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Nikki R. Jackson
Secretary

MEMORANDUM

PERSONNEL MEMO 08-36

TO: Cabinet Secretaries
Agency Heads
Personnel Administrators

FROM: Nikki R. Jackson, Secretary

DATE: December 16, 2008

RE: Inclement Weather

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 weather conditions. 101 KAR 2:102, Section 10 and 101 KAR 3:015, Section 10 describe, in detail, how to handle situations in which employees decide to come to work late, leave work early or do not come to work at all because of adverse weather:

Absences Due to Adverse Weather.

(1) An employee, who is not designated for mandatory operations and chooses not to report to work or chooses to leave early in the event of adverse weather conditions such as tornado, flood, blizzard or ice storm, shall have the time of absence reported as:

a. Charged to annual or compensatory leave:

b. Taken as leave without pay, if annual and compensatory leave have been exhausted; or

c. Deferred in accordance with subsections (3) and (4) of this section.

(2) An employee who is on prearranged annual, compensatory or sick leave shall charge leave as originally requested.

(3) Where operational needs allow, except for an employee in mandatory operations, management shall make every reasonable effort to arrange schedules whereby an employee will be given an opportunity to make up time not worked rather than charging it to leave.

(4) An employee shall not make up work if the work would result in the employee working more than forty (40) hours in a work week.

a. Time lost shall be made up within four (4) months of the occurrence of the absence. If it is not made up within four (4) months, annual or compensatory leave shall be deducted to cover the absence, or leave without pay shall be charged if no annual or compensatory leave is available.

b. If an employee transfers or separates from employment before the leave is made up, the leave shall be charged to annual or compensatory leave or deducted from the final paycheck.

(5) If catastrophic, life-threatening weather conditions occur, as created by a tornado, flood, ice storm or blizzard, and it becomes necessary for authorities to order evacuation or shutdown of the place of employment, the following provisions shall apply:

a. An employee who is required to evacuate or who would report to a location that has been shutdown shall not be required to make up the time that is lost from work during the period officially declared hazardous to life and safety.

b. An employee who is required to work in an emergency situation shall be compensated pursuant to the provisions of Section 5 of this administrative regulation and the Fair Labor Standards Act as amended.

It is important to remember that only the Governor has the authority to close state offices. Managers do not have the authority to send employees home because of weather conditions. Questions concerning this matter should be directed to Dinah Bevington, Acting Executive Director, Office of Legal Services for the Personnel Cabinet at (502) 564-7430.