

1 AN ACT relating to personnel board hearings.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 13B.020 is amended to read as follows:

4 (1) The provisions of this chapter shall apply to all administrative hearings conducted
5 by an agency, with the exception of those specifically exempted under this section.
6 The provisions of this chapter shall supersede any other provisions of the Kentucky
7 Revised Statutes and administrative regulations, unless exempted under this section,
8 to the extent these other provisions are duplicative or in conflict. This chapter
9 creates only procedural rights and shall not be construed to confer upon any person
10 a right to hearing not expressly provided by law.

11 (2) The provisions of this chapter shall not apply to:

- 12 (a) Investigations, hearings to determine probable cause, or any other type of
13 information gathering or fact finding activities;
- 14 (b) Public hearings required in KRS Chapter 13A for the promulgation of
15 administrative regulations;
- 16 (c) Any other public hearing conducted by an administrative agency which is
17 nonadjudicatory in nature and the primary purpose of which is to seek public
18 input on public policy making;
- 19 (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter
20 35;
- 21 (e) Administrative hearings conducted by the legislative and judicial branches of
22 state government;
- 23 (f) Administrative hearings conducted by any city, county, urban-county, charter
24 county, or special district contained in KRS Chapters 65 to 109, or any other
25 unit of local government operating strictly in a local jurisdictional capacity;
- 26 (g) Informal hearings which are part of a multilevel hearing process that affords
27 an administrative hearing at some point in the hearing process if the

- 1 procedures for informal hearings are approved and promulgated in accordance
2 with subsections (4) and (5) of this section;
- 3 (h) Limited exemptions granted for specific hearing provisions and denoted by
4 reference in the text of the applicable statutes or administrative regulations;
- 5 (i) Administrative hearings exempted pursuant to subsection (3) of this section;
- 6 (j) Administrative hearings exempted, in whole or in part, pursuant to
7 subsections (4) and (5) of this section; and
- 8 (k) Any administrative hearing which was commenced but not completed prior to
9 July 15, 1996.
- 10 (3) The following administrative hearings are exempt from application of this chapter~~[~~
11 ~~in compliance with 1994 Ky. Acts ch. 382, sec. 19]~~:
- 12 (a) Finance and Administration Cabinet
- 13 1. Higher Education Assistance Authority
- 14 a. Wage garnishment hearings conducted under authority of 20
15 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410
- 16 b. Offset hearings conducted under authority of 31 U.S.C. sec. 3720A
17 and sec. 3716, and 34 C.F.R. sec. 30.33
- 18 2. Department of Revenue
- 19 a. Any licensing and bond revocation hearings conducted under the
20 authority of KRS 138.210 to 138.448 and 234.310 to 234.440
- 21 b. Any license revocation hearings under KRS 131.630 and 138.130
22 to 138.205
- 23 (b) Cabinet for Health and Family Services
- 24 1. Office of Health Policy
- 25 a. Certificate-of-need hearings and licensure conducted under
26 authority of KRS Chapter 216B
- 27 b. Licensure revocation hearings conducted under authority of KRS

- 1 Chapter 216B
- 2 2. Department for Community Based Services
- 3 a. Supervised placement revocation hearings conducted under
- 4 authority of KRS Chapter 630
- 5 3. Department for Income Support
- 6 a. Disability determination hearings conducted under authority of 20
- 7 C.F.R. sec. 404
- 8 4. Department for Medicaid Services
- 9 a. Administrative appeal hearings following an external independent
- 10 third-party review of a Medicaid managed care organization's final
- 11 decision that denies, in whole or in part, a health care service to an
- 12 enrollee or a claim for reimbursement to the provider for a health
- 13 care service rendered by the provider to an enrollee of the
- 14 Medicaid managed care organization, conducted under authority of
- 15 KRS 205.646
- 16 (c) Justice and Public Safety Cabinet
- 17 1. Department of Kentucky State Police
- 18 a. Kentucky State Police Trial Board disciplinary hearings conducted
- 19 under authority of KRS Chapter 16
- 20 2. Department of Corrections
- 21 a. Parole Board hearings conducted under authority of KRS Chapter
- 22 439
- 23 b. Prison adjustment committee hearings conducted under authority
- 24 of KRS Chapter 197
- 25 c. Prison grievance committee hearings conducted under authority of
- 26 KRS Chapters 196 and 197
- 27 3. Department of Juvenile Justice

