Employee Handbook

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KENTUCKY PERSONNEL CABINET

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Welcome and thank you for choosing public service!

The employees of the Commonwealth are one of its greatest resources and we are pleased to have you join our team.

The information contained in this handbook provides an overview of state government and will assist you as you transition into your new role. It explains the laws, regulations, and policies governing your employment, as well as the benefits and services to which you are entitled as a state employee. Your agency may have policies in addition to those contained in this handbook, so you should familiarize yourself with those as well.

For additional assistance, contact your agency's human resource administrator. If you are unsure of the specific person to contact, please consult the Agency HR Directory located on the Personnel Cabinet website.

Additionally, be sure to regularly check the Personnel Cabinet's website for news and announcements impacting your employment. Information will also be posted on the bulletin boards in your agency.

We hope you find this information helpful, and wish you the best as you begin your career with state government!

Kentucky UNBRIDLED SPIRIT

An Equal Opportunity Employer M/F/D

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This handbook is not a contract and the statements contained in it do not have the force of law. Personnel laws and regulations may modify or supersede any or all statements in this handbook. For more information, employees should contact their human resource administrator and refer to the current edition of Kentucky Revised Statutes (KRS), Chapter 18A and Kentucky Administrative Regulations (KAR), Title 101. **Please note that the statutory and regulatory citations included herein are for reference only and additional references may also support the provisions as listed.**

The Employee Handbook is available electronically on the Personnel Cabinet's website. If another format is needed (such as braille or large format), a request may be submitted to the Department of Human Resources Administration, through your agency's human resource administrator.

Privacy and Security policy information is available at Kentucky.gov.

GENERAL INFORMATION

About State Government

Kentucky state government is made up of three branches: the Legislative Branch, the Judicial Branch, and the Executive Branch.

The Legislative Branch is made up of the elected members of the Kentucky General Assembly and their staff. Legislators are chosen by voters in their districts to serve in either the House of Representatives or the Senate. With the aid of their professional staffs employed in the Legislative Research Commission (LRC), they write and enact the laws of Kentucky. LRC employees are not covered by the merit system in KRS Chapter 18A.

The Judicial Branch includes the state's court system. It interprets and applies the laws under the Kentucky and United States Constitutions. As with the Legislative Branch, Judicial Branch employees are not covered by the merit system in KRS Chapter 18A.

The Executive Branch, headed by the governor, carries out the laws through "agencies" – cabinets, departments, boards, commissions, and offices. Most Executive Branch employees are covered by one of the three personnel systems: KRS Chapter 18A, KRS Chapter 16 and the Career and Technical System.

Within the Executive Branch, agencies are grouped into "cabinets." There are currently eleven program cabinets: Transportation, Economic Development, Finance & Administration, Tourism, Arts & Heritage, Education & Workforce Development, Health & Family Services, Justice & Public Safety, Personnel, Labor, Energy & Environment, and Public Protection. The General Government Cabinet is composed of departments, boards, commissions, and constitutional offices.

Refer to the current organizational charts for more information.

LEGAL REFERENCES:
KRS Chapter 16
KRS Chapter 18A
KRS Chapter 156

The Merit System

By far, the greatest number of state employees in the Executive Branch work in the classified service, also known as the "merit system." Positions not under the merit system generally include the staff of the governor and lieutenant governor, policy-making or advisory managers, federally funded time limited employees ("FFTLs") and interim employees (refer to KRS 18A.115 and KRS 18A.155).

The merit system emphasizes making personnel decisions (hiring, promoting, assigning work, and other matters) based on an individual's qualifications and performance. The merit system also protects state employees against arbitrary actions and discriminatory practices. For example, as discussed below, any disciplinary actions brought against a merit employee with status must provide specific written notice of the reasons for the action and provide a right of appeal to a neutral decision-maker, such as the Personnel Board.

Merit system employees serve a probationary period when they begin working for the state. Usually, the probationary period lasts six months, but may be as long as twelve months depending on the classification. When the probationary period is over, employees gain merit system "status," which gives employees certain additional rights and privileges.

The Personnel Cabinet and the Personnel Board administer and enforce the merit system. The merit system is codified in Chapter 18A of the Kentucky Revised Statutes and in various administrative regulations.

Additionally, KRS Chapter 16 and Title 502 of the Kentucky Administrative Regulations govern sworn officers in the Kentucky State Police. Certified and equivalent employees of the Education and Workforce Development Cabinet are governed by KRS Chapter 156 and 780 KAR Chapter 3.

Glossary of Terms Related to Employment
Refer to the glossary of terms relating to employment. Note: Glossary incorporated by reference.

LEGAL REFERENCES:
KRS Chapter 18A
KRS Chapter 156
KRS Chapter 16
780 KAR 3
502 KAR

Equal Employment Opportunity (EEO)

The Office of Diversity, Equality, and Training reports to the Secretary of Personnel and performs a number of functions in accordance with KRS 18A.025 and KRS 18A.138. The office develops standard procedures, monitors agency responsiveness, and works with all agencies to address complaints of workplace harassment and discrimination. Additionally, the office is responsible for providing EEO Compliance and Diversity training for state government employees and agencies. The Secretary of Personnel is responsible to the Governor and the employees for directing, implementing, and enforcing the State's Affirmative Action Plan. Employees are encouraged to express their concerns regarding existing or potential barriers or prohibitions to equal employment opportunities due to race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status in accordance with state and federal laws. EEO assistance is available by contacting your agency EEO Counselor/Coordinator or the State EEO Coordinator at (502) 564-8000. For ADA assistance, please contact your agency ADA coordinator or the State ADA Coordinator at (502) 564-6625.

Affirmative Action Plan for State Government
The Executive Branch Affirmative Action Plan reflects this administration's commitment to good government and the equitable treatment of all applicants and employees of the Commonwealth.

Employees and citizens of this Commonwealth are our most valuable resources. Equal Employment Opportunity, as well as opportunities for professional growth, shall be available to all applicants and employees regardless of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status. This policy applies to all personnel matters, including but not limited to recruiting, hiring, classification, compensation, benefits, promotions, transfers, layoffs, reinstatement, and educational programs. It is the policy of the Commonwealth of Kentucky that no applicant for employment or employee will be subject to harassment or discrimination because of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

The Executive Branch Affirmative Action Plan is established by KRS 18A.138 and by Executive Order 2013-841. The Personnel Cabinet's Office of Diversity, Equality, and Training has overall responsibility for the implementation of this plan, including the development of specific overall goals and timetables, and is required to report progress under the Affirmative Action Plan to the Secretary of the Personnel Cabinet. The Secretary of the Personnel Cabinet is required to report directly to the Office of the Governor regarding plan progress on a semi-annual basis. The full cooperation and affirmation of the Affirmative Action Plan, and the state EEO Program, is expected by all state employees.

Sexual Harassment Policy

State law prohibits unwelcome sexual advances, requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that creates or has the intention of creating a hostile or offensive working environment. Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature, slurs and other verbal, graphic or physical conduct relating to an individual's sex, or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

Complaints of sexual harassment will be promptly investigated, and all employees may be assured that they will be free from any and all reprisal or retaliation for filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of sexual harassment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator, or the State EEO Coordinator at (502) 564-8000. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by law.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, will be taken to stop sexual harassment and prevent its recurrence.

Employees are advised disciplinary action may also be taken against persons found to have knowingly and purposely filed false claims against this and all anti-discrimination or harassment policies.

Policy Statement on Harassment Prevention

The Commonwealth of Kentucky does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work. Further, all employees are responsible for assuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not necessarily limited to, harassment because of one's race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

Examples of prohibited conduct include, but are not limited to, threatening, offensive or unwelcome conduct including: abusive verbal language directed toward an individual because of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Complaints of harassment will be promptly and carefully investigated. All employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints. Further, all

employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator, or the State EEO Coordinator at (502) 564-8000. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

Policy Statement on Diversity and Inclusion

The Commonwealth of Kentucky recognizes that continued success in meeting the needs of our clients and customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their respective race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, genetic information, or veteran status. Inclusion is achieved by fostering an atmosphere of acceptance and support, where we embrace, value, and appreciate the strengths afforded by the differences, styles, ideas and organizational contributions of each and every person.

The ultimate goal of workplace diversity and inclusion will be achieved when Kentucky State Government has further enhanced its ability to recruit, retain, and tap the full potential of employees at all levels and is diverse enough to:

1. Allow all Cabinets to compete for qualified employees from an increasingly diverse worker pool;
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens; and
3. Eliminate biases that may be in the state workforce

Diversity complements the other organizational values of teamwork, leadership, empowerment and service quality. It encompasses the way we work, the work environment, and respect for people and ideas. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, personality, geographic origin, tenure with the organization, merit and non-merit status, and management or non-management position. It also includes varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expression of thoughts and differing ways of delivering services, provided there is consistency in the values we share.

Our commitment to diversity and inclusion encompasses equal opportunity, respect for the multitude of differences that employees bring to the workplace, and acknowledgement of the changing "face" of the community we serve. The full cooperation and affirmation of diversity and inclusion by all state employees, including management, is expected.

LEGAL REFERENCES:
KRS Chapter 344
KRS 18A.095
KRS 18A.138
101 KAR 1:375

EMPLOYMENT/POSITION INFORMATION

Classification Plan

The Personnel Cabinet is required to prepare, maintain and revise the official classification plan for the Executive Branch of state government. The classification plan is a tool for sorting and comparing job classifications so that positions with similar levels of responsibilities and assigned duties will have the same title; similar requirements of education and training for applicants; and comparable pay grade. The plan currently has approximately 1200 job class specifications. Each job class specification includes title, characteristic functions and responsibilities, examples of the duties generally performed by positions in that job class (not all duties would be listed as examples), and minimum requirements listed as combinations of education, experience, licensure, certification or legal requirements a person must have to be considered for positions in that job class. All job class specifications may be found on the Personnel Cabinet's website.

Your official job title, as listed in your personnel file, is based on the responsibilities and duties assigned to your position by your employer as compared to job class specifications in the classification plan. Your employer informs the Personnel Cabinet of the responsibilities and duties of your position by completing and submitting a position description (PD) form. Classification and Compensation Branch's staff compares the contents of the PD to the various job class specifications and makes a final determination of the most appropriate job classification for your position. The job class specification for your official title should describe the responsibilities and duties assigned by your employer more closely than other job class specifications.

If you believe your job classification does not accurately reflect your duties, you may request your supervisor or human resource administrator to review your position description and job classification.

LEGAL REFERENCES:
101 KAR 2:020

Compensation (Pay) Plan

The Personnel Cabinet in consultation with the appointing authorities and the Office of the State Budget Director, prepares, maintains and revises the official compensation (pay) plan. Three basic elements are involved in the compensation plan:

1. The relationship of the levels of responsibilities and duties of the various job classifications;
2. What other employers pay for similar work; and
3. The financial resources (tax dollars) available to pay for the work performed.

Merit System employees are assigned to job classifications according to their duties and responsibilities. Each job classification in the classified service, and some in the unclassified service, is assigned to one of the pay grades in the salary schedule. Each pay grade has a minimum (the lowest salary that state government pays for work in jobs assigned to that pay grade) and a midpoint wage (the maximum salary at which an experienced applicant may be appointed). Some jobs have a Special Entrance Rate, which is a minimum salary, assigned to a specific job classification above the pay grade minimum. If a Special Entrance Rate has been assigned to a job, this will be identified on the job class specification.

Under the Merit System, salaries among employees may differ based on a variety of factors, including, but not limited to, job classification, career path, and location of employment.

Your starting salary is normally at the minimum of the pay range assigned to your job classification. In some cases, an agency may request to start an employee above the range minimum based on an applicant's unique background or difficulty in recruiting for the class.

At the successful completion of the initial probation period, a classified employee will gain merit status and receive a probationary increase of five percent (5%). This sets the employee's increment date for as long as an employee is continuously employed, not including extended leave without pay.

LEGAL REFERENCES:
KRS 344.100
101 KAR 2:034
101 KAR 3:045

Pay - Understanding the State Payroll System and Your Pay
To better understand the actual processing, delivery and receipt of your pay please refer to the payroll schedule below.

State Payroll Schedule
State government has a semi-monthly pay schedule, which means employees are paid twice per month. As an employee of the state, you will receive your pay on the 15th and the 30th of each month unless the payday falls on a weekend or holiday. In that event, and per 101 KAR 2:095, Section 10, payments are issued on the last workday preceding the 15th and the 30th.

State government pays its employees one pay period in arrears. In other words, pay received on the 15th is for work performed from the 16th through the 30th/31st of the previous month. Pay received on the 30th is for work performed from the 1st through 15th of the current month.

-Example Month-						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 *1st workday for new employee (see below)	3	4	5	6	7
8	9	10	11	12	13 –**PAYDAY** for work performed 16-30/31 of prior month	14
15 – Payday moved to the preceding Friday due to weekend.	16	17	18	19	20	21
22	23	24	25	26	27	28
29	**30 –PAYDAY** For work performed 1-15 of this month	31	The orange section indicates the 1st-15th pay period, which is paid on the 30th. The green section indicates the 16th-30th/31st, which is paid on the 15th- in the following month.			

***New Employees:** Due to the pay schedule described above, a new employee will not receive pay until the second payday after they begin employment with the state. In the example month above, the new employee started on the first workday of the month, which was the 2nd. The first payday that arrives (on the 15th), is for work performed from the 16th through the 30th/31st of the previous month, which is before

the employee started working. On the 30th the new employee will receive his first payment, as that payday is for the pay period during which his employment began.

With the explanation provided above, please note that a new employee's first payment is not 'held.'

The Payroll Deferral is an exception to the state payroll schedule described above. Beginning in 2012, based on the 2010-2012 Budget Bill enacted by the General Assembly, a payroll deferral was mandated for the final payroll of the fiscal year (July 1 through June 30). This means that the final payroll for the 2011-2012 fiscal year (June 29, 2012) was postponed until the first business day of the following fiscal year (Monday, July 2, 2012). Since that event, a payroll deferral has continued to be mandated in each subsequent budget bill. Should a future budget bill be enacted that ends this practice, employees will be properly notified; however, without such notice, it should be expected that each year the June 30th pay will be deferred to July 1st or after.

Direct Deposit
All new or rehired judicial and executive branch state employees are required to utilize direct deposit for receipt of their pay. Day laborers and state active duty employees are currently exempt from this policy.

Salary Statement
Your salary statements are maintained in KHRIS Employee Self-Service (ESS) and can be accessed at any time. If you dispute any of the information of your salary statement, you should contact your human resource administrator immediately.

LEGAL REFERENCES:
101 KAR 2:095, Section 10
KRS 18A.190

Records and Files

There are two principle sources of information pertaining to your employment in state government: your official personnel file, which is maintained by the Personnel Cabinet, and your agency personnel file, which is maintained by your agency. Both of these files may be inspected and copied upon a written request made under KRS 18A.020. Please remember that state resources such as mail, email, and fax should not be used to request records.

