



# Commonwealth of Kentucky

## Property Valuation Administrator

### **Employee Handbook**

Provided By:

The Division of Human Resources  
Finance & Administration Cabinet

June 2024

A Property Valuation Administer (PVA) has the statutory responsibility to appoint employees (deputies) to their office to assist in the discharge of their duties. As an employee in a PVA office you are considered non-merit and work at the pleasure of the elected/appointed PVA.

The employees of the Commonwealth are one of its greatest resources and we are pleased to have you join our team.

The information contained in this handbook provides an overview of state government and will assist you as you transition into your new role. It explains the laws, regulations, and policies governing your employment, as well as the benefits and services to which you are entitled as a state employee. As a state employee, it's also important to understand your total compensation, which includes benefits outside of your direct pay. They are outlined below but are also covered within this handbook.

**Direct Compensation is comprised of the following:**

- Base Pay
- Bonuses (if applicable, such as American Rescue Plan Act (ARPA) funds)
- Overtime Pay (straight compensatory time vs. time and a half pay/compensatory time)
- Premiums (not part of base pay) – shift, weekend and holidays, locality, critical position, multilingual

**Indirect Compensation is comprised of the following:**

- Health Insurance
- Health Reimbursement Arrangement (HRA), Health Savings Account (HSA), Flexible Spending Account (FSA)
- Life Insurance
- Optional Insurance (Dental / Vision)
- Paid Leave (annual, sick, compensatory, jury, voting, election, blood donation, living organ, educational, military)
- Paid holidays (11.5 days per year, 12.5 days in a Presidential Election year)
- Sick and Annual Leave Sharing
- Annual Leave increases at certain longevity levels
- Sick Leave Bonus days at certain longevity levels
- Family and Medical Leave
- Deferred Compensation/Free Financial Planning Program
- Educational / Tuition Assistance
- Adoption Benefit Assistance
- Annual Leave award for Performance Management (eligible employees and certain criteria must be met)
- Workers Compensation Insurance (ability to use leave to supplement pay)
- Unemployment Insurance
- Employer FICA (Federal Insurance Contributions Act) match payments (Social Security and Medicare), excluding Teachers Retirement System participants. Currently employer pays 6.2% for Social Security and 1.45% for Medicare – as do applicable employees)
- State Employee Discounts for participating providers
- Retirement

**Intangible Benefits are comprised of the following:**

- Flexible Work Schedules (applicable employees)
- Telecommuting
- Adverse Weather Leave (applicable employees)
- Employee Assistance Program
- Wellness Program
- Training and Development Opportunities
- Employee Resource Groups
- Employee Recognition
- Mediation / Workplace Resolution
- Tobacco Free Workplace
- Direct Deposit, Electronic Salary and Time Statements, and Online W-2's

Your office may have policies in addition to those contained in this handbook, so you should familiarize yourself with those as well.

Additionally, be sure to regularly check the Personnel Cabinet's website for news and announcements impacting your employment. Information will also be posted on the bulletin boards in your agency.

We hope you find this information helpful, and wish you the best as you begin your career with state government!

## Division of Human Resources

If you have any questions, please contact the Division of Human Resources.

**DIVISION OF HUMAN RESOURCES**  
Grover "Dale" Clemons, Division Director  
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### HR Processing Branch

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### Employee Relations Branch

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The **HR Processing Branch** is responsible for ensuring applicants meet minimum qualifications, processing personnel actions, payroll processing, assist and ensure time is recorded properly and submitted and approved within established deadlines. They provide guidance to PVAs regarding personnel actions and other personnel/payroll matters.

The **Employee Relations Branch** is responsible for new employee orientation and employee benefits to include, insurance, FMLA, sick leave sharing, outside employment, Insurance (Health, Life, Dental, Vision), Workers Comp, etc.

The Division of Human Resources physical address is 200 Mero Street, 5<sup>th</sup> Floor, Frankfort, KY 40622.  
Fax Number: 502-564-2613



## **GENERAL INFORMATION**

### **Equal Employment Opportunity (EEO)**

The Office of Diversity, Equality, and Training reports to the Secretary of Personnel and performs a number of functions in accordance with KRS 18A.025 and KRS 18A.138. The office develops standard procedures, monitors agency responsiveness, and works with all agencies to address complaints of workplace harassment and discrimination. Additionally, the office is responsible for providing EEO Compliance and Diversity training for state government employees and agencies. The Secretary of Personnel is responsible to the Governor and the employees for directing, implementing, and enforcing the State's Affirmative Action Plan. Employees are encouraged to express their concerns regarding existing or potential barriers or prohibitions to equal employment opportunities due to race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status 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 your agency ADA coordinator or the State ADA Coordinator at (502) 564-8000.

### **Affirmative Action Plan for State Government**

The Executive Branch Affirmative Action Plan reflects this administration's commitment to good government and the equitable treatment of all applicants and employees of the Commonwealth.

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 or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status. This policy applies to all personnel matters, including but not limited to recruiting, hiring, classification, 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 or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

The Executive Branch Affirmative Action Plan is established by KRS 18A.138 and by Executive Order 2013-841. The Personnel Cabinet's Office of Diversity, Equality, and Training 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 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 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, 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 human resources administrator or 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 human resources administrator or 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 law.