- 1 a. Supervised placement revocation hearings conducted under KRS
2 Chapter 635
- 3 (d) Energy and Environment Cabinet
- 4 1. Department for Natural Resources
- 5 a. Surface mining hearings conducted under authority of KRS
6 Chapter 350
- 7 2. Department for Environmental Protection
- 8 a. Wild River hearings conducted under authority of KRS Chapter
9 146
- 10 b. Water resources hearings conducted under authority of KRS
11 Chapter 151
- 12 c. Water plant operator and water well driller hearings conducted
13 under authority of KRS Chapter 223
- 14 d. Environmental protection hearings conducted under authority of
15 KRS Chapter 224
- 16 e. Petroleum Storage Tank Environmental Assurance Fund hearings
17 under authority of KRS Chapter 224
- 18 3. Public Service Commission
- 19 a. Utility hearings conducted under authority of KRS Chapters 74,
20 278, and 279
- 21 (e) Labor Cabinet
- 22 1. Department of Workers' Claims
- 23 a. Workers' compensation hearings conducted under authority of
24 KRS Chapter 342
- 25 2. Kentucky Occupational Safety and Health Review Commission
- 26 a. Occupational safety and health hearings conducted under authority
27 of KRS Chapter 338

- 1 (f) Public Protection Cabinet
- 2 1. Kentucky Claims Commission
- 3 a. Liability hearings conducted under authority of KRS 49.020(1) and
- 4 49.040 to 49.180
- 5 (g) Education and Workforce Development Cabinet
- 6 1. Unemployment Insurance hearings conducted under authority of KRS
- 7 Chapter 341
- 8 (h) Secretary of State
- 9 1. Registry of Election Finance
- 10 a. Campaign finance hearings conducted under authority of KRS
- 11 Chapter 121
- 12 (i) State universities and colleges
- 13 1. Student suspension and expulsion hearings conducted under authority of
- 14 KRS Chapter 164
- 15 2. University presidents and faculty removal hearings conducted under
- 16 authority of KRS Chapter 164
- 17 3. Campus residency hearings conducted under authority of KRS Chapter
- 18 164
- 19 4. Family Education Rights to Privacy Act hearings conducted under
- 20 authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
- 21 5. Federal Health Care Quality Improvement Act of 1986 hearings
- 22 conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS
- 23 Chapter 311
- 24 **(j) Personnel Board**
- 25 **1. Administrative hearings conducted under authority of KRS 18A.095.**
- 26 (4) Any administrative hearing, or portion thereof, may be certified as exempt by the
- 27 Attorney General based on the following criteria:

- 1 (a) The provisions of this chapter conflict with any provision of federal law or
2 regulation with which the agency must comply, or with any federal law or
3 regulation with which the agency must comply to permit the agency or
4 persons within the Commonwealth to receive federal tax benefits or federal
5 funds or other benefits;
- 6 (b) Conformity with the requirement of this chapter from which exemption is
7 sought would be so unreasonable or so impractical as to deny due process
8 because of undue delay in the conduct of administrative hearings; or
- 9 (c) The hearing procedures represent informal proceedings which are the
10 preliminary stages or the review stages of a multilevel hearing process, if the
11 provisions of this chapter or the provisions of a substantially equivalent
12 hearing procedure exempted under subsection (3) of this section are applied at
13 some level within the multilevel process.
- 14 (5) The Attorney General shall not exempt an agency from any requirement of this
15 chapter until the agency establishes alternative procedures by administrative
16 regulation which, insofar as practical, shall be consistent with the intent and purpose
17 of this chapter. When regulations for alternative procedures are submitted to the
18 Administrative Regulation Review Subcommittee, they shall be accompanied by the
19 request for exemption and the approval of exemption from the Attorney General.
20 The decision of the Attorney General, whether affirmative or negative, shall be
21 subject to judicial review in the Franklin Circuit Court within thirty (30) days of the
22 date of issuance. The court shall not overturn a decision of the Attorney General
23 unless the decision was arbitrary or capricious or contrary to law.
- 24 (6) Except to the extent precluded by another provision of law, a person may waive any
25 procedural right conferred upon that person by this chapter.
- 26 ➔Section 2. KRS 18A.0751 is amended to read as follows:
- 27 (1) The board shall promulgate comprehensive administrative regulations for the

