

**KENTUCKY PERSONNEL BOARD
MINUTES OF NOVEMBER 8, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Chair Michael Eaves on November 8, 2024, at approximately 9:30 a.m., ET, 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
Lisa Haydon, Member

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

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 11, 2024.**

The minutes of the last Board meeting had been previously circulated among the members. Chair Eaves asked for any additions or corrections. Mr. Reeves moved to approve the minutes as submitted. Ms. Haydon seconded, and the motion carried 6-0.

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

Mr. Rowe noted that since the October 2024 Board meeting, Board staff had finalized the search for General Counsel position. The Hon. Erritt H. Griggs accepted the position, which the Board approved. Mr. Griggs will begin work November 18, and he and Mr. Rowe had begun to have initial discussions regarding allocating responsibilities and adjusting strategies for tackling our case backlog.

October was a very busy month; Mr. Rowe conducted sixty-eight (68) pre-hearing conferences. Five (5) evidentiary hearings were also held. That schedule will slow down over the next few months due to the holidays. This will allow staff to catch up on decisions.

Overall, Mr. Rowe reported that work is going well. Staff continues to work on our backlog.

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.

Ms. Holbrook congratulated Mr. Griggs on his appointment as General Counsel of the Board. Ms. Holbrook has had the opportunity to work with Mr. Griggs in the past on personnel matters and feels that Mr. Griggs will be a great addition to the Board staff.

The Cabinet conducted its annual HR Symposium on October 29, 2024. Over two hundred (200) agency human resource (HR) employees attended. This was a time to gather HR representatives and share reminders, new initiatives, and professional development content. Various HR awards were given out.

On October 28, the Cabinet launched the Team Kentucky Internship Program. This allows executive branch agencies to have the ability to participate in this program and offer paid internship positions to individuals. The Cabinet had previously submitted a paid internship regulation for review, which has now been filed with the Legislative Research Commission (LRC) and the Cabinet expects it to become effective March 2025. This will also allow interns who complete their participation in the program to have an interview preference if they apply for a position with the state.

Effective January 1, 2025, all new hires will receive health benefits on the first day of employment. This initiative is to make state employment more compatible with the private sector. Offering health benefits on the first day of employment should assist with hiring and allow new hires to avoid or limit their participation in expensive COBRA benefits from a previous employer.

Ms. Holbrook announced there were two (2) petitioned positions for the Board to review.

- A. **Petitioned Position** – Cabinet for Health and Family Services, Office of Legal Services
--Special Assistant.

Michele Barnes, Executive Director of the Cabinet for Health and Family Services' Office of Human Resource Management, appeared for the Cabinet to discuss the Petitioned Position request and answered questions from the Board. Ms. Haydon moved to approve the Special

Assistant Petitioned Position as stated above. Mr. Denham seconded, and the motion carried 6-0.

- B. **Petitioned Positions*** – Justice and Public Safety Cabinet, Department of Juvenile Justice
--Administrative Coordinators (10 positions)

***Added to Agenda during Board meeting due to clerical error – not receiving information earlier. Reviewed by Board following closing session.**

Rodney E. Moore, Executive Director of the Office of Human Resource Management of the Justice and Public Safety Cabinet, discussed the need for the Administrative Coordinator positions and answered questions from the Board. Mr. Denham moved to approve the ten (10) Administrative Coordinator Petitioned Positions as stated above. Mr. Ward seconded, and the motion carried 6-0.

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. 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 October 11, 2024 meeting.](9:44 a.m.)

Mr. Gillis moved to return to open session. Mr. Reeves seconded, and the motion carried 6-0. (9:56 a.m.)

6. **CASES TO BE DECIDED**

- A. **Kizziar, William v. Justice and Public Safety Cabinet, Department of Corrections (2022-159)**

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

Show Cause Orders – No Response Filed – Dismissed as Withdrawn

- B. Bullock, David v. Transportation Cabinet (2022-131)
- C. Edgington, Trent v. Justice and Public Safety Cabinet, Department of Corrections (2023-112)
- D. Mercer, Logan v. Transportation Cabinet (2023-061)

Mr. Gillis moved to accept the recommended orders and to dismiss the appeals as withdrawn. Ms. Haydon seconded, and the motion carried 6-0 on Items “B” and “D,” and the motion carried 5-0 on Item “C,” with Mr. Denham abstaining.

7. 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. Ward seconded, and the motion carried 5-0, with Mr. Denham abstaining.

- A. O’Faery, Phoenix (Estate) v. Justice and Public Safety Cabinet, Department of Corrections (2023-006)
- B. Mitchell, Kimberly v. Finance and Administration Cabinet (2023-137)

9. OTHER

- A. Case Load Reduction

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

Mr. Rowe stated staff would make adjustments with the hiring of Erritt Griggs as General Counsel. During the holiday season, staff will conduct fewer pre-hearing conferences and hearings, which will allow time to review cases and render decisions. Hearing Officers will be conducting more cases, so Mr. Rowe will be able to relinquish some of those duties and focus more on strategic matters.

Chair Eaves asked if the contract hearing officers could conduct some of the pre-hearing conferences, and Mr. Rowe stated that option would be very costly for the Board.

Mr. Rowe stated a lot of cases had filed across Cabinets regarding salary disputes and salary disparities. The Board has received some dispositive motions that have been filed in some of those cases and more motions that are scheduled to be filed. Once those cases are ruled upon, it should have a big effect on how many pre-hearing conferences are going forward. This issue is a big source of new cases. While October has been an unusual month for the number of pre-hearing conferences conducted, we are trying to clear out cases. In other cases, the parties are engaging in discovery, and dispositive motion practice. Mr. Rowe is reducing the time between pre-hearing conferences so that cases can move forward more quickly.

B. Board Chair and Vice-Chair Elections

Mr. Denham moved that Chair Eaves be re-elected to Board Chair for 2025. Ms. Haydon seconded, and the motion carried 6-0.

Chair Eaves moved that Mr. Denham be elected to Board Vice Chair for 2025. Ms. Haydon seconded, and the motion passed by acclamation.

C. Board Scheduling for 2025

After discussion between the Board members, the 2025 Personnel Board meeting schedule was agreed upon, as follows:

January 10	May 9	September 12
February 14	June 13	October 10
March 14	July 11	November 14
April 11	August 8	December 12

D. 2024 Annual Report

Ms. Haydon moved that the Board accept the Fiscal Year 2024 Annual Report. Mr. Ward seconded, and the motion carried 6-0.

****The Board reviewed the second Petitioned Position request.**

E. Next Board Meeting: **December 13, 2024**

Mr. Denham made a motion for the Board to adjourn. Mr. Ward seconded, and the motion carried 6-0. (10:58 a.m.)



Michael Eaves, Chair

Mitchel Denham, Member

Morgan Ward, Member



Larry Gillis, Member

Rick Reeves, Member

Lisa Haydon, Member

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Michael Eaves, Chair



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