

**KENTUCKY PERSONNEL BOARD
MINUTES OF FEBRUARY 14, 2025**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Chair Michael Eaves on February 14, 2025, 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
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
Kathy Hayes, Administrative Specialist Senior

Personnel Board Members Absent: Morgan Ward, Member

****Michelle Snodgrass was sworn in during the Board meeting.**

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 8, 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 5-0.

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

Mr. Rowe reported that the General Assembly is in session. Board staff will keep everyone informed about the progress of regulation changes and any legislation that might affect the Board.

Mr. Rowe noted that the current caseload status report showed the number of appeals to have increased from the past couple of months. Mr. Rowe stated he would discuss his strategy for dealing with the caseload in more detail after closed session but briefly stated the strategy

would include reviewing cases for pending dispositive motions that need to be ruled upon, getting the contract hearing officers to assist with making decisions on previous cases not ruled upon, and adding more hearing officers through a new Request for Proposal (RFP).

*Ms. Haydon arrived during the Executive Director and Secretary's Report.

4. **REPORT OF THE PERSONNEL CABINET**

Mary Elizabeth Bailey, Secretary of the Personnel Cabinet, presented for the Cabinet. She introduced the Hon. Robert Long, who had been appointed as Deputy Secretary and General Counsel of the Personnel Cabinet. The Board welcomed and congratulated Mr. Long on his appointment. Secretary Bailey thanked the Hon. Rosemary Holbrook, who took on the duties of acting General Counsel prior to Mr. Long's appointment.

Secretary Bailey welcomed Ms. Snodgrass to the Board.

Secretary Bailey discussed proposed changes to KRS Chapter 18A that had been filed, including:

- A. Creating a definition of "intern" that would make it different from the job class of interim;
- B. Amending the sick leave sharing language;
- C. Amending the annual leave sharing language;
- D. Allowing Boards and Commissions to employ both classified and unclassified staff;
- E. Prohibiting an elected Personnel Board member from remaining on the Board if that person retires from state service during their term;
- F. Adding an Internship program;
- G. Amending the layoff statutes to include that employees who are either interim or probationary employees will be terminated;
- H. Amending re-employment rights to expire two (2) years after date of separation, from acceptance of the job, or from retirement – this is a language clean-up to mirror the regulation.

Secretary Bailey stated there was a petitioned position for the Board to review.

- A. **Petitioned Position** – Executive Branch Ethics Commission
--Deputy General Counsel

Meena Mohanty, General Counsel for the Executive Branch Ethics Commission, appeared to discuss the Petitioned Position request and answered questions from the Board. Mr. Gillis moved to approve the Deputy General Counsel Petitioned Position as stated above. Ms. Snodgrass seconded, and the motion carried 6-0.

5. CLOSED SESSION/RETURN TO OPEN SESSION

Ms. Haydon 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 February 14, 2025 meeting.](9:51 a.m.)

Ms. Haydon moved to return to open session. Mr. Reeves seconded, and the motion carried 6-0. (10:17 a.m.)

6. CASES TO BE DECIDED

A. Ashley, James v. Justice and Public Safety Cabinet, Department of Corrections (2023-080)

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. Ms. Snodgrass seconded, and the motion carried 5-0, with Mr. Denham abstaining.

**B. Dukes, Sheroen v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-042)
Moved from January 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 dismissing the appeal. Ms. Haydon seconded, and the motion carried 5-0, with Mr. Denham abstaining.

**C. Holbrook, Angela v. Justice and Public Safety Cabinet, Department of Corrections (2023-149)
Moved from January 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 dismissing the appeal. Mr. Reeves seconded, and the motion carried 5-0, with Mr. Denham abstaining.

D. Moze, Marcus v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-012)

- Exceptions of the Appellant and Request for Oral Argument
 - Appellee's Motion for Extension of Time to File Response to Exceptions
 - Order Granting Extension of Time to File Response to Exceptions
 - Appellee's Response to Exceptions and Request for Oral Argument
- Moved from January Board**

Ms. Haydon, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, Appellant's exceptions and request for oral argument, Appellee's response to exceptions and request for oral argument, moved to deny the requests for oral argument, and move to accept the recommended order dismissing the appeal. Ms. Snodgrass seconded, and the motion carried 5-0, with Mr. Denham abstaining.

Show Cause Orders – No Response Filed – Appeals Dismissed

- E. Benton, Dakota v. Justice and Public Safety Cabinet, Department of Corrections (2023-096, 2024-058)(2 appeals)
- F. Cintrón, Victoria v. Justice and Public Safety Cabinet, Department of Public Advocacy, and Personnel Cabinet (2024-054)
- G. Turner, James v. Justice and Public Safety Cabinet, Department of Corrections (2023-160)

In the cases listed above, Mr. Reeves moved to find that the Appellants had not responded to the show cause orders and that the recommended orders be accepted dismissing the appeals for failure to timely prosecute the appeals. Mr. Gillis seconded, and the motion carried 5-0, with Mr. Denham abstaining.