- 1 classified service governing:
- 2 (a) Appeals by state employees;
- 3 (b) Demotion;
- 4 (c) Dismissal;
- 5 (d) Fines, suspensions, and other disciplinary measures;
- 6 (e) Probation, provided that the board may not require an initial probationary
- 7 period in excess of six (6) months except as provided in subsection (4)(e) of
- 8 this section and KRS 18A.005;
- 9 (f) Promotion;
- 10 (g) Reinstatement;
- 11 (h) Transfer; and
- 12 (i) Employee grievances and complaints.
- 13 (2) (a) These administrative regulations shall comply with the provisions of this
- 14 chapter and KRS Chapter 13A, and shall have the force and effect of law,
- 15 when approved by the board, after compliance with the provisions of KRS
- 16 Chapters 13A and 18A and the procedures adopted thereunder;
- 17 (b) Administrative regulations promulgated by the board shall not expand or
- 18 restrict rights granted to, or duties imposed upon, employees and
- 19 administrative bodies by the provisions of this chapter; and
- 20 (c) No administrative body, other than the personnel board, shall promulgate
- 21 administrative regulations governing the subject matters specified in this
- 22 section.
- 23 (3) Prior to filing an administrative regulation with the Legislative Research
- 24 Commission, the board shall submit the administrative regulation to the secretary
- 25 for review:
- 26 (a) The secretary shall review the administrative regulation proposed by the board
- 27 not more than twenty (20) days after its submission to him;

- 1 (b) Not more than five (5) days after his review, the secretary shall submit his
2 recommendations in writing to the board;
- 3 (c) The board shall review the recommendations of the secretary and may revise
4 the proposed administrative regulation as it deems necessary; and
- 5 (d) After the board has completed the review provided for in this section, it may
6 file the proposed administrative regulation with the Legislative Research
7 Commission pursuant to the provisions of KRS Chapter 13A.
- 8 (4) These administrative regulations shall provide:
- 9 (a) For the procedures to be utilized by the board in the conduct of hearings by
10 the board~~, consistent with the provisions of KRS Chapter 13B~~;
- 11 (b) For reduction in rank or grade as provided by this chapter;
- 12 (c) For discharge, as provided by this section;
- 13 (d) For imposition, as disciplinary measures, of a fine of not more than ten (10)
14 working days' pay, or for suspension from the service without pay for no
15 longer than thirty (30) working days and, in accordance with the provisions of
16 KRS 18A.095, for the manner of notification of the employee of the discipline
17 and his right of appeal;
- 18 (e) No probationary period may exceed twelve (12) months, except as provided in
19 KRS 18A.005. The secretary may recommend an initial probationary period in
20 excess of six (6) months for specific job classifications to the board. This
21 recommendation shall take the form of a proposed administrative regulation
22 that shall be submitted to the board for approval. The subject of the
23 administrative regulation shall be limited to job classifications for which an
24 initial probationary period in excess of six (6) months is required and shall
25 specify:
- 26 1. The job classification for which an initial probationary period in excess
27 of six (6) months is required; and

1 2. The specific number of months constituting the initial probationary
2 period for the job classification. No other administrative regulation shall
3 include any provision prescribing an initial probationary period in excess
4 of six (6) months, except as provided in KRS 18A.005. Upon approval
5 by the board of the proposed administrative regulation provided for in
6 this paragraph, the board shall file the regulation with the Legislative
7 Research Commission as provided by KRS Chapter 13A;

8 (f) For promotions which shall give appropriate consideration to the applicant's
9 qualifications, record of performance, conduct, and seniority. Except as
10 provided by this chapter, vacancies shall be filled by promotion whenever
11 practicable and in the best interest of the service;

12 (g) For reemployment of laid-off employees in accordance with the provisions of
13 this chapter;

14 (h) For transfer from a position in one (1) department to a similar position in
15 another department involving similar qualifications, duties, responsibilities,
16 and salary ranges as provided by the provisions of KRS 18A.1131(3)(a);

17 (i) For establishment of a plan for resolving employee grievances and complaints.
18 This plan shall not restrict rights granted employees by the provisions of this
19 chapter;

20 (j) For promotion of career employees to positions in the unclassified service
21 without loss of status to the individual employees so promoted, as provided by
22 this chapter; and

23 (k) For any other administrative regulations not inconsistent with this chapter and
24 KRS Chapter 13A as may be proper and necessary for its enforcement.

25 ➔Section 3. KRS 18A.095 is amended to read as follows:

26 (1) A classified employee with status shall not be dismissed, demoted, suspended, or
27 otherwise penalized except for cause.

