

COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2020-039

KRISTEN MILLER

APPELLANT

VS.

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

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

APPELLEE

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The Board, at its regular January 2021 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated December 8, 2020, 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 13<sup>th</sup> day of January, 2021.

KENTUCKY PERSONNEL BOARD

  
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MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Scotty McFarlan  
Hon. Ned Pillersdorf



establish that she reported a claim of sexual harassment. Both counsel agreed and the Appellee proceeded first with its case.

4. The Appellee called as its first witness **Anthony Perry**. Perry is a Vocational Rehabilitation Manager and has served in that position for approximately nine years. He has had seventeen years of service as a state employee. He is responsible for a thirteen-county area, including offices in Pikeville, Prestonsburg, and West Liberty. Specifically, in the West Liberty office, there are eight staff members; six are full time and two are part-time.

5. Perry testified that the primary function of the office is to provide vocational rehabilitation services to individuals with disabilities. He described it as a team effort, including working with referral sources. He stated that vocational rehabilitation is an eligibility program. Counselors are the main point of contact with consumers and have to meet strict guidelines. They have seven days to contact and interview consumers. Applications are to be completed within thirty days. Within sixty days, they are to determine eligibility or request an extension. There are exceptions for individuals receiving Social Security, either SSI or SSDI, who are presumed eligible for vocational rehabilitation. These are considered to be in a priority category. In all cases, it is the counselor's responsibility to make determinations as to whether individuals are eligible for vocational rehabilitation services and to make the appropriate referrals. As manager, Perry reviews these determinations if there are performance problems or if an employee is on probation.

6. Perry described some of the referral services that counselors direct consumers to, including healthcare, school, clinicians, and other resources. He gave as an example an individual with a hearing loss, who may be sent for an examination, which is paid for by vocational rehabilitation. The counselor is also responsible for writing a plan for employment of the consumer. Applications are taken on paper and are entered into the database.

7. Perry identified the Appellant, Kristen Miller, as a former Vocational Rehabilitation Certified Counselor I. Perry served as her direct supervisor for approximately eight and one-half years. He took over as her supervisor in 2011. He described her as an average employee who did her job. Over the years, she has had some problems with time and attendance. Perry stated that when they had concerns or issues, they have discussed them.

8. Perry testified he recommended the Kentucky Employee Assistance Program (KEAP) to Miller in 2012. She was having issues with time and attendance in 2016. He issued Miller a written reprimand in 2018 for failing to meet the sixty-day requirement with respect to a case when an individual was receiving Social Security benefits. Upon Perry's review, the applicant provided adequate verification of eligibility for Social Security benefits, however, Miller was still out of compliance in making her determination within the sixty-day timeframe.

9. Perry summarized that, three months previously, he had given the Appellant a verbal warning regarding five other cases where the Appellant had not met her timeframes. The written reprimand was admitted into evidence as Appellee's Exhibit 2. Attached to the written reprimand was a Performance Improvement Plan (PIP), which was started in 2018. The

Appellant was put on a plan where she had to identify her cases that were over 45 days from the application date, with the goal of making an eligibility decision within sixty days.

10. Perry included with his documentation of the reprimand an excerpt taken from the OVR Policy and Procedure Manual. He provided the information regarding the time limits for determining eligibility, which must be done within sixty calendar days from the date of the application with very few exceptions. He also included the timeframe for individualized plan for employment, which was required to be completed within ninety days of the eligibility determination. The counselor may obtain extensions of either of these deadlines, however, those extensions must be taken with the agreement of the consumer and must be documented pursuant to policy. There is also a requirement that extensions must indicate a specific date for completion.

11. Perry introduced Appellee's Exhibit 3, an email documenting two additional cases from July 2019 that were outside of the mandated timeframes. In these instances, Miller stated she had misplaced the files in May and when she located them, they were outside of the timeframe. Perry noted that neither case had an eligibility determination nor an extension.

12. As a result, Miller was placed on a PIP. The Appellant also received a two-day suspension regarding these two cases in August 2019. These cases were outside the sixty-day timeframe and were seventy-nine days old and eighty days old. Upon Perry's review, he found that one case contained sufficient medical documentation to arrive at an eligibility decision, and in the other case, the Appellant had failed to gather medical documentation. She also had no progress notes regarding her attempts to gather this information.

13. Appellee's Exhibit 5 included Perry's Request for Disciplinary Action and the actual two-day suspension. In his Request for Disciplinary Action, Perry wrote that he advised Miller that he intended to request major disciplinary action as a result of her ongoing poor work performance. When he asked Miller for a response, she became upset; she was crying and shaking. He reported that Miller stated the administrative assistants in the office would not help her, which caused her to get behind in her work. She complained that the people in the office disliked her and she believed someone had misplaced the two applications, which resulted in them being overlooked. Miller expressed being made uncomfortable by a former male employee (Asa Vest) who would enter the office and talk to her. She reported this occurred on August 6, 2019; afterward, she reported she felt panicky and was unable to concentrate on her work. Perry stated he would contact the former employee and tell him not to visit the office, effective immediately.

14. Perry also included with Appellee's Exhibit 5 an email to Kimberly Tucker discussing Miller's allegations that the administrative assistants would not help her. Perry discussed this matter with Miller and the administrative assistants. He made it clear they were to assist Miller and he tried to fairly distribute the work in the best interest of the office. Perry reported that both administrative assistants denied they ever refused to assist Miller with her work. Perry stated he has heard this on previous occasions from Miller. Based on his review of

the paperwork and his observation of the employees, he could find no evidence that the assistants were refusing to assist Miller.

15. Perry's documentation in Appellee's Exhibit 5 also includes summaries of his discussions with the consumers, as well as policy requirements regarding timelines and for proper case documentation. He also included a portion of certain language from the Rehabilitation Act of 1973.

