

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOs. 2021-118 and 2021-148

THOMAS STEPHENS

APPELLANT

VS.

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

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

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

The Board, at its regular July 2024 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated May 9, 2024, Appellant's Exceptions and Objections to Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Request for Oral Argument, Appellee's Response to Exceptions, and being duly advised,

IT IS HEREBY ORDERED that the Appellant's Request for Oral Argument is **DENIED**, and the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer are approved, adopted, and incorporated herein by reference as a part of this Order, and the Appellant's appeal is therefore **DISMISSED**.

The parties shall take notice that this Order may be appealed to the Franklin Circuit Court in accordance with KRS 13B.140 and KRS 18A.100.

SO ORDERED this 16th day of July, 2024.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

A copy hereof this day emailed and mailed to:
Hon. Steve Bolton
Hon. Jesse Robbins
Hon. Rosemary Holbrook (Personnel Cabinet)
Rodney Moore

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOs. 2021-118 and 2021-148**

THOMAS STEPHENS

APPELLANT

V.

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

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

APPELLEE

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

This matter came on for an evidentiary hearing on February 15 and 21, 2024, at 9:30 a.m., ET each day, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before Mark A. Sipek, Hearing Officer. The proceedings were recorded by audio equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Thomas Stephens, was present and was represented by the Hon. Stephen G. Bolton. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and was represented by the Hon. Jesse L. Robbins. Also present for the Appellee were Warden Vanessa Kennedy, the appointing authority, and Paralegal Deanna Smith.

The purposes of the pre-hearing conference were to discuss the status of the appeal, including the Appellee's Proposed Recommended Order.

BACKGROUND

1. The Appellant filed Appeal No. 2021-118 with the Personnel Board on October 8, 2021, appealing from an Intent to Suspend letter he received from Warden Vanessa Kennedy (Warden Kennedy).

2. The Appellant filed Appeal No. 2021-148 from a five (5) -day suspension he was issued by Warden Kennedy. The Appellant was employed as a Corrections Education Specialist II at the Kentucky Correctional Institute for Women (KCIW). He was suspended as a result of his failure to report to "Operations" for an assignment on days when the facility was on lockdown and there were no educational-related activities. A copy of the Suspension letter is attached herein and incorporated as **Recommended Order Attachment A**.

3. After a number of pre-hearing conferences, a period of discovery, and efforts by the parties to enter into stipulations, this matter was set for evidentiary hearing.

4. The issue for the evidentiary hearing was whether there was just cause for the five (5)-day suspension, and whether that penalty was excessive or erroneous. The burden of proof was on the Appellee by a preponderance of the evidence.

5. **Witnesses:**

- a. Rebecca Poe;
- b. Appellant, Thomas Stephens (called by the Appellee, but also a witness for the Appellant);
- c. Donna McClamroch;
- d. Nancy Godbey;
- e. Deputy Warden Stephen Lyons;
- f. Warden Ravonne Sims;
- g. Warden Vanessa Kennedy (KCIW Warden, Agency representative)

6. **Exhibits:**

- a. Joint Exhibit 1 – Corrections Educational Specialist II Job Class Specification;
- b. Joint Exhibit 2 – Corrections Educational Specialist II Position Description
- c. Joint Exhibit 3 – Correctional Officer Position Description
- d. Joint Exhibit 4 – Correctional Officer Job Class Specification
- e. Joint Exhibit 5 – Appellant’s Document of Understanding
- f. Joint Exhibit 6 – Appellant’s Orientation Program for New Institutional Staff-Checklist

