EMPLOYEE HANDBOOK

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Issued by:

Personnel Cabinet
Department of Human Resources Administration

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**This handbook is reviewed annually, but is subject to change at any time based on the necessity for updates.*

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Governor

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Tim Longmeyer
Secretary

Dear fellow employee,

Welcome and congratulations on becoming a member of state government, the state's largest employer!

Kentucky state government has made a commitment to you guaranteeing equal employment opportunity and does not discriminate on the basis of race, color, national origin, sex, age, religion, sexual orientation, gender identity, veteran status, genetic information or disability in accordance with state and federal laws.

By accepting your position, you have also made a commitment to Kentucky state government. As a state employee, you are subject to certain laws and regulations as well as your agency's policies. In return, you are entitled to certain benefits and services. This handbook provides basic information on all of those items, so please refer to it often or when you have questions.

For further assistance, contact your agency's human resource administrator. Not sure who that is? Consult the Agency HR Directory at https://personnel.ky.gov/pages/agencies.aspx.

Also, be sure to regularly check the Personnel Cabinet's website at http://personnel.ky.gov/ for news and announcements that directly affect your employment as well as watch the bulletin boards in your agency for information that will keep you up to date.

I hope you find this information helpful and I wish you the best as you begin your career with state government.

Sincerely,

Tim Longmeyer

Tim Longmeyer
Secretary

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This handbook is not a contract nor do the statements contained in it have the force of law. Personnel laws and regulations may modify or supersede any or all statements in this handbook. For more information, employees should see their human resource administrator and refer to the current edition of the Chapter 18A of the Kentucky Revised Statutes and Title 101 of the Kentucky Administrative Regulations.

The Employee Handbook is always available electronically on the Personnel Cabinet's website. If another format is needed, a request may be submitted to the Department of Human Resources Administration, through the agency human resource administrator.

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About State Government

Kentucky state government is made up of three branches: the Legislative Branch, the Judicial Branch, and the Executive Branch.

The Legislative Branch is made up of the elected members of the Kentucky General Assembly and staff. Legislators are chosen by voters in their districts to serve in either the House of Representatives or the Senate. With the aid of their professional staffs employed in the Legislative Research Commission (LRC), they write and enact the laws of Kentucky. LRC employees are not covered by the merit system in KRS Chapter 18A.

The Judicial Branch includes the state's court system. It interprets and applies the laws under the Kentucky and United States Constitutions. As with the Legislative Branch, Judicial Branch employees are not covered by the merit system in KRS Chapter 18A.

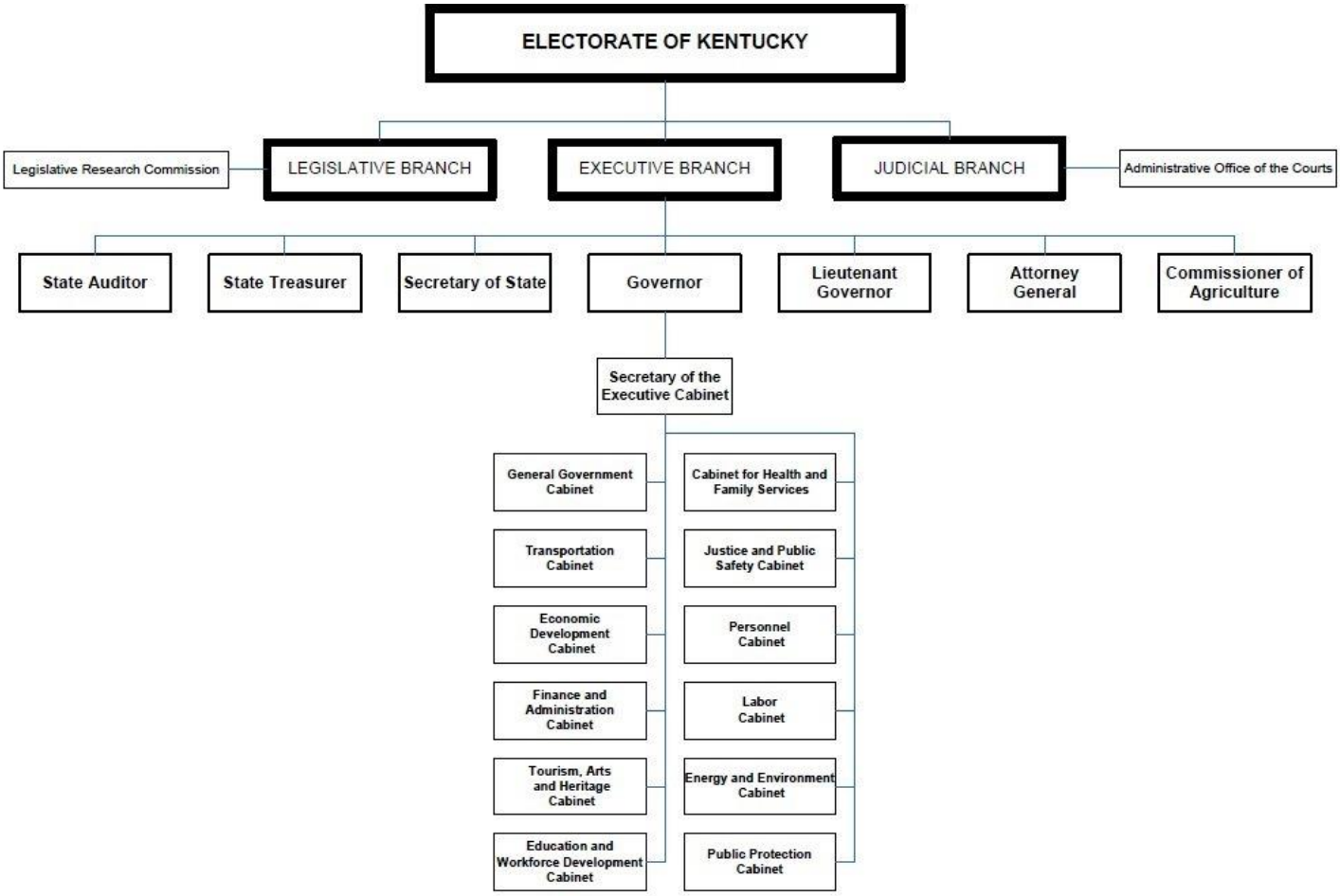
The Executive Branch, headed by the governor, carries out the laws through "agencies" – cabinets, departments, boards, commissions, and offices. Most Executive Branch employees are covered by one of the three personnel systems: KRS 18A, KRS 16 and the Career and Technical System. As an employee of the state, your position is assigned to an agency within the Executive Branch.

Within the Executive Branch, agencies are grouped into "Cabinets." There are currently eleven program cabinets: Transportation, Economic Development, Finance & Administration, Tourism, Arts & Heritage, Education & Workforce Development, Health & Family Services, Justice & Public Safety, Personnel, Labor, Energy & Environment, and Public Protection. The General Government Cabinet is comprised of departments headed by elected officials.

LEGAL REFERENCES:

KRS Chapter 16
KRS Chapter 18A
KRS Chapter 156

Organizational Structure for State Government



Additional organization charts are available on the Personnel Cabinet's website.

The Merit System

By far, the greatest number of state employees in the Executive Branch work in the classified service, also frequently referred to as the "merit system." Positions not under the merit system generally include the staff of the governor and lieutenant governor, policy-making managers, FFTL employees and interim employees (see KRS 18A.115 and KRS 18A.155).

The merit system emphasizes making personnel decisions (hiring, promoting, assigning work, and other matters) based on an individual's qualifications and performance. The merit system also protects state employee against arbitrary actions and discriminatory practices. For example, as discussed below, any disciplinary actions brought against a merit employee with status must provide specific written notice of the reasons for the action and provide a right of appeal to a neutral decision-maker, such as the Personnel Board.

Merit system employees serve a probationary period when they begin working for the state. Usually, the probationary period lasts six months, but may be as long as twelve months depending on the classification. When the probationary period is over, employees gain merit system "status," which gives employees certain additional rights and privileges.

The Personnel Cabinet and the Personnel Board administer and enforce the merit system. The merit system is codified in Chapter 18A of the Kentucky Revised Statutes, and in various administrative regulations. Additionally, KRS Chapter 16 and Title 502 of the Kentucky Administrative Regulations govern sworn officers in the Kentucky State Police. Certified and equivalent employees of the former Workforce Development Cabinet, now part of the Education Cabinet, are governed by KRS Chapter 156 and 780 KAR Chapter 3.

LEGAL REFERENCES:

KRS Chapter 18A.115
KRS Chapter 18A.155
KRS Chapter 156
KRS Chapter 16
780 KAR 3

Glossary of Terms Relating to Employment

Because terms found in this section are used by human resource administrators and agencies in very limited and technical ways, you should refer to this section whenever someone uses one of them. Remember, this is only an informational booklet. You should refer to the appropriate law or regulation for more precise information. The statutes governing the Merit System are in KRS Chapter 18A. The regulations are in 101 KAR Chapters 1-3.

AGENCY: An administrative body created by the Kentucky Constitution or by the legislature or governor under the provisions of law to carry out or perform governmental services required by the constitution or state law. (Example: Commission on Human Rights)

APPOINTING AUTHORITY: The agency head or any person who he has authorized by law to designate to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification, or other position actions. Such designation shall be in writing and signed by both the agency head and his designee. Prior to the exercise of appointing authority, such designation shall be filed with the secretary.

BASE SALARY OR WAGES: The compensation to which an employee is entitled under the salary schedules adopted pursuant to the provisions of KRS 18A.030 and 18A.110. Base salary or wages shall be adjusted as provided under the provisions of KRS 18A.355 and 48.130.

BOARD: The Personnel Board created by KRS 18A.045.

CABINET: The Personnel Cabinet provided for in KRS 18A.015, unless the context indicates otherwise.

CAREER EMPLOYEE: A state employee with (16) or more years of permanent full-time state service, or the part-time employment equivalent of at least (16) years of full-time state service. The service may have been in the classified service, the unclassified service or a combination thereof.

CERTIFICATION: The referral of the name of one (1) or more qualified prospective employees by the secretary on request of an appointing officer for consideration in filling a position in the classified service.

CLASS: See definition for Job, which has replaced this term.

CLASSIFIED EMPLOYEE: An employee appointed to a position in the classified service whose appointment and continued employment are subject to the classified service provisions of KRS 18A.

CLASSIFIED POSITION: A position in the executive branch of state government that is not exempt from the classified service under KRS Chapter 16, KRS 18A.115, KRS Chapter 156, or any other provision of law.

CLASSIFIED SERVICE: Includes all the employment subject to the terms of KRS Chapter 18A except for those positions expressly cited in KRS 18A.115; a "classified position" is a position in the classified service.

CLASS SPECIFICATION: See definition for Job Specification, which has replaced this term.

DEMOTION: A change in the rank of an employee from a position in one class to a position in another class having a lower minimum salary range and less discretion or responsibility.

DETAIL TO SPECIAL DUTY: The temporary assignment of an employee to a vacant position other than that to which he is regularly assigned; is limited to no more than one year. Requires the approval of the Secretary of Personnel.

DISMISSAL: The involuntary termination of an employee from state government. Unclassified employees and employees serving initial probation may be dismissed without cause. Classified employees with status may be dismissed for cause only. An employee (classified or unclassified) dismissed for cause may appeal to the Personnel Board.

ELIGIBLE: Refers to a person who has made a passing score on any examination required under KRS 18A.010 to 18A.200 and who has qualified to be placed on a register.

EMPLOYEE: A person regularly appointed to a position in the state service for which he is compensated on a full-time, part-time, or interim basis.

EXEMPT POSITION: A position defined as "EXEMPT" under the Fair Labor Standards Act (FLSA) is not covered by the overtime provisions of this Act. (See Compensatory Leave and Overtime Pay).

FEDERALLY FUNDED POSITION: A full-time or part-time position in which the unclassified employee is eligible for benefits at the same level as a classified employee in a permanent position.

FEDERALLY FUNDED TIME-LIMITED EMPLOYEE: An employee in the unclassified service, appointed to a position that is funded one hundred percent (100%) by a federal grant or grants. An employee appointed to a federally funded time-limited position shall be required to meet the minimum requirements for the classification in which he or she is hired and, subject to the provisions of KRS 18A.113, shall serve at the pleasure of the appointing authority during a period of time that shall not exceed the life of the federal grant that funds the position. A federally funded time-limited employee who has been aggrieved by notice of disciplinary action or termination, other than an action based on expiration of the federal grant funding, may petition the appointing authority of the agency for the opportunity to be heard by the appointing authority or his designee prior to the effective date of the disciplinary action or termination. The decision of the appointing authority shall be final except as provided by KRS 18A.095(14) and 18A.140. A federally funded time-limited employee shall not have the right of appeal to the Personnel Board except as provided by KRS 18A.095(14) and 18A.140.

FULL-TIME EMPLOYEE: An employee in a full-time position.

FULL-TIME POSITION: A position, other than an interim position, requiring an employee to work at least thirty-seven and one-half (37.5) hours in a work week, except for the following:

a) Position in the state parks, where the work is assigned is dependent upon fluctuations in tourism, may be assigned work hours from twenty-five (25) hours per week during the off seasons and remain in full-time positions; and
b) Positions in health care facilities, which regularly involve three (3) consecutive days of twelve (12) hour shifts to cover weekends, shall be considered full-time.

GRADE CHANGE: The assignment of a different pay grade to a class of positions based upon a change in relation to other classes or to labor market conditions. May be to a higher or lower pay grade.

HUMAN RESOURCE ADMINISTRATOR: The agency or department employee(s) responsible for personnel administration.

HUMAN RESOURCE PORTAL: The website maintained by the Personnel Cabinet for agency human resource staff.

INITIAL PROBATION: The period of service following initial appointment of any position under KRS 18A.010 to 18A.200 which requires special observation and evaluation of an employee's work and which must be passed successfully before status may be conferred as provided in KRS 18A.110 and by the provisions of this chapter. If the appointee is granted leave in excess of twenty (20) consecutive work days during this period, initial probation shall be extended for the same length of time as the granted leave to cover such absence. "Initial probation" does not include a probationary period served by a laid-off employee who accepts a bona fide written offer of appointment.

INTERIM EMPLOYEE: An unclassified employee without status who has been appointed to an interim position that shall be less than nine (9) months duration.

INTERIM POSITION: A position established to address a one-time or recurring need of less than nine (9) months duration and exempt from the classified service under KRS 18A.115.

JOB: (Replaced Class) A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation have been or may be applied to each position in the group.

JOB SPECIFICATION: (Replaced Class Specification) The standard developed by the Personnel Cabinet that states the job title, title code, selection method, information, salary information, characteristics of the job, minimum requirements, examples of duties and responsibilities, date established, and last revision.

KAR: The Kentucky Administrative Regulations that regulate agency implementation of programs within limits set by statutes.

KHRIS (KENTUCKY HUMAN RESOURCE INFORMATION SYSTEM): The Commonwealth's human resource system that combines all organizational, personnel, payroll/time, benefits information into one place.

KHRIS EMPLOYEE SELF-SERVICE (ESS): The online access point to the main KHRIS system, where employees can view their personal information and perform some updates on their own.

KHRIS MANAGER SELF-SERVICE (MSS): The online access point to the main KHRIS system, where managers/supervisors can view job related information on their direct report employees, including leave balances and emergency contact information.

KHRIS PORTAL: The online access point to the main KHRIS system, where certain human resource processes can be performed by agency human resource staff and employees. Contains Employee Self-Service (ESS), Manager Self-Service (MSS), the Kentucky Employee Suggestion System (KESS) as well as other tools for human resource staff.

KRS CHAPTER 18A: The Kentucky Revised Statutes dealing with state personnel and the merit system.

NON-EXEMPT POSITION (and employee occupying): An employee in a position defined as "NON-EXEMPT" under the Fair Labor Standards Act (FLSA) is entitled to receive time and a half for each hour worked over forty hours in a workweek. The employee has the option of being paid for the extra hours or may choose to receive compensatory time. This option may only be changed every three (3) months.

PAN (Personnel Action Notification): This document is the result of an action submitted by the agency and reviewed/approved by the Personnel Cabinet. It notifies an employee of a change affecting his/her status, pay, position, classification or other condition of employment. It is placed in the employee's permanent employment file in the Personnel Cabinet. Copies are returned to the agency, where agency records are kept, and a copy is given to the employee for their records.

PART-TIME EMPLOYEE: An employee in a part-time position.

PART-TIME POSITION: A position, other than an interim position, requiring an employee to work less than one hundred (100) hours per month.

PD (POSITION DESCRIPTION): The official document that describes the tasks and responsibilities assigned to a specific position. This document is used in determining the job classification a position is assigned.

PENALIZATION: Includes, but is not limited to, demotion, dismissal, suspension, fines and other disciplinary actions, involuntary transfers; salary adjustments; any action that diminishes the level, rank, discretion, or responsibility of an employee without proper cause, including a reclassification or reallocation; and the abridgement or denial of other rights granted to state employees.

PERSONNEL BOARD: The agency created by law to conduct hearings on appeals filed by employees who allege that they have been penalized by their employer (agency) in a manner that violates KRS 18A and the personnel administrative regulations. The Personnel Board also writes regulations governing how employees may be promoted, transferred, demoted, or disciplined.

PERSONNEL CABINET: The central agency created by law to administer and implement the state merit system and provide guidance to all other agencies on acceptable human resource practices. This agency is also responsible for administering the statewide classification plan, compensation plan, payroll and personnel processing, employment opportunities, health insurance, life insurance, and many other employee benefit programs.

POSITION: An office or employment in an agency (whether full-time, part-time, interim, occupied or vacant) involving duties requiring the services of one (1) person.

PROMOTION: A change of rank of an employee from a position in one class to a position in another class having a higher minimum salary or carrying a greater scope of discretion or responsibility.

PROMOTIONAL PROBATION: The period of service (consistent with the length of the initial probationary period) following the promotion of an employee with status which must be successfully completed in order for the employee to retain the position to which he/she has been promoted. If the employee is granted leave of more than twenty (20) consecutive workdays during this period, the promotional probation shall be extended for the same length of time as the granted leave to cover such absence.

REALLOCATION: The correction of the classification of an existing position by placement of the position into the classification that is appropriate for the duties the employee has been performing and shall continue to perform.

RECLASSIFICATION: The change in the classification of an employee when a material and permanent change in the duties or responsibilities of that employee has been assigned in writing by the appointing authority.

REEMPLOYMENT: The rehiring of an employee with status who has been laid-off.

REEMPLOYMENT REGISTER: The separate list of names of persons who have been separated from state service by reason of layoff. Re-employment registers shall be used as provided by the provisions of KRS 18A.110, 18A.130, and 18A.135.