Show Cause Orders – No Response Filed – Dismissed as Withdrawn

- H. Millay, Justin v. Justice and Public Safety Cabinet, Department of Corrections (2024-041)

In the case listed above, Mr. Gillis moved to accept the recommended order and to dismiss the appeal as withdrawn. Mr. Reeves seconded, and the motion carried 5-0, with Mr. Denham abstaining.

7. WITHDRAWALS

Chair Eaves moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Ms. Snodgrass seconded, and the motion carried 6-0 on Items “B,” “D,” and “E,” and the motion carried 5-0, with Mr. Denham abstaining on Items “A,” “C,” “F,” “G,” “H,” and “I.”

- A. Cheek, Jason v. Energy and Environment Cabinet (2024-049)
- B. Drury, Stephen v. Transportation Cabinet (2024-129)
- C. Dunn, Kelly v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-092)
- D. Faulkner, Stephen v. Cabinet for Health and Family Services (2024-098)
- E. Gary, Keath v. Transportation Cabinet (2023-113)
- F. Hedges, Justin v. Transportation Cabinet (2024-087)
- G. McLean, Gary v. Justice and Public Safety Cabinet, Department of Corrections (2022-046)
- H. Sims, Bethany v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-077)
- I. Stewart-Lomio, Hannah v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-040)

8. SETTLEMENTS

Ms. Haydon moved to issue settlement orders and to sustain the appeals to the extent set forth in the settlements as submitted by the parties. Mr. Gillis seconded, and the motion carried 5-0, with Mr. Denham abstaining.

- A. Hall, Michael v. Justice and Public Safety Cabinet, Department of Corrections (2022-050)
- B. Juras, Charles v. Justice and Public Safety Cabinet, Department of Corrections (2024-023)(Mediation)

9. **OTHER**

A. **Case Load Reduction**

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

Mr. Rowe further discussed ways to reduce the Board's current caseload by: (a) continuing to prioritize older cases first; older cases being those filed prior to 2023; (b) prioritizing dispositive motions in some cases; (c) actively reviewing for jurisdiction in new appeals; and (d) sending more cases to mediation or encouraging the parties to settle informally.

Mr. Rowe noted that some of the older cases were delayed due to various issues, including changes in representation, procedural hurdles, and dispositive motions. He stated that several dispositive motions had been ruled upon and the reduction of numbers should be evident soon. He discussed that there are some cases that have been consolidated due to the fact that they deal with similar (if not the exact same) issues and involve the same Cabinet or Department. He expects these cases to have rulings soon.

Mr. Rowe mentioned that the Board's current case management system does not work well as far as tracking cases and being able to search by issues. Staff are working around this issue using Excel until a better system can be obtained.

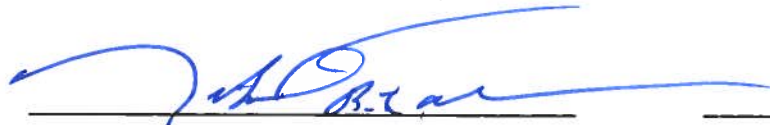
Chair Eaves questioned what Mr. Rowe would expect the Board's caseload to be during the coming year. Mr. Rowe stated he would have a numerical breakdown of the older cases and their status for the March Board meeting. Mr. Rowe expects to reduce the Board's caseload to under two hundred (200) cases by the end of the fiscal year.

Mr. Rowe noted that, in order to meet the goal of reducing the caseload, both he and Mr. Griggs may need to conduct some evidentiary hearings. This would be a short-term solution until more contract hearing officers are hired.

Mr. Rowe stated that staff are also working on guidelines for parties who appear before the Personnel Board, detailing their rights, what to expect, how to handle the grievance process, being open to mediation, etc. He will share the draft with the Board soon.

B. **Next Board Meeting: March 14, 2025**

Ms. Haydon made a motion for the Board to adjourn. Ms. Snodgrass seconded, and the motion carried 6-0. (10:36 a.m.)



Michael Eaves, Chair

Member 



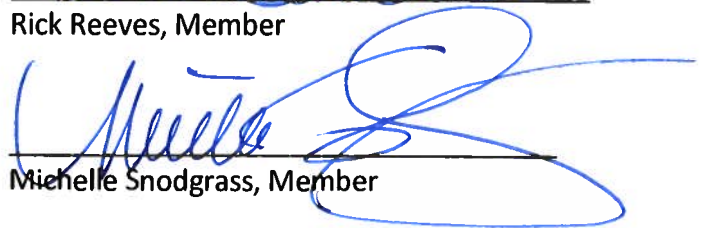
Larry Gillis, Member



Rick Reeves, Member



Lisa Haydon, Member



Michelle Snodgrass, Member