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- g. Joint Exhibit 7 – Appellant’s Handbook Acknowledgement Form
- h. Appellee’s Exhibit 8 – Appellant’s Personnel Checklist
- i. Appellee’s Exhibit 9 – Appellant’s Interview Questionnaire Worksheets
- j. Appellee’s Exhibit 10 – Appellant’s Employment Medical Examination and Hazardous Duty Certification, dated March 22, 2018
- k. Appellee’s Exhibit 11 – Appellant’s Release from Personal Physician dated May 6, 2020; and Appellant’s Fitness for Duty Form and Temporary Modified Duty Plan dated May 7, 2020
- l. Appellee’s Exhibit 12 – Appellant’s 2021 Annual Employee Performance Review
- m. Appellee’s Exhibit 13 – Appellant’s Intent to Suspend, dated October 4, 2021
- n. Appellee’s Exhibit 14 – Response from Appellant to Intent to Suspend, dated October 6, 2021
- o. Appellee’s Exhibit 15 – Appellant’s October 11, 2021, Suspension Letter
- p. Appellee’s Exhibit 16 – September 13, 2021, 8:26 a.m. email from Godbey to the Appellant, et al., re: Operations
- q. Appellee’s Exhibit 17 – Email chain dated September 13, 2021, 10:14 a.m. through September 13, 2021, 1:16 p.m. between Godbey and the Appellant, re: Not Feeling Well
- r. Appellant’s Exhibit 18 – September 17, 2021, 7:12 a.m. email between Godbey and the Appellant, re: Assignment
- s. Appellee’s Exhibit 19 – September 13, 2021, 2:03 p.m. email from Godbey to multiple staff, re: Assignments

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- t. Appellee's Exhibit 20 – Email chain September 15, 2021, 12:30 p.m. through September 15, 2021, 12:42 p.m. between Warden Kennedy and the Appellant, re: Correspondence from Ms. Godbey
- u. Appellee's Exhibit 21 – Email chair September 15, 2021, 12:30 p.m. through September 15, 2021, 12:50 p.m. between Warden Kennedy and the Appellant, re: Correspondence from Ms. Godbey
- v. Appellee's Exhibit 22 – Appellant's Certified Training Documents
- w. Appellee's Exhibit 23 – September 13, 2021 email from Godbey to Sims forwarding an August 30, 2021, 11:05 p.m. email to the Appellant and multiple staff, re: Reassignments and Time Submitting
- x. Appellee's Exhibit 24 – September 13, 2021, 2:03 p.m. email from Godbey to multiple staff, re: Assignments
- y. Appellee's Exhibit 25 – September 14, 2021, 8:06 a.m. email from Godbey to Sims, et al., re: Security
- z. Appellee's Exhibit 26 – September 15, 2021, 10:11 a.m. email from Godbey to Sims, et al., re: Thomas Stephens Issue
- aa. Appellee's Exhibit 27 – Email chain September 15, 2021, 10:16 a.m. through 12:01 p.m., between Godbey and the Appellant and Godbey and Sims, re: Work Assignments
- bb. Appellee's Exhibit 28 – September 16, 2021, 8:14 a.m. email from Godbey to Warden Kennedy and Sims, re: TS
- cc. Appellee's Exhibit 29 – September 16, 2021, 8:14 a.m. email from Godbey to Warden Kennedy and Sims, re: Security Assignment
- dd. Appellee's Exhibit 30 – Corrections Policy and Procedure, CPP 3.14, Employee Time and Attendance Requirements

- ee. Appellee's Exhibit 31 – KCIW Institutional Employee Handbook
- ff. Appellee's Exhibit 32 – September 21, 2021, 1:09 p.m. email from Lyons to Sims, re: Thomas Stephens
- gg. Appellee's Exhibit 33 – Central Office Education Division and KCIW Hierarchy
- hh. Appellee's Exhibit 34 – September 14, 2021, 12:28 p.m. through 12:30 p.m. email from Godbey to Sims, re: Security Today (included other emails in chain)
- ii. Appellee's Exhibit 35 – September 13, 2021, 3:28 p.m. email from the Appellant to Sims
- jj. Appellee's Exhibit 36 – September 15, 2021, 12:39 p.m. email from the Appellant to Sims, re: Work Assignment

7. Following the evidentiary hearing, the parties submitted closing briefs and replies.

FINDINGS OF FACT

1. The facts are not in dispute. The evidence demonstrates the events occurred as are outlined in the Suspension Letter. (**Appellee's Exhibit 15**)
2. The Hearing Officer makes the following Findings that lead to the Appellant's suspension:
 - a. On the evening of August 25, 2021, KCIW experienced a major power outage at the institution causing the closure of the Education Department.¹ On August 30, 2021, the Appellant, as a member of the Education Department, was instructed in writing by Nancy Godbey (Godbey) to report to operations while no classes were being held.²
 - b. August 31, 2021, Deputy Warden Stephen Lyons (Lyons) was conducting Duty Officer tours in the Education Department Building.³ He found the Appellant in his darkened classroom.⁴

¹ Ex. 15: Five (5) -day suspension letter at 92.

