

CERTIFICATION OF PERSONNEL BOARD RECORDS

I certify that attached hereto is a true and correct copy of the Findings of Fact, Conclusions of Law and Recommended Order and Final Order in the case of **VICKI SANDERSON VS. KENTUCKY DEPARTMENT OF MILITARY AFFAIRS (APPEAL NO. 2017-055)** as the same appears of record in the office of the Kentucky Personnel Board.

Witness my hand this 16th day of August, 2018.



**MARK A. SIPEK SECRETARY
KENTUCKY PERSONNEL BOARD**

Copy to Secretary, Personnel Cabinet

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2017-055

VICKI SANDERSON

APPELLANT

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

KENTUCKY DEPARTMENT OF MILITARY AFFAIRS

APPELLEE

*** **

The Board, at its regular August 2018 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated June 26, 2018, Appellee's Exceptions, and being duly advised,

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer are approved, adopted and incorporated herein by reference as a part of this Order, and the Appellant's appeal is therefore **SUSTAINED to the extent therein.**

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 August, 2018.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Charla Sands
Ms. Vicki Sanderson
Mr. Landon Clark

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2017-055**

VICKI SANDERSON

APPELLANT

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

DEPARTMENT OF MILITARY AFFAIRS

APPELLEE

** ** * * *

This matter came on for an evidentiary hearing on April 12, 2018, at 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Colleen Beach, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Vicki Sanderson, was present at the evidentiary hearing and was not represented by legal counsel. The Appellee, Department of Military Affairs, was present and represented by the Hon. Charla Sands. Present as agency representative was Michael Dossett, Director, Division of Emergency Management.

BACKGROUND

1. On March 2, 2017, the Appellant filed a timely appeal with the Board under the category of "involuntary transfer," and alleged the following:

I am appealing an involuntary transfer to Fayette Co. My home station is Franklin County. I transferred to Frankfort in August 2012 knowing I would be driving 6 miles to my office. This transfer would add between 1 – 1 ½ hours daily to my commute. I believe Director Dossetts (sic) justifications for my transfer are grossly insufficient and the transfer would be an unnecessary hardship for myself and my family.

2. A pre-hearing conference was held on July 11, 2017, at which time the Appellant stated that the relief she is seeking is to have the transfer voided and that she otherwise be made whole. The burden of proof was established as follows: "The Agency shall have the burden of proof as to the involuntary transfer."

3. The Appellee called its first witness. **Michael Dossett** is the Director of the Division of Emergency Management in the Department of Military of Affairs, a position he has held since 2014. Dossett explained that the Division of Emergency Management is charged with

the oversight of preparedness, response, recovery, and mitigation for emergency and disaster events.

4. Dossett stated that every county in the state is covered by an Emergency Management program, which is run by Area Managers. The Appellant is one of ten Area Managers.

5. The duties of the Area Manager include the provision of technical assistance to county officials and emergency personnel in the preparation for, response to, and recovery from emergencies. They participate in the development of local emergency response capabilities and assist local governments in the development of local emergency plans and operating procedures. They are also tasked with responding to hazardous material incidents when necessary.

6. According to Dossett, the Area Managers throughout the state usually have offices located in National Guard Armories. However, they spend much of their work time on the road, visiting the counties assigned to them. Dossett emphasized that the Area Managers are not first responders—that duty is left to law enforcement officials, fire fighters, and emergency medical technicians.

7. Dossett testified that when he became Director, his first order of business was to assess all parts of the agency. “I visited different counties, went to area management meetings, and documented things I thought needed improvement.” Dossett stated that due to a budget shortfall in 2012, one of the assigned management areas had been “consumed” by three other areas. Specifically, Area 7 had been absorbed by Area 6, Area 8 and Area 9. (Appellee’s Exhibit 1.)

8. At the time of Dossett’s arrival as Director, the Appellant’s assigned area was Area 5, which included Franklin County. Dossett testified that, at that time, the Appellant had been assigned the management of only five counties. It became apparent to Dossett that the counties needed to be more fairly allocated among the Area Managers. In his opinion, the manner in which the counties had been divided created a “glaring inequity.”

