

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOS. 2016-067 and 2016-130

LISA SULIMAN

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 March 2017 meeting, having considered the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated January 3, 2017, Appellant's Exceptions and Request for Oral Argument, Appellee's Response to Appellant's Exceptions, Order Rescheduling Oral Argument, and being duly advised,

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer are approved, adopted and incorporated herein by reference as a part of this Order, and the Appellant's appeals are therefore **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 15th day of March, 2017.

KENTUCKY PERSONNEL BOARD


MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Oran S. McFarlan
Ms. Lisa Suliman
Mr. Rodney E. Moore

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
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LISA SULIMAN

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V. FINDINGS OF FACT, CONCLUSIONS OF LAW
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JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

** ** * ** *

This matter came on for an evidentiary hearing on October 19, 2016, at 9:30 a.m., at 28 Fountain Place, 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.

Appellant, Lisa Suliman, was present at the evidentiary hearing and not represented by legal counsel. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and represented by the Hon. S. Oran McFarlan. Present as Agency representative was Warden Joseph Meko.

BACKGROUND

1. Appellant, Lisa Sulliman, was a classified employee with status, who was employed as a Correctional Officer at the Little Sandy Correctional Complex (LSCC). She filed timely appeals from a three-day suspension on March 25, 2016, and her dismissal on July 11, 2016. By Interim Order dated August 29, 2016, these two appeals were consolidated.

2. The burden of proof for both appeals was established by Interim Order dated August 29, 2016. "The Appellee shall have the burden of proof, which is by a preponderance of the evidence, to establish just cause and to show that the suspension and dismissal were neither excessive nor erroneous. An additional issue is Appellant's claim that she was retaliated against for having filed a lawsuit. The burden of proof for this issue, which is by a preponderance of the evidence, shall be upon Appellant."

3. Appellee called its first witness. **Captain Paul Crouch** has been employed at LSCC since 2005. His current position is Administrative Captain. His job duties include scheduling transportation, processing verbal and written reprimands, and the delivery of disciplinary letters.

4. On December 7, 2015, Crouch wrote an Occurrence Report regarding the Appellant's failure to provide documentation for two unscheduled absences on November 24 and 25, 2015. Appellant received "W-Time" for these two days, meaning that she did not receive paid leave.

5. Crouch forwarded the Occurrence Report to his first-line supervisor, Senior Captain Terry Wallace. On the report, Wallace made the following notation: "I recommend at least another written reprimand or a three-day suspension." (Appellee's Exhibit 1.) The report was then forwarded to Warden Meko, who made the final determination that a three-day suspension was the appropriate disciplinary action.

6. Crouch stated that Appellant was put on "Documentation Requirement Placement" on July 11, 2015, by way of a Memorandum introduced into the record as Appellee's Exhibit 2. The memo informed Appellant that because of her poor attendance record for the six-month period of January 1, 2015, to June 30, 2015, she would be required to "submit an acceptable medical statement" whenever she was absent without prior approval. During the above timeframe, Appellant had nine absences without prior approval, seven of which immediately preceded or followed scheduled days off. Appellant was warned in the memo that "Failure to submit documentation may result in corrective or disciplinary action."

7. Crouch was asked to address an investigation he conducted in June 2014 regarding an allegation that Appellant had used offensive language. Crouch stated that he had concluded that Appellant made inappropriate racial comments, specifically that she had yelled "Goddamn fucking niggers" when inmate Walter Dixon walked into Central Control through a door Appellant had opened for a staff member. Appellant received a written reprimand for this misconduct, and was directed to take diversity training.

8. **Sarah Aseta** has been employed at LSCC as a Correctional Officer since April 2016. She was asked to describe an encounter she had with Appellant on April 14, 2016. Aseta stated that on that day she was participating in "On-the-Job Training" at the institution. Her trainer for the day temporarily left her side to attend to another task. She was left alone with Correctional Officer Colleen Payton and Appellant, who were working the Sallyport Central Control. (The Sallyport is a secure room that controls inmate entrance and egress.)