REGISTER: Any official list of eligibles for a particular class and, except as provided in this chapter (KRS 18A), placed in rank order according to the examination scores maintained for use in making original appointments or promotions to positions in the classified service.

REINSTATEMENT: The privilege of restoration of an employee who has resigned in good standing at the option of the appointing authority, or who has been ordered reinstated by the Personnel Board or a court to a position in his/her former class, or to a position of like status and pay.

REVERSION: Either the returning of a status employee to his or her last position held in the classified service, if vacant, or the returning of a status employee to a vacant position in the same or similar job classification as his or her last

position held in the classified service. Reversion occurs after a career employee is terminated other than for cause from the unclassified service or after a status employee fails to successfully complete promotional probation, or in the case of a career employee after termination from the unclassified service, may only be appealed to the Personnel Board under KRS 18A.095(12).

SECRETARY: The secretary of the Personnel Cabinet as provided for in KRS 18A.015.

SENIORITY: The total number of months of state service.

STATE EMPLOYEE AND BENEFITS PORTAL: The website administered by the Personnel Cabinet for state employees and benefit recipients.

STATUS: The acquisition of tenure with all rights and privileges granted by the provisions of KRS Chapter 18A after satisfactory completion of the initial probationary period by an employee in the classified service.

TRANSFER: A movement of any employee from one position to another of the same grade having the same salary ranges, the same level of responsibility within the classified service, and the same salary received immediately prior to transfer.

UNCLASSIFIED EMPLOYEE: An employee serving in an unclassified ("non-merit") position.

UNCLASSIFIED POSITION: A position in the unclassified service.

LEGAL REFERENCES:

KRS Chapter 18A.005
KRS Chapter 18A.010
KRS Chapter 18A.015
KRS Chapter 18A.030
KRS Chapter 18A.045
KRS Chapter 18A.095
KRS Chapter 18A.110
KRS Chapter 18A.113
KRS Chapter 18A.115
KRS Chapter 18A.130
KRS Chapter 18A.135
KRS Chapter 18A.140
KRS Chapter 18A.200
KRS Chapter 18A.355
KRS Chapter 48.130
KRS Chapter 16
KRS Chapter 156

Equal Employment Opportunity (EEO)

The Office of Diversity and Equality reports to the Secretary of Personnel. The Secretary of Personnel is responsible to the Governor and the people for directing, implementing, and enforcing the State's Affirmative Action Program. Employees are encouraged to express their concerns regarding existing or potential barriers or prohibitions to equal employment opportunity due to race, color, national origin, sex, age, religion, sexual orientation, gender identity, veteran status, genetic information, political affiliation and disability in accordance with state and federal laws. EEO assistance is available by contacting your agency EEO Counselor/Coordinator or the State EEO Coordinator at (502) 564-8000. For ADA assistance, please contact you agency ADA coordinator or the State ADA Coordinator at (502) 564-3850.

Affirmative Action Plan for State Government:

The Executive Branch Affirmative Action Plan reflects this administration's sincere commitment to both good government and equitable treatment of all employees of the Commonwealth, and applicants seeking employment with Kentucky State Government.

Employees and citizens of this Commonwealth are our most valuable resources. Equal Employment Opportunity, as well as opportunities for professional growth, shall be available to all applicants and employees regardless of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status. This policy applies to all personnel matters, including but not limited to: recruiting, hiring, classification and compensation, benefits, promotions, transfers, layoffs, reinstatement, and educational programs.
It is the policy of the Commonwealth of Kentucky that no applicant for employment or employee will be subject to harassment or discrimination because of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.

The Executive Branch Affirmative Action Plan is established in statute by KRS 18A.138 and by Executive Order 2013-841. The Personnel Cabinet's Office of Diversity & Equality has overall responsibility for the implementation of this plan, including the development of specific overall goals and timetables, and is required to report progress under the Affirmative Action Plan to the Secretary of the Personnel Cabinet. The Secretary of the Personnel Cabinet is required to report directly to the Office of the Governor regarding plan progress on a semi-annual basis. The full cooperation and affirmation of the Affirmative Action Plan, and the state EEO Program, is expected by all managers, supervisors, executive leaders, and state employees.

Sexual Harassment Policy:

State law prohibits unwelcome sexual advances, requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that creates or has the intention of creating a hostile or offensive working environment. Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments, off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

Complaints of sexual harassment will be promptly and carefully investigated, and all employees may be assured that they will be free from any and all reprisal or retaliation for filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of sexual harassment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, should immediately bring the problem to the attention of agency officials or the Personnel Cabinet. Employees may bring the complaint to the attention of their supervisor, or if the complaint involves supervisory personnel in the employee's line of command, to another supervisor, the human resource administrator, the agency EEO Coordinator or the Office of Diversity and Equality at (502) 564-8000. Any supervisor receiving a complaint of sexual harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop sexual harassment and prevent its recurrence.

Employees are advised disciplinary action may also be taken against persons found to have knowingly and purposely filed false claims against this and all anti-discrimination or harassment policies.

Policy Statement on Harassment Prevention:

The Commonwealth of Kentucky does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work. Further, all employees are responsible for assuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not necessarily limited to, harassment because of one's race, color, national origin, sex, age, religion, sexual orientation, gender identity, veteran status, genetic information or disability.

Examples of prohibited conduct include, but are not limited to, threatening, offensive or unwelcome conduct including: abusive verbal language directed toward an individual because of sex, race, color, age, religion, national origin, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Complaints of harassments will be promptly and carefully investigated. All employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator, or the State EEO Coordinator at (502) 564-8000. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

Policy Statement on Diversity:

The Commonwealth of Kentucky recognizes that continued success in meeting the needs of our clients and customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their respective race, color, national origin, sex, age, religion, veteran status, disability, sexual orientation and gender identity. By fostering an atmosphere of acceptance and support, we can begin to value and appreciate the strengths afforded by the differences, styles, ideas and organizational contributions of each and every person.

The ultimate goal of workplace diversity will be achieved when Kentucky State Government has further enhanced its ability to recruit, retain, and tap the full potential of employees at all levels and is diverse enough to:

1. Allow all Cabinets to compete for qualified employees from an increasingly diverse worker pool
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens; and
3. Eliminate biases that may be in the state workforce

Diversity complements the other organizational values of teamwork, leadership, empowerment and service quality. It encompasses the way we work, the work environment, and respect for people and ideas. Diversity includes everyone and everything. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, personality, geographic origin, tenure with the organization, merit and non-merit status, and management or non-management position. It also encompasses varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expression of thoughts and differing ways of delivering services, provided there is consistency in the values we share.

Diversity is inclusion. It stresses equal opportunity and recognizes and respects the multitude of differences that employees bring to the workplace as well as acknowledging the changing "face" of the community we serve. The full cooperation and affirmation of diversity by all state employees, including management, is expected.

LEGAL REFERENCES:
KRS Chapter 18A.095
KRS Chapter 18A.138
101 KAR 1:375

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Classification Plan

The Personnel Cabinet is required to prepare, maintain and revise the classification plan for the Executive Branch of state government. The classification plan is a tool for sorting and comparing job classifications so that positions with similar levels of responsibilities and assigned duties will have the same title; similar requirements of education and training for applicants; and comparable pay grade. The plan currently has approximately 1300 job specifications. Each job specification includes title, characteristic functions and responsibilities, examples of the duties generally performed by positions in that job class (not all duties would be listed as examples), and minimum requirements listed as combinations of education, experience, licensure, certification or legal requirements a person must have to be considered for positions in that job class. All job specifications may be found at the Personnel Cabinet's website.

Your official title, as listed in your personnel file, is based on the responsibilities and duties assigned to your position by your employer as compared to job specifications in the classification plan. Your employer informs the Personnel Cabinet of the responsibilities and duties of your position by completing and submitting a position description (PD) form. Classification and Compensation Branch's staff compares the contents of the PD to the various job specifications and makes a final determination of the most appropriate job classification for your position. The job specification for your official title should describe the responsibilities and duties assigned by your employer more closely than other job specifications.

A desk audit is a personal interview with an employee and their supervisor or manager to get more detailed information about the responsibilities assigned to a position. The Personnel Cabinet may conduct a desk audit before making a final job classification decision, or on some occasions, the appointing authority or Personnel Board may ask the Personnel Cabinet to conduct a desk audit. Employees desiring a desk audit must first go through their appointing authority who may request a desk audit.

Appointing authorities may request the Personnel Cabinet to review the job classification of their employees from time to time and make recommendations regarding such job classifications. Should an employee be assigned permanent and material changes in his or her duties, the reclassification of an employee to a different classification may be appropriate. Reclassification are defined in KRS 18A.005(30) and are appropriate when a material and permanent change in the duties or responsibilities of an employee has been assigned in writing by the appointing authority. An increase in the volume of work with no material change in duties is not a basis for reclassification. Employees reclassified to a higher pay grade may receive an increase in salary. Employees reclassified to a lower pay grade shall keep the same salary they were earning prior to the reclassification. Employees reclassified to the same pay grade will keep the same salary.

A RECLASSIFICATION is different from a REALLOCATION in that an employee may be reallocated if (1) it is determined that the employee's position was not properly classified previously, or (2) if a new job specification is adopted by the Personnel Cabinet which better describes the duties performed. Your new job classification after a reallocation may be to the same pay grade or to a higher or lower grade. Employees who are reallocated to a job classification with which they do not agree may file a formal request (to the Secretary of the Personnel Cabinet) for a reconsideration of the action taken. Your agency will provide you with a copy of the reconsideration form if your position is reallocated.

You may have a working title in addition to your official job classification title. For example, you may be classified as an Office Support Assistant I but have a working title of "messenger." Working titles do not affect your official title and pay. Those titles may be used for purposes other than official payroll and personnel matters.

If you believe your job classification does not accurately reflect your duties, you may request your supervisor or human resource administrator to review your job classification. The human resource administrator should work with agency management and the Personnel Cabinet to review your job classification. The Personnel Cabinet maintains the official copies of all job specifications.

LEGAL REFERENCES:

101 KAR 2:020

Compensation (Pay) Plan

The Personnel Cabinet in consultation with the appointing authorities and the Office of the State Budget Director, prepares, maintains and revises the compensation (pay) plan. Three basic elements are involved in the compensation plan:

1. The relationship of the levels of responsibilities and duties of the various job classifications;
2. What other employers pay for similar work; and
3. The financial resources (tax dollars) available to pay for the work performed.

Merit System employees are assigned to job classifications according to their duties and responsibilities. Each job classification in the classified service is assigned to one of the pay grades in the classified service salary schedule (Grades 5-21). Most job classifications in the unclassified service are assigned to one of the pay grades in the unclassified service salary schedule (Grades 5-22). Pay grades are assigned based on similarity of the level of duties and responsibilities compared to other state job classification or by point factoring. Salary surveys of other employers may also be used to determine the pay for similar levels of work. Each pay grade has a minimum (the lowest salary that state government pays for work in jobs assigned to that pay grade) and a midpoint wage (the maximum salary at which an experienced applicant may be appointed).

The salary schedule may be adjusted based on cost-of-living adjustments (COLA) AND if state revenues that allow budget appropriations for the purpose.

Your salary depends on a number of factors: (1) your job classification, (2) your seniority, and (3) your career path.

Your starting salary is normally at the minimum of the pay range assigned to your job classification. In some cases an agency may request to start an employee above the range minimum based on an applicant's unique background or difficulty in recruiting for the class.

At the successful completion of the initial probation period (see glossary), a classified employee will receive a probationary increase of five percent (5%). This sets the employee's increment date for as long as an employee is continuously employed, not including extended leave without pay.

As you gain status (upon completion of your probationary period) and seniority, you will be eligible for annual salary increments (raises) to the degree that the state's budget and regulations allow.

The compensation (pay) plan is closely related to the classification system, but it is distinctly different.

LEGAL REFERENCES:
101 KAR 2:034
101 KAR 3:045

Pay- Understanding the State Payroll System and Your Pay

To better understand the actual processing, delivery and receipt of your pay please see below.

State Payroll Schedule

State government has a semi-monthly pay schedule, which means employees are paid twice per month. As an employee of the state, you will receive your pay on the 15th and the 30th of each month unless the payday falls on a weekend or holiday. In that event, and per 101 KAR 2:095, Section 10, payments are issued on the last workday preceding the 15th and the 30th.

State government pays its employees one pay period in arrears. In other words, pay received on the 15th is for work performed from the 16th through the 30th/31st of the previous month. Pay received on the 30th is for work performed from the 1st through 15th of the current month.

-Example Month-						
Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
1	2 *1st workday for new employee (see below)	3	4	5	6	7
8	9	10	11	12	13 –**PAYDAY** for work performed 16-30/31 of prior month	14
15 – Payday moved to the preceding Friday due to weekend.	16	17	18	19	20	21
22	23	24	25	26	27	28
29	**30 –PAYDAY** For work performed 1-15 of this month	31	The orange section indicates the 1st-15th pay period, which is paid on the 30th. The green section indicates the 16th-30th/31st, which is paid on the 15th- in the following month.			

**New Employees*: Due to the pay schedule described above, a new employee will not receive pay until the second payday after they begin employment with the state. In the example month above, the new employee started on the first work day of the month, which was the 2nd. The first payday that arrives (on the 15th), is for work performed from the 16th through the 30th/31st of the previous month- which is before the employee started working. On the 30th the new employee will receive his first payment, as that payday is paying for the pay period during which his employment began.

With the explanation provided above, please note that a new employee's first payment is not 'Held'. It is paid precisely when it is due, based on the state payroll schedule.

There are currently only two exceptions to the state payroll schedule described above:

1) **Payroll Deferral**

   Beginning in 2012, based on the 2010-2012 Budget Bill enacted by the General Assembly, a payroll deferral was mandated for the final payroll of the fiscal year. This means that the final payroll for the 2011-2012 fiscal year (June 29, 2012) was postponed until the first business day of the following fiscal year (Monday, July 2, 2012).

Since that event, a payroll deferral has continued to be mandated in each subsequent budget bill. Should a future budget bill be enacted that ends this practice, employees will be properly notified. However, without such notice, it should be expected that each year the June 30th pay will be deferred to July 1st or after.

IMPORTANT NOTES:

- Fiscal years run July 1 through June 30.
- Salary statements and payment dates for each June 1-15 pay period may differ when a budget bill is enacted that mandates a payroll deferral. Although that deferral requires that pay not be released until July 1, processing of payroll is still completed according to the normal schedule-which is what the salary statement will reflect.

2) Early Release of Final Pay

A long standing tradition that has carried on over many administrations is the early release of the final payroll of the year. Not to be confused with an extra payment or holiday bonus, this tradition allows for the December 30th pay to be paid before the Christmas holiday.
This tradition, which is subject to change at any time, has evolved into a benefit but also requires employees to prepare themselves by budgeting to allow for the resulting extended timeframe between pay dates as the next payroll does not arrive until January 15th.
Official notice of this early release is provided annually (mid-November) through a Personnel Memorandum. The state payroll schedule, which must be adjusted to allow for this early release, is not confirmed until such notice is provided. Additionally, there should be no expectation of this event without that same notice.

Direct Deposit

All new or rehired judicial and executive branch state employees are required to utilize direct deposit for receipt of their pay. It reduces the state's operating and processing costs while providing a convenient, timesaving benefit to employees. There is no worry that a check might be lost before it is deposited or cashed nor is there a need to arrange for paycheck pick-up in the event that the employee is off work on payday or in the case of inclement weather.

Day laborers and state active duty employees are currently exempt from this policy.

Salary Statement

Your salary statement provides you with information about your gross and net pay, leave balances, and deductions. Since April 2011 and the implementation of the Kentucky Human Resources Information System (KHRIS) copies of all salary statements are maintained in KHRIS Employee Self-Service (ESS) and can be accessed at any time. If you dispute any of the information of your salary statement, you should contact your human resource administrator immediately.

Tutorials are available for all of the KHRIS Employee Self-Service (ESS) features, including accessing the salary statement. Additionally, a guide to understanding the salary statement is available. Both are available on the Personnel Cabinet's website at https://personnel.ky.gov/.

LEGAL REFERENCES:
101 KAR 2:095, Section 10
KRS Chapter 18A.190

Career Status:

Employees are entitled to certain rights if/when separated from KRS Chapter 18A positions once they have obtained career status. However, these rights do not apply in all instances of separation, such as retirement. (See the Reversion, Reemployment, and Reinstatement section for a detailed explanation of these rights.) Career status is attained when an employee completes sixteen (16) or more years of permanent full-time state service, or the part-time equivalent thereof. Service may have been in the classified service, the unclassified service, or a combination thereof. The determination of career status is based upon the specific positions in which an employee served and therefore must be approved by the Personnel Cabinet to verify qualified service. If you wish to seek determination of your status, your agency must submit a request on your behalf to the Personnel Cabinet.

LEGAL REFERENCES:

KRS Chapter 18A.005, Section 4

Records and Files

There are two principle sources of information pertaining to your employment in state government. Your official personnel file, which is maintained by the Personnel Cabinet, and your agency personnel file, maintained by your agency. Both of these files may be inspected and copied upon a written request made under KRS 18A.020. (Per KRS 61.874(3) a reasonable fee will apply for files previously duplicated within a twelve month period.) Please remember that state resources such as mail, email, and fax should not be used to request records.

You may comment in writing on any item in your personnel files. Such comments shall be made a part of your files and shall be attached to the specific record or document to which they pertain.

Records contained in personnel files are public records open to public inspection pursuant to Kentucky's Open Records Act (KRS 61.870 to 61.884). If requested, generally these records will be disclosed subject to the redaction of personal information pursuant to KRS 61.878. In order to inspect an agency record, you must comply with appropriate request procedures established by the agency and authorized under KRS 61.876. A response to your request for records is due within three (3) days from the receipt of your request.

As a courtesy, and in order to protect personal and private information from disclosure, the Personnel Cabinet makes reasonable efforts to notify an employee when a third party requests to inspect and copy records in the employee's file.

For more information on employee records and files, please refer to KRS 18A.020.

LEGAL REFERENCES:

KRS Chapter 18A.020
KRS Chapter 61.870
KRS Chapter 61.874, Section 3
KRS Chapter 61.876
KRS Chapter 61.884

BENEFITS OF EMPLOYMENT

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Adoption Benefit Program

In 1998, a mechanism whereby state employees could be reimbursed for a portion of the direct costs incurred in the adoption process was created.

The Kentucky State Personnel Cabinet administers the Adoption Benefit Program, which provides financial assistance to state employees in the Executive Branch.

The Adoption Benefit Program provides up to $5,000.00 per family for direct costs related to the adoption of a special needs child, and up to $3,000.00 for any other child adoption. The money is provided by existing funds from the agency where the adoptive parent is employed, not to exceed $150,000.00 total in one year.

