

**Personnel****GENERAL PROCEDURES**

Personnel involved in the operation of State operated area technology centers are under the direction of the KDE Office of Career and Technical Education.

Personnel matters involving area technology centers are initiated by the Principal and should follow the designated chain of command within the Office of Career and Technical Education and on to appropriate levels as deemed necessary by individual transactions. Personnel matters are governed by KRS 156 and KRS 18A. For questions, contact KDE Division of Resource Management at 502-564-3716.

**REFERENCES:**

<sup>1</sup>KRS 156.808; 780 KAR 3:100  
KRS 18A.111  
KRS 18A.005  
KRS 18A.011  
KRS 156.826  
101 KAR 1:325  
780 KAR 3:060  
780 KAR 6:050

Adopted/Amended:  
Order #:

**Health Information****MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Principal advises other personnel of the employee's medical condition.

The Principal shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**SCHOOL TO REPORT**

The Principal shall report immediately all known or suspected cases of communicable disease to the local health department and to the principal of each district sending students to the area technology center. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>702 KAR 1:160, 902 KAR 2:020; KRS 214.181; KRS 214.625  
KRS 18A.030  
OAG 65-560  
Genetic Information Nondiscrimination Act of 2008  
American with Disabilities Act

**RELATED POLICY:**

03.1234

Adopted/Amended:  
Order #:

### **Certification and Records**

Maintaining certification is the responsibility of the individual employee. It shall be the responsibility of the employee to see that the required certification is on file with the school and OCTE and is kept current at all times.

#### **VERIFICATION OF EDUCATION AND WORK EXPERIENCE –156**

- *Instructors:* The Area Technology Center Principal shall verify employment history, education and experience.
- Office of Career and Technical Education curriculum consultants shall determine if an applicant is qualified by reviewing the application.

Certification must be maintained as part of continuing employment.

1. **College Commitment:** Instructors, who do not have the applicable degree, must make a commitment to obtain the required 64 college hours within ten (10) years.
2. **Licensure:** If licensure is a part of the requirements to qualify for employment, current licensure must be maintained.
3. **Teacher Testing:** If applicant does not have a Teaching Certificate or Statement of Eligibility, he/she must successfully complete the Teacher Testing Program.
4. **New Teacher Institute (NTI):** NTI provides intense training on classroom presentation and situations. New instructors who have not had student teaching are required to participate in New Teacher Institute training and may acquire three (3) college hours through a participating college or university. It is the employee's responsibility to contact the university/advisor to effect acquisition of the three (3) hours credit. In some instances, new teachers who have participated in student teaching may be required to participate in NTI.
5. **Internship:** New Teachers (as indicated under NTI above) shall go through a year of internship. For this year, they will have an internship committee assigned to monitor their progress. The committee consists of: (1) Center Principal, (2) College/University Representative, and (3) Resource Teacher. The Resource Teacher will assist and guide the new teacher through the initial year.

**Successful completion of Internship is a requirement of continued employment.**

#### **TEACHER AND PRINCIPAL CERTIFICATION**

All certification documentation should be forwarded through the Personnel /Payroll Officer (Employee to Area Technology Center Office for Principal's signature to Personnel/Payroll Officer.)

Certified and equivalent employees in the Office of Career and Technical Education shall meet the requirements for professional education as specified in the classification system and shall maintain the continuing education requirements and administrative regulations promulgated by the Executive Director of the Office of Career and Technical Education and the Board for Elementary and Secondary Education specified for each certified position as a condition of employment.

**Certification and Records****TEACHER AND PRINCIPAL CERTIFICATION (CONTINUED)**

Certification is the responsibility of the instructor and is a requirement of continued employment. If applicable, instructors must maintain current licensure as specified for their particular occupational area.

Different components of certification are as follows:

**Center Principals:**

1. Principals who possess administrative certification but have no experience in administration shall participate in required staff development activities offered through the Office of Career and Technical Education.
2. **New Instructors:** All instructors in the Kentucky Tech System who do not have previous certification and teaching experience with Kentucky Tech, shall be required to successfully complete the New Teacher Internship program (as a condition of continued employment.)
  - a. Must make a commitment to obtain 64 college hours within ten (10) years, if they do not have appropriate degree.
  - b. Must successfully complete one (1) year of internship and during that year, acquire three (3) college hours through a participating University (can use NTI training to acquire the three (3) hours.) Must be the NTI credit.
  - c. If applicable, must obtain and/or maintain current licensure, as part of continued employment.
  - d. Center Principal will work with the instructor in contacting the appropriate Teacher Educator at a participating University, as needed.
3. **New Teacher Institute:** All new teachers (new to Kentucky Tech) must attend NTI.
4. **All Instructors:**
  - Shall maintain current certification. It is the responsibility of the instructor to monitor the requirements for renewal and to initiate appropriate paperwork for renewal.
  - The ATC Principal shall also track certification expiration dates and renewal efforts.
  - Shall maintain current licensure as part of continued employment (if licensure is part of the requirement for the position.)
  - Shall complete at least twenty-five (25) clock hours of professional development training annually beginning July 1 of each year. Additional details regarding certification may be found at the EPSB web site:

<http://www.kyepsb.net/>

**Certification and Records****TEACHER AND PRINCIPAL CERTIFICATION (CONTINUED)**

- Instructors who must meet specific continuing education requirements as a part of their occupational licensure obligation shall earn those hours in accordance with the administrative regulations set by the credentialing body. These hours, when completed, shall apply to the twenty-five (25) clock hour obligation on an hour-for-hour basis, beginning July 1 of each year.

If an employee does not hold a valid certificate, does not complete the requirements for renewal, or does not complete the appropriate continuing education requirements, his employment shall be terminated. The Associate Commissioner may make a “one time” exception if the requirements could not be met due to personal illness or other just cause beyond the control of the employee. The employee may be granted one (1) year in which to obtain the requirement.

**CERTIFICATION RENEWAL**

- Most current certificates reflect the additional education required to renew the certificate.
- In most instances, renewal requires the completion of a TC-3.
- If college hours are required, must attach an official transcript with the TC-3.
- Principal must sign TC-3.
- Forward all documents to Certification Officer.
- Part-time substitute teachers certified through the TC-4 process must renew that each year by June 30, by submitting a new, updated TC-4 through the ATC office to the Personnel/Payroll Officer prior to June 30. An official transcript is **NOT** required for renewal.

**MINIMUM CERTIFICATION/QUALIFICATION REQUIREMENTS - 156 APPLICANTS****TEACHER**

**MINIMUM REQUIREMENTS:** Must hold the Rank III Kentucky teaching certificate in the subject area to be taught;

**OR**

Must hold a Kentucky Statement of Eligibility in the subject area to be taught;

**OR**

Four (4) years of appropriate work experience – two (2) of which must be within the last five (5) years **WITH SPECIAL REQUIREMENTS AS OUTLINED FOR SPECIFIC TEACHING AREA.**

**NOTE:** Certain instructional areas require additional licensure or certification for the occupational area.

**Certification and Records****MINIMUM CERTIFICATION/QUALIFICATION REQUIREMENTS - 156 APPLICANTS (CONT.)****Teacher - Minimum Requirements**

- Must hold the Rank III Kentucky teaching certificate in the subject area to be taught;

**OR**

- Must hold a Kentucky Statement of Eligibility in the subject area to be taught;

**OR**

- Four (4) years of appropriate work experience, one (1) year of which must be in an approved long-term- care facility (for health sciences teachers).

- **SPECIAL REQUIREMENTS:** (as indicated for specific teaching subject)

<b>PRINCIPAL</b>
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**PRINCIPAL CERTIFICATION**

Area Technology Center Principals must hold one (1) of the following:

- A. Kentucky Vocational Principal's certificate **OR** Kentucky Statement of Eligibility for Vocational Principal;
- B. Kentucky Secondary Principal's certificate **OR** Kentucky Statement of Eligibility for Secondary Principal,
- C. Kentucky Department of Education Vocational Technical School Certificate in Administration, Supervision, and Coordination (issued prior to 1988.)

**OR**

- D. Has completed all coursework requirements, and will receive a Kentucky Vocational Principal's Certificate or a Kentucky Secondary Principal's Certificate within one (1) year of initial hire date.

Must pass the following two (2) principal tests in order to receive principal certification:

1. A state principal test administered by the Department of Education, Office of Teacher Education and Certification (KY Specialty Test).
2. The ISLLC test, a national test administered by the Council of Chief State School Officers, Interstate School Leaders Licensure Consortium (ISLLC). The ISLLC test is six (6) hours long and replaces the PRAXIS NTE.

Upon passing these two (2) tests, a one-year provisional principal certificate is issued during which principal internship must be completed.

**Certification and Records****CREDENTIALING AND CREDENTIAL RENEWAL**

Failure to obtain specified credentials as indicated for a specific area may result in the dismissal of an instructor per KRS 156.

In accordance with the following policy, time shall be allowed for instructors who are mandated for specific credential renewal such as RN, ASE, A+, and AWS:

- A. No more than three (3) paid workdays per school year shall be allowed for continuing education offered during a workday.
- B. The continuing education needs of the instructor shall be determined in consultation with the instructor's immediate supervisor and approved by the Associate Commissioner for the Office of Career and Technical Education.
- C. A written request for approval must be submitted to the Associate Commissioner through the Area Technology Center and Supervisor prior to the beginning of the continuing education program.
- D. A brochure or other written documentation describing the offering must be submitted with the request.

**NEW TEACHER INTERNSHIP**

The Kentucky Teacher Internship Program (KTIP) is designed to provide assistance to new teachers. Its main goal is to help new teachers experience a successful first year in the classroom. The program strengthens effective teaching skills and helps the intern teacher recognize behaviors that are ineffective or counterproductive for pupil learning.

KRS 161.030 requires that all new teachers and out-of-state teachers with less than two (2) years of successful teaching experience who are seeking initial certification in Kentucky shall serve a one (1) year internship.

**How a new teacher becomes an intern:**

- A person who has completed an approved teacher preparation program must pass the assessment approved by the Education Professional Standards Board and apply to the Division of Certification for a teaching certificate. When the requirements have been completed, as evidenced by the application, official transcript, and report of the assessments, the applicant is issued a statement of Eligibility valid for five (5) years.
- When the teacher secures employment in an approved public school or accredited non-public school in Kentucky, the Confirmation of Employment section of the Statement of Eligibility Form must be completed and forwarded to the Division of Testing and Internship.
- A one-year (1) teaching certificate is then issued to cover the teaching assignment and a three-member internship committee is appointed and monitored by the Division of Testing and Internship. The committee shall be composed of three (3) persons:
  - 1. Resource Teacher,
  - 2. Center Principal of the school where the internship is served, and
  - 3. Teacher Educator from a state-approved teacher training institution.

**Certification and Records****NOCTI – PERFORMANCE**

The National Occupational Competency Testing Institute (NOCTI) performance test is given twice a year at area technology centers, universities, and/or KCTCS facilities across the state.

1. Location depends on the technical area being tested and the number of requests for a given test. If possible, test locations will be as close as possible to the individuals requesting the test.
2. Length of test varies from one and one-half (1.5) hours to a maximum of six (6) hours.
3. Tests are given on a Saturday starting at 9:00 a.m.
4. Each test for a person in a teaching position is \$150; others will be charged \$300. Payment will be in advance, by certified check or money order made payable to Kentucky State Treasurer.
5. Test information may be found at [www.nocti.org](http://www.nocti.org).
6. If taking for college credit, college advisor should be consulted.
7. Test registration and payment will be in advance. Refunds will only be given with written notice.
8. Contact NOCTI Test Coordinator, Office of Career and Technical Education, Frankfort.

**NOCTI - WRITTEN**

The National Occupational Competency Testing Institute (NOCTI) test is a component of the Teacher Testing process.

1. The test is usually given at an Administrative Business Office.
2. The written test is designed for an experienced worker.
3. Test with a maximum of 200 questions.
4. It is a timed test, with a maximum of three (3) hours allowable.
5. Test scores are calculated by percentage grade; each question is worth one (1) point.
6. Test information may be found at [www.nocti.org](http://www.nocti.org).

**TEACHER TESTING**

Successful completion of the testing process will result in the issuance of a Statement of Eligibility, which, if employed, is the first step toward obtaining a teaching certificate.

The Teacher Test consists of one (1) or any combination of two (2) areas (depending on the particular area for which the applicant needs certification and the individual's education.):  
Compass Information: Reading 78, Pre-Algebra 48, Writing 68.



**Certification and Records****TEACHER TESTING (CONTINUED)**

1. **COMPASS**– 16 KAR 6:020. It states in Section 1 (2) "Each applicant without a teacher preparation degree shall successfully complete the Pre-Professional Skills Test (PPST) for communication skills and general knowledge. PPST testing fees, dates and locations are available in the PRAXIS handbook.

