PERSONNEL CABINET

Personnel Board

(Amendment)

101 KAR 1:375. Employee grievances and complaints.

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

STATUTORY AUTHORITY: KRS 18A.075, 18A.0751

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075 and 18A.0751 requires the Personnel Board to adopt comprehensive administrative regulations consistent with the provisions of KRS 18A.005 through 18A.200. KRS 18A.0751(1)(i) requires the Personnel Board to promulgate an administrative regulation governing employee grievances and complaints. This administrative regulation establishes the requirements governing employee grievances and complaints.

Section 1. Definition. "Grievance" means a complaint filed by an employee that concerns some aspect of the employee's conditions of employment:

(1) Over which the cabinet or agency has control; and

(2) That has occurred, or of which the employee has become aware through the exercise of due diligence, within thirty (30) calendar days prior to filing.

Section 2. General Provisions.

(1) An employee in the classified service who believes that they have been subjected to unfair or unjust treatment concerning the employee's conditions of employment may file a grievance. A grievance shall be in accordance with this administrative regulation.

(2) A grievance concerning an action that is appealable directly to the board pursuant to KRS 18A.095 may also be filed with the cabinet or agency. The filing of a grievance with the cabinet or agency shall not:

(a) Prohibit the employee from also filing an appeal with the board; or

(b) Extend the statutory appeal period.

(3) An employee utilizing the procedure established in this administrative regulation shall be entitled to file a grievance without interference, coercion, discrimination, or reprisal.

(4) An appointing authority shall inform its employees of the provisions of this administrative regulation~~[or any modifications in the levels of review that have been approved by the Personnel Board for the employee's cabinet or agency pursuant to Section 4(3) of this administrative regulation]~~.

(5) An employee shall not use state time, equipment, materials, personnel, or other resources in filing or pursuing a grievance without the advance written permission of their appointing authority.

Section 3. Procedures.

(1) A grievance shall be filed on a Grievance Form with an employee's Commissioner, Executive Director, or Warden~~[immediate supervisor]~~ within thirty (30) calendar days following occurrence or the employee becoming aware, through the exercise of due diligence, of the action that is the subject of the grievance. If the action or conduct of Commissioner, Executive Director, or Warden~~[the first line supervisor]~~ is the basis of an employee's grievance, the grievance may be filed with the Appointing Authority~~[second line supervisor]~~.

(2) An employee shall state in writing the basis of the employee's grievance or complaint together with the corrective action desired. If an employee wishes to submit additional information or documentation, the employee may attach it to the Grievance Form.

(3) If a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, disability, or age forty (40) or over, the recipient of this grievance shall immediately notify the cabinet or agency EEO coordinator~~[to comply with the affirmative action plan]~~.

(4) Interviews to evaluate or investigate the grievance outside of normal work hours with the grievant or other employees shall entitle employee participants to compensatory time.

(5) Interviews to evaluate or investigate the grievance held with the grievant or other employees shall not require the use of leave time.

(6) Parties may have a representative present at each step of the grievance procedure.

Section 4. Grievance Levels.

(1) Except as provided by Section 3(1) of this administrative regulation, the Commissioner, Executive Director, Or Warden~~[immediate supervisor]~~ shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) work days after receipt of the grievance. If the responding individual~~[supervisor]~~ is unable to resolve the complaint to the satisfaction of the employee, the employee may request appointing authority review of the grievance, which shall be requested within five (5) work days of receipt of the decision~~[by the next appropriate level]~~.

(2) ~~[The next line supervisors shall each have five (5) work days to respond to the grievance. The employee shall have five (5) work days after each intermediate supervisory review to decide to appeal the grievance to the next level.]~~

~~[(3)]~~ ~~[If the line supervisors are unable to resolve the grievance to the satisfaction of the employee, the employee may request review of the grievance, which shall be requested within five (5) work days of receipt of the decision of the final line supervisor by the appointing authority for a final determination.]~~ The appointing authority, upon investigation, shall issue findings and a final determination in writing to the employee within twenty (20) work days.

(3) ~~[(4)]~~ Unless the time limits have been extended by agreement of the parties, failure of Commissioner, Executive Director, or Warden~~[supervisory or management personnel]~~ to respond within the established time limits shall automatically advance the grievance to the next review level.