The Adoption Reimbursement Application shall be submitted to the Personnel Cabinet along with the following:

- Finalization of the adoption;
- Certification by the Secretary of the Cabinet for Health and Family Services that the adopted child is a special needs child, if reimbursement for special needs adoption is sought, and;
- A copy of an affidavit of expenses related to the adoption files and approved by the court at the time of finalization of the adoption.
- If both of the adoptive parents are Executive Branch state employees, the applications for financial assistance shall be submitted jointly.

A state employee who wishes to be reimbursed for adoption expenses must also submit a completed Adoption Reimbursement Application and an Adoption Reimbursement Notification Letter to his/her appointing authority.

Kentucky State Government employees who wish to adopt a child have access to equivalent benefits that are offered to birth parents. Please see the Family and Medical Leave section of this handbook for more information.

To obtain the Adoption Benefit Program Application, contact your human resource administrator. Or contact the Office of Employee Relations at (502) 564-9818.

LEGAL REFERENCES:
101 KAR 2:120
101 KAR 3:045

Benefits Schedule/Overview

Your net salary (the amount of pay left after deductions) does not tell the whole story of your work compensation. Beyond your pay lies a hidden amount that adds more than 30% to the real value of your salary. These dollars come to you as fringe benefits of your state employment in the form of state-assumed costs for insurance protection, retirement and social security benefits, saving plans, educational opportunities, and various types of leave time. Sections in this handbook explain what your state benefits are, what conditions apply to them and how they mean extra dollars to you.

If you need additional information concerning state benefits, talk with your human resource administrator. Below is the schedule of benefits available to different types of employees.

BENEFITS	Full-Time	Part-Time (Less Than 100 Hours Per Mo)	Interim	Per Diem	COMMENTS
Health Insurance	X	*	*	-	State pays fixed amount, employee pays additional options. Coverage effective first of second month. *Part-time and interim employees should contact their human resource administrator for information about health insurance eligibility.
Life Insurance	X	-	-	-	State provides: $20,000. Optional available for purchase. Effective first of second month.
Retirement (KERS)	X	-	-	-	Check with your human resource administrator for rates.
Annual Leave	X	-	-	-	Amount increases by years of service; 7.5/8.0 hours per month, first 5 years. Employee must meet work hour requirements to be eligible for leave accrual.
Sick Leave	X	-	X	-	After 10 yrs.-10 bonus days. After 20 yrs - additional 10 bonus days. No limit on accumulation-7.5/8.0 hours per month. Employee must meet work hour requirements to be eligible for leave accrual.
Blood Leave	X	X	X	-	Up to 4 hours if donated during scheduled work hours. (*whole blood only*)
Court Leave	X	X	X	-	Granted with pay if not an employee-initiated action or a party to the action.
Military Leave	X	X	X	-	Twenty-one days per year.
Military Leave-Spousal	X	X	X	-	Two days total. (One day given prior to spouse's deployment and one day given after spouse's return from deployment).
Compensatory Leave	X	X	X	-	240 hours maximum/100% paid at termination, less applicable deductions.
Holidays	X	X	X	-	Visit the Personnel Cabinet website for a current year list of holidays. Refer to KRS 18A.190 which governs state holidays
Credit Union	X	-	-	-	Check with KECU and CCU for details.
Educational Tuition	X	-	-	-	Individual agency decision.
Social Security	X	X	X	X	
Workers' Compensation	X	X	X	X	Report immediately any injuries to supervisor.
Voting Leave	X	X	X	-	Reasonable time to vote; 4 hours maximum. Rules apply.
Adverse Weather Usage	X	X	X	-	Must be made-up within four months. If not, remaining balance shall be deducted from annual and/or compensatory leave balances, if available, if not from pay. **Restrictions Apply**

Deferred Compensation

Kentucky State Government employees (who receive a regular paycheck) may participate in one or both of the Supplemental Retirement Savings Plans available through the Kentucky Public Employees' Deferred Compensation Authority (Authority) program (IRC Section 457 and 401 (k)). In addition, a Roth 401(k) option and Deemed Traditional and Roth IRA features are available on an after-tax investment basis for purposes of tax diversification. Participation in this valuable state sponsored benefit is optional for employees. The Authority administers both plans. The Authority, attached to the Personnel Cabinet for administrative purposes only, is part of Kentucky State Government.

Both the 457 and 401(k) defined contribution plans enable you to defer "pre-tax" income from your regular compensation and set it aside for retirement. Money set aside through the Authority is automatically payroll deducted twice each month. State employees have the option of selecting a set dollar amount to be deducted per pay period or specifying a percentage of salary to be deferred each pay period. There is a minimum $30 per month deferral requirement. Please note a minimum monthly contribution of $30 is required per plan or IRA. With the exception of the Roth401(k) and Deemed IRA contributions, you pay no state or federal income tax on either the money you defer, or the earnings on your investments, until you begin receiving benefits payments after retirement (including early retirement). At that time, you may be in a lower tax bracket and therefore, a smaller tax requirement may apply. Under current state tax law certain retirement incomes, including distributions from both Authority plans, are 100% excluded from Kentucky state taxes, up to an annual dollar maximum of $41,110 per person.

The Authority program is not meant for short-term savings purposes and monies deferred are generally not available except for financial hardship (401(k) Plan) and unforeseen emergency (457 Plan), termination of employment (voluntary and involuntary), retirement, or disability retirement from Kentucky State Government. In the event of your death prior to receipt of your total account balance your named beneficiary will be entitled to receive any remaining balance. Hardship is defined by IRS regulations and claims must be approved by the Authority in accordance with those definitions. Hardships do not include withdrawals for buying an automobile, consumer goods, or repayment of loans or credit card charges. A loan program is available to those participating in either the 457 or the 401(k) Plan, who want to borrow from their account. In addition, a state employee participating in the Kentucky Retirement Systems (KRS) prior to August 1, 2002 can "rollover" part or all of their 457 and/or 401(k) account to KRS to purchase up to 5 years of "non-qualified" service credit upon completing 15 years of service credit; however, it may not be used for benefit purposes until accruing 20 years of service, excluding any non-qualified service.

Investing for Retirement:
You choose which fund or funds to invest in. The Authority currently offers no-load investment options (including target date retirement funds) to participants in both plans. The Authority's Spectrum of Investment Options (Spectrum) is a tiered concept designed to assist in providing a simplified view of all your investment options. This tiered Spectrum consists of four unique tiers of funds targeting specific participant needs. Tier 1 was constructed for those participants who prefer an investment professional to make investment decisions for them. Tiers 2-4 are designed for participants who want to make their own investment decisions. The mutual funds in the Spectrum range in risk tolerance from conservative to aggressive. The majority of these funds are lower cost institutional share classes. To help ensure appropriate performance results are maintained, the Board of Trustees has adopted "Selection and Evaluation Criteria Standards." These have been specifically designed for the ongoing analysis and determination of the funds to be offered in the Spectrum. Please note mutual funds have no guarantee of return or principal. In addition, there is some uncertainty with every investment.

You have the flexibility to make exchanges of your fund balances between funds within the Spectrum on a daily basis and at no additional cost to participants. Visit the Authority's web site https://www.kentuckyplans.com/iApp/tcm/kentuckyplans/index.jsp for fund restrictions. Deferral amounts, percentages and fund investment options may be changed from one pay period to the next available pay period.

There is an on-going annualized record keeping and administrative fee, which is deducted periodically from your account and reflected on each quarterly transaction-based statement. The Authority has an on-going process to review the costs to administer the system with the objective to reduce participant fees whenever feasible. This process has successfully reduced fees in 9 of the past 18 years. The total recurring annual savings to participants now exceeds $4.5 million.

Planning for Retirement:
Long range planning and systematic saving for eventual retirement is one of the most important undertakings for employees during their state government career. With today's trends of employees retiring at younger ages and living longer in retirement (you may live as long or longer in retirement as you worked!), employees can rarely afford to rely solely on traditional defined benefit pension plans and Social Security as their only sources of retirement income for their "golden years."

Through the Authority program provided to employees as an "optional" benefit sponsored by the Commonwealth, you may, depending upon your income and any mandatory withholdings, save up to 100% of your gross salary up to the annual maximum of $17,500 in 2014 and $18,000 for 2015 in the IRC Section 457 Plan and up to $17,500 in 2014 and $18,000 for 2015 in the IRC Section 401(k) Plan. Depending upon your age, or other factors, you may be eligible to defer even more. Maximum deferrals are indexed annually in $500 increments. Additional deferral information is available on our web site.

Staff of the Authority and its statewide field service team is always available during regular working hours to assist you in planning, preparing and saving for your eventual retirement. Authority Payout Counselors are happy to work with you as you select the payout most appropriate for your individual needs. A comprehensive web site is available 24 hours per day, 7 days a week at https://www.kentuckyplans.com/iApp/tcm/kentuckyplans/index.jsp and provides account information as well as a method for making account changes and more.

For information on participating in the Authority program, please contact Authority or marketing staff at (502)573-7925 or toll free at (800) 542-2667.

LEGAL REFERENCES:

KRS Chapter 18A.230-275

Employee Discount Program

Businesses throughout Kentucky regularly enjoy showing their appreciation to state employees by offering employee discounts. Due to the frequency of requests to share this information with employees, the Personnel Cabinet has created a webpage to do exactly that. Neither that webpage nor this section of the Employee Handbook constitutes a promotion, advertisement, or endorsement by the Commonwealth of any of the private entities offering an employee discount. The Commonwealth does not guarantee or negotiate discounts. Further, the Commonwealth does not warrant any goods or services provided by any vendor. Employees should always research and compare prices, products and/or services before making any purchase. The Commonwealth assumes no responsibility for any purchases or contracts made between a vendor and an employee. It is the employee's responsibility to ensure that a conflict of interest would not prohibit the employee's lawful acceptance of a discount. Further, it is an employee's responsibility to ensure that he or she does not accept any discounts that would constitute the unlawful acceptance of a gift pursuant to KRS Chapter 11A.045. For questions, please contact the Executive Branch Ethics Commission at (502) 564-7954.

LEGAL REFERENCES:

KRS Chapter 11A.045

Employee Performance Evaluation System

The job performance of state employees is important to the Commonwealth. Supervisors are required to evaluate the performance of all eligible classified employees each year. State law requires that evaluation shall be considered in determining eligibility for discretionary salary advancements, promotions and disciplinary actions. See KRS Chapter 18A.110 and 101 KAR 2:180.

Work performance evaluation benefits you in several ways. It improves communication between you and your supervisor. Supervisors must meet with eligible employees at the start of each evaluation period to discuss performance requirements. Performance requirements include a written performance plan consisting of job duties, performance expectations and assigned points in each performance category. At the start of the performance year, the employee, first line supervisor and next line supervisor sign the plan. The completed performance plan provides you the information needed to understand what your job requires. It also provides the mechanism for reviewing your progress as an employee. If your performance is satisfactory, you are told what you are doing right and how you might do even better. If your performance is not up to standard, you receive the constructive counseling or training that will enable you to improve.

For details on who is eligible for evaluation, how performance evaluation affects you and how the process is administered, see the Employee Evaluation Handbook/Orientation, available to you through your supervisor or your human resource administrator. Also, you may visit the Personnel Cabinet's website to read KRS 18A.110 and 101 KAR 2:180 or review the Personnel Cabinet's website to find out more about the Employee Performance Evaluation System https://personnel.ky.gov/Pages/learning-PerfEval.aspx.

LEGAL REFERENCES:
KRS Chapter 18A.110
101 KAR 2:180

Insurance-

Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)

If you and/or any covered dependents lose group health insurance due to termination of your employment, a reduction in work hours, or certain qualifying events, you and/or your covered dependents have the right to continue participation in the Kentucky Employees' Health Plan (KEHP) at the group rate plus an administration fee at your own expense. More information can be found by clicking one of these links – COBRA Rights and COBRA Rates.

Insurance-

Flexible Benefits Program

KEHP currently offers a Healthcare Flexible Spending Account and a Dependent Care Flexible Spending Account. The program is provided through a Section 125 Cafeteria plan and allows you (if eligible) to pay for eligible Healthcare and Dependent Care expenses with pre-tax dollars.

FSA is pre-tax money you set aside, through payroll deductions, to use for certain eligible expenses. You decide how much to contribute to your FSA, up to a $2,500 maximum contribution per year. You may enroll in one or both Flexible Spending Accounts offered by KEHP. Healthcare FSA dollars can be used to pay toward prescription costs; eligible medical expenses such as doctor's office visits, x-rays, and lab tests; dental services and some services not covered by your health insurance plan. You can use Dependent Care FSA dollars to pay toward services such as daycare services or adult care so that you can work. Refer to KEHP's website at kehp.ky.gov for more specific information.

You have 35 days from your date of hire to enroll in either FSA programs. The effective date is the first day of the second month from the date of hire (i.e. if your hire date is February 25, your effective date will be April 1).

Insurance-

Group Life

The Group Life Insurance Branch provides all administrative services of the state contract, which includes the following duties: keeping an updated eligibility data base, reviewing and processing enrollments, bill generation and payment processing, claims screening and submission, distribution of all materials and supplies, providing customer service and providing each employee with a summary of coverage.

The Commonwealth of Kentucky provides all eligible employees a basic $20,000 life insurance policy with an equal amount of Accidental Death and Dismemberment Insurance payable to the beneficiary of your choosing. Your employer pays the Basic Life Insurance premium.

Optional and Dependent Coverage: The Group Life Insurance Program offers you the option of purchasing additional insurance on yourself and/or your eligible dependents. Payments are made through payroll deduction. Your insurance coordinator with your agency can assist you with information concerning available plans, options, and rates.

You can choose Optional and/or Dependent Life Insurance within 35 days of your employment by the Commonwealth of Kentucky. Evidence of Insurability will be required by the carrier for coverage over $150,000.

If you are enrolled in Optional Life Insurance Plan 5 or Plan 6 (coverage based on your annual salary), amounts of insurance will automatically adjust to correspond with any salary increase.

You are also eligible to enroll in Dependent Group Life Insurance within 35 days of the time when you first acquire a dependent.

You can apply for or increase Optional and/or Dependent coverage at any time by completing an application requesting such and submitting it to the insurance company. Optional and Dependent coverage may be cancelled at any time by submitting a request to the Group Life Insurance Branch.

Term Insurance: State sponsored group life insurance is a Group Term Life policy. There is no cash value or paid-up value.

Effective Date: Your insurance takes effect on the first day of the second month following the month you were employed.

If you choose to purchase Optional and/or Dependent Group Life Insurance for your family at the time of your employment, this insurance coverage becomes effective on the first day of the second month following the month you were employed.

Life Insurance Benefit: In the event of your death, your beneficiary will be paid the amount of Life Insurance at the time of your death. The amount of benefits payable includes the amount of your Basic $20,000 Insurance and any additional amount purchased under the Optional Life Insurance Plan.

If the loss of life is caused by an accident, the Accidental Death Benefit is payable to your beneficiary in an amount equal to your Basic $20,000 Life Insurance and any Optional Life Insurance, you have elected.

If you select the Dependent Group Life Insurance for your family and a covered dependent dies, benefits will be paid to you.

Beneficiary Designation: You have the right to choose a beneficiary. If there is a beneficiary for the insurance, benefits are payable to that beneficiary. Any amount of insurance for which there is no beneficiary at your death will be payable

to the first surviving class of the following classes of successive preference beneficiaries: your (a) surviving spouse; (b) surviving children; (c) surviving parents; (d) surviving brothers and sisters; and (e) estate

You may designate a new beneficiary at any time by using KHRIS Employee Self Service (ESS).

Leave without Pay: Your insurance may be continued for up to a maximum of one year during an approved leave of absence without pay. After one year has expired, your coverage will terminate unless you return to work as an eligible employee. While on leave, you are responsible for making timely payments of the required contributions for Basic, Optional and Dependent Group Life Insurance.

Family and Medical Leave (FML): The Commonwealth of Kentucky will continue paying your Basic Life Insurance. You are responsible for timely payments of your insurance premiums for Optional and/or Dependent Group Life Insurance.

Conversion: If you terminate employment (including through disability retirement), you are guaranteed the opportunity to convert all or part of your Basic, Optional and/or Dependent Group Life Insurance to an individual policy within 31 days following the date your insurance coverage ends, without having to provide Evidence of Insurability.

If you are enrolled in Dependent Group Life Insurance, a covered dependent can convert to an individual policy should your insurance end due to death or termination of employment. A spouse in a divorce situation and a dependent child who reaches the limiting age may also convert.

Termination Date: Your insurance ends on the last day of the month following your employment termination date.

In the event of your death, Dependent Group Life coverage will end on the last day of the month following the date of death.

For More Information

Any questions regarding the state sponsored life insurance should be addressed with your agency's insurance coordinator or the Group Life Insurance Branch. In Frankfort, call (502) 564-4774, or use the toll-free number, 1 (800) 267-8352, from anywhere in the state.

Insurance-

Health

For complete information regarding the Kentucky Employees' Health Plan (KEHP), please refer to KEHP's website at kehp.ky.gov**.**

You are eligible to participate in KEHP if you are a regularly employed employee or COBRA participant. Regularly employed employees are employees who contribute to one of the state-sponsored retirement systems, or who are otherwise defined in KRS Chapter 18A.225. If you are a part-time, interim, or seasonal employee, please consult with your human resource administrator regarding eligibility to participate in KEHP.

As a new employee, you have **35 days** from your date of hire to:

- Elect to enroll in a health insurance plan option (for plan year 2015 the options are: LivingWell CDHP, LivingWell PPO, Standard PPO or Standard CDHP); **or**

- Elect to waive your health insurance and enroll in one of the two Health Reimbursement Arrangements (HRAs) and receive $175 per month in two installments. The installments are January 1, 2015 for $1,050 and July 1, 2015 for $1,050 for a maximum total of $2100 per year. An HRA is a federally qualified expense account that consists of funds set aside by employers to reimburse employees for qualified medical expenses such as doctor's office visits, x-rays, prescriptions, eligible dental expenses or other eligible expenses not covered by health insurance. There are specific eligibility requirements for electing the Waiver (general purpose) HRA. Refer to the KEHP website at kehp.ky.gov for specific information on the Waiver (general purpose) HRA and the Waiver Dental Vision Only HRA.

If you fail to make your elections within 35 days from your date of hire, you will be defaulted into the Standard CDHP at the single coverage level. You must then wait until the next annual Open Enrollment period to make your elections or until you have experienced a valid qualifying event.

If you elect health insurance coverage, your effective date will be the first day of the second month following your date of hire. For example: if you begin work on January 1, your health insurance is effective on March 1. If you begin work on January 16, health insurance is effective on March 1.