**PPST - Passing Scores**

- a. Reading – 167
  - b. Mathematics – 166
  - c. Writing - 167
2. **NOCTI** (National Occupational Competency Testing Institute)
    - Written, Experienced Worker Test
    - Maximum of 200 Questions
    - Test Score is calculated by percentage grade; each question is worth one (1) grade point

**Who Has to Test:**

Teacher applicants must have completed appropriate college entry tests or will be required to successfully complete appropriate written tests prior to receiving their certification. The Education Professional Standards Board (<http://www.kyepsb.net/>) is charged with: selecting the tests; determining minimum acceptable levels of achievement on each test; establishing a reasonable fee related to the cost of administration of the tests (such fees to be paid by the teacher applicants).

**REFERENCES:**

KRS 158.802  
**16 KAR 6:020**  
**16 KAR 6:080**  
201 KAR 12:055  
705 KAR 4:231  
780 KAR 3:140

**RELATED POLICIES:**

03.1; 03.11; 03.114; 03.19

Adopted/Amended:  
Order #:

### **Equal Employment Opportunity**

The Commonwealth of Kentucky does not discriminate on the basis of race, color, national origin, political affiliation, sex, genetic information, disability, age, religion, or marital status in employment practices.

Any employee who feels that he/she has been discriminated against based on any of these protected areas has the right to appeal his/her case through the established grievance procedure (Policy 03.162).

#### **ADA AND JOB ACCOMMODATION FOR DISABLED EMPLOYEES**

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 policies regarding the ADA in the following categories:

- discrimination in areas of employment,
- limiting,
- segregating and classification of employees,
- contractual or make arrangements that may discriminate against employees,
- providing reasonable accommodations,
- effective test administration, and
- no retaliation and coercion if employees exercise rights under provisions of ADA.

Additional information can be obtained from Kentucky's Office for the Americans with Disabilities Act

#### **REFERENCES:**

KRS 156.812  
KRS 156.838  
KRS 18A.140  
KRS 161.020  
KRS 161.164; KRS 207.135  
29 U.S.C.A. 794  
29 U.S.C. section 1630.14  
34 C.F.R. 104.3 - 104.14  
42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344  
42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)  
Americans with Disabilities Act; <http://www.usdoj.gov/crt/ada/>  
Section 504 of the Rehabilitation Act of 1973  
Title IX of the Education Amendments of 1972  
Genetic Information Nondiscrimination Act of 2008

#### **RELATED POLICY:**

03.162

Adopted/Amended:  
Order #:

**Continuing Status**

**Probationary Period:** New 156 hires do not acquire continuing status until the beginning of the fifth (5<sup>th</sup>) year as indicated below:

**First Twelve (12) Months:** *Initial Probation*

**Following Thirty-Six (36) Months:** *Limited Status (Renewable on an annual basis)*

**Beginning the Fifth (5<sup>th</sup>) Year:** *Go to Continuing Status*

**REFERENCES:**

KRS 156.800

KRS 156.820

KRS 156.826

**RELATED POLICIES:**

03.1

03.112

Adopted/Amended:  
Order #:

### **Compensation and Benefits**

The Kentucky Department of Education shall establish salary schedules and employee benefits for all personnel.

#### **COBRA**

At the time of initial employment an employee shall be given the first COBRA notification. Second notification and continuation of benefits shall be contingent upon the employee's notifying the district of a qualifying event.<sup>1</sup>

#### **TUITION WAIVER PROGRAM**

KRS 164.020 directed that a state-wide policy be developed to allow for waiver of tuition for college credit course work for all regular, full-time employees in our Area Technology Centers. That policy allows for a maximum of six (6) credit hours per term, including summer term, at any public postsecondary institution. The Tuition Waiver Form (available on the Office of Career and Technical Education Website) must be completed by the staff member and forwarded to the Central Office for approval. A signed, approved copy will be returned to the staff member for submitting when registering for classes.

The participant in the Employee Education program shall give permission (via the Tuition Waiver Form) for the Office of Career and Technical Education to receive the following information:

- Course(s) taken;
- Classification of the course(s); and
- The specific amount of tuition waived.

The waiver is for tuition only. Books and lab fees are not included unless they are part of the tuition.

#### **REFERENCES:**

<sup>1</sup>Consolidated Omnibus Budget Reconciliation Act  
KRS 156.812  
KRS 164.020  
KRS 199.555(1)  
101 KAR 2:120  
[http://cpe.ky.gov/NR/rdonlyres/7320D824-A042-476A-8FC3-0A8F763B3F12/0/TuitionWaiverPolicy\\_20060619.pdf](http://cpe.ky.gov/NR/rdonlyres/7320D824-A042-476A-8FC3-0A8F763B3F12/0/TuitionWaiverPolicy_20060619.pdf)

#### **RELATED POLICY:**

03.121

Adopted/Amended:  
Order #:

## Salaries

### **SALARY SCHEDULES**

In determining salary for a 156 position, the following information should be used:

1. ***Appropriate Cell on Salary Schedule*** – Reference current salary schedule per rank and cell for appropriate Total Years of Accumulated Experience.
2. ***Dollar Amount of Appropriate Index*** – An index is established and amended annually for appropriate administrative staff. That information should be placed here.
3. ***Salary plus Index*** (add 1. and 2.)
4. ***Convert Annual Salary to Monthly:***
  - a. 12 Month – Refer to Salary Schedule or, if index used, Divide # 3 by 12
  - b. 21-Pay - Refer to Salary Schedule
  - c. 24-Pay - Refer to Salary Schedule

Complete this area:

- When comparing the new salary schedule to salaries of existing employees.
- When determining salary for new hires.

The Personnel/Payroll Officer may be contacted for assistance in determining salary.

### **ANNUAL INCREMENT**

The annual increment percentage rate is set by the Legislature.

- **156:** Increment date is July 1 of each year, regardless of hire date.  
<http://www.lrc.state.ky.us/kar/780/003/020.htm>
- **18A:** See 18A Employee Handbook)  
<http://www.lrc.state.ky.us/KRS/018A00/355.PDF>

### **EXTENDED EMPLOYMENT**

Extended Employment is from June 16 – July 31 of each year for 10.5 month employees of the Office of Career and Technical Education. Participation requires approved application. Updated application, guidelines, and approvable activities are provided each year based on availability of funds.

### **PAYCHECK**

Employees who are designated as ten and one-half (10.5) month employees shall have the annual salary divided into twenty-four (24) payments.

### **DIRECT DEPOSIT**

Direct deposit of state paychecks is mandatory for all new employees.

### **RANK CHANGES**

A certified or equivalent employee shall have a salary adjustment of five percent (5%) retroactive to July 1 for educational rank changes that are confirmed by September 1 of each year.

It is the responsibility of the employee to provide the ATC Principal with a copy of the new teacher certificate. It is the responsibility of the ATC Principal to provide the Personnel/Payroll Officer with a copy of the new certificate. The rank change request cannot be processed without a copy of the new certificate.

## Salaries

### ACCRAUAL OF COMPENSATORY LEAVE AND OVERTIME

1. An appointing authority shall comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), 29 USC Chapter 8. <http://www.dol.gov/elaws/flsa.htm>.
2. An employee who is directed to, or who requests and is approved to work in excess of the prescribed hours of duty, shall be granted compensatory leave and/or paid overtime subject to the provisions of the FLSA, the Kentucky Revised Statutes and this administrative regulation.
3. Compensatory leave shall be accumulated or taken off in one-quarter (1/4) hour increments.
4. An employee who is transferred or otherwise moved from one state agency to another shall retain the compensatory leave in the receiving agency.

All overtime and compensatory time shall be prior approved by the immediate supervisor. Compensatory time and overtime must be prior approved using the designated Compensatory Time Approval Form. The amount of overtime or compensatory time is determined by the status of the employee/classification as exempt or non-exempt under the Fair Labor Standards Act. Employees should contact the personnel office for information regarding status as exempt or non-exempt for a specific employee/position.

Most 156 employees are classified as exempt and do not have the time and a half option. 156 EXEMPT employees do not have the 1.5 compensatory option available to them for a regular work week, but do have the 1.5 pay option only through the dual employment position.

The 156 exempt employee earns APPROVED compensatory time on an hour-for-hour basis, when activities require that they extend their workweek beyond the thirty-seven and one-half (37.5) hours. <http://www.lrc.state.ky.us/kar/780/003/072.htm>

When a teacher is requested to teach a program for industry in addition to his/her normal daily classroom assignment, a dual employment position can be requested, in advance, to facilitate payment for the separate assignment hours (see **DUAL EMPLOYMENT** section below).

Most 18A employees are eligible for overtime. Non-Exempt 18A employees **MUST** choose how they want to be compensated for time worked over forty (40) hours per week:

- a. Pay at 1.5 of their hourly rate or
- b. Compensatory accrual at 1.5 hours, for every hour worked over forty (40).

Hours between thirty-seven and one-half (37.5) hours and forty (40) hours in a single workweek will be accrued as straight compensatory time of two and one-half (2.5) hours.

The choice is made for six (6) months at a time and cannot be changed until the end of that six (6) months period.

1. Employees are only eligible for time-and-a-half pay or compensatory time when hours “physically” worked exceed forty (40) hours in a workweek. (Compensatory time awarded for holidays, voting leave, etc. cannot be considered when calculating the 1.5 factor.)

## Salaries

### ACCRAUAL OF COMPENSATORY LEAVE AND OVERTIME (CONTINUED)

2. An example would be Labor Day week:

- 7.5 Holiday Hours and 30 Hours “physically” worked.
- If the employee is authorized to work on a special project, he/she would have to “physically” work ten (10) additional hours to have physically worked forty (40) hours. Anything above the forty (40) hours would then fall under the one and one-half (1.5) compensation plan applicable to the non-exempt employee.

18A employees should reference the current Employee Handbook in reference to compensatory leave time and overtime pay.

#### Monitoring Compensatory Hours:

- **156:** Exempt 156 employees can only accrue up to 200 hours (anything above that is not recognized by the payroll system.) Time should be monitored and used effectively.
- **18A:** When compensatory time reaches 240 hours for a non-exempt 18A employee, the system will generate a block 50 payment for 50 of those hours. Time, work assignments and leave should be monitored.

### REDUCTIONS IN COMPENSATORY LEAVE BALANCES

An employee who has a balance of at least 100 compensatory leave hours may be required to use compensatory leave before annual leave, unless the employee’s annual leave balance exceeds the maximum that may be carried forward under this administrative regulation, and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the agency.

- If any employee’s prescribed hours of duty are normally less than forty (40) hours per week, the employee shall receive compensatory leave for the number of hours worked that:
  - Exceed the number of normally prescribed hours of duty; and
  - Upon separation from state service, an employee shall be paid for all unused compensatory leave.
- **Christmas Break and Spring Break – 156 Employees (780 KAR 3:080)** - An employee may either work during these periods or be on some form of approved leave. If the employee desires to work during this period, he may do so only upon the submission of a work plan by the employee and the approval of the plan by the employee’s supervisor prior to the initiation of the work.
- **Christmas Break and Spring Break – 18A Employees**  
**18A Employees** may take leave during Spring Break and Christmas Break or be on an approved work plan.
- All certified and equivalent employees shall be permitted to use accumulated compensatory time when practicable and requested in advance and if approved by the respective supervisor.

**Salaries****DUAL EMPLOYMENT**

When a full-time employee, primarily 156, is requested to teach a class for industry that is separate from his normal workday duties, the employee must be on Dual Employment to be compensated. This is a position, separate from the full-time position, with an hourly pay rate. The salary is based on the hourly rate of the full-time position, and can go up to 1.5 times the hourly rate. This type of industry program must be cost recovery.

- Written justification is required to establish a position and appoint an employee. Justification should include program need and funding source. Forward to Personnel/Payroll Officer.
- Dual employment is **limited to 420 hours per school year**.
- An alternative to dual employment would be for the school principal to utilize flexible scheduling for employees, if possible.

**REFERENCES:**

KRS 18A.005  
KRS 18A.120  
KRS 18A.145  
KRS 18A.355  
KRS 156.800  
KRS 156.808  
101 KAR 3:045  
780 KAR 3:020  
780 KAR 3:065  
780 KAR 3:072  
780 KAR 3:080  
780 KAR 3:160  
780 KAR 6:005  
780 KAR 6:010  
780 KAR 6:020  
780 KAR 6:062  
Fair Labor Standards Act

**RELATED POLICIES:**

03.11; 03.1211

Adopted/Amended:  
Order #:



## **Salary Deductions**

### **MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. Applicable Kentucky Retirement System;
  - **KTRS** (Kentucky Teachers Retirement System): Primarily serves instructors and administrators
  - **KERS** (Kentucky Employees Retirement System): Primarily serves support staff
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.;
5. Medicare (FICA) when applicable.

### **OPTIONAL DEDUCTIONS**

The following optional payroll deductions are authorized for those employees who choose to participate:

#### **Credit Union**

State employees can participate with credit unions through payroll deduction. Additional information may be obtained from the Personnel/Payroll Officer.

#### **Deduction Percentages**

To have an additional amount/percentage of federal and/or state tax deducted from paychecks, a new W-4 and/or K-4 should be completed and forwarded to the Personnel/Payroll Officer.