² Id.

³ Id.

⁴ Id.

- c. Lyons asked the Appellant if he had received the email instructions about reporting to Operations to be assigned to a post monitoring inmates.⁵ Lyons then told him to check his email.⁶ Following that conversation, the Appellant reported to security that day.⁷ Throughout that day, there is no evidence that he was asked to perform any specialized task that only a correctional officer should perform. During his shift assisting security, he did not report to his supervisor, the Deputy Warden, or the Warden that he physically could not handle the duties.
- d. After reporting to security that day, the Appellant requested to take personal time on September 1 and 2, 2021.⁸ Following that personal time, no evidence indicates he communicated with any supervisor or the Warden regarding his inability to do the other duties he was asked to do when he assisted security on August 31. He never provided medical documentation or a doctor's excuse to his supervisor nor during the evidentiary hearing. He never requested an accommodation due to his age after he assisted security on August 31.
- e. The Appellant testified regarding the previous times he had assisted security at Ridgeway, one of the buildings housing the inmates. When he assisted security at Ridgeway, he sat with correctional officers in the control room. Following his duties at Ridgeway, he did not report to a supervisor that he could not perform those duties or that he would not perform those duties.
- f. When he had reported to the Main Building, another housing unit, he sat in a security office with no windows, had to monitor the building and do duty (walking) tours about every 30 minutes, write in the logbook regarding those tours, and lock the doors throughout his tour. He also testified that many times the doors he previously locked would be unlocked. He decided after this that he would not report to security again.
- g. On September 8, 2021, the institution was placed on lockdown status due to the unprecedented Covid-19 pandemic for an

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

undetermined amount of time.⁹ During the lockdown, no educational classes were being conducted.¹⁰ On September 7, 8, 9, and 10, the Appellant did not report to Operations, as instructed, to be assigned to a post to monitor inmates.¹¹ As he testified during the hearing, he refused to report to operations on those days.¹²

- h. After hearing of the Appellant's refusal, Director Ravonne Sims (Sims) interviewed the Appellant on Monday, September 13, 2021, and specifically asked if he had received notification to report to security on Monday September 13, and he stated, yes.¹³ Sims then asked if he was going to report to security and he stated that he was not. Sims directed the Appellant to provide a written statement. Following that meeting, the Appellant sent an email to Godbey stating he did not feel well and left the institution without permission.¹⁴
- i. On the September 13, after the Appellant left, Godbey sent an email to all educational staff giving instructions for work assignments for the next day, September 14.¹⁵ The Appellant emailed Godbey at 7:54 a.m. on the morning of September 14, 2021, after the start time of his schedule.¹⁶ He stated that he would not be in due to not feeling well.¹⁷
- j. Later that same day, at 10:18 p.m., the Appellant emailed Ms. Godbey and stated that he would not be in on September 15, 2021, and requested to utilize annual leave due to a personal matter.¹⁸ Following that email, Godbey directed him to bring in a medical statement and a Fitness for Duty Form upon his return.¹⁹ After conferring with Rebecca Poe (Poe), he then told Godbey that he would come into the institution, so he did not have to provide documentation.²⁰

⁹ Id. at 93.

¹⁰ Id. at 93.

¹¹ Id. at 93.

¹² Id. at 93.

¹³ Id. at 93.

¹⁴ Id. at 93.

¹⁵ Id. at 93.

¹⁶ Id. at 93.

¹⁷ Id. at 93.

¹⁸ Id. at 93.

¹⁹ Id. at 93.

²⁰ Id. at 93.

