KENTUCKY PERSONNEL BOARD
MINUTES OF SEPTEMBER 11, 2026

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chair Denham on September 11, 2026, at approximately 9:30 a.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky.

Board Personnel Present:

Mitchel Denham, Chair
Lisa Haydon, Member
Gordon Slone, Member
Demetrius Holloway, Member*
David Bradley, Member
Thomas J. Gilpin, Member

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

Board Member Absent: Michelle Snodgrass-Deimling, Vice Chair

2. **READING OF THE MINUTES OF THE REGULAR MEETING HELD AUGUST 14, 2026.**

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

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

Mr. Rowe reported on the recent implementation of Clio, the Board's new case management system. Board staff have made substantial progress in implementing this system. The data has been uploaded and transitioned from current cases into Clio and staff is currently working diligently on getting information from older cases into the system. By loading basic information from the Board's older cases, staff will be in a position to provide trend information. Trend information of particular interest is the average time it takes for a case to progress from filing to final order. An additional goal is to be able to categorize cases generally by type of claim and see how long different types of cases remain on the Board's docket.

The next step for Clio will be to create templates that will make automation of form documents and processing of routine orders much easier. Staff members are also working on

creating custom reports that should be useful in seeing the status of active cases and aiding in decisions about what needs to be addressed next in the cases. These reports will also be useful to the Board by illuminating historical data and recent trends in the number and types of cases filed with the Board, individual case progress, and staff progress in reducing the overall case docket.

Mr. Rowe reported that he and the rest of the staff are also working on the Board's Annual Report, which is due in early October. The goal is to complete the report in the next couple of weeks and circulate it to the Board members for comments and input.

Chair Denham asked when the report is due. Mr. Rowe said the report is due by October 1. Ms. Haydon asked if it included budget information to the legislature. Mr. Rowe stated that specific budget information would not be included. The annual report is intended to be a comprehensive summary report that shows what the Board has accomplished over the past fiscal year, such as the number of cases filed, the number of evidentiary hearings held, the number of pre-hearing conferences and mediations that were conducted, and other work the Board has completed. It will also include information about the contract hearing officers and the work performed by the Executive Director and General Counsel.

In the process of working on the report, Mr. Rowe and Mr. Griggs are looking at processes and procedures that could be improved over the next fiscal year. For instance, more people are using artificial intelligence ("AI") to draft appeals and pleadings. Mr. Rowe and Mr. Griggs are reviewing the Board's Guidelines for Practice to now include some guidance on AI usage. One of the Board's hearing officers came up with a good standard for the Board to incorporate requiring parties to certify whether they have used AI in their pleadings and submissions and, if they have used it to cite cases in a particular pleading, to attach a copy of those cases to the pleading. The goal for such guidelines is to curb errant or hallucinated citation to non-existent cases.

A. **Regulation Amendment:**

101 KAR 1:375, Employee Grievances and Complaints

Board staff are also looking at changes to various regulations to make our processes smoother. Mr. Griggs has been working with the Personnel Cabinet to update the grievance regulation and Mr. Rowe yielded the floor to Mr. Griggs to elaborate on the proposed, amended regulation.

Mr. Griggs stated that the Board had previously been provided with the proposed amendments to the grievance regulation, 101 KAR 1:375. A revised grievance form was also provided to be incorporated by reference into the amended regulation. The process was changed slightly to attempt to make the process more efficient and timely. Some of the changes included removing the first and second-line supervisor's review of the grievances and providing first level review by either the Commissioner, the Warden or the Executive Director, and thereafter, if a

request is made for a next level review, the grievances will go directly to the appointing authority from the Commissioner, the Warden or the Executive Director. Another change was to clarify a path for employees to use their state email when pursuing state grievances when they have written appointing authority permission. These changes were undertaken for several reasons, including Human Resources departments and agency management recognizing that supervisors often struggle to properly investigate and issue findings as the regulation requires, and to otherwise appropriately respond to employee grievances before elevating the grievance to the next level. Often, because the grievance involves a request for a salary adjustment, supervisors respond to the grievance by concluding that the grievance "could not be addressed at my level" or "it's outside my knowledge or authority." At other times, some supervisors, who wish to support good employees who they value, may mistakenly suggest resolutions that are not supported by statute, regulation or policy. The evidence that was reviewed by Mr. Griggs and the Personnel Cabinet shows that if the supervisors can resolve the issue/problem, then it is most often done before the grievance process begins. To make the process more efficient, the supervisor-level review was omitted. The benefit for the employee is that it shortens the time for responses and, by having the grievance submitted directly to the Commissioner, the Warden or the Executive Director, it gives the response more weight, and the response will generally be more substantive than the supervisor was able to give. The potential benefit to the agency is that it eliminates the possibility that supervisors recommend resolutions that are outside the statutory or regulatory framework. It also requires agency leadership to be more mindful of their employees' hurdles because they see those grievances sooner and must respond.

