

**KENTUCKY PERSONNEL BOARD
MINUTES OF DECEMBER 13, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Chair Michael Eaves on December 13, 2024, at approximately 9:30 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky.

Board Personnel Present:

Michael Eaves, Chair
Morgan Ward, Member
Larry Gillis, Member
Rick Reeves, Member
Lisa Haydon, Member*

Gordon A. Rowe, Jr., Executive Director and Secretary
Gwen McDonald, Administrative Section Supervisor
Kathy Hayes, Administrative Specialist Senior

Personnel Board Members Absent: Mitchel Denham, Member

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 8, 2024.**

The minutes of the last Board meeting had been previously circulated among the members. Chair Eaves asked for any additions or corrections. Mr. Gillis moved to approve the minutes as submitted. Mr. Reeves seconded, and the motion carried 4-0.

3. **EXECUTIVE DIRECTOR AND SECRETARY'S REPORT**

Mr. Rowe updated the Board on significant developments since the November Board meeting. The most significant development was the hiring of the Hon. Erritt H. Griggs as General Counsel. Mr. Griggs comes to the Board with a long and distinguished history with state government; most recently with the Justice and Public Safety Cabinet, Department of Criminal Justice Training. He brings a wealth of experience in employment law, litigation, and administrative adjudication. We are looking forward to his contributions to the team. With the addition of Mr. Griggs, staff should be able to process our cases more rapidly and improve the process in general.

On December 4, 2024, Mr. Rowe and Mr. Griggs attended the Kentucky Employees Mediation Program (KEMP) representatives and mediators. They discussed how KEMP and the Personnel Board could better work together to improve the mediation process to achieve better results from mediation. It was a very interactive and collaborative discussion during the meeting and they look forward to continuing to improve the mediation process and make it more effective. Some procedural processes that may be implemented in the next few months include providing more upfront information about appeals to the mediators and educating the parties about the mediation process and the Personnel Board process.

Mr. Rowe shared that, during the January 2025 Board meeting, he intends to lay out the main goals we hope to accomplish in 2025.

Chair Eaves asked what the Board could expect as far as case decisions in the new year. Mr. Rowe stated that he expected case decisions to increase. During the holidays, and particularly in December, staff reduced the number of pre-hearing conferences and evidentiary hearings to be held to allow staff to catch up on writing orders and case decisions.

*Ms. Haydon arrived during the Executive Director and Secretary's Report.

4. **REPORT OF THE PERSONNEL CABINET**

Mary Elizabeth Bailey, Secretary of the Personnel Cabinet, presented for the Cabinet.

Secretary Bailey welcomed Ms. Haydon to the Board and congratulated Mr. Griggs on his promotion.

Secretary Bailey announced there was a petitioned position for the Board to review.

- A. **Petitioned Position** – Office of the Attorney General, Opioid Abatement Advisory Commission
--Executive Advisor

Stacy Woodrum, Executive Director of the Office of Management and Budget, and Galen Linville, Human Resource Branch Manager, appeared for the Office of the Attorney General to discuss the Petitioned Position request and answered questions from the Board. Ms. Haydon moved to approve the Executive Advisor Petitioned Position as stated above. Mr. Gillis seconded, and the motion carried 5-0.

Secretary Bailey discussed important issues and events involving the Cabinet during 2024. The Cabinet, together with human resource departments in various agencies, worked very hard on recruitment initiatives. Those initiatives, together with the salary increases received over the past few years, have made a tremendous difference both with recruiting and retaining state

employees. Over the past few years, the state has hired about 2,500 new employees, bringing the number of state employees currently working to approximately 30,500 employees.

In July 2024, state employees received a three percent (3%) salary increase, and another three percent (3%) salary increase is scheduled for July 2025.

Secretary Bailey reported that there were no healthcare premium increases to employees for 2025. There was also a focus on wellness this year, and wellness fairs were held across the state to promote healthy living, prevention of disease, and give information about state health vendors. Wellness fairs will be continued in 2025.

The 2024 Governor's Leadership, Equality, Accessibility, and Diversity (LEAD) Conference was very successful. The Cabinet is scheduled to host the conference again in 2025.

With Governor Beshear promoting second-chance employment, the Cabinet has been working very closely with the Department of Corrections' Reentry Division to assist job seekers if they wish to apply for state government. No preference is given to the job seekers; however, they are helped with preparing resumes, transportation to interviews, and other tasks that would equip them as they return to society.

The Team Kentucky Internship Program will launch in mid-2025. This is a very comprehensive program that will give interview preference to interns who have worked for a state agency and who wish to be hired. There are requirements the intern must meet in order to obtain that interview preference.

Recently, the Cabinet announced that health insurance will begin on the first day of hire for new employees. That initiative begins January 1, 2025. By statute, the state cannot employ more than 33,000 full time employees.

