

**KENTUCKY PERSONNEL BOARD
MINUTES OF APRIL 11, 2025**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Chair Michael Eaves on April 11, 2025, 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
Michelle Snodgrass, Member

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

Personnel Board Members Absent: Mitchel Denham, Member

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD MARCH 14, 2024.**

The minutes of the last Board meeting were previously circulated among the members. Chair Eaves asked for any additions or corrections. Ms. Haydon moved to approve the minutes as submitted. Ms. Snodgrass seconded, and the motion carried 5-0.

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

Mr. Rowe stated that staff has continued to focus efforts on efficient case administration. This includes reducing the overall caseload and making our processes more efficient. In terms of making processes more efficient, staff is actively working on some of our internal processes. Mr. Griggs is developing a set of Standard Operating Procedures (SOPs) to help us increase the efficiency of various in-house tasks. Regarding caseload, we focused more in March on ruling on dispositive motions and we have completed opinions in many of those cases. The Board was not presented with those appeals during the April meeting because the time for exceptions from the parties has not passed, however, at this time approximately sixteen (16) cases will be on the Board's May Agenda for final determination. Some of the ruling are on older appeals, and some are newer. As discussed previously during prior meetings, some of these appeals dealt with

salary disputes or salary issues that the Board can no longer rule upon and we will now have a firm base of opinions that will clearly say the Board cannot decide those issues. This should streamline decision making for hearing officers ruling upon these issues in the future by providing example language and, illustrate to litigants that these matters are outside of the Board's jurisdiction.

Staff is working to increase the number of evidentiary hearings scheduled each month. In the past couple of months, we have seen a surprising number of appeals scheduled for evidentiary hearing get settled or withdrawn at the last minute. We had fewer evidentiary hearings conducted than we expected or would like to have and anticipate scheduling more cases for evidentiary hearings as we move forward. Mr. Rowe and Mr. Griggs talked with two of the most active of the three contract hearing officers to determine their capacity to handle a larger volume of cases, as was mentioned during Mr. Rowe's March 14, 2025 remarks. Since the March Board meeting, Mr. Rowe and Mr. Griggs have also spoken to the third hearing officer and believe that most of the potential conflicts previously considered are now resolved and she should now be assigned more cases.

Mr. Rowe and Mr. Griggs continue to evaluate the entire slate of cases to prioritize appeals that can be moved forward and to get older cases scheduled for evidentiary hearings. Staff continues to review and evaluate appeals with procedural problems that keep them from going to evidentiary hearing. They will continue to prioritize older cases and cases that have obvious issues that have precluded them from moving forward to the evidentiary hearing stage. By resolving outstanding procedural issues and checking in earlier with the parties during prehearing conferences, we are able to clear some of the hurdles to conducting evidentiary hearing and proceeding towards timely resolution of these appeals.

Mr. Rowe noted that a Request for Proposal (RFP) was finalized and we are recruiting more hearing officers to assist with the caseload. We advertised the RFP through the Kentucky Administrative Adjudicators Association (KAAA) and also through the Kentucky Bar Association (KBA). We received several inquiries about the RFP and one (1) application. We expect to engage one or two more contract hearing officers in the near future.

As noted on the Board's Monthly Report, the Board's case count has increased. Many new appeals were filed during March, including fifteen (15) new appeals during a week and a half period. This is unusually high. However, we anticipate a substantial number of appeals being resolved by the May Agenda, causing the total case count to come back down. We continue to work towards goal of reducing cases to under two hundred (200) by the end of June, 2025.

*Mr. Ward arrived virtually during the Executive Director and Secretary's Report.

4. REPORT OF THE PERSONNEL CABINET

The Hon. Robert Long, Deputy Secretary and General Counsel of the Personnel Cabinet, presented for the Cabinet.

Mr. Long stated, on behalf of the Personnel Cabinet, that their thoughts and prayers are with all who have been affected by the recent flooding and he noted that state and local employees have been instrumental in meeting some of the needs of those effected. Mr. Long noted how Parks' employees have contributed by providing housing and other resources. The Personnel Cabinet will continue to provide assistance and is really pleased to see the response and how everyone continues to have care and concern for all those who have been displaced and affected. He expressed hope for better, milder weather soon.

Wellness Fairs are continuing. The next Wellness Fair will be hosted at the 300 Sower Building on Wednesday, April 16. State employees who have their supervisor's approval will be granted up to one (1) hour to attend the Wellness Fair. The fairs have been very successful. They are more robust this year, with more vendors attending and providing advice and recipes for healthy eating, a smoothie bike activity, and healthcare professionals who provide biometric screenings to employees.

May 4 through 10, 2025 will be Public Service Recognition Week. This is the week to honor federal, state, local, county, and tribal government employees throughout the nation. Recent events show just how important these employees are. If anyone is interested, they may review the letter on the Personnel Cabinet website, and there is a toolbox of ideas that agencies may use to promote and show gratitude for our public servants.

A new initiative that Governor Beshear announced recently will help displaced federal employees. The Cabinet has created a website, "Our New Kentucky Home," where resources are available to former federal employees, including career counselors who are dedicated to helping them fill out applications, as well as links to other Cabinets and resources and information about the Commonwealth of Kentucky. Although not every one of those employees are from Kentucky, we want them to know that Kentucky is open for business and we welcome good employees who may want to come here to work. As Kentucky competes in the national job market, virtual job fairs are another tool to assist in the search for qualified employees. A virtual job fair was held on April 10, 2025, for displaced federal employees, but Mr. Long has not yet received feedback from that event.

