disciplinary actions taken against the Appellant. He testified that the thirty-day suspension was chosen because the Appellant had violated two Cabinet policies. One being operating a vehicle while under the influence, and the other was having an open container of alcohol in the vehicle. Mr. Dooley knew the Appellant had been charged criminally for these violations. He also testified that a thirty-day suspension was significant and the most severe penalty the Appellee could have given the Appellant outside of termination.

20. After delivering the Intent to Dismiss Notice to the Appellant, the Appellant requested a pre-termination hearing. The hearing was held and the Appellant argued that he had been a 19-year employee with no previous disciplinary actions taken against him. He also noted that he had good performance evaluations and that the Cabinet had invested a lot of money and resources in training him. However, Mr. Dooley testified that the Appellant was dismissed because he did not have a valid driver's license or the license was restricted to the use of an interlock system.

21. Mr. Dooley reviewed Appellee's Exhibit 5 regarding the use of a personal vehicle during work hours. He noted that before an employee could be authorized to drive a personal vehicle for official state business, a supervisor had to consider whether there was an Agency vehicle available or whether there was a valid reason for the employee to drive a personal vehicle for official state business. Mr. Dooley noted that the Appellant never received authorization to drive his own vehicle for official state business.

22. Mr. Dooley testified that before issuing the Intent to Dismiss Notice, the Appellant, through his attorney, had requested that the Appellee sign a Hardship License Affidavit on the Appellant's behalf. Mr. Dooley was involved in the decision not to sign the affidavit. This decision was made because the Appellant had been charged with a DUI and the Appellee was concerned about putting him back in a state vehicle, considering the prospective risk.

23. Mr. Dooley reviewed Appellee's Exhibit 8, which was a copy of the Appellant's driver's license copied on May 3, 2018. As noted, the license was restricted and required vehicle modification in order to install the interlock system. According to Mr. Dooley, he had never seen a state vehicle with an interlock device installed. If it had ever been requested, it would have been a unique situation and out of the ordinary.

24. Appellee's Exhibit 10 was introduced into the record, wherein the Appellant asked if it would be possible to take personal leave until his unrestricted license was reinstated. Mr. Dooley responded by stating that so long as the Appellant was not subject to further disciplinary action, he might be eligible to request leave, including Family Medical Leave for the birth of his child. According to Mr. Dooley, the Appellant, who had turned over his state ID, computer, phone, etc., while suspended, was unable to perform the minimum requirements of his job right up to the date of the Intent to Dismiss Notice. As such, he was not able to request leave. Appellant's Exhibit 2 was introduced into the record and is an email from Mr. Dooley to the Appellant indicating that when he returned to work after his suspension had expired, if it was clear he could meet the obligations of his employment, the Appellee would then consider any properly documented request for Family Medical Leave.

25. Mr. Dooley testified that the decision to issue the Intent to Dismiss Notice was made after the Appellant had provided a copy of his driver's license that contained restrictions. Because of these restrictions, the Appellant could not perform an essential function of his job. Mr. Dooley stated that when the Appellant was suspended for thirty days, the Appellee did not know if his driver's license would be restricted when he returned, because that was a judicial determination. Appellee's Exhibit 11 was introduced into the record, and is a copy of the Appellant's criminal court docket regarding his DUI and open container violations. Appellee's Exhibit 12 was introduced into the record and is the Appellee's response to the Appellant's attorney's request that the Cabinet sign a hardship license affidavit.

26. The next to testify was **Nina Hockensmith**, the Director of the Division of Human Resource Management in the Office of Administrative Services for the Energy and Environment Cabinet. Ms. Hockensmith prepared the documents marked as Joint Exhibits 1 through 5. Ms. Hockensmith stated that she received an emailed copy of Appellant's restricted driver's license before Joint Exhibit 3 was prepared and issued. However, it had been predetermined that if the Appellant's driver's license had restrictions, then the Intent to Dismiss Notice would be issued.