16. Perry introduced Appellee's Exhibit 6, which is a complaint from a consumer. The consumer outlined problems she had dealing with Miller in her request to get payment for hearing aids and with getting payment for her husband's hip replacement. In a three-page letter to Perry, the consumer summarized her chief complaints as follows:

1. Her unprofessionalism.
2. Her constant talking about her family and their problems.
3. Talking about her co-workers to me as a client (she stated that "certain co-workers were throwing her under the bus" direct quote from her. (sic)
4. Having customers sit in her office for hour and a half to fill out intake paper work. Only to have the first letter of my name on the paper. After I stated to her that if she needed me to fill out the paper work I would. I had to get back to work. (sic)
5. Constant complaining about her work load and how busy she was. (sic)
6. No communication with customers to let them know the status of their services.
7. Not returning client calls when she is in the office.
8. Her attitude in the end.
9. Blaming me because she got in trouble with her boss for sending the plan out without it being filled out.
10. Discussing issues that she is having at work with customers that come in for services.

17. On October 21, 2019, Perry prepared a Request for Major Disciplinary Action. This was directed to Beth Roark, the Appointing Authority, and was entered into evidence as Appellee's Exhibit 9. Perry's request read, in part, as follows:

This is to request disciplinary action be issued to Kristen Thompson-Miller for the following:

Ms. Miller had fifteen applications for vocational rehabilitation services that were completed from July 19, 2019 through September 20, 2019 and not entered timely into our data base system, CMS. On the afternoon of Tuesday, September 17, 2019, Ms. Miller and I met to review her Performance Improvement Plan. During this meeting, she informed me

that she had several applications that she had not entered into CMS. I asked for specific information such as when the applications were signed by the applicant, the number of applications and timeframes. She was unable to give me answers to these questions and I asked for the information as soon as possible. I discussed with Ms. Miller that since the first quarter of Program Year 2019 will be ending on September 30, the information needed to be entered accurately and promptly as possible. I asked for the reason behind it and she said that she could not get them entered. I asked for specific details and she said that she had a difficult time concentrating. I again reviewed prioritization and organization strategies with her, as well as encouraging her to contact her physician if she felt that she was having medical issues preventing her from concentrating. Ms. Miller is well aware of the KEAP and the services they provide. (sic)

18. Among the 15 cases identified by Perry was a SSI recipient whose eligibility decision was delayed as a direct result of Miller's inaction. Another was a consumer with significant hearing loss whose eligibility determination was delayed as a result of inaction. Miller documented an eligibility extension in this case and said it was signed by the applicant, even though Perry's review showed that it was not. This case file was also lacking in progress notes. Perry asked Miller for all 15 cases for review. Three days later, she had not provided him with any of the files. Perry went into her office and could only find four of the files. Perry noted that Miller's actions blatantly disregarded federal regulations in addition to OVR policies and procedures. He noted that Miller's actions and inactions created unnecessary delay in providing services to 15 individuals looking for help from their office. Perry outlined that Miller had previously received a verbal warning, a timeliness memorandum, a written reprimand, and a two-day suspension, all since February 2018.

19. Perry also introduced Appellee's Exhibit 10, an email exchange between Perry and Kimberly Tucker. In this email exchange, Perry outlined problems with three of the cases referenced in the Request for Major Disciplinary Action. In one instance, Miller completed an eligibility worksheet on 9/16/19, but did not enter it into CMS until 9/30/19. Perry approved it on 10/1/19. Perry required this approval as a part of the PIP Miller was working under.

20. In another case, a decision was not timely made, and Miller did not have the consumer sign an eligibility extension. In the third case referenced, an additional application was not entered timely, this application was signed on 7/25/19 and was not entered into CMS until 9/30/19. Perry pointed out that the eligibility worksheet is undated by Miller. In the Casework Data Entry Report, 9/25/19 is listed as the date the counselor documented the eligibility decision in CMS. Perry received this request by email on 9/30/19 and approved it on 10/22/19.

21. While the Request for Disciplinary Action was being reviewed by Kimberly Tucker, Perry forwarded additional emails to Tucker regarding problems that administrative staff members Angela Ball and Melissa Gullett were having with Kristen Miller. Ball and Gullett

complained about Miller's behavior in the workplace. (Appellee's Exhibits 11 and 12.) Both staff complained that Miller criticized their work in a rude and unprofessional manner. Both expressed fear that Miller would come into the office and perform a violent act. Perry discussed these issues with Ball and Gullett. He did not approach Miller about these allegations. He was concerned about rumors that she kept a gun in her vehicle.

22. When asked if he agreed with the decision to pursue a dismissal against Miller, Perry stated it was not his decision. He did note that, over the last two years, he received thirty-six (36) complaints from consumers and eleven complaints from vendors regarding Miller's work.

23. On December 3, Perry issued the Intent to Dismiss letter to Miller in the office. The Appellant was also placed on administrative leave. (Appellee's Exhibit 13.) When Perry explained the details of what was about to happen, he also asked for Miller to give her office keys back. Miller refused. As a result, Perry proposed to have the locks on the building changed at Appellee's expense. (Appellee's Exhibit 14.)

24. Perry introduced Appellee's Exhibit 16, which was an email exchange that started with an email sent by Miller to Brent Sturgill, the East Regional Program Manager. In her email, Miller denied the allegations from Angela Ball and Melissa Gullett. She also stated that Perry acted in a very unprofessional and threatening manner when he issued the Intent to Dismiss. Miller complained of being stalked by Asa Vest (the former employee referenced in Background paragraph 13) and stated that Perry refused to do anything about it. Miller further stated in the email, "I also told Tony needed talk with him when got back to tell him about another sexual predator he was going have to ask to stay out of office." (sic) Sturgill forwarded the email to Kimberly Tucker and Perry. Perry responded to many of Miller's allegations. Overall, he stated, this was a typical response from Miller. He stated she rarely takes responsibility for anything, always blames others, and claims she is the victim.

25. Perry described that Asa Vest was a previous employee of the office who retired about 20 years ago. He would frequently come into the office and visit with the staff. Several staff members were friendly with Vest, including Miller. Vest's alleged behavior was first brought to Perry's attention when he was issuing a PIP to Miller; he said she was upset, crying, and emotional. She then told Perry that Vest was harassing her. Perry discussed this with Sturgill and consulted HR. After discussion, they instructed Mr. Vest to stay away from the office. Perry pointed out that, although Miller complained about Vest, none of her complaints involved sexually harassing behavior.