#### **Deferred Compensation**

The Kentucky Deferred Compensation Authority provides supplemental retirement coverage as an option for employees. Employees pay no federal or state taxes on the portion of their income contributed to the plan until withdrawal. To enroll, employees may contact the Kentucky Public Employees Deferred Compensation Authority.

**Insurance – Health** - See policy 03.124.

**Insurance – Life** - See policy 03.124.

#### **Insurance – Optional**

There are several optional insurance plans that can be payroll deducted, (such as life, dental, etc.), provided they are on the State's approved deduction list. Employees should contact the Personnel/Payroll Officer for specific information.

**KEAP (Kentucky Employee Assistance Program)** - See policy 03.1291.

#### **Savings Bonds**

The purchase of Savings Bonds can be payroll deducted. Contact the Personnel/Payroll Officer for additional information.

**Salary Deductions****OPTIONAL DEDUCTIONS (CONTINUED)****Miscellaneous Payroll Deductions**

There are several miscellaneous deductions including deferred compensation, membership fees, and insurance programs that can be payroll deducted. These must be on the State's approved deduction list. Employees should contact the Personnel/Payroll Officer for specific information.

**REFERENCES:**

KRS 18A.250  
101 KAR 2:160

**RELATED POLICIES:**

03.124  
03.1291

Adopted/Amended:  
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## **Holidays and Annual Leave**

### **HOLIDAYS**

All employees shall be paid for the holidays designated for state employees.

Kentucky state government observes 11.5 holidays per year (12.5 days in presidential election years.). When a 156 full-time employee needs to work on a holiday, (with prior approval) to meet a need in their job duties, the employee will receive straight compensatory time equal to the time allotted for the holiday.

**Area Technology Centers:** When school is in session during a state designated holiday, teachers can receive compensatory time for working that day. They **do not** have to send a compensatory form request to Frankfort; however the supervisor must sign the compensatory time request form. The compensatory form should be filed with the time sheet at the ATC and a copy forwarded with the time sheets to the Payroll Officer.

HOLIDAY	DAY	# OF DAYS
New Years	January 1*	2
Martin Luther King Birthday	Third Monday in January	1
Good Friday	Friday before Easter	.5 (3.75 hours)
Memorial Day	Last Monday in May	1
Independence Day	July 4	1
Labor Day	First Monday in September	1
Presidential Election Day	First Tuesday in November of presidential election years	1
Veterans Day	November 11	1
Thanksgiving	Fourth Thursday in November*	2
Christmas	December 25*	2

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

- A list of dates designated for specific holidays is provided annually.
- When a holiday listed above falls on Saturday, it is observed on Friday. Holidays occurring on Sunday are observed on Monday.

### **Christmas Break**

Area Technology Centers shall be officially closed to students during Spring Break and on the official holidays for Christmas and New Year's. All staff is expected to work during these periods or be on approved paid leave.

### **Holiday Pay for 156 Part-Time Employees**

All part-time 156 employees in P-1 "active" **budgeted positions** with a maximum of 99 hours per month, including cost recovery positions, shall be paid half-time for holidays if they are "active" employees. For purposes of this policy, "active" shall mean an employee who is in a P-1 position would receive pay for all or part of the pay period in which the holiday occurs.

## **Holidays and Annual Leave**

### **HOLIDAYS (CONTINUED)**

#### **NOTE:**

- If the employee's name is not listed on a KY Tech/OCTE Budget Sheet, **holiday pay shall not be granted.**
- 99 hour substitute teachers, called in on an emergency basis, are not considered to be in a "budgeted position."

**18A:** KRS 18A.190 provides that, "State employees shall be given a holiday on the following days..." This applies to all active employees. No criteria with respect to work schedules are applicable in determining eligibility for holiday pay for full-time, part-time and interim employees.

### **ANNUAL LEAVE – ELIGIBLE TO EARN**

- 18A employees should reference 101 KAR 2:102 or the current employee handbook.
- 156 employees should reference 780 KAR 3:072.

### **ATTENDANCE ACCOUNTING PROCEDURES**

Employees who plan to be on annual leave or compensatory leave will have leave granted only upon PRIOR approval and mutual agreement between the employee and the employee's supervisor. The area technology center Principal will provide supervision and assistance for the area center staff. The next level supervisor will provide assistance and supervision for the area center Principal.

**18A and 156** annual leave is converted after the December leave is calculated should be on February's check.

Annual leave in excess of the maximum allowed to carry forward from one (1) calendar year to another shall be converted to sick leave. Conversion will take place in January for 156 and for 18A.

### **Annual Leave Usage**

- Leave requests should be made timely.
- Accumulated leave may be granted (as agreed to by the supervisor and employee) up to at least the amount of time earned that year, if operating requirements of the agency permit.
- An employee with at least 100 hours of compensatory time may be requested to use compensatory time before annual, unless their annual leave exceeds the amount of hours that can be carried forward.
- School based **156** employees may either work during **Spring Break or Christmas Break** or be on some form of approved leave. If the employee desires to work during this period, she/he may do so only upon the submission of a work plan by the employee and the approval of the plan by the employee's supervisor prior to the initiation of the work.
- Annual leave shall be used in increments of hours or one-quarter (1/4) hours.

## **Holidays and Annual Leave**

### **Annual Leave and Separation**

1. Upon resignation and/or retirement an employee shall be paid a lump sum for accumulated annual leave, with exception as noted in # 6 (this section), up to the amount of maximum accumulation rate for their months of service. Leave remaining after the payment of the maximum provided will be removed from the balance and transferred to the sick leave balance.
2. An employee who is laid off shall be paid in a lump sum for all accumulated annual leave.
3. An employee changing positions with no break in service shall retain accumulated annual leave in the receiving agency.
4. An employee who has been dismissed for cause related to misconduct **or** who has failed, without proper excuse, to give proper notice of resignation or retirement may **NOT** be paid for accumulated annual leave.
5. An employee may request in writing that accumulated annual leave not be paid upon resignation, and that all or part of the amount that does not exceed the maximum be waived, if he resigns or is laid off because of an approved plan of privatization of services he performed, and the successor employer has agreed to credit employee with an equal amount of annual leave.
6. Failure of a 156 employee to give thirty (30) calendar days notice with his resignation may result in forfeiture of accrued annual leave.
7. Upon the death of an employee, the estate will be paid for accrued annual leave.

### **ANNUAL LEAVE - ELIGIBILITY FOR STATE PAID HEALTH AND LIFE INSURANCE BENEFITS**

To be eligible for state paid health and life insurance benefits:

- Twelve (12) month employees must have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous month.
- Ten and one-half (10½) month employees must have worked or been on paid leave or family medical leave, other than educational leave, during any part of the previous month, except between June 16 and July 31, when coverage is granted without regard to work and/or pay restrictions). The July 4<sup>th</sup> Holiday effects payment of the state paid portion.
- If an employee is unable to work and uses paid leave to qualify (as outline above), paid leave days shall be used consecutively.

### **ANNUAL LEAVE SHARING**

Employees may refer to the Kentucky Personnel Cabinet's (<http://personnel.ky.gov/>) website for rules and regulations pertaining to annual leave sharing.

- Law: <http://www.lrc.state.ky.us/KRS/018A00/203.PDF>
- Procedures: [101 KAR 2:106](#)

The payroll officer should keep annual leave sharing records in the same way as sick leave sharing records are maintained.

**Holidays and Annual Leave**

**REFERENCES:**

KRS 2.110  
KRS 2.190  
KRS 18A.190; KRS 18A.195; KRS 18A.203  
KRS 156.812  
101 KAR 2:102; 101 KAR 2:106  
780 KAR 3:072; 780 KAR 6:062; 780 KAR 3:080

**RELATED POLICIES:**

03.1232, 03.1332

Adopted/Amended:  
Order #:

## Leaves and Absences

### APPROVAL

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

### INSUFFICIENT LEAVE BALANCE

When an employee does not have adequate leave balance to cover a specific request, the payroll system will use other forms of leave as indicated below:

- *If an employee does not have enough annual leave balance* to cover a specific request, it converts to compensatory leave, then to LWOP (leave without pay), if insufficient compensatory time exists.
- *If an employee does not have enough compensatory leave balance* to cover a specific request, it converts to annual, then to LWOP, if insufficient annual leave time exists.
- *If an employee does not have enough sick leave balance* to cover a specific request, it converts to compensatory leave, then to annual leave, and then to LWOP, as respective leave balances are depleted.

### ABSENCE WITHOUT LEAVE

Employees shall be considered to have resigned if they:

- Have been absent without leave or notice to their supervisor for ten (10) working days;
- Have been on one (1) year continuous sick leave without pay;
- Has been requested by the appointing authority in writing to return to work at least ten (10) days prior to the expiration of sick leave;
- Are unable to return to their former position;
- Have been given priority consideration by the appointing authority for a vacant, budgeted position with the same agency, for which they qualified and are capable of performing essential functions with or without reasonable accommodation; **and**
- Have not been placed by the authority in a vacant position.

Employees who are absent from duty without prior approval shall report the reason thereof to their supervisor as soon as they know they will be absent or no later than one (1) hour before the employee's normally scheduled work day begins. Every effort should be made by employees to contact their supervisor directly and in person. In the event that an employee is incapacitated, an employee shall designate an individual to notify the supervisor.

Unauthorized or unreported absence shall:

- a. Be considered absence without leave;
- b. Be treated as leave without pay for an employee covered by the provision of the Fair Labor Standards Act; and
- c. Constitute grounds for disciplinary action.

Supervisors of employees who are absent without leave should immediately report the absence to OCTE Central Office personnel for appropriate action.

**Leaves and Absences****NOTIFICATION TO DIVISION OF RESOURCE MANAGEMENT**

- Supervisors shall notify the Division of Resource Management of *Absences without Leave Approval* that extends beyond three (3) days.
- Division of Resource Management shall be kept apprised of developing situation.
- Division of Resource Management, in conjunction with the supervisor , shall monitor the situation to determine if personnel action is required.
- Family Medical Leave papers shall be completed and processed as applicable.

**BLOOD DONATION**

All employees are permitted to donate blood at a licensed blood center certified by the Food and Drug Administration. Blood donation leave is granted for the purpose of allowing an employee to recuperate from donating; only regularly scheduled work hours (not including lunch hours) may be used for leave and **compensatory time will not** be granted after hours.

**FMLA**

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

**REFERENCES:**

780 KAR 3:072  
780 KAR 3:072  
780 KAR 6:062  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.1232, 03.12322, 03.1234, 03.1235, 03.124, 03.17

Adopted/Amended:  
Order #:



### **Sick Leave**

Full-time employees, except emergency, are eligible to accumulate sick leave.

#### **ACCRUAL**

1. Eligible employees shall accrue sick leave at the rate of one (1) working day for each month of service, if the employee has worked or been on paid leave (other than educational leave) for 100 or more hours in a month.
2. Eligible employees who complete 120 months of total service shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months.
3. Eligible employees who complete 240 months of service shall be credited with ten (10) additional days of sick leave on the first day of the month following the completion of 240 months.
4. Sick leave may be accumulated with no maximum (carry-forward) amount.
5. Accrued leave shall be credited on the first day of the month following the month in which the leave is earned.
6. In computing months of total service for the purpose of earning sick leave, only the months for which an employee earned sick leave shall be counted.
7. State employees who have been rehired shall receive credit for prior service, unless the employee had been dismissed as a result of misconduct or a violation of:
  - KRS 18A.140 <http://www.lrc.ky.gov/KRS/018A00/140.PDF>
  - KRS 18A.145 <http://www.lrc.ky.gov/KRS/018A00/145.PDF>
  - KRS18A.990 <http://www.lrc.ky.gov/KRS/018-00/990.PDF>
  - KRS 156.090 <http://www.lrc.state.ky.us/KRS/15600/090.PDF>
  - 780 KAR 3:072 <http://www.lrc.ky.gov/kar/780/003/072.htm>
8. An employee who has retired from a position covered by a state retirement system, is receiving retirement benefits, and returns to state service shall not receive credit for months of service prior to retirement. Other former employees may receive credit for prior months.
9. Part-time employees shall not be entitled to accrue sick leave.

#### **SICK LEAVE AND MONTHS OF SERVICE**

- Months of service are used to determine when the additional days of service will be added, as listed above.
- If an employee does not earn sick leave during a given month, that month will not count in the total months of service used as basis for accrual.

Sick leave may be granted or required:

1. For medical, dental or optical examination or treatment.
2. If an employee is disabled by illness or injury; a doctor's statement may be required.

**Sick Leave****SICK LEAVE AND MONTHS OF SERVICE (CONTINUED)**

3. If an employee is required to transport a member of the immediate family for medical attention for a reasonable period of time; a doctor's statement may be required.
4. If an employee's presence would jeopardize the health of himself or others at the work station; a doctor's statement may be required.
5. For bereavement reasons (see policy 03.1236.).
6. For the birth, placement or adoption of a child.