You may comment in writing on any item in your personnel files. Such comments shall be made a part of your files and shall be included with the specific record or document to which they pertain.

Records contained in personnel files are public records open to public inspection pursuant to Kentucky's Open Records Act (KRS 61.870 to 61.884). If requested, generally these records will be disclosed subject to the redaction of personal information pursuant to KRS 61.878. In order to inspect an agency record, you must comply with appropriate request procedures established by the agency and authorized under KRS 61.876.

LEGAL REFERENCES:
KRS 18A.020
KRS 61.870
KRS 61.874, Section 3
KRS 61.876
KRS 61.884

BENEFITS OF EMPLOYMENT

Adoption Benefit Program

The Kentucky State Personnel Cabinet administers the Adoption Benefit Program, which provides reimbursement for a portion of the direct costs incurred in the adoption process to Executive Branch state employees. For adoptions finalized on or before October 21, 2019, the Adoption Benefit Program provides reimbursement up to $3,000.00 per child and up to $5,000.00 per child for direct costs related to the adoption of a special needs child.

For adoptions finalized on or after October 22, 2019, Executive Order 2019-787 increases the amounts to $5,000 per child ($7,000 per child with special needs) in the form of a reimbursement, a stipend, or combination thereof to help cover adoption expenses as well as offset future medical or educational expenses.

Please contact your agency's Human Resources Administrator to find out if you are covered. Submit an application to the Adoption Benefit Program via the website, or contact the Office of Employee Relations at (502) 564-9818.

LEGAL REFERENCES:
101 KAR 2:120
101 KAR 3:045

Deferred Compensation

Kentucky State Government employees (who receive a regular paycheck) may participate in one or both of the Supplemental Retirement Savings Plans available through the Kentucky Public Employees' Deferred Compensation Authority (Authority) program, the official state-sponsored supplemental retirement program. The offerings include an Internal Revenue Code (IRC) Section 457, 401(k), and Deemed Individual Retirement Account (IRA) defined contribution retirement plans. In addition, a Roth 401(k) and Deemed Roth IRA option are available on an after-tax investment basis for purposes of tax diversification. Participation in this valuable state sponsored benefit is optional for employees.

New Hire Automatic Enrollment Feature

Beginning July 1, 2019, all new full-time employees hired by the Commonwealth of Kentucky Executive Branch, Administrative Office of the Court, and the Legislative Research Commission will be automatically enrolled in the Kentucky Deferred Compensation 401(k) Plan. Every pay period, $15.00 ($30.00 monthly) will be deferred on a pre-tax basis from the individual's pay into his or her deferred compensation plan. Employees may take steps to defer more than $15.00 per pay period, or they may take steps to cease participation in the plan. Within 90 days after receipt of the first initial contribution, new employees who wish to cease deferrals and exit the plan must submit a form to the Authority, who will in turn cancel the account and return monies, with interest and less any mandatory withholdings. Employees may exercise their option to re-enroll in the plan anytime in the future. If the employee does not cease enrollment in the plan within 90 days after receipt of the first initial contribution, the deferral remains in trust for the employee. After one year, participants who cease deferrals and maintain a balance under $5,000 will be assessed a monthly $6 low balance fee; these fees are not charged if deferrals resume. If an employee has questions or wants to discuss options, they should contact an Authority representative.

For information on participating in the Authority program, please contact the Authority or Nationwide Retirement Solutions (NRS) marketing staff at (502) 573-7925 or toll free at (800) 542-2667.

LEGAL REFERENCES:
KRS 18A.230-275

Employee Discount Program

Businesses throughout Kentucky regularly enjoy showing their appreciation to state employees by offering employee discounts. For more information, please visit the Employee Discount page.

LEGAL REFERENCES:
KRS 11A.045

Employee Performance Management System

The job performance of state employees is important to the Commonwealth. Supervisors are required to evaluate the performance of all eligible classified employees each year. State law requires that the evaluation be considered in determining eligibility for discretionary salary advancements, promotions, and disciplinary actions. Refer to KRS Chapter 18A.110 and 101 KAR 2:180. For more information, please refer to the Employee Performance Management System.

LEGAL REFERENCES:
KRS 18A.110
101 KAR 2:180
101 KAR 2:190

Benefits Schedule/Overview

Your net salary (the amount of pay left after deductions) does not tell the whole story of your work compensation. Beyond your pay lies a hidden amount that adds more than 90% to the real value of your salary. These dollars come to you as fringe benefits of your state employment in the form of state-assumed costs for insurance protection, retirement and social security benefits, saving plans, educational opportunities, and various types of leave time. Sections in this handbook explain what your state benefits are, what conditions apply to them, and how they mean extra dollars to you. Below is the schedule of benefits available to different types of employees.

If you need additional information concerning state benefits, talk with your human resource administrator.

Benefits per Employee Type

Full-Time [Classified/Unclassified, includes Federally Funded Time-Limited (FFTL) and Grant Funded Time-Limited (GFTL)]

Benefit	**Comments**
Health Insurance	State pays fixed amount, employee pays additional options. Coverage effective first day of second month after hire date.
Life Insurance	State provides $20,000 free. Optional coverage for yourself and your dependents is also available. Effective first day of second month after hire date.
Dental Insurance	Optional dental insurance is available through payroll deduction. Coverage effective first day of second month after hire date.
Vision Insurance	Optional vision insurance is available through payroll deduction. Coverage effective first day of second month after hire date.
Retirement	Check with your HR Office for rates.
Annual Leave	Amount increases by years of service; 7.5/8.0 hours per month, first 5 years. Employee must meet work hour requirements to be eligible for leave accrual.

Benefit	Comments
Sick Leave	After 10 yrs. - 10 bonus days. After 20 yrs - additional 10 bonus days. No limit on accumulation-7.5/8.0 hours per month. Employee must meet work hour requirements to be eligible for leave accrual.
Blood Leave	Up to 4 hours if donated during scheduled work hours. (*whole blood only*)
Court Leave	Granted with pay if not an employee-initiated action or a party to the action.
Military Leave	Twenty-one days per year.
Military Leave-Spousal	Two days total. (One day given prior to spouse's deployment and one day given after spouse's return from deployment).
Compensatory Leave	240 hours maximum/100% paid at termination, less applicable deductions.
Holidays	Visit the Personnel Cabinet website for a current year list of holidays. Refer to KRS 18A.190 which governs state holidays
Credit Union Assistance	Check with Expree and CCU for details.
Educational Tuition	Individual agency decision. FFTL and GFTL not eligible.
Social Security	
Workers' Compensation	Report immediately any injuries to supervisor.
Voting Leave	Reasonable time to vote; 4 hours maximum. Rules apply.
Adverse Weather Usage	Must be made-up within four months. If not, remaining balance shall be deducted from compensatory leave first, then annual leave, or if neither is available then from pay. **Restrictions Apply**

Part-Time (less than 100 HRS per month) [Classified/Unclassified, includes FFTL and GFTL]

Benefit	Comments
Health Insurance*	State pays fixed amount, employee pays additional options. Coverage effective first day of second month after hire date. * Part-time and interim employees should contact their HR Office for information about insurance eligibility.
Blood Leave	Up to 4 hours if donated during scheduled work hours. (*whole blood only*)
Court Leave	Granted with pay if not an employee-initiated action or a party to the action.
Military Leave	Twenty-one days per year.
Military Leave-Spousal	Two days total. (One day given prior to spouse's deployment and one day given after spouse's return from deployment).
Compensatory Leave	240 hours maximum/100% paid at termination, less applicable deductions.
Holidays	Visit the Personnel Cabinet website for a current year list of holidays. Refer to KRS 18A.190 which governs state holidays

Benefit	Comments
Social Security	
Workers' Compensation	Report immediately any injuries to supervisor.
Voting Leave	Reasonable time to vote; 4 hours maximum. Rules apply.
Adverse Weather Usage	Must be made-up within four months. If not, remaining balance shall be deducted from compensatory leave first, then annual leave, or if neither is available then from pay. **Restrictions Apply**

Interim [Unclassified, includes FFTL and GFTL]

Benefit	Comments
Health Insurance*	State pays fixed amount, employee pays additional options. Coverage effective first day of second month after hire date. * Part-time and interim employees should contact their HR Office for information about insurance eligibility.
Sick Leave	After 10 yrs. - 10 bonus days. After 20 years - additional 10 bonus days. No limit on accumulation-7.5/8.0 hours per month. Employee must meet work hour requirements to be eligible for leave accrual.
Blood Leave	Up to 4 hours if donated during scheduled work hours. (*whole blood only*)
Court Leave	Granted with pay if not an employee-initiated action or a party to the action.
Military Leave	Twenty-one days per year.
Military Leave-Spousal	Two days total. (One day given prior to spouse's deployment and one day given after spouse's return from deployment).
Compensatory Leave	240 hours maximum/100% paid at termination, less applicable deductions.
Holidays	Visit the Personnel Cabinet website for a current year list of holidays. Refer to KRS 18A.190 which governs state holidays
Social Security	
Workers' Compensation	Report immediately any injuries to supervisor.
Voting Leave	Reasonable time to vote; 4 hours maximum. Rules apply.
Adverse Weather Usage	Must be made-up within four months. If not, remaining balance shall be deducted from compensatory leave first, then annual leave, or if neither is available then from pay. **Restrictions Apply**

Per Diem [Unclassified]

Benefit	Comments
Social Security	
Workers' Compensation	Report immediately any injuries to supervisor.

Insurance

Optional Coverage

As a new full-time employee, you have 35 days from your date of hire to elect optional Life, Dental, and/or Vision insurance.

Life

The Commonwealth of Kentucky provides all eligible employees a basic $20,000 life insurance policy with an equal amount of Accidental Death and Dismemberment Insurance payable to the beneficiary of your choosing. Your employer pays the Basic Life Insurance premium. It is important to keep your beneficiary information up to date. The Group Life Insurance Program offers you the option of purchasing additional insurance for yourself with options from $5,000 to $150,000. You can also purchase coverage on your spouse and your eligible children at coverage options ranging from $1,500 to $20,000.

Contact your agency's human resource administrator if you have any questions regarding the state-sponsored life insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352). For more information regarding the life insurance options available to employees, please visit the Life Insurance page.

Dental

You may choose optional employer-sponsored dental insurance administered by Anthem. You can elect one of three levels: Bronze, Silver, and Gold. As an Anthem Dental member, you will have access to one of the largest dental networks in the nation, which means you won't have to go far to find a dentist!

Contact your agency's human resource administrator if you have any questions regarding the state-sponsored dental insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352. For more information regarding the dental insurance options available to employees, please visit the Dental Insurance page.

Vision

You may choose optional employer-sponsored vision insurance administered by Anthem. You can elect one of three levels: Bronze, Silver, and Gold. With Anthem Blue View Vision Insight Network, you can get your eye care and eyewear just about anywhere! You will have access to one of the largest vision networks in the nation. You can choose from many private practice doctors, local optical stores, national retail stores, and order eyewear online.

Contact your agency's human resource administrator if you have any questions regarding the state-sponsored vision insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352. For more information regarding the vision insurance options available to employees, please visit the Vision Insurance page.

Health

You are eligible to participate in the Kentucky Employees' Health Plan (KEHP) if you are an "employee," as defined by KRS 18A.225(1). In general, an "employee" is any person who is regularly employed by any department, office, board, agency, or branch of state government and who contributes to one of the state-sponsored retirement systems. If you are a part-time, interim, or seasonal employee, please consult with your human resource administrator regarding eligibility to participate in KEHP.

As a new employee, you have **35 days** from your date of hire to:

- Elect to enroll in a health insurance plan option (for plan year 2020 the options are: LivingWell Consumer Driven Health Plan (CDHP), LivingWell PPO, LivingWell Basic CDHP or LivingWell Limited High Deductible Health Plan); **or**

- Elect to waive your health insurance and, if eligible, enroll in either the Waiver General Purpose Health Reimbursement Arrangement (HRA) or the Waiver Dental/Vision Only HRA.
    - Employees can use the Waiver General Purpose HRA to pay for qualified medical expenses such as co-pays, coinsurance, doctor's office visits, x-rays, prescriptions, eligible dental expenses or other eligible expenses not covered by health insurance. The Waiver Dental/Vision Only HRA can be used to pay for qualified dental and vision expenses.
    - If an employee waives coverage and chooses one of the Waiver HRA options, the employer will fund the HRA in two equal installments, up to a maximum of $2,100 per year. The first installment, in the amount of $1,050.00, will be credited to the employee's Waiver HRA on January 1 of the plan year. The second installment, in the amount of $1,050.00, will be credited to the employee's Waiver HRA on July 1 of the plan year. Newly eligible members may have access to a pro-rated amount based on the number of months remaining in the plan year at the time of plan entry. There are specific eligibility requirements for electing the Waiver General Purpose HRA. Refer to the KEHP website for specific information on the Waiver HRAs.

LEGAL REFERENCES:
KRS 18A.225

If you fail to make a health insurance election within 35 days from your date of hire, you must wait until the next annual Open Enrollment period, unless you experience a valid qualifying event such as marriage or birth of a child.

If you elect health insurance coverage, your effective date of coverage will be the first day of the second month following your date of hire. For example: if you begin work on January 1, your health insurance will be effective on March 1. If you begin work on January 16, health insurance will be effective on March 1.

For more information regarding the health plan, please refer to KEHP's website**.**

Flexible Benefits Program

KEHP currently offers a Healthcare Flexible Spending Account (FSA) and a Child and Adult Daycare FSA. These programs are provided through a Section 125 Cafeteria plan and allow you to pay for eligible health and dependent care expenses with pre-tax dollars.

FSA is pre-tax money you set aside, through payroll deductions, to use for certain eligible expenses. You decide how much to contribute to your FSA, up to a $2,700 maximum contribution per year. You may enroll in one or both Flexible Spending Accounts offered by KEHP. Healthcare FSA dollars can be used to pay for copays and coinsurance; prescription costs; eligible medical expenses such as doctor's office visits, x-rays, and lab tests; dental services; and some services not covered by your health insurance plan. You can use Child and Adult Daycare FSA dollars to pay for services such as daycare expenses or adult care so that you can work. Refer to KEHP's website for more information.

You have 35 days from your date of hire to enroll in either FSA program. If you elect an FSA, your effective date of coverage will be the first day of the second month following your hire date. For example: if you begin work on January 1, your health insurance will be effective on March 1. If you begin work on January 16, your health insurance will be effective on March 1.

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

If you, your spouse, or your covered dependents lose group health insurance due to termination of your employment, a reduction in work hours, or certain qualifying events, you, your spouse, and your covered dependents have the right to continue participation in KEHP. Premiums are set at the group rate plus an administration fee and are payable at your own expense. More information can be found by clicking one of these links, COBRA Rights and COBRA Rates.