Mr. Slone stated he liked that the grievance was being taken directly to the Commissioner, the Warden or Executive Director, however, he noted the timeframe was not changed accordingly, which he found problematic. Mr. Slone voiced his concern that, although the appointing authorities were given twenty (20) days to respond, the first-level responders (the Commissioners, the Wardens and the Executive Directors) were only given ten (10) days to respond; that the timeframe had been shortened by five (5) days. Mr. Slone said that, because decisionmakers receive a large volume of email each day, the grievance may get overlooked at first and asked that the word "GRIEVANCE" in all caps be noted in the subject line of the email so that the email can be seen and responded to more quickly. Mr. Slone also stated that it may take longer than ten (10) days to research the grievance and write the findings.

Mr. Griggs noted that HR departments would be working with the employees to disseminate the grievance forms and provide instructions for filing the form. He noted that the agencies and the Personnel Cabinet had already approved this process.

The Board asked further questions regarding the form and the revised process. Chair Denham suggested that the regulation be amended to show that a copy of the form be sent to HR as well as to the Commissioner, the Warden or the Executive Director, and to possibly extend the timeframe for the Commissioner, the Warden or the Executive Director to respond. The Hon. Robert Long, Deputy Secretary of the Personnel Cabinet, suggested adding language to the regulation requiring that a copy of the form be submitted to HR and the submission be noted on

the grievance form. However, since one of the main objectives of amending the regulation is to speed up the process, the Cabinet did not feel it would be beneficial to change the response date for the Commissioner, the Warden or the Executive Director. Mr. Long also noted that the agencies were consulted before the proposed revision and had previously agreed to this process.

After further discussion, the Board agreed that adding the language to provide a copy to the agency HR department should be added to the regulation and/or to the form. Mr. Griggs stated that the issues the Board raised could be addressed in the instructions on the revised grievance form. The Board tabled further discussion of this matter to the October 2026 Board meeting.

*Mr. Holloway arrived.

4. REPORT OF THE PERSONNEL CABINET

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

Mr. Long announced that open enrollment for the Kentucky Employee Health Plan will begin on October 5 and run through October 26, 2026. The Department of Employee Insurance (DEI) will host thirteen (13) benefit fairs across the state on different dates in thirteen (13) different counties. Employees will be able to learn more about the benefits, talk to an advisor and visit kiosks where employees can obtain assistance in choosing and enrolling in different benefit plans. This year's enrollment is a mandatory active enrollment for all employees. Enrollment over the past few years has been passive, with the employee automatically continuing with an election made in the previous year unless they gave appropriate notice of change. This year, due to the budget bill passed by the legislature, there was a change to the rates of the plan and also some changes to the health plans that require employees to actively and affirmatively enroll in specific benefit packages. There will also be an extended period of ninety (90) days for employees to file exceptions. Employees who fail to enroll will be contacted by DEI to see if the employee intended to waive coverage or if there was some other reason they did not actively participate. The Benefits Selection Guide will be published on September 15 and sent to employees.

Mr. Long answered questions from the Board regarding the active open enrollment.

Mr. Long reported that, on September 17, 2026, the Personnel Cabinet would be hosting the HR Symposium for approximately 200 HR professionals. The Symposium provides valuable HR updates and training for the HR professionals across the state. The training will be held in the auditorium at the Transportation Cabinet.

Mr. Long stated that agencies have submitted requests to adjust the probationary periods for certain job classes. Those are being reviewed by the Cabinet prior to being presented to the Board for approval during the October 2026 Board meeting.

The Kentucky Employees Charitable Campaign (KECC) officially kicked off on September 8 and it will run through the end of the year. Agencies will be conducting various promotions throughout the next few months to raise money for the campaign. State employees will be able to donate to their KECC charity of choice through the employee self-service (ESS) portal through the end of the year.

The second class of the Governor's Leadership Program for emerging leaders began on September 29, 2026. The Governor's Leadership Program has two (2) tracks: one for emerging leaders and one for executive leaders.

The Team Kentucky Early Learning Center at the Rosenwald Building is open and operating. Spots are still available for employees to enroll their children. Mr. Long commented that it was a long road to get to the opening of the center but the Cabinet is very happy about the final result.