26. Perry testified that Miller did not make any sexual harassment complaint to him when he issued the pre-termination letter. Perry later learned in December 2019 that there was a sexual harassment investigation involving Miller and Jack Cline. Perry stated he did not witness anything regarding that matter. He described Cline as a part-time employee who worked Tuesdays and Thursdays. He stated that Cline would greet everyone in the office, including Miller. He stated that Miller would greet Cline and talk to him. He was aware that one of Miller's allegations against Cline involved off-site training. Perry stated he often roomed with

Cline during those trainings. He did not recall any specific dates, and never witnessed anything inappropriate.

27. Perry stated he agreed with the dismissal of the Appellant. He stated he had tried everything to improve her performance.

28. On cross-examination, Perry admitted that he was friends with Cline and that they would go fishing together about once a year. Perry became aware of the allegations against Cline when the investigation started. Specifically, he identified the date as December 11, 2019. Perry denied that Miller complained to him about Cline when he issued the Intent to Dismiss to her on December 3, 2019. He stated he was afraid of Miller, however, because there were no direct threats, this was not mentioned in the disciplinary letter. Perry never witnessed Miller retreat and close her door when Cline entered the office. Perry testified that he did not supervise Cline.

29. **Angela Ball** testified that she was an Administrative Specialist for Vocational Rehabilitation for fourteen and a half years at the West Liberty office before she retired on January 1, 2020. She described her office duties as answering telephone calls, paying invoices, making Procard purchases, sending faxes, writing reports, and assisting the counselors. She worked with Miller for over ten years. Ball stated she did whatever she was asked to do.

30. When asked about Miller's lack of good behavior, she stated that Miller was unprofessional. She stated she would not take telephone calls and did not answer messages. Ball stated that consumers would call and complain about lack of contact from Miller. Ball stated that the contents of her November 27, 2019 email to Perry were accurate. (Appellee's Exhibit 11.) She stated that Miller was complaining that things were not where they were supposed to be when she tried to send a fax. Miller started pounding her finger on the table, saying, "Do your job!" in a demanding tone. Miller later requested an authorization, pounding her finger on Ball's desk, saying, "This needs to be done right now!" As Miller walked away from Ball's desk, she stated, "I don't know who you think you are; you think your shit don't stink."

31. Ball reported being upset by this exchange. She stated she had never been treated like this in any workplace. She discussed leaving work with her husband because this upset her so much.

32. Ball did not know a lot about the exact details of Miller's unsatisfactory work performance. Nonetheless, she was aware of the condition of Miller's office, which she stated had files everywhere and was terribly disorganized. When needed, Ball could not find files that Miller was working on. She reported that she received calls from consumers complaining about Miller almost every day. Ball reiterated she did everything she could to try to help Miller.

33. Ball stated that everyone liked Asa Vest. She stated that Miller was very friendly with Vest; that the two would hug and they would talk in her office. She was not aware of anything inappropriate between the two.



34. Ball described Jack Cline as a part-time employee. She did not notice anything unusual or inappropriate with Cline and Miller. She described Cline as a father figure. She stated he would hug everyone and was very friendly.

35. The Appellee next called **Melissa Gullett**, who is an Administrative Assistant in the Vocational Rehabilitation office in West Liberty. She has twenty-nine years' experience with the office. She stated she does many office functions and also assists the counselors. She knows Miller and has worked with her for years.

36. As far as lack of good behavior, Gullett reported that Miller would slam doors, not return telephone calls, try to intimidate other staff, and bang on the desk. Gullett reviewed her email contained in Appellee's Exhibit 12 and stated that it accurately describes issues she had with Miller. She described Miller as threatening, volatile, demeaning, and rude. Gullett stated that Miller has screamed at her in the office. Gullett said she was afraid of Miller and afraid that something may happen to the office. She stated she has heard from consumers that Miller was not properly working their cases.

37. Gullett stated that everyone in the office knows Asa Vest. She stated that Miller would appear happy to see him when he came to the office. It was common for Vest to hug people when he greeted them. She did not find it inappropriate.

38. Gullett stated that Jack Cline was a part-time employee of Vocational Rehabilitation. He is her uncle, by marriage. She has witnessed Miller and Cline hug each other. She has never seen him act inappropriately. She is aware that another employee, Beverly, said that she saw Jack Cline kiss Miller in the office.

39. **Kimberly Tucker** testified that she is the Assistant Director for the Education and Workforce Development Cabinet's Human Resources Department. She has held this position since May 2015. She has been with state government since February 1995. She then described several of her job duties, including working on investigations of disciplinary matters and drafting disciplinary letters.

40. She became aware of Miller through the Appellant's supervisor, Anthony Perry. She was aware of the written reprimand (Appellee's Exhibit 2) and the two-day suspension (Appellee's Exhibit 5). She was assigned to investigate the Request for Major Disciplinary Action (Appellee's Exhibit 9). She corresponded by email with Perry throughout the investigation. These email exchanges included clarification of issues regarding allegations of Miller's poor performance as well as new allegations of unprofessional behavior in the office. (Appellee's Exhibits 10, 11, and 12.)

41. After reviewing all these materials, Tucker recommended that they draft an Intent to Dismiss. She stated that Miller's continued poor performance was the main reason for this recommendation. She described her work as not getting any better and, in fact, getting worse. Tucker drafted the Intent to Dismiss letter for Elizabeth Roark's signature. (Appellee's Exhibit 13.) Miller requested a pre-termination hearing. (Appellee's Exhibit 15.)

42. Tucker attended the pre-termination hearing, together with Elizabeth Roark and Attorney Scotty McFarlan. She introduced Appellee's Exhibits 17, which were her notes from this pre-termination hearing. Miller denied the charges of lack of good behavior stemming from Ball' and Gullett's complaints. She stated that they bully her and that she is the victim. She also stated that Perry denied her the opportunity to respond to these allegations when there was a Request for Major Disciplinary Action. Miller admitted she was behind on her cases. She stated that she had a number of counties to take care of and had problems with CMS. She stated she would retreat to her office when Asa Vest visited. She also stated she did not get enough assistance from the administrative staff. She stated that Beverly Back, who is assigned to her, only works two days a week. Miller stated that Back once walked into her office when Jack Cline was kissing her. Miller described this as "Jack sticking his tongue down my throat." Miller identified another employee from the Salyersville office who could tell them about Cline.

