

A BRIEF OVERVIEW OF AMENDED KRS 18A.095, EMPLOYEE DISCIPLINE, AND PERSONNEL BOARD APPEAL RIGHTS

You cannot be dismissed, demoted, suspended without pay, or involuntarily transferred **except** for cause **if** you are a classified employee with status. You also may appeal your non-selection for employment in a classified position.

Most state government employees are classified employees and have certain rights under the merit system. Specifically, as a classified employee, you have a right to continued state government employment and your employer must follow specific steps to issue employee discipline. Below is a short summary of the process used to issue discipline to classified employees with status and the correct process to file a Personnel Board appeal.

EMPLOYEE DISCIPLINE

1. Dismissals for Classified employees with status.



- Prior to your dismissal, you must be notified in writing of your employer's "Intent to Dismiss." This notice must contain the following:

- a) The specific reasons your employer is issuing you an Intent to Dismiss;
- b) The statutory, regulatory, or policy, of the specific action or activity on which the Intent to Dismiss is based;
- c) The date and place of the action or activity occurred, which resulted in the notice of Intent to Dismiss; and
- d) The names of all parties involved in the action or activity.

- e) The notice will also indicate whether you have been put on administrative leave with pay pending the final action of the Agency.
- f) Attached to the notice of Intent to Dismiss shall be a pretermination form. If you decide to arrange a meeting with the Appointing Authority or their Designee to talk about the notice of Intent to Dismiss, you must complete and forward the pretermination form to the Appointing Authority or their Designee **no later than five (5) working days after** receipt of the notice of intent to dismiss.
- g) The notice will inform you that you may file a written reply to your employer's notice of Intent to Dismiss. The notice will also inform you that you may arrange a meeting with the Appointing Authority or their Designee for a pretermination hearing to discuss your employer's notice of Intent to Dismiss in detail. **You may hire an attorney to go with you to this meeting.**
- h) Unless other arrangements are made by you (or your attorney, if you have retained one) and the Appointing Authority or their Designee, your meeting with the Appointing Authority or their Designee to discuss the notice of Intent to Dismiss will be scheduled **within six (6) working days** after your signed and completed pretermination form is received by the Appointing Authority or their Designee.

- No later than five (5) working days after your meeting to discuss the notice of Intent to Dismiss, the Appointing Authority or their Designee shall issue a notification, in writing, of their final determination as to whether to dismiss, modify, or rescind the notice of Intent to Dismiss.

- If the Appointing Authority or their Designee determines that the dismissal is warranted, your employer will issue you a written "Dismissal Letter." The written dismissal letter must contain the following:

- 1) reflect the effective date of the dismissal,
- 2) the specific reason for the dismissal,
- 3) the statutory, regulatory, or policy violation regarding the dismissal,
- 4) the specific action or activity that caused the dismissal, and
- 5) names of all the parties involved.

- The Dismissal Letter shall also state that you may appeal your dismissal to the Personnel Board within **thirty (30) calendar days (excluding the date of receipt of the notice)**. A copy of the Appeal Form shall be included with the Dismissal Letter.

-If you choose to appeal your dismissal, you may submit your completed Appeal Form to the Personnel Board by fax, email, deliver in person, or by U.S. mail. **Always be aware of the time limitations and due dates for you to file your appeal. If your appeal form is not timely filed, your appeal may be dismissed** because the Personnel Board may lack jurisdiction to hear your appeal.



2. Demotions, Suspensions without pay, and Involuntarily Transfers for Classified employees with status.

A classified employee with status who is demoted, suspended without pay, or involuntarily transferred shall be notified in writing by the Appointing Authority or their Designee. This notification must contain the following:

1. The statutory, regulatory, or policy violation that the demotion, suspension without pay, or the involuntary transfer is based on;

2. The effective date of the demotion, suspension without pay, or the involuntary transfer;

3. The specific reason for the demotion, suspension without pay, or the involuntary transfer that includes;

a) The date and place of the action or activity;

b) The specific action or activity that justifies the demotion, suspension without pay, or the involuntary transfer;

c) The date(s) and place of the action or activity, and;

d) The names of all the parties involved.

4. A notice of a demotion, suspension without pay, or involuntarily transfer will include an Appeal Form. **You will have 30 days (excluding the date of receipt of the notice) to submit the appeal to the Personnel Board.**

-If you choose to appeal your dismissal, you may submit your completed Appeal Form to the Personnel Board by fax, email, deliver in person, or by U.S. Mail. **Always be aware of the time limitations and due dates for you to file your appeal. If your appeal form is not timely filed, your appeal may be dismissed** because the Personnel Board may lack jurisdiction to hear your appeal.

-Personnel Board email address is personnelboard@ky.gov Our phone number is 502 564-7830. Fax number is 502-695-5799.