- 1 (2) Prior to dismissal, a classified employee with status shall be notified in writing of
2 the intent to dismiss him. The notice shall also state:
- 3 (a) The specific reasons for dismissal including:
- 4 1. The statutory or regulatory violation;
- 5 2. The specific action or activity on which the intent to dismiss is based;
- 6 3. The date, time, and place of such action or activity; and
- 7 4. The name of the parties involved;
- 8 (b) That the employee has the right to appear personally, or with counsel if he has
9 retained counsel, to reply to the head of the cabinet or agency or his designee;
10 and
- 11 (c) Whether the employee is placed on administrative leave by the appointing
12 authority with pay upon receiving the intent to dismiss letter prior to the
13 agency's final action.
- 14 (3) The Personnel Cabinet shall prescribe and distribute a form to be completed and
15 forwarded by an employee who wishes to appear before the head of the cabinet or
16 agency or his designee, to each appointing authority. The form shall be attached to
17 every notice of intent to dismiss and shall contain written instructions explaining:
- 18 (a) The right granted an employee under the provisions of this section relating to
19 pretermination hearings; and
- 20 (b) The time limits and procedures to be followed by all parties in pretermination
21 hearings.
- 22 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,
23 excluding the day he receives the notice, the employee may request to appear,
24 personally or with counsel if he has retained counsel, to reply to the head of the
25 cabinet or agency or his designee.
- 26 (5) Unless waived by the employee, the appearance shall be scheduled within six (6)
27 working days after receipt of an employee's request to appear before the head of the

- 1 cabinet or agency or his designee, excluding the day his request is received.
- 2 (6) No later than five (5) working days after the employee appears before the head of
3 the cabinet or agency or his designee, excluding the day of the appearance, the
4 cabinet head or agency or his designee shall:
- 5 (a) Determine whether to dismiss the employee or to alter, modify, or rescind the
6 intent to dismiss; and
- 7 (b) Notify the employee in writing of the decision.
- 8 (7) If the cabinet or agency head or his designee determines that the employee shall be
9 dismissed or otherwise penalized, the employee shall be notified in writing of:
- 10 (a) The effective date of his dismissal or other penalization;
- 11 (b) The specific reason for this action, including:
- 12 1. The statutory or regulatory violation;
- 13 2. The specific action or activity on which the dismissal or other
14 penalization is based;
- 15 3. The date, time, and place of the action or activity; and
- 16 4. The name of the parties involved; and
- 17 (c) That he may appeal the dismissal or other penalization to the board within
18 sixty (60) days after receipt of this notification, excluding the day he receives
19 notice.
- 20 (8) A classified employee with status who is demoted, suspended, or otherwise
21 penalized shall be notified in writing of:
- 22 (a) The demotion, suspension, or other penalization;
- 23 (b) The effective date of the demotion, suspension, or other penalization;
- 24 (c) The specific reason for the action including:
- 25 1. The statutory or regulatory violation;
- 26 2. The specific action or activity on which the demotion, suspension, or
27 other penalization is based;

- 1 3. The date, time, and place of the action or activity; and
- 2 4. The name of the parties involved; and
- 3 (d) That he or she has the right to appeal to the board within sixty (60) days,
- 4 excluding the day that he or she received notification of the personnel action.
- 5 (9) Any unclassified employee who is dismissed, demoted, suspended, or otherwise
- 6 penalized for cause may, within thirty (30) days after the dismissal, demotion,
- 7 suspension, or other form of penalization, appeal to the board for review thereof.
- 8 (10) (a) An employee whose position is reallocated shall be notified in writing by the
- 9 appointing authority of:
- 10 1. The reallocation; and
- 11 2. His right to request reconsideration by the secretary within ten (10)
- 12 working days of receipt of the notice, excluding the day he receives
- 13 notification.
- 14 (b) He shall be provided with a form prescribed by the secretary on which to
- 15 request reconsideration.
- 16 (c) The employee shall file a written request for reconsideration of the
- 17 reallocation of his position with the secretary in a manner and form prescribed
- 18 by the secretary and shall be given a reasonable opportunity to be heard
- 19 thereon by the secretary. The secretary shall make a determination within sixty
- 20 (60) days after the request has been filed by an employee. After
- 21 reconsideration of the request by the secretary, the employee may appeal to the
- 22 board.
- 23 (11) Any state employee, applicant for employment, or eligible on a register may appeal
- 24 to the board on the grounds that his right to inspect or copy records, including
- 25 preliminary and other supporting documentation, relating to him has been denied,
- 26 abridged, or impeded by a public agency. The board shall conduct a hearing to
- 27 determine whether the records related to the employee, applicant, or eligible, and

