



**Steven L. Beshear**  
Governor

**PERSONNEL CABINET**

501 High Street, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601  
Phone (502) 564-7430  
Fax (502) 564-7603  
www.personnel.ky.gov

**Tim Longmeyer**  
Secretary

**MEMORANDUM**

**PERSONNEL MEMO 15-16**

**TO:** Cabinet Secretaries  
Agency Heads  
Constitutional Officers  
HR Administrators

**FROM:** Tim Longmeyer, Secretary **TML**

**DATE:** July 7, 2015

**SUBJECT:** Personnel Cabinet Regulation Amendments: 101 KAR 2:102, 101 KAR 2:105, 101 KAR 2:106, 101 KAR 2:160, 101 KAR 2:180 and 101 KAR 3:015

---

On July 6, 2015, several amendments to Personnel Cabinet regulations became effective which will impact all employees. The Personnel Cabinet's Department of Human Resources Administration (DHRA) will be providing additional guidance to HR Administrators on these changes.

The essential features of the amendments are as follows:

- 1.) 101 KAR 2:102. Classified leave general requirements.
  - Section 6. Military Leave. The amendment clarifies that military leave is available to a member of any state's National Guard.
  - Section 7. Voting and Election Leave. The amendment provides that an employee casting an absentee ballot shall record the leave on the day the employee's vote is cast, and the employee must be regularly scheduled to work on the day the vote is cast.
  - Section 8. Funeral and Bereavement Leave. The amendment extends an employee's funeral and bereavement leave entitlement from three (3) to five (5) days.
  - Section 9. Special Leave of Absence. A new subsection is created to include provisions relating to placement of an employee on administrative leave with pay upon the employee's receipt of an intent to dismiss letter as authorized by KRS 18A.095(2)(c).
  - Section 12. Blood Donation Leave. The amendment clarifies that an employee must donate whole blood to qualify for blood donation leave.
- 2.) 101 KAR 2:105. Sick leave sharing procedures.
  - Section 3. Procedures and Restrictions. The amendment clarifies that sick leave shall be donated in an amount not less than 7.5 hours (for employees regularly scheduled to work 37.5 hours per week), or not less than 8.0 hours (for employees regularly scheduled to work 40 hours per week).
- 3.) 101 KAR 2:106. Annual leave sharing procedures.
  - Section 3. Procedures and Restrictions. Consistent with the sick leave sharing regulation amendment, the amendment clarifies that annual leave shall be donated in an amount not less than 7.5 hours (for employees regularly scheduled to work 37.5 hours per week), or not less than 8.0 hours (for employees regularly scheduled to work 40 hours per week).



An Equal Opportunity Employer M/F/D

- 4.) 101 KAR 2:160. Kentucky Employee Assistance Program (KEAP).
- Section 1. Establishment of Kentucky Employee Assistance Program. The amendment removes outdated language and clarifies the administration of KEAP.
- 5.) 101 KAR 2:180. Employee performance evaluation system.
- Section 1. General Provisions. The amendment clarifies that the annual performance evaluation and performance plans shall be completed by January 31 after the end of the annual performance period. Paragraph (10) is also removed in these amendments, which provides an appointing authority the authority to waive the requirements that an evaluator complete required performance planning, interim reviews, and annual evaluations for an eligible employee. However, the Secretary of the Personnel Cabinet retains authority to approve an exception, upon the request of an appointing authority, to all requirements in a newly created Section 9.
  - Section 3. Performance Planning. The reference to an employee's "classification" is updated to specify "job classification" for consistency with terminology used in KHRIS.
  - Section 4. Performance Coaching and Feedback. Paragraph (2)(d) is amended to remove the "exception" language, which is now captured in newly created Section 9.
  - Section 5. Performance Evaluations and Ratings. The amendment clarifies that the annual performance evaluation shall be completed no later than January 31 after the performance period ends. The exception language in Paragraph (6)(c) is also removed, as it is now captured in newly created Section 9.
  - Section 7. Reconsideration and Appeal Process. Section (2) is amended to clarify that the initial reconsideration shall be conducted within five (5) working days.
  - Section 9. This new section clarifies that an appointing authority may request an exception to the Secretary of Personnel for any of the provisions set forth within the regulation.
  - Section 10. Incorporation by Reference. The "Annual Performance Evaluation Form" which is incorporated by reference is amended for clarification purposes.
    - Section C on the final page is amended to clarify that an employee's signature is required within five (5) calendar days to request reconsideration – which is consistent with the regulation language.
    - Section D on the final page provides an additional selection that an employee may elect in the reconsideration process. In the event an employee disagrees with the results of an initial reconsideration but does not desire a formal reconsideration, the new selection allows an employee to say they "disagree with the results of initial reconsideration but accept."
- 6.) 101 KAR 3:015. Leave requirements for unclassified service.
- Section 3. Family and Medical Leave. The amendment provides that an unclassified employee may use unpaid family and medical leave concurrently with accrued paid leave, consecutive to accrued paid leave, or reserve up to ten (10) days of accrued sick leave and be placed on unpaid family and medical leave. The language is amended to be consistent with the classified leave regulation.
  - Other leave provisions applicable to unclassified employees were also amended for the same reasons the classified regulations (101 KAR 2:102) were amended. For easy reference, the provisions which were impacted are as follows:
    - Section 6. Military Leave.
    - Section 7. Voting and Election Leave.
    - Section 8. Funeral and Bereavement Leave.
    - Section 12. Blood Donation Leave.

If you have any questions about the content of this Memorandum, please contact Dinah T. Bevington, Personnel Cabinet, Executive Director, Office of Legal Services at (502) 564-7430 or [dinah.t.bevington@ky.gov](mailto:dinah.t.bevington@ky.gov).