B. Proposed Regulation Amendments:

1. 101 KAR 2:102, Classified Leave General Requirements
2. 101 KAR 3:015, Leave Requirements for Unclassified Service
3. 101 KAR 2:034, Classified Compensation Administrative Regulations
(*revised* Voluntary Transfer/Demotion/Promotion Employee Agreement Form attached)
4. 101 KAR 3:045, Compensation Plan and Pay Incentives for Unclassified Service

Department of Human Resource and Administration Commissioner Jamie Caldwell joined Secretary Bailey to discuss the updates to the regulations and answered questions from the Board. Ms. Haydon moved to approve the proposed regulation amendments as stated above. Mr. Reeves seconded, and the motion carried 5-0.

5. CLOSED SESSION/RETURN TO OPEN SESSION

Mr. Gillis moved that the Board go into Executive Session for the purposes of discussions and deliberations regarding individual adjudications. Mr. Ward seconded. Chair Eaves stated that a motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum.

[Pursuant to KRS 61.810(1)(j), the Kentucky Open Meetings Act, the Board retired into closed Executive Session and the attendees were required to leave the video conference, pursuant to KRS 61.826. Specific justification under the Kentucky Open Meetings Act for this action were as follows, because there were deliberations regarding individual adjudications as listed on the Board's Agenda for the December 13, 2024 meeting.](10:29 a.m.)

Ms. Haydon moved to return to open session. Mr. Ward seconded, and the motion carried 5-0. (10:45 a.m.)

6. CASES TO BE DECIDED

A. Conley, Joseph v. Justice and Public Safety Cabinet, Department of Corrections (2023-095)

Ms. Haydon, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order dismissing the appeal. Chair Eaves seconded, and the motion carried 5-0.

Show Cause Orders – No Response Filed – Appeals Dismissed

- B. Black, LaQuetta v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-006)
- C. Brailean, Paul v. Justice and Public Safety Cabinet, Department of Corrections (2023-166)

In the cases listed above, Mr. Ward moved to find that the Appellants had not responded to the show cause orders and that the recommended orders be accepted dismissing the appeals for failure to timely prosecute the appeals. Mr. Reeves seconded, and the motion carried 5-0.

7. WITHDRAWALS

Mr. Gillis moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Ms. Haydon seconded, and the motion carried 5-0.

- A. Barrett, Christian Tennille v. Finance and Administration Cabinet (2024-019)
- B. Hobbs, Anna v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-076)
- C. Mobley, Joseph v. Transportation Cabinet (2024-079)
- D. Thacker, Barry v. Transportation Cabinet (2024-101)
- E. Terhune, James v. Finance and Administration Cabinet (2024-078)

8. SETTLEMENTS

Mr. Reeves moved to issue settlement orders and to sustain the appeals to the extent set forth in the settlements as submitted by the parties. Mr. Gillis seconded, and the motion carried 5-0.

- A. Bebe, Rosemary v. Kentucky Public Pensions Authority (2021-093)
- B. Brinegar, Eric v. Cabinet for Health and Family Services (2024-121)
- C. Carter, John v. Tourism, Arts and Heritage Cabinet, Kentucky Department of Fish and Wildlife Resources (2022-104)
- D. Stratton, Marcus Trent v. Tourism, Arts and Heritage Cabinet, Department of Parks (2022-167)

9. **OTHER**

A. Case Load Reduction

1. Backlog, status of appeals, plan of action

Mr. Rowe noted that case numbers have increased some this month due to more filings and reducing the number of cases being scheduled for hearings to allow for more time to draft orders and decisions. The Board should see a difference in the new year.

Another item is that another RFP will be sent out to increase the number of contract hearing officers. Currently, only three (3) hearing officers have been selected; staff would like to increase that number to five (5) or six (6) so that the current hearing officers do not get so many cases that would limit their time to reach decisions.

Mr. Rowe stated that staff were looking to add a part-time or intern position for a law clerk, who would assist with research and help triage new cases.

Mr. Rowe will have a more comprehensive report at the January 2025 Board meeting.

Chair Eaves asked if there was a standard time for deciding cases? Mr. Rowe clarified that hearing officers have sixty (60) days to decide a case and may ask for an extension of thirty (30) days if needed. Also, if a case has a legal issue that needs to be decided or if there is a lengthy hearing, then the parties may request to submit post hearing briefs on the issue and that would also delay the decision until the briefing period has ended. The briefs help the hearing officers when making their decisions.

Mr. Gillis questioned if staff were still prioritizing appeals. Mr. Rowe acknowledged that appeals were scheduled by prioritizing older cases, dismissals, and salary disputes first, and other claims after. Mr. Rowe stated that parties in the cases are given deadlines to meet regarding discovery, motions, mediation or informal settlement, and evidentiary hearing, if necessary, to keep the cases on track and moving forward. Parties are also being "pushed" a little towards mediation rather than informal settlements, which can take longer to work through.

B. Next Board Meeting: January 10, 2025*

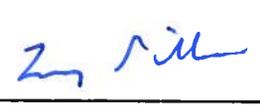
(*Note: The January 10, 2025 Personnel Board meeting was cancelled due to inclement weather. The Board resumed meeting on February 14, 2025.)

Mr. Gillis made a motion for the Board to adjourn. Ms. Haydon seconded, and the motion carried 5-0. (10:54 a.m.)



Michael Eaves, Chair

Morgan Ward, Member



Larry Gillis, Member



Rick Reeves, Member



Lisa Haydon, Member