9. Aseta engaged in conversation with Payton and Appellant. Aseta told them that her husband was African-American and her children were bi-racial. She told them that the move to her new community had been difficult, as her family is one of three bi-racial families in Olive Hill, Kentucky.

10. Aseta testified that "out of nowhere" Appellant told her that she and Payton were assigned to the Sallyport because gang members within the inmate population had threatened them. Appellant then recounted to Aseta that she had once got mugged by "some little nigger boy." Aseta told Appellant not to speak like that in front of her, that she considered that word rude and offensive. Appellant responded that she only meant the person was "dirty," that she was not referring to the inmate's race.

11. When Aseta's trainer returned, she told him what had happened. He advised her to speak to her supervisor about the incident, which she did. At her supervisor's direction, she wrote an Occurrence Report about the incident on April 14, 2016.

12. On cross-examination, Aseta denied that she had told Appellant and Payton that someone had called her husband and children "the n-word."

13. **Aaron Holbrook** is an Internal Affairs Lieutenant at LSCC, where he has worked for the past five years. His job duties include the investigation into alleged misconduct by staff and potential felony offenses by inmates.

14. The incident that occurred between Appellant and Sarah Aseta on April 14, 2016, came to Holbrook's attention through the Deputy Warden of Security, Danny McGraw, who informed Holbrook that there "had been an incident" between the two women.

15. Holbrook's investigation included the review of all submitted Occurrence Reports and the interview of all staff members involved, specifically, Appellant, Sarah Aseta and Colleen Payton.

16. Holbrook videotaped his interview with Appellant on April 28, 2016. The DVD recording of that interview was introduced into the record as Appellee's Exhibit 5. A portion of the DVD was watched by the parties and the Hearing Officer at the evidentiary hearing. Appellant's recorded statement can be summarized as follows: According to Appellant, Aseta told her that one of her children came home and said that someone had called her a "nigger." Then Aseta asked Appellant what was the worst thing that had ever happened to her at LSCC. Appellant answered that inmate Nathaniel Bush had once threatened her. Appellant added, "Now that's my opinion of a goddamn fucking nigger."

17. After completing his investigation, Holbrook prepared an "Investigation Summary" that was introduced into the record as Appellee's Exhibit 6. Holbrook's report noted his finding that the allegation against Appellant, that she used the word "nigger" to describe inmate Bush, was substantiated.

18. On cross-examination, Holbrook stated that Appellant was working the Sallyport because she feared for her safety in the inmate population, but he could not recall if the "Crips" had a hit out on her or co-worker, Colleen Payton.

19. **Serena Waddell** is a Human Resource Administrator at LSCC, where she has worked for the past 6 years. Her job duties include the preparation of paperwork in hiring and disciplinary matters.

20. Waddell was asked to recall a meeting with Appellant and Warden Meko in February, 2016. Waddell stated the meeting was held at Appellant's request to discuss the Intent to Suspend letter Appellant received for her failure to provide documentation for missing two

days of work without prior approval. The meeting was Appellant's "opportunity to give her side of the story." Appellant told Waddell and Meko that her undocumented absence from work on November 24 and 25, 2015, was due to her having to go to the pharmacy to get medication for her husband, who has cancer. At the meeting, Appellant told Waddell and Meko that she would bring in documentation regarding her visit to the pharmacy, but she never did. Waddell suggested to Appellant that she sign up for Family Medical Leave for future absences, but Appellant chose not to do so.