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, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

Examples of prohibited conduct include, but are not limited to, threatening, offensive, intimidating, or humiliating behaviors or conduct. The following examples of harassment are intended to be guidelines and are not exclusive when determining violation of this policy: abusive verbal language directed

toward an individual because of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status; lewd or obscene comments about an individual's body, attire, or gender, abusive comments or terminology addressed to a specific employee; yelling or screaming; personal attacks; aggressive or threatening behaviors; cyber bullying; vandalizing personal belongings; sabotaging work; name calling; 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 harassment will be promptly and carefully investigated. All employees are assured that they will be free from any and all reprisals or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisals and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, coworkers, visitors, clients, or customers, shall 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 shall immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency human resources administrator or EEO Coordinator, or the State EEO Coordinator at (502) 564-8000. Failure of an employee to report violations of this anti-harassment policy may be grounds for disciplinary action.

Any supervisor receiving a complaint of harassment shall report the complaint to the agency human resources administrator and the agency EEO Coordinator or the State EEO Coordinator. A supervisor's failure to report complaints of harassment 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 the harassment and prevent its recurrence.

### **Policy Statement on Diversity and Inclusion**

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, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, genetic information, or veteran status. Inclusion is achieved by fostering an atmosphere of acceptance and support, where we embrace, 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 and inclusion 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. 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 includes 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.

Our commitment to diversity and inclusion encompasses equal opportunity, respect for the multitude of differences that employees bring to the workplace, and acknowledgement of the changing "face" of the community we serve. The full cooperation and affirmation of diversity and inclusion by all state employees, including management, is expected.

## **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 the Grievance Process section of the Employee Handbook. Please direct any questions or concerns to your agency ADA Coordinator.

## PAYROLL/ TIME KEEPING

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. 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, payments are issued on the last workday preceding the 15th and the 30th.

Employees are paid 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. See the example below;

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 *1st workday for new employee	3	4	5	6	7
8	9	10	11	12	13 <b>PAY DAY</b> 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	31	The lighter shaded dates indicate the 1 <sup>st</sup> -15 <sup>th</sup> pay period, which is			

	<b>PAY DAY</b> For work performed 1-15 of this month		paid on the 30 <sup>th</sup> .  The darker shaded dates indicate the 16 <sup>th</sup> -30 <sup>th</sup> /31 <sup>st</sup> , which is paid on the 15 <sup>th</sup> , the following month.
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**\*New Employees:** Due to the pay schedule described above, a new employee will not receive pay until the second payday after they begin employment. In the example month above, the new employee started on the first workday 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 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.'

### Direct Deposit

All new or rehired employees are required to utilize direct deposit for receipt of their pay. Direct deposit can be set up and/or changed using KHRIS Employee Self Service (ESS). You can submit a Direct Deposit enrollment form to the Division of HR to process as well. Please notify the Division of HR before closing accounts or making changes to ensure you paycheck is deposited correctly.

### Salary Statement

Your 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 the DHR immediately.

### Work Schedules

Employees are expected to adhere to their assigned work schedule. A full-time employee shall be required to work 37.50 hours per week unless specified otherwise by the Appointing Authority or the Statutes. The typical work week 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.

PVAs have discretion in deciding what work hours best meet the needs of a particular office. Employees should complete a Work Schedule Agreement form to ensure the PVA and employee understand the work schedule.

Another area of discretion is flextime scheduling. PVAs may offer some or all its employees the opportunity to design their own work schedules. Usually, offices 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.

## **Time Reporting**

Timesheets are completed and approved in KHRIS ESS. 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.

All employees are encouraged to complete Accurate Time Reporting training. Tutorials for completing and approving timesheets can be found in KHRIS ESS home page.

## **BENEFITS OF EMPLOYMENT**

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 90% 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, contact the Employee Relations Branch in the Division of HR.

### **Adoption Benefit Program**

The Kentucky State Personnel Cabinet administers the [Adoption Benefit Program](#), which provides reimbursement for a portion of the direct costs incurred in the adoption process to Executive Branch state employees. For adoptions finalized on or before October 21, 2019, the Adoption Benefit Program provides reimbursement up to \$3,000.00 per child and up to \$5,000.00 per child for direct costs related to the adoption of a special needs child.

For adoptions finalized on or after October 22, 2019, Executive Order 2019-787 increases the amounts to \$5,000 per child (\$7,000 per child with special needs) in the form of a reimbursement, a stipend, or combination thereof to help cover adoption expenses as well as offset future medical or educational expenses.

### **Deferred Compensation**

Employees may participate in one or both of the Supplemental Retirement Savings Plans available through the Kentucky Public Employees' Deferred Compensation Authority (Authority) program, the official state-sponsored supplemental retirement program. The offerings include an Internal Revenue Code (IRC) Section 457, 401(k), and Deemed Individual Retirement Account (IRA) defined contribution retirement plans. In addition, a Roth 401(k) and Deemed Roth IRA option are available on

an after-tax investment basis for purposes of tax diversification. Participation in this valuable state sponsored benefit is optional for employees.

**New Hire Automatic Enrollment Feature:**

Beginning July 1, 2019, all new full-time employees hired will be automatically enrolled in the Kentucky Deferred Compensation 401(k) Plan. Every pay period, \$15.00 (\$30.00 monthly) will be deferred on a pre-tax basis from the individual's pay into his or her deferred compensation plan. Employees may take steps to defer more than \$15.00 per pay period, or they may take steps to cease participation in the plan. Within 90 days after receipt of the first initial contribution, new employees who wish to cease deferrals and exit the plan must submit a form to the Authority, who will in turn cancel the account and return monies, with interest and less any mandatory withholdings. Employees may exercise their option to re-enroll in the plan anytime in the future. If the employee does not cease enrollment in the plan within 90 days after receipt of the first initial contribution, the deferral remains in trust for the employee. After one year, participants who cease deferrals and maintain a balance under \$5,000 will be assessed a monthly \$6 low balance fee; these fees are not charged if deferrals resume. For information on participating in the Authority program, please contact the Authority or Nationwide Retirement Solutions (NRS) marketing staff at (502)573-7925 or toll free at (800)542-2667.