LEGAL REFERENCES:
KRS 18A.225

Pre-Tax Benefits
The KEHP is a cafeteria plan governed by Section 125 of the Internal Revenue Code. The cafeteria plan gives you the opportunity to pay your portion of the health insurance premium and contribute to FSAs with pre-tax dollars. This may save you money by reducing your taxable income. You will automatically be enrolled in the pre-tax benefit unless you sign a post-tax form either during Open Enrollment or within 35 days of your date of hire. Your premiums will remain pre-taxed until the next Open Enrollment period. If you opt out of this program and wish to once again participate, you must re-enroll during Open Enrollment. Your human resource administrator can supply you with the applicable forms.

Additional Information:

Visit KEHP's website for a variety of information including:

- Health Plan Information
- Summary Plan Descriptions
- Summary of Benefits and Coverage
- Flexible Spending Accounts (FSA) and Health Reimbursement Arrangement (HRA) Information

Visit KEHP's wellness website for a variety of well-being information including:

- LivingWell Promise requirements and other wellness initiatives
- StayWell well-being program

Holidays

Kentucky state government observes holidays amounting to 11.5 days (12.5 days in years there is a presidential election) of paid leave annually for state employees. The following list shows the holidays when you may expect to receive a paid holiday.

Holiday	**Date Observed**
New Year's Day*	January 1
Martin Luther King Day	Third Monday in January
Good Friday	One-half day on the Friday that precedes the Easter holiday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Presidential Election Day	Tuesday after first Monday in November of presidential election years
Veterans Day	November 11
Thanksgiving Day*	Fourth Thursday in November
Christmas Day*	December 25

*An extra day is given for Thanksgiving, Christmas, and New Year's Day

Holidays occurring on Saturday are observed on Friday. Holidays occurring on Sunday are observed on Monday.

LEGAL REFERENCES:
KRS 18A.190

Leave

Annual (Vacation) Leave

Eligible full-time employees receive annual leave as a state work benefit. Part-time and Interim employees do not accrue annual leave. Your length of service will determine the amount of annual leave you earn in a calendar year. A full-time employee shall have worked, or been on paid leave, other than educational leave with pay, for 100 or more regular hours per month to accrue annual leave. This does not include hours worked in excess of the prescribed hours of duty.

Months of Service	Leave Accrued Annually
0-59 months	12 days per year; 1 day per month
60-119 months	15 days per year; 1.25 days per month
120-179 months	18 days per year; 1.5 days per month
180-239 months	21 days per year; 1.75 days per month
240 months and over	24 days per year; 2 days per month

You may carry your annual leave forward from one calendar year to the next at the following rates if you work 37.5 hour weeks:

Months of Service	Maximum to Carry Forward
0-59 months	30 working days / 225 hours
60-119 months	37 working days / 277.5 hours
120-179 months	45 working days / 337.5 hours
180-239 months	52 working days / 390 hours
240 months and over	60 working days / 450 hours

You may carry your annual leave forward from one calendar year to the next at the following rates if you work 40 hour weeks:

Months of Service	Maximum to Carry Forward
0-59 months	30 working days / 240 hours
60-119 months	37 working days / 296 hours
120-179 months	45 working days / 360 hours
180-239 months	52 working days / 416 hours
240 months and over	60 working days / 480 hours

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the calendar year or upon retirement.

Rules on Use and Payment

The first rule to remember about annual leave is that you must always get advance approval from your supervisor before taking annual leave. If you do not receive prior approval for annual leave, your agency may refuse to pay you for the time you are absent and consider your absence as "unauthorized absence." Agencies may also take disciplinary action against employees who are absent without leave. An employee who is absent without leave authorization or notice to the employee's supervisor for 5 working days is considered to have resigned from employment.

If you resign or retire from state employment, you will be paid for all accumulated annual leave, up to the legal maximum you are permitted to carry over from year to year, provided you give your agency at least 14 calendar days written notice of your final workday. If you do not give at least 14 days' notice or if you submit notice of resignation or retirement after receiving an intent to dismiss letter, your agency may refuse to pay you for any annual leave time you have accumulated.

If you are laid off, you will be paid for all unused accumulated annual leave time up to the legal maximum you are permitted to carry over from year to year. An exception may be made if your position is part of an approved plan for privatization of services and the successor employer agrees to credit you with your annual leave time. If you are dismissed for cause, you shall not be paid for accumulated annual leave.

LEGAL REFERENCES:
101 KAR 2:102, Section 1
101 KAR 3:015, Section 1

Blood Donation Leave

Employees who donate whole blood may receive up to four (4) hours leave time with pay for the purpose of donating and recovering from the donation. Leave time must be taken at the time of donation, with prior supervisory approval, unless circumstances, as specified by the supervisor, require the donor to return to work. In this case, the unused portion of leave time will be credited as compensatory time. Employees deferred from donating shall not be charged for the time used in attempting to donate but will not receive the four (4) hours leave time as those who donate.

The donation must occur during an employee's scheduled work hours in order to qualify for leave, which does not include the lunch period. All employees are permitted to donate blood at any licensed blood center certified by the Food and Drug Administration. All employees are required to submit verification to their supervisor of blood donation or deferral.

LEGAL REFERENCES:
101 KAR 2:102, Section 12
101 KAR 3:015, Section 12

Compensatory Leave Time & Overtime Pay

Employees receive compensatory leave time and/or overtime pay, for any hours physically worked beyond their prescribed hours of duty, Sunday-Saturday, in accordance with the Fair Labor Standards Act (FLSA) guidelines. Your rate and manner of earning is based on your work week (37.5 versus 40) and your FLSA status (Exempt versus Non-Exempt), as outlined below.

NOTE: Pre-approval, from your supervisor, should always be obtained before working outside of your prescribed hours of duty.

Non-Exempt Employees: If your position is not exempt from the overtime provisions of the FLSA, your rate and manner of earning is as follows:

- Employee on a 37.5 hour work week, who works between 37.5 and 40 hours earns compensatory leave time on an hour for hour basis. 2.5 hours worked = 2.5 hours compensatory leave time earned.
- Compensatory leave time is earned at a rate of one and one-half hour for each hour worked over the 40. 1 hour worked = 1.5 hours compensatory leave time earned.

NOTE: Non-exempt employees have the option of receiving compensatory leave or overtime pay, for hours worked over 40. This election, which must remain in effect for a minimum of three months, should be provided to your HR Office using the Overtime Compensation Election Form, which is available on the Personnel Cabinet's website under Documents in Demand.

Exempt Employees
If your position is determined to meet the criteria as executive, administrative, professional or computer professional, you are exempt from the overtime provisions of the FLSA. You will be given compensatory leave time on an hour for hour basis for all hours worked in excess of your prescribed hours of duty.

Use of compensatory leave time
When you use your compensatory leave time during the same week you earn it, it does not count as "hours worked" for determining overtime compensation. As with annual leave, you must request the use of your compensatory leave in advance.

The maximum amount of compensatory time that can be "accumulated" by an employee in a policy making position is 240 hours. Employees in non-policy making positions can accumulate up to 239.99 hours. At the end of the pay period, if 240 compensatory hours is reached, employees in non-policy making positions will be paid for a block of 50 hours and the balance reduced accordingly. Employees who have accumulated 100 or more hours, whose annual leave balance is below the maximum carry forward amount for their current months of service, may be required to utilize compensatory leave time, prior to annual leave when requesting and taking leave, until that balance falls below 100 hours.

If you transfer to another state agency that is covered by KRS Chapter 18A, your compensatory time follows you to your new job, just as with accumulated sick leave and annual leave. For agencies not covered by KRS Chapter 18A, please check with your human resource administrator.

NOTE: "Accumulated" means when the compensatory time is actually credited to your account balance. Any "held time" for FLSA purposes due to our split work weeks and pay periods is not official until credited to the employee's balance.

LEGAL REFERENCES:
101 KAR 2:102, Section 5
101 KAR 3:015, Section 5

Court Leave

All employees of Kentucky state government receive paid leave time whenever they must serve as jurors or comply with a court or administrative subpoena. Court leave is not granted if you or a member of your family is a party involved in a court action as a private matter. If you or a member of your family is a party to the case, you must use annual or compensatory leave and request to do so in advance.

It is important to remember that court leave is only for time that crosses your scheduled work hours. The time you must spend traveling to court is also included in paid court leave. However, if you are dismissed from jury duty or released from subpoena, you must return directly to your job.

Please show a copy of any court summons to your supervisor before taking court leave, otherwise your absences may not be properly authorized.

LEGAL REFERENCES:
101 KAR 2:102, Section 4
101 KAR 3:015, Section 4

Family and Medical Leave Act (FMLA)

Refer to the Employee Rights under the Family and Medical Leave Act for a summary of an employee's rights and responsibilities on the US Department of Labor, Wage and Hour Division website.

In general, the FMLA provides up to twelve (12) weeks of unpaid, job-protected leave for eligible employees for certain family and medical reasons. The Personnel Cabinet leave regulations provide additional benefits to certain state employees as well. The information below reflects the combined federal and additional protections for all employees who are covered by the administrative regulation 101 KAR 2:102 and 101 KAR 3:015.

Employee Eligibility

To be eligible for family and medical leave, an employee must have:

1. Completed at least twelve (12) months of state service; and
2. Worked or been on paid leave for at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave. Refer to the FMLA provisions in 101 KAR 2:102 Section 3 and 101 KAR 3:015 Section 3.

Leave Entitlement

An eligible employee must be granted at least twelve (12) weeks of unpaid family and medical leave during the calendar year for one or more of the following reasons:

- For the birth of a son or daughter, and to care for the newborn child (leave must be taken within one (1) year of the child's birth);
- For placement with the employee of a son or daughter for adoption or foster care (leave must be taken within one (1) year of the child's placement);
- To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
- Because of a serious health condition that makes an employee unable to perform the functions of the employee's job;
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or someone of similarly close relationship is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or someone of similarly close relationship to the service member.

NOTE: An eligible employee is entitled to up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period.

An employer is prohibited from delaying the designation of FMLA qualifying leave as FMLA leave. Once an eligible employee communicates a need to take leave for an FMLA qualifying reason, or an employer determines that leave is for an FMLA-qualifying reason, neither the employee nor the employer may decline FMLA protection for that leave.

An employee must utilize family and medical leave concurrently with other accumulated paid leave. The employee must comply with the applicable paid leave regulations contained in 101 KAR 2:102 and 101 KAR 3:015. Upon written request, the employee may reserve up to ten (10) days of accumulated sick leave on family and medical leave. An employee may not elect to reserve annual or compensatory leave.

Leave to care for a spouse, son, daughter, parent, or immediate family member

- A spouse is a husband or wife, individuals in lawfully recognized same-sex and common law marriages recognized under State law for purposes of marriage in the State where the employee was married, and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state.
- A parent is a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. The term does not include parents "in law."
- A son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that family and medical leave is to commence.
- An "immediate family member" means:
    - the employee's spouse, mother, father, grandparent, son or daughter; or
    - A person of similarly close relationship:
        - Who has resided with the employee for at least thirty (30) consecutive calendar days immediately prior to application; or
        - For whom the employee is legally responsible.

Leave for the birth or placement of a child

- Parents who are eligible for FMLA leave and are employed by the Executive Branch are both entitled to twelve (12) weeks of leave due to the birth or placement of a child (i.e., bonding time). Leave must be taken within one (1) year of the child's birth or placement.
- There may be some instances where an employee may qualify for family and medical leave prior to the birth of a child. For example, an expectant mother may take family and medical leave for prenatal care or if her condition makes her unable to work (such as in the case of severe morning sickness or if placed on bed rest by a physician). The mother is entitled to family and medical leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) consecutive calendar days (the typical requirements for FMLA).
- In the case of an adoption or foster care, an employee is eligible to receive family and medical leave before the placement or adoption in some instances. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption.
- An employee ordinarily must provide advance notice of his or her intent to use leave due to the birth or placement of a child through adoption or foster care.
- In general, upon the conclusion of the twelfth week of leave, if an employee has not exhausted his or her accrued leave and unpaid family and medical leave, an employer may require an employee to provide medical certification of the need for any additional leave time.

Advance notice and medical certification

The employee may be required to provide advance leave notice and medical certification or other supporting documentation. Request for leave may be delayed or denied if requirements are not met.

- The employee ordinarily must provide advance notice when the need for leave is foreseeable.
- An employer may require medical certification to support a request for family and medical leave because of a serious health condition and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Intermittent family and medical leave

Family and medical leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is family and medical leave taken in blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

- Intermittent leave must be granted for the following qualifying conditions when medically necessary:
    - An employee's own serious health condition;
    - To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
    - To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or immediate family member to the service member; and
    - Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or immediate family member is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Job benefits and protection

- While an employee is on unpaid family and medical leave, the state contribution for health and life insurance shall be maintained by the employer. If applicable, arrangements will need to be made for employees to pay their share of health and life insurance premiums while on unpaid family and medical leave.
- On return from family and medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- An employee shall be free from interference with, restraint, or the denial of any rights provided by the federal FMLA.
- An employee may not be discharged or discriminated against for opposing or complaining about any unlawful practice under the federal FMLA.

Summary of leave enhancements

- The federal FMLA provides that an employee must have worked at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave in order to be eligible for family and medical leave. However, the Personnel Cabinet leave regulations allow time worked **and time spent on paid leave** to count towards the 1,250 hour eligibility requirement.
- The federal FMLA allows leave to care for only a spouse, son, daughter, or parent with a serious health condition. However, state government allows employees covered by the Personnel Cabinet leave regulations to take family and medical leave to care for **other immediate family members** as well, as defined above.
- The federal FMLA entitles spouses employed by the same employer to only a combined twelve weeks of family and medical leave for bonding time following the birth or placement of a child. However, state government agencies covered by the Personnel Cabinet leave regulations must allow **each parent twelve weeks** of family and medical leave for bonding time under the above-specified situation.

All covered state agencies shall comply with the federal FMLA statutes and regulations, as well as the family and medical leave provisions contained in 101 KAR 2:102 Section 3 and 101 KAR 3:015 Section 3.

LEGAL REFERENCES:
101 KAR 2:102, Section 3
101 KAR 3:015, Section 3

EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

WHD WAGE AND HOUR DIVISION

WH1420 REV 04/16

Employee Rights under the Family and Medical Leave Act

Funeral and Bereavement Leave

Upon the approval of the appointing authority, an employee who has lost an immediate family member by death may utilize five (5) days of accrued sick leave, compensatory leave, annual leave, or leave without pay if the employee does not have accrued leave, or a combination thereof. The appointing authority may approve additional leave at the request of the employee.

For purposes of funeral and bereavement leave, an immediate family member shall include the employee's spouse, parent, grandparent, child, brother, or sister, or the spouse of any of them, and may include other relatives of close association if approved by the appointing authority.