**TRANSFER OF SICK LEAVE**

New employees who come from a local school district **without** a service break, may transfer sick leave hours and months of service from the previous employer. Months of service from a local school district will be entered into the payroll system and used in determining annual leave and sick leave accrual rates.

An employee changing positions within state government and with no break in service shall retain accumulated sick leave in the receiving agency.

An employee shall be credited for accumulated sick leave if separated by proper resignation, layoff or retirement.

**SICK LEAVE USAGE**

Sick leave shall be used in increments of hours or of one-quarter (1/4) hour.

If employees will need to take sick leave, they shall file written application for non-emergency sick leave prior to the event or, for emergency sick leave within a reasonable time after returning, preferably the day they return to work.

An employee shall file a written application for sick leave, with or without pay, within a reasonable time. If prior written notification cannot be given due to an emergency or other unplanned necessary absence, the employee shall notify the immediate supervisor or the designee. Failure without good cause to do this in a reasonable time shall be cause for denial of sick leave.

A medical statement may be required, signed by a licensed practitioner and certifying to the employee's incapacity, examination or treatment.

At the termination of sick leave with pay, the appointing authority shall return the employee to his former position.

**SICK LEAVE SHARING**

To assist qualified state employees who have exhausted their leave balances as a result of personal illness or the extended care of someone else, employees may donate sick leave to fellow (qualified) employees.

- *Qualifying Event:* A "medically certified illness, injury, impairment or physical or mental condition" that prevents the employee from performing job duties either personally or by needing to care for an eligible family member.

**Sick Leave****SICK LEAVE SHARING (CONTINUED)**

- *Eligibility to Donate or Receive:* Must be full-time and active in the payroll system. Employee must be on leave without pay for ten (10) full consecutive days to be eligible to receive contributions. All donors must retain at least 75 sick hours after the donated hours are transferred.
- *Paperwork:*
  - An application for Sick Leave Sharing must be completed by the employee requesting leave and a Sick Leave Donation Form must be completed by the employee contributing. The applicant shall be responsible for filing appropriate forms including medical certification. Recipients are responsible for monitoring their leave balances. Sick leave shall be donated in full day (7.5 hours) increments. 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 is required. If the recipient retires, resigns, or is terminated from employment, before the process of transferring leave begins, the leave shall be returned to the donor.
  - Paperwork should be submitted as soon as the employee is aware of a possible need AND prior to the employee running out of time. If this is done in advance and completed paperwork is on file with the ABO Payroll Officer, with all factors in place, it is feasible that the employee could be paid for the ten (10) full consecutive days of leave.
- *Workers' Compensation:* An employee receiving workers' compensation is eligible to receive shared sick leave to maintain a regular level of pay.
- *Participants:* Only qualifying state employees may participate. Sick leave cannot be shared with KCTCS employees or local district employees.
- Leave is subject to approval by the Associate Commissioner of the Office of Career and Technical Education

156    <http://www.lrc.state.ky.us/kar/780/003/075.htm>

156 - <http://www.lrc.state.ky.us/kar/780/003/072.htm>

18A - <http://www.lrc.state.ky.us/KRS/018A00/197.PDF>

**SICK LEAVE AND WORKERS' COMPENSATION**

Paid sick leave may be used to maintain regular full salary during an absence for which workers' compensation benefits are received. (See policy 03.1241.)

**Sick Leave**

**REFERENCES:**

KRS 18A.120  
KRS 18A.140  
KRS 18A.145  
KRS 18A.197  
KRS18A.990  
KRS 156.090  
101 KAR 2:105  
780 KAR 3:072  
780 KAR 3:075  
780 KAR 3:160  
780 KAR 6:062  
780 KAR 6:065  
Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.12322, 03.1234, 03.124, 03.1241, 03.175

Adopted/Amended:  
Order #:

### **Family and Medical Leave**

Eligible employees shall be granted leave in compliance with 780 KAR 6:062, 780 KAR 3:072, and the Family and Medical Leave Act (FMLA) of 1993.

Employees who have completed twelve (12) months of state service and have worked or been on paid leave for at least 1,250 hours during the twelve (12) months immediately preceding the first day of family and medical leave shall qualify for twelve (12) weeks of family and medical leave without pay. Leave is awarded on a calendar year basis. This leave does not carry over from year to year. Designated forms must be completed and forwarded to the Personnel Administrator as required.

#### **REASONS**

Family and medical leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

#### **PROCESS**

- When a supervisor becomes aware of an employee's need for sick leave for a qualifying event (and the eligibility criteria is met), the supervisor shall notify the Division of Resource Management and may discuss with the employee the rights and requirements under the Family Medical Leave Act (FMLA) and provide to the employee a copy of the completed information memorandum.
- When the employee has exhausted all paid leave (including annual, compensatory and sick) or requests to retain 10 sick days and be placed on leave without pay, the supervisor will proceed with the FMLA designation form and the physician certification.
- When the first time sheet is submitted to payroll with unpaid leave being coded to FMLA, the supervisor or timekeeper will attach a copy of the informational letter, the original FMLA form and the physician certification as a packet.
- If an employee is not placed on unpaid family and medical leave, the supervisor will retain a copy of the information memoranda.
- The reason for denial shall be given to the employee in writing.

**Family and Medical Leave****PROCESS (CONTINUED)**

- While an employee is on approved FML, the employer shall pay the state contribution for health and life insurance. In addition, the state also pays any state contribution to life insurance and Commonwealth Choice. However, the employee is responsible for their portion.

The FMLA and associated paperwork is not an option, it is required

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis.

**RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the agency in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

**NOTICE**

The Office of Career and Technical Education and each Area Technology Center shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law and available from this web site:

<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654

Code of Federal Regulations, Title 29, Part 825

780 KAR 3:072; 780 KAR 6:062

WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition:

<http://www.dol.gov/whd/forms/WH-380-E.pdf>

**RELATED POLICIES:**

03.123, 03.1232, 03.1234, 03.1238, 03.124

Adopted/Amended:  
Order #:

**Extended Disability Leave**

Sick leave without pay shall be granted for the duration of an employee's impairment by injury or illness:

- For up to one (1) year of total continuous leave **and**
- The employee has used or been paid for all accumulated annual, compensatory and sick leave unless s/he has requested to retain up to ten (10) days of accumulated sick leave.

Other provisions include:

- Continuous leave in excess of thirty (30) working days, excluding holidays, will result in a P-1 action.
- A doctor's statement may be required periodically as to employee's inability to perform essential job duties.
- Sick leave without pay may be granted to an employee who does not qualify for family and medical leave due to lack of service time and who has exhausted all accumulated paid leave, for a period not to exceed thirty (30) working days, if the employee is required to care for a member of the immediate family.
- With proper notification, employees shall be returned to the original position or to one for which they are qualified and that resembles their former position as closely as circumstances permit.
- It is the responsibility of the employee to notify the employer regarding the need for reasonable accommodations and, upon request, provide supportive documentation from a certified professional.
- This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

**REFERENCES:**

Family & Medical Leave Act of 1993  
Americans with Disabilities Act

**RELATED POLICIES:**

03.113  
03.123  
03.1232  
03.12322

Adopted/Amended:  
Order #:

### **Special Leave of Absence**

If approved by the Commissioner of Education, the Associate Commissioner of the Office of Career and Technical Education may grant leave of absence for:

- Continuing education or training for a period not to exceed twenty-four (24) months. Leave may be either with pay or without. Leave shall be restricted to attendance at a college, university, and vocational or business school for training in subjects that are related to the employee's work and will benefit the state.
- Leave not to exceed one (1) year for purposes other than specified in Kentucky Administrative Regulation and are of tangible benefit to the state.

#### **ELIGIBILITY FOR STATE PAID INSURANCE WHILE ON SPECIAL LEAVE**

1. A twelve (12) month employee who is eligible for state paid health and life insurance benefits under the provision of KRS Chapter 156 shall have worked or been on paid leave or Family and Medical Leave, other than educational leave, during any part of the previous month.
2. A ten and one-half (10.5) month employee who is eligible for state paid health and life insurance benefits under the provision of KRS Chapter 156 shall have worked or been on paid leave or Family and Medical Leave, other than educational leave, during any part of the previous month, except between the dates of June 16 and July 31.
3. A ten and one-half (10.5) month employee who is eligible for state-paid health and life insurance benefits under the provision of KRS Chapter 156 shall be entitled to state-paid health and life insurance benefits between June 16 and July 31.
4. If an employee is unable to work and uses paid leave to qualify for the state-paid health and life insurance benefits, the employee shall use paid leave days consecutively.

#### **STAFF EXCHANGE**

Staff exchange is an activity that allows the teacher to work in industry for up to two (2) weeks. An exchange takes place primarily during the extended employment time frame (June 16 – July 31) as a part of an approved extended employment plan. The activity shall enhance the teacher's knowledge and is beneficial to classroom presentations. The staff exchange site shall be one that exhibits a safe and clean working environment. Staff exchange participation forms are located on the Principal's Resource page at <http://www.kytech.ky.gov/>.

#### **REFERENCES:**

780 KAR 3:072  
780 KAR 3:080  
780 KAR 6:062

#### **RELATED POLICIES:**

03.124  
03.173

Adopted/Amended:  
Order #:



**Court Leave and Jury Leave**

Employees shall be entitled to court leave during their scheduled work hours, without loss of time or pay for that amount of time necessary to do the following:

- Comply with subpoenas by any court, or administrative agency or body of the federal, or state government or any political subdivision thereof; and/or
- To serve as a **juror** or a witness.

This leave shall include necessary travel time. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work. **A copy of the legal document requiring the employee's appearance shall be forwarded to the Personnel/Payroll Officer.**

Employees attending court as part of their assigned duties are not to report it as court leave.

This leave does not apply in cases where the employee or a member of his family is a party to the court or administrative proceeding.

Jury leave shall be recorded as such on the time sheet.

**NOTICE**

Persons who will be absent from work to serve on juries or to serve as a witness must give advance notice to their immediate supervisors.

**REFERENCES:**

101 KAR 2:102 (18A)  
780 KAR 3:072 (156)

Adopted/Amended:  
Order #:

### **Military Leave**

Military leave will be granted to certified under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year (October 1 – September 30) shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

Absence in excess of this amount will be charged as annual leave, compensatory leave, or leave without pay. A copy of the orders shall be forwarded to the Personnel/Payroll Officer.

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence.

#### **LONG-TERM DUTY**

An employee entering military duty may be granted a leave of absence without pay for a period of duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

#### **REFERENCES:**

KRS 61.373, KRS 61.375, KRS 61.377, KRS 61.394, KRS 61.396  
780 KAR 3:072  
780 KAR 6:062

Adopted/Amended:  
Order #:

### **Voting and Election Leave**

State employees shall be given up to four (4) hours leave to exercise their right to vote, upon PRIOR request and provided the following conditions are met:

- The employee must be registered to vote.
- The employee must be scheduled to work on Election Day between the hours the polls are open (6:00 a.m. to 6:00 p.m. local time).
- The employee shall make application for voting leave prior to Election Day.
- The employee must vote either on Election Day or by absentee ballot.

If an employee is permitted to work and is entitled to voting leave, the employee shall earn compensatory leave on an hour-for-hour basis not to exceed four (4) hours, provided the additional four (4) hours do not take the employee over the compensatory leave limit. Compensatory time is awarded on Election Day or on the day the employee voted by absentee ballot.

All employees are expected to take four (4) hours of voting leave. The Center Principal, Supervisor and Associate Commissioner for the Office of Career and Technical Education must approve exceptions for Technical Education. Although the employee, with approval of the supervisor, can choose whether to take leave, it is up to the discretion of the supervisor whether or not compensatory time is earned. To earn compensatory time, the instructor must have students in class. Compensatory time shall not be awarded for teachers without students.

Presidential Election Day is considered a holiday for all state employees (18A and 156). However, if local school districts served are in session and students are scheduled for classes, employees may request and be approved for compensatory time for the seven and one-half (7.5) hour workday.

An employee can serve as an election officer without loss of leave time. Compensatory time above the four (4) hours for voting shall be given, up to the total of a regular workday.

#### **REFERENCES:**

101 KAR 2:160  
780 KAR 6:062  
780 KAR 3:072

Adopted/Amended:  
Order #:

## **Insurance**

### **HEALTH INSURANCE**

Eligible employees are allocated a specific amount toward the purchase of health insurance. This amount may change annually during open enrollment. Open enrollment dates are established by the Personnel Cabinet (typically in the fall months).

State paid health insurance coverage for eligible new hires begins the first day of the month following the first full month of employment (example: individual hired May 23 is eligible to be covered by health insurance on July 1). Health insurance forms must be completed and returned to the Division of Resource Management the first week of employment or as designated during open enrollment.

Employee premiums deducted are tax sheltered.

**<http://personnel.ky.gov/dei/>**

As a result of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Medicare now supplements employer group health insurance plans. This means that if an employee chooses coverage under the state sponsored health insurance plan, Medicare will pay benefits on a secondary basis. Employees 65 years of age or over have the option of staying with the state sponsored plan or changing to TEFRA.

