

AGENDA

PERSONNEL BOARD MEETING

October 9, 2009

9:30 a.m.

1. Call to Order
2. Reading of the Minutes of Regular Meeting held September 11, 2009
Minutes Signed
3. Executive Director and Secretary's Report
4. Report of the Personnel Cabinet
5. **Petitioned Position(s) – None**
6. **Oral Arguments**
 - A. ~~Donald Haggard v. Auditor of Public Accounts (Request by Appellee)~~
Moved to November
 - B. Jason Morrison v. Tourism, Arts and Heritage Cabinet (Request by Appellee)
 - C. Freddie Tooley v. Transportation Cabinet (Request by Appellee)
7. **Motions**
 - A. Loy and Ray v. Transportation Cabinet
*** --Appellant's **Motion** for Board to Order Appellee to Not Advertise or Fill Right-Of-Way Branch Manager Position
*** --Appellee's Response to Motion
8. **Investigations**
 - A. Education and Workforce Development Cabinet – Request by Terri Brogan
*** --Cabinet's Response to Request
 - B. Investigation 09-01 -- Transportation Cabinet
*** --Follow-up by Transportation Cabinet
9. **Election of Board Chair and Vice Chair**
10. **Closed Session**

11. **Cases to be Decided**

- A. ~~Donald Haggard v. Auditor of Public Accounts (dismissal – appeal sustained to the extent of being modified to a 30-day suspension)~~ **Moved to Nov.**
~~Appellee’s Exceptions and Request for Oral Argument and Motion for Stay~~
~~Appellant’s Response to Exceptions and Response to Request for Stay~~
- B. Jason Morrison v. Tourism, Arts and Heritage Cabinet (dismissal, time and attendance – appeal sustained to the extent of reinstatement with a 30-day suspension)
--Appellee’s Exceptions and Request for Oral Argument
--Appellant’s Reply to Appellee’s Exceptions
- C. Freddie Tooley v. Transportation Cabinet (involuntary transfer – appeal sustained)
--Appellee’s Exceptions and Request for Oral Argument
--Appellant’s Response to Exceptions
- D. Cecil Colliver v. Education and Workforce Development Cabinet (demotion and involuntary transfer – appeal sustained to the extent of rescinding the demotion and transfer and imposing a 5-day suspension) **Deferred from September meeting**
--Appellee’s exceptions
--Appellant’s Response to Exceptions (probationary dismissal – appeal dismissed)
- E. Terry Farmer v. Transportation Cabinet (10-day suspension – appeal sustained) **Deferred from September Meeting**
--Appellee’s Exceptions and Request for Oral Argument
--Appellant’s Response to Exceptions
- F. Peggy Washington v. Education Cabinet (evaluation – appeal dismissed, no jurisdiction)
--Appellant’s Exceptions
- G. ~~Larry Fredley v. Justice and Public Safety Cabinet (10-day suspension, unprofessional conduct – appeal dismissed)~~ **Moved to November**
- H. Ronald Frye v. Energy and Environment Cabinet (3-day suspension, poor work performance – appeal dismissed)
- I. Harold Markey v. Finance and Administration Cabinet (3-day suspension – appeal dismissed)

J. ~~Bradley Mitchell v. Cabinet for Health and Family Services (Dismissal – appeal – dismissed)~~ **Moved to November**

K. Clarence Robinson v. Justice and Public Safety Cabinet (demotion, lack of good behavior – appeal dismissed)

Show Cause Orders – No Response Filed – Appeals Dismissed

L. Steven Shields v. Justice and Public Safety Cabinet

12. **Withdrawals**

A. Wayne Chorzelewski v. Finance and Administration Cabinet

B. Kimberly Hunt v. Tourism, Arts and Heritage Cabinet

C. Mary Maeser v. Cabinet for Health and Family Services

D. Vicki Rowe v. Justice and Public Safety Cabinet

E. Marcia Weiser v. Personnel Cabinet

*** F. Leeana Fluhr v. Cabinet for Health and Family Services

13. **Settlements**

A. Lana Durbin v. Cabinet for Health and Family Services

B. Chris Evans v. Tourism, Arts & Heritage Cabinet (mediated)

C. Bernard Marion, Jr. v. Tourism, Arts & Heritage Cabinet (mediated)

*** D. Jeff Arnold v. Justice and Public Safety Cabinet

*** E. Phillip D. Bradley v. Justice and Public Safety Cabinet

*** F. Shannon Callahan v. Justice and Public Safety Cabinet

*** G. Melinda Sanford v. Finance and Administration Cabinet and Personnel Cabinet

14. **Other**

A. 2010 Budget discussion