9. In 2015, Dossett organized an “Area Realignment” committee. Members of this committee included local, city-level Emergency Management Directors, who represented major regions of the state, and some Area Managers. In consideration of this committee’s ultimate recommendations, Dossett decided to re-establish Area 7 and, in late 2016, a new Area Manager Coverage Map was created. The map divided the state into ten areas of twelve counties each. The Appellant’s assigned area now encompassed the following counties: Marion, Washington, Boyle, Mercer, Anderson, Woodford, Jessamine, Fayette, Franklin, Bourbon, Clark, and Nicholas. (Appellee’s Exhibit 1.)

10. Dossett testified that one factor he considered in re-drawing the map was the Chemical Stockpile Emergency Preparedness Program (“CSEPP”). Dossett explained that the program deals with the management of nerve agent munitions. These stockpiles are housed

throughout the state: Area 10 has two; Area 9 has five, and Area 5 (Appellant's assigned area) has three.

11. Another factor Dossett considered in re-drawing the Area Manager Coverage Map was the review of response statistics from 2013 to 2017. Dossett described an "incident" as any reported activity in a designated county, running the gamut from a noxious smell complaint to a major catastrophic event. He noted that Franklin County had around 124 incidents per year, and Lexington had 259. In contrast, Louisville had 685.

12. Dossett added, "Lexington is a hub, a high profile area where I must have representation."

13. Another change implemented by the re-alignment is that now all Area Managers operate out of Armories. In 2015 and 2016, both the Lexington and Louisville Armories underwent a renovation. Upon their completion, Area 4's manager, Mr. Bobo, was relocated from Shelby County to the Armory in Louisville, and the Appellant was relocated from the Boone National Guard Center in Frankfort to the Armory in Lexington. Both of these particular Armories also serve as the workstation of an Administrative Assistant, two of only five in the entire state.

14. In a November 30, 2016 memorandum written from Dossett to Michael Jones, Executive Director, Department of Military Affairs, Dossett explained his decision to relocate the Appellant:

"Following the area realignments, [the Appellant's] oversight increased from 5 to 12 counties. [The Appellant] is also tasked with daily direct supervision of Mrs. Welch. There are no other Area Manager offices wherein the Administrative Assistant does not have on-site supervision, the Lexington Armory remains the sole exception. Again, in terms of a command and control element in the region, the Lexington armory is centrally located for oversight, administrative duties, and response." (Appellee's Exhibit 2.)

15. Dossett stated that both the Appellant and Mr. Bobo have "take home" state vehicles and the fuel for these vehicles is paid for by the Department. In Dossett's estimation, "the inconvenience for the extra miles is minimal."

16. Through Dossett's testimony, a memorandum addressed to him by Crystal Simpson, Branch Manager, Personnel and Payroll, dated 2/8/18, listed the mileage for all Area Managers from their home address to their workstation. The length of the Appellant's drive is 22.1 miles. Of the ten Area Managers, six of them have longer commutes than the Appellant. (Those with longer commutes than the Appellant are as follows: Carpenter, 76.6 miles; Hecker, 57.8; Rains, 28.8; Fancher, 26.4; Bobo, 25.8, and Blansett 24.6.) (Appellee's Exhibit 3.)

17. **Col. Michael Jones** (Ret.) is Executive Director, Department of Military Affairs, Office of Management and Administration. He is also an Appointing Authority.

18. Jones received a memorandum from Michael Dossett on November 30, 2016 (Appellee's Exhibit 2), and reviewed the recommendations contained therein. Jones added that he served as Acting Director of Emergency Management in 2013 and 2014, and was "very familiar with what happened in that field."

19. During the timeframe that he was Acting Director, he received phone calls from the Emergency Management Directors in the field, who told him that "nine Area Managers were not enough. They wanted to see more."

