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Dinah T. Bevington
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MEMORANDUM

**PERSONNEL MEMO 01-11
(REVISED)**

TO: Cabinet Secretaries
Agency Heads
Constitutional Officers
HR Administrators

FROM: Dinah T. Bevington, Secretary *DTB*

DATE: December 4, 2015

SUBJECT: Military Leave and Retention of Annual and Compensatory Leave

We have received a number of inquiries with respect to whether state employees activated for military service may elect to retain their accumulated annual or compensatory leave. Under normal circumstances an employee placed on sick leave without pay, pursuant to 101 KAR 2:102, Section 2, must have used or been paid for accumulated annual and compensatory leave. Under this provision, ten (10) days of accumulated sick leave may be retained upon request. There is no comparable provision to permit retention of any annual or compensatory leave.

Although an employee placed on sick leave without pay pursuant to 101 KAR 2:102, Section 2, may not retain annual or compensatory leave, under the Military Leave portion of the same regulation (101 KAR 2:102, Section 6), an employee receiving military duty leave of absence may be paid for annual and compensatory leave upon request. We construe this section to give the employee activated for military service the option to cash out accumulated annual and compensatory leave, remain on the payroll by using all or part of it, or reserve it for use upon return.

It is our intent to allow the activated employees the broadest possible latitude in order to lessen the financial impact (at least to the extent we have the ability to do so) upon these employees and their families.

For any questions related to this memorandum, please contact Commissioner Mary Elizabeth Bailey, Department of Human Resources Administration via email at MaryE.Bailey@ky.gov or by phone at (502) 564-7571.