**Employee Discount Program**

Businesses throughout Kentucky regularly enjoy showing their appreciation to state employees by offering employee discounts. For more information, please visit

<https://extranet.personnel.ky.gov/Pages/Discounts.aspx>

**Insurance**

**Optional Coverage**

As a new full-time employee, you have 35 days from your date of hire to elect optional Life, Dental, and/or Vision insurance.

**Life**

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. It is important to keep your beneficiary information up to date. The Group Life Insurance Program offers you the option of purchasing additional insurance for yourself with options from \$10,000 to \$150,000. You can also purchase coverage on your spouse and your eligible children at coverage options ranging from \$2,500 to \$50,000.

Contact your PVA Employee Relations Branch if you have any questions regarding the state-sponsored life insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352). For more information regarding the life insurance options available to employees, please visit <https://personnel.ky.gov/Pages/LifeInsurance.aspx>

## Dental

You may choose optional employer-sponsored dental insurance administered by Anthem. You can elect one of three levels: Bronze, Silver, and Gold. As an Anthem Dental member, you will have access to one of the largest dental networks in the nation, which means you won't have to go far to find a dentist!

Contact your PVA Employee Relations Branch if you have any questions regarding the state-sponsored dental insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352. For more information regarding the dental insurance options available to employees, please visit <https://personnel.ky.gov/Pages/Dental.aspx>

## Vision

You may choose optional employer-sponsored vision insurance administered by Anthem. You can elect one of three levels: Bronze, Silver, and Gold. With Anthem Blue View Vision Insight Network you can get your eye care and eyewear just about anywhere! You will have access to one of the largest vision networks in the nation. You can choose from many private practice doctors, local optical stores, national retail stores, and order eyewear online.

Contact your PVA Employee Relations Branch if you have any questions regarding the state-sponsored vision insurance. You can also contact the Optional Insurance Branch at (502) 564-4774 or 1 (800) 267-8352. For more information regarding the vision insurance options available to employees, please visit <https://personnel.ky.gov/Pages/Vision.aspx>

## Health

You are eligible to participate in the Kentucky Employees' Health Plan (KEHP) if you are an "employee," as defined by KRS 18A.225(1). In general, an "employee" is any person who is regularly employed by any department, office, board, agency, or branch of state government and who contributes to one of the state-sponsored retirement systems. 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 2022 the options are: LivingWell Consumer Driven Health Plan (CDHP), LivingWell PPO, LivingWell Basic CDHP, or LivingWell Limited High Deductible Health Plan); or
- Elect to waive your health insurance and, if eligible, enroll in either the Waiver General Purpose Health Reimbursement Arrangement (HRA) or the Waiver Limited Purpose HRA.
  - Employees can use the Waiver General Purpose HRA to pay for qualified medical expenses such as co-pays, coinsurance, doctor's office visits, x-rays, prescriptions, eligible dental expenses or other eligible expenses not covered by health insurance. The Waiver Limited Purpose HRA can only be used to pay for qualified dental and vision expenses.
  - If an employee waives coverage and chooses one of the Waiver HRA options, the employer will fund the HRA in two equal installments, up to a maximum of \$2,100 per

year. The first installment, in the amount of \$1,050.00, will be credited to the employee's Waiver HRA on January 1 of the plan year. The second installment, in the amount of \$1,050.00, will be credited to the employee's Waiver HRA on July 1 of the plan year. Newly eligible members may have access to a pro-rated amount based on the number of months remaining in the plan year at the time of plan entry. There are specific eligibility requirements for electing the Waiver General Purpose HRA. Refer to the KEHP website for specific information on the Waiver HRAs.

If you fail to make a health insurance election within 35 days from your date of hire, you must wait until the next annual Open Enrollment period, unless you experience a valid qualifying event such as marriage or birth of a child.

If you elect health insurance coverage, your effective date of coverage 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 will be effective on March 1. If you begin work on January 16, health insurance will be effective on March 1.

For more information regarding the health plan, please refer to KEHP's website at <https://personnel.ky.gov/pages/healthinsurance.aspx>

### **Flexible Benefits Program**

KEHP currently offers a Healthcare Flexible Spending Account (FSA) and a Child and Adult Daycare FSA. These programs are provided through a Section 125 Cafeteria plan and allow you to pay for eligible health and dependent care expenses with pre-tax dollars. FSA is pre-tax money you set aside through payroll deductions. You can enroll in one or both FSAs offered by KEHP:

- A HealthCare FSA can be used to pay for copays and coinsurance; 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 contribute up to \$3,050 each year;
- A Child and Adult Daycare FSA is to pay for services such as daycare expenses or adult care so that you can work. You can contribute up to a maximum amount based on your tax-filing status.

Refer to [KEHP's website](#) for more information.

You have 35 days from your date of hire to enroll in either FSA program. If you elect an FSA, your effective date of coverage will be the first day of the second month following your hire date. For example: if you begin work on January 1, your health insurance will be effective on March 1. If you begin work on January 16, your health insurance will be effective on March 1.

### **Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)**

If you, your spouse, or your covered dependents lose group health insurance due to termination of your employment, a reduction in work hours, or certain qualifying events, you, your spouse, and your covered dependents have the right to continue participation in KEHP. Premiums are set at the group rate plus an administration fee and are payable at your own expense. More information can be found by clicking one of these links, [COBRA Rights](#) and [COBRA Rates](#).

## Pre-Tax Benefits

The KEHP is a cafeteria plan governed by Section 125 of the Internal Revenue Code. The cafeteria plan gives you the opportunity to pay your portion of the health insurance premium and contribute to FSAs 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.

