

**KENTUCKY PERSONNEL BOARD
MINUTES OF OCTOBER 11, 2024**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Member Larry Gillis on October 11, 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 Member Absent: Mitchel Denham, Member

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD SEPTEMBER 13, 2024.**

The minutes of the last Board meeting had been previously circulated among the members. Mr. Gillis asked for any additions or corrections. Mr. Reeves moved to approve the minutes as submitted. Ms. Haydon seconded, and the motion carried 5-0.

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

Mr. Rowe stated that the General Counsel interviews had been finalized and the interview panel had a recommendation for the Board. Mr. Rowe shared some materials with the Board regarding the top candidate. He stated that the recommended candidate is a person who can help the staff take our work to the next level and he is excited to recommend this person to the Board. Mr. Rowe stated that more information about this personnel matter would be shared during closed session.

Board staff are continuing to work on cases. Mr. Rowe conducted thirty-two (32) pre-hearing conferences for October during its first eleven (11) days. He and the contract hearing officers have also conducted three (3) evidentiary hearings since the September Board meeting. There are an additional four (4) evidentiary hearings scheduled prior to the November Board meeting. Staff believes significant progress is being made in catching up on the backlog of cases.

Mr. Gillis asked if the contract Hearing Officers are now conducting evidentiary hearings, and Mr. Rowe noted that they are. The contract Hearing Officers are up to speed and have already submitted some of their rulings. We are looking forward to more progress in the future.

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 updated the Board on the Governor’s Leadership, Equality, Accessibility, and Diversity (LEAD) Conference that was held September 18 and 19. The Cabinet had over seven hundred (700) virtual participants. The Cabinet is proud of the hard work done by the Office of Diversity, Equity, and Training (ODET) and the Cabinet’s Information Technology (IT) team to put together this conference. The Cabinet has already received very good feedback about the conference from attendees.

Ms. Holbrook noted that the Cabinet had started its annual Open Enrollment for the Kentucky Employees Health Plan (KEHP), which will run through October 25, 2024. Employees are able to enroll for benefits through the Kentucky Human Resource Information System (KHRIS).

The Personnel Cabinet’s Kentucky Employees Mediation Program (KEMP) is a great resource for employees and their employers to use to mediate issues. Ms. Holbrook stated the Cabinet would welcome the chance to mediate any appeals the Board would like to refer.

Ms. Holbrook introduced Rebecca Ogden, Director of the Division of Employee Management (DEM), the Division who reviews all Job Classifications for the state, and the agency/cabinet representatives who would be discussing the petitioned positions sought by their agency/cabinet.

- A. A. **Probationary Period Revisions for the following positions:**
 - 1. **Justice and Public Safety Cabinet, Department of Juvenile Justice:**
 - a. Youth Worker I (position no. 20001171) – 12 mos. to 6 mos.
 - b. Youth Worker Supervisor (20001174) – 12 mos. to 6 mos.
 - c. Youth Services Program Supervisor (20001138) – 12 mos. to 6 mos.
 - d. Deputy Juvenile Facility Manager* (20001139) – 12 mos. to 6 mos.
 - e. Juvenile Facility Manger* (20001136) – 12 mos. to 6 mos.

*These titles were amended by the Personnel Cabinet on February 16, 2024. However, the job titles will remain unchanged in 101 KAR 3:125 as Juvenile Facility Worker I and Juvenile Facility Manager II if the probationary period revisions are not approved.

2. **Justice and Public Safety Cabinet, Department of Criminal Justice Training:**

- a. Law Enforcement Training Instructor I (20000719) – 12 mos. to 6 mos.

Rodney E. Moore, Executive Director of the Office of Human Resource Management of the Justice and Public Safety Cabinet, discussed the need for the probationary period revisions and answered questions from the Board. Ms. Haydon moved to approve the Justice and Public Safety Cabinet's request to reduce the probationary periods of the above from twelve (12) months to six (6) months. Mr. Reeves seconded, and the motion carried 5-0.

3. **Kentucky Department of Veterans Affairs:**

- a. Veterans Benefits Field Representative I (20000616) – 9 mos. to 6 mos.
- b. Veterans Benefits Regional Administrator (20000618) – 9 mos. to 6 mos.

John Ostroske, Human Resource Branch Manager of the Kentucky Department of Veterans Affairs, discussed the need for the probationary period revisions and answered questions from the Board. Mr. Reeves moved to approve the Kentucky Department of Veterans Affairs' request to reduce the probationary periods of the above-stated positions from nine (9) months to six (6) months. Ms. Haydon seconded, and the motion carried 5-0.

4. **Public Protection Cabinet:**

- a. Building Code Plans Reviewer I (20000799) – 6 mos. to 12 mos.
- b. Building Code Field Inspector I (21000078) – 6 mos. to 12 mos.
- c. Insurance Fraud Investigator I (20000888) – 12 mos. to 6 mos.
- d. Insurance Fraud Investigator II (20000889) – 12 mos. to 6 mos.
- e. Insurance Fraud Investigator Supervisor (20000890) – 12 mos. to 6 mos.

Brian Raley, Executive Director of the Office of Administrative Services of the Public Protection Cabinet, discussed the need for the probationary period revisions and answered questions from the Board. Mr. Reeves moved to approve the Public Protection Cabinet's request to increase the probationary periods for the Building Code Plans Reviewer 1 and Building Code Field Inspector 1 from six (6) months to twelve (12) months, and to reduce the probationary

periods for the Insurance Fraud Investigator I, Insurance Fraud Investigator II, and Insurance Fraud Investigator Supervisor from twelve (12) months to six (6) months. Ms. Haydon seconded, and the motion carried 5-0.