43. During her pre-termination hearing, Miller stated that Jack Cline forced her to perform oral sex during trainings. The most recent time was two or three years ago. Since then, she has stopped going to trainings. The last incident occurred in Owensboro, when Jack Cline asked her to come to his room at midnight. When she arrived, Angela Ball was leaving his room. She stated that Cline poured her a drink, after which she performed oral sex. Miller stated Cline had everybody performing oral sex on him in ten-minute intervals, like a revolving door.

44. Tucker stated they had Miller sign a waiver granting them additional time to make a decision regarding the Intent to Dismiss, so they could investigate her claims of sexual harassment against Cline. (Appellee's Exhibit 18.) As a result of these allegations, they placed Jack Cline on investigative leave that day. (Appellee's Exhibit 19.)

45. Tucker conducted the investigation, together with Katie Hamilton, an HR Administrator. Her investigative summary was introduced into evidence as Appellee's Exhibit 20. The investigation was broken down into two incidents. With regard to the alleged kiss between Cline and Miller, the report concluded that the kiss occurred and, more likely than not, Miller initiated this incident. With respect to the allegation that Cline forced Miller to have oral sex on multiple occasions, most recently at a conference in Owensboro, the report concluded there was "no evidence" to support this allegation. Although it was not considered misconduct, the report concluded by recommending that Cline be issued a Notice to Cease any and all physical contact with coworkers, to include hugging. Several witnesses related to Tucker that Cline would hug coworkers as a greeting. These were described as "side hugs."

46. Tucker introduced Appellee's Exhibit 23, which was a letter sent to Miller informing her that the investigation did not substantiate her claims of sexual harassment involving Jack Cline.

47. The Appellee called **Elizabeth Roark**, who is the Executive Director for Administrative Services for the Education and Workforce Development Cabinet. She has held that position for thirteen months. She has been with state government for a total of nineteen years in various human resources positions. She is the Appointing Authority for the Cabinet and made the final decision to dismiss Kristen Miller.

48. She first became aware of Miller in August 2019 at the time of her two-day suspension. The main issue was the Appellant's lack of timeliness to consumers.

49. On October 21, 2019, Roark received a Request for Major Disciplinary Action from Anthony Perry and assigned Kimberly Tucker to conduct a thorough review. She wanted Tucker to look at the entire record, including evaluations, months of service, and the current Request for Major Disciplinary Action. She stated that Tucker did the appropriate research, including follow-up with Perry, and then renewed follow-up when new information was received. After the investigation, Roark made the decision to issue the Intent to Dismiss to Miller. (Appellee's Exhibit 13.)

50. Roark conducted a pre-termination hearing on December 11, 2019, at the Appellant's request. Miller did not deny any of the charges contained in the termination letter. She acknowledged the issues with respect to poor performance. She went on to complain of sexually harassing behavior from Jack Cline, however. After hearing the Appellant's complaint, Roark agreed to extend the time for making a decision following the pre-termination hearing. (Appellee's Exhibit 18.)

51. As a result of Miller's allegations, Jack Cline was placed on special investigative leave. (Appellee's Exhibit 19.) Roark also assigned the Cline sexual harassment investigation to Kimberly Tucker. Based on the investigation report, Miller's claims were not substantiated. (Appellee's Exhibit 20.) Jack Cline was allowed to return to work. He was instructed to stop hugging his coworkers and was ordered to attend anti-harassment training as a preventative measure. (Appellee's Exhibit 22.)

52. After reviewing the entire record, including the results of the Cline sexual harassment investigation, Roark again decided to dismiss Miller. Roark testified that the Appellant's claim of sexual harassment played no role in the decision to dismiss her. The dismissal letter was dated January 21, 2020, and was admitted into evidence as Appellee's Exhibit 24. A copy of Appellant's dismissal letter is attached hereto and incorporated herein as **Recommended Order Attachment A**. Roark noted that Miller's disciplinary/corrective action history included a written reprimand, a Performance Improvement Plan, a suspension, and a verbal warning. She believed a dismissal was the appropriate penalty based on the charges and the Appellant's record.

53. The Appellant called **Alexandria Yuh**as out of order. Yuh is a Licensed Professional Counselor Associate for the Appalachian Community Center in Pikeville, Kentucky. She has a Master's Degree in Education and Counseling from Lindsey Wilson College. She has four years of experience and works under supervision.

54. She stated that her job consists of mainly doing talk therapy with clients. She stated she takes a cognitive behavioral approach.

55. She first saw Kristen Miller on January 29, 2020. Her chief complaint was stress at her previous employment caused by sexual harassment and abuse. Yuhas has seen Miller a total of eleven times, stating there have been gaps between visits.

56. Yuhas diagnosed Miller as suffering from Post Traumatic Stress Disorder, Depression, and Anxiety. She stated that the diagnosis and treatment plan she established is based on Miller's behavior, her reported symptoms, and her assessment.

57. Yuhas testified that Miller reported sexual harassment from an authority figure at work. She described the harassment as including unwanted touching, eventually leading to sexual intercourse.

58. Yuhas stated that Post Traumatic Stress Disorder is usually a response to a traumatic event. In Miller's case, she believes it was the report of sexual harassment or abuse. Miller reported certain triggers cause her to have bad memories of the events. She also reported fear of job security, hypervigilance, and sleep disturbance. Yuhas has witnessed Miller having difficulty concentrating and has had to redirect her quite a bit during their sessions. Yuhas testified that Post Traumatic Stress Disorder can definitely have an effect on job performance.

59. Yuhas stated that Miller's depression was severe. She stated that this can also cause difficulty in performing at work.

60. Yuhas is still treating Miller and stated that she still suffers from Post Traumatic Stress Disorder, Depression, and Anxiety. She stated that Miller's symptoms are consistent with her report of sexual harassment and abuse. Miller reported she is taking medication and that she did not have a history of taking these medications before her complaints.