Lastly, Mr. Long noted that, in the Fiscal Year 2026 budget bill, the legislature had approved the purchase of a KHRIS replacement. This will be rolled out in a two (2) phase process. The first phase is that an RFP has been released for a benefits system. That RFP closed on September 11, 2026. Mr. Long stated that the Cabinet was hopeful there would be several good, competitive and qualified bidders. After the Finance and Administration Cabinet's Office of Procurement Services reviews those bids, the Cabinet will begin scoring of those bids in the next few weeks. The preparation for the RFP for the second phase, the HR and payroll system, has already begun. The Cabinet expects that RFP to be released during the first quarter of 2027.

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. Slone seconded. Chair Denham 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 September 11, 2026 meeting.](10:40 a.m.)

Ms. Haydon moved that the Board return to open session. Mr. Bradley seconded, and the motion carried 6-0. (11:34 a.m.)

6. **CASES TO BE DECIDED**

A. Atilola, Akeem v. Department of Veterans Affairs (2026-061)

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. Holloway seconded, and the motion carried 6-0.

B. Crowe, Michelle Lynn v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2023-037)

Mr. Slone, 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 not accept the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order for directed verdict and to remand this matter to the Hearing Officer for further determinations. Mr. Bradley seconded, and the motion carried 6-0.

C. Reed, Sonja v. Finance and Administration Cabinet and Personnel Cabinet (2025-120)
(***Moved to October Board Meeting***)

D. Smith, Dennis v. Cabinet for Health and Family Services (2022-021)

Mr. Slone, having considered the record, including the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order, and Appellee's request for oral argument, moved to approve the request for oral argument. Mr. Gilpin seconded, and the motion carried 5-0, with Chair Denham recusing. (***Oral Argument scheduled for October Board meeting***.)

Show Cause Order – No Response Filed – Appeal Dismissed

E. Hagy, Dianna v. DJJ (26-008)

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. Mr. Bradley seconded, and the motion carried 6-0.

7. **WITHDRAWALS**

Ms. Haydon moved to accept the following withdrawal and to dismiss the appeal. Mr. Holloway seconded, and the motion carried 6-0.

A. Briggs, Melvin v. Justice and Public Safety Cabinet, Department of Juvenile Justice (2026-041)

8. **SETTLEMENTS**

Mr. Bradley 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. Holloway seconded, and the motion carried 5-0 on Item "A," with Chair Denham abstaining, and the motion carried 6-0 on Item "B."

A. Lanham, Amanda v. Cabinet for Health and Family Services (2026-009)
B. Pope, Samantha v. Department of Military Affairs (2025-112)(Mediation)

9. **OTHER**

A. Case Load Reduction

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

Mr. Rowe noted that on the Monthly Appeal Report, the number of net cases went up. This was mostly due to an increase in new filings for August. Also, the number of decisions for August decreased, mostly due to there being more complex cases right now, including some cases where the Appellants have filed multiple appeals. These appeals must be separately reviewed so it takes a little more time to go through those decisions.

Mr. Rowe stated that multiple evidentiary hearings are being scheduled each month. For August, the rate of successful hearings improved: out of seven (7) evidentiary hearings scheduled, five (5) were conducted, two (2) were not held, one (1) was withdrawn and one (1) was rescheduled (with a show cause order being entered subsequently due to the Appellant not appearing at the rescheduled hearing).

Mr. Rowe announced that his and Mr. Griggs' original plan was to schedule eight (8) evidentiary hearings per month, and now they intend to increase that number to scheduling ten (10) evidentiary hearings per month, with the goal of getting approximately seventy percent (70%) of those cases heard every month.

Ms. Haydon asked if there were fewer filings after the Guidelines for Practice were issued. Mr. Rowe said the filings went down for a few months but have gone back up. He stated that there were not as many cases on the Board's docket as there were at the same time the previous year but staff remain committed to having less than two hundred (200) cases on the docket. Mr. Rowe reminded the Board that, after the evidentiary hearing, the Hearing Officer had sixty (60) days to tender their findings of fact, conclusions of law and recommended order. Also, based on the complexity of a case, the time spent drafting the recommended order may be longer, and allowing the parties to file post-hearing briefs, which some Hearing Officers request, may also extend the time between an evidentiary hearing and a final recommended order.

C. Next Board Meeting: **October 9, 2026**.

Mr. Slone made a motion for the Board to adjourn. Mr. Gilpin seconded, and the motion carried 6-0. (11:40 a.m.)

Mitchel Denham, Chair

Lisa Haydon, Member

Gordon Slone, Member

Demetrius Holloway, Member

David Bradley, Member

Thomas J. Gilpin

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