B. Job Classifications whose Titles have been Amended by the Personnel Cabinet:

1. Conservation Office Recruit (20000609) – Title should be changed to **Game Warden Recruit**.
2. Juvenile Facility Manager I (2001139) – Title should be changed to **Deputy Juvenile Facility Manger*** if the probationary period change to six (6) months is not approved.
3. Juvenile Facility Manager II (20001136) – Title should be changed to **Juvenile Facility Manager*** if the probationary change to six (6) months is not approved.

The Hon. Rosemary Holbrook explained that the above positions changed their job titles to make the titles more in line with the job duties of the position and answered questions from the Board.

C. Job Classifications that have been abolished by the Personnel Cabinet and should be removed from 101 KAR 1:325:

1. Human Rights Enforcement Branch Manager (20001159)
2. Human Rights Housing Compliance Supervisor (20001163)

Ms. Ogden explained that these Job Classifications were no longer being used or needed, that the Job Classification duties had been consolidated or reallocated into other positions, that no state employees were in these Job Classifications, and that the Cabinet was requesting to abolish these Job Classifications. Ms. Holbrook answered questions from the Board. Mr. Morgan moved to abolish the above-stated Job Classifications. Mr. Reeves seconded, and the motion carried 5-0.

5. CLOSED SESSION/RETURN TO OPEN SESSION

Mr. Ward moved that the Board go into Executive Session for the purposes of discussions and deliberations regarding individual adjudications and personnel matters. Mr. Reeves seconded. Mr. Gillis 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 (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 and discussions regarding the appointment of the Board's General Counsel.](10:00 a.m.)

Ms. Haydon moved to return to open session. Mr. Reeves seconded, and the motion passed by consensus. (10:43 a.m.)

A. Employment Action

Following the Board's rulings on cases to be decided, Mr. Rowe recommended to the Board that the Hon. Erritt Griggs be hired as General Counsel for the Personnel Board. Mr. Ward moved to hire the Hon. Erritt Griggs as General Counsel for the Board to begin on November 16, 2024, at a starting salary of \$115,000. Mr. Reeves seconded, and the motion carried 4-0.

*Chair Eaves was unable to return to the meeting after closed session due to internet/loss of signal issues.

6. **CASES TO BE DECIDED**

A. **Blevins, Elizabeth v. Justice and Public Safety Cabinet, Department of Corrections (2024-039)**

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. Mr. Reeves seconded, and the motion carried 4-0.

7. **WITHDRAWALS**

Ms. Haydon moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Mr. Ward seconded, and the motion carried 4-0.

- A. Boyce, Todd v. Justice and Public Safety Cabinet, Department of Corrections (2022-128)
- B. Crisp, Clarice v. Finance and Administration Cabinet (2024-016)
- C. Ray, Katherine v. Justice and Public Safety Cabinet, Department of Corrections (2023-086)
- D. Liberto, Nicole v. Department of Agriculture (2024-095)
- E. McIlwain, Cynthia v. Finance and Administration Cabinet (2024-015)
- F. Rucker, Jason v. Finance and Administration Cabinet (2024-013)
- G. Waddell-Roberts, Hermina v. Cabinet for Health and Family Services (2024-025)

8. **SETTLEMENTS**

In the following cases, Mr. Reeves moved to issue a settlement order and to sustain the appeal to the extent set forth in the settlement as submitted by the parties. Ms. Haydon seconded, and the motion carried 4-0.

- A. Walhood, Bryanna v. Cabinet for Health and Family Services (2023-109)

9. **OTHER**

- A. Case Load Reduction

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

Mr. Rowe reported that staff is making progress with clearing up the case backlog and expects that the backlog will be reduced further after Mr. Griggs begins as General Counsel. Contract Hearing Officers are taking on more cases and Mr. Rowe is assisting in conducting hearings as needed. As shown in the 2024 Annual Report, Board staff conducted three hundred fifty-five (355) pre-hearing conferences during the last fiscal year. Mr. Rowe has conducted eighty-nine (89) pre-hearing conferences since July and that number is expected to grow higher than last year. Also, Board staff conducted eighteen (18) evidentiary hearings during the prior fiscal year (no money was available to hire contract hearing officers). Mr. Rowe and the contract hearing officers have conducted eight (8) evidentiary hearings since July 1, 2024. This number should also significantly increase over the next months.

Mr. Rowe expects to see a significant reduction in cases after the beginning of 2025, due to cases being decided and motions for some type of summary disposition being ruled upon. Of course, not all motions will result in be dismissals, but those that are dismissed will assist with decreasing the backlog. More statistics will be forthcoming after the beginning of the year to show our progress.

- B. 2024 Annual Report


Mr. Gillis questioned some errors on the Annual Report that need to be corrected. This matter was moved to the November 2024 Personnel Board Agenda for approval.

- C. Next Board Meeting: **November 8, 2024**

- A. Board Chair and Vice-Chair Elections

B. Board Meetings Scheduling for 2025

Mr. Ward made a motion for the Board to adjourn. Ms. Haydon seconded, and the motion carried 4-0. (10:58 a.m.)



Michael Eaves, Chair

Morgan Ward, Member



Larry Gillis, Member



Rick Reeves, Member



Lisa Haydon, Member

B. Board Meetings Scheduling for 2025

Mr. Ward made a motion for the Board to adjourn. Ms. Haydon seconded, and the motion carried 4-0. (10:58 a.m.)

Michael Eaves, Chair



Morgan Ward, Member

Larry Gillis, Member

Rick Reeves, Member

Lisa Haydon, Member