20. The configuration of the Area Managers in place then was "based on budgetary issues." When Dossett became Director, the agency vowed to find the necessary funds to staff more Area Managers. Jones noted that at one time there were actually fourteen Area Managers, "but we'll never get back to that amount," he stated. By Jones' estimation, the Department of Military Affairs had suffered a fifty percent cut in budget in recent years. "We should have more than ten Area Managers, but that is all we can afford."

21. Ultimately, Jones agreed with Dossett's recommendation to expand the number of Area Managers from nine to ten.

22. Through Jones' testimony, a letter he wrote to the Appellant, dated February 20, 2017, was introduced into the record as Appellee's Exhibit 4. The letter alerted the Appellant that, effective March 20, 2017, she was being transferred from her current work location, Boone National Guard Center, CEOC Building, Frankfort, Kentucky, to the Kentucky National Guard Armory, 4301 Airport Rd., Lexington, Kentucky.

23. As grounds for the change, Jones cited the need to better "meet the tactical distribution of the division's operational response element." Jones added that, due to Lexington-Fayette Metropolitan Statistical Area's population (724,000), and the number of reportable incidents (320) to the division from January to October 2016, it is "vitaly important to maintain an Area Manager in Lexington-Fayette County to handle area response duties..." (Appellee's Exhibit 4.)

24. **Michael Dossett** was recalled by the Appellee. He testified that the Appellant's job duties did not change when she was moved from Frankfort to Lexington. "Only the physical location of her office changed," Dossett testified. He also noted that the Armory had been under renovation the year prior to her move.

25. Dossett concluded, "After the realignment, we reinstated Area 7. The only change the Appellant underwent was a change in her workstation, and the number of counties assigned to her area, which expanded to twelve."

26. **Crystal Simpson** is the Department of Military Affairs' Administrative Branch Manager in the Personnel and Payroll Department.

27. Simpson was asked to refer to the letter Michael Jones wrote to the Appellant on February 20, 2017, informing her that her workstation was being changed from Frankfort to Lexington. Simpson stated that this "involuntary transfer" was done according to the administrative regulations regarding involuntary transfer. In her transfer letter, the following regulation was referenced: 101 KAR 1:335.

28. Simpson testified that the Appellant's position did not change when her workstation was moved.

29. At the end of Simpson's testimony, the Appellee rested its case.

30. The Appellant, **Vicki Sanderson**, testified on her own behalf. She started her employment with the Division of Emergency Management in 2003, working in the western part of the state. In 2009, she was promoted to a "Travel Planner" position. That same year, the Appellant was promoted to Area Manager of Area 2 (which encompassed counties around Owensboro).

31. As the Area Manager of Area 2, the Appellant covered thirteen counties. In 2012, when the Area Manager of Area 5—whose workstation was in Frankfort—retired, the Appellant moved into his position. At that time, Area 5 was assigned eleven counties.

32. After the Appellant assumed the Frankfort position, then-director John Heltzel asked the Appellant if she would be willing to give up four of her counties in order to equal out the county distribution. Area 4 only had seven counties, and he was going to re-assign them there. The Appellant agreed to the re-allocation, as she spent a great deal of time training staff members.

33. The Appellant stated that immediately before Dossett became Director, she was assigned seven counties. According to the Appellant, Dossett's testimony that she only managed five counties was incorrect.

34. Prior to Dossett's assuming the Director role, Fayette County was in Area 11, which was managed by Mr. Oglesby, who retired in March 2014.

35. The Appellant testified that when Dossett decided to reassign the administrative regions, she was the first one to say she needed more counties. She also worked on the realignment committee and personally worked on the administration regions maps.

36. The Appellant suggested to the committee that the state be divided between ten Area Managers, with twelve counties each. Her Administrative Assistant, Mrs. Welch, was based in Fayette County, but, while that Armory was being renovated, she moved to the Boone National Guard Center in Frankfort.

37. On August 24, 2016, Mr. Byrd, Assistant Director of Operations, called to tell the Appellant that she would be reassigned to the Lexington office. The Appellant voiced her objection to the move, telling Byrd, "Lexington does not need an Area Manager because it has more resources." Byrd responded, "This is what the Director wants."