LEGAL REFERENCES:
KRS Chapter 18A.225

Insurance-

Optional

Please see Payroll Deduction Program.

Insurance-

Premium Conversion (Pre-Tax Benefit)

The Premium Conversion (Pre-Tax Benefit) program gives you the opportunity to pay your portion of the health insurance premium with pre-tax dollars. This may save you money by reducing your taxable income. You will automatically be enrolled in the pre-tax benefit unless you sign a post-tax form either during Open Enrollment or within 35 days of your date of hire. Your premiums will remain pre-taxed until the next Open Enrollment period. If you opt out of this program and wish to once again participate, you must re-enroll during Open Enrollment. Your human resource administrator can supply you with the applicable forms.

Additional Information:
Visit KEHP's website at kehp.ky.gov for a variety of information including (select link below):

- Health Plan Information
- Summary Plan Descriptions
- Summary of Benefits and Coverage
- Flexible Spending Accounts and Health Reimbursement Arrangement (HRA) Information
- LivingWell Initiatives
- HumanaVitality Program

Internal Mobility Program

Agencies may advertise promotional vacancies that are limited to Internal Mobility candidates. Internal Mobility candidates are current state employees who have merit status under KRS 18A, and are seeking promotion, transfer, or demotion into another merit position. Internal Mobility candidates are also eligible to apply to competitive job advertisements, which are open to all applicants. FFTL, interim, non-merit, and employees on initial probation do not have merit status and therefore are not eligible to be considered for promotional job advertisements.

If you are a merit employee and want to be considered as an Internal Mobility candidate on a promotional register, you must:

- Find a posted vacancy announcement;
- Submit an application to that vacancy through Career Opportunities System (COS); and
- Meet the minimum requirements for the position for which you are applying.

As promotional registers are requested by hiring agencies and vacancies are posted, the names of all employees with Internal Mobility status who have applied will be certified to the requesting agencies. Unlike the pre-COS, paper-driven process which was not vacancy specific, applicants who apply to positions posted on the Career Opportunities System vacancy list are not automatically blocked from registers if they are contacted by the hiring agency and decline a job interview or they are selected for appointment by the hiring agency and decline the job offer. However, applicants are highly encouraged to notify the hiring agency in advance if they cannot attend a scheduled interview. Failure to show for a scheduled interview reflects negatively upon you as a candidate and could diminish your chances for serious employment consideration when future vacancies become available within that agency; and as a result of being a 'no show' these hiring agencies may request that you be blocked from certification on registers for their specific job title/vacancy for a set amount of time. It is especially recommended you notify the hiring agency as far in advance as possible should you change your decision on an accepted offer of employment.

Placement on a register is not an indication of approval for reclassification of a position. NOTE: Part-time employees with merit status will be identified with a Ranking Value of *Part-time Internal Mobility* on certified register reports for part-time promotional vacancies, part-time competitive vacancies and full-time competitive vacancies. The names of part-time employees with merit status will not appear on certified register reports for full-time promotional vacancies.

If you have any questions, contact the Personnel Cabinet, Division of Career Opportunities at (502) 564-8030 or you may email the COS Help Desk at: CosHelp@ky.gov.

LEGAL REFERENCES:
KRS Chapter 18A

Holidays

Kentucky state government observes holidays amounting to 11.5 days (12.5 days in years there is a presidential election) of paid leave annually for state employees. The following list shows the holidays when you may expect to receive a paid holiday.

New Year's Day*	January 1
Martin Luther King Day	Third Monday in January
Good Friday	One-half day on the Friday that precedes the Easter holiday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Presidential Election Day	Tuesday after first Monday in November of presidential election years
Veterans Day	November 11
Thanksgiving Day*	Fourth Thursday in November
Christmas Day*	December 25

*An extra day is given for Thanksgiving, Christmas, and New Year's

When one of the above holidays falls on Saturday, it is observed on Friday. Holidays occurring on Sunday are observed on Monday.

LEGAL REFERENCES:
KRS Chapter 18A.190

Leave-

Annual (Vacation) Leave

All full-time employees receive annual leave as a state work benefit. Part-time and Interim employees do not earn annual leave. Your length of service will determine the amount of annual leave you earn in a calendar year. A full-time employee shall have worked, or been on paid leave, other than educational leave with pay, for 100 or more regular hours per month to accrue annual leave.

Months of Service	Leave Accrued Annually
0-59 months	12 days per year; 1 day per month
60-119 months	15 days per year; 1 1/4 days per month
120-179 months	18 days per year; 1 1/2 days per month
180-239 months	21 days per year; 1 3/4 days per month
240 months and over	24 days per year; 2 days per month

You may carry your annual leave forward from one calendar year to the next at the following rates:

Months of Service	Maximum to Carry Forward	37.5 hr wk	40 hr wk
0-59 months	30 working days	225 hrs.	240 hrs.
60-119 months	37 working days	277.50 hrs.	296 hrs.
120-179 months	45 working days	337.50 hrs.	360 hrs.
180-239 months	52 working days	390 hrs.	416 hrs.
240 months and over	60 working days	450 hrs.	480 hrs.

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the calendar year or upon retirement.

Rules on Use and Payment:
The first rule to remember about annual leave is that you must always get advance approval from your supervisor before taking annual leave. If you do not receive prior approval for annual leave, your agency may refuse to pay you for the time you are absent and consider your absence as "unauthorized absence." Agencies may also take disciplinary action against employees who are absent without leave. An employee who is absent without leave authorization or notice to the employee's supervisor for 10 working days is considered to have resigned from employment.

If you resign or retire from state employment, you will be paid for all accumulated annual leave, up to the legal maximum you are permitted to carry over from year to year, provided you give your agency at least 14 calendar days written notice of your final work day. If you do not give at least 14 days' notice, your agency may refuse to pay you for any annual leave time you have accumulated.

If you are laid off, you will be paid for all unused accumulated annual leave time up to the legal maximum you are permitted to carry over from year to year. An exception may be made if your position is part of an approved plan for privatization of services and the successor employer agrees to credit you with your annual leave time.

If you are dismissed for cause or fail to give two weeks' notice of resignation or retirement without proper notice, you may have to forfeit all of your unused annual leave time. Your agency will decide whether you are to receive payment for your accrued annual leave.

LEGAL REFERENCES:
101 KAR 2:102, Section 1
101 KAR 3:015, Section 1

Leave-

Blood Donation

- Blood donation leave is granted for the purpose of whole blood donation and recuperation.
- The donation must occur during an employee's scheduled work hours in order to qualify for leave, which does not include the lunch period.
- Blood donation made outside scheduled work hours is not eligible for blood donation leave or compensatory time for the donation.
- Agencies are responsible for notifying their employees of the blood donation policy.
- All employees statewide are permitted to donate blood at any licensed blood center certified by the Food and Drug Administration.
- All employees are required to obtain prior supervisory approval for blood leave.
- All employees are required to submit verification to their supervisor of blood donation or deferral.
- Employees who donate may receive up to four (4) hours leave time with pay for the purpose of donating and recovering from the donation. Leave time must be taken at the time of donation unless circumstances, as specified by the supervisor, require the donor to return to work. In this case, the unused portion of leave time will be credited as compensatory time.
- Employees deferred from donating shall not be charged for the time used in attempting to donate, but will not receive the four (4) hours leave time as those who donate.

LEGAL REFERENCES:
101 KAR 2:102, Section 12
101 KAR 3:015, Section 12

Leave-

Compensatory Leave Time & Overtime Pay

If your job is determined to be non-exempt according to the Fair Labor Standards Act guidelines and you are paid on a salaried basis, you will be given compensatory leave time for any hours you work beyond your usual hours of duty. If you are paid by the hour (and are a 37.5 hour week employee), you will be paid for the hours worked up to and including 37.5 hours in the week. You will receive compensatory time, on an hour-for-hour basis for hours between 37.5 and 40 in a work week. For hours worked beyond 40 in a workweek, you will be paid time and one-half your regular rate of pay, unless you elect to receive compensatory leave at one and one-half hour for each hour worked over 40. If you elect to receive compensatory leave at time and one-half, this election must remain in effect for a minimum of three months.

If your position is determined to meet the criteria as executive, administrative, professional or computer professional, you will be given compensatory leave time for all hours worked in excess of your regular work schedule. This accrual will be on an hour for hour basis. Employees in this category are considered "exempt" employees – exempt from the overtime provisions of the Fair Labor Standards Act.

When you use your compensatory leave time during the same week you earn it, it does not count as "hours worked" for figuring overtime compensation. As with annual leave, you must request the use of your compensatory leave in advance.

The maximum amount of compensatory time that can be "accumulated" by an employee in a policy making position is 240 hours. Employees in non-policy making positions can accumulate up to 239.99 hours. At the end of the pay period, if 240 compensatory hours is reached, employees in non-policy making positions will be paid for a block of 50 hours and the balance reduced accordingly. Employees who have accumulated over 150 hours may request a block 50 payment; however, the agency is not required to pay until 240 hours is reached for a non-policy making position. If you transfer to another state agency that is covered by KRS Chapter 18A, you take your compensatory time with you to your new job- just as you do with accumulated sick leave and annual leave. For agencies not covered by KRS Chapter 18A, please check with your human resource administrator.

NOTE: "Accumulated" means when the compensatory time is actually credited to your account balance. Any "held time" for FLSA purposes due to our split work weeks and pay periods is not official until credited to the employee's balance.

LEGAL REFERENCES:
101 KAR 2:102, Section 5
101 KAR 3:015, Section 5

Leave-

Court

All employees of Kentucky state government receive paid leave time whenever they must serve as jurors or comply with a court or administrative subpoena. Court leave is not granted though if you or a member of your family is a party involved in a court action as a private matter. If you or a member of your family is a party to the case, you must use annual or compensatory leave and request to do so in advance.

It is important to remember that court leave is only for time that crosses your scheduled work hours. The time you must spend traveling to court is also included in paid court leave. However, if you are dismissed from jury duty or from serving as a witness, you must return directly to your job.

Please show a copy of any court summons to your supervisor before taking court leave, otherwise your absences may not be properly authorized.

LEGAL REFERENCES:
101 KAR 2:102, Section 4
101 KAR 3:015, Section 4

Leave-

Family and Medical (FMLA)

A summary of an employee's rights and responsibilities under the federal Family and Medical Leave Act (FMLA) may be accessed at the following link: http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf. In general, the FMLA provides up to twelve (12) weeks of unpaid, job-protected leave for eligible employees for certain family and medical reasons. The Personnel Cabinet leave regulations provide additional benefits to certain state employees as well. The information below reflects the combined federal and additional protections for all employees who are covered by the administrative regulation 101 KAR 2:102 and 101 KAR 3:015.

EMPLOYEE ELIGIBILITY - To be eligible for family and medical leave, an employee must have:

1. Completed at least twelve (12) months of state service; and
2. Worked or been on paid leave for at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave. See the FMLA provisions in 101 KAR 2:102 Section 3 and 101 KAR 3:015 Section 3.

LEAVE ENTITLEMENT - An eligible employee must be granted at least twelve (12) weeks of unpaid family and medical leave during the calendar year for one or more of the following reasons:

- For the birth of a son or daughter, and to care for the newborn child;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
- Because of a serious health condition that makes an employee unable to perform the functions of the employee's job;
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or someone of similarly close relationship is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or someone of similarly close relationship to the service member.

  NOTE: An eligible employee is entitled to up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period.

In general, an employee shall not be placed on family and medical leave until the employee has exhausted all accumulated paid leave such as sick, annual, or compensatory leave. However, upon written request, the employee may reserve up to ten (10) days of accumulated sick leave and be placed on family and medical leave. An employee may not elect to reserve annual or compensatory leave.

Alternatively, the employee may elect to utilize family and medical leave concurrently with other accumulated paid leave. **An eligible employee is not entitled to the protections of the federal FMLA until the employee elects to utilize family and medical leave.** In other words, an employee utilizing accumulated paid leave must elect to use family and medical leave concurrently with paid leave in order to be entitled to the protections contained in the federal FMLA while on paid leave. If an eligible employee does not elect to use family and medical leave concurrently with paid leave, the employee must comply with the applicable paid leave regulations contained in 101 KAR 2:102 and 101 KAR 3:015.

LEAVE TO CARE FOR A SPOUSE, SON, DAUGHTER, PARENT, OR IMMEDIATE FAMILY MEMBER

- A spouse is a husband or wife, individuals in lawfully recognized same-sex and common law marriages recognized under State law for purposes of marriage in the State where the employee was married, and marriages that were validly entered into outside of the United States if they could have been entered into in at least one state.
- A parent is a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. The term does not include parents "in law."

- A son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that family and medical leave is to commence.
- An "immediate family member" means:
    - (a) the employee's spouse, mother, father, grandparent, son or daughter; or
    - (b) A person of similarly close relationship:
        - 1. Who has resided with the employee for at least thirty (30) days prior to application; or
        - 2. For whom the employee is legally responsible.

LEAVE FOR THE BIRTH OR PLACEMENT OF A CHILD-

- In the case of an eligible husband and wife who are employed by the Executive Branch, both are entitled to twelve (12) weeks of leave due to the birth or placement of a child (i.e., bonding time).
- There may be some instances where an employee may qualify for family and medical leave prior to the birth of a child. For example, an expectant mother may take family and medical leave for prenatal care or if her condition makes her unable to work (such as in the case of severe morning sickness or if placed on bed rest by a physician). The mother is entitled to family and medical leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) consecutive calendar days (the typical requirements for FMLA).
- In the case of an adoption or foster care, an employee is eligible to receive family and medical leave before the placement or adoption in some instances. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption.
- An employee ordinarily must provide advance notice of his or her intent to use leave due to the birth or placement of a child through adoption or foster care.
- In general, upon the conclusion of the twelfth week of leave, if an employee has not exhausted his or her accrued leave and unpaid family and medical leave, an employer may require an employee to provide medical certification of the need for any additional leave time.

ADVANCE NOTICE AND MEDICAL CERTIFICATION - The employee may be required to provide advance leave notice and medical certification or other supporting documentation. Request for leave may be delayed or denied if requirements are not met.

- The employee ordinarily must provide advance notice when the need for leave is foreseeable.
- An employer may require medical certification to support a request for family and medical leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

INTERMITTENT FAMILY AND MEDICAL LEAVE - Family and medical leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is family and medical leave taken in blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

- Intermittent leave must be granted for the following qualifying conditions when medically necessary:
    - An employee's own serious health condition;
    - To care for the employee's spouse, son, daughter, parent, or immediate family member with a serious health condition;
    - To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, next of kin, or immediate family member to the service member; and
    - Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or immediate family member is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

JOB BENEFITS AND PROTECTION-

- While an employee is on unpaid family and medical leave, the state contribution for health and life insurance shall be maintained by the employer. If applicable, arrangements will need to be made for employees to pay their share of health and life insurance premiums while on unpaid family and medical leave.
- On return from family and medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. .
- An employee shall be free from interference with, restraint, or the denial of any rights provided by the federal FMLA.
- An employee may not be discharged or discriminated against for opposing or complaining about any unlawful practice under the federal FMLA.

SUMMARY OF LEAVE ENHANCEMENTS-

- The federal FMLA provides that an employee must have worked at least 1,250 hours in the twelve (12) months immediately preceding the first day of family and medical leave in order to be eligible for family and medical leave. However, the Personnel Cabinet leave regulations allow time worked **and time spent on paid leave** to count towards the 1,250 hour eligibility requirement.
- The federal FMLA allows an employer to require an employee to run his or her family and medical leave entitlement concurrently with accrued paid leave. However, the Personnel Cabinet leave regulations allow employees to choose whether family and medical leave will run **concurrently or consecutively** with accrued paid leave.
- The federal FMLA allows leave to care for only a spouse, son, daughter, or parent with a serious health condition. However, state government allows employees covered by the Personnel Cabinet leave regulations to take family and medical leave to care for **other immediate family members** as well, as defined above.
- The federal FMLA entitles a husband and wife employed by the same employer to only a combined twelve weeks of family and medical leave for bonding time following the birth or placement of a child. However, state government agencies covered by the Personnel Cabinet leave regulations must allow **each spouse twelve weeks** of family and medical leave for bonding time under the above-specified situation.

All covered state agencies shall comply with the federal FMLA statutes and regulations, as well as the family and medical leave provisions contained in 101 KAR 2:102 Section 3 and 101 KAR 3:015 Section 3.

LEGAL REFERENCES:

101 KAR 2:102, Section 3
101 KAR 3:015, Section 3

[See copy of poster on next page.]

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1420 Revised January 2009

Leave-

Funeral and Bereavement

Upon the approval of the appointing authority, an employee who has lost an immediate family member by death may utilize three (3) days of accrued sick leave, compensatory leave, annual leave, or leave without pay if the employee does not have accrued leave, or a combination thereof. The appointing authority may approve additional leave at the request of the employee.

For purposes of funeral and bereavement leave, an immediate family member shall include the employee's spouse, parent, grandparent, child, brother, or sister, or the spouse of any of them, and may include other relatives of close association if approved by the appointing authority.

LEGAL REFERENCES:
101 KAR 2:102, Section 8
101 KAR 3:015, Section 8

Leave-

Military

State employees who are active members of the United States Army Reserve, the United States Naval Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the National Guard, are credited with twenty-one (21) working days of military leave for the purpose of fulfilling state and/or federal active duty orders, per federal fiscal year (October 1 – September 30), provided your orders require your absence from your state job.

Official leave must be requested in order to avoid being dismissed for abandonment of your job. A copy of your orders should be provided to your Appointing Authority to initiate this request.

Generally, once relieved or discharged from military duty under conditions other than dishonorable military duty, you have a period of *ninety (90) days to notify your agency of your intent to return to your employment position by either reporting to work or applying for reemployment. You have the right to be restored to your former position or a position of like seniority, status and pay.

> *If hospitalized or receiving continuing treatment after release, you have a period of one (1) year to apply for reemployment. Notably, you must be relieved in order to be entitled to exercise these restoration rights. Please see KRS 61.373 for complete information with respect to military restoration rights.

You are entitled to any pay raises that would have been granted, as well as seniority that would have accrued, and your increment date does not change. You will be credited with the appropriate months of service upon presentation of a DD-214 to your human resource administrator. Please note that while you are entitled to months of service for the purpose of leave accrual, you do not accrue annual or sick leave while on military leave without pay.

If you are wounded or disabled and unable to perform your job upon return, the state must offer a position similar in status and pay to the previous job for which you are qualified and able to perform.

Upon returning from military duty you (whether merit or non-merit) may not be terminated except for cause for a period of one (1) year after restoration to a position following military duty. However, if your position was abolished as a result of a lay-off, or your name was included in a lay-off plan, you would not be able to reclaim your job immediately. You would retain reemployment rights as if you had not left your job (i.e., placement on the re-employment lists with all seniority rights intact).

