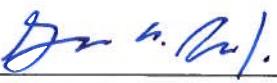


CERTIFICATION OF PERSONNEL BOARD RECORDS

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 cases of **LEIGH SULLIVAN V. CABINET FOR HEALTH AND FAMILY SERVICES (APPEAL NOS. 2020-075 and 2020-124)** as the same appears of record in the office of the Kentucky Personnel Board.

Witness my hand this 18th day of June, 2024.



**GORDON A. ROWE, JR., SECRETARY
KENTUCKY PERSONNEL BOARD**

Copy to Secretary, Personnel Cabinet

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOS. 2020-075 and 2020-124**

LEIGH SULLIVAN

APPELLANT

vs.

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

CABINET FOR HEALTH AND FAMILY SERVICES

APPELLEE

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

The Board, at its regular June 2024 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated April 30, 2024, 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 **SUSTAINED**.

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 18th day of June, 2024.

KENTUCKY PERSONNEL BOARD

Gordon A. Rowe, Jr.
GORDON A. ROWE, JR., SECRETARY

A copy hereof this day emailed and mailed to:

Hon. Lucas Roberts
Hon. J. Fox DeMoisey
Hon. Rosemary Holbrook (Personnel Cabinet)
Jay Klein

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOS. 2020-075 and 2020-124**

LEIGH SULLIVAN

APPELLANT

V.

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

CABINET FOR HEALTH AND FAMILY SERVICES

APPELLEE

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

These consolidated matters came on for a pre-hearing conference on February 9, 2024, at 3:00 p.m. 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, Leigh Sullivan, was not present, however, she was represented by the Hon. J. Fox DeMoisey. The Appellee, Cabinet for Health and Family Services, was present and was represented by the Hon. Lucas Roberts.

BACKGROUND AND FINDINGS OF FACT

1. The Appellant filed Appeal No. 2020-075 on March 2, 2020 from an involuntary transfer. She filed Appeal No. 2020-124 on May 11, 2020, from an involuntary transfer and five (5) -day suspension. These appeals were consolidated.

2. The parties filed a Joint Motion for Judgment on the Pleadings resolving all issues pending before the Personnel Board.

CONCLUSIONS OF LAW

1. The parties filed a Joint Motion for Judgment on the Pleadings resolving all issues pending before the Personnel Board. As a result, this matter can be decided without an evidentiary hearing. KRS 13B.090(2)

2. Because all of the events associated with this appeal occurred prior to the passage of Senate Bill 153, all references to KRS Chapter 18A are to the sections in effect at the time of the events associated with these appeals.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the consolidated appeals of **LEIGH SULLIVAN V. CABINET FOR HEALTH AND FAMILY SERVICES, (APPEAL NO. 2020-075 and APPEAL NO. 2020-124)** be **SUSTAINED**. The Appellee is directed to void the five (5) -day suspension without pay that was effective May 11, 2020. The Appellee is further directed to:

- A. Restore to the Appellant all back pay for the period of the suspension and any lost benefits as a result of the suspension. Appellant is entitled to back pay for five (5) days at the rate of pay at the time of the suspension, subject to all legally required withholdings;
- B. Remove the May 6, 2020 suspension letter from the Appellant's agency personnel file. The Appellee is directed to request that the Personnel Cabinet remove the same letter from the Appellant's official personnel file;
- C. Reimburse the Appellant for any leave time she used to attend the pre-hearings in this matter before the Personnel Board, and;
- D. Otherwise make the Appellant whole. KRS 18A.105, 200 KAR 12:030, and KRS 18A.095(25).

Furthermore, the Appellee is directed to void the Involuntary Transfer letter issued on May 6, 2020, and replace it with a letter reflecting a Voluntary Transfer from a Family Services Office Supervisor, Position Number 30031357, with the Department for Community Based Services, Protection and Permanency Section, Jefferson Service Region, to the position of Family Services Office Supervisor, Position Number 31058596, with Department for Community Based Services, Protection and Permanency Section, Child Protective Services, Jefferson Service Region, effective beginning of business June 1, 2020. The Appellant is directed to complete any documentation required for the voluntary transfer.

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 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).

Leigh Sullivan
Findings of Fact, Conclusions of Law
And Recommended Order
Page 3

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 the Hearing Officer this 30th day of April, 2024.

KENTUCKY PERSONNEL BOARD


MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day emailed and mailed to:

Hon. J. Fox DeMoissey
Hon. Lucas Roberts
Hon. Rosemary Holbrook (Personnel Cabinet)