21. Through Waddell's testimony, Appellant's prior disciplinary records were introduced into the record. Appellant received a written reprimand on October 26, 2010, for misconduct, specifically, for spreading "malicious rumors." (Appellee's Exhibit 9.) Appellant received a written reprimand on November 7, 2014, for saying to an inmate: "Stop! Stop! Hey, what are you doing? I didn't tell you come in. You goddamn fucking nigger." (Appellee's Exhibit 10.) As part of this disciplinary action taken against her, Appellant was also required to attend a workshop entitled "Embracing Diversity and Inclusion in the Workplace," which she completed on July 8, 2015.

22. **Warden Joseph Meko** has been Warden at LSCC for the past nine years. He has been employed by the Department of Corrections for 37 years. Warden Meko is responsible for making final determinations in all disciplinary matters at LSCC.

23. Warden Meko was asked to first address Appellant's three-day suspension. He stated that the situation was first brought to his attention via an Occurrence Report written by Captain Paul Crouch. Warden Meko was aware that Appellant had been placed on a "documentation requirement."

24. Appellant was issued an Intent to Suspend letter on February 11, 2016. The letter informed Appellant of her "right to request an interview with the Warden or his designee..." (Appellee's Exhibit 12.) Appellant requested the interview, which was held on February 25, 2016, with Warden Meko and Serena Waddell. Warden Meko testified that Appellant discussed her husband's illness at the meeting, and the fact that Appellant could have brought in documentation from the pharmacy where she said she had gone to pick up medicine, but failed to do so. He told her, "I have to treat you like everyone else."

25. Warden Meko stated that Waddell advised Appellant she was eligible for Family Medical Leave. "We were sympathetic toward her," he stated.

26. Warden Meko decided to suspend Appellant for three days for her violation of Corrections Policy and Procedure (CPP) regarding taking unauthorized leave after being placed on a documentation requirement. Specifically, Appellant violated CPP 3.14, Section II, Item E(3)(c) and (d). Appellant was informed of her suspension by letter dated March 22, 2016. (Appellee's Exhibit 13.)

27. Warden Meko was asked to address Appellant's dismissal. He stated the allegation that Appellant had made a racial slur came to his attention through an Occurrence Report written by Sarah Aseta on April 14, 2016.

28. Warden Meko testified that Appellant had been subjected to a previous disciplinary action for making racial slurs in 2014. She received a written reprimand for that misconduct, and was instructed to take a "diversity training class."

29. Warden Meko added that the reason Appellant and Colleen Payton were assigned to the Sallyport in the first place was "to get them off the yard, so they wouldn't be using that kind of language in front of the inmates—if that did occur, there would be turmoil on the yard."

30. After Internal Affairs Lieutenant Aaron Holbrook conducted his investigation into the allegation against Appellant and substantiated that she did make a racial slur, Warden Meko determined that dismissal was warranted. An Intent to Dismiss letter was hand-delivered to Appellant on May 16, 2016. The dismissal letter was mailed to Appellant by certified mail on June 8, 2016, and was received by Appellant on June 16, 2016.

31. The dismissal letter stated that Appellant was being terminated for misconduct, specifically for violation of Corrections Policy and Procedure regarding harassment [CPP 3.5, Section II, Item A(7)], and for violation of Kentucky EEO Policy on Harassment Prevention. (Appellee's Exhibit 16.)

32. At the end of Warden Meko's testimony, the Appellee rested its case.

33. Appellant called her first witness. **Colleen Payton** is a Correctional Officer at LSCC, a position she has held for the past eight and a half years. Payton stated that she was in the Sallyport on April 14, 2016, with Appellant when Sarah Aseta came up to talk to them.

34. Payton testified that Aseta told them she was married to an African-American and he had been pulled over by the police one time and called a "nigger." Aseta also recounted to them how one of her children had been called a "nigger" at school.

35. Payton was asked if she had been offended by Aseta's use of that word. Payton answered, "No, I hear it all the time in the yard." Payton stated that she had also heard Appellant say the same word. Payton testified that Aseta had asked Appellant what was the worst thing that had happened to her. Appellant answered that an inmate, Nathaniel Bush, "had wanted to kill her." Appellant further stated to Aseta, "In my opinion, that's what you call a fucking nigger."

