

**KENTUCKY PERSONNEL BOARD  
MINUTES OF JULY 12, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chair Eaves on July 12, 2024, at approximately 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky.

Board Personnel Present:

Michael Eaves, Chair  
Mitchel Denham, Member  
Morgan Ward, Member  
Larry Gillis, Member  
Rick Reeves, Member  
Josh Hardesty, Member  
Lisa Haydon, Member\*\*

Gordon A. Rowe, Jr., Executive Director and Secretary  
Gwen McDonald, Administrative Section Supervisor

**\*\*Lisa Haydon was sworn in during the Board meeting**

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD JUNE 14, 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. Denham seconded, and the motion carried 6-0, with Ms. Haydon abstaining. The Board members signed the minutes.

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

Mr. Rowe started his remarks by discussing Board staffing. Some progress was made in reviewing and ranking the interviewees for the Administrative Specialist Senior position and should be able to finalize the hiring of the successful candidate within the next few weeks.

The application process has closed for the General Counsel position and have reviewed the background credentials and applications of the persons who have applied. Staff hopes to begin scheduling for the interviews soon. Twelve (12) candidates applied for the position, and a variety of experience and education was represented.

Three (3) vendors were identified as Hearing Officers in response to the Request for Bids solicitation the Personnel Board sent out. All three (3) have prior experience working with the Personnel Board as Hearing Officers and are expected to assist with keeping the log of appeals down, reducing the backlog of appeals, and improving efficiency. Mr. Rowe expected to meet with each of the Hearing Officers soon and discuss their availability to hear cases for the Board.

At the previous meeting, Mr. Rowe reported that he expected to meet with the Budget Review Subcommittee on General Government, Finance, Personnel, and Public Retirement of the Interim Joint Committee on Appropriations and Revenue on the proposed changes to Personnel Board regulations to make them compliant with Senate Bill 153. That meeting was scheduled to take place on July 10 but, due to some last-minute changes and questions about the proposed regulations, it was jointly decided that the meeting would be moved to the August hearing date to give Board staff time to work through those changes.

In answer to Ms. Haydon's questions about Senate Bill 153, Mr. Rowe briefly discussed the changes to KRS Chapter 18A. Mr. Denham questioned how the hearing officer contracts were approved, and Mr. Rowe stated the Board had delegated that authority to him previously.

**\*\*Slight break for technical issues.**

#### **4. REPORT OF THE PERSONNEL CABINET**

The Hon. Rosemary Holbrook, General Counsel and Executive Director of the Office of Personnel Cabinet's Legal Services, presented for the Cabinet. She welcomed Ms. Haydon to the Board.

On Monday, July 1, 2024, executive branch state employees received a three percent (3%) raise increase. The raise will be reflected on pay received on July 30, 2024, due to the one pay period delay in processing.

The Personnel Cabinet is also accepting nominations for the Charles Anderson Laureate Award and a State Employee Impact Award. The Anderson Award recognizes the achievements of Kentuckians who have made contributions to promoting equal employment opportunities, pioneered diversity initiatives, or significantly contributed to the advancement of any protected class. The Impact Award recognizes one executive branch employee who, within the past year, has made significant contributions toward advancing diversity, equality, and inclusion in the workplace. Nominations will be accepted through July 22, 2024, and winners will be announced during the Governor's Leadership, Equality, Accessibility, and Diversity (LEAD) Conference later this year.

The Personnel Cabinet also administers the Governor's Minority Management Leadership Training Program. The portal was open to accept applications. The program lasts for one (1) year and is a leadership and professional development program created for executive branch minority employees who are in a grade 12 or higher job classification within the merit system. As a part of the program, participants receive in-depth, practical training through classroom instruction, hands-on experience, and an opportunity to collaboratively facilitate a special program. The application portal closes on July 22, 2024.

Open enrollment for health, dental, and vision will be held October 7 through 25, 2024. In preparation for that, a number of health fairs will be held throughout the state during early October.

The Cabinet is also proud to announce that the 2023 Kentucky Employees Charitable Campaign (KECC), which ended June 30, 2024, raised \$602,973 through payroll deductions, one (1) -time gifts, and special events. It was a very good effort by state employees. The efforts of the KECC coordinators, the support of executive leadership, and the generosity of donors made a very significant impact in expanding services and positively affecting the lives of people across the Commonwealth.

Ms. Holbrook noted that, through the end of July, executive branch agencies would be conducting interim performance evaluations. Ms. Holbrook answered questions about the annual employee performance management process.

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

There was no representative from the Office of the Attorney General to discuss the petitioned position.

Mr. Denham moved to table discussion of the Office of the Attorney General's petitioned position for an Executive Director of the Opioid Abatement Advisory Commission until a representative from the Office of the Attorney General could appear at a Board meeting to answer questions from the Board. Mr. Hardesty seconded, and the motion carried 7-0.

## 5. **CLOSED SESSION/RETURN TO OPEN SESSION**

Ms. Haydon 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 July 12, 2024 meeting.](10:02 a.m.)**

Mr. Gillis moved to return to open session. Mr. Reeves seconded, and the motion carried 7-0. (10:51 a.m.)

## **6. CASES TO BE DECIDED**

The Board reviewed the cases listed below. The Board considered the record, including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments, where applicable.

