

GENERAL GOVERNMENT CABINET

Personnel Board

(Amended at ARRS Committee)

101 KAR 1:367. Standards of conduct and technology governing recording board proceedings.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095

STATUTORY AUTHORITY: KRS Chapter 13A, 18A.0751

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 through 18A.200. KRS 18A.0751 requires the Personnel Board to promulgate comprehensive administrative regulations provisions for the procedures to be utilized by the board in the conduct of hearings. This administrative regulation establishes provisions for recordings of Personnel Board proceedings.

Section 1. Equipment, Personnel, and Location.

(1) The Personnel Board, its hearing officers, and staff may determine the appropriate and permissible:

- (a) Equipment used for recording Personnel Board proceedings;
- (b) Personnel allowed to record Personnel Board proceedings; and
- (c) Location or locations for the equipment and personnel allowed to record Personnel Board proceedings.

(2) The Personnel Board, its hearing officers, and staff shall operate so as to ensure that the process of recording Personnel Board proceedings does not produce distracting sound or light, which would unduly disrupt the orderly conduct of those proceedings.[]

Section 2. Movement During Proceedings. At the discretion of the board, recording equipment shall not be placed in or removed from the hearing room except prior to commencement or after adjournment of proceedings each day, or during a recess.

Section 3. Conferences of Counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that occur in the hearing room between attorneys and their clients, between co-counsel of a client, or between counsel and the hearing officer held at the bench.

Section 4. Use of Media Material. Unless specifically allowed by the board, none of the recordings developed during or by virtue of coverage of a board proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any rehearing or appeal of the proceedings.

Section 5. Confidentiality.

(1) In order to protect the legally recognized interests in confidentiality of individuals, any party may move to exclude electronic media or still photographers from the hearing room during all or any portion of a hearing.

(2) The hearing officer, on the hearing officer's own motion, may exclude electronic media or still photographers from the hearing room during all or a portion of a hearing.

Section 6. Applicability.

(1) This administrative regulation shall apply to all Personnel Board proceedings.

(2) If this administrative regulation is to be applied to a meeting of the full board, the discretion afforded the board as established in this administrative regulation shall be exercised by the chair or vice-chair of the board or, in the absence of the chair or vice-chair, the member of the board who is moderating the board meeting.

(3) If this administrative regulation is to be applied to any other Personnel Board proceeding, the discretion afforded the board as established in this administrative regulation shall be exercised by the hearing officer or member of Personnel Board staff. (101 KAR 001:367. 16 Ky.R. 2285, 2648; eff. 6-10-1990; 48 Ky.R. 1226, 2193; eff. 5-3-2022.)

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