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- k. Upon his arrival to the institution on September 15, 2021, around 10:16 a.m., Godbey instructed the Appellant to report to Operations.²¹ She also communicated, through email, that his assignment was security for the day.²² At 12:00 p.m., the Appellant responded to her and refused his assignment- ignoring his duties pursuant to other duties as assigned and maintaining order and control.²³
- l. The Appellant asserted that "Assigning me to security duty is not lawful and is contrary to Merit System and Personnel regulations. I have reported for work, and request duties consistent with my job description and classification."²⁴
- m. At 12:26 p.m., Godbey instructed the Appellant to report to security.²⁵ Again, Sims followed up with him by email at 12:35 p.m. and asked if he refused his work assignment.²⁶ He replied, "Yes, because it is not lawful, and is contrary to the Merit System and Personnel regulations."²⁷ He further stated his refusal in an email to Warden Vanessa Kennedy (Warden Kennedy).²⁸
- n. Warden Kennedy held a meeting with the Appellant in her office and explained that, since no classes were occurring and he was refusing the security assignment, he would need to go home and utilize annual or compensatory leave.²⁹ He was told that he must call in every day if he was not reporting to work.³⁰ Stephens further stated to Warden Kennedy that he would report to work every day and refuse any security assignments.³¹
- o. On the morning of September 16, 2021, the Appellant reported to the institution and sent an email to Godbey stating, "At your request, I am stating that I will not accept a security assignment today,

²¹ Id. at 93.

²² Id. at 93.

²³ Id. at 93.

²⁴ Id. at 93.

²⁵ Id. at 93.

²⁶ Id. at 93.

²⁷ Id. at 93.

²⁸ Id. at 93.

²⁹ Id. at 93.

³⁰ Id. at 93.

³¹ Id. at 93.

September 16, 2021 (or any other day).³² He was sent home again for refusal to work an alternate assignment for the day since no classes were being held.³³ The Appellant admitted to all of these refusals in his testimony.

- p. Despite the refusals, on September 17, 2021, he was assigned other duties to conduct classes in the cell residential areas-basically bringing the classroom to the inmates. As detailed in testimony and the email assigning him duties, he was required to teach the inmates in the residential areas and even the restricted housing unit, which included sitting down with the inmates and having class every day.³⁴ Earlier, the Appellant refused to assist security in the same and similar areas, however, he was having class in those areas without objection due to his age or physical condition or the nature of it being hazardous.
- q. After these refusals, Warden Kennedy issued an Intent to Suspend for five (5) days.³⁵ After the Appellant responded and interviewed with Warden Kennedy, she issued the disciplinary action, suspending him for five (5) -days.³⁶ Attached to the letter were the various policies and procedures and regulation that supported his suspension.

3. The Hearing Officer finds the Appellee and Warden Kennedy demonstrated just cause for the five (5) -day suspension of the Appellant. The Appellant was not asked to perform any duties that he had not been trained to perform. The duties were also consistent with his Job Class Specification and his Position Description. The Appellant was properly asked to "maintain order and discipline."

4. The Appellant disobeyed a lawful order to report to "Operations." His actions constituted a Lack of Good Behavior and justified his five (5) -day suspension. 101 KAR 1:345, 101 KAR 2:095, and 501 KAR 6:020.

5. The Appellant's five (5) -day suspension was neither excessive nor erroneous.

6. The Appellant argued that he was not qualified, either physically or by age and training to function as a Correctional Officer. The Hearing Officer did not find the Appellant's

³² Id. at 93.

³³ Id. at 93.

³⁴ See Exhibit 18: Sept. 17, 2021, 7:12 a.m. email from Godbey to the Appellant, Subject: Assignment

³⁵ Exhibit 13: Intent to Suspend Letter

³⁶ Exhibit 15

testimony credible. He was asked to report to “Operations” and assist with security, not function as a Correctional Officer. His testimony about his age and physical condition were not persuasive. The Hearing Officer finds the Appellant was capable of performing the tasks he was assigned, and it was reasonable to assign him to Operations.