Nominations are being accepted for the 2025 Governor's Ambassador's Awards. Additional information regarding the specific awards and a link to nominations are on the Personnel Cabinet's website. The Personnel Cabinet's deadline to submit nominations is May 9, 2025.

During the March Board meeting, Mr. Long discussed a childcare initiative, which will involve the Personnel Cabinet opening a childcare facility on the Kentucky State University

campus. The Personnel Cabinet's Request for Proposal (RFP) for vendors closes on April 30, 2025. A walk-through was held with potential vendors at the site. Answers to vendors' questions were posted on April 10, 2025.

Ms. Haydon asked how many children the vendor would be able to accommodate and Mr. Long responded that it was expected to accommodate as many as one hundred (100) children from approximately one (1) year old to kindergarten school age, and perhaps expanding in the future to infants. The Rosenwald Building on the Kentucky State University campus would be the site of the childcare facility. This building was constructed for childcare and will again be utilized for that purpose. This is a "pilot program" that would be an additional benefit for Commonwealth of Kentucky employees. If the pilot program is successful and sustainable, the Cabinet hopes to see it replicated in other cities across the state.

Chair Eaves asked if this initiative would be limited to state employees only, and Mr. Long stated that state employees would be given preference. However, if not all openings were taken, the vendor would be allowed to market to people who do not work for the state.

Lastly, Mr. Long stated that the Cabinet had issued an RFP for a new state pharmacy manager. The selection will likely be made in June or July, with an anticipated six (6) month implementation.

5. CLOSED SESSION/RETURN TO OPEN SESSION

Ms. Snodgrass 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 April 11, 2025 meeting.](10:09 a.m.)

Ms. Snodgrass moved to return to open session. Ms. Haydon seconded, and the motion carried 6-0. (10:27 a.m.)

6. CASES TO BE DECIDED

A. Burton, Jessica v. Cabinet for Health and Family Services (2024-056)

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. Ms. Snodgrass seconded, and the motion carried 6-0.

B. Green, Neil v. Justice and Public Safety Cabinet, Department of Corrections (2023-063)

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 6-0.

Show Cause Order – No Response Filed – Appeal Dismissed

C. Gegler, Jeffrey v. Cabinet for Health and Family Services (2023-027)

In the case listed above, Mr. Gillis moved to find that the Appellant had not responded to the show cause order and that the recommended order be accepted dismissing the appeal for failure to timely prosecute the appeal. Ms. Snodgrass seconded, and the motion carried 6-0.

7. WITHDRAWALS

Mr. Gillis moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Mr. Reeves seconded, and the motion carried 6-0.

- A. Back, Joseph v. Justice and Public Safety Cabinet, Department of Corrections (2024-051)
- B. Bratcher, Stephen v. Justice and Public Safety Cabinet, Department of Public Advocacy and Personnel Cabinet (2024-105)
- C. Campbell, Heather v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-157)

8. SETTLEMENTS

Chair Eaves moved to issue a settlement order and to sustain the following appeals to the extent set forth in the settlement as submitted by the parties. Ms. Snodgrass seconded, and the motion carried 6-0.

- A. Porter, Timothy Wayne v. Transportation Cabinet (2024-160)
- B. Vargas, Brandon v. Justice and Public Safety Cabinet, Department of Corrections (2024-062)
- C. Walker, Nakia v. Cabinet for Health and Family Services (2024-183)
- D. Wilbanks, Katrina v. Cabinet for Health and Family Services (2023-057)

9. OTHER

A. Case Load Reduction

1. Backlog, status of appeals, plan of action

Mr. Rowe added to his earlier report by stating that staff are continuing to work on case reduction. Our goal is to have less than two hundred (200) cases by June 30, 2025. In the meantime, staff continues to focus on the goal of keeping cases on track and moving forward by scheduling discovery and subsequent pre-hearing conferences to discuss the utility of dispositive motions and other methods for resolving cases short of evidentiary hearing. As shown by our monthly Status Report, conferences are held more often to keep appeals moving. This strategy has led to settlements and withdrawals, as some parties may more effectively evaluate the strength of their case after discovery, or decide they do not wish to continue their appeals. We anticipate that this will be reflected in final determinations appearing on the Board's Agendas in the coming months.

Mr. Griggs affirmed Mr. Rowe's remarks, stating the Board should see quite a few more cases for final resolution on the May Agenda. Staff looks forward to continuing to reduce the case backlog in the coming months.

As a final note, Mr. Gillis congratulated Ms. Snodgrass and Ms. Haydon on their Board positions being confirmed by the Senate.

B. Board Photo

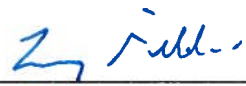
Ms. McDonald will work on scheduling potential dates for a Board photo to be taken and advise the Board.

D. Next Board Meeting: **May 9, 2025**

Ms. Snodgrass made a motion for the Board to adjourn. Ms. Haydon seconded, and the motion carried 6-0. (10:35 a.m.)



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Morgan Ward, Member

Larry Gillis, Member

Rick Reeves, Member

Lisa Haydon, Member

Michelle Snodgrass, Member

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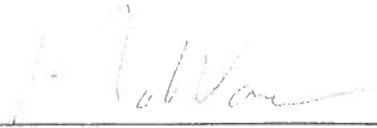
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