27. The next to testify was **Robert Francis**, the Manager of the Emergency Response Branch within the Energy and Environment Cabinet. In essence, Mr. Francis testified that there were thirty people across the state who had volunteered to be on the Emergency Response Team. They are assigned an ERT vehicle with lights, sirens, and a radio. Once approved as a member of the ERT, there are no contracts signed, so the employee can leave at any time they want to.

28. The next to testify was the **Appellant, Mark Jones**. Mr. Jones testified that he was one week shy of being with the Energy and Environment Cabinet for 19 years. He started as an Inspector I and moved up the chain until being appointed an Environmental Scientist IV in 2015. He noted that his job performance evaluations were all "Highly Effective" and he had no disciplinary action or write-ups during the course of his employment.

29. Mr. Jones testified that the day after he had been cited for driving under the influence, he went back into work and worked the whole day. The following day, Mr. Gross informed him to expect a conference call, at which time he received his suspension letter. Mr. Dooley went over the letter as Mr. Gross was out of the loop.

30. Mr. Jones testified that all discussions regarding obtaining a hardship driver's license was handled through his attorney. He stated that on March 21, 2018, Mr. Dooley told him that if he was able to obtain a hardship license, it would constitute a valid driver's license.

31. Mr. Jones testified that he had spoken to Mr. Gross weeks ahead of the DUI incident about taking Family Medical Leave because he knew he had a baby coming and wanted to spend time with him. The baby was born on May 1, 2018, and his wife experienced some difficulties as a result of the birth. He returned to work following his suspension on May 3, 2018, at which time he talked to Mr. Gross about taking Family Medical Leave. He gave Mr. Gross his driver's license shortly after arriving to work and then, around 2 p.m. on that day, there was a conference call, at which time he was given the Intent to Dismiss Notice. According to Mr. Jones, he had talked to Mr. Gross about taking Family Medical Leave before the conference call was made.

32. Mr. Jones requested and attended a pre-termination hearing. Mr. Dooley, Ms. Hockensmith, and Secretary Snavely were in attendance, and the Appellant told them he could drive anywhere with his personal vehicle with the interlock device installed or he could ride along with other employees if he had to go out into the field. He testified that he knew of at least three incidents when he took his personal vehicle to respond to an ERT call. He also testified that under his previous supervisor, Todd Giles, he had used his own personal vehicle for state business. He also used his personal vehicle for state business under Mr. Gross when he was close to his home and it did not make sense to go back to work and pick up the state truck and then drive back and forth. Mr. Jones stated he did not usually take his state truck home because he did not like it taking up the driveway space.

33. On cross-examination, Mr. Jones testified that he understood he needed a supervisor's authorization before using his own personal vehicle for state business. Mr. Jones also testified that he pled guilty to the DUI and open container charges on April 17, 2018, at which time his driver's license was suspended for 90 days. He agreed to install an interlock device, which was installed on his own personal vehicle on May 1, 2018, the same day his baby was born. He was set to have his driver's license fully reinstated on June 21, 2018. According to Mr. Jones, regarding any requests for leave from work, he did not know if it would be paid or unpaid, but he knew he had plenty of time to take either way, since he had two or three months of leave time built up.

34. The Hearing Officer had considered the entire administrative record, including the testimony and any exhibits therein.

35. This matter is governed by KRS 18A.095(1), which states:

A classified employee with status shall not be dismissed, demoted, suspended, or otherwise penalized except for cause.

FINDINGS OF FACT

The Hearing Officer makes the following Findings of Fact by a preponderance of the evidence.

1. The Appellant, Mark Jones, a classified employee with status, timely filed his appeal with the Personnel Board on June 21, 2018, appealing his dismissal from his position as an Environmental Scientist IV in the Division of Water, Compliance and Technical Assistance Branch, Florence Section, with the Energy and Environment Cabinet.

2. Pursuant to the Interim Order dated December 10, 2018, the issue in the evidentiary hearing was the Agency's dismissal of the Appellant. The burden of proof was placed upon the Appellee and was to be by a preponderance of the evidence.

