

**KENTUCKY PERSONNEL BOARD
MINUTES OF MARCH 1, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chair Eaves on March 1, 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

Mark A. Sipek, Executive Director and Secretary
Gwen McDonald, Administrative Section Supervisor

Board Personnel Absent: Yvette Gentry, Member

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 9, 2024.**

The minutes of the last Board meeting were circulated among the members during the Board meeting. Chair Eaves asked for any additions or corrections. The Board reviewed the minutes during the March Board meeting. Mr. Denham requested a few corrections, which were made. The Board members signed the minutes.

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

Mr. Sipek prefaced his remarks by announcing that oral arguments would not be held in *Brandy Lawrence v. Administrative Office of the Courts (2023-154)* as shown on the Board's March Agenda. Also, on *Stephen Knipper v. Governor's Office (2019-137)*, the Interim Order in that matter was on the Agenda for the Board's review. The parties have filed exceptions, however, neither party has asked for oral argument, so if the Board so chose, it could be discussed during closed session.

Since the February Board meeting, staff has been busy hearing cases, preparing Orders, scheduling and rescheduling and working on RFPs for contract hearing officers.

Mr. Sipek noted it has been an honor to serve as Executive Director of the Personnel Board. He stated it was a pleasure to work with employees, attorneys, and HR professionals from all state agencies. It has been a rewarding experience to work with the Personnel Cabinet as partners on KRS Chapter 18A. He confirmed that the Personnel Cabinet does most of the “heavy lifting” in KRS Chapter 18A. The Board only sees the appeals, but the Cabinet is responsible for every employee, every day, every personnel action, and make the Board’s job easier. He especially thanked Secretary Mary Elizabeth Bailey and the Hon. Rosemary Holbrook, General Counsel, for their willingness to assist and advise throughout the years; it was a pleasure for him to work with each of them. He also mentioned that it had been a pleasure to work with the Kentucky Employees Mediation Program, and to Linda Patrick House, who was the first program director and who trained Mr. Sipek to be a mediator; to Larry Gillis, who kept it going, including through the difficult times during the COVID-19 pandemic; and to Donna Shelton, who continues to keep it running as strong as ever. Mr. Sipek thanked Board administrative staff, and the past General Counsels Andy Crocker and Stafford Easterling; and to Gwen McDonald and Mickey Goff, for their excellent work to make sure everything runs perfectly. He thanked previous Personnel Board Executive Director R. Hanson Williams, who hired him as the Board’s General Counsel and then recommended him to the Board for the Executive Director’s position upon Mr. Williams’ retirement; and, finally, thanked the all Board members, past and present, that it was a pleasure to serve with them and for their dedication and service to the Board.

The Board thanked Mr. Sipek for his service and dedication to the Commonwealth.

4. REPORT OF THE PERSONNEL CABINET

Mary Elizabeth Bailey, Secretary for the Personnel Cabinet, and the Hon. Rosemary Holbrook, General Counsel and Executive Director of the Office of Legal Services, presented for the Cabinet.

The Hon. Rosemary Holbrook thanked Mr. Sipek for his service to the Board. She noted the great relationship he maintained with the Cabinet and congratulated him on his retirement.

Regarding the legislative session, the house budget bill had not been passed, with no information regarding employee raises or compression, however, there several bills being watched, and twenty (20) days remained in the session.

The Personnel Cabinet will be conducting the Equal Employment Opportunity (EEO) Summit on March 4, 2024. Judge Alessandra M. Rosa, from the federal EEO Office will be training and discussing best practices regarding EEO, the Americans with Disabilities Act (ADA), and the new Pregnancy Workers Fairness Act.

The Cabinet will be rolling out a new training module for the Kentucky Employees Mediation Program (KEMP). The mediation program saves the Board and agencies time by settling appeals before they reach the recommended order stage. This training will help supervisors be aware of the program, see how the process works, and how to request assistance whether before or after appeal.

The Cabinet has also worked with other agencies to set up various Employee Resource Groups that allows groups of employees such as veterans or women to come together, network, and have a place to discuss various topics. The Lieutenant Governor will be speaking to the Womens' Group on March 7, 2024.

Lastly, on March 8, a statewide tornado drill will be held at 10:07 a.m.

Secretary Bailey thanked Mr. Sipek for the good working relationship throughout the years and hoped to continue with the Board having a good relationship with the Personnel Cabinet, as both have a very important responsibility and role in administrating the merit system and doing what is best for the agencies, the Commonwealth, and state employees. She thanked Mr. Sipek for his service, and wished him good health and best wishes.

5. Interim Order to be Reviewed by Board

A. Knipper, Stephen v. Governor's Office (2019-037)
(Hearing Officer's Request)

Mr. Ward, having considered the record, including the Hearing Officer's Interim Order, Appellee's Exceptions, Appellant's Exceptions, Appellant's Response to Exceptions, and Appellee's Response to Exceptions, moved to defer this matter to the next meeting of the Board. Mr. Reeves seconded, and the motion carried 3-0, with Mr. Gillis and Mr. Denham abstaining from discussions and deliberations in this matter.

6. ORAL ARGUMENTS

A. Lawrence, Brandy v. Administrative Office of the Courts (2023-154)
(Appellant's Request)
Moved from February Board

The Board declined to hear oral arguments on this appeal.

7. CLOSED SESSION/RETURN TO OPEN SESSION

Mr. Denham moved to amend the closed session language that the Board go into Executive Session for the purposes of discussions and deliberations regarding individual adjudications and to include discussions of KRS 61.810(1)(f), which authorizes discussions that might lead to the appointment, discipline, or hiring of Board staff, and asked that Personnel Cabinet Secretary Mary Elizabeth Bailey and the Hon. Rosemary Holbrook, General Counsel for the Personnel Cabinet, be allowed to attend the session as an advisor on KRS 18A, personnel matters. 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)(c) and (f), 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 February 9, 2024 meeting and discussions of personnel actions as stated above.](9:54 a.m.)

