

**KENTUCKY PERSONNEL BOARD
MINUTES OF MARCH 13, 2026**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Vice Chair Deimling on March 13, 2026, at approximately 9:30 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky.

Board Personnel Present:

Michelle Snodgrass-Deimling, Vice Chair
Larry Gillis, Member
Rick Reeves, Member
Lisa Haydon, Member

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

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 13, 2026.**

The minutes of the last Board meeting were previously circulated among the members. Vice Chair Deimling asked for any additions or corrections. Mr. Gillis moved to approve the minutes as submitted. Mr. Reeves seconded, and the motion carried 4-0.

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

Mr. Rowe greeted the Board. Prior to the Board meeting, Mr. Rowe provided a Case Summary Report to the Board members, which provided the current status of all 2023 and older cases that remain on the Board's docket. This summary was requested by the Board during the February 2026 Board meeting. The Case Summary Report listed the number of cases pending, the case type (issues being appealed), the last activity in the case, and current status of the matter. Mr. Rowe stated that the goal in providing this information to the Board was to give the Board members time to review and see if this format provides the information sought by the Board.

Vice Chair Deimling stated she liked the format and appreciated being able to see what older cases (cases that are three years or older) are pending and track where they are in the appeal process.

Mr. Rowe noted some changes and updates were made to the Guidelines for Practice of Personnel Board Appeals. He confirmed that the Board members had received and reviewed the

most recent version of the Guidelines. Mr. Rowe stated that the Guidelines would be discussed further after the Board's closed session.

Regarding the legislative session, Mr. Rowe updated the Board on bills identified during the last board meeting that may affect the Personnel Board, particularly House Bill 10 and House Bill 66. He stated that Mr. Griggs was following those bills but there does not appear to be much movement regarding House Bill 10 and House Bill 66. Mr. Giggs confirmed that both bills were passed to the Senate for review and approval but had not moved since passage by the House. He noted that amendments were made to House Bill 66, which changed and narrowed it considerably.

Mr. Rowe stated that Mr. Gillis informed him that House Bill 569, which would have changed the burden of proof in administrative hearings from "a preponderance of the evidence" to "clear and convincing" has been withdrawn. The budget bill, House Bill 500, was still being discussed and going through the appropriate channels. The Personnel Board's allotment in the budget bill looked favorable, and the infrastructure requests and increase in hearing officer's fees have been preliminarily approved, which would make a huge difference in what the Board is capable of doing.

Vice Chair Deimling questioned whether this would help with obtaining the new case management software system. Mr. Rowe acknowledged there had been an issue while obtaining Finance approval that staff expected to be worked out within the next sixty (60) days. He added that the original request was based on a proposal by the Commonwealth Office of Technology (COT) to take an existing program used by the Energy and Environment Cabinet's Office of Administrative Hearings and tweak it to fit the Board's needs. However, COT's estimate of the cost to change that program greatly exceeded the Board's projected cost, so staff made the decision to instead use case management software provided by a private vendor, Clio.

4. REPORT OF THE PERSONNEL CABINET

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

Mr. Long mentioned that, on House Bill 10, Personnel Cabinet Secretary Mary Elizabeth Bailey sent a letter to the legislature indicating the Cabinet's concerns regarding the effects of that bill on hiring and selection practices. The Cabinet is now preparing – should the bill pass – to be able to provide guidance to agencies and impacted employees.

Mr. Long reminded the Board that this year the Personnel Board elections will be held to elect the two (2) state employee Board members, who will begin their term on July 1, 2026. Personnel Cabinet and Personnel Board staff met earlier in the week to discuss the election process and timeline. The Cabinet will be sending out notices regarding the election process and

how to submit their nominations to employees on April 1, 2026. Those nominations must be delivered or sent to the Personnel Board on or before May 15, 2026. Board staff will review the submitted nominations to ensure that all requirements of KRS 18A.0551(1)(b) have been met. On or before May 22, 2026, Board staff will provide to the Personnel Cabinet's Department of Human Resources Commissioner and Deputy Commissioner a list of the reviewed and approved candidate submissions. On or before June 1, 2026, the Cabinet will notify classified employees of the election period (June 1 thru 15, 2026), how to review the election candidates' credentials, and how to vote. Voting will be conducted by accessing a secure web form created and managed by the Cabinet. Voting will end at 11:59 p.m. on June 15, 2026. The Cabinet will validate and tabulate all votes and communicate the results to Board staff within one week following the election, by June 22, 2026. Board staff will contact the winning candidates and they will be sworn in during the July 10, 2026 Board meeting.