> In the case that you do not agree that you have been afforded your restoration rights under state law, you may file an appeal with the Personnel Board. Other remedies may also exist, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA). If you have questions about your return position or employment status, you should contact your human resource administrator.

In a time of peace, you retain restoration rights for a period of six (6) years. However, in a time of war or national state emergency, you retain these rights for the duration of the time of war or national emergency plus six (6) months.

NOTE: In May 2014, President Barack Obama gave notice of a continuation of the Notice of Continuation of the National Emergency with Respect to Certain Terrorist Attacks. This notice continues the national emergency that was declared as a result of the terrorist attacks of September 11, 2001 for an additional year. So long as this state of national emergency exists, KRS Chapter 61.373 shall be applied accordingly.

LEGAL REFERENCES:

101 KAR 2:102, Section 6
101 KAR 3:015, Section 6
KRS Chapter 61.373
KRS Chapter 61.394

Leave-

Military, Spousal

Any state employee who is the spouse of an active member of the United States Army Reserve, the United States Naval Reserve, the United States Air Force Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the National Guard, who is called upon to serve under Federal orders (deployment) shall be granted one day paid leave prior to deployment and one day paid leave upon return from deployment, per federal fiscal year (October-September), according to KRS Chapter 18A.190.

The appointing authority may require a copy of the soldier's military orders prior to approving the use of this leave.

LEGAL REFERENCES:

KRS Chapter 18A.190

Leave-

Sick

a) An employee, except a part-time employee, shall accumulate sick leave with pay at the rate of one (1) working day per month.
b) An employee shall have worked or been on paid leave, other than educational leave, for 100 or more regular hours in a month to accrue sick leave.
c) An employee shall be credited with additional sick leave upon the first day of the month following the month in which the sick leave is earned.
d) A full-time employee who completes 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service.
e) A full-time employee who completes 240 months of total service with the state shall be credited with another ten (10) additional days of sick leave upon the first day of the month following the completion of 240 months of service.
f) In computing months of total service for the purpose of crediting sick leave, only the months for which an employee earned sick leave may be counted.
g) The total service shall be verified before the leave is credited to the employee's record.
h) A former employee who has been rehired, except as provided in paragraph (i), shall receive credit for prior service, unless the employee had been dismissed as a result of misconduct or a violation of KRS Chapter 18A.140, 18A.145, or 18A.990.
i) A former employee who is appointed, reinstated or reemployed, other than a former employee receiving benefits under a state retirement system, shall be credited with the unused sick leave balance credited to him or her upon separation.
j) Sick leave may be accumulated with no maximum.

Rules on Sick Leave Use:
As with annual leave, you are required to get advance leave approval for such non-emergency sick leave as doctor's appointments. If your need to use sick leave prevents advance notice, you are expected to call your supervisor or his or her designee as soon as possible. Remember, the same penalties that apply to unauthorized annual leave also apply to unauthorized sick leave when the absence is not a medical emergency. When you cannot give adequate notice, a timely telephone report to your supervisor may prevent your absence from being considered unauthorized. Please check with your supervisor or your human resource administrator for your agency's call-in procedures.

At the time of your retirement, you may receive service time credit for unused sick leave in accordance with the conversion chart maintained by the Kentucky Retirement Systems. Actual credit is determined by the Retirement Systems per their regulation.

Sick leave with pay may be used when you have a medical, dental, or optical appointment. You may also use earned sick leave for bonding time for birth or placement of a child or if you:

- are sick or injured;
- are pregnant;
- are caring for a sick or injured member of your immediate family for a reasonable period of time;
- would jeopardize the health of yourself or others at work;
- have lost by death a parent, child, brother, sister, their spouse, or any other person as specified in the regulations (three days limit).

Your agency may limit the amount of time granted for the above conditions and may require a doctor's certificate to document your condition.

Sick leave may be used in 15-minute units.

Sick Leave Abuse:
Your earned sick leave with pay is intended as a benefit for you to use at those times when you have a bona fide need for it. As your employer, the state has defined the terms for using sick leave very broadly, recognizing that there are many circumstances other than your own unexpected illness when you might justifiably claim sick leave. Sick leave cannot, however, be used for unnecessary occasions when it would be convenient for you to be absent. For those times, you must apply for annual or compensatory leave. The employee who abuses sick leave causes either a work slow-down or places an unfair strain upon fellow workers who must do the work in his or her absence. In consideration for your fellow workers, your agency, and the people state government serves, spend your sick leave time wisely. Remember that a large amount of accumulated sick leave with pay is your cheapest form of disability insurance.

Why Save Your Sick Leave?
If you ever get sick or injured and you have to be absent from work for a long time, hopefully you will have enough sick leave and other leave to cover your absence. If you don't have enough leave time, chances are you will be placed on sick leave without pay by or sick leave by personnel action. Below are some of the consequences of being placed on this type of leave:

1. You won't be paid your salary.
2. You won't be paid for any Holidays that fall during your period of sick leave by personnel action.
3. You won't earn annual and sick leave during this period.
4. You may have to work extra months to become a "Career Employee" or to qualify for retirement. Remember that you have to work, or be on paid leave (other than educational leave with pay), for 100 or more regular hours per month to gain service credit for the month.
5. You must pay for your dependents' and your health insurance premiums, which would normally be deducted from your pay.
6. You must pay for your Group Life Insurance premiums, which would normally be deducted from your pay.
7. You will have to make your own payment arrangements for any normally payroll-deducted loans, optional insurance, etc.

Sick Leave without Pay:

You are eligible for sick leave without pay (without a change in your personnel status) for your own injury or illness if:

(a) You have exhausted all accumulated paid annual, sick, and compensatory leave; or

(b) You have exhausted all accumulated paid leave other than up to ten (10) days of accumulated sick leave, which you have requested to retain.

NOTE: Sick leave without pay for your own illness or injury shall not exceed thirty (30) continuous working days.

You are eligible for sick leave without pay to care for a member of your immediate family if:

(a) You do not qualify for family and medical leave due to lack of service; and

(b) You have exhausted all accumulated paid annual, sick, and compensatory leave.

NOTE: Sick leave without pay to care for an immediate family member shall not exceed thirty (30) working days.

Sick Leave by Personnel Action

Upon your exhaustion of your thirty (30) day sick leave without pay entitlement, you are eligible for sick leave by personnel action for your own illness or injury for a period not to exceed one (1) year.

(a) Your appointing authority may require you to provide statements from an appropriate medical health professional attesting to your continued inability to perform the essential functions or your duties with or without reasonable accommodation.

(b) Your appointing authority may require you to provide a medical statement certifying your ability to return to work before you are permitted to return.

(c) Your appointing authority must return you to your original position, or to a position for which you are qualified and which resembles your former position as closely as circumstances permit, once you give notice of your ability to resume your duties and complied with any other requirements.

(d) If you are unable to return to your previous position upon the expiration of one (1) year of sick leave by personnel action, then you may be deemed resigned from your position. However, you will be given priority consideration for any other vacant, budgeted position with the same agency, for which you are qualified and capable of performing its essential functions with or without reasonable accommodation.

LEGAL REFERENCES:

101 KAR 2:102, Section 2
101 KAR 3:015, Section 2
KRS Chapter 18A.140
KRS Chapter 18A.145
KRS Chapter 18A.990

Leave

Special Leave of Absence/Educational

Special leave of absence may be granted for up to 24 months, with the approval of your appointing authority and the Secretary of Personnel.

If granted, leave shall be granted either with pay (if the employee contractually agrees to a service commitment) or without pay.

You will not accumulate annual leave or sick leave while on special leave with pay. If your leave is without pay, you must make arrangements through the payroll officer to continue your health and life insurance. You must pay the total premiums.

LEGAL REFERENCES:
101 KAR 2:102, Section 9
101 KAR 3:015, Section 9

Leave-

Voting

In order to be eligible for voting leave in a precinct holding an election, an employee must (1) be registered to vote in the county holding the election, (2) be scheduled to work on Election Day during the hours of 6:00 a.m. to 6:00 p.m. local time, and (3) notify their immediate supervisor prior to receiving voting leave. Employees who vote and work in lieu of taking voting leave may receive up to four (4) hours of compensatory time.

Voting leave must be requested and approved in advance. The employee must be eligible to vote in the county holding the election and must actually vote in order to receive voting leave. Agencies develop work schedules in advance of an election that permit employees to share the workload on Election Day while still taking leave time to go to the polls. An employee may receive up to four hours of voting leave for the purposes of voting on Election Day or the same amount of time to cast an absentee ballot, prior to Election Day if the time is during the employee's work schedule. (Employees electing to vote via absentee ballot are eligible for voting leave on the day the absentee vote is cast at their respective County Clerk's office – this includes absentee votes cast for out-of-state elections if the employee otherwise qualifies pursuant to the applicable state law.)

Part time employees:
Part time employees only receive paid voting leave once they account for their 3.5 or 4.0 hours that full time employees must attain. For example, if a 37.5 hour part time employee is only scheduled to work 5.0 hours on Election Day (or the equivalent in the case of an absentee ballot), the employee may only receive 1.5 hours of paid voting leave if/when the employee accounts for 3.5 hours of either work or paid leave hours.

Additional information:

General Election Days – Allows for up to 4 Hours of Voting Leave
Presidential Election Days – State Offices will be closed per KRS 18A.190

LEGAL REFERENCES:
101 KAR 2:102, Section 7
101 KAR 3:015, Section 7
KRS Chapter 18A.190

Leave-

Weather, Adverse

The normal working hours for employees in State Government Offices are 8:00 a.m. to 4:30 p.m., prevailing local time, Mondays through Fridays. Appointing Authorities are authorized to approve flexible schedules when necessary to promote efficiency or provide reasonable accommodation.

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 adverse weather conditions. When weather conditions prevent an employee from reporting to work at the normal time, or when an employee decides not to report for work or to leave work early due to weather conditions, the following apply:

1. If operational needs allow, supervisors are required to make every reasonable effort to arrange schedules to allow employees to make up time not worked. Employees are not allowed to make up the work if it would result in the employee working over 40 hours in a workweek. The employee has one hundred twenty-three (123) days from the occurrence of the absence to make up the time lost. If it is not made up within that time, it will be deducted first from available compensatory leave and/or then from available annual leave. If, at that time, the employee has no annual or compensatory leave available, then the employee shall have his/her time charged to leave without pay. If the employee transfers to another agency or is no longer employed by state government before the leave is made up, the leave shall be charged to compensatory and/or annual leave or deducted from the employee's final pay; or
2. Employees may use accumulated annual or compensatory leave time for the late arrival, early departure or missed work day; or
3. If compensatory and annual leave have been exhausted, the employee may take leave without pay for the late arrival, early departure or missed workday.

Any employee who is on leave that was arranged prior to the inclement weather shall use the leave as originally requested.

NOTE: Employees designated for mandatory operations are not eligible for adverse weather leave. Employees who work in 24-hour facilities such as parks, hospitals, prisons or residential facilities and employees who work in law enforcement, disaster and emergency services and on highway crews are the standard exception to the normal working hours policy and are not eligible to utilize this leave type.

LEGAL REFERENCES:
101 KAR 2:102, Section 11
101 KAR 3:015, Section 11

Leave-

Transferring Months of Service/Leave Balances with No Break in Service

Going From	Going To	*Months of Service	Leave Balances	Sick Leave Sharing Program Participant
Teachers' Retirement	Executive Branch	Y	Y	Y
PVA**	Executive Branch	Y	Y	N
Administrative Office of the Courts (AOC)	Executive Branch	Y	Y (except for Comp time)	Y
Board of Education	Executive Branch (only if going to Department of Education)	Y	Y (Sick leave only)	N
Unified Prosecutorial	Executive Branch	Y	Y	N
Legislative Research Commission***	Executive Branch	N	Y (will accept up to 200 hrs Comp time)	Y
KCTCS ****	Executive Branch or to Dept of Education- Adult & Tech Educ.	Y	N	N
Chapter 16 (Trooper)	Executive Branch	Y	Y	Y
Executive Branch	Executive Branch	Y	Y	Y
Colleges or Universities	Executive Branch	N	N	N
County or City Government	Executive Branch	N	N	N
Kentucky Housing Corporation	Executive Branch	N	N	N
Local Health Departments	Executive Branch	N	N	N
Returning Retirees	Executive Branch	N	N	N
Dept of Education- Adult & Tech Educ.	Executive Branch	Y	Y	N
Executive Branch	Dept of Education- Adult & Tech Educ.	Y	Y	Y
Ky Retirement System HB 461 (To and From)	Executive Branch To and From	Y	Y	Y

Note: For transfers involving Teachers' Retirement, PVA, AOC or Board of Education, agencies will need to call the agency from which the employee is transferring to get the information. If there is a break in service, then employees would be paid for their annual and comp (up to the max). If an employee is coming from Unified Prosecutorial System, then receiving agencies would need to contact this agency for their months of service and leave balances since this is not stored in KHRIS.

*For leave accrual purposes only.
**The Property Valuation Administrator (PVA) is considered an elected state official. Therefore, if a former PVA becomes an employee of the Executive Branch, in a position that accrues leave, the months of service as a PVA will need to be included when setting the annual leave accrual rate.
*** LRC Comp time transfer- Effective February 1, 2008
****KCTCS only up to July 1, 1998.

Leave Sharing Programs

The Commonwealth of Kentucky supports leave sharing programs that provide assistance to employees in the event that certain conditions exist and specific qualifications are met, per program.

Eligibility requirements for both programs include:

- KRS Chapter 18A employees who are regularly appointed to positions in the state service for which are compensated on a full-time, part-time, or interim basis are eligible to participate in these programs.;. Additionally, with respect to the Sick Leave Sharing Program, employees of the Administrative Office of the Courts, Legislative Research Commission, sworn personnel in State Police covered by KRS Chapter 16, Kentucky Retirement Systems and Kentucky Teachers' Retirement System may also participate.
    - Both must be in an active/paid status at the time of the application/donation.
- An employee becomes eligible to receive donated leave at the point in time when criteria specific to the leave sharing program in question are met (see detailed program information below).
- Donors must have accrued a leave balance of more than seventy-five (75) hours and may not request a transfer of an amount of leave that would result in reducing his or her leave balance to less than seventy-five (75) hours.

Program Guidelines:

1. The applicant for leave sharing shall be responsible for filing the appropriate leave sharing application.
2. The appointing authority, with the approval of the Secretary of the Personnel Cabinet, shall determine the amount of leave, if any, which an employee within his or her agency may receive. Transfers of leave shall not exceed the amount requested by the recipient. (See maximum amount under details for Annual Leave Sharing Program.)
    a. Leave shall not be donated to an employee regularly scheduled to work **thirty seven and one-half (37.5)** hours per week **in an amount less than seven and one-half (7.5) hours.**
    b. Leave shall not be donated to an employee regularly scheduled to work **forty (40)** hours per week **in an amount less than eight (8) hours.**
3. Leave may be transferred between employees of the same agency. With the approval of the Secretary of the Personnel Cabinet and of the appointing authorities of both agencies, leave may be transferred between employees of different state agencies.
    a. If multiple donors donate leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.
    b. Donated leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the appointing authority.
    c. The leave sharing recipient shall be responsible for monitoring the amount of leave donated and used.
    d. Leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave. Donated leave shall be used in the order in which it is donated, and on consecutive days.
    e. If a leave donor resigns, retires, or is otherwise terminated from state employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the recipient.
    f. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation. Please see information below for exceptions to this general rule specific to the type of leave sharing program used.
4. While using leave donations, an employee shall be deemed a state employee and shall receive the same treatment with respect to salary, wages and employee benefits.
5. All salary and wage payments made to an employee while using leave sharing shall be made by the agency employing the person receiving the leave.
6. No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute leave sharing

donations. Intimidate, threaten, or coerce means promising to confer or conferring any benefit or effecting or threatening to effect any reprisal.

Some important notes:

- It is important to remember that participation in any leave sharing program is at the discretion of the employee and requires approval of the Appointing Authority and the Secretary of the Personnel Cabinet.
- When working with any facet of either leave sharing program you must consider both the statue and the regulations.
- Keep in mind that participation in any leave sharing program is subject to the approval of the Appointing Authority and the Secretary of the Personnel Cabinet.

Annual Leave Sharing Program (101 KAR 2:106 and KRS 18A.203)

In the event of a catastrophic loss to an employee's personal property, due to either a natural disaster or fire, eligible employees who accrue annual leave and who have exhausted their leave balances may have annual leave donated to them by other eligible state employees.

Requirements Unique to the Annual Leave Sharing Program-

1. To request donated annual leave, the following conditions must be met:
    a. The employee suffers from a catastrophic loss to his or her personal property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to go on leave for at least ten (10) consecutive working days;
        - The ten (10) consecutive days of leave required for eligibility by KRS 18A.203 shall be leave with or without pay.
    b. The employee has exhausted his or her accumulated annual leave and compensatory leave balances, <u>and</u>
    c. The employee has complied with administrative regulations governing the use of annual leave.
2. The total amount of donated annual leave that may be received or used by an eligible employee for the purposes specified by this administrative regulation shall be limited to 200 work hours per each qualifying event.
3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides evidence that the original condition for which annual leave was donated will continue.

Sick Leave Sharing Program (101 KAR 2:105 and KRS 18A.196 and18A.197)

In the event of a prolonged or catastrophic illness or injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances may have sick leave donated to them by other eligible state employees.

Requirements Unique to the Sick Leave Sharing Program-

1. To request donated sick leave, the following conditions must be met:
    a. The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
        - "Immediate family" means (a) the employee's spouse, mother, father, grandparent, son or daughter; or (b) A person of similarly close relationship who has resided with the employee for at least thirty (30) days prior to application; or for whom the employee is legally responsible
    b. The employee's need for absence is certified by a licensed practicing physician or Advanced Practice Registered Nurse;
    c. The employee has exhausted all of his/her available paid leave; <u>and</u>
    d. The employee has complied with administrative regulations governing the use of sick leave.
2. The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates certifying the medical necessity.

3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides medical evidence that continued periodic medical treatment relating to the original condition for which leave was donated is required.
4. An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.
5. An employee receiving workers' compensation benefits shall be eligible to receive donated sick leave to maintain a regular level of pay.

LEGAL REFERENCES:

101 KAR 2:105
101 KAR 2:106
KRS Chapter 18A.196
KRS Chapter 18A.197
KRS Chapter 18A.203

Payroll Deduction Program

The Personnel Cabinet maintains a statewide payroll system for all employees of the Executive, Legislative, and Judicial branches of government. For a number of years the Cabinet has provided the service of payroll deduction as a convenience for its employees; allowing optional insurance companies (such as dental, vision, and life) and employee organizations to collect payments/dues through payroll deduction in exchange for a nominal fee.