7. The Appellant did not claim age or disability discrimination. To the extent he raised these issues in his brief, he did not prove either age or disability discrimination.

CONCLUSIONS OF LAW

1. The Appellee carried its burden of proof that there was just cause for the five (5) - day suspension of the Appellant. KRS 18A.095(1) and KRS 13B.090(7)

2. The Appellee carried its burden of proof that the five (5) -day suspension of the Appellant was neither excessive nor erroneous. KRS 18A.095(22) and KRS 13B.090(7)

3. The Appellant disobeyed a lawful order to report to “Operations.” His actions constituted a Lack of Good Behavior and justified his five (5) -day suspension. 101 KAR 1:345, 101 KAR 2:095, and 501 KAR 6:020

4. An Intent to Suspend is not an appealable penalization. KRS 18A.005(24)

5. The Appellant did not claim or prove age or disability discrimination.

6. Because all the events underlying this Appeal occurred before the effective date of Senate Bill 153, all references to KRS Chapter 18A are to the sections in effect at the time of the events associated with this Appeal.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeal of **THOMAS STEPHENS V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS (APPEAL NOs. 2021-118 and 2021-148)** 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

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response to any exceptions that are filed by the other party within fifteen (15) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal, a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

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.

SO ORDERED at the direction of Hearing Officer Mark A. Sipek this 9th day of May, 2024.

KENTUCKY PERSONNEL BOARD


GORDON A. ROWE, JR.
EXECUTIVE DIRECTOR

A copy hereof this day emailed and mailed to:

Hon. Steve Bolton
Hon. Jessie Robbins
Hon. Rosemary Holbrook (Personnel Cabinet)



DEPARTMENT OF CORRECTIONS

Cookie Crews
Commissioner

Kentucky Correctional Institution for Women
P.O. Box 337
Pewee Valley, Kentucky 40056
Phone (502) 241-8454

Vanessa Kennedy
Warden

October 11, 2021

Thomas Stephens

Personnel

Dear Mr. Stephens;

On October 4, 2021, you were provided notice of my intention to suspend you. After careful consideration of your written statement and interview held in my office on October 7, 2021, I have determined that the clear weight of the evidence establishes that you did commit the charges contained in the notice.

Pursuant to KRS 18A.095 you are hereby notified that you are suspended from duty and pay for a period of five (5) working days, effective beginning of business on October 18, 2021 through close of business on October 22, 2021. You are to return to work for your regularly scheduled time following your off days on October 25, 2021.

Pursuant to 101 KAR 1:345, Section 1, you are being suspended from your position as Corrections Education Specialist II for the following specific reason:

Poor Work Performance, i.e., as reported by Director Ravonne Sims, Warden Vanessa Kennedy, Deputy Warden Stephen Lyons, and Corrections Education Regional Administrator Nancy Godbey, and written statements by you, you refused your work assignments on the following dates: September 7th, 8th, 9th, 10th, 13th, and 15th.

On the evening of August 25, 2021, the Kentucky Correctional Institution for Women experienced a major power outage at the institution resulting in the closure of the Education Department due to lack of emergency power. On August 30, 2021, you were instructed in writing by Nancy Godbey to report to operations while no classes were being held.

On August 31, 2021, Deputy Warden Stephen Lyons was conducting Duty Officer tours in the Education Department Building and found you in your classroom with the lights off. When asked by Deputy Warden Lyons if you had received email instructions about reporting to Operations to be assigned to a post monitoring inmates, you stated no that you had not seen the email. He then told you to check your email, and you did report to security that day. You requested to take your personal time on September 1 and 2, 2021.

A. Powell's
EXHIBIT

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On September 8, 2021, the institution was placed on lock down status due to a Covid-19 outbreak for an undetermined amount of time. During the lock down no educational classes were being conducted. On September 7th, 8th, 9th, and 10th you did not report to Operations, as instructed, to be assigned to a post to monitor inmates.

