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THOMAS B. STEPHENS
SECRETARY

MEMORANDUM

PERSONNEL MEMO 16-63

To: Cabinet Secretaries
Agency Heads
Constitutional Officers
HR Administrators

From: Thomas B. Stephens, Secretary 

Date: December 12, 2016

Re: Adverse Weather Leave

It is the policy of state government that state offices remain open during inclement weather. Only the Governor has the authority to close a state office or send employees home early. Employees are, nevertheless, eligible to use Adverse Weather Leave to take time off in inclement weather, and may, in consultation with their supervisors, make up missed time within 120 days of the absence.

The regulations pertaining to Adverse Weather Leave are set forth at 101 KAR 2:102, Section 11, and 101 KAR 3:015, Section 11. These regulations describe how to handle situations in which employees come to work late, leave work early, or do not come to work at all because of adverse weather. The regulations provide as follows:

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) If operational needs allow, except for an employee in mandatory operations, management shall make every reasonable effort to arrange schedules whereby an employee shall 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 workweek.
 - 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, compensatory leave shall be deducted to cover the absence, or annual leave shall be deducted if compensatory leave is insufficient or not available. 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 shut down 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.

Questions concerning this matter should be directed to Mary Elizabeth Bailey, Commissioner, Department of Human Resources Administration at (502) 564-7571.