## Holidays

Kentucky state government observes holidays amounting to 12.5 days (13.5 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 Jr Day	Third Monday in January
Good Friday	One-half day on the Friday that precedes the Easter holiday
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Presidential Election Day	Tuesday after first Monday in November of presidential election years
Veteran's 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.

Holidays occurring on a Saturday are observed on Friday. Holidays on Sunday are observed on Monday.

## Leave

### Annual (Vacation) Leave

Eligible full-time employees receive annual leave as a state work benefit. Part-time and Interim employees do not accrue 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 leave. This does not include hours worked in excess of the prescribed hours of duty.



<b>Months of Service</b>	<b>Leave Accrued Annually</b>
0-59 months	12 days per year; 1 day per month
60-119 months	15 days per year; 1.25 days per month
120-179 months	18 days per year; 1.50 days per month
180-239 months	21 days per year; 1.75 days per month
240 months and over	24 days per year; 2 days month

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

<b>Months of Service</b>	<b>Maximum Carry Forward</b>	<b>37.50 hour week</b>	<b>40 hour week</b>
0-59 months	30 working days	225 hours	240 hours
60-119 months	37 working days	277.50 hours	296 hours
120-179 months	45 working days	337.50 hours	360 hours
180-239 months	52 working days	390 hours	416 hours
240 months & over	60 working days	450 hours	480 hours

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 5 working days is considered to have resigned from employment.

If you resign or retire from state government, or are terminated from initial probation other than for cause (or as an unclassified employee are terminated at any time other than for cause),, 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 workday. If you do not give at least 14 days' notice or if you submit notice of resignation or retirement after receiving an intent to dismiss letter, 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, you shall not be paid for accumulated annual leave.

### **Blood Donation Leave**

Employees who donate whole blood 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, with prior supervisory approval, 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.

The donation must occur during an employee's scheduled work hours in order to qualify for leave, which does not include the lunch period. All employees are permitted to donate blood at any licensed blood center certified by the Food and Drug Administration. All employees are required to submit verification to their supervisor of blood donation or deferral.

### **Closure Leave**

The County Judge/Executive may order the closing of the courthouse for bad weather, other observed holidays, etc. If this occurs the PVA must complete and sign an "Office Closing Form". The form along with the County Judge's Executive Order and documentation as to why the PVA office will be closed must be submitted to the Division of HR. The time reported on the KHRIS timesheet should be coded as "CLOS".

### **Compensatory Leave Time & Overtime Pay**

COMPENSATORY TIME FOR SEPARATION OF EMPLOYMENT: No deputy should be allowed to accumulate any comp-time. The PVA office will be billed for any deputy leaving the PVA office with a comp-time balance. If any deputy has an existing comp-time balance, please start to decrease those hours. Effective July 1, 2001, per updated March 2005, PVA Fiscal and Personnel Manual Chapter III, Section II, Part C., there should be no accumulation of compensatory and/or overtime without prior approval from the Division of Human Resource. Any employee ALLOWED TO WORK over 40 hours from Sunday to Saturday will be in overtime status FOR THAT WEEK. Therefore, when any employee works more than 40 hours per week, (not a pay period) they are entitled to receive overtime pay. ALL OVERTIME PAY PLUS FICA WILL BE BILLED BACK TO THE COUNTY AND PAYMENT DUE UPON RECEIPT. For example, if an employee works an additional 4 hours on a Saturday and they have not taken any time off that week, the employee will earn 2.5 hours of comp time and 1.5 hours overtime. Deputies cannot use comp-time (CU) before they actually earn comp-time (CE), unless they already have a comp-time balance equal and/or greater to CU.

### **Court Leave**

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 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 released from subpoena, 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.

## **Critical Incident Leave**

Individuals who volunteer as or are employed as firefighters and peace officers are authorized to use up to forty-eight (48) hours of their accumulated annual, sick, and/or compensatory leave immediately following a critical incident as defined by KRS 15.518 (peace officers) and KRS 95A.292 (firefighters). If leave balances have been exhausted, the employee may take up to forty-eight (48) hours of leave without pay, after a critical incident.

## **Family and Medical Leave Act (FMLA)**

A summary of an employee's rights and responsibilities under the 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 (leave must be taken within one (1) year of the child's birth);
- For placement with the employee of a son or daughter for adoption or foster care (leave must be taken within one (1) year of the child's placement);
- 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.

An employer is prohibited from delaying the designation of FMLA qualifying leave as FMLA leave. Once an eligible employee communicates a need to take leave for an FMLA qualifying reason, or an employer determines that leave is for an FMLA-qualifying reason, neither the employee nor the employer may decline FMLA protection for that leave.

An employee must utilize family and medical leave concurrently with other accumulated paid leave. The employee must comply with the applicable paid leave regulations contained in 101 KAR 2:102 and 101 KAR 3:015. Upon written request, the employee may reserve up to ten (10) days of accumulated sick leave on family and medical leave. An employee may not elect to reserve annual or compensatory leave.

**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:
    - Who has resided with the employee for at least thirty (30) consecutive calendar days immediately prior to application; or
    - For whom the employee is legally responsible.

**Leave for the birth or placement of a child:**

- Parents who are eligible for FMLA leave and are employed by the Executive Branch are both entitled to twelve (12) weeks of leave due to the birth or placement of a child (i.e., bonding time). Leave must be taken within one (1) year of the child’s birth or placement.
- 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 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 spouses 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 parent 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.

### **Funeral and Bereavement Leave**

Upon the approval of the appointing authority, an employee who has lost an immediate family member by death may utilize five (5) 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.