### **LIFE INSURANCE**

State paid life insurance is provided for eligible employees. The state pays for coverage of \$20,000. Optional additional coverage is available through the plan. The employee must complete the necessary application. A beneficiary form is also provided.

State paid life insurance coverage for eligible new hires begins the first day of the second month following the month of employment (example: individual hired May 23, is eligible to be covered by health insurance on July 1).

### **ELIGIBILITY FOR STATE HEALTH AND LIFE INSURANCE BENEFITS**

To be eligible for state paid health and life insurance benefits:

- Twelve (12) month employees must have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous month;
- Ten and one-half (10½) month employees must have worked or been on paid leave or family and medical leave, other than educational leave, during any part of the previous month, except between June 16 and July 31, when coverage is granted without regard to work and/or pay restrictions; and/or
- If an employee is unable to work and uses paid leave to qualify, paid leave days shall be used consecutively.

### **LIABILITY**

It is highly recommended that administrative and instructional staff obtain liability insurance. Liability coverage is available through professional organizations, such as KEA and ACTE and may be available through personal insurance providers.

**Insurance****UNEMPLOYMENT INSURANCE**

An employee who works ten (10) consecutive weeks may be eligible to draw unemployment against the fund. This includes part-time, hourly employees.

Notice of claims shall be forwarded to the Division of Resource Management for response. Responses must be timely and within the specified time frame to avoid losing the opportunity to deny a claim.

**REFERENCES:**

KRS 156.812  
KRS 341.990  
KRS 161.158  
780 KAR 3:072  
780 KAR 6:062

**RELATED POLICIES:**

03.1211  
03.123  
03.12322  
03.1241  
03.14

Adopted/Amended:  
Order #:

**Workers' Compensation****COORDINATION WITH SICK LEAVE**

Paid sick leave may be used to maintain regular full salary during an absence for which workers' compensation benefits are received.

If paid sick leave is used to maintain regular full salary, workers' compensation pay benefits shall be assigned to the state for the period of time the employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that workers' compensation benefits are assigned.

Adopted/Amended:

Order #:

### **Travel Expense Reimbursement**

The Kentucky Finance and Administration Cabinet handles financial management for the Office of Career and Technical Education and the Area Technology Centers. Budget and purchasing related issues are directed to that office.

All travel by staff shall have prior approval. Travel expense and mileage reimbursement rates, along with additional information, are outlined in the travel regulations available in the area technology centers administrative office.

Travel that requires lodging and meal reimbursement within 40 miles of the employee's work or home, whichever is closest, requires a travel waiver letter. This must be obtained in advance and approved prior to the travel dates.

Out-of-state travel must be forwarded to Frankfort for approval at least six (6) weeks prior to travel date.

The Office of Career and Technical Education follows the rules and regulations, forms and information established for all state employees:

<http://finance.ky.gov/services/statewideacct/Pages/travel.aspx>

Reimbursement of travel expenses for non-state employees shall adhere to the following:

- Non-state employees requesting reimbursement must complete a *State Travel Reimbursement Form*
- Per diem and mileage shall be based on the state rate.
- Original receipts are required.
- The *State Travel Reimbursement Form* will be audited in the same manner as travel vouchers are audited for state employees.

#### **CONTRACT FOR ROOMS AND MEALS FORM**

The designated form shall be used to request approval for payment of a block of rooms, food and/or meeting space for a specific event. The completed form shall be submitted in advance through the normal route for financial documents to Central Office.

#### **REFERENCES:**

KRS 156.812

200 KAR 2:006

<http://finance.ky.gov/services/statewideacct/Pages/travel.aspx>

Adopted/Amended:  
Order #:

**- CERTIFIED PERSONNEL -****Instructional Planning Time**

Instructional planning time may be one (1) hour per day depending upon the schedules of the sending high schools. Planning time may include the following activities:

- Academic integration
- Career and college readiness emphasis
- Development of work-based learning opportunities
- Classroom/Laboratory maintenance
- Curriculum/Lesson planning
- Record keeping activities
- Program certification
- Collaboration activities
- Program assessment

Adopted/Amended:  
Order #:



**Employment Assistance Program**

The Kentucky Employee Assistance Program (KEAP) is a confidential program for helping employees find solutions to the personal problems that affect job performance, personal life, and general well being. These problems may be emotional, financial, marriage/family, or substance abuse. Employees may contact KEAP directly or, in certain instances, an employer may make that initial contact as it relates to a personnel issue.

State employees and their dependents are eligible for KEAP services, and there is no cost for its information or referral services. All personal contact with KEAP is strictly confidential as permitted 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.

**REFERENCES:**

780 KAR 3:072

101 KAR 2:160

**RELATED POLICY:**

03.1211

Adopted/Amended:

Order #:

## **Transfer**

Employees transferring within Kentucky TECH or to another state agency must provide written notice to the supervisor and the Division of Resource Management. Notice of separation by transfer via a *Voluntary Transfer or Voluntary Demotion* form that has been signed by the employee must be submitted to supervisor in written form and forwarded to the Personnel/Payroll Officer.

**156:** Transfer of an employee shall be accomplished in compliance with 780 KAR 3:100 and on a voluntary or involuntary basis. Unless an employee requests a transfer in writing, the transfer shall be deemed to have been made on an involuntary basis.

Transfer refers to a movement of any certified or equivalent employee from one (1) position to another having the same salary range and the same level of responsibility.

If an employee participating in KTRS transfers to another state agency where he/she may continue to pay into KTRS, the Division of Resource Management shall notify KTRS that the individual has transferred and to what location.

**18A:** In keeping with 780 KAR 6:080, an employee appointed in accordance with KRS 12.050 shall not be transferred. Any other employee in the unclassified service may be transferred from one (1) position to another in the unclassified service by the Commissioner of Education or designee with written notice. If the transfer is on an involuntary basis, the employee shall receive notice of the transfer.

Transfer refers to a movement of any employee from one (1) position to another of the same grade having the same salary ranges, the same level of responsibility within the classified service, and the same salary received immediately prior to transfer.

### **REFERENCES:**

KRS 12.050  
KRS 18A.005  
KRS 156.800  
780 KAR 3:100  
780 KAR 6:080  
Voluntary Transfer or Voluntary Demotion - 156

### **RELATED POLICIES:**

03.121  
03.122

Adopted/Amended:  
Order #:

**Promotion**

**156:** An employee in the certified and equivalent personnel system may be promoted to a position of greater scope of discretion and responsibility if practical and in the best interest of the service or to the unclassified system in the Office of Career and Technical Education.

In keeping with 780 KAR 6:080, a continuing status employee promoted from the certified and equivalent personnel system shall retain status in the certified and equivalent system.

**18A:** Promotion refers to a change of rank of an employee from a position in one (1) class to a position in another class having a higher minimum salary or carrying a greater scope of discretion or responsibility.

An applicant's qualifications, record of performance, conduct, seniority and performance evaluations shall be considered in the selection of an employee for a promotion. Promotions may be inter-agency or intra-agency.

A vacant position subject to 101 KAR 3:050, other than an interim position, may be filled by promotion from the classified or unclassified service. If the promotion is to a position requiring approval pursuant to KRS 12.040 or 12.050, approval shall be obtained prior to the effective date of the promotion.

**REFERENCES:**

KRS 12.040  
KRS 12.050  
KRS 156.800  
101 KAR 3:050  
101 KAR 1:400  
780 KAR 3:100  
780 KAR 6:020  
780 KAR 6:080

Adopted/Amended:  
Order #:

### **Demotion**

**18A:** An employee may request a voluntary demotion in writing from the agency head or designee authorized by law to act on behalf of the agency with respect to position actions. A copy of the request shall be placed in the employee's official file.

Demotion refers to a change in the rank of an employee from a position in one (1) class to a position in another class having a lower minimum salary range and less discretion or responsibility.

The Associate Commissioner of the Office of Career and Technical Education may make an involuntary demotion if necessary to further the best interest of the department.

**156:** The Commissioner of Education or designee shall demote a 151B employee who makes a written request for voluntary demotion.

Demotion refers to a change in an employee's position to another class having less discretion or responsibility.

The written request shall:

1. Be on a completed *Voluntary Transfer or Voluntary Demotion* form; and include the following:
  - A statement of the reason for the request;
  - The effective date of the demotion;
  - Identifying information concerning the position demoted from and to; and
  - A waiver of the right of appeal concerning the demotion.
2. A copy of the request shall be placed in the employee's official file.

#### **REFERENCES:**

KRS 18A.005  
KRS 156.800  
780 KAR 3:100  
780 KAR 3:110  
780 KAR 6:080  
780 KAR 6:090  
101 KAR 1:345

Adopted/Amended:  
Order #:

**Supervision**

Supervision shall be provided for all Kentucky TECH employees. Employees shall be informed as to whom their immediate supervisor is and to whom they will be responsible.

**JOB DESCRIPTION**

Each employee shall be provided a job description, which shall delineate all essential functions and the general duties and responsibilities of the position held by the employee. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

**REFERENCES:**

780 KAR 3:010

780 KAR 6:010

Adopted/Amended:  
Order #:

### **Use of State Property**

All Kentucky TECH personnel shall be responsible for school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Associate Commissioner/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using state property or facilities. State or local district property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

### **OUTSIDE WORK**

An employee shall not use any State or local district facility, vehicle, electronic communication system, equipment, or materials in performing outside work. These items (including security codes and electronic records, such as E-mail) are property of the State or local district and shall be used solely for job-related purposes.

### **TECHNOLOGY USE**

Employees are directed to review and sign a form regarding *Unlawful Access to a Computer, Reports and Records – Confidential Treatment and Penalties*. By signing this form, the employee indicates that he/she is aware that certain information obtained through the State computer system is confidential and must be treated in such a manner.

### **REFERENCES:**

<http://www.mycabinet.ky.gov/policies.htm#Education%20Cabinet%20Policy%20Memos>  
[http://www.mycabinet.ky.gov/Policy/EDU\\_01InternetandEmailAcceptableUsagePolicy.pdf](http://www.mycabinet.ky.gov/Policy/EDU_01InternetandEmailAcceptableUsagePolicy.pdf)  
780 KAR 3:110

### **RELATED POLICY:**

03.13216

Adopted/Amended:  
Order #:

### **Employee Acceptable Use of Technology**

All KDE employees are subject to the Kentucky Department of Education's Acceptable Use Policy and local district policy to the extent it is applicable.

#### **ELECTRONIC COMMUNICATION**

KDE employees should be aware that electronic and/or digital communications are not private and are subject to open records laws. E-mail and attachments may be intercepted, read, stored, copied, modified, and/or redistributed without detection by unauthorized individuals. All e-mail messages stored on KDE network resources are the property of KDE.

KDE employees must exercise proper digital responsibility and not send unsolicited e-mail, text, or instant messages, "junk mail" or other advertising material (e-mail spam) to individuals who did not specifically request such material. Employees must not create or forward "chain letters" or other "pyramid" schemes, and should not forge, obscure, suppress or replace a user identity to represent the sender as someone else. Employees should use extreme caution when opening e-mail attachments received from unknown senders, since those attachments may contain viruses.

KDE employees are discouraged from using any mobile communication devices, including but not limited to hand-held phones, while operating any motor vehicle. This includes activities such as phone calls, e-mailing, texting or instant messaging.

Agency devices and/or digital commerce activities must not be used to knowingly transmit, subscribe to, or store any data that is:

- Discriminatory or harassing
- Derogatory to any individual or group
- Obscene, sexually explicit or pornographic
- Defamatory or threatening
- In violation of any license governing the use of software
- Engaged in for any purpose that is illegal
- Known to be incorrect
- Used for personal gain, examples below include, but are not limited to:
  - A private business
  - A non-work related club or organization
  - To obtain money, property or services for personal or private sector use
  - Political or religious purposes
  - Gambling or gaming

#### **ELECTRONIC FILES**

KDE reserves the right, at its discretion, to review any employee's electronic files, messages and usage to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other agency policies. Network data storage is intended for KDE business data; it is not intended to archive large amounts of non-business or personal data stored on the network or agency device. KDE further reserves the right, with management approval, to delete from agency devices any items stored in violation of this policy.

**Employee Acceptable Use of Technology****ELECTRONIC FILES (CONTINUED)**

KDE employees are prohibited from unauthorized copying or downloading of copyrighted material including, but not limited to, digitized photographs from magazines, books, the internet or other copyrighted sources, copyrighted music, video, or games and the installation of any copyrighted or licensed software for which KDE or the end user does not have an active license.

**DIGITAL SECURITY**

KDE employees are responsible for the security of their user accounts. Account passwords must not be revealed to or used by others. This includes family, friends or other personnel when working remotely. Passwords must be protected and should not be generic, reused, or a repeated sequence. Passwords should not be names of persons, places, or things easily identified with the user. A strong password should contain a combination of special characters, spaces, numbers, and upper-and lower-case letters.