LEGAL REFERENCES:
101 KAR 2:102, Section 8
101 KAR 3:015, Section 8

Living Organ Donor Leave Program

Any full-time employee of the executive, judicial, or legislative branch of the Commonwealth of Kentucky who is absent from work due to medical reasons associated with donating bone marrow or certain human organs may request to receive living organ donor leave. For purposes of organ donor leave, human organ is defined as any part of a human intestine, kidney, liver, lung, or pancreas. Once approved, a living donor is eligible for 240 hours of paid leave for each human organ donation and 40 hours of paid leave for each bone marrow donation.

LEGAL REFERENCES:
KRS 18A.194
101 KAR 6.010

Military Leave

State employees who are active members of the United States Army Reserve, the United States Naval Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the National Guard, are credited with twenty-one (21) working days of military leave for the purpose of fulfilling state and/or federal active duty orders, per federal fiscal year (October 1 – September 30), provided your orders require your absence from your state job.

Official leave must be requested in order to avoid being dismissal for job abandonment. A copy of your orders should be provided to your Appointing Authority to initiate this request. Generally, once relieved or discharged from military duty under conditions other than dishonorable military duty, you have a period of ninety (90)* days to notify your agency of your intent to return to your employment position by either reporting to work or applying for reemployment. You have the right to be restored to your former position or a position of like seniority, status, and pay.

> *If hospitalized or receiving continuing treatment after release, you have a period of one (1) year to apply for reemployment. Notably, you must be relieved in order to be entitled to exercise these restoration rights. Please review KRS 61.373 for complete information with respect to military restoration rights.

You are entitled to any pay raises that would have been granted, as well as seniority that would have accrued, and your increment date does not change. You will be credited with the appropriate months of service upon presentation of a DD-214 to your human resource administrator. Please note that while you are entitled to months of service for the purpose of leave accrual, you do not accrue annual or sick leave while on military leave without pay.

If you are wounded or disabled and unable to perform your job upon return, the state must offer a position similar in status and pay to the previous job for which you are qualified and able to perform.

Upon returning from military duty you (whether merit or non-merit) may not be terminated except for cause for a period of (1) one year after the date of reemployment if your period of military service was for 181 days or more; (2) 180 days after the date of reemployment if your period of military service was for 31-180 days, after restoration to a position following military duty. However, if your position was abolished as a result of a lay-off, or your name was included in a lay-off plan, you would not be able to reclaim your job immediately. You would retain reemployment rights as if you had not left your job (i.e., placement on the re-employment lists with all seniority rights intact).

In the case that you do not agree that you have been afforded your restoration rights under state law, you may file an appeal with the Personnel Board. Other remedies may also exist, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA). If you have questions about your return position or employment status, you should contact your human resource administrator.

In a time of peace, you retain restoration rights for a period of six (6) years. However, in a time of war or national state emergency, you retain these rights for the duration of the time of war or national emergency plus six (6) months.

NOTE*:* In September 2018, President Donald Trump gave notice of a continuation of the Notice of Continuation of the National Emergency with Respect to Certain Terrorist Attacks. This notice continues the national emergency that was declared as a result of the terrorist attacks of September 11, 2001, for an additional year. So long as this state of national emergency exists, KRS 61.373 shall be applied accordingly.

LEGAL REFERENCES:
101 KAR 2:102, Section 6
101 KAR 3:015, Section 6
KRS 61.373
KRS 61.394

Military, Spousal Leave

Any state employee who is the spouse of an active member of the United States Army Reserve, the United States Naval Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the National Guard, who is called upon to serve under Federal orders (deployment) shall be granted one day paid leave prior to deployment and one day paid leave upon return from deployment, per federal fiscal year (October-September), according to KRS 18A.190. The appointing authority may require a copy of the soldier's military orders prior to approving the use of this leave.

LEGAL REFERENCES:
KRS 18A.190

Parental Leave: Maternity/Paternity/Adoption/Foster

In the Commonwealth, we know that bonding time with a new baby or adopted child is important for you and your family. We want to be as helpful as possible as you start your journey. That's why we've developed a leave policy with your needs in mind. Executive Branch employees are granted twelve (12) weeks of leave for the birth of a child, to care for the newborn child, and for placement of an adopted or foster child. If both parents are KRS Chapter 18A employees, each parent is entitled to twelve (12) weeks of leave. Leave time will be paid if the employee has accrued annual, compensatory, or sick leave. Please review the "Leave: Family and Medical (FMLA)" section of the handbook for additional information.

In addition, you may be eligible for participation in the Commonwealth of Kentucky's sick leave sharing program. Please review the "Leave Sharing Programs" section of the handbook for additional information.

Sick Leave

Eligible full-time and interim employees receive sick leave as a state work benefit. Part-time employees do not earn sick leave. Sick leave with pay is accumulated at the rate of one (1) working day per month, credited upon the first day of the month following the month in which the sick leave is earned, with no maximum. A full-time or interim employee shall have worked or been on paid leave, other than educational leave, for 100 or more regular hours in a month to accrue sick leave. This does not include hours worked in excess of the prescribed hours of duty.

After the completion of both 120 months of service and 240 months of service, an additional 10 days of sick leave is automatically credited to the employee's sick leave balance. The credit is completed on the first day of the month following the completion of each given months of service.

Rules on Use

As with annual leave, you are required to get advance leave approval for such non-emergency sick leave as doctor's appointments. If your need to use sick leave prevents advance notice, you are expected to call your supervisor or his or her designee as soon as possible. Remember, the same penalties that apply to unauthorized annual leave also apply to unauthorized sick leave when the absence is not a medical emergency. When you cannot give adequate notice, a timely telephone report to your supervisor may prevent your absence from being considered unauthorized. Please check with your supervisor or your human resource administrator for your agency's call-in procedures.

Sick leave with pay may be used when you have a medical, dental, or optical appointment. You may also use earned sick leave for bonding time for birth or placement of a child or if you:

- are sick or injured;
- are pregnant;
- are caring for a sick or injured member of your immediate family for a reasonable period of time;
- would jeopardize the health of yourself or others at work; or
- have lost by death a parent, child, brother, sister, their spouse, or any other person as specified in the regulations (refer to Funeral and Bereavement for limit/details).

Your agency may limit the amount of time granted for the above conditions and may require a doctor's certificate to document your condition. Sick leave may be used in 15-minute units.

If you resign or retire from state employment, you will not be paid for accumulated sick leave.

- At the time of your retirement, you may receive service time credit for unused sick leave in accordance with the conversion chart maintained by the Kentucky Retirement Systems. Actual credit is determined by the Retirement Systems per their regulation.
- A former employee who has been rehired, shall receive credit for months of prior service and shall be credited with the unused sick leave balance that existed at the time of the previous separation, unless the employee had been dismissed for cause or has retired from a position covered by a state retirement system.

Computing and Crediting Sick Leave

In computing months of total service for the purpose of crediting sick leave, only the months for which an employee earned sick leave may be counted. The total service shall be verified before the leave is credited to the employee's record.

Sick Leave Abuse

Your earned sick leave with pay is intended as a benefit for you to use at those times when you have a bona fide need for it. As your employer, the state has defined the terms for using sick leave very broadly, recognizing that there are many circumstances other than your own unexpected illness when you might justifiably claim sick leave. Sick leave cannot, however, be used for unnecessary occasions when it would be convenient for you to be absent. For those times, you must apply for annual or compensatory leave. The employee who abuses sick leave causes either a work slow-down or places an unfair strain upon fellow workers who must do the work in his or her absence. In consideration for your fellow workers, your agency, and the people state government serves, spend your sick leave time wisely.

Sick Leave without Pay

You are eligible for sick leave without pay (without a change in your personnel status) for your own injury or illness if:

1. You have exhausted all accumulated paid annual, sick, and compensatory leave; or
2. You have exhausted all accumulated paid leave other than up to ten (10) days of accumulated sick leave, which you have requested to retain.

NOTE: Sick leave without pay for your own illness or injury shall not exceed thirty (30) continuous calendar days.

Within your first twelve (12) months of employment after your initial appointment, you are eligible for sick leave without pay to care for yourself or a member of your immediate family if:

1. You do not qualify for family and medical leave due to lack of service time; and
2. You have exhausted all accumulated paid annual, sick, and compensatory leave.

NOTE: Sick leave without pay within your first twelve (12) months of employment shall not exceed thirty (30) working days in a calendar year.

Sick Leave by Personnel Action

Upon your exhaustion of your thirty (30) continuous calendar days sick leave without pay entitlement, you are eligible for sick leave by personnel action for your own illness or injury for a period not to exceed one (1) year.

1. Your appointing authority may require you to provide statements from an appropriate medical health professional attesting to your continued inability to perform the essential functions or your duties with or without reasonable accommodation.
2. Your appointing authority may require you to provide a medical statement certifying your ability to return to work before you are permitted to return.
3. Your appointing authority must return you to your former position, or to a position for which you are qualified or which resembles your former position as closely as circumstances permit, once you give notice of your ability to resume your duties and complied with any other requirements.

If you are unable to return to your previous position upon the expiration of one (1) year of sick leave by personnel action, then you may be deemed resigned from your position. However, you will be given priority consideration for any other vacant, budgeted position with the same agency, for which you are qualified and capable of performing its essential functions with or without reasonable accommodation.

LEGAL REFERENCES:

101 KAR 2:102, Section 2
101 KAR 3:015, Section 2
KRS 18A.145

Special Leave of Absence/Educational

Special leave of absence may be granted for up to 24 months, with the approval of your appointing authority and the Secretary of Personnel. If granted, leave shall be granted either with pay, if the employee contractually agrees to a service commitment, or without pay. You will not accumulate annual leave or sick leave while on special leave with pay. If your leave is without pay, you must make arrangements through the payroll officer to continue your health and life insurance. You must pay the total premiums.

LEGAL REFERENCES:
101 KAR 2:102, Section 9
101 KAR 3:015, Section 9

Voting and Election Leave

According to **101 KAR 2:102 (7)** and **101 KAR 3:015 (7)**, an employee who is eligible and registered to vote shall be allowed, upon prior request and approval, use of up to four (4) hours for the purpose of voting or to appear before the county clerk to request an application for or to execute an absentee ballot. A supervisor, manager, or appointing authority may specify the hours an employee may be absent. This includes participation in out-of-state elections and absentee votes cast for out-of-state elections if the employee is otherwise eligible. In order to be eligible for voting leave, an employee must:

1. be registered to vote in the county holding the election,
2. be scheduled to work on Election Day during the hours of 6:00 a.m. to 6:00 p.m. local time, and
3. notify their immediate supervisor prior to receiving voting leave. Employees who vote and work in lieu of taking voting leave may receive up to four (4) hours of compensatory time.

In addition to being eligible to vote in the county holding the election, the employee must actually vote in order to receive voting leave. Agencies should develop work schedules in advance of an election that permit employees to share the workload on Election Day while still taking leave time to go to the polls. NOTE: Presidential Election Day is not eligible for voting leave as State Offices will be closed per KRS 18A.190

Election Leave: According to KRS 118.035, section 4, any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer. The employer may specify the hours during which the employee may absent himself.

According to **101 KAR 2:102 (7)** and **101 KAR 3:015 (7)**, an employee who is selected as an election officer shall be allowed, upon prior request and approval, leave up to seven and one half (7.5) hours based on a 37.5 hour work week or eight (8) hours based on a 40 hour work week, for attending training or serving as an election officer. This includes participation in out-of-state elections, if the employee is otherwise eligible.

- Approved absences to serve as an election officer on Election Day shall be coded as ELEC (Working Polls Leave).
- Approved absences for election officer training activities shall be charged to compensatory, annual, or authorized leave without pay if the employee does not have accrued leave or a combination thereof.

LEGAL REFERENCES:
101 KAR 2:102, Section 7
101 KAR 3:015, Section 7
KRS 18A.190

Weather, Adverse

The normal working hours for employees in State Government Offices are 8:00 a.m. to 4:30 p.m., prevailing local time, Monday through Friday. Appointing Authorities are authorized to approve flexible schedules when necessary to promote efficiency or provide reasonable accommodation.

It is the policy of State Government that state offices will remain open and that the working hours of state employees will not be altered due to adverse weather conditions. When weather conditions prevent an employee from reporting to work at the normal time, or when an employee decides not to report for work or to leave work early due to weather conditions, the following apply:

1. If operational needs allow, supervisors are required to make every reasonable effort to arrange schedules to allow employees to make up time not worked. Employees are not allowed to make up the work if it would result in the employee working over 40 hours in a workweek. The employee has one hundred twenty-three (123) days from the occurrence of the absence to make up the time lost. If it is not made up within that time, it will be deducted first from available compensatory leave and/or then from available annual leave. If, at that time, the employee has no annual or compensatory leave available, then the employee shall have his/her time charged to leave without pay and deducted from the employee's wages. If the employee transfers to another agency or is no longer employed by state government before the leave is made up, the leave shall be charged to compensatory and/or annual leave or deducted from the employee's final pay; or
2. Employees may use accumulated annual or compensatory leave time for the late arrival, early departure or missed workday; or
3. If compensatory and annual leave have been exhausted, the employee may take leave without pay for the late arrival, early departure or missed workday.

Any employee who is on leave that was arranged prior to the inclement weather shall use the leave as originally requested. NOTE: Employees designated for mandatory operations are not eligible for adverse weather leave. Employees who work in 24-hour facilities such as parks, hospitals, prisons, or residential facilities and employees who work in law enforcement, disaster and emergency services and on highway crews are the standard exception to the normal working hours policy and are not eligible to utilize this leave type.

LEGAL REFERENCES:
101 KAR 2:102, Section 11
101 KAR 3:015, Section 11

Transferring Months of Service/Leave Balances with No Break in Service

The following describes certain benefits that will transfer with an employee moving from the listed agency to the Executive Branch.

Please note that if Months of Service transfer, it is for leave accrual purposes only.