Director Ravonne Sims interviewed you on Monday, September 13, 2021 and specifically asked if you if you had received notification to report to security on Monday September 13th, and you stated, yes. You were asked, if you were going to report to security and you stated no, you were not. You were then directed by Ms. Sims to provide a written statement. At 10:14am on September 13th, you sent an email to Ms. Godbey stating you didn't feel well and left the institution without permission.

At 2:03pm on September 13, 2021, Ms. Godbey sent via email instructions for work assignments for the September 14, to all educational staff. You emailed Ms. Godbey on the morning of September 14, 2021 at 7:54am, which was after the start time of your schedule stating you would not be in due to not feeling well. You emailed Ms. Godbey on the evening of September 14, 2021 at 10:18pm stating you would not be in on September 15, 2021 and requested to utilize annual leave due to a personal matter. At this time, Ms. Godbey directed you to bring in a medical statement and a fitness for duty form upon your return. You then stated you would come into the institution so you did not have to provide documentation.

Upon arrival to the institution, Ms. Godbey had instructed you at 10:16am to report to Operations. She also told you again via email that your assignment was security for the day. At 12pm, you responded to her "Assigning me to security duty is not lawful, and is contrary to Merit System and Personnel regulations. I have reported for work, and request duties consistent with my job description and classification." At 12:24pm, you had not reported to security. At 12:26pm, Ms. Godbey, instructed you via email again, to report to security.

Ms. Sims then emailed you at 12:35pm and asked if you were refusing your work assignment to which you replied, "Yes, because it is not lawful, and is contrary to the Merit System and Personnel regulations. You also stated to Warden Kennedy via email that you were refusing the assignment for the day.

Warden Kennedy called you to the office and explained that since no classes were occurring and you were refusing the security assignment, you would need to go home and utilize annual or compensatory leave. You were told you must call in everyday if you were not reporting to work. You stated to Warden Kennedy that you would report to work every day and refuse the security assignment.

You reported to the institution on the morning of September 16th, 2021. You sent an email to Ms. Godbey stating "At your request, I am stating that I will not accept a security assignment today, September 16, 2021 (or any other day)." You were sent home again for refusal to work an alternate assignment for the day since no classes were being held.

Your actions are in direct violation of:

CPP 3.7 Shift, Post, and Off Days Assignment

C. Employee preference shall be considered in making an assignment or reassignment. If personal preference and institutional need conflict, institutional need shall prevail.

CPP 3.14 Employee Time and Attendance

6. Non security personnel shall notify their supervisor at least fifteen (15) minutes prior to shift if they are going to be absent. Employees shall speak with their supervisor.

IPP 03-02-01 General Guidelines for Staff

A. General Work Rules 1.b. Work the post assigned by the supervisor and follow all post orders. This shall include an employee who is scheduled off and is called in to work on a holiday, weekend, or another shift.

IPP 03-02-01 General Guidelines for Staff

C. Prohibited activities 2.a. Fail to follow a properly given order from a supervisor.

IPP 03-09-02 Attendance and Leave Requirements

A.1. According to security requirements and institutional need, positions in any department may be assigned to variable shifts and off days. With the authorization of the supervisor, they may also be designated to work overtime on either a scheduled or an unscheduled basis

IPP 03-09-02

A.4. Abuse, excessive use of leave, or non-compliance to the documentation requirement process shall be grounds for disciplinary action up to and including dismissal

101 KAR 2:095 Classified Service General Requirements

Section 4. 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.

Your evaluation also states 5% of your job duties are collaborating and participating as a team member with institutional staff and departments to meet the security needs of the institution and offender population.

A review of your personnel file reveals you have no previous disciplinary actions.

As a Department of Corrections employee, it is incumbent of you to behave in a responsible manner at all times. Your actions demonstrate a disregard for direction from your supervisor, are insubordinate, and disregard the needs of the correctional facility in which you work.

Failure to improve your performance may lead to further disciplinary action taken against you, up to and including dismissal.

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

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.

Respectfully,


Vanessa Kennedy
Warden

Attachment: Appeal Form

cc: Gerina D. Whethers, Secretary – Personnel Cabinet
Cookie Crews – Commissioner
Rodney Moore – Director – Personnel Services
Personnel File