Mr. Denham moved to return to open session. Mr. Gillis seconded, and the motion carried 5-0. (11:48 a.m.)

8. CASES TO BE DECIDED

The Board reviewed the following cases. At that time, 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. Banks, Christopher v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-134)

Mr. Gillis, 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. Mr. Reeves seconded, and the motion carried 4-0, with Mr. Denham abstaining.

**B. Colvis, Robert v. Department of Fish and Wildlife Resources (2022-166)
Deferred from February Board**

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the recommended order sustaining the appeal. Mr. Reeves seconded, and the motion carried 5-0.

**C. Lawrence, Brandy v. Administrative Office of the Courts (2023-154)
Moved to March Board**

Mr. Denham, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's Exceptions to Recommended Order Pursuant to KRS 13B.110(4), and Appellant's Request for Oral Argument, moved to deny the request for oral argument and accept the recommended order dismissing the appeal. Mr. Ward seconded, and the motion carried 5-0.

D. LeMaster, Ricky (2023-147) and Seagraves, Michael (2023-148) v. Transportation Cabinet (2 appeals)

Mr. Gillis, 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. Mr. Ward seconded, and the motion carried 5-0.

E. Mercer, Logan v. Transportation Cabinet (2023-124)

Mr. Gillis, 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. Mr. Ward seconded, and the motion carried 5-0.

F. Vidoni, Eric v. Cabinet for Health and Family Services and Personnel Cabinet (2019-313)

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

9. WITHDRAWALS

Mr. Gillis moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Mr. Ward seconded, and the motion carried 4-0, with Mr. Denham abstaining on Items A, B, C, and E, and the motion carried 3-0 on Item D, with Mr. Denham and Mr. Reeves abstaining.

A. Bouiti, Jean Paul v. Justice and Public Safety Cabinet, Department of Corrections (2021-033)

B. George, Jeffrey v. Justice and Public Safety Cabinet, Department of Corrections (2023-127)

- C. Mains, Thomas v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-097)
- D. Moore, Natasha v. Tourism, Arts and Heritage Cabinet, Department of Parks (2022-174)
- E. Williams, Nautica v. Cabinet for Health and Family Services (2024-002)

10. **OTHER**

A. Case Load Reduction

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

Nothing further was discussed regarding this matter during the March 2024 Board meeting.

B. Hearing Officers

- 1. Request for RFP.

Mr. Gillis questioned the process of obtaining the RFPs for Fiscal Year (FY) 2024. Ms. McDonald stated that the process has been started to hire contract hearing officers. The Board agreed that RFPs for hearing officer personal service contracts should be submitted for the 2024-25 Fiscal Year only.

C. Appointing Authority:

- 1. Michael Eaves – Chair
- 2. Mark Sipek – Executive Director

Mr. Eaves requested that the Chair and Vice Chair be approved as a Appointing Authority for the Board, and not just the Chair. Mr. Denham moved to designate the Chair and Vice Chair as Appointing Authorities for the Board and ratified the action of the Chair of the Board. Mr. Gillis seconded, and the motion carried 5-0.


D. Next Board Meeting: **April 12, 2024**

11. **NEW BUSINESS: HIRING OF GORDON A. ROWE AS EXECUTIVE DIRECTOR OF PERSONNEL BOARD**

Mr. Ward moved to hire Gordon A. Rowe, Jr. as Executive Director of the Personnel Board effective on or about April 8, 2024, at a salary of One Hundred Thirty Thousand Dollars (\$130,000.00) per year. Mr. Denham seconded, and the motion passed 5-0.

Chair Eaves announced that Mr. Sipek had agreed, pending approval from the Kentucky Public Pensions Authority and with the assistance of Secretary Bailey, to extend his to postpone his retirement and make his separation for retirement date effective May 1, 2024, to assist with Mr. Rowe's transition to Executive Director and participate in his orientation to the new position.

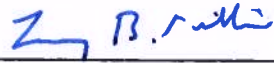
There being no further business, Mr. Gillis moved to adjourn the meeting. Mr. Denham seconded, and the motion passed 5-0. (12:14 p.m.)



Michael Eaves, Chair

Mitchel Denham, Member

Morgan Ward, Member



Larry Gillis, Member



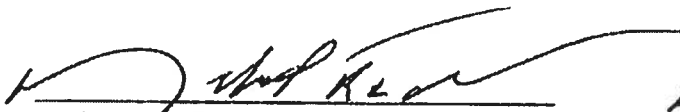
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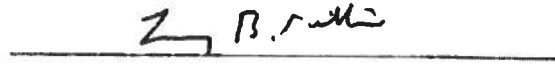


Michael Eaves, Chair



Mitchel Denham, Member

Morgan Ward, Member



Larry Gillis, Member



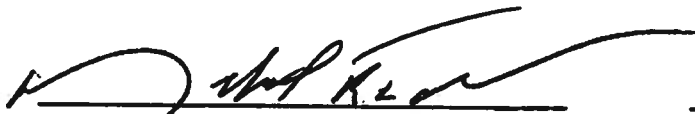
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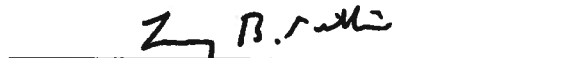


Michael Eaves, Chair

Mitchel Denham, Member



Morgan Ward, Member



Larry Gillis, Member



Rick Reeves, Member