Administrative Office of the Courts (AOC)

- Months of Service
- Leave Balances (except for comp time)
- Sick Leave Sharing Program Participation

Board of Education – Only if going to the Department of Education

- Months of Service
- Leave Balances (sick leave only)

Chapter 16 (Trooper)

- Months of Service

- Leave Balances
- Sick Leave Sharing Program Participation

Colleges or Universities
- Nothing transfers

County or City Government
- Nothing transfers

Department of Education – Adults & Technical Education
- Months of Service

Executive Branch going to Executive Branch or to Department of Education – Adults & Technical Education
- Months of Service
- Leave Balances
- Sick Leave Sharing Program Participation

Kentucky Community & Technical College System (KCTCS) – Only up to July 1, 1998, if going to Executive Branch or to Department of Education – Adults & Technical Education
- Months of Service

Kentucky Housing Corporation
- Nothing transfers

Kentucky Retirement System (KRS) - HB 461 (going to and from)
- Months of Service
- Leave Balances
- Sick Leave Sharing Program Participation

Legislative Research Commission (LRC)
- Months of Service
- Leave Balances (Beginning February 1, 2008 will accept up to 200 hours comp time)
- Sick Leave Sharing Program Participation

Local Health Departments
- Nothing transfers

Property Valuation Administrator (PVA) - is considered an elected state official. Therefore, if a former PVA becomes an employee of the Executive Branch, in a position that accrues leave, the months of service as a PVA will need to be included when setting the annual leave accrual rate.
- Months of Service
- Leave Balances
- Sick Leave Sharing Program Participation

Returning Retirees
- Nothing transfers

Teachers' Retirement
- Months of Service
- Leave Balances
- Sick Leave Sharing Program Participation

Unified Prosecutorial Systems (UPS)
- Months of Service
- Leave Balances

NOTE: For transfers involving Teachers' Retirement, PVA, AOC or Board of Education, agencies will need to call the agency from which the employee is transferring to get the information. If there is a break in service, then employees would be paid for their annual and comp (up to the max). If an employee is coming from Unified Prosecutorial System, then receiving agencies would need to contact this agency for their months of service and leave balances since this is not stored in KHRIS.

Leave Sharing Programs

The Commonwealth of Kentucky supports two leave sharing programs (annual leave and sick leave) that provide assistance to employees in the event that certain conditions exist and specific qualifications are met, per program.

Eligibility requirements for both programs include:

- KRS Chapter 18A employees who are regularly appointed to positions in the state service which are compensated on a full-time, part-time, or interim basis are eligible to participate in these programs. Additionally, with respect to the Sick Leave Sharing Program, employees of the Administrative Office of the Courts, Legislative Research Commission, sworn personnel in State Police covered by KRS Chapter 16, Property Valuation Administrator (PVA), and Kentucky Teachers' Retirement System may also participate.
- Both the applicant and the donor must be in an active/paid status at the time of the application/donation.
- An employee becomes eligible to receive donated leave at the point in time when criteria specific to the leave sharing program in question are met (refer to detailed program information below).
- Donors must have accrued a leave balance of more than seventy-five (75) hours and may not request a transfer of an amount of leave that would result in reducing his or her leave balance to less than seventy-five (75) hours.

Program Guidelines

1. The applicant for leave sharing shall be responsible for filing the appropriate leave sharing application.
2. The appointing authority, with the approval of the Secretary of the Personnel Cabinet, shall determine the amount of leave, if any, which an employee within his or her agency may receive. Transfers of leave shall not exceed the amount requested by the recipient. (Refer to maximum amount under details for Annual Leave Sharing Program.)
    a. Leave shall not be donated to an employee regularly scheduled to work thirty seven and one-half (37.5) hours per week in an amount less than seven and one-half (7.5) hours.
    b. Leave shall not be donated to an employee regularly scheduled to work forty (40) hours per week in an amount less than eight (8) hours.
3. Leave may be transferred between employees of the same agency. With the approval of the Secretary of the Personnel Cabinet and of the appointing authorities of both agencies, leave may be transferred between employees of different state agencies.
    a. If multiple donors donate leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.
    b. Donated leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the appointing authority.
    c. The leave sharing recipient shall be responsible for monitoring the amount of leave donated and used.
    d. Leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave. Donated leave shall be used in the order in which it is donated, and on consecutive days.

    e. If a leave donor resigns, retires, or is otherwise terminated from state employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the recipient.
    f. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation. Please review information below for exceptions to this general rule specific to the type of leave sharing program used.
4. While using leave donations, an employee shall be deemed a state employee and shall receive the same treatment with respect to salary, wages and employee benefits.
5. All salary and wage payments made to an employee while using leave sharing shall be made by the agency employing the person receiving the leave.
6. No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute leave sharing donations. Intimidate, threaten, or coerce means promising to confer or conferring any benefit or effecting or threatening to effect any reprisal.

Some important notes:

- It is important to remember that participation in any leave sharing program is at the discretion of the employee and requires approval of the Appointing Authority and the Secretary of the Personnel Cabinet.
- When working with any facet of either leave sharing program you must consider both the statute and the regulations.

Annual Leave Sharing Program

In the event of a catastrophic loss to an employee's personal property, due to either a natural disaster or fire, eligible employees who accrue annual leave and who have exhausted their leave balances may have annual leave donated to them by other eligible state employees.

Requirements Unique to the Annual Leave Sharing Program:

1. To request donated annual leave, the following conditions must be met:
    a. The employee suffers from a catastrophic loss to his or her personal property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to go on leave for at least ten (10) consecutive working days;
        i. The ten (10) consecutive days of leave required for eligibility by KRS 18A.203 shall be leave with or without pay.
    b. The employee has exhausted his or her accumulated annual leave and compensatory leave balances; <u>and</u>
    c. The employee has complied with administrative regulations governing the use of annual leave.
2. The total amount of donated annual leave that may be received or used by an eligible employee for the purposes specified by this administrative regulation shall be limited to 200 work hours per each qualifying event.
3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides evidence that the original condition for which annual leave was donated will continue.

Sick Leave Sharing Program

In the event of a prolonged or catastrophic illness or injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances may have sick leave donated to them by other eligible state employees.

Requirements Unique to the Sick Leave Sharing Program

1. To request donated sick leave, the following conditions must be met:

a. The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
    i. "Immediate family" means (a) the employee's spouse, mother, father, grandparent, son or daughter; or (b) A person of similarly close relationship who has resided with the employee for at least thirty (30) consecutive calendar days immediately prior to application; or for whom the employee is legally responsible
b. The employee's need for absence is certified by a licensed practicing physician or Advanced Practice Registered Nurse;
c. The employee has exhausted all of his/her available paid leave; and
d. The employee has complied with administrative regulations governing the use of sick leave.

2. The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates certifying the medical necessity.
3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides medical evidence that continued periodic medical treatment relating to the original condition for which leave was donated is required.
4. An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.
5. An employee receiving workers' compensation benefits shall be eligible to receive donated sick leave to maintain a regular level of pay.

Sick Leave Sharing Enterprise Program

As an enhancement to the current Sick Leave Sharing (SLS) Program, the Personnel Cabinet maintains a list of employees who are currently seeking donations of sick leave. Inclusion on this listing is at the request of the employee and only limited/non-sensitive information is included. It is kept updated and available to agency HR Administrators, to share with employees who are eligible and request to donate a portion of their unused sick leave balance to an approved employee.

If you are interested in being included on the listing or in donating, please contact your HR Administrator for more information.

NOTE: There have been no changes implemented with the existing program and this is NOT to be confused with a sick leave sharing bank/pool. This is simply an enhancement to bring more visibility to those in need of donations and to provide an opportunity to those wishing to give.

LEGAL REFERENCES:

101 KAR 2:105
101 KAR 2:106
KRS 18A.196
KRS 18A.197
KRS 18A.203

Ridesharing

If you are interested in joining a car or van pool, or commuting by bus to work, contact the Transportation Cabinet, Office of Transportation Delivery, at (502) 564-7433 for referrals to individuals and agencies in your community. This office maintains a file of persons commuting to Frankfort.

Retirement

Your retirement plan as an employee of Kentucky state government is designed to give you long-term security in the years after your state service is completed. It also contains valuable benefits for your named beneficiary.

Most state employees belong to the Kentucky Employees Retirement System. Some employees of the Education and Workforce Development Cabinet are enrolled in the Teacher's Retirement System. After you have identified your enrollment, you may go online to access detailed information and educational videos by visiting Kentucky Retirement Systems (KRS) or Teacher's Retirements System (TRS). Members with more than one retirement plan administered by the Commonwealth of Kentucky may be allowed to combine service to retire with reciprocity.

KRS offers you online access to your retirement account. Using KRS' Member Self Service website, you can calculate retirement estimates and update your contact information. You can also contact KRS to determine your options for retirement and schedule an appointment with a retirement counselor. Once you make a decision regarding your retirement, please contact your human resource administrator. Refer to the Agency HR Staff/Consultant Listing on the Personnel Cabinet's website.

Leave Balances

1. Annual*: If you have a positive annual leave balance at the time of your retirement, you may be eligible to receive a payout for the value of that balance.
2. Sick: If you have unused sick leave you may be eligible to donate a portion of your balance to employees who have applied and been approved to accept sick leave donations through the Sick Leave Sharing Program. Please review the Leave Sharing Programs section for details or contact your human resource administrator.
3. Compensatory*: If you have a positive compensatory leave balance upon retirement, you are eligible to receive a payout for the value of that balance.

***Leave Payouts:** These are considered lump sum payments which are taxed at a much higher rate than your regular earnings. If you have an active account under the Kentucky Public Employees Deferred Compensation Authority, you may defer all or a portion of your payout to avoid this tax penalty. Refer to step 3 below.

The Kentucky Public Employees Deferred Compensation Authority

To defer your payment(s) for accumulated leave (compensatory and annual) time to Kentucky Deferred Compensation (KDC), be sure to contact them 60 days in advance of your planned retirement date.

- You must complete and sign a Participation Agreement far enough in advance (at least one month) for Kentucky Deferred Compensation to notify your payroll department prior to the issuance of payment for your accumulated leave. Merely notifying KDC of your intention will not allow you to defer any payment for accumulated leave.
- To transfer dollars from your KDC account to KRS, KTRS, Legislative or Judicial Form Retirement in order to purchase service credit, you will need to submit the Direct Transfer/Rollover form to KDC.

NOTE: Any purchase of service credit begins with your retirement system. You will need to obtain the necessary forms and cost calculation information before Kentucky Deferred Compensation can assist you.

For further information on deferring accumulated leave or using your Kentucky Deferred Compensation account to purchase service credit, please call their Member Customer Service Center toll free at (800) 542-2667, or in Frankfort at (502) 573-7925.

The Kentucky Employee Assistance Program (KEAP)

Often there's much that goes into planning for retirement from a fiscal standpoint. Very few employees spend time planning for the psychological/emotional issues which occur with retirement. Planning for a healthy transition is critical with all major life changes; even good change can be stressful. The Kentucky Employee Assistance Program (KEAP) offers an educational tool that highlights important issues to consider so you can make the healthiest transition into retirement. Prospective retirees may contact KEAP at 1 (800) 445-5327 or (502) 564-5788 for more information or to speak with a counselor one-on-one.

The Kentucky Employees' Health Plan (KEHP)
As you retire (under 65 and not eligible for Medicare) keep in mind the following information pertaining to your health insurance benefits:

- Your health insurance benefits should transition without a break in coverage. To ensure a smooth transition you must work with your retirement system to complete a Health Insurance Application. The retirement system will notify KEHP of your retirement coverage.

For more information, please contact your retirement system.

Retirees returning to work
If you retire and determine you still have a desire to continue working, state employment may be an option for you. To determine whether your employment with state government will affect your retirement benefits, review the retiree information specific to reemployment after retirement on the Kentucky Retirement Systems website. If you decide to apply for a position within state government, you will need to apply to vacant positions posted on the Personnel Cabinet's Careers website. You can apply for positions of interest anytime 24 hours a day, seven days a week during the vacancy posting period.

Remember, if you are a returning retiree, you are no longer an Internal Mobility Candidate, nor do you have Reinstatement privileges. For more information pertaining to recruitment, access the Personnel Cabinet's Careers website.

Unemployment Insurance

If you are terminated without cause or laid off, you may be eligible to file for unemployment insurance benefits. If you have received notice of lay-off, you should immediately contact your local unemployment office or the Kentucky Division of Unemployment Insurance at (502) 564-2900.

For those employees appointed as a Secretary, Deputy Secretary, Executive Director, Chief of Staff, or Commissioner, please be advised that your position has been deemed a major nontenured policymaking or advisory position pursuant to KRS 341.055(4)(f). Should you leave or be terminated from employment, although you may apply for unemployment benefits with the Kentucky Division of Unemployment Insurance, your position is considered noncovered for purposes of Kentucky Unemployment Insurance benefits, or in other words, a position that is not entitled to receipt of unemployment benefits.

RESPONSIBILITIES OF EMPLOYMENT

Ethics Code for the Executive Branch

Executive Branch employees are responsible for complying with the Executive Branch Code of Ethics under Kentucky Revised Statutes (KRS) Chapter 11A. The Executive Branch Code of Ethics contains provisions to ensure ethical conduct and prevent conflicts of interest in the Executive Branch of state government.

To maintain public confidence in a democratic government, certain restrictions are placed upon your conduct. In general, as a public servant, you are prohibited from the following:

- Using or attempting to use your influence in any matter which involves a substantial conflict between your personal or private interest and your duties in the public interest;
- Using or attempting to use any means to influence a public agency in derogation of the state at large;
- Using your official position or office to obtain a financial gain for yourself or any members of your family;
- Using or attempting to use your official position to secure or create privileges, exemptions, advantages, or treatment of yourself or others in derogation of the public interest at large;
- Disclosing or using confidential information acquired in the course of your official duties to further your own economic interests;
- Receiving, directly or indirectly, any interest or profit from the use or loan of public funds;
- Acting as a representative or agency for the Commonwealth or any agency in the transaction of business or regulatory action with yourself, or with any business in which you or a member of your family has any interest greater than five percent (5%) of the total value thereof;
- Undertaking, executing, holding, bidding on, negotiating, or enjoying, in whole or in part, any contract, agreement, lease, or purchase made, entered into, awarded, or granted by the agency by which you are employed or which you supervise, subject to the provisions of KRS 45A.340;
- Accepting compensation, other than that provided by law for public servants, for the performance of your official duties without the prior approval of the Executive Branch Ethics Commission;
- Accepting outside employment from any person or business that does business with or is regulated by the state agency for which you work or supervise without the approval of your appointing authority;
- Accepting any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars ($25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which you are employed or which you supervise, or from any group or association which has as its primary purpose the representation of those persons or businesses, except as provided in KRS Chapter 45A.

The Executive Branch Code of Ethics also places restrictions on your conduct after you leave state government. For example, in general, for one year after leaving state government, you are prohibited from the following:

- Acting as a lobbyist or a lobbyist's principal in matters in which you were directly involved during the last thirty-six (36) months of your tenure for a specific period of time;
- Representing a person or business before a state agency in a matter in which you were directly involved during the last thirty-six (36) months of your tenure for a specific period of time.

Also, former officers, as defined by KRS Chapter 11A, and certain elected officials are subject to additional restrictions for six months after leaving state service, such as the following:

- Undertaking, executing, holding, bidding on, negotiating, or enjoying, in whole or in part, any contract, agreement, lease, or purchase made, entered into, awarded, or granted by the agency by which you were employed within six (6) months from the termination of your employment;
- Accepting, within six (6) months from the termination of your employment, employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which you were directly involved during the last thirty-six (36) months of your tenure.

Certain Executive Branch employees are required to publicly disclose financial information within thirty (30) days of hire, annually, and within thirty (30) days of separation. If you are required to disclose this information, you will be sent notification of this requirement.

