

**KENTUCKY PERSONNEL BOARD  
MINUTES OF MAY 9, 2025**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Board Chair Michael Eaves on May 9, 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, Vice Chair  
Morgan Ward, Member  
Larry Gillis, Member  
Rick Reeves, Member  
Lisa Haydon, Member  
Michelle Snodgrass, Member\*

Gordon A. Rowe, Jr., Executive Director and Secretary  
Erritt H. Griggs, General Counsel  
Gwen McDonald, Administrative Section Supervisor

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD APRIL 11, 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. Mr. Reeves seconded, and the motion carried 6-0.

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

Mr. Rowe stated that staff has been hard at work deciding cases. Staff has also been working to decrease the backlog of cases to be processed and scheduled. Some significant progress was made over the past few months as evidenced in the number of cases on this month's Board's Agenda. We are continuing to implement strategies to reduce the backlog. These strategies will be discussed further at the end of the Board's Agenda under "Other."

One recent endeavor to provide more capacity for hearings has been to try to engage new contract Hearing Officers. Staff is happy to report that a hearing officer's contract is in the

process of being finalized. We hope to see the contract become finalized within the next thirty (30) days. This will provide more capacity for hearing cases and issuing Recommended Orders.

The Board currently has three (3) hearing officers. As Mr. Rowe mentioned during the April Board meeting, one of the hearing officers was essentially “re-engaged.” Staff discussed and worked through potential conflict of interest issues with that hearing officer and the hearing officer should now be able to preside over more cases.

Mr. Rowe and Mr. Griggs are also working to identify cases appropriate for evidentiary hearings and prioritizing those for scheduling. As noted during the April Board meeting, fewer cases had been on the Board’s Agenda recently because fewer cases had been scheduled for hearings due to capacity concerns. However, staff now better understands the likelihood that many of the cases scheduled for evidentiary hearing get resolved or moved due to settlements, withdrawals, or requests to reschedule. With confidence in the Board’s ability to hear and decide cases, Mr. Rowe and Mr. Griggs are now docketing more evidentiary hearings, with the goal of more cases coming before the Board for Final Orders.

Mr. Rowe noted that due to the recent systems upgrades, the Board now has hearing rooms equipped with appropriate technology and capable of easily handling more evidentiary hearings than prior to the upgrades.

Mr. Rowe stated that, during the June Board Meeting, he would report on our budget. He related that adding another contract hearing officer would not negatively affect the budget since the Board was allotted additional money by the General Assembly for hearing officer expenses. The Board’s staff is currently evaluating, tracking, and planning its budget, including the hearing officer expenses. Mr. Rowe will detail a more comprehensive budget report during the June meeting.

Mr. Griggs recognized Mr. Rowe’s determined work on Findings of Fact, Conclusions of Law, and Recommended Orders in preparation for the May Board meeting and to provide cases for the Board’s consideration.

Mr. Rowe stated that having Mr. Griggs on board to conduct pre-hearings and draft orders has allowed him to focus more recently on drafting decisions in cases. Chair Eaves noted that it was good to see a three (3) page Agenda again.

**\*\*Short break for technological errors.**

#### **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 commended Mr. Rowe and Mr. Griggs on their hard work, stating that it was obvious they were making progress with the backlog and it is appreciated. The Cabinet has noted their hard work and wanted to recognize that.

Mr. Long remarked that there were not a lot of new things to report. The wellness fairs are continuing to be very successful. Employees are taking advantage of the opportunity to attend and there is a lot of participation at the events. Vendors who participate are offering good ideas for diets and recipes and other health awareness tips. Nurses are also on site to provide basic screenings, including cholesterol, that are targeted toward good health. There are four (4) additional health fairs being offered during the summer. The Kentucky State Office Building will hold their health fair in June and it is always well attended.

Public Service Recognition Week is wrapping up. Governor Beshear and Personnel Cabinet Secretary Mary Elizabeth Bailey recorded a nice message for all state employees showing appreciation for their service. The Personnel Cabinet celebrated with different events each day of the week to try to show appreciation for its employees, including an Employee of the Quarter Luncheon, where some of the outstanding work of the selected Cabinet employees was recognized and celebrated. The Cabinet is encouraging other state agencies to also recognize their employees and thank them for their hard work and service.

