

502 KAR 45:115. Appeals.

RELATES TO: KRS 16.050

STATUTORY AUTHORITY: KRS 16.050

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.050 directs that the State Police Personnel Board shall hear appeals from applicants. This administrative regulation establishes the procedure for appeals.

Section 1. Applicants who are disqualified or deferred and who believe that the disqualification or deferral was unlawful or that they have been discriminated against because of their race, religion, sex, age, disability, ethnic origin or political affiliation may initiate an appeal to the board by filing a statement of appeal in the office of the commissioner.

Section 2. The statement of appeal shall be in writing and shall be dated, signed, and sworn. It shall set forth with particularity the specific acts or omissions that are alleged to be discriminatory or otherwise unlawful. The statement of appeal shall be filed within thirty (30) days of the date of the act or omission which forms the basis for the appeal, or, if more than thirty (30) days have elapsed, within ten (10) days of the date that the applicant received notice or first became aware of the act or omission, if no notice was given.

Section 3. Within thirty (30) days of the receipt of the statement of appeal by the commissioner, legal counsel for the department shall file a response which shall be served upon the applicant appellant. No later than sixty (60) days thereafter, the board shall consider the statement of appeal and the response. The board may rule upon the appeal based upon the statement of appeal and response, or in its discretion may order a hearing, with at least ten (10) days prior notice to the applicant appellant. Appellant applicant may elect to waive, in writing, the ten (10) day notice requirement.

Section 4. The board in its discretion may employ hearing officers who are attorneys to conduct the hearings and make advisory findings of fact, conclusions of law and recommendations. At the hearing, the board shall not be bound by rules of order, evidence, or procedure except as it may itself establish.

Section 5. The board shall render a decision within six (6) months of the date of filing of the statement of appeal, and shall enter an order which sets forth the appropriate relief. (19 Ky.R. 2187; Am. 2410; eff. 5-10-93; 30 Ky.R. 2232; eff. 7-2-2004.)