



## PERSONNEL CABINET

**Ernie Fletcher**  
Governor

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**Brian J. Crall**  
Secretary

### MEMORANDUM

#### REVISED PERSONNEL MEMO 06-06

**TO:** Cabinet Secretaries  
Agency Heads  
Personnel Executives

**FROM:** Brian J. Crall, Secretary 

**DATE:** September 13, 2006

**RE:** Review of Settlement Agreements

Occasionally the Personnel Cabinet receives, or is asked how to process, a personnel action that is based upon a settlement agreement reached in a lawsuit or appeal to the Personnel Board or other administrative agency. We wholeheartedly support the principle that appeals and lawsuits should be resolved amicably if the solution is consistent with personnel statutes and regulations. However, we reserve the right to intervene in and oppose any settlement that is outside the permissible scope of personnel statutes and regulations.

In order to insure that settlements are consistent with applicable personnel statutes and regulations, effective immediately, we will require that agencies submit proposed settlement offers for review before they are submitted to an administrative adjudicatory agency or to a court for approval. We recommend that drafts be submitted for review before they are proposed to opposing counsel or an opposing party. Review at this time will avoid the embarrassment that a rejection of a proposed settlement will cause after it has been offered to the opposing counsel or opposing party. Draft agreements should be sent to Office of Legal Services, Personnel Cabinet, 200 Fair Oaks Lane, 5<sup>th</sup> Floor, Frankfort, KY 40601 or by fax to (502) 564-7603.

C: Honorable Mark A. Sipek  
Kentucky Personnel Board

Ms. Linda Strite Murnane  
Human Rights Commission