Regarding the Board's intention to review and update its regulations and forms, the Cabinet reviewed the Board's Grievance form and suggested to Mr. Rowe and Mr. Griggs some changes to the form to provide clarity and further instructions.

The Governor's Ambassador Awards program is accepting nominations. The Personnel Cabinet's website has forms to nominate employees for one of the six awards.

Other housekeeping items mentioned included: the annual Executive Branch training has been assigned and must be completed on or before May 1, 2026; the Kentucky Department of Revenue is offering to state employees free e-filing of both federal and state tax returns submitted by April 1, 2026; the LivingWell Promise must be completed through the Castlight app by state employees on or before July 1, 2026, to ensure the employee receives a discount on their health insurance premiums for 2027; and the LivingWell Health Clinics are available to provide on-site health care to state employees on an appointment or walk-in basis.

The Kentucky Employees Charitable Campaign (KECC), which ended on December 31, 2025, raised a total of \$714,901, an increase of twelve percent (12%) over the 2024 campaign total. Preparations and agency activities are already being planned for the 2026 campaign.

Mr. Long discussed the Petitioned Position before the Board. Secretary Bailey reviewed and approved the request, and the Cabinet recommends that the Board approve the position.

A. **Petitioned Position** – Executive Branch Ethics Commission, Executive Assistant

The Hon. Susan Clary, Executive Director of the Executive Branch Ethics Commission and Grover Dale Clemons, Finance and Administration Cabinet, appeared to discuss the request by the Ethics Commission and answered questions from the Board. Mr. Gillis moved to approve the petitioned position as submitted. Ms. Haydon seconded, and the motion carried 4-0.

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. Vice Chair Deimling 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 March 13, 2026 meeting.](10:04 a.m.)

Mr. Gillis moved that the Board return to open session. Vice Chair Deimling seconded and the motion carried 4-0. (10:33 a.m.)

6. CASES TO BE DECIDED

A. Boswell, Kristiana v. Justice and Public Safety Cabinet, Department of Corrections (2025-072)

Mr. Gillis, having considered the record, including the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order, Appellant’s exceptions, and Appellee’s response to exceptions, moved to accept the recommended order dismissing the appeal. Vice Chair Deimling seconded, and the motion carried 4-0.

B. Miller, Stephen v. Justice and Public Safety Cabinet, Department of Corrections (2022-137)

Vice Chair Deimling, having considered the record, including the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order, Appellant’s request for oral argument, Appellant’s brief in support of exceptions to recommended order and request for oral argument, and Appellee’s response to Appellant’s exceptions, moved to deny the request for oral argument. Ms. Haydon seconded, and the motion carried 3-0, with Mr. Gillis recusing.

Mr. Reeves, having considered the record, including the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order, Appellant’s exceptions, Appellee’s response to exceptions, and Appellant’s brief reply in support of exceptions to recommended order and request for oral argument, moved to accept the recommended order dismissing the appeal. Vice Chair Deimling seconded, and the motion carried 3-0, with Mr. Gillis recusing.

C. Phelps, Chasity v. Administrative Office of the Courts (2025-144)

Vice Chair Deimling, 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 4-0.

D. Rowlette, Richard v. Cabinet for Health and Family Services (2018-245)

Vice Chair Deimling, 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 3-0, with Mr. Gillis recusing.

E. Sparks, James v. Department of Military Affairs (2025-111)

Mr. Gillis, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, and the Corrected Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, moved to accept the corrected recommended order dismissing the appeal. Mr. Reeves seconded, and the motion carried 4-0.

Show Cause Order – No Response Filed – Appeal Dismissed

F. Bowling, Robert v. Justice and Public Safety Cabinet, Department of Corrections (2025-078)

In the case listed above, Ms. Haydon 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. Vice Chair Deimling seconded, and the motion carried 4-0.

Show Cause Orders – No Response Filed – Dismissed as Withdrawn

G. Alford, Jill v. Department of Veterans Affairs (2025-132)

H. Mickelson, Maxwell v. Finance and Administration Cabinet (2025-068)

In the cases listed above, Ms. Haydon moved to accept the recommended orders and to dismiss the appeals as withdrawn. Vice Chair Deimling seconded, and the motion carried 4-0.