The Executive Branch Code of Ethics details procedures for reporting a complaint of an alleged violation of KRS Chapter 11A. An investigation may be initiated by the Executive Branch Ethics Commission to determine if a violation of the law has occurred. Penalties for violations of the Executive Branch Code of Ethics include loss of state employment, withholding of salary, civil penalties of not more than $5000 per violation, and criminal penalties for a Class D felony charge, depending on the law violated.

For more details of the ethics laws that govern the Executive Branch employees, refer to KRS Chapter 11A. If you have questions, you may consult your supervisor or designated Ethics Officer or request an advisory opinion from the Executive Branch Ethics Commission. A list of Ethics Officers may be found on the Executive Branch Ethics Commission website.

Use of State Materials and Equipment

When state materials, equipment, and resources are put to personal use, they must be replaced sooner, causing a drain on agency funds. KRS 11A.005, 11A.020 and 11A.040 prohibit a public servant from using his or her public office to obtain a private benefit, and from furthering his own economic interests through state employment. Therefore, when state employees use copy machines, telephones, stationery, computers, email, bandwidth, and other state resources as if they were their own personal property, they deprive the public of the use for which such resources were intended and violate the law. The conscientious employee will carefully use state materials and equipment purchased with tax dollars and take care to avoid the personal use of state resources.

LEGAL REFERENCES:
KRS Chapter 11A
KRS 11A.005
KRS 11A.020
KRS 11A.040

Outside Employment

Employees wishing to seek outside employment, in addition to their regular duties as a public servant, are required to request approval from their appointing authority to ensure there is not a conflict of interest. A request form is available on the Personnel Cabinet's website under Documents in Demand, which ensures that all necessary information is provided for proper consideration.

LEGAL REFERENCES:
9 KAR 1:050

Political Activities

As your employer, state government encourages you to register and vote. Believing that it is each citizen's responsibility to be informed about the issues that affect your life within society, you are allowed up to four (4) hours of paid leave to vote during work hours. For more information regarding voting leave, please refer to the voting leave section of this handbook.

To protect you from political pressure in your job, certain restrictions have been placed upon your involvement in political activities. These restrictions are located in KRS 18A.140:

Discrimination and Political Activities Prohibited.

No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the

classified service because of his/her political or religious opinions, affiliations, ethnic origin, sex, race or disability. No person over the age of forty (40) shall be discriminated against because of age.

Favoritism or discriminatory treatment in Merit System employment on the basis of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status is a violation of law.

The use or promise of political influence based upon an official position, whether actual or anticipated, or favorable or retaliatory treatment of a merit system employee or position is a violation of law.

Merit system employees may not be solicited to make contributions of money or services to political parties or candidates.

Merit system employees may not be actively involved in partisan political campaigns. Merit system employees can be candidates for an elected office on a non-partisan basis, as long as the employee complies with KRS 61.080, and there is no conflict of interest with their existing state job duties. Employees shall also provide notice to their appointing authority of their intent to seek office. State merit employees cannot be a candidate for nomination or election to a paid *partisan* office.

Permitted Activities

The following guidelines are taken from Opinions of the Attorney General who interprets the political activities law:

1. Registration and Voting: Classified employees may register and vote in any election.
2. Expression of Opinions: All persons subject to the personnel rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management or political campaigns.
3. Contributions: It is lawful for classified employees to make voluntary cash contributions to political parties, candidates, or organizations. However, it is unlawful for classified employees to make contributions of goods, services, or labor.
4. Membership in Political Clubs: Classified employees may join a political club and attend its meetings but may not hold office or serve on committees of the club.
5. Attendance at political rallies, conventions, etc. is permitted and classified employees may participate in the selection of committeemen and committeewomen. Classified employees may vote at the lowest level of the selection process for delegates to the party conventions.
6. Political Pictures and Signs: It is lawful for classified employees to display political pictures or signs on their property.
7. Badges, Buttons, and Stickers: It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles; however, no political badges, buttons, or other designations may be worn while on official duty or while the employee is conducting official business for the Commonwealth.
8. Precinct election officers: Classified employees may serve as precinct election officers at the polls.
9. Constitutional amendments, referenda, etc.: Classified employees may work actively for or against constitutional amendments, referenda or municipal ordinances in which they are interested, provided that state time and resources are not used for this purpose.
10. Transporting Voters: Classified employees on their own time may transport friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as a part of an organized service to a political party, faction, or candidate.

Prohibited Political Activities

The following political activities are prohibited whether the employee is on or off duty:

1. Political Party Involvement: Classified employees are prohibited from serving on or for any political committee, party, or other similar organization, or serving as delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention or in the selection of precinct committeemen or committeewomen.
2. Political Contributions: A classified employee is prohibited from soliciting or handling partisan political contributions.
3. Political Party Tickets: A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.
4. Political Club Involvement: A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any its committees, from addressing such a club on any partisan political matters, or from being active in organizing it.
5. Political meetings and rallies: A classified employee is prohibited from serving in connection with preparation for, organizing or conducting a political meeting or rally, or addressing such a meeting on any partisan political matter therein except to vote.
6. Partisan activity at election polls: A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.
7. Candidacy for office: A classified employee is prohibited from becoming a candidate for nomination or election to any paid partisan public office.
8. Campaign literature distribution: A classified employee is prohibited from distributing partisan campaign literature or material.
9. Nominating petitions: A classified employee is prohibited from initiating or circulating partisan political nominating petitions.
10. Solicitation of political support: A classified employee is prohibited from canvassing a district or soliciting political support from a party, faction, or candidate, either in person or writing.

Issue Advocacy

Employees are not prohibited from engaging in issue advocacy; however, employees are not permitted to engage in issue advocacy on state time, using state resources, or in a manner that conflicts with official duties.

LEGAL REFERENCES:
KRS 18A.140
KRS 61.080

Travel Regulations: Employees

If you travel on state business, your expenses may be reimbursed according to provisions of 200 KAR 2:006. This administrative regulation specifies in detail what types of transportation are acceptable under what conditions; what costs for accommodations and meals are allowable; what receipts you must obtain to document your expenses; what conditions determine whether or not you may be reimbursed for expenses; and what forms you must use in order to have your expenses reimbursed. Do not assume that your agency will reimburse all travel costs. You may contact a person in your agency authorized to make such judgments, usually in your agency's fiscal office, or review the information available on the Finance and Administrative Cabinet's website. You may find that your agency has agency-specific requirements to authorize travel.

LEGAL REFERENCES:
200 KAR 2:006

Use of Information Technology Resources

The following provides basic guidance on the appropriate use of Information Technology Resources in association with your duties as an employee of the Commonwealth of Kentucky. Information Technology Resources may include, but are not limited to the following:

- Mainframe, desktop, laptop, netbook and/or tablet computers, and their associated peripherals and media
- Smart phones, cell phones, and pagers
- Commonwealth provided and/or developed software
- Network resources including wireless connectivity, Local and Wide Area Networks, Internet access, servers, data storage and access, etc.
- Commonwealth-provided email services
- Social media
- Data

Summaries of the CIO Enterprise Policies associated with Information Technology Resources are listed below. Refer to the Enterprise IT Policies website for a complete list of IT policies. Please click the available links for more information. Agency-specific policies may be more restrictive than the ones summarized here. HIPAA requirements relating to use of the Kentucky Human Resources Information System (KHRIS) is one such example. Employees are expected to familiarize themselves with these policies and document their understanding of the policies in writing when required prior to use of Commonwealth Information Technology Resources. Failure to comply with these policies could result in disciplinary action up to and including dismissal.

Employee/User Responsibilities

CIO-060 Acceptable Use Policy

- State employees should use the Internet and email, when appropriate, to accomplish job responsibilities more effectively and to enrich their performance skills.
- Employees should have no expectation of personal privacy associated with email transmissions and the information they publish, store, or access on the Internet using the Commonwealth's resources.
- Employees should be aware that their conduct or information they publish could reflect on the reputation of the Commonwealth. Therefore, professionalism in all communications is of the utmost importance.
- Employees who choose to use email to transmit sensitive or confidential information during the execution of their job duties are required to encrypt such communications using an approved product.
- State employees are prohibited from text messaging while driving government-owned vehicles. Additionally, the Commonwealth does not encourage nor support the use of any mobile communication devices while operating non-government owned motor vehicles. This includes reading from or entering data into any hand-held or other electronic device for purposes such as telephone calls, emailing, navigational information, text messaging or similar activities.
- Incidental personal use of Internet and email resources is permissible, but not encouraged and must adhere to the following limitations:
    - It must not cause any additional expense to the Commonwealth
    - It must be infrequent and brief
    - It must not have any negative impact on the employee's overall productivity
    - It must not interfere with the normal operation of the employee's agency or work unit
    - It must not compromise the employee's agency or the Commonwealth in any way
    - It must be ethical and responsible

- Without specific prior approval, the following are examples of unacceptable and/or prohibited use:
    - Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, including but not limited to, the downloading, installation or distribution of pirated software, digital music and video files.
    - Engaging in illegal activities or using the Internet or email for any illegal purposes.
    - Using the Internet and email for personal business activities in a commercial manner such as buying or selling of commodities or services with a profit motive.
    - Using resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
    - Using abusive or objectionable language in either public or private messages.
    - Knowingly accessing pornographic sites on the Internet and disseminating, soliciting or storing sexually oriented messages or images.
    - Misrepresenting, obscuring, suppressing, or replacing a user's identity on the Internet or email. This includes the use of false or misleading subject headers and presentation of information in the distribution of email.
    - Employees are not permitted to use the email account of another employee without receiving written authorization or delegated permission to do so.
    - Employees are not permitted to forge email headers to make it appear as though an email came from someone else.
    - Sending or forwarding chain letters or other pyramid schemes of any type.
    - Sending or forwarding unsolicited commercial email (spam) including jokes.
    - Soliciting money for religious or political causes, advocating religious or political opinions and endorsing political candidates.
    - Making fraudulent offers of products, items, or services originating from any Commonwealth account.
    - Using official resources to distribute personal information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 61.870.
    - Online investing, stock trading and auction services such as eBay unless the activity is for Commonwealth business.
    - Developing or maintaining a personal web page on or from a Commonwealth device.
    - Use of peer-to-peer (referred to as P2P) networks.
    - Any other non-business related activities that will cause congestion, disruption of networks or systems including, but not limited to, Internet games, online gaming, unnecessary Listserve subscriptions, Chat rooms, messaging services or similar Internet-based collaborative services.

CIO-061 Social Media Policy

- All plans for new social media sites and accounts must be approved by the agency head or cabinet secretary
- The communications office in the agency will control and approve social media accounts and retain information related to those accounts (i.e., name, password, etc.)
- Content to be included on social media accounts should be sent by the agency communications office to the Governor's Communications Office for approval before posting
- Official state accounts should not be used to publish personal opinions. Employees wishing to publish personal comments should use their personal social media accounts to do so on their own personal time.
- Without specific prior approval, the following are examples of unacceptable and/or prohibited use:

- Information that may tend to compromise the safety or security of the public or public systems.
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
- Personal, sensitive or confidential information of any kind.
- Any content that would violate any statute, regulation, or internal procedure.
- Violations of copyright, fair use and other applicable laws.
- The use of profane language, sexual content, or discussion of illegal or banned substances.

CIO-071 Wireless Voice and Data Services Policy

- Wireless services and devices (such as cellular telephones) provided through your agency are for official use. If a state issued cellular telephone is used for personal use, the employee is expected to reimburse the state for those calls through their agency.
- The agency may allow an employee to use a personally owned wireless device for state business if it is deemed to be in the best interest of the state.
- Employees should avoid transmitting sensitive or confidential information over any wireless network without approved security services or encryption tools, if and when available.
- Employees using wireless devices are responsible for securing them at all times. For example: when leaving your vehicle, make sure that the doors are locked and the device is out of sight. All losses should be reported to the agency wireless coordinator immediately.

CIO-072 IT Access Control and User Access Management Policy

- UserIDs must be individually owned by only a single individual responsible for every action initiated by that account.
- Passwords must be kept confidential and not shared with others or kept on paper unless securely stored.
- Users must refuse all offers by software to store credentials to allow for automatic login.

CIO-073 Anti-Virus Policy

- Only approved software is allowed to reside on Commonwealth owned computer resources.
- If a virus-scanning program detects malware and/or a user suspects some type of virus infection on a Commonwealth computer, the user must immediately stop using the computer and notify the Commonwealth Service Desk.
- If a home computer is authorized to access state resources, agencies and staff must ensure that the computer meets the same malware protection standards as computers in the workplace.

CIO-090 Information Security Incident Policy

- This policy identifies the necessity and procedures for agencies and COT to identify and notify appropriate personnel when a security incident occurs.
- Timely identification and notification of incidents allow COT and affected agencies to respond expeditiously to information security threats against Commonwealth resources.
- This policy also specifies events that may require special handling because of their potential impact or special reporting due to regulatory or other concerns.

Kentucky Cybersecurity Law (KRS Chapter 61)

Personal Information Security and Breach Investigations (931-934) - Effective January 1, 2015

- Definitions for KRS 61.931 to 61.934
- Personal information security and breach investigation procedures and practices for certain public agencies and nonaffiliated third parties

- Notification of personal information security breach -- Investigation -- Notice to affected individuals of result of investigation -- Personal information not subject to requirements -- Injunctive relief by Attorney General
- Personal information security and breach investigation procedures and practices for legislative and judicial branches -- Personal information disposal or destruction procedures

CIO-092 Media Protection Policy

- Digital media covered by this policy include but not limited to: Physical electronic media used to store information. (ex. diskettes, magnetic tapes, desktops, laptops, hard drives, random access memory, read only memory, compact disks, network equipment)
- Non-digital media covered by this policy include but are not limited to: hard copy or physical representation of information. (ex. paper copies, printouts, printer ribbons, drums, microfilm, platens)
- Media shall be marked and stored in accordance with regulatory requirements.
- During transport, media shall be protected and controlled outside of secured areas and activities associated with transport of such media restricted to authorized personnel. Tracking methods shall be developed and deployed to ensure media reaches its intended destination. If sensitive information is transmitted via e-mail or other electronic means, it must be sent using approved encryption mechanisms.
- Media shall be physically controlled and securely stored in a manner that ensures that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where sensitive information is stored.