KDE agency devices are entrusted to the employee, who is fully accountable for their use and security. KDE agency devices must be properly secured and not left unattended or vulnerable to theft. Loss of the device or unauthorized access exposes KDE to loss of confidential information as well as loss of the physical asset. KDE employees must promptly report any device theft or loss to the KETS Service Desk or the appropriate KDE management.

Except in situations in which explicit authorization has been granted by KDE management, KDE employees are prohibited from engaging or attempting to engage in:

- Breaching, testing, or monitoring computer or network security measures
- Circumventing user authentication or security or any host, network or account
- Circumventing Internet restrictions with anonymous proxy tools

**SYSTEM AND NETWORKS**

The technology systems and technical services provided by KDE are for business use to assist employees in the performance of their jobs. Limited, occasional, or incidental use of these services for non-business or personal purposes is acceptable, and should be done in a manner that does not negatively affect the business purpose of these systems. Employees are expected to maintain an awareness level of these systems and services through self-study and KDE-provided information and technology training.

KDE employees are expected to use proper digital etiquette by silencing cell phones, refraining from instant messaging on laptop computers and text messaging on cell phones. KDE employees should be aware of and use correct ergonomic practices\*\* to maintain proper health and safety and avoid injury.

\*\*See the Kentucky Personnel Cabinet Employee Relations' website for safety and ergonomic information.



**Employee Acceptable Use of Technology****PRIVACY AND DIGITAL RIGHTS**

KDE employees, contractors or other agents with work-related access to KDE employees' personal electronic files, individual e-mail files or other individually stored data, shall only access these files for the limited purposes of approved routine and required technological maintenance (if required), approved technological troubleshooting (if required) or if requested to do so through the KDE protocol for the access to individual employee electronic files.

**TERMS**

FTP: File Transfer Protocol is a network protocol used to transfer data from one computer to another through a network such as the Internet.

KDE Agency Devices: Desktop computers, laptop computers, Personal Data Assistants (PDAs), or Smart phones provided by the Kentucky Department of Education are considered agency devices.

Internet: The Internet is a global data computer network connecting universities, research institutions, government agencies, businesses and private users.

Intranet: An intranet is a private computer network serving a single organization or site with no access to outside users (i.e., the KDE Intranet).

Extranet: An extranet is the part of an organization's private computer network that is available to outside users (customers, vendors, or other third parties).

MOA: A Memorandum of Agreement is an agreement between KDE and school districts allowing a district employee to work for the Department of Education for a specified amount of time.

I, \_\_\_\_\_, have read the Kentucky Department of  
(please print name)

Education Acceptable Use Policy. I have also read the Best Practices and Guidelines for Creating and Acceptable Use Policy which is located at:

<http://www.education.ky.gov/kde/administrative+resources/technology/additional+technology+resources/acceptable+use+policy+guidelines+and+state+requirements+for+student+and+staff+access+to+electronic+i.htm>

By my signature, I am agreeing to comply with this policy and all other KDE technology policies.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Employee Acceptable Use of Technology**

**REFERENCES:**

KRS 11A.020

KRS 434.840

KRS 434.845

KRS 434.850

KRS 434.851

KRS 434.853

KRS 434.855

KRS 434.860

[http://www.my.edcabinet.ky.gov/Policy/EDU\\_01InternetandEmailAcceptableUsagePolicy.p  
df](http://www.my.edcabinet.ky.gov/Policy/EDU_01InternetandEmailAcceptableUsagePolicy.pdf)

User ID and Password Policy (EDU-02)

Use of State Materials and IT Resources

**RELATED POLICY:**

03.1321

Adopted/Amended:  
Order #:

## Gifts

### ACCEPTANCE BY STATE EMPLOYEES

**It is the duty and responsibility of all supervisors to inform employees of this policy.** This policy has been shared with current employees and their signature obtained on the related form indicating they understand the policy. New hires will be required to review and sign this document as part of their personnel paperwork packet. The signed document shall be included in the employee's personnel file.

Information listed below is in reference to the Statewide *Acceptance of Gifts Brochure* that outlines "what is" and "what is not" acceptable for receiving gifts offered to state employees. The content of that brochure has become policy for state government employees. The Executive Branch Ethics Commission is charged with the responsibility to monitor this issue and to insure enforcement of Kentucky's ethics law for state employees.

- "Gift" does not include gifts from family members, campaign contributions, or door prizes available to the public.
- "Directly Involved" means "to work on personally or to supervise someone who works on personally." This impacts circumstances of accepting employment with a non-state entity, if that entity does business with or is regulated by the Cabinet.
- Travel expenses, meals, alcoholic beverages and honoraria may now be accepted up to a value of \$25.00 in a single calendar year. Per KRS 11A.045:

No public servant, his spouse, or dependent child knowingly shall accept 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 the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses.

- The Ethics Commission may grant exemptions for acceptance of gifts if it determines the exemption creates no appearance of impropriety.
- Statement of Financial Disclosures:
  - Must be filed within thirty (30) days after leaving public service.
  - Late filers may recover salary withheld for non-filing.
- Civil penalty for violation of ethics code is \$5000.

### REFERENCE:

KRS 11A.010

KRS 11A.045

### RELATED POLICY:

03.1721

Adopted/Amended:  
Order #:

**Political Activities**

Discrimination on the basis of political activities is prohibited.

Office of Career and Technical Education employees shall follow the guidelines outlined in the KRS 18A.140 and KRS 156.838.

**REFERENCES:**

KRS 18A.140

KRS 156.838

**RELATED POLICY:**

03.113

Adopted/Amended:  
Order #:

**Disrupting the Educational Process**

Any employee who participates in or encourages activities that disrupt the educational process, whether on school property or at school-sponsored events and activities, may be subject to disciplinary action.

For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that may damage public or private property, including the property of students or staff;
3. Illegal activity;
4. Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
5. Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the school and school-related activities.

**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 03.162, which addresses harassment/discrimination allegations.

**REFERENCES:**

KRS 160.290  
KRS 161.790

**RELATED POLICIES:**

03.113, 03.162, 03.17, 09.422, 10.21

Adopted/Amended:  
Order #:

**Drug-Free/Alcohol-Free Workplace**

The Office of Career and Technical Education is committed to providing a safe environment for its students, faculty, and staff. Kentucky TECH has defined conduct in relation to the use, possession, distribution, storage, manufacture, or sale of illegal or unauthorized drugs and being under the influence of alcohol on Kentucky TECH property or at any sponsored event. Conduct that violates this definition poses unacceptable risks and disregard for the health, safety, and welfare of members of the Kentucky TECH community and shall result in disciplinary action up to and including suspension or termination.

Being under the influence of alcohol or other drugs on the Office of Career and Technical Education's property or any sponsored event is prohibited. The use, possession, distribution, manufacture, or sale of illegal or unauthorized drugs on the Office of Career and Technical Education's property by employees or students is prohibited. Any student or staff member who violates these defined standards of conduct shall be subject to appropriate disciplinary action up to and including suspension or termination.

Accordingly, the Office of Career and Technical Education is in compliance with the Drug-Free Workplace Act of 1988, which requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace. In compliance with this Act, and at the direction of the Governor, all state employees are notified that:

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

It is the duty and responsibility of all supervisors to inform employees of this policy. Employees are advised to contact their supervisor or the Personnel Cabinet's Employee Assistance Program at (502) 564-5788 with any questions concerning this directive.

This policy has been shared with all current employees and their signature obtained on the related form indicating they understand the policy. New hires will be required to review and sign this document as part of their personnel paperwork packet. This signed document shall be included in the employee's personnel file.

**Drug-Free/Alcohol-Free Workplace****AGENCY STATEMENT OF SANCTIONS**

Faculty and staff are subject to disciplinary action ranging from a minimum of a warning to a maximum of termination.

**EMPLOYEE VIOLATIONS**

On the first occurrence, proof of drug abuse by an employee shall result in referral to the Kentucky Employee Assistance Program (KEAP), suspension for ten (10) days without pay, and a report of drug abuse evidence to the police. On any further occurrence of drug abuse, an employee shall be dismissed from employment in the Kentucky TECH System. Resignations will not be accepted in lieu of dismissal.

**AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**REFERENCES:**

41 U.S.C.A. §§701-707 (Drug-Free Workplace Act of 1988)  
Drug Free Workplace

**RELATED POLICIES:**

03.1291; 03.1325; 09.2241

Adopted/Amended:  
Order #:

**Use of Tobacco****SMOKING**

In compliance with federal law, there shall be no smoking within any indoor facility owned or leased or contracted for and utilized by Kentucky TECH schools for the provision of providing education or training services.

Federal law prohibits smoking within buildings that house programs providing education services to children. The term “children” means individuals who have not attained the age of eighteen (18).

The prohibition specifically states:

No person shall permit smoking within any indoor facility owned or leased or contracted for use by such person for provision of regular or routine kindergarten, elementary, or secondary education or library services to children.

Failure to comply with the prohibition is a violation of this law and any person subject to the prohibition who commits a violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 per day each day a violation continues. The total amount of liability is not to exceed the amount of federal funds received for the year in which the continuing violations occurred.

**OTHER USE OF TOBACCO PROHIBITED**

In addition, the use of any tobacco product, including electronic cigarettes, is prohibited in any building owned or operated by Kentucky TECH schools.

**REFERENCE:**

P. L. 107-110 (No Child Left Behind Act of 2001)

**RELATED POLICY:**

09.4232

Adopted/Amended:  
Order #:



**Outside Employment or Activities****OUTSIDE EMPLOYMENT**

Kentucky TECH employees shall not accept outside employment or activities which will prevent them from fulfilling regularly assigned duties and obligations.

Employees shall not perform any duties related to an outside job during their regular working hours.

If an employee does have outside employment, the employee shall complete the Outside Employment Form.

**EXCEPTION**

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Service shall be entitled to leave of absence from their respective duties.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.394

KRS 61.396

**RELATED POLICY:**

03.1238

Adopted/Amended:

Order #:

## **Hours of Duty**

### **WORKING HOURS/SCHEDULES**

Full-time employees shall work thirty-seven and one-half (37½) hours per week. Each Area Technology Center Principal will be responsible for setting “realistic” work hours for employees, including scheduling secondary teachers for six (6) hours of instructional time each day. Schedules shall be flexible to meet student demand.

Student contact hours may include a combination of the following:

- Classroom instruction
- Clinical supervision
- Laboratory supervision
- Work-based learning supervision (Cooperative Education, Internship, Shadowing, Mentoring)
- Student organization activities
- Student program advising (advisor/advisee)
- Other special assignments

Each employee will have a work schedule on file in the school office. Work schedules will be adjusted to accommodate schedules of the local district(s). In the interest of efficient operation of the schools, it may be necessary from time to time for the Principal to alter the schedule of a particular individual, class or program.

### **ADVERSE WEATHER**

An employee, who is not designated for mandatory operations, and chooses not to report to work or leaves early due to adverse weather conditions, shall have the time of absence reported as:

1. Annual or compensatory leave
2. Taken as leave without pay, if annual and compensatory leave has been exhausted; or
3. Deferred as noted below.

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

Where operational needs allow, except for an employee in mandatory operations, management shall make every reasonable effort to arrange schedules whereby an employee will be given an opportunity to make up time not worked rather than charging it to leave. However, an employee shall not make up work if the work would result in the employee working more than forty (40) hours in a workweek as outlined below:

1. Time lost shall be made up within four (4) months of the occurrence of the absence. If it is not made up within four (4) months, annual leave shall be deducted to cover the absence or leave without pay shall be charged. Please note that the teacher’s yearly calendar is August 1-June 15.
2. If an employee transfers or separates before the makeup time is complete, remaining time will be charged to annual leave, or leave without pay if annual is not available in the final paycheck.

**Hours of Duty****SCHOOL CLOSURE WORK PLAN**

When the local school districts are closed due to inclement weather or professional development activities, teachers in the area technology centers shall report to work unless on approved leave. A plan shall be developed by the teacher and approved by the principal at the beginning of the school year. (See Form, School Closure Work Plan)

The following is a list of approved school-related activities:

- Lesson planning
- Curriculum alignment
- Technology training
- Safety training
- Workplace violence training
- Equipment maintenance (2 days only)
- Visitation to industry
- Student organizations
- Test preparation and assignment sheets
- Staff/Advisory committee meetings
- Student follow-up
- Program and teacher industry certification
- Updating of student records
- Program assessment activities

**REFERENCES:**

780 KAR 3:072  
780 KAR 6:062

**RELATED POLICIES:**

03.122  
03.1232  
03.126  
05.42

Adopted/Amended:  
Order #:

## **Health and Safety**

### **SAFETY**

It is the intent of the Officer of Career and Technical Education to provide a safe and healthful working environment for all employees, students and clients.

Therefore, it is the policy of the Department to emphasize safety to accomplish the Kentucky TECH mission to prepare Kentucky's current, future and emerging workforce for employment, lifelong learning and independence in a changing global economy.

It is the responsibility of the employee to do the following:

- a. Make a reasonable effort to maintain a safe and healthy work environment in his/her work area;
- b. Report accidents in a timely manner; and
- c. Apprise the supervisor of apparent health and safety hazards, who shall examine the situation and take appropriate action.