### **A. Hawkins, Jay v. Justice and Public Safety Cabinet, Department of Corrections (2019-068 and 2020-014)(2 appeals)**

Mr. Ward, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions and Request for Oral Argument, and Appellee's Response to Exceptions, moved to deny the request for oral argument and moved to accept the recommended order dismissing the appeals subject to a clerical modification of paragraph 8 on page 6 of the recommended order stating that the additional documents submitted by the Appellant, regardless of timeliness, were considered by the Board but did not affect the outcome of the matter. Ms. Haydon seconded, and the motions carried 5-0, with Mr. Denham and Mr. Gillis abstaining.

### **B. Southworth, Adrienne v. Office of the Lieutenant Governor and Office of the Governor (2019-131)**

Mr. Reeves, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions and Request for Oral Argument, and Appellees' Joint Response to Exceptions, moved to deny the request for oral argument and moved to accept the recommended order dismissing the appeal. Mr. Ward seconded, and the motion carried 5-0, with Mr. Denham and Mr. Gillis abstaining from deliberation and voting on the matter.

C. **Stephens, Thomas v. Justice and Public Safety Cabinet, Department of Corrections (2021-118 and 2021-148)(2 appeals)**

Mr. Ward, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions and Request for Oral Argument, and Appellee's Response to Exceptions, moved to deny the request for oral argument and moved to accept the recommended order dismissing the appeals. Mr. Hardesty seconded, and the motion carried 5-0, with Mr. Denham and Mr. Gillis abstaining.

**Show Cause Order – Response Filed – Appeal Dismissed**

D. **Courtney, Jamie v. Justice and Public Safety Cabinet, Department of Juvenile Justice and Personnel Cabinet (2023-028)**

Mr. Reeves moved to deny the Appellant's request for oral argument and moved that the recommended order be accepted dismissing the appeal for failure to timely prosecute the appeal. Chair Eaves seconded, and the motion carried 5-0, with Mr. Denham and Mr. Gillis abstaining.

**Show Cause Order – No Response Filed – Appeal Dismissed**

E. **Meader, Samuel v. Transportation Cabinet (2023-136)**

Mr. Gillis moved to find that the Appellant has not responded to the show cause order and that the recommended order be accepted dismissing the appeal for failure to timely prosecute the appeal. Mr. Reeves seconded, and the motion carried 7-0.

10. **WITHDRAWALS**

Mr. Gillis moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Chair Eaves seconded, and the motion carried 6-0, with Mr. Denham abstaining from A, B, C, and D.

- A. **McAnally, David v. Kentucky Horse Racing Commission (2024-044)**
- B. **Holcomb, James Coty v. Justice and Public Safety Cabinet, Department of Corrections (2024-083)**
- C. **Omoadoni, Obielodan v. Cabinet for Health and Family Services (2024-085)**
- D. **Rowland, David v. Justice and Public Safety Cabinet, Department of Corrections (2024-027)**

## 11. SETTLEMENTS

Mr. Denham moved to issue a settlement order and to sustain the appeal to the extent set forth in the settlement as submitted by the parties. Chair Eaves seconded, and the motion carried 7-0.

- A. Bond, Bart v. Transportation Cabinet (2023-026)

## 10. OTHER

- A. Case Load Reduction

- 1. Backlog, status of appeals, plan of action

Mr. Rowe said that the number of appeals was approximately the same as the previous month. This was due to fact that the Board received an influx of new cases, a somewhat unusually high number of new cases, but a significant number of those new appeals deal with the Finance and Administration Cabinet and a group of employees who are challenging some salary disparities within the Cabinet. Preliminary pre-hearing conferences have been held in some of these cases, in which, the Cabinet has requested to file dispositive motions.

Mr. Rowe stated that, as previously discussed, staff would also continue to handle these appeals by (1) dealing with the older cases first; (2) tracking new cases statistically, noting the net reduction; (3) analyzing and triaging older cases and evaluating jurisdiction issues; (4) actively recommending mediation in all cases; and (5) hiring a new General Counsel and using contract hearing officers to allow the hearing process to become more efficient.

Recommendations to mediation were being relatively successful. By September, numbers should decline.

B. Next Board Meeting: August 9, 2024


There being no further business, Mr. Hardesty moved to adjourn the meeting. Mr. Gillis seconded, and the motion passed 7-0. (11:04 a.m.)



Michael Eaves, Chair

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Mitchel Denham, Member

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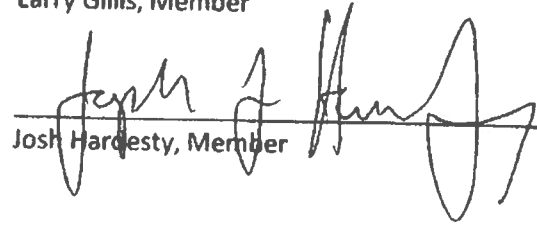
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Larry Gillis, Member

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Rick Reeves, Member

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Josh Hardesty, Member

A handwritten signature in black ink, appearing to read "Josh Hardesty", is written over the signature line for Josh Hardesty. The signature is stylized and cursive.

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Lisa Haydon, Member

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Personnel Board

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