The Request for Proposal ("RFP") for a childcare initiative, which was mentioned during the April 2025 Board meeting, has closed. The proposals are being scored and it is possible that a determination may be made soon, leading to negotiations with the chosen vendor. The Cabinet is excited about the progress being made. Although this is a new initiative for the Cabinet and is outside its normal course of business, the Cabinet expects it to be a great benefit for state employees.

The internship regulation is now in effect and now there is a better and organized internship program. Interns who complete the program will qualify for an interview preference similar to a veteran's preference. This is an initiative to attract additional candidates to state employment and give the participants an idea of what a career with a state government agency would be like.

The Personnel Cabinet received comments regarding the proposed compensation and leave regulations, so those are not ready for presenting to the Legislative Research Commission ("LRC") Reg Compiler. The Cabinet expects to respond to the comments soon and anticipate the

regulations to become effective September 30. Mr. Long will keep the Board updated on the progress of the regulations.

Lastly, Mr. Long announced that the state's Kentucky Human Resources Information System ("KHRIS") that employees use to enter time, sign up for benefits, and track payroll is now approximately twenty-five (25) years old. Its technology is dated and Systems, Applications, and Products in Data Processing ("SAP") who supports the system has now informed the Cabinet that the system's end of life is coming. The Cabinet is now in the preparation stages of attempting to acquire a new human resource system that would also contain a separate yet compatible benefits system to manage the Kentucky Employee Health Plan and a more robust, hopefully off-the-shelf, cloud-based, easier-to-configure and longer-life human resource benefit plan. The Cabinet has submitted a capital budget request and will be pursuing that objective soon.

Mr. Reeves questioned a change in regulation regarding sick leave that, upon retirement, could be donated. Secretary Bailey stated that the regulation allowing employees to be able to donate the last 75 hours of their sick leave upon separation or retirement did not pass during the last session of the General Assembly.

\*Ms. Snodgrass arrived during the Report of the Personnel Cabinet

## **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. Mr. Gillis 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 May 9, 2025 meeting.](10:08 a.m.)**

Ms. Snodgrass moved to return to open session. Mr. Denham seconded, and the motion carried 7-0. (11:27 a.m.)

**6. CASES TO BE DECIDED**

**A. Akers, Lori v. Finance and Administration Cabinet (2024-034)**

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 6-0, with Mr. Denham abstaining.

**B. Askew, Shannon v. Justice and Public Safety Cabinet, Department of Corrections (2024-001)**

Chair Eaves, 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, with Mr. Denham abstaining.

**C. Bolton, John v. Justice and Public Safety Cabinet, Department of Corrections (2024-102)**

Ms. Snodgrass, 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 6-0, with Mr. Denham abstaining.

**D. Brosky, Joe v. Department of Military Affairs (2024-114)**

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. Denham seconded, and the motion carried 7-0.

**E. Jackson, David v. Department of Military Affairs (2024-053)**

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. Denham seconded, and the motion carried 7-0.

**F. Jervis, Rebecca v. Justice and Public Safety Cabinet, Department of Public Advocacy (2023-156)**

Ms. Snodgrass, 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 6-0, with Mr. Denham abstaining.

**G. Justice, Phil v. Transportation Cabinet (2024-099)**

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 5-2, with Mr. Gillis and Mr. Reeves opposing.

Mr. Gillis requested his dissent be noted on the record. Chair Eaves granted his request.

Mr. Gillis agreed with the final recommendation but noted that this dissent was based upon Conclusion of Law paragraph 12 contained within the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, which he felt should be stricken from the record and the Conclusions of Law should end with paragraph 11. Mr. Gillis stated that, since the Board did not have jurisdiction to decide the appeal, then paragraph 12 is unwarranted and unnecessary in this case. Further, since an evidentiary hearing was not conducted, therefore, the Board should not assume that the factors in 101 KAR 2:034, Section 1 had not been met when this has not been proven. Further still, Mr. Gillis felt that the Personnel Cabinet should not be included in this recommended order. Mr. Reeves concurred.

**H. Lacosta, Bernardo v. Justice and Public Safety Cabinet, Department of Corrections (2024-005)**

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. Chair Eaves seconded, and the motion carried 6-0, with Mr. Denham abstaining.

**I. Mayfield, Jr., Roy v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-073)**

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 6-0, with Mr. Denham abstaining.

**J. New, Jared v. Justice and Public Safety Cabinet, Department of Criminal Justice Training (2024-120)**

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 6-0, with Mr. Denham abstaining.

**K. Pagan, Edward v. Transportation Cabinet (2024-048)**

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. Denham seconded, and the motion carried 7-0.

