

**KENTUCKY PERSONNEL BOARD  
MINUTES OF JUNE 14, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chair Eaves on June 14, 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  
Larry Gillis, Member  
Rick Reeves, Member  
Josh Hardesty, Member\*\*

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

Board Personnel Absent: Morgan Ward, Member

**\*\*Josh Hardesty was sworn in during the Board meeting  
--Lisa Hayden will be sworn during the July Board meeting**

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD MAY 10, 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, with Mr. Hardesty abstaining. The Board members signed the minutes.

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

Mr. Rowe attended Kentucky Association of Administrative Adjudicators (KAAA) annual conference on May 24, 2024. It was a very informative conference and gave him an opportunity to obtain continuing legal education (CLE) hours and learn what other administrative adjudicators are doing around the state. There was a very helpful, informative legislative update. Mr. Rowe reported that there was also an informative discussion with a judge who deals with appeals of many administrative matters and who provided some helpful tips on standards for appeals. There was also some good discussions on legal ethics for administrative hearing officers.

In terms of staffing, interviews for the Administrative Specialist position were to begin during the following week. Fifty-six (56) candidates applied for the position, and interviews were scheduled for twelve (12) people. The General Counsel position was also recently advertised and a couple of candidates had already submitted their applications.

Regarding hearing officers, the Request for Proposal (RFP) for contract hearing officers has been posted and we should be able to review responses soon. That process will be ongoing and obtaining hearing officers will allow us to further cut down on our old cases going forward.

Mr. Rowe stated that upcoming events included testifying before the Administrative Regulation Subcommittee regarding proposed administrative regulations to comply with Senate Bill 153. Mr. Rowe did not expect these to be controversial in any way. He would be testifying in July 2024.

#### **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 Mr. Hardesty to the Board.

Governor's Ambassador Awards were held. These awards honor employees who have had an impact on their coworkers, communities, and customers. Governor Andy Beshear presented the awards in the Capitol Rotunda. The Personnel Cabinet received over one hundred ten (110) nominations for the various awards. The 2024 winners were: Amy Carder, Cabinet for Health and Family Services (Community Service & Volunteerism Award); Jason Keaton, Energy and Environment Cabinet (Courage Award); Heather Campbell and Meagan Dunn, Justice and Public Safety Cabinet (Customer Service Award); Andrea Queen, Cabinet for Health and Family Services (Leadership Award); Wesley Turner, Energy and Environment Cabinet (Professional Achievement Award); and Kentucky State Police Post 13 (Teamwork Award). The Cabinet was honored to highlight the great work that state employees are doing.

She updated the Board on some Equal Employment Opportunity (EEO) initiatives. On May 23, 2024, Governor Beshear signed Executive Order 2024-354 which implemented the Crown Act for the executive branch of state government. This Act clarified that traits normally associated with race, including but not limited to natural hair texture and protected hair styles such as braids, locks, and twists. On that same date, May 23, 2024, as a part of that EEO initiative, the Personnel Cabinet updated the Affirmative Action Plan, and that EEO also recognized the Affirmative Action Plan.

Governor Beshear also issued Executive Order 2024-155 to recognize June 19 as the Juneteenth national freedom day. All executive branch offices will be closed, and all executive branch employees will be given the day as a holiday.

The Cabinet is monitoring changes with the Fair Labor Standards Act. Effective July 1, 2024, the salary threshold will change for certain staff members. These revisions change the definition of the employees who are entitled to overtime pay. Three (3) lawsuits have been filed challenging the revisions, and the Cabinet is watching the lawsuits to see if those changes are made.

**\*\*Pause due to technical issues.**

Mid-year Interim Performance Evaluations will begin in July for staff of executive branch.

Lastly, Ms. Holbrook stated that executive branch employees' salary increases, which will become effective July 1, 2024, will be reflected in pay received on July 30, 2024.

