



PERSONNEL CABINET

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MEMORANDUM

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PERSONNEL MEMO 08-22

TO: Cabinet Secretaries
Agency Heads
Constitutional Officers
Personnel Administrators

FROM: Nikki Jackson, Secretary 

DATE: September 10, 2008

SUBJECT: Removal of Written Reprimands

A regulation amendment enacted by the Personnel Board now provides a current employee or former employee the opportunity to petition for removal of a written reprimand from the individual's official personnel file.

The amendment to 101 KAR 1:355, Section 6 sets forth the criteria and eligibility for the potential removal of a written reprimand. Petitions for removal shall be submitted by the current employee or former employee to the Personnel Cabinet Secretary and must satisfy the criteria set forth in the regulation.

The pertinent section of the regulation amendment is provided below in its entirety for assistance:

101 KAR 1:355

Section 6. Written Reprimand.

(1) An employee or former employee may petition the Personnel Cabinet Secretary for removal of a written reprimand and all related documentation from the employee's official personnel file after a period of three (3) years.

(a) An employee's request shall not be granted if the employee has received any disciplinary action or written reprimand in the three (3) years prior to the request for removal.

(b) A petition for removal shall:

1. Be made by the employee, and be dated and signed; and
2. Include the following information:

- a. The employee's current position, agency, work phone number, and work address;



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- b. The employee's immediate supervisor at the time of the petition for removal;
- c. Date the written reprimand was issued;
- d. A statement by the employee that the employee has not received any disciplinary actions or written reprimands in the three (3) years prior to the petition; and
- e. Statement that the information contained in the petition is correct and complete to the best of the employee's knowledge, and that the employee has provided a copy of the petition to the employee's current appointing authority.

(c) The petition for removal shall be mailed by first-class mail or hand-delivered to the office of the Personnel Cabinet Secretary.

(2) A petition for removal of a written reprimand shall be subject to the approval of the Personnel Cabinet Secretary.

(a) The Personnel Cabinet Secretary shall approve or deny the petition for removal within thirty (30) days of receipt of the petition.

(b) If the petition is denied, the Personnel Cabinet Secretary shall notify the employee in writing and provide justification for denial. The decision by the secretary with respect to the petition shall be final and not appealable to the Personnel Board.

(c) If the petition is approved, the Personnel Cabinet Secretary shall notify the employee and the appointing authority of the employee's agency in writing of the approval.

(3) Upon removal from an employee's official personnel file maintained by the Personnel Cabinet, a written reprimand shall be handled as follows.

(a) The written reprimand shall be delivered to the Office of Legal Services and remain in the custody and care of the Office of Legal Services.

(b) The Office of Legal Services shall maintain the document as confidential work-product materials for the availability or use in any future legal proceeding.

(c) If no legal proceeding has been filed within five (5) years of receipt, the written reprimand shall be permanently destroyed.

(d) Upon removal from the official personnel file, but prior to destruction, a written reprimand shall not be considered as part of any personnel action.

(e) The employing agency shall be notified by the Personnel Cabinet of the removal of a written reprimand from an employee's official personnel file.