36. Payton testified that she and Appellant had both been pulled from working the yard and were assigned to the Sallyport because "Wallace and Holbrook feared the Crips had a hit out on us."

37. Appellant, **Lisa Sulliman**, testified on her own behalf. She was employed as a Correctional Officer at LSCC from May 5, 2005, until her dismissal on June 9, 2016.

38. Appellant first addressed the three-day suspension. Appellant testified that she had missed two days of work (November 24 and 25, 2015) because her husband had cancer. "He has numerous spells. I can't pick or choose when he is going to go down. I can't anticipate when he gets sick." Appellant added that she always worked a great deal of overtime. She estimated that she made "an extra five grand" working overtime in 2015.

39. In Appellant's opinion, Warden Meko failed to follow policy regarding the timely delivery of her suspension letter and dismissal letter.

40. Appellant addressed the circumstance of her dismissal. She denied that she used the word "nigger" in a discriminatory way. "When I was growing up, my Dad said it to describe an attitude, a bad seed. It didn't refer to any particular race."

41. Appellant stated that she had once been chosen as Employee of the Month. She also once received a Letter of Commendation. "I have gone above and beyond to try to be the employee they want me to be. I think my job should be reinstated."

42. On cross-examination, Appellant stated that she was aware she had been put on a "Documentation Requirement Placement." She admitted that she did not provide documentation for her November 24 and 25, 2015, absences.

43. Appellant was asked if she was harmed or damaged in any way by the 19 days that transpired between her meeting with Warden Meko and Waddell and the date her suspension letter was issued. She answered, "No."

44. Appellant stated for the record that the person she called a "nigger," inmate Nathaniel Bush, was African-American. She also stated for the record that the person she called a "nigger" in 2014 (which was the subject of a written reprimand) was also African-American.

45. Appellant stated that she believes she was the victim of retaliation. "I know people who have missed numerous days of work and nothing was done to them," Appellant stated. In Appellant's estimation, her not getting paid for an absence without prior approval "is punishment enough." Appellant admitted that she could offer no direct evidence that she had been retaliated against except for her belief that she was "always getting dragged into things."

46. Appellant re-called **Colleen Payton**. Payton stated that she felt Appellant was the victim of retaliation. "It seems like [Appellant] could do something and someone else would do the same thing. But [Appellant] would get disciplined, and the other staff member wouldn't."

47. Corrections Policy and Procedure 3.14, Employee Time and Attendance Requirements, Section II, Item E(3)(c) states:

- (c) A supervisor may request a medical statement for less than three (3) consecutive work days if the employee appears to have established a pattern of call-ins for sickness related absences in conjunction with the regularly scheduled off days, holidays or weekends. The supervisor shall notify the employee in writing if medical documentation verifying inability to work is necessary in order to receive authorized leave. A copy shall be forwarded to the Human Resource office to be placed in the employee's medical file. This requirement shall be for a period of at least ninety (90) days and renewable if no improvement in attendance has been demonstrated.

48. Corrections Policy and Procedure 3.5, Sexual Harassment and Anti-Harassment, Section II, Item A(7) states that "Prohibited Behavior" includes:

- 7. Threatening, demeaning, or offensive conduct directed toward, or regarding, an individual because of his sex, religion, age, disability, gender, color, race, national origin, sexual orientation, gender identity, ancestry, or veteran's status.

49. KRS 18A.095(1) reads:

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

50. 101 KAR 1:345, Section 1, reads:

Section 1. General Provision.

Appointing authorities may discipline employees for lack of good behavior or the unsatisfactory performance of duties.

FINDINGS OF FACT

1. Appellant was employed as a Correctional Officer at Little Sandy Correctional Complex from May 5, 2005, to June 9, 2016, when she was terminated from her position for misconduct.