#### **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. Reeves 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 June 14, 2024 meeting.](9:53 a.m.)**

Mr. Gillis moved to return to open session. Mr. Denham seconded, and the motion carried 5-0. (10:07 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. **Dotson, Olivia v. Cabinet for Health and Family Services and Personnel Cabinet (2023-002)**

Mr. Reeves, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, and Appellants' Request for Oral Argument, moved to deny the request for oral argument and moved to accept the recommended order dismissing the appeal. Mr. Hardesty seconded, and the motions carried 3-0, with Mr. Denham and Mr. Gillis abstaining.

B. **Sullivan, Leigh v. Cabinet for Health and Family Services (2020-075 and 2020-124)(2 appeals)**

Mr. Hardesty, 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 appeals. Mr. Reeves seconded, and the motion carried 3-0, with Mr. Denham and Mr. Gillis abstaining.

**Show Cause Orders – No Response Filed – Dismissed as Withdrawn**

- C. Franklin, Donald v. Department of Military Affairs (2019-093, 2019-146)(2 appeals)
- D. Wallace, Melissa v. Public Protection Cabinet (2023-133)

Mr. Gillis moved to accept the recommended orders and to dismiss the appeals as withdrawn. Mr. Denham seconded, and the motion carried 5-0.

10. **WITHDRAWALS**

Mr. Gillis moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Mr. Hardesty seconded, and the motion carried 4-0, with Mr. Denham abstaining.

- A. Boyd, Jenyika v. Justice and Public Safety Cabinet, Department of Corrections (2023-114)
- B. Bush, Ryan v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-122)
- C. Simpson, Kaitlyn A. v. Tourism, Arts and Heritage Cabinet, Kentucky Horse Park (2024-003, 2024-007)(2 appeals)
- D. Veloz, Daniel v. Justice and Public Safety Cabinet, Department of Corrections (2023-167)

## 11. 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. Chair Eaves seconded, and the motion carried 5-0 on Item "A," and 4-0 on Item "B" with Mr. Denham abstaining.

- A. Barrett, Kimberly (2023-152) and Sohl, Crystal (2023-153) v. Department of Education (2 appeals)(Mediation)
- B. Cantrell, Nathan v. Justice and Public Safety Cabinet, Department of Corrections (2023-143)

## 10. OTHER

### A. Case Load Reduction

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

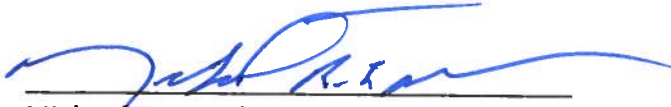
Mr. Rowe noted that on January 1, 2024, the Board had two hundred nine (209) active cases. Now there are two hundred (200) active cases, which represents a five percent (5%) reduction. Part of the reason for the small reduction is that the number of new appeals has increased. In the period between January through May 2024, seventy-eight (78) new appeals were filed, with eighty-seven (87) final orders going out.

To deal with the backload, Mr. Rowe stated staff would (1) deal with the older cases first; (2) track new cases statistically and the net reduction; (3) analyze and triage older cases and evaluate jurisdiction issues; (4) actively recommending mediation in all cases; and (5) hire a new General Counsel and use of contract hearing officers to allow the hearing process to become more efficient.

Chair Eaves stated he liked being able to access Board documents in the "Drop Box" cloud application. It was available whenever someone wanted to access it. He also felt this would help free administrative staff time due to information not having to be mailed or emailed. Mr. Denham agreed that the Board's Drop Box was more efficient and requested subfolders to organize the documents.

B. Next Board Meeting: July 12, 2024

There being no further business, Mr. Gillis moved to adjourn the meeting. Mr. Denham seconded, and the motion passed 5-0. (10:04 p.m.)



Michael Eaves, Chair

Mitchel Denham, Member



Larry Gillis, Member



Rick Reeves, Member

Josh Hardesty, Member

**B. Next Board Meeting: July 12, 2024**

There being no further business, Mr. Gillis moved to adjourn the meeting. Mr. Denham seconded, and the motion passed 5-0. (10:04 p.m.)

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Michael Eaves, Chair

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Mitchel Denham, Member

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Larry Gillis, Member

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Rick Reeves, Member



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Josh Hardesty, Member