7. WITHDRAWALS

Mr. Gillis moved to accept the following withdrawals and to dismiss the appeals. Vice Chair Deimling seconded, and the motion carried 4-0.

- A. DeLong, Deborah v. Energy and Environment Cabinet (2024-153)
- B. Harris, Bruce v. Transportation Cabinet (2026-013)
- C. Johnson, Jennifer v. Transportation Cabinet (2025-007)
- D. Swintosky, Emily v. Justice and Public Safety Cabinet, Department of Public Advocacy (2025-147)

8. SETTLEMENTS

Vice Chair Deimling moved to issue settlement orders and to sustain the appeals in the matters designated below to the extent set forth in the settlements submitted by the parties. Mr. Reeves seconded, and the motion carried 4-0.

- A. Carnes, Jonathan v. Justice and Public Safety Cabinet, Department of Corrections (2024-081)(Mediation)
- B. Shell, Jeremy v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2025-083, 2025-089)(2 appeals)(Mediation)

9. OTHER

- A. Case Load Reduction
 - 1. Backlog, status of appeals, plan of action

Mr. Rowe stated that staff have been focused on the cases listed in the Case Summary Report. The monthly report was not finalized prior to the Board meeting but will be available after the meeting. Mr. Rowe noted that, as reflected by the amount of appeals on the Board's March Agenda, staff has been working hard to get those cases decided. Mr. Rowe pointed out that, on the Board's March Agenda, three of the recommended orders were decided and issued by Mr. Griggs. Mr. Rowe stated the Board's strategy continues to be to identify cases where a decision can be made based on a matter of law and make those decisions quickly.

Mr. Rowe then discussed the issue of the lag time between when a given appeal is filed and the date of its first pre-hearing conference. This lag time added to the length of total time to resolve the appeal. Upon investigation, it appears that a primary contributor to the delay was getting the parties to respond to the Board's requests to schedule the initial pre-hearing conference. The Board's staff have recently addressed this issue by revising the initial appeal

receipt letter and reviewing its agency contact lists. The revised receipt letter now indicates that failure to respond to the Board's scheduling requests could be a basis for dismissal, and the parties are required to contact Board staff promptly to schedule.

Board staff have also increased the number of evidentiary hearings being scheduled per month. During February and March, weather issues caused some hearings to be rescheduled, which was reflected on the monthly appeal reports. In April, evidentiary hearings are scheduled almost every weekday and Mr. Rowe is expecting the number of hearings to increase. Board staff expect that the increased number of hearings should lead to more cases on the Board's monthly agenda for final orders.

Vice Chair Deimling asked how many hearing officers the Board has and if additional hearing officers were needed. Mr. Rowe stated that another hearing officer's contract was being finalized and that the Board should have enough hearing officers at this time to cover the workload.

B. Guidelines for Practice of Personnel Board Appeals
--Discussion and Approval

Vice Chair Deimling questioned whether the Guidelines should include additional information regarding limits on discovery like appellate courts have adopted. Mr. Rowe stated he and Mr. Griggs had discussed this previously, but case-by-case evaluation was important, the limits in the Rules of Civil Procedure could be used as a guide, and therefore limits were omitted from the guidelines at this time. Mr. Griggs added that he had issued several Orders on Motions to Compel lately and having some latitude to allow for more discovery requests when there were more allegations of violations in a particular case helped to move those matters along. Mr. Rowe stated they were also limiting extensions to complete discovery where appropriate and other requested extensions in order to keep the cases moving along.

Mr. Griggs briefly discussed the guidelines' added provisions regarding salary inequity claims and those requiring organized exhibits.

Mr. Griggs confirmed the guidelines would be shared with the agencies' attorneys and with new Appellants.

Ms. Haydon moved to approve the Guidelines for Practice of Personnel Board Appeals. Mr. Gillis seconded and the motion carried 4-0.

C. Next Board Meeting: **April 10, 2026**

Mr. Reeves made a motion for the Board to adjourn. Vice Chair Deimling seconded, and the motion carried 4-0. (10:54 a.m.)

Michelle Snodgrass-Deimling, Vice Chair



Larry Gillis, Member



Rick Reeves, Member

Lisa Haydon, Member

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C. Next Board Meeting: April 10, 2026

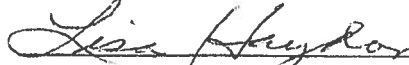
Personnel Board

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