A listing of the companies and organizations that are approved to participate in this program are available on the Personnel Cabinet's website at https://personnel.ky.gov/pages/optional.aspx. Employees are welcome to contact agents directly to obtain information on plans and products offered.

NOTICE: The Personnel Cabinet and Commonwealth of Kentucky are not parties to any agreement between the individual employee and the company/organization and will not serve any function other than as a conduit for the payment of premiums/dues.

In addition, we DO NOT endorse or sponsor ANY voluntary optional insurance company/product or employee organization.

Retirement

Your retirement plan as an employee of Kentucky state government is designed to give you long-term security in the years after your state service is completed. It also contains valuable benefits for your named beneficiary.

Most state employees belong to the Kentucky Employees Retirement System. Some employees of the Department of Education and the former Workforce Development Cabinet, now part of the Education Cabinet are enrolled in the Kentucky Teachers' Retirement System. After you have identified which one pertains to you, you may request a free booklet detailing your retirement program for your retirement system. If you serve under both systems during your career, you may combine credits when you retire.

If you are planning on Retiring:

1. You need to contact the Kentucky Retirement Systems (KRS) to determine your options for retirement. Please refer to https://kyret.ky.gov/Pages/contact.aspx for contact information for KRS. Once you make a decision regarding your retirement, please contact your human resource administrator. Refer to the Agency HR Staff/Consultant Listing which is available on the Personnel Cabinet's website at https://personnel.ky.gov/pages/agencies.aspx.
2. The Kentucky Public Employees Deferred Compensation Authority: To defer your payment(s) for accumulated leave (compensatory and annual) time to Kentucky Deferred Compensation (KDC) be sure to contact them 60 days in advance of your planned retirement date.

- You must complete and sign a Participation Agreement far enough in advance (at least one month) for Kentucky Deferred Compensation to notify your payroll department prior to the issuance of the check(s) for your accumulated leave. Merely notifying KDC of your intention will not allow you to defer any payment for accumulated leave.
- To transfer dollars from your KDC account to KRS, KTRS, Legislative or Judicial Form Retirement in order to purchase service credit, you will need to submit the Direct Transfer/Rollover form to KDC.
- Note: Any purchase of service credit begins with your retirement system. You will need to make an appointment with them and obtain the necessary forms and cost calculation information before Kentucky Deferred Compensation can assist you.

For further information on deferring accumulated leave or using your Kentucky Deferred Compensation account to purchase service credit, please call their Member Customer Service Center; toll free, at (800) 542-2667, or in Frankfort at (502) 573-7925.

3. Often there's much that goes into planning for retirement from a fiscal standpoint. Very few employees spend time planning for the psychological/emotional issues which occur with retirement. Planning for a healthy transition is critical with all major life changes; even good change can be stressful. The Kentucky Employee Assistance Program (KEAP) offers an educational tool that highlights important issues to consider so you can make the healthiest transition into retirement. Prospective retirees may contact KEAP at 1 (800) 445-5327 or (502) 564-5788 for more information or to speak with a counselor one-on-one.

4. The Kentucky Employees' Health Plan (KEHP):
   As you retire (under 65 and not eligible for Medicare) keep in mind the following information pertaining to your health insurance benefits:

   - Your health insurance benefits should transition without a break in coverage. To ensure a smooth transition however, you must work with your retirement system to complete a Health Insurance Application. The retirement system will notify KEHP of your retirement coverage.

For more information, please contact your retirement system.

Returning Retirees:

1. If you retire and determine you still have a desire to continue working, state employment may be an option for you. You will need to contact the Kentucky Retirement Systems to determine whether your employment with state government will affect your retirement benefits. If you decide to apply to a position with state government, you will need to apply to vacant positions posted on the Personnel Cabinet's website through the Career Opportunities System (COS). You can apply for positions of interest anytime 24 hours a day, seven days a week during the vacancy posting period through COS.

2. Remember, if you are a returning retiree, you are no longer an Internal Mobility Candidate nor do you have Reinstatement privileges.

   For more information pertaining to COS access the Personnel Cabinet's website at https://careers.ky.gov/Pages/default.aspx.

Reversion, Reemployment, and Reinstatement

Reversion Rights

Reversion rights include the right to return to the last classified position in which you attained status in certain instances. KRS 18A.005(35). In general, there are three situations in which an employee has the right to "revert" to a formerly held merit position.

1. *Promotion from a classified position with status to another position in the classified service*: Upon the failure to complete a promotional probationary period, an employee shall revert to his or her former classified position. KRS 18A.005(35).
2. *Detail to special duty from a classified position with status*: Upon completion of an employee's detail to special duty, the employee shall revert to his or her former classified position. 101 KAR 2:076(2).
3. S*eparation of a career employee from an unclassified position, if the employee had previously attained status*: If a "career employee" has previously attained status in a position in the classified service, he or she shall revert to a position in that class in the separating agency, if vacant. KRS 18A.130. A career employee is an employee who has accrued sixteen (16) years of full-time 18A state service or its part-time equivalent, classified or unclassified. For a complete definition of career employee, see KRS 18A.005(4). For more information on the reversion rights of career employees, see KRS 18A.115.

Reemployment Rights

Reemployment rights include the right to be considered for any open Chapter 18A classified position for which you qualify with the distinction of a "reemployment candidate." No vacancy may be filled from a competitive register until all reemployment candidates on that register have been reemployed, interviewed, or properly considered.

In general, there are only two types of employees who have reemployment rights.
1. Classified employees laid off from a position in which they attained status (KRS 18A.113);
2. Career employees separated from an unclassified position other than for cause (KRS 18A.135).

Reinstatement Privileges

Reinstatement privileges allow you to be placed in a position within your former classification, or in a position of like status and pay, up to the highest pay grade in which you achieved status. *Reinstatement is a privilege, not a right.* Therefore, reinstatement occurs only at the option of the appointing authority of the appointing agency. KRS 18A.005(34). You acquire reinstatement privileges when you resign in good standing from a classified position in which you attained status. KRS 18A.005(34). You must meet the current minimum requirements for the job classification to which you wish to be reinstated.

For more information with respect to reversion and reemployment rights, please visit the Personnel Cabinet's recruitment website at https://careers.ky.gov/Pages/Reversion.aspx. For more information on reinstatement privileges, please visit https://careers.ky.gov/Pages/reinstatement.aspx.

LEGAL REFERENCES:
KRS Chapter 18A.005
KRS Chapter 18A.113
KRS Chapter 18A.115
KRS Chapter 18A.130
KRS Chapter 18A.135
101 KAR 2:076, Section 2

Unemployment

If you are terminated without cause or laid off, you may be eligible to file for unemployment insurance benefits. If you have received notice of lay-off, you should immediately contact your local unemployment office or the Division of Unemployment Insurance at (502) 564-2900.

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Ethics Code for the Executive Branch

Executive Branch employees are responsible for complying with the Executive Branch Code of Ethics under Kentucky Revised Statutes (KRS) Chapter 11A. The Executive Branch Code of Ethics contains provisions to ensure ethical conduct and prevent conflicts of interest in the Executive Branch of state government.

To maintain public confidence in a democratic government, certain restrictions are placed upon your conduct. In general, as a public servant, you are prohibited from the following:

- Using or attempting to use your influence in any matter which involves a substantial conflict between your personal or private interest and your duties in the public interest;
- Using or attempting to use any means to influence a public agency in derogation of the state at large;
- Using your official position or office to obtain a financial gain for yourself or any members of your family;
- Using or attempting to use your official position to secure or create privileges, exemptions, advantages, or treatment of yourself or others in derogation of the public interest at large;
- Disclosing or using confidential information acquired in the course of your official duties to further your own economic interests;
- Receiving, directly or indirectly, any interest or profit from the use or loan of public funds;
- Acting as a representative or agency for the Commonwealth or any agency in the transaction of business or regulatory action with yourself, or with any business in which you or a member of your family has any interest greater than five percent (5%) of the total value thereof;
- Undertaking, executing, holding, bidding on, negotiating, or enjoying, in whole or in part, any contract, agreement, lease, or purchase made, entered into, awarded, or granted by the agency by which you are employed or which you supervise, subject to the provisions of KRS 45A.340;
- Accepting compensation, other than that provided by law for public servants, for the performance of your official duties without the prior approval of the Executive Branch Ethics Commission;
- Accepting outside employment from any person or business that does business with or is regulated by the state agency for which you work or supervise without the approval of your appointing authority;
- Accepting any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars ($25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which you are employed or which you supervise, or from any group or association which has as its primary purpose the representation of those persons or businesses.

The Executive Branch Code of Ethics also places restrictions on your conduct after you leave state government. For example, in general, upon leaving state government, you are prohibited from the following:

- Acting as a lobbyist or a lobbyist's principal in matters in which you were directly involved during the last thirty-six (36) months of your tenure for a specific period of time;
- Representing a person or business before a state agency in a matter in which you were directly involved during the last thirty-six (36) months of your tenure for a specific period of time.

Also, former officers, as defined by KRS Chapter 11A, and certain elected officials are subject to additional restrictions, such as the following:

- Undertaking, executing, holding, bidding on, negotiating, or enjoying, in whole or in part, any contract, agreement, lease, or purchase made, entered into, awarded, or granted by the agency by which you were employed within six (6) months from the termination of your employment;
- Accepting, within six (6) months from the termination of your employment, employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which you were directly involved during the last thirty-six (36) months of your tenure.

Certain Executive Branch employees are required annually to publicly disclose financial information. If you are required to disclose this information, you will be sent notification of this requirement.

The Executive Branch Code of Ethics details procedures for reporting a complaint of an alleged violation of KRS Chapter 11A. An investigation may be initiated by the Executive Branch Ethics Commission to determine if a violation of the law has occurred. Penalties for violations of the Executive Branch Code of Ethics include loss of state employment, withholding of salary, civil penalties of not more than $5000, or criminal penalties for a Class D felony charge, depending on the law violated.

For more details of the ethics laws that govern the Executive Branch employees, see KRS Chapter 11A. If you have questions, you may consult your supervisor or request an advisory opinion from the Executive Branch Ethics Commission.

LEGAL REFERENCES:
KRS Chapter 11A

Political Activities

As your employer, state government encourages you to register and vote. Believing that it is each citizen's responsibility to be informed about the issues that affect your life within society, you are allowed up to four (4) hours of paid leave to vote during work hours. For more information regarding voting leave, please refer to the voting leave section of this handbook.

To protect you from political pressure in your job, certain restrictions have been placed upon your involvement in political activities. These restrictions are located in KRS 18A.140:

Discrimination and Political Activities Prohibited.

No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his/her political or religious opinions or affiliations, or ethnic origin, sex or disability. No person age forty (40) or over shall be discriminated against because of age. Favoritism or discriminatory treatment in Merit System employment on the basis of race, color, national origin, sex, religion, age, sexual orientation, gender identity, genetic information, veteran status or disability is a violation of law.

The use or promise of political influence based upon an official position, whether actual or anticipated, or favorable or retaliatory treatment of a merit system employee or position is a violation of law.

Merit system employees may not be solicited to make contributions of money or services to political parties or candidates.

Merit system employees may not be actively involved in partisan political campaigns. Merit system employees can be candidates for an elected office on a non-partisan basis, as long as the employee complies with KRS 61.080, and there is no conflict of interest with their existing state job duties. Employees shall also provide notice to their appointing authority of their intent to seek office. State merit employees cannot be a candidate for nomination or election to a paid *partisan* office.

The following guidelines are taken from Opinions of the Attorney General who interprets the political activities law:

Permitted Activities:

1. Registration and Voting: Classified employees may register and vote in any election.
2. Expression of Opinions: All persons subject to the personnel rules have a right to privately express their opinions on all political subjects and candidates, but they may not take an active part in political management or political campaigns.
3. Contributions: It is lawful for classified employees to make voluntary cash contributions to political parties, candidates, or organizations. However, it is unlawful for classified employees to make contributions of goods, services, or labor.
4. Membership in Political Clubs: Classified employees may join a political club and attend its meetings but may not hold office or serve on committees of the club.
5. Attendance at political rallies, conventions, etc. is permitted and classified employees may participate in the selection of committeemen and committeewomen. Classified employees may vote at the lowest level of the selection process for delegates to the party conventions.
6. Political Pictures and Signs: It is lawful for classified employees to display political pictures or signs on their property.
7. Badges, Buttons, and Stickers: It is lawful for classified employees to wear political badges or buttons and voluntarily display political stickers on their private automobiles. However, no political badges, buttons, or other designations may be worn while on official duty or while the employee is conducting official business for the Commonwealth.
8. Precinct election officers: Classified employees may serve as precinct election officers at the polls.

9. Constitutional amendments, referenda, etc.: Classified employees may work actively for or against constitutional amendments, referenda or municipal ordinances in which they are interested, provided that state time and resources are not used for this purpose.
10. Transporting Voters: Classified employees on their own time may transport friends or relatives to the polls as a civic gesture, but may not transport voters to the polls as a part of an organized service to a political party, faction, or candidate.

Prohibited Political Activities:

The following political activities are prohibited whether the employee is on or off duty:

1. Political Party Involvement: Classified employees are prohibited from serving on or for any political committee, party, or other similar organization, or serving as delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention or in the selection of precinct committeemen or committeewomen.
2. Political Contributions: A classified employee is prohibited from soliciting or handling partisan political contributions.
3. Political Party Tickets: A classified employee is prohibited from soliciting the sale of or selling political party, faction, or candidate items or tickets, but a classified employee may voluntarily purchase such items or tickets.
4. Political Club Involvement: A classified employee is prohibited from serving as an officer of a political club, as a member or officer of any its committees, from addressing such a club on any partisan political matters, or from being active in organizing it.
5. Political meetings and rallies: A classified employee is prohibited from serving in connection with preparation for, organizing or conducting a political meeting or rally, or addressing such a meeting on any partisan political matter therein except to vote.
6. Partisan activity at election polls: A classified employee is prohibited from engaging in partisan activity at the polls (at primary or regular elections) in the position of checker, challenger, or watcher, or in soliciting votes and assisting voters to mark ballots.
7. Candidacy for office: A classified employee is prohibited from becoming a candidate for nomination or election to any paid partisan public office.
8. Campaign literature distribution: A classified employee is prohibited from distributing partisan campaign literature or material.
9. Nominating petitions: A classified employee is prohibited from initiating or circulating partisan political nominating petitions.
10. Solicitation of political support: A classified employee is prohibited from canvassing a district or soliciting political support from a party, faction, or candidate, either in person or writing.

Issue Advocacy-

Employees are not prohibited from engaging in issue advocacy. However, employees are not permitted to engage in issue advocacy on state time, using state resources, or in a manner which conflicts with official duties.

If you have any questions please call the Personnel Cabinet's General Counsel at (502) 564-7430.

LEGAL REFERENCES:
KRS Chapter 18A.140

Time Reporting

Employees are expected to accurately record and report their work time. This includes hours worked and leave time taken. The timesheet should be reflective of the actual time. For example, if an employee is required to work through lunch and then is allowed to leave work early that day, the timesheet should show compensatory time earned for the lunch period, and leave time taken that afternoon. In addition, supervisors are also required to verify the timesheet before approving. Please remember that falsification of records relating to time, including omission of overtime worked, is a violation of state law.

LEGAL REFERENCES:

KRS Chapter 18A.145

Travel Regulations: Employees

If you must travel on state business, your expenses will be reimbursed according to provisions of 200 KAR 2:006. This administrative regulation specifies in detail what types of transportation are acceptable under what conditions; what costs for accommodations and meals are allowable; what receipts you must obtain to document your expenses; what conditions determine whether or not you may be reimbursed for expenses; and what forms you must use in order to have your expenses reimbursed. Do not assume that your agency will reimburse all travel costs. You may contact a person in your agency authorized to make such judgments, usually in your agency's fiscal office, or review the information available at http://finance.ky.gov/services/statewideacct/Pages/travel.aspx. You may find that your agency has agency-specific requirements to authorize travel.

Generally state employees are required to use the most efficient means of travel available and should use a state vehicle when available and practical rather than a personal vehicle. Employees should try to travel together rather than drive separate vehicles to the same place. Most out-of-state travel requires the prior authorization of the Office of the Controller in the Finance and Administration Cabinet via an electronic document in the Commonwealth's eMARS financial system.

Travel money, from state funds is not available in advance. However, agencies may book airfare in advance for approved travel and may pay for approved conference registrations in advance. If you are a member of the Commonwealth Credit Union or the Kentucky Employees Credit Union (see entry under Credit Unions section of this handbook), you may qualify for a low-interest short-term loan. To apply for a loan, take a copy of your most recent Personnel Action Notification (PAN) and a copy of your authorization to travel on state business to the credit union. You should contact your agency's human resource administrator if you have further questions.

The State Finance and Administration Cabinet has established a website to determine the most efficient means of state travel by automobile. The site is as follows: http://finance.ky.gov/services/fleet/Pages/milagecalculator.aspx The Commonwealth also has established contracts with rental car companies especially for travel initiated outside of Frankfort. A rental car on contract may be less expensive than using a personal vehicle. Individual agencies and cabinets have their own policies on use of the travel calculator website and the use of rental care contracts. You should contact your supervisor or fiscal office should you have any questions.

LEGAL REFERENCES:
200 KAR 2:006

Use of Information Technology Resources

The following provides basic guidance on the appropriate use of Information Technology Resources in association with your duties as an employee of the Commonwealth of Kentucky. Information Technology Resources may include, but are not limited to the following:

- Mainframe, desktop, laptop, netbook and/or tablet computers and their associated peripherals and media
- Smart phones, cell phones and pagers
- Commonwealth provided and/or developed software
- Network resources including wireless connectivity, Local and Wide Area Networks, Internet access, servers, data storage and access, etc.
- Commonwealth-provided email services
- Social media
- Data

Summaries of the CIO Enterprise Policies associated with Information Technology Resources are listed below. A complete list of IT policies can be found at http://technology.ky.gov/governance/Pages/policies.aspx. Please click the available links for more information. Agency-specific policies may be more restrictive than the ones summarized here. HIPAA requirements relating to use of the Kentucky Human Resources Information System (KHRIS) is one such example. Employees are expected to familiarize themselves with these policies and document their understanding of the policies in writing when required prior to use of Commonwealth Information Technology Resources. Failure to comply with these policies could result in disciplinary action up to and including dismissal.