61. The Appellee called **Jack Cline**, an employee of the Office of Vocational Rehabilitation. He has been employed with state government for 54 years. He works approximately two days per week. He described his duties as advocating for people with disabilities.

62. He has known Kristen Miller for years. Cline denied her claims of sexual harassment. He denied he has ever groped her, kissed her, or had her perform oral sex on him.

63. Cline stated the first time he was aware of Miller's allegations against him was when he received a letter from Beth Roark, dated December 12, 2019, placing him on special investigative leave. (Appellee's Exhibit 19.) He described his response as being angry, upset, shocked, and disappointed. He stated that the investigation cleared him of any misconduct at work.

64. Cline described an incident that occurred at work a couple of years ago involving Miller. He stated that she walked into his office and tried to kiss him. He was shocked. He is not sure if their lips actually met or not. After that encounter, he made it a point to never be

alone in the office with Miller. Cline testified that when he has traveled for work, he has usually roomed with other employees, including Tony Perry.

65. Cline admitted that, over the years, he has hugged coworkers. He stated he did this out of gratitude for the hard work that employees perform. He stated he has hugged Miller on many occasions. On some occasions, when Miller came in well dressed, Cline stated he told her that she looked nice.

66. Cline believes Miller made these allegations against him in response to an incident that occurred in 2019. While working in the office, Miller was shouting at Ms. Gullett and Ms. Ball. Cline told her, "Kristy, that is enough." He thought the incident might lead to violence and was not trying to take sides. He believes that Miller has held that against him.

67. Cline stated that he did not hug Miller every time he saw her. He has no idea how many times he has hugged her over the years. He stated he has helped Miller a lot, including helping her remain in good standing in the master's degree program at the University of Kentucky. Cline also reported helping Miller after she had a speeding ticket in Clark County. He stated he gave her a contact with the County Attorney's office there. He discouraged Miller from filing a lawsuit against an officer who she said threatened her and made advances towards her and her daughter.

68. Finally, the **Appellant, Kristen Miller**, testified on her own behalf. She is forty-three years old and previously worked as a Vocational Rehabilitation Counsel in West Liberty, Kentucky. She testified she worked there for approximately twelve years.

69. Shortly after she started working there, she alleges that Jack Cline started to bother her. Cline, who she alleges was instrumental in getting her a job during a hiring freeze, would come into her office and reach under her skirt or reach into her blouse. She stated that he would also kiss and hug her. Miller stated that Cline's advances were unwelcome, and she did not find him attractive. She estimated that he is at least seventy-five years old.

70. Over the years, she stated that Cline's behavior became much worse and she would shut her door and hide from him when he was in the office. She stated that Cline touched her in her private areas numerous times. She estimated this as being in the hundreds. She stated that these events happened when no one else was there. Miller testified that this harassment got to her and had a negative impact on her ability to do her job.

71. On one occasion, when she alleges Cline was in her office kissing her, Beverly Back, a part-time assistant, walked in and saw the kiss. She estimated this was two or three years ago. Miller did not want Back to say anything. She was afraid she might lose her job.

72. Over Thanksgiving 2019, Miller states she told her husband about Cline's harassment. She stated her husband was very angry and upset.

73. On the day before she received her Intent to Dismiss letter, Miller states she told Anthony Perry that he had to get Jack Cline to stop harassing her. She stated she did not state any of the specifics of what Cline was doing. Miller stated that Perry did not react to this disclosure. She believes that her dismissal the next day was the result of retaliation for having reported Cline. She stated that Cline and Perry were like father and son.

74. Miller stated that she started seeing Alexandria Yuhas in January 2020. She stated she had never seen a mental health worker before that date. She stated she was being treated for Post Traumatic Stress as a result of the harassment and abuse at work. Miller stated that she is taking antidepressant and anti-anxiety medications.

75. When asked about the specifics regarding Cline's harassment, Miller stated that he was always touching her. She stated he also told her how good she looked. She stated he would also tell her when he needed "a blow job." Miller stated that she tries not to remember these incidents.

76. Miller stated it was a "typo" when she submitted her Amended Witness and Exhibit Lists, stating that she was harassed by Cline from February 2018 to November 2019.

77. On cross-examination, Miller admitted receipt of Appellee's Exhibit 25, the Cabinet's policy statement on Harassment Prevention. The policy states that an employee with a complaint of harassment has a duty to immediately bring the problem to the attention of his or her supervisor. The policy also provides alternative reporting to EEO coordinators. Miller admitted she did not follow policy and report her complaint of harassment to anyone, but stated she was afraid of losing her job. She signed for receipt of the policy on March 3, 2015.

78. Also on cross-examination, the Appellant admitted all of the poor performance alleged in her dismissal letter. Miller admitted that she failed to enter data regarding her assigned cases into the Case Management System within seven calendar days as required by policy. She also admitted that she submitted an eligibility extension form that was not signed by the consumer, although she stated that she did this by accident. The Appellant further admitted that she failed to make a determination of eligibility for cases within 60 calendar days as required by policy.

79. No additional witnesses were called. The attorneys made closing arguments. Counsel for the Appellant argued that the Appellant's claims of sexual harassment were true and that they greatly impacted her ability to do her job. Counsel for the Appellee argued that they had established Miller's lack of good behavior, poor work performance, and demonstrated just cause for her dismissal.

### **FINDINGS OF FACT**

1. The Appellant, Kristen Miller, a classified employee with status, was employed as a Vocational Rehabilitation Counselor Certified I at the West Liberty Office for the Appellee, Education and Workforce Development Cabinet. She was dismissed for cause by letter dated

January 21, 2020, signed by Appointing Authority, Elizabeth Roark. The letter alleged lack of good behavior and unsatisfactory performance of duties. (Appellee's Exhibit 24; Testimony of Anthony Perry, Kimberly Tucker, and Elizabeth Roark.)