**L. Rogers, Brad N. v. Kentucky Department of Education (2021-095)**

Mr. Denham, 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 7-0.

**M. Shepherd, Bobby v. Finance and Administration Cabinet (2024-008)**

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 6-0, with Mr. Denham abstaining.

**N. Michelle Chapman v. Finance and Administration Cabinet (2024-035)**

Ms. Snodgrass, 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, with Mr. Denham abstaining.

### **Show Cause Order – No Response Filed – Appeal Dismissed**

- O. Bright, Colton v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-133)

In the case listed above, Mr. Reeves 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. Mr. Gillis seconded, and the motion carried 6-0, with Mr. Denham abstaining.

### **Show Cause Orders – No Response Filed – Dismissed as Withdrawn**

- P. Stewart, Cody v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-066)

In the case listed above, Mr. Gillis moved to accept the recommended order and to dismiss the appeal as withdrawn. Ms. Haydon seconded, and the motion carried 6-0, with Mr. Denham abstaining.

## **7. WITHDRAWALS**

Mr. Ward moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Ms. Snodgrass seconded, and the motion carried 6-0 on Items "A," "B," "C," and "D," with Mr. Denham abstaining, and the motion carried 7-0 on Item "E."

- A. Black, Jessica v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-139)
- B. Eskew, Austin v. Justice and Public Safety Cabinet, Department of Corrections (2024-043)
- C. Flory, Paul v. Justice and Public Safety Cabinet, Department of Corrections (2024-122)
- D. Ford, Jared v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2024-136)
- E. Vaughn, Tracy v. Cabinet for Health and Family Services (2022-051)



## **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. Mr. Reeves seconded, and the motion carried 7-0.

- A. Sergeant, Emily v. Cabinet for Health and Family Services (2024-165 & 2024-173)(2 appeals)(Mediation)

## **9. OTHER**

- A. Case Load Reduction

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

Mr. Rowe discussed that he would not repeat what he had stated previously regarding the status of the backlog but would rather focus in on the plan of action for the remaining cases.

First, regarding pre-hearing conferences, he and Mr. Griggs are scheduling cases in thirty (30) to sixty (60) day cycles. For instance, if the parties are exchanging discovery, then a follow-up pre-hearing conference is scheduled within thirty (30) to sixty (60) days to review the progress and keep the appeal moving unless there is good cause to delay. In other cases, they are setting deadlines to encourage the parties to keep moving the case forward. By using shorter cycles and instituting more deadlines, appeals should move more quickly to an evidentiary hearing or other disposition.

Also, as noted previously, more evidentiary hearings are being scheduled per month which should provide more movement in the appeals and ultimately more Recommended Orders. Additionally, by engaging another contract hearing officer, the Personnel Board increases its capacity to hear and decide cases timely.

Finally, Mr. Rowe and Mr. Griggs continue to review undisputed facts and jurisdictional requirements and to identify appeals that are appropriate for summary disposition.

Mr. Rowe stated that these are the current plans that staff are focusing upon and implementing. While the results are now beginning to be seen, the focus on short cycles and increased capacity to hear and decide cases appears to be yielding results. However, he and Mr. Griggs remain open to all suggestions and input from the Board members on improving the Board's operations.



As a final note, Mr. Rowe emphasized that, while staff is focused on reducing the backlog, they are also giving all of the appeals the due time, care, and attention they deserve. Mr. Rowe and Mr. Griggs are spending time on internal debates, legal research, and drafting to make certain that legally correct and appropriate recommendations are made. Mr. Rowe wants to ensure that any parties hearing his remarks understand that staff take their appeals seriously and consider them carefully.

B. Board Photo

After discussion, it was decided that the Board's official photograph will be taken just prior to the July 2025 Board Meeting.

C. Next Board Meeting: **June 13, 2025**

Mr. Gillis made a motion for the Board to adjourn. Chair Eaves seconded, and the motion carried 7-0. (11:46 a.m.)

  
\_\_\_\_\_  
Michael Eaves, Chair  
\_\_\_\_\_  
Mitchel Denham, Vice Chair  
\_\_\_\_\_  
Morgan Ward, Member  
\_\_\_\_\_  
Larry Gillis, Member  
\_\_\_\_\_  
Rick Reeves, Member  
\_\_\_\_\_  
Lisa Haydon, Member  
\_\_\_\_\_  
Michelle Snodgrass, Member