38. On February 20, 2017, the Appellant received the letter from Dossett informing her in writing of the move. She spoke to Dossett, imploring him that she was more needed elsewhere. Dossett assured her that she "could work out of the Boone National Guard Center when she needed to."

39. On January 17, 2018, the Appellant went to work at Boone due to severe inclement weather. As she walked in, she heard that one of the Area Managers was working from home that day. Later that month, on another inclement day, she asked Byrd if she could work from home. He informed her that "the roads are clear." She went to work at the Frankfort office instead. When Byrd saw her there, he asked her: "What are you doing here?" She answered that the roads were too dangerous to travel to Lexington. He disagreed and added that "she was going to get him in trouble." He then asked her to do a site visit. The Appellant concluded that she was not welcome in the Frankfort office.

40. On February 19, 2018, the Appellant went back to Frankfort to drop off some paperwork. Byrd ran into her and asked: "What are you doing here?" The Appellant answered that she was dropping off paperwork. Byrd responded, "What paperwork?" The Appellant was surprised by the question because, in her estimation, "No other Area Manager has been asked what kind of paperwork they are dropping off."

41. The Appellant stated that she took issue with Dossett's assertion that there were 320 incidents in Fayette County from January to October 2016. She compiled her own list of incidents in Fayette County and, by her calculation, there were 226 incidents in that timeframe, and 259 in 2017. (Appellant's Exhibit 2.) Of those 485 combined incidents, she had not been directed to respond to a single one. The last time a Lexington official had requested her emergency management assistance was in 2003. "Even in the ice storm of 2007," the Appellant stated, "Fayette County did not request state help." The Appellant added that, at the local level, the Fayette County Emergency Management Office employs twelve full-time staff. No one from that office has yet contacted her.

42. The Appellant added that Fayette County also employs the most law enforcement and firefighting personnel of any of the twelve counties assigned to her. That county has 1,156 full-time first-responders. The next highest number of first-responders is in Boyle County, which employs 343, and Franklin County which employs 210, some of whom are seasonal. (Appellant's Exhibit 3.)

43. The Appellant testified that she is reimbursed by the Department of Military Affairs at the rate of \$0.67 per mile for miles over the base allowed amount of 1,125 miles. From March 2017 until January 2018, her mileage overage cost the state \$3,122.67. (Appellant's Exhibit 4.)

44. The Appellant's Administrative Assistant has held the same position for eleven or twelve years and, in the Appellant's estimation, "She does not need my supervision. She does an excellent job."

45. The Appellant concluded by stating that the move of her workstation to the Lexington Armory has caused a great deal of hardship for her and her family. Her son and daughter-in-law have three children and they live across from the Appellant in Franklin County. If one of her grand-children is sick, it takes her longer to pick them up if she is in Lexington. Also, her father-in-law was diagnosed with cancer, and the extra distance will make it harder for her to participate in his caregiving.

46. On cross-examination, the Appellant was asked, "Because you serve as a liaison between all partners, why shouldn't you work where the resources are?" The Appellant answered, "Because they don't need me. My smaller counties need me more."

47. At the end of her testimony, the Appellant rested her case.

48. **Michael Dossett** was recalled on rebuttal. He stated that incurring mileage overages was a common occurrence among the Area Managers because they are expected to visit each of the twelve counties assigned to them at least once per month. These overages are budgeted for by his department.

49. Dossett acknowledged that the Lexington emergency management personnel "are never going to call [the Appellant] for assistance." But an Area Manager presence is necessary for "situational awareness."

50. Dossett concluded, "Area Managers are our eyes and ears."

51. **Wayne Byrd** was called by the Appellee as a rebuttal witness. He is the Assistant Director of Operations, Division of Emergency Management. He also serves as the first-line supervisor of the Area Managers.

