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MEMORANDUM

TO: HR Executives
HR Administrators

FROM: Mary Elizabeth Harrod, Director
Department of Personnel Administration
Division of Employee Management

RE: Union Steward Leave

DATE: May 20, 2009

The Governor's Employee Advisory Council (GEAC) was reinstated pursuant to Executive Order 2008-471. The Commonwealth of Kentucky and all elected certified employee organizations have finalized the Master Agreement, which seeks to establish a constructive, cooperative relationship among employees, their employee organizations, and the Commonwealth by setting forth general terms of agreement. A complete copy of this Master Agreement is available for your review at the Personnel Cabinet's website.

With the finalization of this Master Agreement, there are many issues surrounding union steward leave of which all agencies need to be aware.

Union Stewards – Stewards are classified state employees, designated by an employee organization, who are representatives of a category unit. Except when they are engaged in the activities set forth by the Master Agreement, stewards shall continue at their regular work in the same manner as other employees. The designated stewards are entitled to steward leave to attend grievance meetings and represent employees as contained within the Master Agreement. Other employees who are not designated as stewards may take time off for GEAC activities as requested and per the requirements below, but they do not qualify for paid steward leave as called for in the Master Agreement. The lists of union stewards who are eligible for steward leave are to be provided to the GEAC, and will be listed under GEAC on the Personnel Cabinet's website.

Paid Steward Leave – As provided in Article 12 of the Master Agreement, union stewards shall

be allowed up to 15 hours of paid leave per month during working hours to attend grievance hearings, labor-management meetings, and grievance investigations. The steward shall request the time as far in advance as possible, and the Appointing Authority and supervisors are encouraged to grant this time under these circumstances unless the steward's absence would unduly burden the agency. Therefore, if an agency is inclined to disapprove the leave request, the agency must have a legitimate business reason for the denial. Time spent by stewards in authorized activities shall be for the minimum amount of time necessary to perform the specific function.

Procedure for Steward Leave – An employee who has been approved for steward leave shall have their time reflected on his or her time sheet as regular hours worked (“700” hours in CICS). This time shall not be designated as leave hours on the time sheet. Rather, the designation of “steward leave” shall be recorded in the “Memos for Daily Entries” or similar remarks section. This designation should enable supervisors to track the amount of steward leave utilized each month, and allow each agency to track the total amount of steward leave for the agency. With the implementation of KHRIS, there will be a designated leave code for “steward leave” and this leave will be tracked via KHRIS. However, due to the limitations of our current payroll system, no “steward leave” code is available for use.

Documentation of Leave – Stewards shall provide sufficient documentation following their time spent for steward leave. The attached form should be provided by the agencies to employees when they request leave, so that this leave time is documented and supported like all other leave requests. Leave is only provided for time spent during the steward's working hours. The Commonwealth will not pay overtime compensation or allow for the accrual of compensatory time off to stewards for time spent on the permitted activities.

Non-steward Leave – Pursuant to Article 13 of the Master Agreement, any category unit member who wishes to attend functions or meetings related to the work of the GEAC shall request to use accrued annual or compensatory leave as far in advance of the function or meeting as possible. The Appointing Authority and supervisors are encouraged to grant leave under these circumstances, unless the employee's absence would unduly burden the operation of the agency. Leave for category unit members under this section does not require the above-described documentation.