Employee/User Responsibilities

CIO -060 Internet and Electronic Mail Acceptable Use Policy

- State employees should use the Internet and email, when appropriate, to accomplish job responsibilities more effectively and to enrich their performance skills.
- Employees should have no expectation of personal privacy associated with email transmissions and the information they publish, store or access on the Internet using the Commonwealth's resources.
- Employees who choose to use email to transmit sensitive or confidential information during the execution of their job duties are required to encrypt such communications using an approved product.
- State employees are prohibited from text messaging while driving government-owned vehicles. Additionally, the Commonwealth does not encourage nor support the use of any mobile communication devices while operating non-government owned motor vehicles. This includes reading from or entering data into any hand-held or other electronic device for purposes such as telephone calls, emailing, navigational information, text messaging or similar activities.
- Incidental personal use of Internet and email resources is permissible, but not encouraged and must adhere to the following limitations:

    - It must not cause any additional expense to the Commonwealth
    - It must be infrequent and brief
    - It must not have any negative impact on the employee's overall productivity
    - It must not interfere with the normal operation of the employee's agency or work unit
    - It must not compromise the employee's agency or the Commonwealth in any way
    - It must be ethical and responsible

- Without specific prior approval, the following are examples of unacceptable and/or prohibited use:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, including but not limited to, the downloading, installation or distribution of pirated software, digital music and video files.
- Engaging in illegal activities or using the Internet or email for any illegal purposes.
- Using the Internet and email for personal business activities in a commercial manner such as buying or selling of commodities or services with a profit motive.
- Using resources to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
- Using abusive or objectionable language in either public or private messages.
- Knowingly accessing pornographic sites on the Internet and disseminating, soliciting or storing sexually oriented messages or images.
- Misrepresenting, obscuring, suppressing, or replacing a user's identity on the Internet or email. This includes the use of false or misleading subject headers and presentation of information in the distribution of email.
- Employees are not permitted to use the email account of another employee without receiving written authorization or delegated permission to do so.
- Employees are not permitted to forge email headers to make it appear as though an email came from someone else.
- Sending or forwarding chain letters or other pyramid schemes of any type.
- Sending or forwarding unsolicited commercial email (spam) including jokes.
- Soliciting money for religious or political causes, advocating religious or political opinions and endorsing political candidates.
- Making fraudulent offers of products, items, or services originating from any Commonwealth account.
- Using official resources to distribute personal information that constitutes an unwarranted invasion of personal privacy as defined in the Kentucky Open Records Act, KRS 61.870.
- Online investing, stock trading and auction services such as eBay unless the activity is for Commonwealth business.
- Developing or maintaining a personal web page on or from a Commonwealth device.
- Use of peer-to-peer (referred to as P2P) networks such as Kazaa, BitTorrent, Gnutella, Ares, Limewire and similar services.
- Any other non-business related activities that will cause congestion, disruption of networks or systems including, but not limited to, Internet games, online gaming, unnecessary Listserve subscriptions and email attachments, chat rooms and messaging services such as Internet Relay Chat (IRC), I SeeK You (ICQ), AOL Instant Messenger, MSN Messenger and similar Internet-based collaborative services.

CIO-061 Social Media Policy

- All plans for new social media sites and accounts must be approved by the agency head or cabinet secretary
- The communications office in the agency will control and approve social media accounts and retain information related to those accounts (i.e., name, password, etc.)
- Content to be included on social media accounts should be sent by the agency communications office to the Governor's Communications Office for approval before posting
- Official state accounts should not be used to publish personal opinions. Employees wishing to publish personal comments should use their personal social media accounts to do so on their own personal time.
- Without specific prior approval, the following are examples of unacceptable and/or prohibited use:

    - Information that may tend to compromise the safety or security of the public or public systems.
    - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
    - Personal, sensitive or confidential information of any kind.
    - Any content that would violate any statute, regulation, or internal procedure.
    - Violations of copyright, fair use and other applicable laws.

    - The use of profane language, sexual content, or discussion of illegal or banned substances.

CIO-071 Wireless Voice and Data Services Policy

- Wireless services and devices (such as cellular telephones) provided through your agency are for official use. If a state issued cellular telephone is used for personal use, the employee is expected to reimburse the state for those calls through their agency.
- The agency may allow an employee to use a personally owned wireless device for state business if it is deemed to be in the best interest of the state.
- Employees should avoid transmitting sensitive or confidential information over any wireless network without approved security services or encryption tools, if and when available.
- Employees using wireless devices are responsible for securing them at all times. For example: when leaving your vehicle, make sure that the doors are locked and the device is out of sight. All losses should be reported to the agency wireless coordinator immediately.

CIO-072 UserID and Password Policy

- UserIDs must be individually owned by only a single individual responsible for every action initiated by that account.
- Passwords must be kept confidential and not shared with others or kept on paper unless securely stored.

CIO-081 Securing Unattended Workstations

- Users must lock unattended workstations before leaving their work area.

CIO-086 State Agency Local Printing Policy

- All agency print devices shall be configured so that their default settings include:
    - Duplex (double-sided) printing
    - Black (non-color) ink
    - Other default settings are at the discretion of the agency.
- The use of personal ink jet printers at employee workstations is strongly discouraged. While certain circumstances may justify the use of personal printers, this is not the best use of government resources. Only shared devices will be authorized unless approved by the Cabinet Secretary.
- Business cards, letterhead, brochures, newsletters, flyers, and other information documents used for intra-government communications that cannot be sent electronically should be printed with a single color and on standard-size, recycled paper stock.
- All printing requests should be submitted to Kentucky Design & Print Services. Agencies should avoid requesting specialized technical processes such as embossing and coatings.

CIO-090 Information Security Incident Policy

- This policy identifies the necessity and procedures for agencies and COT to identify and notify appropriate personnel when a security incident occurs.
- Timely identification and notification of incidents allow COT and affected agencies to respond expeditiously to information security threats against Commonwealth resources.
- This policy also specifies events that may require special handling because of their potential impact or special reporting due to regulatory or other concerns.

Kentucky Cybersecurity Law (KRS Chapter 61)

Personal Information Security and Breach Investigations (931-934) - Effective January 1, 2015

- .931 Definitions for KRS 61.931 to 61.934.
- .932 Personal information security and breach investigation procedures and practices for certain public agencies and nonaffiliated third parties.

- .933 Notification of personal information security breach -- Investigation -- Notice to affected individuals of result of investigation -- Personal information not subject to requirements -- Injunctive relief by Attorney General.
- .934 Personal information security and breach investigation procedures and practices for legislative and judicial branches -- Personal information disposal or destruction procedures.

CIO-092 Media Protection Policy

- Digital media covered by this policy include but are not limited to: laptops, mobile telephones, MP3 players, netbooks, tablet computers, USB thumb drives and portable hard drives.
- Non-digital media covered by this policy include but are not limited to: paper copies, printouts, printer ribbons, drums, microfilm, and platens.
- Media shall be marked and stored in accordance with regulatory requirements.
- During transport, media shall be protected and controlled outside of secured areas and activities associated with transport of such media restricted to authorized personnel. Tracking methods shall be developed and deployed to ensure media reaches its intended destination. If sensitive information is transmitted via e-mail or other electronic means, it must be sent using approved encryption mechanisms.
- Media shall be physically controlled and securely stored in a manner that ensures that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where sensitive information is stored.

Use of State Materials and Equipment

When state materials, equipment and resources are put to personal use, they must be replaced sooner, causing a drain on agency funds. State law, KRS Chapter 11A.005, 11A.020 and 11A.040, prohibits a public servant from using his or her public office to obtain a private benefit, and from furthering his own economic interests through state employment. Therefore, when state employees use copy machines, telephones, stationery, computers, email, bandwidth and other state resources as if they were their own personal property, they deprive the public of the use for which such resources were intended and violate the law. Since employees, too, are taxpayers, they also should be concerned about high government cost that could be avoided by careful use of state materials and equipment purchased with tax dollars. Although failure to realize individual responsibility for economical use of state property may seem a minor flaw in an otherwise excellent employee, the direct dollar loss for property and material abuse is large. The conscientious employee will carefully use state materials and equipment purchased with tax dollars and take care to avoid the personal use of state resources.

LEGAL REFERENCES:

KRS Chapter 11A.005
KRS Chapter 11A.020
KRS Chapter 11A.040

Work Schedules

State employees are expected to be at work on time. A full-time employee shall be required to work 37 ½ hours per week (some employees regularly work 40 hours a week) unless specified otherwise by the Appointing Authority or the Statutes. The typical workweek runs Monday through Friday, 8:00 a.m. till 4:30 p.m., with reasonable time off each day for lunch pursuant to KRS 337.355. You are also entitled to rest breaks according to KRS 337.365.

Agency managers have discretion in deciding what work hours best meet the needs of a particular work place. If you work in a state hospital or correctional facility, for example, you may work a different shift than your office counterparts. Your lunch period may be less than an hour if it is necessary for staff to rotate to provide continuous coverage.

Another area of discretion is flextime scheduling. An agency may offer some or all its employees the opportunity to design their own work schedules. Usually, agencies operating under flextime require that their employees work certain "core" hours during each day to ensure that there is a steady flow of work during the peak hours when services are most needed.

LEGAL REFERENCES:

KRS Chapter 337.355
KRS Chapter 337.365

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Credit Unions

As a state employee, you may want to join the COMMONWEALTH CREDIT UNION and/or the KENTUCKY EMPLOYEES CREDIT UNION. Each offers a wide range of financial services, including secured and unsecured loans, savings plans, and payroll deductions.

- COMMONWEALTH CREDIT UNION -

Welcome to YOUR Credit Union! **"We C U Differently"!** Commonwealth CU is the only credit union committed to serving participants in any Kentucky state retirement system and that includes YOU! We are a not-for-profit institution and are still member owned.

Our savings and loans products are competitively structured, and our convenient services offer the latest in technology and security.

- 24/7 Access – Mobile App, Mobile Deposit, Online Banking and Bill Payment
- P2P- Safely send money to another person using your phone!
- Checking Accounts – Interest bearing, ATM/Debit Cards and lots more!
- READY PREPAID CARD – Great alternative for your Direct Deposit funds!
- LOW Interest Loans – 24/7 Online Application process for Vehicle, Credit Cards, Mortgage, Home Equity, Consumer and Unsecured Lines of Credit
- Nationwide ATM Service
- Savings Programs – Certificates, IRAs, Money Markets and Savings Accounts
- Retirement & Investment Services
- FREE Financial Literacy Seminars, Webinars and online resources
- And lots more! Check us out at https://www.ccuky.org.

You will also get a benefit that's hard to come by at other places…RESPECT. After all, no one gets treated better than the owner. That's why we consistently rate in the highest categories of owner satisfaction.

As you can see, Commonwealth CU is a leader in the financial service industry with many benefits for you, as well as, everyone in your family! We live in a crazy world – especially when it comes to finances and who you can trust with your money. Whether it's paying rent, tuition or your mortgage, saving up for a new RV, or just preparing for retirement, you deserve affordable financial services.

Commonwealth CU is owned by its members, people just like you! Start enjoying exclusive features only we can offer. Banking, with a personal touch. Join today and start enjoying state-of-the-art banking with a personal touch! Thousands of people have experienced the convenience and financial advantages of Commonwealth CU membership since 1951, and continue to do so…even after retirement!

Commonwealth Credit Union has 6 branches in Kentucky:
Frankfort - 417 High Street, 101 Sower Blvd., 1425 Louisville Road
Georgetown - 108 Lawson Dr. (Across from Asian Buffet)
Lawrenceburg - 1015 Crossroads Drive
Lexington - 280 Meijer Way, 2540 Sir Barton Way (Hamburg - next to Walmart)
Louisville – 3704 Frankfort Avenue
[(800) 228-6420, (502) 564-4775]

- KENTUCKY EMPLOYEES CREDIT UNION -

Attention State Employees, take advantage of membership in KECU.

As a state employee you, and your family members, are eligible for an exciting benefit - membership in Kentucky Employees Credit Union.

KECU is a not-for-profit financial cooperative, owned and operated by members. It's our goal to serve you with top-quality financial products and services at the lowest costs possible. Our friendly staff is always ready to assist you and we offer a variety of convenient and easy to use services.

For example, our Share Draft Checking Account has no monthly service charge, no minimum balance, and no per check fees. Plus, you can access the funds in your account with your KECU ATM card or your KECU VISA Check (Debit) Card. You can inquire about your balance, find out what checks have cleared, make a transfer and more, 24 hours a day, 7 days a week from the convenience of MoneyLine, our audio teller.

From low-rate auto loans to competitive rates on certificates -- KECU is the place for all your financial needs!

- First Check Loans (for New Employees Only)
- Checking Accounts
- VISA Check Card
- ATM Service
- Low-Rate Auto and Signature Loans
- Certificates
- Mortgage Loans
- Home Equity Loans
- MoneyLine Audio Teller
- VISA Credit Card
- Online Bill Pay
- Free Annual Credit Review
- Friendly Service and much more!

Join Today! A long tradition of excellence.The first credit union to serve state employees! KECU, 100 Moore Drive, Frankfort, Kentucky 40601-8295, (502) 564-5597, 1 (800) 219-5328, FAX (502) 564-9739. Email: [peoplehelpingpeople@kecu.org] Home Page: [http://www.kecu.org]

Kentucky Employee Suggestion System (KESS)

Under KRS Chapter 18A.110 and 101 KAR 2:120, all employees with status in the classified service (merit employees) or and employee governed by KRS Chapter 16 may be recognized and rewarded for submitting suggestions that result in the improvement of state service or in the realization of financial savings by the state. Employees in the unclassified service (non-merit) are not eligible.

Cash awards are given when a suggestion has been implemented by an agency and approved by the Employee Suggestion System Council. The suggestions must result in cost reductions or cost avoidance; or consist of ideas that would improve the operations of a process or program, public relations, safety or effectiveness of operations. Awards range from $100 minimum to ten percent (10%) of the first year's documented or estimated savings, up to a maximum of $2,500.00. A $100.00 award may be given for ideas that have intangible savings.

Information about the Kentucky Employee Suggestion System is available at https://personnel.ky.gov/pages/rewards.aspx. It's accessible through KHRIS Employee Self-Service (ESS) using a link on that same site or by going directly here https://khris.ky.gov/irj/portal and clicking on the Kentucky Employee Suggestions System tab.

LEGAL REFERENCES:
KRS Chapter 16
KRS Chapter 18A.110
101 KAR 2:120

Kentucky Employees Charitable Campaign (KECC)

Each year the Personnel Cabinet administers the Kentucky Employees Charitable Campaign to all employees who receive their pay through the Commonwealth of Kentucky. (This is not limited to 18A employees.)

The purpose of this campaign is to raise funds through a single source (KECC) for a number of state approved charities including: Christian Appalachian Project, Easter Seals Kentucky, United Way of Kentucky, Community Health Charities, Prevent Child Abuse Kentucky, WHAS Crusade for Children, and March of Dimes. This eliminates having multiple charities soliciting for donations year round, and allows employees who wish to participate, the ability to do so through payroll deduction or through a one-time cash donation.

For more information regarding the Kentucky Employees Charitable Campaign, visit their web site at http://kecc.org or contact your human resource administrator for information about making a donation.

LEGAL REFERENCES:
101 KAR 2:095

Kentucky Human Resource Information System (KHRIS)
Self-Service Center

KHRIS is the Commonwealth of Kentucky's human resources system. It is managed by the Personnel Cabinet and used by human resource administrators to input and maintain employee human resource information. Employee Self-Service (ESS) and Manager Self-Service (MSS) are features of KHRIS, available through the internet, that allow employees and managers access to view and maintain certain information.

Employee Self-Service (ESS)
This feature allows employees to complete some human resource tasks on their own. This includes enrolling in direct deposit, accessing salary statements, completing open enrollment for health insurance and more.

Manager Self-Service (MSS)
This feature is available to managers and provides a single access point for completing managerial tasks.

Tutorials are available on all ESS processes. An overview of MSS is also available. These can be accessed on the Personnel Cabinet's website under Resources/Training and Development/KHRIS.

The KHRIS Self-Service Center is accessible at https://khris.ky.gov/

Personnel Cabinet Website

The Personnel Cabinet maintains a website for the public, to include state employees and other benefit participants. It houses important employee information, most of which is included within this handbook. Employees are encouraged to visit the website often and be familiar with its contents as it is designed to be a valuable resource to employees.

Ridesharing (Office of Transportation Delivery)

If you are interested in joining a car or van pool, or commuting by bus to work, contact the Transportation Cabinet, Office of Transportation Delivery at (502) 564-7433 for referrals to individuals and agencies in your community. This office maintains a file of persons commuting to Frankfort.

Service Certificates

State employees will receive service certificates in honor of the dedicated completion of five (5), ten (10), twenty (20), thirty (30) and forty (40) years of service from the Personnel Cabinet. While an employee is a KRS Chapter 18A employee at the time months of service are calculated, prior service may have been in other state positions that are not governed by KRS Chapter 18A. For example, other non-Chapter 18A positions include positions at LRC and AOC. These service certificates only serve to recognize an employee's dedicated service to the Commonwealth service and do not provide any legal status or entitlement within the merit system.

Training and Development Services

Professional growth and development opportunities are available for employees and managers through the programs and services of the Governmental Services Center (GSC) located at Kentucky State University in Frankfort. GSC is a state agency whose mission is to provide quality services in training, consultation, and organization development that help the individuals and agencies of state government continuously improve performance and meet the challenges of today and the future. GSC is committed to the professional delivery of innovative, quality-driven, and customer-focused services through vision, leadership and teamwork.

Training and Consulting Services:
GSC offers a curriculum of workshops provided in classroom and online platforms. The management development curriculum includes topics such as fundamental and advanced leadership skills, managing under the merit system, managing employee performance, and the best practices in the hiring and selection process. The employee development curriculum includes topics such as interpersonal skills, problem solving, and other courses for development of the employee. GSC classes are open to ALL employees. The only registration restrictions that apply are class pre-requisites. For any class with a pre-requisite class note, you MUST take or be enrolled in the pre-requisite before you can be enrolled in the class. If there is a suggested order in which to take classes in order to get the most out of your workshop, you should take the suggested class first. GSC also provides a variety of consulting services to state Cabinets and agencies. GSC staff is available to provide customized services and training to meet specific organization needs.

Agency Training Liaisons:
To facilitate communication with employees about the services provided by GSC, each agency provides a training liaison as a communication link with GSC and to assist employees by providing information and enrolling them in classes. Employees must schedule training through their agency liaison. Agencies have different request and approval procedures. Please check with your agency liaison for the process in your agency.

Training Schedule:
The GSC training schedule is prepared quarterly and class schedules are prepared about six months in advance. Agency liaisons also always have access to the most up-to-date schedule information. Schedules, course descriptions, and other helpful information can be found at GSC web site.

For more information, contact the Governmental Services Center at (502) 564-8170.