### **Living Organ Donor Leave Program**

Any full-time employee of the executive, judicial, or legislative branch of the Commonwealth of Kentucky who is absent from work due to medical reasons associated with donating bone marrow or certain human organs may request to receive living organ donor leave. For purposes of organ donor leave, human organ is defined as any part of a human intestine, kidney, liver, lung, or pancreas. Once approved, a living donor is eligible for 240 hours of paid leave for each human organ donation and 40 hours of paid leave for each bone marrow donation.

## **Military Leave**

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.

A recent amendment to KRS 61.394 also makes military leave applicable to employees who are physically disabled as a result of an injury, illness, or disease occurred or aggravated in the line of duty while performing active-duty or inactive-duty training, or who are entitled to incapacitation pay pursuant to 37 U.S.C. § 204. These employees are now eligible for military leave of absence from their respective duties for up to six (6) months, unless an extension is granted by the appointing authority, and payment of their salaries for a period of twenty-one (21) days.

Military leave must be requested in order to avoid being dismissed for job abandonment. Furthermore, employees must also request the paid portion of the military leave on an annual basis, if applicable. A copy of your orders should be provided to your Appointing Authority to initiate the requests.

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 (1) one year after the date of reemployment if your period of military service was for 181 days or more; (2) 180 days after the date of reemployment if your period of military service was for 31-180 days, 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 September 2021, President Joseph Biden 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 61.373 shall be applied accordingly.

### **Military, Spousal Leave**

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 18A.190. The appointing authority may require a copy of the soldier's military orders prior to approving the use of this leave.

### **Parental Leave: Maternity/Paternity/Adoption/Foster**

In the Commonwealth, we know that bonding time with a new baby or adopted child is important for you and your family. We want to be as helpful as possible as you start your journey. That's why we've developed a leave policy with your needs in mind. Executive Branch employees are granted twelve (12) weeks of leave for the birth of a child, to care for the newborn child, and for placement of an adopted or foster child. If both parents are KRS Chapter 18A employees, each parent is entitled to twelve (12) weeks of leave. Leave time will be paid if the employee has accrued annual, compensatory, or sick leave. Please review the "Leave: Family and Medical (FMLA)" section of the handbook for additional information. In addition, you may be eligible for participation in the Commonwealth of Kentucky's sick leave sharing program. Please review the "Leave Sharing Programs" section of the handbook for additional information.

### **Sick Leave**

Eligible full-time and interim employees receive sick leave as a state work benefit. Part-time employees do not earn sick leave. Sick leave with pay is accumulated at the rate of one (1) working day per month, credited upon the first day of the month following the month in which the sick leave is earned, with no maximum. A full-time or interim 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. This does not include hours worked in excess of the prescribed hours of duty.

After the completion of both 120 months of service and 240 months of service, an additional 10 days of sick leave is automatically credited to the employee's sick leave balance. The credit is completed on the first day of the month following the completion of each given months of service.



## **Rules on 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. 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; or
- have lost by death a parent, child, brother, sister, their spouse, or any other person as specified in the regulations (see Funeral and Bereavement for limit/details).

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.

If you resign or retire from state employment, you will not be paid for accumulated sick leave.

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.

A former employee who has been rehired, shall receive credit for months of prior service and shall be credited with the unused sick leave balance that existed at the time of the previous separation, unless the employee had been dismissed for cause or has retired from a position covered by a state retirement system.

## **Computing and Crediting Sick Leave**

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. The total service shall be verified before the leave is credited to the employee's record.

## **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.

### **Voting and Election Leave**

According to 101 KAR 2:102 (7) and 101 KAR 3:015 (7), an employee who is eligible and registered to vote shall be allowed, upon prior request and approval, use of up to four (4) hours for the purpose of voting in-person, by mail-in ballot, or to appear before the county clerk to request an application for or to execute an absentee ballot. A supervisor, manager, or appointing authority may specify the hours an employee may be absent. This includes participation in out-of-state elections and absentee votes cast for out-of-state elections if the employee is otherwise eligible. In order to be eligible for voting leave, an employee must:

1. be registered to vote in the county holding the election,
2. be regularly scheduled to work on an early, alternate voting day or Election Day during the hours of 6:00 a.m. to 6:00 p.m. local time, or on the date the vote is cast by mail, 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.

In addition to being eligible to vote in the county holding the election, the employee must actually vote in order to receive voting leave. Agencies should 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. NOTE: Presidential Election Day is not eligible for voting leave as State Offices will be closed per KRS 18A.190

**Election Leave-** According to KRS 118.035, section 4, any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer. The employer may specify the hours during which the employee may absent himself.

According to **101 KAR 2:102 (7)** and **101 KAR 3:015 (7)**, an employee who is selected as an election officer shall be allowed, upon prior request and approval, leave up to seven and one half (7.5) hours based on a 37.5 hour work week or eight (8) hours based on a 40 hour work week, for attending training or serving as an election officer. This includes participation in out-of-state elections, if the employee is otherwise eligible.

- Approved absences to serve as an election officer on Election Day shall be coded as ELEC (Working Polls Leave).
- Approved absences for election officer training activities shall be charged to compensatory, annual, or authorized leave without pay if the employee does not have accrued leave or a combination thereof.

### **Weather, Adverse Leave**

The normal working hours for employees in State Government Offices are 8:00 a.m. to 4:30 p.m., prevailing local time, Monday through Friday. 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 and deducted from the employee's wages. 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.

Telecommuting: If an employee's equipment is not operational at any given time or is unable to be accessed during the specified telecommuting work hours due to adverse weather conditions, such as a power outage at one's residence, and the primary work location to which the employee would report is open, the telecommuter may utilize annual, compensatory, or adverse weather leave if the employee chooses not to report to the primary work location.