2. On July 11, 2015, Appellant was put on "Documentation Requirement Placement" due to a poor attendance record for the six-month period of January 1, 2015, to June 30, 2015. During that timeframe, Appellant had nine absences without prior approval, seven of which immediately preceded or followed a scheduled day off.

3. According to the Memorandum sent to Appellant on July 1, 2015, from Terry Wallace, Correctional Captain, her placement on "Documentation Requirement" meant that any absence without prior approval would be directly charged to Leave Without Pay. Appellant would also be required to submit acceptable documentation upon her return to work, certifying the need for her absence. The Memorandum put Appellant on notice that "failure to submit documentation may result in corrective or disciplinary action." Appellant signed the Memorandum on July 14, 2015, acknowledging that she understood the requirements of Documentation Requirement Placement. (Appellee's Exhibit 2.)

4. On November 24 and 25, 2015, Appellant was absent from work without prior approval. These two days were charged to Leave Without Pay. Upon her return to work, Appellant failed to provide documentation certifying her need to be absent those two days.

5. On December 7, 2015, Captain Paul Crouch wrote an Occurrence Report regarding Appellant's failure to follow the terms of the Documentation Requirement Placement. The report was forwarded up the chain of command to Warden Meko, who determined that a three-day suspension was the appropriate discipline. Appellant was issued an Intent to Suspend letter on February 11, 2016. The letter informed Appellant of her "right to request an interview with the Warden or his designee." (Appellee's Exhibit 12.) Appellant requested the interview, which was conducted on February 25, 2016, with Warden Meko and Serena Waddell, LSCC's Human Resource Administrator.

6. At the interview, Appellant informed Warden Meko and Waddell that her husband had cancer. She told them that she was absent from work because she had to go to the pharmacy to get her husband's medication. Warden Meko asked Appellant to present documentation from the pharmacy. Appellant failed to do so. She was suspended on March 22, 2016, for three days for failure to follow CPP 3.14.

7. On April 14, 2016, Appellant engaged in a conversation in the Sallyport Central Control with coworker, Colleen Payton and Sarah Aseta, a newly-hired Correctional Officer. Aseta testified that she was recounting to Appellant and Payton the challenges her bi-racial family had faced after their move to a new community. Aseta stated that "out of nowhere" Appellant told her she and Payton were assigned to the Sallyport because inmates had threatened them. Then Appellant told her she had once been mugged by "some nigger boy." Aseta expressed to Appellant that she took offense to that word. Appellant responded that she only meant the person was "dirty."

8. At the evidentiary hearing, Appellant admitted she had used the word "nigger" to describe African-American inmate Nathaniel Bush. She denied that her use of the word was

meant to be discriminatory. She explained that her own father had used that word to describe “an attitude, a bad seed.”

9. Colleen Payton testified that Appellant had told her and Aseta that Bush was “a fucking nigger.”

10. After the April 14, 2016, conversation, Aseta alerted her first-line supervisor of Appellant’s statement. She was instructed to write up an Occurrence Report, which she did. Her report prompted an investigation by Internal Affairs Lieutenant Aaron Holbrook.

11. Holbrook interviewed Aseta and Payton. He videotaped his interview with Appellant, a DVD recording of which was introduced into the record at the evidentiary hearing as Appellee’s Exhibit 5. In the interview, Appellant admitted to Holbrook that she had told Aseta that inmate Bush had once threatened her, and she had described him as a “goddamn fucking nigger.”

12. After concluding his investigation, Holbrook concluded the allegation against Appellant, that she had made a racial slur, was substantiated.

13. Holbrook’s Investigation Report was forwarded to Warden Meko, who determined that dismissal was warranted. Meko considered Appellant’s past disciplinary history, including the written reprimand she received on November 7, 2014, for calling another African-American inmate a “nigger.” For that infraction, Appellant received a written reprimand and was directed to attend Diversity training, which she did on July 8, 2015. Meko noted that use of “that kind of language in front of inmates could result in turmoil on the yard.”