When submitting accident reports, the supervisor is responsible for keeping all medically related information **confidential**. Such information shall not be forwarded with a safety report.

### **FIRST AID**

For the protection of any injured person or persons, and to avoid potential for personal or administrative liability, the following shall be implemented:

- Emergency and non-emergency first aid shall be administered by a person or persons trained and certified to render first aid.
- In no case shall ointments, salves, or oral medicine be rendered except on advice of a physician.
- In no case shall any person or persons render first aid to a degree above that for which they are trained and certified.
- First aid kits should be equipped with gauze, bandages, large and small Band-Aids, bottle of peroxide, disinfectant wipes, rubber gloves, safety glasses, CPR breathing barrier, and other sterile materials required to stop bleeding and cover wounded areas and placed in each lab area.
- Fire blankets shall be placed in those areas where the potential for fire and explosion exist.

### **BLOODBORNE PATHOGENS CONTROL PROGRAM**

1. The purpose of the Bloodborne Pathogens Exposure Control Program is to eliminate or minimize employee exposure to blood or other potentially infectious materials as detailed in the OSHA Bloodborne Pathogens Standard.
2. Blood means human blood, human blood components, and products made from human blood.
3. Bodily fluids means semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

**Health and Safety****BLOODBORNE PATHOGENS CONTROL PROGRAM (CONTINUED)**

4. Other potentially infectious materials means any unfixed tissue or organ (other than intact skin) from a human (living or dead), and human immunodeficiency virus (HIV)-containing cell or tissue cultures, organ cultures, and HIV- or hepatitis B virus (HBV)-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals.

**RESPONSIBILITY FOR COMPLIANCE**

The administration of the Bloodborne Pathogens Exposure Control Program shall be the responsibility of the Area Technology Center Principal. These responsibilities shall include:

1. Establishing a written exposure control program and developing a schedule for implementing the provisions of the program and OSHA Standards.
2. Developing written procedures for cleaning and handling contaminated materials and for disposing of hazardous waste generated within the facility.
3. Providing appropriate personal protective equipment that is readily accessible to identified employees.
4. Providing hepatitis B vaccines under specific circumstances as defined by an exposure determination and/or medical follow-up for exposure incidents.
5. Providing warning labels or color-coded containers for use with hazardous waste.
6. Providing training to current employees within 90 days of the effective date of the program and initially to new employees and thereafter annually.
7. Developing written procedures for meeting the requirements for medical record keeping.
8. Providing for retention of medical records for the duration of employment, plus 30 years.
9. Conducting an annual review of the effectiveness of this exposure control plan and updating the program as needed.

**EXPOSURE DETERMINATION**

OSHA requires employers to perform an exposure determination concerning which employees may incur exposure to blood or other potentially infectious materials. Exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective equipment.). The exposure determination also lists all job classifications in which employees may be expected to incur collateral exposure. It is ATC Principal's responsibility to determine which job classifications or specific tasks and procedures involve occupational or collateral exposure.

**Health and Safety****PROGRAM ELEMENTS****Bloodborne Pathogen Control Plan**

1. Date of Plan (May 2013 Template)
2. Copy of most recent plan on file in KDE Human Resources
3. Control Plan is reviewed annually with documentation

**Vaccination Records**

1. Copies of vaccination records on file in ATC
2. Copies of vaccination records on file in KDE Human Resources

**Declination Records**

1. Copies of declination records on file in ATC
2. Copies of declination records on file in KDE Human Resources

**Medical Recordkeeping File for Each Identified Employee (Maintained for the duration of employment plus 30 years)**

1. Name and Social Security Number
2. Copy of Employee Hepatitis B Vaccination Status
3. Copy of Results of Examinations, Testing, and Follow-up
4. Copy of Healthcare Professional's Written Opinion
5. Copy of all Information Provided to Healthcare Professional

**Training Records (Records must be maintained for 3 Years)**

1. Dates of Training
2. Contents/Summary of Training
3. Names and Job Titles of All Persons Attending the Training

**PROCEDURES FOR REPORTING AND MANAGING AN EXPOSURE INCIDENT-EMPLOYEE**

<b>Time Line</b>	All ATC employees who are involved in any situation with the presence of blood or Other Potential Infectious Materials, regardless of whether a specific exposure incident occurs, must be offered the full hepatitis B vaccination series as soon as possible, but no later than 24 hours after the incident.
<b>Time Line</b>	If an exposure incident occurs, all other post follow-up procedures according to the standard must be initiated immediately. Employer must ensure that the medical provider is familiar with and follows the recommendations for post exposure follow-up.

**Health and Safety****PROCEDURES FOR REPORTING AND MANAGING AN EXPOSURE INCIDENT-EMPLOYEE (CONT.)**

<b>ATC Principal</b>	Complete and submit Workers' Compensation First Report of Injury. Link under Workers' Compensation contains a list of providers from which an employee will select a physician.
<b>ATC Principal</b>	Complete and submit Cabinet Accident Report.
<b>ATC Principal</b>	Provide to the physician: 1) Copy of the Bloodborne Pathogen Control Plan, 2) Description of the affected employee's duties as they relate to occupational exposure.
<b>ATC Principal</b>	Enter appropriate information into OSHA 300 Log.
	Obtain physician's written opinion within 15 working days of the completion of the evaluation.
<b>ATC Principal</b>	File and retain reports in employee's medical files.
<b>ATC Principal</b>	Report the incident to the Kentucky Department for Public Health, Division of Epidemiology and Health Planning.
<b>Employee</b>	Report the date, time, and type of exposure to first line supervisor.
<b>Employee</b>	Treatment in accordance with recommended guidelines, based on type of exposure.
<b>Employee</b>	Initiate a consent form for treatment, if indicated.
<b>Employee</b>	Adhere to follow-up treatment regimen and/or testing as prescribed by the physician. Follow-up will be paid for through Workers' Compensation.

**STAFF TRAINING**

Each Principal shall establish a safety training program that includes a general safety orientation for all staff upon initial employment and at the beginning of each school year. Training must be provided and documented in the following areas:

- Asbestos Training
- Bloodborne Pathogens
- Crime Awareness and Campus Security
- Drills – Fire, Tornado, Earthquake, Lockdown
- Emergency Plans and Fire Prevention
- Employee Fire Extinguisher Training
- First Aid Training and First Aid Kits
- Forklift Training
- Hazardous Communications
- Lockdown Procedures
- Lockout/Tagout
- Respirator Training
- Safety Committees and Inspections
- Safety Responsibility and Accountability
- Other Training as Identified

## **Health and Safety**

### **FIRE EXTINGUISHER TRAINING**

According to OSHA regulations, where portable fire extinguishers have been provided for employee use, the employer shall provide annual training for employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting. This training shall be provided upon initial employment and at least annually thereafter. All area technology centers shall be covered by this regulation.

The Principal shall arrange for training that satisfies these requirements for the school staff. Local fire departments, fire marshals, or a member of the staff who possesses the proper qualifications can provide training. Fire extinguishers shall be checked monthly by designated staff to ensure they are in a fully charged and operable condition. In addition, all fire extinguishers are to receive six (6) and twelve (12) month maintenance as specified in OSHA Standards and Kentucky Fire code.

### **FORKLIFT TRAINING**

The Occupational Safety and Health Act of 1970 includes a provision that only trained and authorized operators shall be permitted to operate a powered industrial truck. Accordingly, the employer shall provide training on the proper operation of industrial trucks. Forklifts fall under the category of powered industrial trucks. (OSHA 29 CFR 1910.178) Training shall be required to clarify the differences in handling between a truck and a car, to develop safe operating habits, and reduce the risk of injury.

Training shall be provided to all employees who operate equipment covered under this OSHA standard and documentation of the training shall be kept on file in the school office. Information on what is acceptable training is available from the Division of Education and Training, Kentucky Occupational Safety and Health Program, 1047 U.S. 127 South, Suite 4, Frankfort, KY 40601, or from the KDE Safety Coordinator.

### **HAZARD COMMUNICATIONS PROGRAM**

The Hazard Communication Standard (often referred to as HazCom) established rules for all workplaces covered by OSHA. The standard requires that information on hazardous chemicals be communicated to all employees and students.

#### **Program Requirements:**

1. A written hazard communications plan shall be in place for the safety of all employees, students, and visitors.
2. Safety Data Sheets (SDS) must be made available by chemical manufacturers and distributed to the employer. The employer shall make them available to employees. **In area technology centers, the teacher shall be responsible for providing instructions on how to read Safety Data Sheets and the proper use, handling, and health hazards of chemicals used in the program.**
3. Containers shall be labeled so employees and students can handle chemical safely. Protective equipment shall be worn when chemicals may cause a health hazard or physical hazard. Chemicals that are not in the original container shall be properly labeled.
4. A complete inventory of all chemicals shall be prepared and available. (This inventory must be kept current.)



## **Health and Safety**

### **HAZARD COMMUNICATIONS PROGRAM (CONTINUED)**

5. All employees shall be trained annually to recognize and safely handle all chemicals at work. Training shall be provided on how to read and interpret an SDS and label. Students in area technology centers shall receive the same annual training as employees. Documentation of the training shall be kept on file in the school.

### **HAZARD COMMUNICATIONS PROGRAM**

All hazardous waste materials shall be stored in labeled containers. Area technology centers are classified as limited quantity generators (businesses that generate less than 220 pounds of hazardous waste per month) and may be able to dispose of hazardous materials such as mercury containing fluorescent light bulbs on site. The safest method to dispose of hazardous waste is with a company who will supply and remove solvents and other waste. In all cases, accurate records shall be kept.

#### **Used Motor Oil Recovery and Disposal:**

Waste oil shall be properly stored in labeled containers. All hazardous waste shall be disposed of in accordance with EPA regulations (not to exceed 28 gallons liquid or 200 kg, in any given month). A log to record the amount of oil added to the container shall be maintained. Antifreeze shall not be added to used oil. Transmission fluid, rear end grease, hydraulic fluid, and brake fluid shall be added. Each used fluid added shall be logged accordingly.

If oil spills occur while placing used fluids in the container, Oil Dry or other appropriate cleaning compound shall be used to clean up the spill and the residue shall be placed in a garbage container. Once the container is filled, a certified used oil hauler shall be contacted to remove the oil. Receipts for all oil picked up shall be filed in the school office along with the log.

#### **a. Used Oil Filters**

To dispose of used oil filters, the following process shall be followed:

- Drain the oil and place it in a waste oil container for storage and eventual recycling.
- Drain oil filter into waste oil container and store used filter in a metal drum for recycling pickup.

#### **b. Antifreeze**

Antifreeze shall be stored in a labeled plastic container for recycling. Antifreeze shall not be mixed with used oil.

#### **c. Mercury Containing Light Bulbs**

Federal and State laws require some fluorescent lamps be treated as hazardous waste.

- Spent fluorescent lamps shall be on the list of registered hazardous waste-streams.
- Spent lamps shall be stored in protective boxes to guard against breakage.
- Boxes shall be labeled “**UNIVERSAL WASTE-LAMPS.**”
- Boxes shall be dated when first spent lamp was stored.
- Spent lamps may be stored for up to one (1) year before being picked up by certified hazardous waste hauler. Pickup documentation shall be kept on file.

## **Health and Safety**

### **HAZARDOUS COMMUNICATIONS PROGRAM (CONTINUED)**

- The Principal or designee shall check with the following for possible no cost or cost sharing opportunities for disposal: local school districts, city and/or county government personnel in charge of waste disposal, and company currently used for other hazardous waste disposal.

**NOTE:** Some fluorescent lamps, commonly referred to as “environmentally preferable” or “green ends” may or may not be approved for land-fill disposal. The green ends lamps do not automatically mean compliance with EPA regulations for land-fill disposal. Lamps shall pass the “toxicity characteristic leaching procedure” (TCLP) and the Center shall have the manufacturer’s product sheet verifying the lamps are EPA compliant for land-fill disposal.

d. Refrigerant Recovery

The 1990 Federal Clean Air Act requires that refrigerants used in mobile and stationary systems be recovered. Technical education teachers who do live work on equipment containing refrigerants shall have recycling recovery equipment in their program or have access to it.

Willful venting of CFC’s and HCFC’s into the atmosphere is strictly prohibited by the enforcement provision of the Clean Air Act, which carries very stiff penalties for violations. Students handling refrigerants shall be closely supervised by teacher.

### **LOCKOUT/TAGOUT**

OSHA has established a lockout/tagout standard (29 CFR 1910.147) to safeguard workers from hazardous energy while they are performing maintenance on machines and equipment. The standard requires that equipment must be turned off and disconnected from the energy source prior to servicing. In addition, it further requires employers to develop written lockout/tagout procedures, provide training to all employees and students who could be injured, and to carry out periodic inspections (at least annually) to ensure that the energy control procedures are implemented properly.