3. According to the position description for the Appellant, he was to maintain a valid driver's license. Generally speaking, his main job functions were to be a technical and scientific advisor for the Compliance and Technical Assistance in the Division of Water for the Clean Water Act, the Safe Drinking Water Act, and Water Resources for the Florence Regional Office. He was to evaluate violations of laws and regulations, provide review and analysis for the avoidance, minimization, and mitigation of environmental impacts with the collection, and analysis of scientific data. One of his job tasks was to collect samples, operate and maintain monitoring equipment used to collect samples and field data. He was to respond to spills, releases, and other environmental emergencies, and was to conduct investigations/reviews and monitor clean-up plans. See Joint Exhibit 7.

4. On March 19, 2018, the Appellant was arrested for operating a motor vehicle while under the influence of alcohol and being in possession of an open alcoholic beverage container in the vehicle. In conjunction therewith, the Appellant refused a breathalyzer or a blood test. See Appellee's Exhibit 1. As a result of this refusal, the Appellant's driver's license was suspended. See Appellee's Exhibit 11.

5. On March 21, 2018, the Appellant was issued a suspension letter by the Appellee, suspending him for a period of thirty (30) days, effective beginning of business on March 22, 2018, and ending Thursday, May 3, 2018, at 12:15 p.m. See Joint Exhibits 1 and 2. The suspension was based on violations of State Vehicle Policies EEC-501-00, EEC-502-00, and EEC-501-01, which all prohibit an employee from operating a motor vehicle while under the influence of alcohol or transporting alcohol in the state vehicle. See Appellee's

Exhibits 4, 5, and 6. The Appellant was clearly aware of these policies. See Appellee's Exhibit 7.

6. The Appellant pled guilty to driving under the influence of alcohol and possession of an open alcohol beverage container in a motor vehicle on April 20, 2018. Shortly thereafter, through his attorney, the Appellant sought the cooperation of the Appellee in obtaining a hardship driver's license. The Appellee politely declined to execute the hardship driver's license affidavit provided, due to the prospective risk of supporting the application when the Appellant had been working and driving a state vehicle at the time of his arrest. See Appellee's Exhibit 12. There is no evidence that the Appellee was under any obligation to cooperate with the Appellant in obtaining his hardship driver's license. Thereafter, on April 25, 2018, the Appellant was authorized for an ignition interlock license and device, which was installed on May 1, 2018. (See Appellee's Exhibit 11.)

7. The evidence demonstrates the Appellant was well aware that he was expecting the birth of a child in early May 2018, right around the date he was to return to work from his thirty-day suspension. As early as March 21, 2018, he inquired about taking Family Medical Leave. David Dooley indicated that upon return from his suspension, if the Appellant was unable to meet the minimum requirements of his position due to the loss of his driver's license, his employment status would be subject to further review and possible disciplinary action. In the event the Appellant was not subject to further disciplinary action, he would be eligible to request leave, including Family Medical Leave for the birth of his child. (See Appellee's Exhibit 10.)

8. The Appellant also inquired about requesting leave for a period of time sufficient to return to work with a fully restored driver's license. Again, Mr. Dooley indicated that as long as the Appellant was able to meet the obligations of his employment when he returned from his thirty-day suspension, the Appellee would consider any properly documented request for FMLA leave. (See Appellant's Exhibit 2.) By email of May 3, 2018, the Appellant requested Family Medical Leave through his immediate supervisor, Matthew Gross. (See Appellant's Exhibit 1.) There is no evidence of record to indicate that this request was supported by any documentation. When the Appellant returned to work from his suspension, he was asked to provide a copy of his driver's license. (See Appellee's Exhibit 8.) The driver's license indicated that there was an ignition interlock restriction. According to David Dooley and Nina Hockensmith, it had already been predetermined that if the Appellant returned to work from his suspension with restrictions on his driver's license, then an Intent to Dismiss Notice would be delivered. Such Intent to Dismiss Notice was dated and delivered to the Appellant on May 3, 2018. (See Joint Exhibit 3.) In essence, the Appellant was being dismissed based on his unsatisfactory work performance and due to his inability to perform an essential function of his job classification, specifically, the ability to operate a vehicle containing equipment necessary to his job performance, owned by the Commonwealth of Kentucky, due to restrictions on his driver's license.