### **Leave: Transferring Months of Service/Leave Balances with No Break in Service**

<b>Going From</b>	<b>Going To</b>	<b>*Months of Service</b>	<b>Leave Balances</b>	<b>Sick Leave Sharing Program Participant</b>
Teachers' Retirement	Executive Branch	Y	Y	Y

PVA**	Executive Branch	Y	Y	Y
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	Y	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 two leave sharing programs (annual leave and sick leave) 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 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, Property Valuation Administrator (PVA), and Kentucky Teachers' Retirement System may also participate.
- Both the applicant and the donor 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 statute and the regulations.

#### **Annual Leave Sharing Program**

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:
  - 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.

- The employee has exhausted his or her accumulated annual leave and compensatory leave balances; and
  - 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**

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;
    - i. "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) consecutive calendar days immediately 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; and
  - 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.

## **Leave Sharing Enterprise Program**

As an enhancement to the current Sick Leave Sharing (SLS) Program, the Personnel Cabinet maintains a list of employees who are currently seeking donations of sick leave. Inclusion on this listing is at the request of the employee and only limited/non-sensitive information is included. It is kept updated and available to agency HR Administrators, to share with employees who are eligible and request to donate a portion of their unused sick leave balance to an approved employee.

If you are interested in being included on the listing or in donating, please contact your HR Administrator for more information.

NOTE: There have been no changes implemented with the existing program and this is NOT to be confused with a sick leave sharing bank/pool. This is simply an enhancement to bring more visibility to those in need of donations and to provide an opportunity to those wishing to give.

## **Retirement**

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

Most state employees participate in the Kentucky Public Pensions Authority (KPPA). Some employees of the Education and Workforce Development Cabinet are enrolled in the Teacher's Retirement System. Once you have identified which system administers your retirement benefits, you may go online to access detailed information and educational videos by visiting Kentucky Public Pensions Authority (KPPA) or Teacher's Retirements System (TRS). Members with more than one retirement plan administered by the Commonwealth of Kentucky may be allowed to combine service to retire with reciprocity.

KPPA offers online access to your retirement account by logging in to their secure self-service portal. Go to [myretirement.ky.gov](http://myretirement.ky.gov) to calculate retirement estimates and update your contact information. You can also contact KPPA to determine your options for retirement and schedule an appointment with a retirement counselor. Once you make a decision regarding your retirement, please contact your human resource administrator. Refer to the Agency HR Staff/Consultant Listing on the Personnel Cabinet's website.

## **Leave Balances**

1. Annual\*: If you have a positive annual leave balance at the time of your retirement, you may be eligible to receive a payout for the value of that balance.
2. Sick: If you have unused sick leave you may be eligible to donate a portion of your balance to employees who have applied and been approved to accept sick leave donations through the Sick Leave Sharing Program. Please review the Leave Sharing Programs section for details or contact your human resource administrator.
3. Compensatory\*: If you have a positive compensatory leave balance upon retirement, you are eligible to receive a payout for the value of that balance.



\*Leave Payouts: These are considered lump sum payments which are taxed at a much higher rate than your regular earnings. If you have an active account under the Kentucky Public Employees Deferred Compensation Authority, you may defer all or a portion of your payout to avoid this tax penalty.

### **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 payment 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 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.

### **The Kentucky Employee Assistance Program (KEAP)**

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.

### **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 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.

### **Retirees returning to work**

If you retire and determine you still have a desire to continue working, state employment may be an option for you. To determine whether your employment with state government will affect your retirement benefits, review the retiree information specific to reemployment after retirement on the Kentucky Public Pensions Authority's (KPPA) website. If you decide to apply for a position within state government, you will need to apply to vacant positions posted on the Personnel Cabinet's Careers website. You can apply for positions of interest anytime 24 hours a day, seven days a week during the vacancy posting period.

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 recruitment, access the Personnel Cabinet's Careers website.

### **Unemployment Insurance**

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 Kentucky Division of Unemployment Insurance at (502) 564-2900.

Due to budgetary constraints, PVA office(s) may be billed for their employees' UI payments.

## **Responsibilities of Employment**

### **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, except as provided in KRS Chapter 45A.

The Executive Branch Code of Ethics also places restrictions on your conduct after you leave state government. For example, in general, for one year after 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 for six months after leaving state service, 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 to publicly disclose financial information within thirty (30) days of hire, annually, and within thirty (30) days of separation. 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 per violation, and 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 designated Ethics Officer or request an advisory opinion from the Executive Branch Ethics Commission. A list of Ethics Officers may be found at <https://ethics.ky.gov/Pages/default.aspx>.

### **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. KRS 11A.005, 11A.020 and 11A.040 prohibit 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. 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.

### **Outside Employment**

Employees wishing to seek outside employment, in addition to their regular duties as a public servant, are required to request approval from their appointing authority to ensure there is not a conflict of interest. This form is available on the PVA Admirative Website.

### **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 that conflicts with official duties.

### **Social Media**

A State employee's personal use of social media for political activity shall not be attributable to the employee's agency or the employee's official job functions. Generally, an employee's social media activity is subject to First Amendment protections; however, any personal use of social media, including use for political activity, must be conducted in a manner so that a reader would not be led to believe the employee is speaking on behalf of their Agency employer, or that disrupts working relationships or the normal operation of Agency business. If you reference your title or position of employment with a state employer on your social media profiles, any information you post may be held to a higher level of scrutiny.