2. The Appellee established a lack of good behavior by Miller through her interactions with Angela Ball on November 26, 2019, and Melissa Gullett on November 20, 2019. Miller's conduct was inappropriate and unprofessional, and constituted a lack of good behavior. Ball and Gullett testified credibly regarding this behavior and Miller did not deny it. (Testimony of Angela Ball, Melissa Gullett, Anthony Perry, Kristen Miller; Appellee's Exhibits 11 and 12.)

3. The Hearing Officer finds that Miller's conduct towards Gullett and Ball constitutes lack of good behavior as the term is used in 101 KAR 1:345, thus disciplinary action was appropriate.

4. As a Vocational Rehabilitation Counselor, Miller was supposed to enter data regarding her assigned cases into the Case Management System within seven calendar days. The Appellee established that the Appellant failed to timely enter information regarding at least fifteen cases. Miller admitted this failure. (Appellee's Exhibits 6 and 9; Testimony of Anthony Perry and Kristen Miller.)

5. One of these fifteen cases was a Social Security recipient whose eligibility should have been made a top priority, pursuant to office policy. Miller's inaction unnecessarily delayed this matter. (Appellee's Exhibit 9; Testimony of Anthony Perry.)

6. Another of these fifteen cases included an eligibility extension form that was initiated by Miller but not signed by the consumer. Miller entered into the system that she had obtained a signed extension. Miller admitted to this poor performance, but stated it was an accident. (Appellee's Exhibit 11; Testimony of Anthony Perry and Kristen Miller.)

7. Miller also failed to make a determination of eligibility in two cases within sixty calendar days as required. (Appellee's Exhibit 11; Testimony of Anthony Perry and Kristen Miller.)

8. The Appellant's poor performance as outlined in Findings of Fact 2, 4, 5, 6, and 7, constitutes a violation of 101 KAR 1:345 and is appropriate for disciplinary action.

9. The Appellant had previously been disciplined and warned for failure to meet program timeframes on a number of occasions. These include a verbal warning, a timeliness memorandum, a Performance Improvement Plan, a written reprimand, and a two-day suspension.

10. Miller claims that she was dismissed in retaliation for complaining about sexual harassment by Jack Cline. Miller testified that she told Anthony Perry that he needed to stop Jack Cline from harassing her the day before she received her Intent to Dismiss letter. Miller received the Intent to Dismiss letter on December 3, 2019, so her testimony is that she reported

harassment to Perry on December 2, 2019. She admitted that she did not make any specific claim of sexual harassment or complain of any specific actions by Jack Cline. Perry completely denied that Miller made any such claim to him.

11. Included in the exhibits is Appellee's Exhibit 16, which includes an email exchange starting with Miller's email to Anthony (Brent) Sturgill, who is Anthony Perry's supervisor. In this email dated December 3, 2019, sent after she received her Intent to Dismiss letter, Miller complains of being harassed and bullied by Angela Ball and Melissa Gullett. She also complains of being harassed and stalked by Asa Vest. She then stated, "I also told Tony needed talk with him when got back to tell him about another sexual predator he was going to have to ask to stay out of the office." (sic) The Hearing Officer finds that the Appellant did make a reference to being sexually harassed at the time she received her Intent to Dismiss letter; however, from the evidence, it does not appear she made any specific allegations of harassment and did not mention Jack Cline's name.

12. Miller's retaliation claim is fatally undermined by the evidence of record that her dismissal was in progress for quite some time before the date of her pre-termination conference. Anthony Perry submitted a Request for Major Disciplinary Action regarding these allegations on October 21, 2019. Beth Roark then turned investigation of that request over to Kimberly Tucker for a thorough review. This thorough review was not concluded until December 2019, however, the process to recommend dismissal for Miller was progressing long before she raised any concerns about being harassed by Jack Cline. The Hearing Officer finds that the Appellant failed to carry her burden of proof to establish that her dismissal was issued in retaliation for complaining of sexual harassment by Jack Cline. (Testimony of Anthony Perry, Kimberly Tucker, Elizabeth Roark, and Kristen Miller; Appellee's Exhibits 9 and 13.)

13. Further proof that the Appellee did not retaliate against the Appellant is demonstrated by the Appellee's reaction to Appellant's report of sexual harassment by Jack Cline during her pre-termination conference. Kimberly Tucker took extensive notes of Miller's statements. Elizabeth Roark assigned the matter to Kimberly Tucker for a thorough investigation. Roark also placed Jack Cline on special investigative leave while the investigation was conducted. These are all signs that the Appellee took the Appellant's allegations seriously and do not demonstrate the Appellee was retaliating against her in any way.

14. Additionally, the Appellee offered the Appellant referral to the Kentucky Employees Assistance Program (KEAP) to Miller on numerous occasions. All of these actions support a finding that the Appellee did not retaliate against Miller when she claimed sexual harassment by Cline.

15. Miller testified that she was sexually harassed by Cline, however, critically, she did not advance claims of discrimination or harassment. Because she did not specifically claim discrimination, the Appellee was not on notice it had to defend against this claim. At most, her testimony can only be analyzed as a potential defense or mitigation to the claims of lack of good behavior and poor work performance.



16. The Hearing Officer finds that Miller's allegations of sexual harassment do not mitigate or act as a defense to the charges of lack of good behavior or poor work performance because the Appellant failed to prove that she was subjected to sexually harassing behavior.

17. During the hearing, the Appellant alleged during the hearing that she was sexually harassed by Cline almost the entire time she worked for the Appellee. She also referenced unwanted touching, which she described as groping, and stated that this happened "hundreds of times." She made reference at the hearing to Cline having made comments about the fact that she looked good. The Appellant stated that Cline would tell her when he was in need of oral sex. Specifically, at the hearing, the Appellant did not give any details of any encounters with Cline. In contrast, at her pre-termination hearing, the Appellant specifically referenced two incidents; one where Cline came into her office and kissed her. The other incident referenced a Kentucky Rehabilitation Association conference in Owensboro two years ago when Cline asked her to come to his room at midnight and she performed oral sex on him because she feared for her job. Miller stated that this happened repeatedly at conferences and, also, that there were many other female employees involved. She described it as being like a "revolving door." The Appellee conducted a thorough investigation, led by Kimberly Tucker. They could find no other witnesses or evidence to corroborate Miller's story or claims regarding oral sex. Cline did admit to the kissing incident, although he alleged that Miller initiated the kiss.