52. Byrd stated that the Area Managers are allowed to work at the National Guard Center in Frankfort if they have training to attend there. He is also not opposed to them stopping by if they have business there, but primarily they are to work in their assigned workstation. "If I did not know why someone was at the Center, I would ask them the purpose of their visit."

53. The Appellant, **Vicki Sanderson**, was called by the Appellee on rebuttal. The Appellant was asked if her assigned work hours had changed since the move to Lexington. The Appellant responded that, currently, her hours are 8:00 a.m. to 4:00 p.m. When she worked in Frankfort, her hours were the same.

54. The Appellant acknowledged that she never told her supervisors that she felt uncomfortable going to the Frankfort office due to Byrd's actions.

55. KRS 18A.005(38) defines "transfer" as follows:

"Transfer" means a movement of any employee from one (1) position to another of the same grade having the same salary ranges, the same level of responsibility within the classified service, and the same salary received immediately prior to transfer.

56. 101 KAR 2:095, Section 3, states:

Section 3. Work Station and Temporary Assignment.

(1) Each employee shall be assigned a work station by the appointing authority.

(2) A work station may be changed to better meet the needs of the agency.

(3) An employee may be temporarily assigned to a different work station in a different county.

(a) If an employee is temporarily assigned to a different work station in a different county, the assignment shall not last more than sixty (60) calendar days.

(b) Temporary assignment may be renewed with the approval of the Secretary of Personnel.

(c) A temporarily reassigned employee shall be reimbursed for travel expenses in accordance with 200 KAR 2:006, and the appointing authority shall notify the employee in writing prior to the effective date of the action.

(4) An appointing authority may assign an employee to work in a different site within the county of employment.

57. 101 KAR 1:335, Section 2, Work Station reads:

(1) The official work station of an employee assigned to an office shall be the street address where the office is located.

(2) The official work station of a field employee shall be that address to which the employee is assigned at the time of appointment to the employee's current position.

(3) Except as provided by Sections 3, 4, and 5 of this administrative regulation, an appointing authority may assign an employee to work at a site other than his or her work station if the:

- (a) Site is within the employee's county of employment; and
- (b) Assignment is not a transfer, demotion, or reinstatement.

FINDINGS OF FACT

1. The Appellant, Vicki Sanderson, is a classified employee with status who works as an Area Manager in Administrative Region 5 in the Emergency Management Division of the Department of Military Affairs. The counties currently assigned to Appellant are as follows: Nicholas, Bourbon, Clark, Fayette, Franklin, Jessamine, Boyle, Marion, Washington, Anderson, Mercer, and Woodford.

2. In 2014, Michael Dossett became Director of the Division of Emergency Management. As Director, Dossett determined that county assignments needed to be more fairly allocated among the Area Managers to more fairly distribute their workload. After receiving input from the "Area Realignment Committee," Dossett implemented a new Area Manager Coverage Map. This map added an extra Area Manager, and distributed the counties equally among the Area Managers. Under the new plan, ten Area Managers are responsible for twelve counties each.

3. Pursuant to the realignment, the Appellant was given five additional counties to manage, including Fayette County (Lexington).

4. On February 20, 2017, the Appellant was informed that her work location was being transferred from the Boone National Guard Center, CEOC Building, Frankfort (Franklin County), Kentucky, to the Kentucky National Guard Lexington Armory, 4301 Airport Road, Lexington (Fayette County), Kentucky.

5. According to a memorandum Dossett sent to Michael Jones, Executive Director of the Department of Military Affairs, Dossett's decision to change the Appellant's workstation from Frankfort to Lexington was made primarily because the Administrative Assistant assigned to Lexington required on-site supervision, and because the Lexington Armory is "centrally located for oversight, administrative duties, and response." (Appellee's Exhibit 2.)

6. The Appellant's objection to the change of workstation was two-fold. First, she is a caregiver to her grandchildren and father-in-law, and the extra miles to Fayette County from Franklin County (where she lives) creates an additional burden to performing those duties. Second, in the Appellant's opinion, the Lexington-Fayette County region has so many resources available that her assistance is basically unnecessary. To the Appellant, her services are more valuable to the counties which do not have the same resources.