CIO-107 Enterprise Managed Print Services Policy

- The Commonwealth Office of Technology (COT) offers MPS to all Commonwealth governmental agencies. The MPS is mandated for use in all agencies within the executive Branch of Commonwealth government and available to all other agencies upon request. This policy outlines responsibilities for COT, and for agencies.
- COT must assess the business needs of each agency upon MPS entry, and provide each agency an optimization plan based on industry norms and best practices for equipment and equipment placement. This plan may be adjusted based upon unique agency needs. COT must provide devices, device drivers, support, and repair services for MPS. COT must authorize agency device contacts to manage day-to-day user-level activities.
- COT may conduct a periodic review of each device's use to ensure optimal utilization of devices. Long-term, defined as six months or more, overutilization, or underutilization, of MPS devices, shall be reported by COT to the agency COT contact. COT may take corrective action including adding, upgrading, downgrading, or removing devices. Agencies may provide input into the corrective action.
- Agencies shall encourage their staff to use electronic means, instead of printed materials, whenever possible. Agencies shall assign at least one staff member to act as a device contact for each device in their agency. Agencies shall not use Direct IP printing or use local printers and copiers unless the MPS Project Manager (PM) approves an exemption in writing.
- To promote efficiency and cost savings for large printing tasks, agencies shall consider the use of Production Print Services.
- Agencies shall request adding, moving, removal, or relocation of devices using the MACD (move/add/change/disposal) form available at the Kentucky MPS website (ky-mps.com). Agencies shall not relocate devices covered by MPS. If the agency deems it necessary to temporarily move MPS devices, the Agency is financially responsible for damage to, or misuse of, equipment.

- COT must ensure MPS default settings are configured for black-and-white printing in duplex mode. Agencies shall ensure that personnel print all documents in black-and-white, and in duplex mode, unless other printing modes are necessary for agency business operations. Agencies shall not print e-mails or faxes unless retention of printed documents is required, or agency business processes require production of paper versions.

All employees are required to complete Security Awareness training. This online course is available within MyPURPOSE, with details available on the Personnel Cabinet's website under Resources/Training and Development/Employees/HR. Please also be aware that inclusion of unprofessional photographs, favorite quotations, and excessive customization of fonts/backgrounds in email is prohibited.

Work Schedules

State employees are expected to adhere to their assigned work schedule. A full-time employee shall be required to work 37 ½ hours per week (some employees regularly work 40 hours a week) unless specified otherwise by the Appointing Authority or the Statutes. The typical workweek runs Monday through Friday, 8:00 a.m. till 4:30 p.m., with reasonable time off each day for lunch pursuant to KRS 337.355. You are also entitled to rest breaks according to KRS 337.365.

Agency managers have discretion in deciding what work hours best meet the needs of a particular workplace. If you work in a state hospital or correctional facility, for example, you may work a different shift than your office counterparts. Your lunch period may be less than an hour if it is necessary for staff to rotate to provide continuous coverage.

Another area of discretion is flextime scheduling. An agency may offer some or all its employees the opportunity to design their own work schedules. Usually, agencies operating under flextime require that their employees work certain "core" hours during each day to ensure that there is a steady flow of work during the peak hours when services are most needed.

Time Reporting

Employees are expected to accurately record and report their work time. This includes hours worked and leave time taken. The timesheet should be reflective of the actual time. For example, if an employee is required to work through lunch and then is allowed to leave work early that day, the timesheet should show compensatory time earned for the lunch period, and leave time taken that afternoon. In addition, supervisors are also required to verify the timesheet before approving. Please remember that falsification of records relating to time, including omission of overtime worked, is a violation of state law.

All employees are required to complete Accurate Time Reporting training. This online course is available within MyPURPOSE, with details available on the Personnel Cabinet's website under Resources/Training and Development/Employees/HR.

LEGAL REFERENCES:
KRS 337.355
KRS 337.365
KRS 18A.145

EMPLOYEE SERVICES/RECOGNITION

Communications

The Personnel Cabinet utilizes multiple tools to communicate with employees. These include:

- Social Media: Facebook, Twitter, and LinkedIn
- The Personnel Cabinet maintains accounts with both of these media outlets and frequently posts special job announcements, health insurance information, and other important news.

- Personnel Cabinet website
- Important information can be found on every page; however, the main screen contains a rotating message bar that provides information on current events and time sensitive matters.
- KHRIS Employee Self-Service
- The welcome screen contains important information and announcements from the Personnel Cabinet and other state agencies.
- Personnel Cabinet Mobile App
- Providing direct links to resources on the website, this app also gives quick access to the employee's recent pay information, current leave balances, as well as a secure log in to KHRIS ESS. More importantly, this app is also used for sending notifications to employees regarding closures and other employee events, when notifications are allowed by the user. When a user shares their location it also allows for more area specific information to be shared, such as weather and traffic alerts and even security incidents. The app is free to download on Apple's App Store (Apple) and Google Play (Android) as "kentucky personnel cabinet."

Email is another communication tool utilized as needed. If you have a ky.gov email address, please watch for emails from Personnel Cabinet Correspondence (PersCab.Correspond@ky.gov), Kentucky Personnel Cabinet (KYPERS@subscriptions.kentucky.gov), as well as KEHP@ky.gov. If you do not have a ky.gov email address, your agency should ensure that these communications are shared with you timely and as needed.

Kentucky Employee Suggestion System (KESS)

All employees with status in the classified service (merit employees) or an employee governed by KRS Chapter 16 may be recognized and rewarded for submitting suggestions that result in the improvement of state service or in the realization of financial savings by the state. Employees in the unclassified service (non-merit) are not eligible.

Cash awards are given when a suggestion has been implemented by an agency and approved. The suggestions must result in cost reductions or cost avoidance; or consist of ideas that would improve the operations of a process or program, public relations, safety or effectiveness of operations. Awards range from $100 minimum to ten percent (10%) of the first year's documented or estimated savings, up to a maximum of $2,500.00. A $100.00 award may be given for ideas that have intangible savings.

Information about the Kentucky Employee Suggestion System is available on the Kentucky Personnel Rewards and Recognition website. It's accessible through KHRIS Employee Self-Service (ESS) using a link on that same site or by logging into the KHRIS portal and clicking on the Kentucky Employee Suggestions System tab.

LEGAL REFERENCES:
KRS Chapter 16
KRS 18A.110
101 KAR 2:120

Kentucky Employees Charitable Campaign (KECC)

Each year the Personnel Cabinet administers the Kentucky Employees Charitable Campaign to all employees who receive their pay through the Commonwealth of Kentucky. (This is not limited to KRS Chapter 18A employees.) The purpose of this campaign is to raise funds for a number of state charities. Refer to Kentucky Employees Charitable Campaign for more information, or contact your human resource administrator for information about making a donation.

LEGAL REFERENCES:
101 KAR 2:095

Kentucky Human Resource Information System (KHRIS): Self-Service Center

KHRIS is the Commonwealth of Kentucky's human resources system. It is managed by the Personnel Cabinet and used by human resource administrators to input and maintain employee human resource information. Employee Self-Service (ESS) and Manager Self-Service (MSS) are features of KHRIS, available through the internet, that allow employees and managers access to review and maintain certain information.

- **Employee Self-Service (ESS):** This feature allows employees to complete some human resource tasks on their own. This includes enrolling in direct deposit, accessing salary statements and tax documents, completing open enrollment for health insurance and more.
- **Manager Self-Service (MSS):** This feature is available to managers and provides a single access point for completing managerial tasks.

Tutorials can be accessed on the Personnel Cabinet's website under Resources/Training and Development/KHRIS. Access the KHRIS Employee Self-Service (ESS) by logging in.

MyPURPOSE

MyPURPOSE is the Commonwealth of Kentucky's talent management system. It is managed by the Personnel Cabinet and used by all employees to access the following features and more.

- Jobs: Internal employees can review, apply/monitor application statuses, and even refer friends to open opportunities.
- MyCOMMUNITY: Depending on your job or your agency's use of this feature, you may have access to participate in group discussions in a forum-style environment.
- Learning: CommonwealthU provides access to more than 1,000 online courses, as well as instructor-led training opportunities.
- Performance: MyPERFORMANCE transitions the Employee Performance Management System to an electronic process.

Training and Development Services

Professional growth and development opportunities are available for employees and managers through the programs and services of the Governmental Services Center (GSC). The Governmental Services Center (GSC) is responsible for the development, coordination, and implementation of all training, employee development, and related programs conducted on behalf of the Executive Branch.

Training and Consulting Services

GSC offers a curriculum of workshops provided in classroom and online platforms. The management development curriculum includes topics such as fundamental and advanced leadership skills, managing under the merit system, managing employee performance, and the best practices in the hiring and selection process. The employee development curriculum includes topics such as interpersonal skills, problem solving, and other courses for development of the employee. GSC classes are open to ALL employees. The only registration restrictions that apply are class pre-requisites. For any class with a pre-requisite class note, you MUST take or be enrolled in the pre-requisite before you can be enrolled in the class. If there is a suggested order in which to take classes in order to get the most out of your workshop, you should take the suggested class first. GSC also provides a variety of consulting services to state Cabinets and agencies. GSC staff is available to provide customized services and training to meet specific organization needs.

Agency Training Liaisons

To facilitate communication with employees about the services provided by GSC, each agency provides a training liaison as a communication link and to assist employees by providing information and

enrolling them in classes. Agencies have different request and approval procedures. Please check with your agency liaison for the process in your agency.

Training Schedule
The GSC training schedule is prepared quarterly and class schedules are prepared about six months in advance. Agency liaisons also always have access to the most up-to-date schedule information. Schedules, course descriptions, and other helpful information can be found at the GSC website.

Educational Achievement Award
On the 16th of a month, an appointing authority may grant a five (5) percent increase to an employee's base salary based on educational achievement, as follows:

- Postsecondary education or training:
    - The employee has completed 260 hours of job-related instruction (or the equivalent as determined by the Secretary of Personnel);
    - The employee began the course work after becoming a state employee and completed the course work after establishing an increment date;
    - The employee has completed the course work within five (5) years of the date on which it was begun;
    - The course work has not previously been applied toward an educational achievement award;
    - The agency has not paid for the course work or costs associated with it, in whole or in part; and
    - The employee was not on educational or extended sick leave when the courses were taken.
- High school diploma, high school equivalency certificate, or passing score on the GED test:
    - Outside of work hours;
    - While in state service;
    - On or after January 1, 1984;
    - The employee has not previously attained a high school diploma, equivalency certificate, or passing score on the GED test; and
    - The employee has not completed college coursework on the undergraduate or graduate level prior to obtaining the high school diploma, equivalency certificate or a passing score on the GED test.

An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

An employee shall not receive more than one (1) educational achievement award in a fiscal year.

An employee shall not receive an educational achievement award and an adjustment for continuing excellence (ACE) based on the same training.

By submitting a personnel action to grant an educational achievement award, the appointing authority shall certify that all of the qualifying conditions established by this section for the appropriate type of educational achievement award have been met.

Employee Educational Assistance
Employee Educational Assistance is a benefit to both the employee and to the Commonwealth of Kentucky. The program provides financial assistance to employees to continue their formal education, which results in an improved workforce and helps the employee achieve his or her individual career goals. Educational assistance generally is provided for formal education programs that are taken on the personal time of the employee. All cabinets and agencies are encouraged to participate in this program.

Specific policy information is available on the Personnel Cabinet's website.

LEGAL REFERENCES:
101 KAR 2:034
101 KAR 2:221

EMPLOYEE RELATIONS

Appeals to the Personnel Board

Employees who have been dismissed, suspended, demoted, or otherwise penalized may appeal to the Personnel Board. KRS 18A.095 explains the procedures for filing and hearing appeals. Additional information is contained in 101 KAR 1:365.

You may obtain an employee appeal form from your human resource administrator or from the Personnel Board.

Time limitations for filing an appeal with the Personnel Board vary from thirty (30) days to one (1) year, depending upon the nature of the alleged penalization. An employee should refer to KRS 18A.095 and other resources to determine the time in which a specific appeal must be filed.

LEGAL REFERENCES:
KRS 18A.095
101 KAR 1:365

Grievance Process

Occasionally classified employees are faced with situations that cannot be resolved through informal complaint processes. In such cases, the employee may wish to file a formal grievance with his or her agency. The employee grievance procedure, set forth in 101 KAR 1:375, allows many serious matters to be resolved in-house through a formal structure designed to save employees and their agencies both time and unnecessary effort.

A grievance is a complaint filed by an employee which concerns some aspect of his or her conditions of employment over which the employee's cabinet or agency has control and which has occurred or of which the employee has become aware, through the exercise of due diligence, within thirty (30) days prior to filing.

Any grievance concerning an action which is appealable directly to the Personnel Board under KRS 18A.095 may also be filed with the cabinet or agency. The filing of a grievance with the cabinet or agency does not prohibit the employee from also filing an appeal with the Personnel Board, or extend the statutory appeal period.

An employee utilizing this procedure is entitled to file a grievance without interference, coercion, discrimination, or reprisal.

An appointing authority must inform its employees of the provisions of 101 KAR 1:375, the administrative regulation governing the grievance process, or any modifications in the levels of review that have been approved by the Personnel Board for the employee's cabinet or agency under that administrative regulation.

The Secretary of the Personnel Cabinet provides to employees, through their appointing authorities, a Grievance Form to be used for filing a grievance. Grievance forms may also be inspected, copied or obtained at the Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Procedures

A grievance is to be filed with an employee's immediate supervisor within thirty (30) 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 the first line supervisor is the basis of an employee's grievance, the grievance may be filed with the second line supervisor.

An employee must state in writing the basis of the grievance or complaint together with the corrective action desired. If an employee wishes to submit additional information or documentation, it should be attached to the Grievance Form.

If a grievance is filed that alleges discrimination on the basis of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status, the recipient of this grievance must immediately notify the cabinet or agency EEO Coordinator to apply the affirmative action plan.

Interviews to evaluate or investigate the grievance outside of normal work hours with the grievant or other employees entitle them to compensatory time.

Interviews to evaluate or investigate the grievance held with the grievant or other employees during normal work hours do not require the use of leave time.

The grievant may have a representative present at each step of the grievance procedure.

Grievance Levels

The person with whom the grievance is filed shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) workdays after receipt of the grievance. If the responding supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within five (5) workdays of receipt of the decision to the next appropriate level.

The next line supervisors shall each have five (5) workdays to respond to the grievance. The employee shall have five (5) workdays after each intermediate supervisory review to decide to appeal the grievance to the next level.

If the line supervisors are unable to resolve the grievance to the satisfaction of the employee, the employee may request review of the grievance within five (5) workdays of receipt of the decision of the final line supervisor by the appointing authority who, upon investigation, shall issue findings and a final determination in writing to the employee within twenty (20) workdays.

Unless the time limits have been extended by agreement of the parties, failure of supervisory or management personnel to respond within prescribed time limits shall automatically advance the grievance to the next review level.

Any intermediate grievance level may be waived by written agreement of the parties.

LEGAL REFERENCES:
101 KAR 1:375

Kentucky Employee Assistance Program (KEAP)

The Kentucky Employee Assistance Program (KEAP) is dedicated to helping employees and their dependents find solutions to the personal problems that may hinder their effectiveness at work.

Problems concerning marital, family, or emotional distress, alcoholism, and drug abuse; or financial or medical issues can seriously diminish an individual's job performance. The Commonwealth of Kentucky recognizes that there are positive, workable solutions to many of these problems that trouble employees.