Educational Achievement Award:
On the 16th of a month, an appointing authority may grant a five (5) percent increase to an employee's base salary based on educational achievement, as follows:

Postsecondary education or training:

- The employee has completed 260 hours of job related instruction (or the equivalent as determined by the Secretary of Personnel);
- The employee began the course work after becoming a state employee and completed the course work after establishing an increment date;
- The employee has completed the course work within five (5) years of the date on which it was begun;
- The course work has not previously been applied toward an educational achievement award;
- The agency has not paid for the course work or costs associated with it, in whole or in part; and
- The employee was not on educational or extended sick leave when the courses were taken.

Kentucky Certified Public Manager Program:

- The employee has successfully completed the Kentucky Certified Public Manager Program offered by Kentucky State University; and

- The employee has not previously received an educational achievement award for completing the Kentucky Certified Manager Program.

High school diploma, high school equivalency certificate, or passing score on the GED test:

- Outside of work hours;
- While in state service;
- On or after January 1, 1984;
- The employee has not previously attained a high school diploma, equivalency certificate, or passing score on the GED test; and
- The employee has not completed college coursework on the undergraduate or graduate level prior to obtaining the high school diploma, equivalency certificate or a passing score on the GED test.

An agency may elect not to participate in the educational achievement program if sufficient funds are not available.

An employee shall not receive more than one (1) educational achievement award in a fiscal year.

An employee shall not receive an educational achievement award and an adjustment for continuing excellence (ACE) based on the same training.

By submitting a personnel action to grant an educational achievement award, the appointing authority shall certify that all of the qualifying conditions established by this section for the appropriate type of educational achievement award have been met.

Employee Educational Assistance:
Employee Educational Assistance is a benefit to both the employee and to the Commonwealth of Kentucky. The program provides financial assistance to employees to continue their formal education, which results in an improved workforce and helps the employee achieve his or her individual career goals. Educational assistance generally is provided for formal education programs that are taken on the personal time of the employee. All cabinets and agencies are encouraged to participate in this program.

Specific policy information is available on the Personnel Cabinet's website at https://gsc.personnel.ky.gov/Pages/eeap.aspx. If you have additional questions you can contact the Personnel Cabinet's Governmental Services Center at (502) 564-7455.

LEGAL REFERENCES:

101 KAR 2:034
101 KAR 2:221

EMPLOYEE RELATIONS

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Appeals to the Personnel Board

Employees who have been dismissed, suspended, demoted, or otherwise penalized by formal action must be provided with written notice of such actions and their appeal rights. KRS Chapter 18A.095 explains the procedures for filing and hearing appeals. Additional information is contained in 101 KAR 1:365.

You may obtain an employee appeal form by contacting your human resource administrator or from the Personnel Board.

Time limitations for filing an appeal with the Personnel Board vary from thirty (30) days to one (1) year, depending upon the nature of the alleged penalization. An employee should refer to KRS Chapter 18A.095 and other resources to determine the time in which a specific appeal must be filed.

LEGAL REFERENCES:
KRS Chapter 18A.095
101 KAR 1:365

Grievance Process

Occasionally employees are faced with situations that cannot be resolved through informal complaint processes. In such cases the employee may wish to file a formal grievance with his or her agency. The following administrative regulation (101 KAR 1:375) provides for those cases when an appeal to the Personnel Board might be unnecessary or premature. The employee grievance procedure allows many serious matters to be resolved in-house through a formal structure designed to save employees and their agencies both time and unnecessary effort.

A grievance is a complaint filed by an employee which concerns some aspect of his or her conditions of employment over which the employee's cabinet or agency has control and which has occurred or of which the employee has become aware, through the exercise of due diligence, within thirty (30) days prior to filing.

Employees in the classified service who believe that they have been subjected to unfair or unjust treatment concerning their conditions of employment may file a grievance.

Any grievance concerning an action which is appealable directly to the Personnel Board under KRS 18A.095 may also be filed with the cabinet or agency. The filing of a grievance with the cabinet or agency does not prohibit the employee from also filing an appeal with the Personnel Board, or extend the statutory appeal period.

An employee utilizing this procedure is entitled to file a grievance without interference, coercion, discrimination, or reprisal.

An appointing authority must inform its employees of the provisions of 101 KAR 1:375, the administrative regulation governing the grievance process, or any modifications in the levels of review that have been approved by the Personnel Board for the employee's cabinet or agency under that administrative regulation.

The Secretary of the Personnel Cabinet provides to employees, through their appointing authorities, a Grievance Form to be used for filing a grievance. Grievance forms may also be inspected, copied or obtained at the Personnel Board, 28 Fountain Place, Frankfort, Kentucky 40601, 8:00 a.m. to 4:30 p.m., Monday through Friday.

Procedures:
A grievance is to be filed with an employee's immediate supervisor within thirty (30) days following occurrence or the employee becoming aware, through the exercise of due diligence, of the action that is the subject of the grievance. If the action or conduct of the first line supervisor is the basis of an employee's grievance, the grievance may be filed with the second line supervisor.

An employee must state in writing the basis of the grievance or complaint together with the corrective action desired. If an employee wishes to submit additional information or documentation, it should be attached to the Grievance Form.

If a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, or veteran's status, the recipient of this grievance must immediately notify the cabinet or agency EEO Coordinator to apply the affirmative action plan.

Interviews to evaluate or investigate the grievance outside of normal work hours with the grievant or other employees entitle them to compensatory time.

Interviews to evaluate or investigate the grievance held with the grievant or other employees during normal work hours do not require the use of leave time.

Grievant may have a representative present at each step of the grievance procedure.

Grievance Levels:
The person with whom the grievance is filed shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) workdays after receipt of the grievance. If the responding supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within five (5) workdays of receipt of the decision to the next appropriate level.

The next line supervisors shall each have five (5) work days to respond to the grievance. The employee shall have five (5) work days after each intermediate supervisory review to decide to appeal the grievance to the next level.

If the line supervisors are unable to resolve the grievance to the satisfaction of the employee, the employee may request review of the grievance within five (5) workdays of receipt of the decision of the final line supervisor by the appointing authority who, upon investigation, shall issue findings and a final determination in writing to the employee within twenty (20) workdays.

Unless the time limits have been extended by agreement of the parties, failure of supervisory or management personnel to respond within prescribed time limits shall automatically advance the grievance to the next review level.

Any intermediate grievance level may be waived by written agreement of the parties.

LEGAL REFERENCES:
101 KAR 1:375

Kentucky Employee Assistance Program (KEAP)

The Kentucky Employee Assistance Program (KEAP) is dedicated to helping employees find solutions to the personal problems that may hinder their effectiveness at work.

Problems concerning marital, family, or emotional distress, alcoholism and drug abuse; or financial or medical issues can seriously diminish an individual's job performance. As a progressive employer, the Commonwealth of Kentucky recognizes that there are positive, workable solutions to many of these problems that trouble employees.

State employees and their dependents are eligible for KEAP services. There is no cost for its information or referral services. All of your contact with KEAP is confidential as required by state and federal law. Employee involvement with KEAP is permitted on state time with the supervisor's prior approval. Supervisors may refer employees to KEAP when job performance deteriorates, however participation is voluntary.

If you or your dependents could benefit from this assessment and referral service, call the KEAP office for more information. In Frankfort call (502) 564-5788, or use the toll-free 1 (800) 445-KEAP number from anywhere in the state. Kentucky State Police also has an Employee Assistance Program. They can be reached at (502) 782-2042.

Employee Assistance Branch (KEAP)
Bush Building
Frankfort, KY 40601
Phone: (502) 564-5788 or 1 (800) 445-5327
Fax: (502) 564-5189

*** In the event a State Government employee or dependent experiences a psychiatric or chemical dependency emergency after regular working hours or on the weekend here are the guidelines to follow. You can access emergency care by calling 911 or contacting your nearest emergency medical care provider.*

LEGAL REFERENCES:

101 KAR 2:160

Kentucky Employee Mediation Program (KEMP)

The Kentucky Employee Mediation Program (KEMP), in the Personnel Cabinet's Office for Employee Relations, helps employees resolve disputes with their co-workers and their supervisors. The goal of the program is to help employees and supervisors deal with problems in the workplace before they escalate.

KEMP is a voluntary service, and is available to all Executive Branch employees, free of charge. Employees are not required to use leave time to attend mediation when the employee has obtained prior approval of his/her supervisor. Mediations can usually be scheduled in a week or two and take approximately three hours to complete. Either the employee or the supervisor may request mediation services. Mediation does not replace other avenues of dispute resolution which are available to state employees, such as grievances and Personnel Board appeals.

Mediation is a form of dispute resolution where a neutral mediator facilitates a meeting between parties in conflict, and helps them reach an agreement that is acceptable to both of them. The mediator does not take sides, make decisions, nor advocate certain solutions.

Cases to be mediated by KEMP can include disputes between co-workers or between an employee and supervisor. Some of the issues mediated are communication problems, personality conflicts, turf issues, ADA issues, FMLA issues, harassment, discrimination, and disciplinary actions.

For more information or to schedule mediation, contact the Workplace Relations Branch at (502) 564-5974. Visit the website at https://personnel.ky.gov/Pages/Mediation-Information.aspx.

LEGAL REFERENCES:

101 KAR 2:230

Workers' Compensation

All state employees are covered under the Kentucky Worker's Compensation law pursuant to KRS Chapter 342. If your claim is approved, your necessary medical expenses will be paid and where applicable, part of your salary will be paid.

If you are unable to work for an extended time because of a work related injury or illness covered by Workers' Compensation Insurance, you will be paid for your time off work. Workers' Compensation income benefits are 66 2/3% of your average weekly salary, up to the state maximum as set forth by the Department of Workers' Claims. You may, however, use your accumulated leave to keep your regular salary. If you choose to use your paid accumulated leave, your workers' compensation income benefits must be remitted back to the state for whatever time you receive paid leave. Your accumulated leave will be reinstated to the extent that Worker's Compensation income benefits are remitted. You may not receive and keep paid accumulated leave and Worker's Compensation income benefits for the same period of time. See 101 KAR 2:140 Section 4, Workers' Compensation Fund and Program.

If you are injured on the job, you must report the injury as soon as possible to your supervisor. Supervisors are responsible for completing the Employer's First Report of Injury or Illness within 3 working days. This may be completed on-line at https://personnel.ky.gov/pages/workerscomp.aspx.

Most injuries could probably be prevented if employees remain safety-conscious. Review the Safety section included in this handbook or contact the Kentucky Safety Program and Workers' Compensation Branch at (502) 564-6847 for additional information.

LEGAL REFERENCES:
KRS Chapter 342
101 KAR 2:140

WORKPLACE

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Americans with Disabilities Act (ADA)

Policy Statement on the Americans with Disabilities Act (ADA):
Kentucky state government is committed to the full implementation of the Americans with Disabilities Act (ADA). It is the policy of the Commonwealth to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services and activities.

All employees must comply with the following policies regarding the ADA:

- Discrimination Prohibited: Employees with disabilities who are otherwise qualified may not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state.
- Limiting, Segregating, and Classifying: Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- Contractual or Other Arrangements: The Commonwealth will not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA.
- Reasonable Accommodations: The Commonwealth will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, an agency will make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.
- Retaliation and Coercion: The Commonwealth will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA, or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in Employee Grievances and Complaints section of the Employee Handbook. Please direct any questions or concerns to your agency ADA Coordinator.

LEGAL REFERENCES:
KRS Chapter 18A.095
KRS Chapter 18A.138
101 KAR 1:375

Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

- The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any employee found to be in violation will be subject to disciplinary action by the Appointing Authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with the State law.
- The Personnel Cabinet will continue to improve drug-free awareness programs through employee assistance and, in cooperation with State agencies, to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.
- Compliance with drug-free workplace requirements is a condition of continued employment with State Government. Each employee is obligated, on pain of disciplinary action, to report any conviction he or she receives as a result of a violation of any criminal drug statute occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's Appointing Authority and is required by federal law and the agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.
- Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

Employees who have questions concerning this directive are encouraged to contact their supervisor or the Kentucky Employee Assistance Program at (502) 564-5788. For more information please check our website at https://personnel.ky.gov/Pages/Substance-Abuse.aspx.

LEGAL REFERENCES:
KRS Chapter 18A.043
41 U.S.C. § 8103

HIV and AIDS in the Workplace

WHAT YOU SHOULD KNOW ABOUT HIV AND AIDS:

What is HIV?
HIV stands for Human Immunodeficiency Virus. Infection with HIV can lead to acquired immunodeficiency syndrome, or AIDS. The human body cannot get rid of HIV; once a person has HIV, they have it for life. HIV is spread through blood and body fluids. The virus affects specific cells of the immune system and can destroy so many cells over time that the body can't fight infections and disease.

What is AIDS?
AIDS, or Acquired Immune Deficiency Syndrome, may follow infection with HIV, especially if the infection is not diagnosed and treated early. AIDS can be a life-threatening illness that causes the body of a person to be unable to fight off infections. A person with AIDS is susceptible to certain kinds of germs and cancers. When a person with AIDS cannot fight off infections, this person becomes ill. These infections can result in death**.**

Stages of Infection

- Acute infection – within 2 to 4 weeks after infection with HIV. The ability to spread HIV is highest during this stage because the amount of virus in the blood is very high.
- Clinical latency – HIV is active, but reproduces at very low levels. A person may not have any symptoms or get sick.
- AIDS – the immune system of the infected person is badly damaged and so the person becomes vulnerable to infections and infection-related cancers called opportunistic illnesses.

Testing

Early diagnosis of HIV infection is critical! Everyone should be tested for HIV, especially if engaging in risky sexual behavior. Confidential and anonymous testing with counseling is available at all local health departments in Kentucky at free or reduced cost. After being infected with HIV, it takes between two weeks to three months before the test can detect the antibodies to the virus. If you test positive, your health care provider can help you determine the best treatment for you, which will help you to remain healthy. Antiretroviral therapy (ART) can prolong the lives of many people infected with HIV and lower their chance of infecting others.

How is HIV spread?

- Sexual contact (oral, rectal, or vaginal intercourse) with an infected person when blood, pre-seminal fluid, semen, rectal or cervical/vaginal secretions are exchanged.
- Sharing drug injection equipment (for example, syringes, needles, cotton, cookers and other drug injecting equipment) with someone who is infected.
- Receiving contaminated blood or blood products (very unlikely now because blood used for transfusions has been tested for HIV antibodies since March 1985)
- An infected mother passing HIV to her unborn child before or during childbirth, and through breast feeding.
- Receipt of transplant, tissue/organs, or artificial insemination from an infected donor.
- Needle stick or other sharps injury in a health care setting involving an infected person. If stuck, infections can sometimes be prevented by taking post-exposure prophylaxis anti-retroviral drugs. Strict adherence to universal precautions is the best way to prevent exposures.

You cannot get HIV through casual contact, such as:

- Sharing utensils, glasses or plates.
- Touching someone who is infected with HIV.
- Hugging or shaking hands.
- Donating blood or plasma (this has NEVER been a risk for contracting HIV).

- Using public rest rooms.
- Being bitten by mosquitoes or other insects.
- Using tanning beds (always clean before and after each use).

How can HIV be prevented?

- Do not share drug injecting equipment.
- Do not have sexual intercourse except with a single, faithful partner whom you know is not infected and who is not sharing needles. If you choose to have sex with anyone else, use latex condoms (rubbers), female condoms or dental dams and water based lubricant every time you have sex.
- Educate yourself and others about HIV infection and AIDS.
- **Always adhere to universal precautions.**

Women and HIV/AIDS:

For females with HIV/AIDS in Kentucky, exposure from sex with an infected man and injection drug use are the most common routes for spreading HIV. HIV can be spread through body fluids (i.e., blood, semen, vaginal and rectal secretions, and breast milk). All women, especially, pregnant women, should be tested for HIV as part of their annual exam.

IF YOU NEED MORE INFORMATION CALL:

Kentucky HIV/AIDS Program (502) 564-6539
The National AIDS/HIV Hotline 1 (800) HIV-0440
Your local health department's HIV/AIDS Coordinator.

LEGAL REFERENCES:

KRS Chapter 18A.030 (5)

Safety- Kentucky Safety Program

Employees of every organization are the key to an effective safety program (see 101 KAR 2:150). As a state employee, you are responsible for taking safety precautions to protect yourself and others from unnecessary safety and health hazards. This responsibility includes knowledge of and compliance with the Kentucky Safety Program Rules, and making suggestions for improved safety conditions or work practices to your supervisor. Fulfillment of these responsibilities will result in a safer work environment for all government employees.

Information on the Kentucky Safety Program as well as the Commonwealth of Kentucky's Safety and Health Manual can be found on the Personnel Cabinet's website at https://personnel.ky.gov/pages/Safety.aspx. You can also contact the State Safety Program at (502) 564-7824.

LEGAL REFERENCES:
101 KAR 2:150

Tobacco-Free Policy

Effective November 20, 2014 and pursuant to Executive Order 2014-747, the use of tobacco, any tobacco product, and any electronic cigarette or vaping device is prohibited on any and all properties owned, leased or contracted for use by the Executive Branch of the Commonwealth of Kentucky, including but not limited to all buildings or portions of buildings, land and vehicles owned, leased or contracted for use by agencies of the Executive Branch of the Commonwealth of Kentucky over which the Finance and Administration Cabinet has control.

Beginning in January 2015, all employees are required to sign an acknowledgement of this policy.

For questions regarding this policy and how it applies to your agency and/or work location, please contact your human resource administrator.

LEGAL REFERENCES:
Tobacco-Free Website
EO 2014-747

Violence in the Workplace

A growing concern among workers in both the public and private sector is safety from violence while at work. In response to this concern it is important that every employee be aware that violence and threats of violence are unacceptable workplace behaviors. Violence in the workplace involves more than the use of weapons. It can include shoving, harassing, and hitting as well as other acts.

The Commonwealth of Kentucky does not tolerate any actions that threaten its employees. Any such action will be dealt with immediately by management personnel and/or Security. This includes verbal and physical harassment, verbal and physical threats and any actions that may cause others to feel unsafe in our workplace. It is the responsibility of all employees and management to report threatening actions whenever they occur to management and to Security. All threatening incidents will be investigated by management and documented in personnel files. For additional information, please visit the Emergency Procedures for Employees by Building website at http://finance.ky.gov/services/statebuilding/Pages/emergency.aspx. To learn more about violence prevention strategies visit https://personnel.ky.gov/Pages/Workplace-Violence-Prevention-Guide.aspx.

If a threat of violence occurs in the workplace, from employees or from customers, the supervisor must be made aware of the threat. If an incident of violence occurs at work, it is important to provide employees in that work setting with psychological care within 24-48 hours by contacting either the Kentucky Employee Assistance Program at (502) 564-5788 or the Kentucky Community Crisis Response Board 24/7 at (888) 522-7228.