

General information about the Personnel Board Appeal Form and staff

-First, we at the Personnel Board recognize that filing an appeal may be confusing and daunting. Please take time to review the following material to help you further understand the appeal process. We also strongly recommend that you fully read the statutes and regulations that are referred to in this material and are available to you for free on the Personnel Board's website, especially including KRS Chapter 18A, KRS Chapter 13B, and the eight regulations in the 101 KAR 1 series.

-Please know that all information requested on this form is required to be provided by Kentucky law. Please also know that Personnel Board staff cannot give you legal advice about how to handle your appeal.

-However, Board staff can answer procedural questions about the Personnel Board appeal process and can assist you in understanding how to fill out our forms, including the Appeal Form.

-Please know that **it is very important that you submit your Appeal Form to the Personnel Board on time**. The amount of time you have to file an appeal is usually included at the end of the disciplinary letter you are seeking to appeal. You can also check KRS 18A.095 to determine when your appeal is due if you did not receive a letter.

-If you are handwriting the Appeal Form, please be as legible as possible.

NOTE: 101 KAR 1:365, Section 3(5) states: A state employee shall not use state time, equipment, material, or personnel in pursuing an appeal without the advance written permission of an appointing authority in their employing agency.

This can mean utilizing state email or messenger mail to send and receive appeal documentation. Communicating using a state work phone to anyone regarding your appeal during working hours. Many employees filing appeals in the past have been given permission to utilize their state email and messenger mail. Don't hesitate to ask your appointing authority for permission.

Information to provide on the Appeal Form

FIRST PAGE

Section 1. Personal Information

- Last, First, Middle, and Maiden - (if applicable) Names.
- Your PERNR or Employee ID number. Your PERNR number may be found on KHRIS and on any Personnel Action Notification (PAN). Your Employee ID number is the number you use when signing into KHRIS or MyPurpose.

Section 2. Contact Information

The more information you list, the easier it will be for us to contact you about your appeal!

- Personal phone number, which can be a cell or home number or both.
- Workstation Phone Number (if you have been dismissed and are not currently working, indicate N/A).
- Personal Email Address.
- Mailing Addresses. Please provide the personal and workstation addresses. If you were dismissed (or if otherwise appropriate), please list your last workstation address prior to the dismissal.
- Attorney. **It is not required that you hire an attorney to file your appeal or at any time thereafter.** However, if you have hired an attorney at the time of the filing of your appeal, please provide the information requested on the Appeal Form. Please also have your attorney send the Personnel Board an Entry of Appearance Notification.

If you hire an attorney after you have filed your appeal, your attorney will need to file an Entry of Appearance Notification with the Personnel Board. Your attorney must also inform all other parties of their representation, including the Cabinet/Board/Commission involved in the appeal.

NOTE: If you have hired an attorney, by law, all Personnel Board appeal documentation will be forwarded to your attorney and all communication by phone or otherwise will be with your attorney. It will be up to you to maintain contact with your attorney regarding the progress of your appeal and any questions you may have that involve your appeal.

Section 3. Cabinet/Agency Information

-Please list the Cabinet, Board, or Commission name where you work. Please also indicate the Department or Division you worked/work in.

-Please provide the name of your Appointing Authority. The Appointing Authority should be the person who signed your letter of dismissal, demotion, suspension without pay, or involuntary transfer. In case any other claim is made as the reason for your appeal, the Cabinet Secretary's name, the Board Chairman, or the name of the Commission Director can be listed. **If you are not sure who your Appointing Authority is, you may so indicate by writing "unsure or unknown."**

Section 4. Appeal Information

-If you are appealing due to a dismissal, demotion, suspension without pay, or involuntary transfer you should have received a letter. Please provide the date you received the letter. If you did not receive a letter, so indicate by writing "N/A" and indicate the date when you first learned of the matter you are claiming in your appeal.

If you did receive a letter, please attach a copy with the Appeal Form.

NOTE: Do not delay filing your appeal form to obtain a document. **Your appeal may be dismissed if you do not file the Appeal Form before the applicable due date. You may file other documents after your Appeal Form has been received.**

SECOND PAGE

Section 1

-Please check the box indicating what type of employee you are as defined by KRS Chapter 18A. If you are unsure, please note that there are primarily four types of employees:

Classified Employee. KRS 18A.005(7) defines “Classified employee” as appointed to a position in the classified service whose appointment and employment are subject to the classified service provisions of this chapter and the administrative regulations published regarding this chapter. **Most state government employees are classified employees.** Please check this box if you are a classified employee.

Probationary employee. If you are still serving your initial probationary period as a new hire and appealing being dismissed before you completed your probationary period, please check this box.

Unclassified Employee. There is no statutory definition for Unclassified Employee contained in KRS Chapter 18A. However, generally, **an unclassified employee is often referred to as a “non-merit” employee** and they are often told before hiring that they have limited merit system appeal rights. If you are hired as a Federally Funded Full-Time (FFTL) employee, you are also considered an unclassified employee. Please check this box if you are an unclassified employee.

NOTE: Even though unclassified employees have limited merit system appeal rights, KRS 18A.095(9) provides: Any unclassified employee who is dismissed, demoted, suspended without pay, or involuntarily transferred **for cause** may, within thirty (30) calendar days after the dismissal, demotion, suspension, or involuntary transfer, appeal to the board for review thereof.

Applicant for Employment. If you applied for a position in state government, whether as a first-time applicant, or a classified employee having interviewed for a new position, and you were not selected and believe your non-selection was in violation of the law, please check this box.

Section 2

I am appealing the following action(s) (Check all that apply)

-Please check the box next to the reason(s) you are filing the appeal. Check all boxes that apply to your claims.

-Please provide a brief written explanation if you do not feel any of the boxes fully explain the reason for your appeal. **You may also attach additional pages, if needed, to explain the reason for your appeal.**

Section 3

List the specific statute, regulation, and/or policy that was allegedly violated.

- **This information is required to be included on your Appeal Form.** If you are appealing a disciplinary action and were issued a letter, this information should be listed in the letter you were issued. **If you were not issued a letter, you will still need to provide an answer to this question.** The term “statute, regulation, and/or policy that was allegedly violated” may include the policy which your employer based your dismissal, demotion, suspension without pay, or other disciplinary action. The term may also include the policy you believe your employer/the state government agency allegedly violated.

NOTE: The first box, KRS 18A.095, is pre-checked because all viable reasons to file a Personnel Board appeal are covered under this statute. However, your appeal may also be covered under additional statutes or regulations. You may also indicate that you do not think KRS 18A.095 applies to your appeal, if appropriate.

Section 4.

-Several blank lines are provided for you to explain the facts, cause, and/or issues related to your appeal.

-You may attach emails, letters, or other documents you feel will further explain your reasons for filing an appeal. However, no additional information beyond the Appeal Form is needed to file your appeal with the Board and you may always submit additional documentation later. **Due to statutory time limitations, it is important to timely file your appeal before the due date.**

SIGNATURES

-Do not forget to sign and date the appeal form. If you have hired an attorney to represent you prior to you filing your appeal, their signature is also required.

-You may hand-deliver your appeal form to the Personnel Board, email, fax, or mail by U.S. Mail. The Personnel Board's phone number, email address, fax number, and physical address is located on the bottom of both pages of the Appeal Form.