1 whether his right to inspect or copy these records was denied, abridged, or impeded.
2 If the board determines that the records related to the employee and that the right to
3 inspect or copy these records has been denied, abridged, or impeded, the board shall
4 order the public agency to make them available for inspection and copying and shall
5 charge the cost of the hearing to the public agency. A state employee, an applicant
6 for employment, and an eligible on a register shall not have the right to inspect or to
7 copy any examination materials.

8 (12) Any classified employee may appeal to the board an action alleged to be based on
9 discrimination due to race, color, religion, national origin, sex, disability, or age
10 forty (40) and above. Nothing in this section shall be construed to preclude any
11 classified or unclassified employee from filing with the Kentucky Commission on
12 Human Rights a complaint alleging discrimination on the basis of race, color,
13 religion, national origin, sex, disability, or age in accordance with KRS Chapter
14 344.

15 (13) When an eligible's name is removed from a register, the secretary shall notify the
16 eligible of his action and the reasons therefor, together with his right of appeal. An
17 eligible's name shall be restored to the register upon presentation of reasons
18 satisfactory to the secretary or in accordance with the decision of the board.

19 (14) (a) Any employee, applicant for employment, or eligible on a register, who
20 believes that he has been discriminated against, may appeal to the board.

21 (b) Any applicant whose application for admission to an open-competitive
22 examination has been rejected shall be notified of this rejection and the
23 reasons therefor and may appeal to the board for reconsideration of his
24 qualifications and for admission to the examination. Applicants may be
25 conditionally admitted to an examination by the secretary pending
26 reconsideration by the board.

27 (c) Any applicant who has taken an examination may appeal to the board for a

1 review of his rating in any part of the examination to assure that uniform
2 rating procedures have been applied equally and fairly.

3 (d) An appeal to the board by applicants or eligibles under subsections (11) and
4 (13) of this section and under this subsection shall be filed in writing with the
5 executive director not later than thirty (30) calendar days after the notification
6 of the action in question was mailed.

7 (15) An evaluation may be appealed to the board if an employee has complied with the
8 review procedure established in KRS 18A.110(7)(j).

9 (16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the
10 board. Appeal forms shall be available at the employee's place of work. The
11 Personnel Cabinet shall be responsible for the distribution of these forms.

12 (b) The appeal form shall be attached to any notice, or copy of any notice, of
13 dismissal, demotion, suspension, fine, involuntary transfer, or other
14 penalization, reallocation, or notice of any other action an employee may
15 appeal under the provisions of this section. The appeal form shall instruct the
16 employee to state whether he is a classified or unclassified employee, his full
17 name, his appointing authority, work station address and telephone number,
18 and, if he has retained counsel at the time he files an appeal, the name,
19 address, and telephone number of his attorney.

20 (c) The form shall also instruct a classified employee to state the action he is
21 appealing in a short, plain, concise statement of the facts. The form shall
22 instruct an unclassified employee to make a short, plain, concise statement of
23 the reason for the appeal and the cause given for his dismissal.

24 (d) Upon receipt of the appeal by the board, the appointing authority and the
25 Personnel Cabinet shall be notified and the board shall schedule a hearing.

26 (17) ~~All administrative hearings conducted by the board shall be conducted in~~
27 ~~accordance with KRS Chapter 13B.~~

1 ~~(18)~~ (a) The board may deny a hearing to an employee who has failed to file an appeal
2 within the time prescribed by this section; and to an unclassified employee
3 who has failed to state the reasons for the appeal and the cause for which he
4 has been dismissed. The board may deny any appeal after a preliminary
5 hearing if it lacks jurisdiction to grant relief. The board shall notify the
6 employee of its denial in writing and shall inform the employee of his right to
7 appeal the denial under the provisions of KRS 18A.100.

8 (b) Any investigation by the board of any matter related to an appeal filed by an
9 employee shall be conducted only upon notice to the employee, the
10 employee's counsel, and the appointing authority. All parties to the appeal
11 shall have access to information produced by the investigations and the
12 information shall be presented at the hearing.