9. The Appellant requested a pre-termination hearing and was placed on administrative leave pending a final decision. Following the pre-termination hearing, a final notice of dismissal was provided to the Appellant on May 24, 2018. (See Joint Exhibits 4 and 5.)

10. The evidence indicates that the use of a personal vehicle while on official state business rarely, if ever, occurred. Pursuant to Personal Vehicle Policy EEC-502-00, all state employees had to receive authorization from their supervisor to drive a personal vehicle while on official state business. (See Appellee's Exhibit 5.) Although the Appellant broached the idea of using his personal vehicle while on official state business until his license had been fully restored, this occurred while he was suspended and there is no evidence that such request was ever officially made. (See Appellant's Exhibit 2.)

11. The Appellant did, however, email his immediate supervisor, Matthew Gross, and request FMLA leave from May 7, 2018, through June 25, 2018, for the birth of his new child. There is no evidence that a formal request for FMLA leave with supporting documentation was ever provided to the Appellee. In any event, the Intent to Dismiss Notice had already been delivered to the Appellant, and he had already been placed on administrative leave pending a final determination. (See Joint Exhibits 4 and 5.)

12. There is no evidence of record indicating the Appellant requested the installation of an ignition interlock device in his state-assigned vehicle. Further, testimony indicates that had such a request been made it would have been highly unusual. In addition, there was no evidence of record indicating the Appellee would have been required to grant the request had it been made.

13. The evidence indicates that, as part of his regular job duties, the Appellant was required to make on-site visits to various water treatment facilities, which required the use of a vehicle. As such, it found that the ability to operate a motor vehicle for purposes of state business was an essential function of the Appellant's job duties. On May 3, 2018, due to the interlock ignition restriction on his driver's license, the Appellant was unable to drive a state owned vehicle for state business purposes, and was therefore unable to perform an essential function of his job duties.

CONCLUSIONS OF LAW

1. The Appellant herein, Mark Jones, has not appealed his thirty-day suspension to the Personnel Board. Instead, he has only appealed his dismissal from his position as Environmental Scientist IV. In essence, the Appellant argues that because the suspension and dismissal arise out of the same underlying incident, the thirty-day suspension was sufficient penalization and the dismissal amounted to double jeopardy. However, the facts herein do not support this argument.

2. The Appellant was suspended because he had been arrested for operating a state-owned vehicle while under the influence of alcohol and for possession of an open container of alcohol. By refusing a breathalyzer or blood test, the Appellant's driver's license was suspended almost immediately pending further judicial determination. Clearly, at that point, there was no way for him to be able to perform the essential function of his job duties, the same being the ability to operate a motor vehicle for purposes of collecting samples and other on-site visitations. At the time of the suspension, the Appellee had no way of knowing whether the Appellant would be able to resolve his legal issues and be able to operate a state-owned motor vehicle when he returned to work. Although the Appellant would have been able to operate a state-owned motor vehicle during the course of his employment had a hardship license been issued, the Appellee was clearly under no obligation to cooperate with the Appellant to obtain such license.

3. When the Appellant returned to work from his suspension, although he had a valid driver's license, it contained the ignition interlock device restriction. There is no evidence to indicate that the Appellee was required to authorize the Appellant to use his personal vehicle for state business purposes or to modify the Appellant's state vehicle by installing the ignition interlock device.

4. The totality of the evidence supports the conclusion that the Appellant was suspended for driving a state vehicle under the influence of alcohol and was terminated because he was unable to perform an essential function of his job duties.

5. Based upon these two plain distinctions, the Appellee has demonstrated by a preponderance of the evidence that the termination of the Appellant was neither excessive nor erroneous and was taken with just cause.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeal of **MARK JONES V. ENERGY AND ENVIRONMENT CABINET (APPEAL NO. 2018-120)** 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 Geoffrey Greenawalt** this 23rd day of September, 2019.

KENTUCKY PERSONNEL BOARD

MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Erritt Griggs
Hon. Paul Fauri
Nina Hockensmith