18. Appellant told her therapist, Alexandria Yuhas that she had been subjected to unwanted touching from someone at work and it had progressed all the way to sexual intercourse.

19. The Appellant also admitted that an Amended Witness and Exhibit List was submitted in the appeal days before the hearing, indicating that the oral sex with Jack Cline occurred over the last year or two.

20. There are too many inconsistencies in Miller's story to find that she established that she was subjected to sexually harassing behavior. Due to these inconsistencies, the Hearing Officer finds Miller's testimony regarding unwanted sexual advances as not credible. As a result, the Appellant's testimony does not constitute a defense or mitigate against disciplinary action for her admitted poor work performance.

21. The Appellee carried its burden of proof that the Appellant engaged in a lack of good behavior and poor work performance warranting disciplinary action. Given the severity of her poor work performance and the fact Miller had been previously warned and disciplined numerous times demonstrates that dismissal was the appropriate penalty. Dismissal under these circumstances was neither excessive nor erroneous.

**CONCLUSIONS OF LAW**

1. Based on the Findings of Fact, the Appellee carried its burden of proof to establish there was just cause for the dismissal of the Appellant and that the penalty was neither excessive nor erroneous. KRS 18A.095(1) and (22)(c).

2. The Appellant failed to carry her burden of proof that her dismissal was in retaliation for her having complained of sexual harassment by Jack Cline. The timing of events demonstrates that the Appellee was working on her dismissal long before she reported harassment by Cline. Further, the Appellee's actions in response to her allegations of harassment defy claims of retaliation.

3. The Appellant failed to establish that she was subjected to sexually harassing behavior at work and, thus, her allegations do not mitigate against her dismissal or serve as a defense to the charges against her.

**RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the appeal of **KRISTEN MILLER V. EDUCATION AND WORKFORCE DEVELOPMENT CABINET (APPEAL NO. 2020-039)** 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 the Hearing Officer this 8<sup>th</sup> day of December, 2020.

**KENTUCKY PERSONNEL BOARD**

  
\_\_\_\_\_  
**MARK A. SIPER**  
**EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:

Hon. Scotty McFarlan  
Hon. Ned Pillersdorf



RECEIVED  
FEB 07 2020  
Personnel Board

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET  
OFFICE OF THE SECRETARY**

**Andy Beshear**  
Governor

500 Mero Street, 4<sup>th</sup> Floor  
Frankfort, Kentucky 40601  
Phone (502) 564-0372  
Fax (502) 564-5959

**Jacqueline Coleman**  
Lt. Governor

January 21, 2020

Kristen Thompson-Miller

PERNR:

Dear Ms. Thompson-Miller:

Having considered all statements you made on your behalf during your pre-termination hearing held on December 11, 2019 and subsequent investigation, I have determined that the weight of the evidence supports that you did commit the charges as outlined in my letter to you, dated December 3, 2019.

Therefore, based on the authority of KRS 18A.095, you are hereby notified that you are officially returned from administrative leave and officially dismissed effective January 22, 2020.

You are being dismissed from your position as a Voc Rehab Counselor Certified I with the Department of Workforce Investment's Office of Vocational Rehabilitation for lack of good behavior and unsatisfactory performance of duties pursuant to 101 KAR 1:345, Section 1 for the following specific reasons:

**Lack of Good Behavior**

As reported by Administrative Specialist III Angela Ball, you acted in an unprofessional and inappropriate manner at the workplace. Specifically, on November 26, 2019, Ms. Ball witnessed you waving your arms around and playing music extremely loud while you were using the office copier. While there, you were also laughing loudly although no one else was in the area. You then entered Ms. Ball's work area and pounded your finger on her table while demanding to know why "nothing was ever where it was supposed to be" and demanding that she "do her job". While walking away, you continued talking and making statements such as, "I don't know who you think you are. You think your shit don't stink." As reported by Ms. Ball, this is not an unusual

Recommended Order  
Attachment A

An Equal Opportunity Employer M/F/D



occurrence, but happens every day. She fears for her safety and is afraid for both herself and her coworkers.

Administrative Specialist III Melissa Gullett has also witnessed you behaving unprofessionally and inappropriately. She explained that you are unpredictable and intimidating and that incidents involving your behavior have happened "more times than she can count". Specifically, Ms. Gullett stated that since January 2018, you have treated her in a direct threatening manner on a daily basis, including on November 20, 2019 when you yelled at her while you were on the office phone and proceeded to call her "rude" loud enough for the other party to overhear you, as well as call her names "under your breath" that she could not fully understand. Following the phone call, you walked into Ms. Gullett's work area and while shaking and moving closer toward and pointing your finger at Ms. Gullett, proceeded to scream at her stating that she should be "fired" and that she does "nothing" at work. Ms. Gullett also recounted your ongoing threats to "get even" with people. Ms. Gullett also fears for her safety and is afraid for both herself and her coworkers.

Your actions are constitute grounds for disciplinary action pursuant to 101 KAR 2:095, Section 9 and constitute lack of good behavior for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

#### **Lack of Good Behavior and Unsatisfactory Performance of Duties**

As outlined in the Kentucky Office of Vocational Rehabilitation (OVR) Policy and Procedure, "Time Limit for Determining Eligibility", you must make a determination of eligibility for vocational rehabilitation services within sixty (60) calendar days from the date a consumer applies for services. This required timeframe is also stated in federal regulations, as outlined in Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C.A. Section 3101 et seq. Any extension to this required timeframe must be agreed upon, in writing, by the consumer.

In addition, you are required to maintain progress notes in the case file for each of your assigned cases and you are to document the findings from the initial interview between yourself and the consumer as outlined in the Kentucky Office of Vocational Rehabilitation (OVR) Policy and Procedure, "Initial Interview". Further, it is standard protocol that you enter all case data into the case management system (CMS) within seven (7) calendar days of any case action. As you know or should know, any information you enter into the case management system is reported to our federal oversight agency, the Rehabilitation Services Administration (RSA) and must be an accurate and complete representation of the actions regarding the case.