### **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:

- Desktop, laptop, netbook and/or tablet computers, and their associated peripherals and media
- Smart phones and cell phones
- Commonwealth provided and/or developed software
- Network resources including mainframe, wireless connectivity, Local and Wide Area Networks,
- Internet access, servers, data storage and access, iCloud resources, etc.
- Commonwealth-provided messaging applications; including email, instant messaging,
- collaboration and communication tools, file and app sharing tools
- Social media
- Data

Summaries of the CIO Enterprise Policies associated with Information Technology Resources are listed below. 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 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 should be aware that their conduct or information they publish could reflect on the reputation of the Commonwealth. Therefore, professionalism in all communications is of the utmost importance.
- 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.
- 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.
- 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 List serve subscriptions, Chat rooms, messaging services or similar Internet based collaborative services.

### **CIO-061 Social Media Policy**

- COT must approve any commercial use of Internet connections by agencies for which the agency receives compensation. State agencies should avoid endorsing or promoting a specific product or company on agency websites; however, the placement of acknowledgements, accessibility, and certifications is acceptable.
- Agencies and staff shall not use state IT resources to:
  - Engage in inappropriate or unprofessional conduct;
  - Engage in unapproved activities that may cause congestion or disruption of networks or systems;
  - Use an application or otherwise access the Social Media site owned by the Chinese company ByteDance Limited or its successors commonly known as "Tik Tok," other than for a law enforcement purpose;
  - Access for personal use or operate personal Social Media accounts on state IT resources, including, but not limited to, state-owned mobile devices such cellular phones or tablets, and state-owned desktop or laptop computers;

- Connect unauthorized personal or state devices to the state network;
- Falsify state resources or content;
- Solicit money for religious or political causes or for illegal purposes

### **CIO-071 Wireless Voice and Data Services Policy**

- Wireless services and devices (such as cellular telephones) provided through your agency are for official use.
- 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.
- 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.

### **CIO-072 IT Access Control and User Access Management 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.
- Users must refuse all offers by software to store credentials to allow for automatic login.

### **CIO-073 Anti-Virus Policy**

- Only approved software is allowed to reside on Commonwealth owned computer resources.
- If a virus-scanning program detects malware and/or a user suspects some type of virus infection on a Commonwealth computer, the user must immediately stop using the computer and notify the Commonwealth Service Desk.

### **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

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

- 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
- 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 not limited to: Physical electronic media used to store information. (ex. diskettes, magnetic tapes, desktops, laptops, hard drives, random access memory, read only memory, compact disks, network equipment, solid state and flash media)
- Non-digital media covered by this policy include but are not limited to: hard copy or physical representation of information. (ex. paper copies, printouts, printer ribbons, drums, microfilm, 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.

### **CIO-107 Enterprise Managed Print Services Policy**

- The Commonwealth Office of Technology (COT) offers MPS to all Commonwealth governmental agencies. The MPS is mandated for use in all agencies within the executive Branch of Commonwealth government and available to all other agencies upon request. This policy outlines responsibilities for COT, and for agencies.
- COT must assess the business needs of each agency upon MPS entry, and provide each agency an optimization plan based on industry norms and best practices for equipment and equipment placement. This plan may be adjusted based upon unique agency needs. COT must provide devices, device drivers, support, and repair services for MPS. COT must authorize agency device contacts to manage day-to-day user-level activities.
- COT may conduct a periodic review of each device's use to ensure optimal utilization of devices. Long-term, defined as six months or more, overutilization, or underutilization, of MPS devices, shall be reported by COT to the agency COT contact. COT may take corrective action including adding, upgrading, downgrading, or removing devices. Agencies may provide input into the corrective action.
- Agencies shall encourage their staff to use electronic means, instead of printed materials, whenever possible. Agencies shall assign at least one staff member to act as a device contact for each device in their agency. Agencies shall not use Direct IP printing or use local printers and copiers unless the MPS Project Manager (PM) approves an exemption in writing.
- To promote efficiency and cost savings for large printing tasks, agencies shall consider the use of Production Print Services.
- Agencies shall request adding, moving, removal, or relocation of devices using the MACD (move/add/change/disposal) form available at the Kentucky MPS website (ky-mps.com).



Agencies shall not relocate devices covered by MPS. If the agency deems it necessary to temporarily move MPS devices, the Agency is financially responsible for damage to, or misuse of, equipment.

- COT must ensure MPS default settings are configured for black-and-white printing in duplex mode. Agencies shall ensure that personnel print all documents in black-and-white, and in duplex mode, unless other printing modes are necessary for agency business operations. Agencies shall not print e-mails or faxes unless retention of printed documents is required, or agency business processes require production of paper versions.

All employees are required to complete Security Awareness training. This online course is available within MyPURPOSE, with details available on the Personnel Cabinet's website under Resources/Training and Development/Employees/HR. Please also be aware that inclusion of unprofessional photographs, favorite quotations, and excessive customization of fonts/backgrounds in email is prohibited.

## **EMPLOYEE SERVICES**

### **Communications**

The Personnel Cabinet utilizes multiple tools to communicate with employees. These include:

- Social Media: Facebook, Twitter, and LinkedIn  
The Personnel Cabinet maintains accounts with both of these media outlets and frequently posts special job announcements, health insurance information, and other important news.
- Personnel Cabinet website
  - Important information can be found on every page; however, the main screen contains a rotating message bar that provides information on current events and time sensitive matters.
- KHRIS Employee Self-Service
  - The welcome screen contains important information and announcements from the Personnel Cabinet and other state agencies.

