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Larry L. Roberts
SECRETARY

December 30, 2019

Michael Wright
Office of Inspector General
500 Mero Street, 3rd Floor
Frankfort, Kentucky 40601

Re: 2019-OIG-005

Dear Mr. Wright,

I have reviewed the Report of Investigation from the Labor Cabinet's previous Office of the Inspector General for Case No. 2019-OIG-005, concerning the so-called teacher "sickouts." The previous OIG Report found that 1,074 individuals who called in sick to work came to the Capitol to protest bills then under consideration by the General Assembly. The OIG Report expressly declined to decide whether the 1,074 individuals were engaged in a "strike" or "work stoppage" as defined by KRS 336.130(1). Instead, the OIG Report concluded that it "is a question for the Secretary" whether these sickouts constitute a "strike" or "work stoppage."

In a press release dated August 16, 2019, the former Labor Cabinet Secretary – before receiving the OIG Report – stated his conclusion that these 1,074 individuals "did violate Kentucky law," although he declined to impose any penalties on these individuals.

The former Secretary's conclusion was improper and contrary to law. First, he failed to give these teachers notice and an opportunity to be heard before adjudging their guilt. Second, there was no "strike" or "work stoppage" under KRS 336.130(1) because the teachers were exercising constitutional rights to speech, petition, and assembly when they came to the Capitol, and were not engaged in a dispute with their employers concerning the terms of their employment.

Accordingly, I hereby rescind the determination by the prior Labor Cabinet Secretary, and conclude there was no "strike" or "work stoppage."

Sincerely,

Larry L. Roberts
Labor Cabinet Secretary