On Tuesday, September 17, 2019, Vocational Rehab Manager Anthony Perry met with you to review your performance. During this meeting, you informed Mr. Perry that you had several applications you had not entered into the case management system. Mr. Perry asked for specific information such as when the applications were signed by the applicants, the number of applications and the timeframes. You were unable to answer the questions at that time. Mr. Perry directed you to provide the case information to him as soon as possible so that he could review the cases for compliance. As of October 8, 2019, you had not provided Mr. Perry with the case information as directed.

On October 8, 2019, Mr. Perry ran the district Casework Data Entry report and found that you had repeatedly failed to enter data regarding your assigned cases into the case management system within seven (7) calendar days, as required. By failing to enter the data regarding your

cases into the case management system, it is not possible for case progress to be monitored, assessed and reported, which results in a delay in services to consumers. Examples of those cases assigned to you that you failed to enter into the case management system timely are as follows:

Case Number	Date of Application	Date Case Entered into CMS	Number of Calendar Days
593105	7/19/2019	9/30/2019	73
589795	9/9/2019	9/30/2019	21
591717	9/16/2019	9/30/2019	14
593141	07/25/2019	09/30/2019	67
593142	8/12/2019	9/30/2019	49
593143	8/16/2019	9/30/2019	45
593144	8/13/2019	9/30/2019	48
593145	8/19/2019	9/30/2019	42
593146	8/20/2019	9/30/2019	41
593147	8/29/2019	9/30/2019	32
593148	9/11/2019	9/30/2019	19
593149	9/10/2019	9/30/2019	20
593150	9/9/2019	9/30/2019	21
593151	9/19/2019	9/30/2019	11
593152	9/20/2019	9/30/2019	10

In addition to identifying at least fifteen (15) cases that were assigned to you, but not entered into the case management system timely, Mr. Perry also found that case 593105 was identified as a Social Security Incentive (SSI) recipient whose eligibility should have been made a priority, but was unnecessarily delayed due to your inaction.

Upon further review of case file 593144, Mr. Perry found that an eligibility extension form was initiated by you, but not signed by the consumer. Even though you had not actually obtained a signed extension from the consumer, you entered that you had obtained a signed extension into the case management system, which resulted in you having additional time to complete the necessary tasks associated with the case when additional time was not warranted. In addition to you falsely entering that you had obtained a signed extension form from the consumer, Mr. Perry also found that you had failed to include any progress notes documenting the discussion with the consumer at the time of the eligibility extension or the initial review, both of which are required. The consumer assigned case number 593144 had simply requested assistance to maintain employment due to his reported significant hearing loss. The assessment of the hearing loss was unnecessarily delayed as a direct result of your inaction, which put the consumer's continued employment in jeopardy.

In addition to the above, you failed to make a determination of eligibility for case 593144, as well as case 593141, within sixty (60) calendar days, as required.

On October 14, 2019, Mr. Perry again directed you to provide all of the above case files to him so that he could review the cases for compliance. As of October 17, 2019, you still had not provided the files as requested. Mr. Perry was able to locate case files 593105, 593145 and 593144 in your office, all of which were incomplete and did not include progress notes to document your findings from the initial interview with the consumer.

Your actions violate the Kentucky Office of Vocational Rehabilitation (OVR) Policy and Procedures, "Time Limit for Determining Eligibility", Page 56, which cites the requirements of the federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), Section 102. Your actions also violate the Kentucky Office of Vocational Rehabilitation (OVR) Policy and Procedure, "Initial Interview" and the standard protocol that you enter all data stemming from a specific request for information into the case management system within seven (7) calendar days of your request for the specific information. Further, your actions constitute lack of good behavior and unsatisfactory performance of duties for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

Previous actions issued to you include:

<u>Date</u>	<u>Action</u>	<u>Reason</u>
August 26, 2019	Two-Day Suspension	Unsatisfactory Performance of Duties
May 1, 2018	Written Reprimand	Unsatisfactory Performance of Duties
May 1, 2018	Performance Improvement Plan	Unsatisfactory Performance of Duties
February 21, 2018	Timeliness Memorandum	Unsatisfactory Performance of Duties
February 19, 2018	Verbal Warning	Unsatisfactory Performance of Duties

Pursuant to KRS 18A.032, you will not be certified on future registers for employment within the Education and Workforce Development Cabinet, unless the Education and Workforce Development Cabinet so requests.

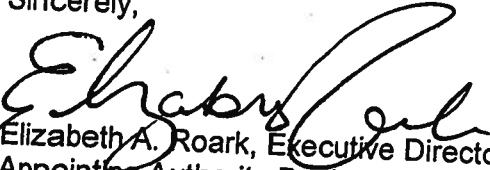
In accordance with 101 KAR 2:102 Section 1(3)(d), which states, "An employee who has been dismissed for cause shall not be paid for accumulated annual leave", you will not be paid for your accumulated annual leave.

You are to make arrangements to return your employee identification badge, keys, parking tag and any other state assigned equipment or property, including any work files you may have in your possession, immediately by calling Regional Manager Brent Sturgill upon receipt of this notice. Mr. Sturgill can be reached by calling 606-920-2338. Mr. Perry and Mr. Sturgill have identified eleven (11) consumer cases that you may have in your possession. A listing of those cases is included as an attachment to this notice. Because it is imperative that all consumer cases be properly accounted for, for the sake of the consumers' rights to confidentiality and to ensure eligibility determinations and services are rendered timely, if you are in possession of any cases or case records, including the eleven (11) that are identified, you are to make arrangements to return them immediately upon receipt of this notice.

You are not to return to agency premises, including buildings, parking lots or any other part of the property, unless it is for official business and by a scheduled appointment with agency leadership. In addition, be advised that you are not to communicate any further with consumers of the Office of Vocational Rehabilitation.

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,

  
Elizabeth A. Roark, Executive Director  
Appointing Authority Designee

Attachments: KRS 18A.095  
101 KAR 1:345  
Appeal Form  
Confidential Case Listing

cc: Secretary, Personnel Cabinet  
Executive Director, Personnel Board  
Executive Director, Office of Legal and Legislative Services  
Personnel File