State employees and their dependents are eligible for KEAP services. There is no cost for its information or referral services. All of your contact with KEAP is confidential as required by state and federal law. Employee involvement with KEAP is permitted on state time with the supervisor's prior approval. Supervisors may refer employees to KEAP when job performance deteriorates, however participation is voluntary.

If you or your dependents could benefit from this assessment and referral service, call the KEAP office for more information. In Frankfort call (502) 564-5788, or use the toll-free 1 (800) 445-KEAP number from anywhere in the state. Kentucky State Police also has an Employee Assistance Program.

Employee Assistance Branch (KEAP)
Kentucky State Office Building
501 High Street
Frankfort, KY 40601
Phone: (502) 564-5788 or (800) 445-5327

LEGAL REFERENCES:
101 KAR 2:160

Kentucky Employee Mediation Program (KEMP)

Mediation is a form of dispute resolution where neutral mediators facilitate a meeting between parties in conflict and helps them reach an agreement that is acceptable to both parties. The mediators do not take sides, make decisions, nor advocate certain solutions.

The Kentucky Employee Mediation Program (KEMP) helps employees resolve disputes with their co-workers and their supervisors and appeals from the Personnel Board. The goal of the program is to help employees and supervisors deal with problems in the workplace.

KEMP is a voluntary service, and is available to all Executive Branch employees, free of charge. Employees are not required to use leave time to attend mediation when the employee has obtained prior approval from his/her supervisor. Mediations sessions usually take approximately three hours to complete. Either the employee or the supervisor may request mediation services. Mediation does not replace other avenues of dispute resolution which are available to state employees, such as grievances and Personnel Board appeals.

For more information or to schedule mediation, contact the Workplace Relations Branch at (502) 564-6618.

LEGAL REFERENCES:
101 KAR 2:230

Workers' Compensation

Executive Branch employees are covered under the Kentucky Workers' Compensation law pursuant to KRS Chapter 342. If you are injured on the job, you must report the injury as soon as possible to your supervisor. Supervisors or their designee, are responsible for completing the Employer's First Report of Injury or Illness within 3 working days. Agencies (with the exception of the Transportation Cabinet) may complete the First Report of Injury online. Employees with the Transportation Cabinet should contact their human resources office for questions regarding their reporting process.

If your claim is approved, your necessary medical expenses will be paid and where applicable, part of your salary will be paid. Workers' Compensation income benefits are 66 2/3% of your average weekly salary, up to the state maximum as set forth by the Department of Workers' Claims. You may use your accumulated leave to keep your regular salary. If you choose to use your paid accumulated leave, your Workers' Compensation income benefits must be remitted back to the state for whatever time you receive paid leave. Your accumulated leave will be reinstated to the extent that Worker's Compensation

income benefits are remitted. You may not receive and keep paid accumulated leave and Worker's Compensation income benefits for the same period of time. Refer to 101 KAR 2:140 Section 4, Workers' Compensation Fund and Program.

Most injuries are preventable if employees remain safety-conscious. Review the Safety section included in this handbook or contact the Kentucky Safety Program and Workers' Compensation Branch at (502) 564-6847 for additional information.

LEGAL REFERENCES:
KRS Chapter 342
101 KAR 2:140

WORKPLACE

Americans with Disabilities Act (ADA)

Policy Statement on the Americans with Disabilities Act (ADA)
Kentucky state government is committed to the full implementation of the Americans with Disabilities Act (ADA). It is the policy of the Commonwealth to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities.

All employees must comply with the following policies regarding the ADA:

- Discrimination Prohibited: Employees with disabilities who are otherwise qualified may not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state.
- Limiting, Segregating, and Classifying: Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- Contractual or Other Arrangements: The Commonwealth will not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA.
- Reasonable Accommodations: The Commonwealth will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, an agency will make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.
- Retaliation and Coercion: The Commonwealth will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA, or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in the Grievance Process section of the Employee Handbook. Please direct any questions or concerns to your agency ADA Coordinator.

LEGAL REFERENCES:
KRS 18A.095
KRS 18A.138
101 KAR 1:375

Dress Code

As the Commonwealth's largest employer, our workforce interacts with the public and other government entities on a daily basis. Employees, as representatives of the Commonwealth, should maintain a neat,

professional appearance that is appropriate for the workplace and the work being performed. Employees shall adhere to the following guidelines:

- Employees shall carry or wear employee identification badges or other agency-identifying clothing;
- Flip-flops shall not be worn in the workplace;
- Employees shall not wear tops exposing their midriff;
- Employees shall not wear tops with oversized/large commercial logos or offensive language;
- Reasonable accommodations to this policy may be granted for religious, medical, or disability related needs;
- An employee seeking an accommodation should contact the agency's Human Resource office.

The Personnel Cabinet recognizes that individual workplaces have unique needs and requirements. Therefore, agencies are responsible for ensuring that their employees are aware of this policy in addition to any other policy that may exist for the agency. Any employee found in violation of the policy will be required to take corrective action, which may include leaving the work premises, and may be subject to disciplinary action, up to and including dismissal.

Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

- The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace.
- Employees may be required to satisfactorily participate in a drug abuse assistance or treatment program.
- State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.
- Compliance with drug-free workplace requirements is a condition of continued employment with the Executive Branch. Each employee is obligated to report any conviction he or she receives as a result of a violation of any criminal drug statute occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's Appointing Authority and is required by federal law. Failure of any employee to report his or her conviction to the appointing authority may result in disciplinary action. The agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.
- Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal. Employees who have questions concerning this directive are encouraged to contact their supervisor, the Personnel Cabinet Office of Legal Services at (502) 564-7430, or the Kentucky Employee Assistance Program at (502) 564-5788. Refer to the Personnel Cabinet's Substance Abuse website for more information.

LEGAL REFERENCES:
KRS 18A.043
41 U.S.C. § 8103

Drug Testing

Some Executive Branch employees may be subject to drug testing. Employees should consult with their agency's human resources office to determine the applicability of drug testing.

Employees subject to drug testing should refrain from consuming supplements or other products that have not been approved by the U.S. Food and Drug Administration. For instance, some consumable products that are labeled as containing cannabidiol (CBD) may also contain chemical compounds whose presence could cause an employee to fail an employer's drug test.

HIV and AIDS in the Workplace

WHAT YOU SHOULD KNOW ABOUT HIV AND AIDS

HIV and the Workplace

The impact of the HIV/AIDS epidemic continues to affect the workplace. Since the beginning of the epidemic in 1982, more Kentuckians are aged 30-39 years at the time of HIV diagnosis than any other decade. However, in recent years, the highest rates of new HIV diagnosis occurred in Kentuckians aged 20-29. Many persons living with HIV are diagnosed early in their working careers, which may negatively impact career paths and the workforce. Due to advances in antiretroviral therapy, with proper care and treatment, people are living healthier, longer lives and continue to contribute their skills and talents to America's labor force.

What is HIV?

HIV stands for human immunodeficiency virus. Infection with HIV can lead to acquired immunodeficiency syndrome, or AIDS. There is no cure for HIV. HIV is spread through blood and certain body fluids. The virus affects specific cells of the immune system and can destroy cells over time so the body can't fight infections and disease due to weakened immunity.

What is AIDS?

AIDS may follow infection with HIV, especially if the infection is not diagnosed and treated early. AIDS can be a life-threatening illness that causes the body of a person to be unable to fight off infections. A person with AIDS is susceptible to certain types of infections and AIDS related cancers. These infections and cancers can result in death**.**

Stages of Infection

- Acute infection – within 2 to 4 weeks after infection with HIV. The ability to spread HIV is highest during this stage because the amount of virus in the blood is very high.
- Clinical latency – HIV is active, but reproduces at very low levels. A person may not have any symptoms or get sick.
- AIDS – the immune system of the infected person is badly damaged, so the person becomes vulnerable to infections and infection-related cancers called opportunistic illnesses.

Testing: Early diagnosis of HIV infection is critical! Everyone should be tested for HIV, more frequently if engaging (or with a partner who engages) in risky sexual or needle-sharing behaviors. Confidential and anonymous testing with counseling is available at all local health departments in Kentucky at reduced cost or free. After being infected with HIV, it takes between two weeks to three months before testing can detect antigens and/or antibodies to the virus. If you test positive, your health care provider can help you determine the best treatment for you to remain healthy. Antiretroviral therapy has proven to prolong the lives of many people infected with HIV and lowers their chance of infecting others.

How is HIV spread?

- Sexual contact (oral, rectal, or vaginal intercourse) with an infected person when blood, pre-seminal fluid, semen, rectal or cervical/vaginal secretions are exchanged.
- Sharing drug injection equipment with someone who is infected (for example, syringes, needles, cotton, cookers and other drug injecting equipment).
- Receiving contaminated blood or blood products (very unlikely now because blood used for transfusions has been tested for HIV antibodies since March 1985).

- An infected mother can pass HIV to her unborn child before or during childbirth, and through breast-feeding.
- Receipt of transplant, tissue/organs, or artificial insemination from an infected donor.
- Needle stick or other sharps injury in a health care setting involving an infected person. If stuck, infections can sometimes be prevented by taking post-exposure prophylaxis (PEP) antiretroviral drugs. Strict adherence to universal precautions is the best way to prevent exposures.

You cannot get HIV through casual contact, such as:

- Sharing utensils, glasses, or plates.
- Touching someone who is infected with HIV.
- Hugging or shaking hands.
- Donating blood or plasma (this has NEVER been a risk for contracting HIV).
- Using public rest rooms, drinking fountains, or tanning beds.
- Being bitten by mosquitoes or other insects.

How can HIV be prevented?

- Do not share drug injecting equipment. If you inject drugs, go to a syringe services program (offered by many local health departments in Kentucky).
- Strategies such as abstinence; limiting the number of sexual partners; using latex condoms (rubbers), female condoms or dental dams, and water based lubricant every time you have sex; and knowing your partners' status of HIV and drug use helps prevent HIV transmission.
- If you are at risk of infection, considering using PrEP (Pre-Exposure Prophylaxis) – medication that can prevent HIV infection. People who do not have HIV but who are at substantial risk of infection can prevent HIV infection by taking a pill every day. When someone is exposed to HIV through sex or injection drug use, these medicines can work to keep the virus from establishing a permanent infection. When taken consistently, PrEP has been shown to reduce the risk of HIV infection in people who are at high risk of getting HIV by sex by approximately 9% and among persons who inject drugs, PrEP decreases the risk by at least 74% when taken daily. PrEP is much less effective if it is not taken consistently.
- If you have been potentially exposed to HIV, contact a health care provider as soon as possible for PEP. PEP is medication that can be used within 72 hours in emergency situations to reduce the likelihood of getting HIV.
- Educate yourself and others about HIV infection and AIDS.
- Talk to your health care provider if you think you may have been infected with HIV.
- Always adhere to universal precautions.

Women and HIV/AIDS

Kentucky females are most likely to contract HIV/AIDS from sex with an infected man or through injection drug use. HIV can be spread through body fluids (i.e., blood, semen, vaginal and rectal secretions, and breast milk). All women, especially, pregnant women, should be tested for HIV as part of their annual exam.

IF YOU NEED MORE INFORMATION CALL:

Kentucky HIV/AIDS Program (502) 564-6539
The National AIDS/HIV Hotline 1 (800) HIV-0440
Your local health department

LEGAL REFERENCES:

KRS 18A.030 (5)

Kentucky Safety Program

The purpose of the Program is to develop and promote a healthy and safe working environment for the state's most valuable assets, its employees. The State Safety Program, working through the Executive Safety Advisory Committee ("ESAC"), educates state employees on preventative measures, procedures, and practices to reduce work-related accidents by identifying potential hazards and dangers before an injury may occur. Information on the Kentucky State Safety Program can be found in the Kentucky Safety and Health Manual and is also located on the Personnel Cabinet's website.

LEGAL REFERENCES:
101 KAR 2:150

Pregnant Workers Act

Effective June 27, 2019, the Pregnant Workers Act amends the Kentucky Civil Rights Act to expressly prohibit employment discrimination in relation to an employee's pregnancy, childbirth, and related medical conditions. Employers must make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation, including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Acquisition or modification of equipment;
- Appropriate seating;
- Temporary transfer to a less strenuous or less hazardous position;
- Job restructuring;
- Light duty;
- Modified work schedule; and
- Private space that is not a bathroom for expressing breast milk.

The Pregnant Workers Act also creates the first lactation accommodation requirement in Kentucky, defining related medical condition to include lactation or the need to express breast milk. As noted above, the new law requires employers to provide space, other than a bathroom, for their nursing employees to express breast milk.

Please contact your supervisor or your agency's Human Resources representative with any questions concerning the Pregnant Workers Act.

LEGAL REFERENCES:
KRS 344.030-.110

Tobacco-Free Policy

Effective November 20, 2014 and pursuant to Executive Order 2014-747, the use of tobacco, any tobacco product, and any electronic cigarette or vaping device is prohibited on any and all properties owned, leased or contracted for use by the Executive Branch of the Commonwealth of Kentucky, including but not limited to all buildings or portions of buildings, land and vehicles owned, leased or contracted for use by agencies of the Executive Branch of the Commonwealth of Kentucky over which the Finance and Administration Cabinet has control. For questions regarding this policy and how it applies to your agency and/or work location, please contact your human resource administrator.

LEGAL REFERENCES:
Tobacco-Free Website
EO 2014-747

Violence in the Workplace

The Commonwealth of Kentucky does not tolerate any actions that threaten its employees. Workplace violence shall be prohibited and shall include: (a) The attempted, threatened, or actual conduct of a person who endangers or is likely to endanger the health and safety of state employees or the general public; or (b) A threatening statement, harassment, or behavior that gives a state employee or member of the general public reasonable cause to believe that his health or safety is at risk.

Examples of prohibited workplace violence shall include, but are not limited to: (a) Threats of harm; (b) Brandishing or displaying a weapon or an object that looks like a weapon in a manner that would present a safety risk to a state employee or a member of the general public or threatens or intimidates them; (c) Intimidating, threatening, or directing abusive language toward another person, either verbally, in writing or by gesture; (d) Stalking; (e) Striking, slapping, or otherwise physically attacking another person; or (f) Disobeying or failing to follow the reasonable directive of a supervisor to take action or cease actions that create a risk to the health or safety of a state employee or the public or threatens or intimidates them.

All instances of workplace violence are to be immediately reported to supervisors. If the employee's supervisor is unavailable or is the subject of the action at issue, the employee shall immediately bring the incident to the attention of their second-line supervisor. The supervisor or second-line supervisor should contact building security or law enforcement where appropriate. Employees should contact their agency Human Resources administrator for specific directives. Reports of prohibited conduct shall be investigated and may constitute grounds for disciplinary action and referral for criminal prosecution.

LEGAL REFERENCES:
101 KAR 2:095, Section 9