(4) ~~[(5)]~~ ~~[An intermediate grievance level may be waived.]~~ Waiver shall be by written agreement of the parties.

Section 5. Incorporation by Reference.

(1) "Grievance Form", April 2026~~[2024]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be found on the Personnel Board's Web site at https://personnelboard.ky.gov.

GORDON ROWE, Executive Director

APPROVED BY AGENCY: November 5, 2026

FILED WITH LRC: November 5, 2026 at 12:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 25, 2027, at 10:00 a.m., at the Kentucky Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the

proposed administrative regulation. Written comments shall be accepted through January 31, 2027. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Erritt H. Griggs, General Counsel, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, (502) 564-7830, (502) 695-5799, erritth.griggs@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Erritt H. Griggs, Phone: (502) 564-7830, Email: erritth.griggs@ky.gov

Subject Headings:Personnel, State Employees, Workforce

(1) Provide a brief summary of:

(a) What this administrative regulation does:
Establishes the requirements governing employee grievances and complaints.

(b) The necessity of this administrative regulation:
Pursuant to KRS 18A.0751(1)(i) the Personnel Board shall promulgate administrative regulations for the classified service governing employee grievances and complaints.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
this administrative regulation governs the employee grievance and complaint processes as required by KRS 18A.0751(1)(i) and (4)(i).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
this administrative regulation assists in the effective administration of the statutes by establishing the requirements governing employee grievances and complaints.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
the amendments eliminate lower supervisory level review and provides a path for employees to use their state email in the grievance process.

(b) The necessity of the amendment to this administrative regulation:
this amendment is necessary to improve the agency responses to employee grievances and complaints.

(c) How the amendment conforms to the content of the authorizing statutes:
this amendment does not restrict the rights granted to employees by the provisions of KRS 18A.

(d) How the amendment will assist in the effective administration of the statutes:
The amendments should allow a quicker and more substantive resolution to employee grievances and complaints.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
this administrative regulation affects commonwealth of Kentucky employees and their state agencies.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

the state agencies and their employees will be required to utilize the new grievance form (incorporated by reference) and abide by the changed process requirements removing lower level supervisory review of grievances.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

No cost expected to either state agencies or employees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

the State agencies will benefit from improved control of grievance responses by upper management and their employees will benefit from a shortened process that should provide more substantive responses from upper management.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No initial cost expected.

(b) On a continuing basis:

No continuing cost expected.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Not applicable because no cost expected for implementation and enforcement of this administrative regulation.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is expected to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

Not applicable because no direct or indirect fees are expected to be increased.

(10) TIERING: Is tiering applied?

No tiering applied because this administrative regulation does not affect small business or local governments and the individuals impacted are commonwealth of Kentucky employees whose grievance process should be simplified by this amendment.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.
None- Not applicable.

(2) State compliance standards.

(3) Minimum or uniform standards contained in the federal mandate.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:
KRS 18A.0751

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
KRS 18A- State Personnel

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:
The Kentucky Personnel Board. Affected units are those state agencies statutorily subject to KRS 18A.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:None expected

For subsequent years:None expected

2. Revenues:

For the first year:None expected

For subsequent years:None expected

3. Cost Savings:

For the first year:None expected

For subsequent years:None expected

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):
No local entities expected to be affected

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:Not applicable- None expected

For subsequent years:Not applicable- None expected

2. Revenues:

For the first year:Not applicable- None expected

For subsequent years:Not applicable- None expected

3. Cost Savings:

For the first year:Not applicable- None expected

For subsequent years:Not applicable- None expected

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
The entities regulated by this administrative regulation are commonwealth of Kentucky agencies and their employees.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. **Expenditures:**

   For the first year:None expected

   For subsequent years:None expected

2. **Revenues:**

   For the first year:None expected

   For subsequent years:None expected

3. **Cost Savings:**

   For the first year:None expected

   For subsequent years:None expected

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
None expected

(b) Methodology and resources used to reach this conclusion:
This is not applicable as this is merely a small amendment to the state employee grievance process.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):
None expected

(b) The methodology and resources used to reach this conclusion:
This is not applicable as this is merely a small amendment to the state employee grievance process.