14. An Intent to Dismiss letter was hand-delivered to Appellant on May 16, 2016. At Appellant’s request, a pre-termination hearing was held on June 1, 2016. The dismissal letter was mailed to Appellant by certified mail on June 8, 2016.

15. In her written closing argument, Appellant alleged that the Appellee failed to properly notify her of the suspension and dismissal within the timeframe established by statute and regulation. Appellant relied on 902 KAR 8:100 and KRS 18A.095(6) for her belief that she should have been notified of her suspension within five (5) working days of appearing to respond to the Intent to Suspend letter.

16. In her written closing argument, Appellant attached numerous exhibits and written statements not introduced into the record at the evidentiary hearing.

17. The Appellee, Department of Corrections, filed an Objection and Motion to Strike Exhibits Attached to Appellant’s Written Closing Argument. Appellee argued that the introduction of new evidence during closing argument is improper.

18. The Hearing Officer **SUSTAINS** the Appellee’s Motion to Strike. The Hearing Officer will not allow into the record any evidence not previously introduced at the evidentiary

hearing. KRS 13B.080(4) directs the Hearing Officer to “afford all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence...” Accepting evidence outside the hearing would abrogate the Cabinet’s right to cross-examination regarding these documents and statements submitted by Appellant. The purpose of a closing argument is to allow the parties to tell the Hearing Officer why the evidence *already in the record*, and the law, compel an order in their favor.

19. The Hearing Officer finds that the Cabinet properly notified Appellant of her suspension and dismissal. The Intent to Suspend letter contained the provisions mandated by 101 KAR 1:345, Section 4, and KRS 18A.095(8). No notification deadline for suspension letters is prescribed by either the regulation or statute. As for the dismissal letter, it was mailed on June 8, 2016, which was five working days after Appellant’s June 1, 2016 pre-termination meeting in accordance with KRS 18A.095(6). Appellant’s reliance on 902 KAR 8:100 is incorrect, as that regulation applies to local health department employees.

20. The Hearing Officer finds that Appellant’s failure to provide documentation certifying her need to be absent on November 24 and 25, 2015, was a violation of Corrections Policy and Procedure 3.14.

21. The Hearing Officer finds that Appellant made an inappropriate racial comment on April 14, 2016, which was a violation of CPP 3.5. While the testimony regarding the circumstances of the conversation, and the exact words Appellant said was conflicting, Appellant admitted in her interview with Internal Affairs Lieutenant Holbrook that she described African-American inmate Nathaniel Bush as a “fucking nigger.” Appellant had made a similar racial slur in 2014 for which she was disciplined. The Hearing Officer rejects Appellant’s explanation that she merely meant it to describe someone as “dirty.”

22. The Hearing Officer finds that the Appellant failed to introduce into the record credible evidence that the disciplinary actions taken against her by the Cabinet were done in retaliation for her having filed a lawsuit.

CONCLUSIONS OF LAW

1. The Hearing Officer concludes, as a matter of law, the Cabinet proved by a preponderance of the evidence that Appellant’s three-day suspension for poor time and attendance was for just cause, and was not excessive or erroneous.

2. The Hearing Officer concludes, as a matter of law, that the Cabinet proved by a preponderance of the evidence that Appellant’s dismissal for misconduct was for just cause, and was not excessive or erroneous.

3. The Hearing Officer concludes, as a matter of law, that Appellant failed to prove by a preponderance of the evidence that these disciplinary actions were done in retaliation for her having filed a lawsuit.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeals of LISA SULIMAN V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NOS. 2016-067 and 2016-130) be **DISMISSED**.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

Any document filed with the Personnel Board shall be served on the opposing party.

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

ISSUED at the direction of **Hearing Officer Colleen Beach** this 3rd day of January, 2017.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. S. Oran McFarlan
Ms. Lisa Suliman