7. The Appellant acknowledged that the extra miles she now travels to her workstation are reimbursed by her employer. No evidence was presented indicating that the Appellant has incurred any extra financial burden due to her longer commute. Dossett testified that some other Area Managers have much longer commutes than the Appellant.

8. It was uncontested at the evidentiary hearing that the only thing that changed when the Appellant was relocated to the Lexington armory was the address and location of her workstation. By all accounts, including testimony from the Appellee's own witnesses, the Appellant's position remained the same.

CONCLUSIONS OF LAW

1. The Appellee contends that the Appellant's work location needed to be changed from the Boone National Guard Center to the Lexington Armory primarily because Lexington is the most populous area in her region, with the most reported incidents. The Appellant has an Administrative Assistant, who also works at the armory, which the Appellant is tasked with supervising. While 101 KAR 2:095, Section 3(2) states: "A workstation may be changed to better meet the needs of the agency," the Hearing Officer does not find that section to give an agency blanket authority to change an employee's work station to any county of the agency's choosing, no matter the perceived need. Indeed the last two subcategories [(3)] and [(4)], of Section 3 imply that permanent work station change out of county is not permissible.

101 KAR 2:095, Section 3(3), allows for temporary out of county workstation change with two conditions: (1) it is only permitted up to 60 days, and (2) travel expenses incurred by the employee must be reimbursed. Notice of the temporary assignment must also be in writing and it may be renewed, but only with approval of the Secretary of Personnel.

101 KAR 2:095, Section 3(4) allows an agency to permanently reassign an employee, but only if it is to a different site within the county of employment.

2. Reading 101 KAR 2:095, Section 3, as a whole, the Hearing Officer concludes that an out of county workstation change can only be done on a temporary basis. To interpret otherwise would not only enlarge the meaning and effect of that regulation, it would also render 101 KAR 1:335, Section 2(3), null and void. From the plain text of that regulation, an employee may be assigned to work at a site other than his workstation "if the site is within his county of his employment; and assignment is not a transfer, demotion or reinstatement.

3. No evidence was presented that the Appellant's change of work location was due to a transfer, demotion, or reinstatement.

4. While the Appellant's supervisors processed this change as an "involuntary transfer", the change of work location was not technically a "transfer" as that term is defined by KRS 18A.005(38). That statute defines "transfer" as the "movement of any employee from one

position to another..." No evidence was presented at the evidentiary hearing that the Appellant's position or position number changed when she was moved from Frankfort to Lexington. In fact, the Appellee's own witnesses, Michael Dossett and Crystal Simpson, testified that the only change the Appellant underwent was the change of her workstation. Therefore, the Appellee has failed to satisfy its burden of proof to show the propriety of the personnel action taken against the Appellant, which was described in her notification letter(s) as an "transfer."

5. Reading the plain language of 101 KAR 1:335, Section 2, and considering the text of 101 KAR 2:095, Section 3, as a whole, the Hearing Officer concludes that the Appellee was erroneous in its decision to permanently change the Appellant's workstation from Franklin County to Fayette County.

6. The Hearing Officer notes that the evidence presented at the evidentiary hearing demonstrated that the Appellant has not incurred travel expenses, as she has been given a state vehicle to use for work-related travel, and her fuel costs for the vehicle are reimbursed.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeal of **VICKI SANDERSON V. DEPARTMENT OF MILITARY AFFAIRS, (APPEAL NO. 2017-055)** be **SUSTAINED** to the extent that her workstation be returned to Franklin County, Kentucky. The Appellee is ordered to reimburse the Appellant for any leave time she used to attend the evidentiary hearing and any pre-hearing conferences at the Personnel Board, and to otherwise make the Appellant whole. KRS 18A.095(25), 200 KAR 12:030, and KRS 18A.105.

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 Colleen Beach** this 26th day of June, 2018.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Charla Sands
Vicki Sanderson