13 ~~(18)~~~~(19)~~ Each appeal shall be decided individually, unless otherwise agreed by the
14 parties and the board. The board shall not:

- 15 (a) Employ class action procedures; or
16 (b) Conduct test representative cases.

17 ~~(19)~~~~(20)~~ Board members shall abstain from public comment about a pending or
18 impending proceeding before the board. This shall not prohibit board members from
19 making public statements in the course of their official duties or from explaining for
20 public information the procedures of the board.

21 ~~(20)~~~~(21)~~ An appeal to the board may be heard by the full board or one (1) or more of
22 the following: Its executive director, its general counsel, any nonelected member of
23 the board, or any hearing officer secured by the board~~[pursuant to KRS 13B.030]~~.

24 ~~(21)~~~~(22)~~ (a) If the board finds that the action complained of was taken by the
25 appointing authority in violation of laws prohibiting favor for, or
26 discrimination against, or bias with respect to, his political or religious
27 opinions or affiliations or ethnic origin, or in violation of laws prohibiting

1 discrimination because of such individual's sex or age or disability, the
2 appointing authority shall immediately reinstate the employee to his former
3 position or a position of like status and pay, without loss of pay for the period
4 of his penalization, or otherwise make the employee whole unless the order is
5 stayed by the board or the court on appeal.

6 (b) If the board finds that the action complained of was taken without just cause,
7 the board shall order the immediate reinstatement of the employee to his
8 former position or a position of like status and pay, without loss of pay for the
9 period of his penalization, or otherwise make the employee whole unless the
10 order is stayed by the board or the court on appeal.

11 (c) If the board finds that the action taken by the appointing authority was
12 excessive or erroneous in view of all the surrounding circumstances, the board
13 shall direct the appointing authority to alter, modify, or rescind the
14 disciplinary action.

15 (d) In all other cases, the board shall direct the appointing authority to rescind the
16 action taken or otherwise grant specific relief or dismiss the appeal.

17 ~~(22)~~~~(23)~~ If a final order of the board is appealed, a court shall award reasonable
18 attorney fees to an employee who prevails by a final adjudication on the merits as
19 provided by KRS 453.260. This award shall not include attorney fees attributable to
20 the hearing before the board.

21 ~~(23)~~~~(24)~~ When any employee is dismissed and not ordered reinstated after the appeal,
22 the board in its discretion may direct that his name be placed on an appropriate
23 reemployment list for employment in any similar position other than the one from
24 which he had been removed.

25 ~~(24)~~~~(25)~~ After a final decision has been rendered by the board or court, an employee
26 who prevails in his appeal shall be credited with the amount of leave time used for
27 time spent at his hearing before the board or court. Employees who had an

1 insufficient amount of leave time shall be credited with leave time equal to the
2 amount of time spent at their hearings before the board or court.

3 ~~(25)~~~~(26)~~ If the appointing authority appeals the final order of the board, unless the
4 board rules otherwise, the reinstated employee shall remain in his former position,
5 or a position of like status or pay, until the conclusion of the appeals process, at
6 which time the appointing authority shall take action in accordance with the court
7 order.

8 ~~(26)~~~~(27)~~ After a final decision in a contested case has been rendered by the last
9 administrative or judicial body to which the case has been appealed, the board shall
10 make the decision available to the public in electronic format on its Web site and
11 shall organize the decisions according to the statutory basis for which the appeal
12 was based.

13 ~~(27)~~~~(28)~~ For the purposes of subsections (2), (3), (4), (5), (6), and (7) of this section,
14 the word "agency" means any agency not assigned to a cabinet for organizational
15 purposes.

16 ~~(28)~~~~(29)~~ Notwithstanding any other prescribed limitation of action, an employee that
17 has been penalized, but has not received a written notice of his or her right to appeal
18 as provided in this section, shall file his or her appeal with the Personnel Board
19 within one (1) year from the date of the penalization or from the date that the
20 employee reasonably should have known of the penalization.

21 ➔Section 4. KRS 18A.100 is amended to read as follows:

22 (1) Any final order of the board either upholding or invalidating the dismissal,
23 demotion, suspension, or other penalization of a classified or an unclassified
24 employee may be appealed either by the employee or by the appointing authority.

25 (2) The party aggrieved may appeal a final order by filing a petition with the clerk of
26 the Franklin Circuit Court **within thirty (30) days after the final order is mailed or**
27 **delivered by personal service**~~[in accordance with KRS Chapter 13B].~~