Email is another communication tool utilized as needed. If you have an active email address in the Kentucky Human Resource Information System (KHRIS), please watch for emails from Personnel Cabinet Correspondence ([PersCab.Correspond@ky.gov](mailto:PersCab.Correspond@ky.gov)), Kentucky Personnel Cabinet ([KYPERS@subscriptions.kentucky.gov](mailto:KYPERS@subscriptions.kentucky.gov)), as well as [KEHP@ky.gov](mailto:KEHP@ky.gov). If you do not have an active email address in KHRIS, your agency should ensure that these communications are shared with you timely and as needed.

### **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 KRS Chapter 18A employees.) The purpose of this campaign is to raise funds for a number of state charities. Campaign pledging typically runs through the end of the calendar year, and pledges made for payroll deduction begin with the first pay received in January and continue through the last pay received in December. Accordingly, your donations to a specific charity may not be fully delivered to the recipient charity until the following calendar year after the close of the deduction year.

Through KECC, you also have the ability to donate to any write-in charity of your choice. Please be advised, however, that \$0.10 of each \$1.00 donated to a write-in-charity is withheld to cover the cost of processing write-in designations. If a write-in organization does not qualify as a non-profit organization fulfilling all requirements, or if KECC is unable to locate them by the given address, the donation will be shared by the state-approved charities.

Refer to the KECC website for more information, or contact your human resource administrator for information about making a donation.

### **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 review 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 and tax documents, 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 can be accessed on the Personnel Cabinet's website under Resources/Training and Development/KHRIS. Access the KHRIS Employee Self-Service (ESS) by logging in.

### **Kentucky Employee Assistance Program (KEAP)**

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

Family issues, emotional distress, substance misuse, financial concerns or job stress challenges can seriously diminish an individual's job performance. 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.

## **WORKPLACE**

### **Drug-Free Workplace/Substance Abuse Assistance**

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.
- Employees may be required to satisfactorily participate in a drug abuse assistance or treatment program.
- 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 the Executive Branch. Each employee is obligated 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. Failure of any employee to report his or her conviction to the appointing authority may result in disciplinary action. 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. Employees who have questions concerning this directive are encouraged to contact their supervisor or agency Human Resources office.
- Employees who need assistance with substance abuse issues are encouraged to contact the Kentucky Employee Assistance Program at (502) 564-5788. Refer to the Personnel Cabinet's Substance Abuse website for more information.

### **Kentucky Safety Program**

The purpose of the Program is to develop and promote a healthy and safe working environment for the state's most valuable assets, its employees. The State Safety Program, working through the Executive Safety Advisory Committee ("ESAC"), educates state employees on preventative measures, procedures, and practices to reduce work-related accidents by identifying potential hazards and dangers before an injury may occur. Information on the Kentucky State Safety Program can be found in the Kentucky Safety and Health Manual and is also located on the Personnel Cabinet's website.

### **Pregnant Workers Act**

Effective June 27, 2019, the Pregnant Workers Act amends the Kentucky Civil Rights Act to expressly prohibit employment discrimination in relation to an employee's pregnancy, childbirth, and related medical conditions. Employers must make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical condition who requests an accommodation, including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Acquisition or modification of equipment;
- Appropriate seating;
- Temporary transfer to a less strenuous or less hazardous position;
- Job restructuring;
- Light duty;
- Modified work schedule; and
- Private space that is not a bathroom for expressing breast milk.

The Pregnant Workers Act also creates the first lactation accommodation requirement in Kentucky, defining related medical condition to include lactation or the need to express breast milk. As noted

above, the new law requires employers to provide space, other than a bathroom, for their nursing employees to express breast milk.

Please contact your supervisor or your agency's Human Resources representative with any questions concerning the Pregnant Workers Act.

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

### **Violence in the Workplace**

The Commonwealth of Kentucky does not tolerate any actions that threaten its employees. Workplace violence shall be prohibited and shall include: (a) The attempted, threatened, or actual conduct of a person who endangers or is likely to endanger the health and safety of state employees or the general public; or (b) A threatening statement, harassment, or behavior that gives a state employee or member of the general public reasonable cause to believe that his health or safety is at risk.

Examples of prohibited workplace violence shall include, but are not limited to: (a) Threats of harm; (b) Brandishing or displaying a weapon or an object that looks like a weapon in a manner that would present a safety risk to a state employee or a member of the general public or threatens or intimidates them; (c) Intimidating, threatening, or directing abusive language toward another person, either verbally, in writing or by gesture; (d) Stalking; (e) Striking, slapping, or otherwise physically attacking another person; or (f) Disobeying or failing to follow the reasonable directive of a supervisor to take action or cease actions that create a risk to the health or safety of a state employee or the public or threatens or intimidates them.

All instances of workplace violence are to be immediately reported to supervisors. If the employee's supervisor is unavailable or is the subject of the action at issue, the employee shall immediately bring the incident to the attention of their second-line supervisor. The supervisor or second-line supervisor should contact building security or law enforcement where appropriate. Employees should contact their agency Human Resources administrator for specific directives. Reports of prohibited conduct shall be investigated and may constitute grounds for disciplinary action and referral for criminal prosecution.

### **Workers' Compensation**

Executive Branch employees are covered under the Kentucky Workers' Compensation law pursuant to KRS Chapter 342. If you are injured on the job, you must report the injury as soon as possible to your supervisor. Supervisors or their designee, are responsible for completing the Employer's First Report of Injury or Illness within 3 working days. Agencies (with the exception of the Transportation Cabinet) may complete the First Report of Injury online at <https://personnel.ky.gov/pages/workerscomp.aspx>. Employees with the Transportation Cabinet should contact their human resources office for questions regarding their reporting process.

If your claim is approved, your necessary medical expenses will be paid and where applicable, part of your salary will be paid. 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 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.

Most injuries are preventable 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.