#### **Lockout:**

- Lockout means bringing machinery to zero energy by locking out the power.
- Each teacher shall have an assigned lock, key and lockout device. No two (2) keys shall fit the same lock.
- Notify persons using the machinery that work will be performed on the machinery.
- Electrical power shall be turned off and an assigned lockout device attached.
- Appropriate warning signs shall be placed at the controls indicating that work is being performed on the machinery.
- Protective equipment shall be worn to include goggles, safety glasses, steel-toed shoes, etc.
- A check shall be made to make sure that the power is off and all moving parts of the machinery have come to a complete stop.
- A check shall be made to verify that all residual energy in the machine has been either controlled or eliminated.

**Health and Safety****LOCKOUT/TAGOUT (CONTINUED)**

- When work is completed, the work area shall be cleaned up and guards shall be replaced on machinery.
- When inspection is complete, the lockout device shall be removed and other employees and students shall be clear of the equipment before energizing the unit.
- Machinery shall be tested for proper operation.

**Tagout:**

- If equipment cannot be locked out, then it shall be tagged out.
- A tagout device is a warning device that takes the place of a lock without providing physical restraint.
- Tags shall clearly identify the employee who applied them and shall not be removed except by the person who applied them.
- Tags shall be readable and understandable and must warn against the hazardous conditions that will result if energy is restored to the machinery.
- Most tags shall display legends such as DO NOT START, DO NOT OPEN, DO NOT OPERATE - DANGER, etc.
- Tags shall be made of materials that can withstand environmental conditions.
- Tags shall be secured to energy-isolating devices so that they cannot be detached accidentally while in use.

Each Principal shall provide designated staff with appropriate lockout/tagout devices and training. The Principal shall observe and document the designated individuals performing lockout/tagout at least annually. Each teacher shall maintain a record of machinery and equipment that falls under the requirements of lockout/tagout.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

Each year, the Principal/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of an employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

## **Health and Safety**

### **ASBESTOS PLAN**

Each school shall have on file in the school office an asbestos management plan (if applicable). Any asbestos work done in the building shall be filed with the plan. Parents/legal guardians and employees shall be notified at the beginning of the school year that the facility has been inspected and a management plan developed for any asbestos containing materials found during the inspection. This may be done by letter or published in the student handbook and faculty handbook. The management plan shall be available for inspection during normal business hours.

All new maintenance and custodial employees shall be provided asbestos training within thirty (30) days of hiring.

### **EMERGENCY EYEWASH STATION STANDARDS**

Eyewash stations shall be required in programs where the eyes or body of any person may be exposed to corrosive materials in accordance with OSHA 1910.151 (c).

Corrosive materials refer to any solid, liquid, or gaseous substance that burns, irritates, or destructively attacks organic tissues, most notably the skin, eyes, and when taken internally, the lungs and gastrointestinal tract.

The following are required guidelines for eyewash stations:

1. The eyewash shall have the capability to deliver fifteen (15) minutes of freely flowing water at a comfortable temperature range (15-35 degrees Celsius, or 60-95 degrees Fahrenheit), a maximum inlet pressure of 30 psig, and a minimum flow of 1.5 liters per minute. The flow shall be uninterrupted and the water filtered.
2. The emergency eyewash shall be accessible in locations that require no more than 10 seconds to reach and shall be within a travel distance no greater than 25 feet from hazard, or in the nearest safe area outside of the release area if the release could pose a further danger.
3. The valve shall be designed in such a manner that the water flow remains on without the use of the operator's hands.
4. The eyewash unit shall be activated weekly to flush the line and verify proper operation.
5. The weekly eyewash record shall be maintained for the previous twelve (12) consecutive months to verify compliance with testing procedures.
6. Each emergency eyewash station shall be identified with a highly visible sign that can easily be comprehended by the reader.
7. Instructions on proper usage shall be affixed to the eyewash facility.

### **8. COMPRESSED AIR REGULATIONS**

OSHA 1910.242 (b) states that compressed air cannot be used for cleaning purposes (work surfaces) unless the pressure is reduced to less than 30 p.s.i. and then only when effective chip guarding and personal protective equipment is used. For worker safety, a brush be used to remove dust and debris from clothing and not compressed air.

## **Health and Safety**

### **FALL PROTECTION**

Maintenance of area technical centers and construction trades programs that may require employees and/or students to work six (6) feet above a lower level shall abide by the following OSHA standards.

- 1926.500 Scaffolds
- 1926.500 Fall Protection  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10756](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10756)

Labs with mezzanine storage, or any overhead storage areas, shall abide by the following OSHA standards:

- 1910.23 Guarding Floor and Wall Openings and Holes  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9715](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9715)
- 1910.27 – Fixed Ladders  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9719](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9719)

### **OSHA 300 REPORTING REQUIREMENTS**

The following OSHA reporting forms will be used:

OSHA Form 300 – Log of Work Related Injuries

OSHA Form 300A – Summary of Work Related Injuries and Illnesses

All worksites shall maintain an OSHA log for each separate facility/department/school on a calendar year basis (January – December).

All logs and summaries shall be kept for five (5) years following the end of the calendar year to which it relates.

If there is a change in the extent or outcome of a case, the first entry shall be lined out and the new information entered.

All injuries shall be entered on the log within six (6) days after receiving knowledge that a case has occurred. If in doubt whether a case is recordable or not, it is recommended that all cases are logged, regardless of recordability. The log serves as a reference/tracking document and, in addition, an injury may not be recordable at first but may be determined recordable at a later date. It is important that all information on the logs and the IA1 reports are legible.

There are strict penalties for not complying with federal regulations regarding the posting of logs and maintaining of OSHA files. In cases of an OSHA inspection, the compliance officer will ask to review the log for the previous year and may ask to review the current year's log. Employers shall provide records to an OSHA compliance officer who requests them within four (4) hours.

To report an injury/illness, the Principal shall complete the First Report of Injury (IA-1)

The area technology center Principals/designee shall take the following steps when reporting:

- The supervisor shall immediately call in all state employee work-related injuries, illness and fatalities to the Personnel Cabinet/Office of Worker's Compensation.
- The electronic copy of the First Report of Injury Form IA-1 generated by Worker's Compensation will be forwarded to the Department of Labor, the supervisor, and the Division of Resource Management.

**Health and Safety****OSHA 300 REPORTING REQUIREMENTS (CONTINUED)**

- The supervisor shall obtain the signature of the injured employee (back side of IA-1 First Report of Injury or Illness Report) that relates to fraudulent claims and mail to Worker's Compensation at the following address:

Worker's Compensation Branch, Cabinet for Personnel  
Suite 4, 1047 U.S. Highway 127 South  
Frankfort, KY 40601.

- The hard copy of the IA-1 shall be kept on file (not in a personnel file) at the worksite, with the information recorded on the OSHA Form 301 and 300 Log.

**OSHA 300-A SUMMARY OF WORK RELATED INJURIES AND ILLNESS**

At the end of each calendar year, the Occupational Safety and Health Administration (OSHA) requires each covered location to review the OSHA 300 Log for completeness and accuracy and to prepare an Annual Summary of the OSHA 300 Log using the form OSHA 300-A (Summary of Work Related Injuries and Illness).

The summary must be certified by the ATC Principal for accuracy and completeness and be posted in the facility by February 1 of the year following the year covered by the summary. The summary must remain posted until April 30 of the year in which it was posted.

Preparing the OSHA 300-A Summary of Work Related Injuries and Illness requires four steps:

1. Reviewing the OSHA 300 Log;
2. Computing and entering the summary information on the OSHA 300-A;
3. OSHA 300-A is certified as indicated on the form;
4. Summary must be posted in a conspicuous place where notices are customarily posted.

The OSHA 300 Log and OSHA 300-A Summary are based on the actual number of employees at the worksite and both must be maintained even if the facility had no recordable accidents for the year.

**SUBMISSION OF OSHA 300-A SUMMARY**

Each ATC Principal shall forward to the KDE Safety Coordinator in the Division of Resource Management a copy of the completed and signed OSHA 300-A Summary.

**KDE Accident Report**

Every work related or workplace injury (students, employees, vendors, visitors, and customers) occurring in a Kentucky Department of Education facility, regardless of its severity, must be investigated and reported on the Department of Education Accident Report.

The original Accident Report is maintained on file in the ATC with originals sent to the KDE Safety Coordinator and Division Director.

**Health and Safety****ACCIDENT REPORTING (CONTINUED)****Workers' Compensation First Report of Injury or Illness (IA-1)**

For Workers' Compensation benefits, there is only one requirement of the employee—to “notify his/her supervisor as soon as practicable after happening thereof” (KRS 342). When a supervisor has knowledge of a work related injury or illness or alleged injury or illness to one of his/her employees, it is the supervisor's responsibility to obtain all pertinent information and complete Workers' Compensation First Report of Injury or Illness (IA-1). The supervisor responsible will enter the IA-1 online for submission directly to the Workers' Compensation Branch at <https://secure.kentucky.gov/personnel/workerscomp/default.aspx> or call 502-564-6846, 502-564-6847, or 1-888-860-0302.

**REFERENCES:**

<sup>1</sup>401 KAR 58:010, 40 C.F.R. Part 763  
Kentucky Department for Public Health  
Centers for Disease Control and Prevention  
Kentucky Labor Cabinet, 803 KAR 2:308; 803 KAR 2:404  
OSHA 29 CFR 1910  
132 PPE Hazard Assessment  
134/ Protective Breathing Devices  
147 Lockout/Tagout  
151/ Eyewash Stations  
157 Portable Fire Extinguishers  
178 Forklift Training  
242/Compressed Air  
1200 Hazard Communication  
1030 Bloodborne Pathogens  
[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&id=9806](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&id=9806)  
Supervisor's Guide to Biohazards in the Workplace

**RELATED POLICIES:**

05.4, 05.41, 05.411, 05.42, 05.43, 05.47, 05.5, 09.22, 09.224

Adopted/Amended:  
Order #:

**Personnel Records**

Each supervisor shall keep true and accurate work records of all employees.

**CONFIDENTIAL TREATMENT OF RECORDS AND REPORTS**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.<sup>2</sup>

Information contained within an employee's record is confidential and shall not be published except for those incidences provided by the Kentucky Open Records Act.

**ADDRESS AND NAME CHANGE**

Each employee is responsible for notifying the Area Technology Center Office and the respective retirement system of address and name changes.

The school office will notify the Division of Resource Management of the change.

**MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.

**REFERENCES:**

<sup>1</sup>KRS 61.884, KRS 61.876

<sup>2</sup>KRS 61.878

KRS 18A.020

KRS 18A.145

KRS 341.190

KRS 156.814

780 KAR 3:090

780 KAR 6:070

Genetic Information Nondiscrimination Act of 2008

KRS 61.870; KRS 61.872; KRS 61.874; KRS 161.151

Americans with Disabilities Act; (P.L. 101-336); 42 U.S.C. 12112

**RELATED POLICY:**

03.111

Adopted/Amended:

Order #:



## Grievances

### **PROCEDURES**

All questions, related concerns, paperwork should be directed to the Office of Career and Technical Education Ombudsman.

A grievance is a complaint filed by an employee which concerns some aspect of the employee's conditions of employment and over which the Cabinet or Office of Career and Technical Education has control. A grievance shall be filed within thirty (30) calendar days of the occurrence or discovery of the event.

There are two (2) ways of presenting a grievance: informal and formal.

1. The informal process involves verbal communication with the supervisor in an effort to resolve the situation. If necessary, the next level of supervision and/or the ombudsman shall be included in an effort to resolve the issue(s).
2. Occasionally, employees are faced with situations that cannot be resolved through the informal complaint process. In such cases, the employee may wish to file a formal grievance with his/her agency. Administrative regulations provide for an employee grievance procedure. This procedure allows many serious matters to be resolved in-house through a formal structure.

An employee who believes that he/she has been subjected to unfair or unjust treatment concerning employment conditions has the right to present a problem or complaint through the grievance process. An employee shall be entitled to file a grievance without interference, coercion, discrimination or reprisal.

A state employee shall not use state time, equipment, materials, or personnel in pursuing a grievance.

<b>156 GRIEVANCE PROCEDURES</b>
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A grievance concerning an action that is directly appealable to the Kentucky Technical Education Personnel Board (780 KAR 3:130) may also be filed with the Office of Career and Technical Education. The filing of a grievance with the Office of Career and Technical Education does not prohibit the employee from also filing an appeal with the Kentucky Technical Education Personnel Board; however, it does not extend the thirty (30) calendar day appeal period.

Employees shall be informed of this procedure and any modifications to its levels of review as approved by the Appointing Authority.

The approved 156 Grievance Form shall be used for filing all grievances, including those related to EEO, ADA, etc.

#### Process:

- Unless the immediate supervisor is the basis for the grievance, a grievance shall be filed with the employee's immediate supervisor within thirty (30) calendar days of the date of occurrence or the employee becoming aware of the action that is the subject of the grievance.
- The employee shall record, in writing on the appropriate form, the basis for the grievance, and indicate the action desired to resolve the situation. Additional information may be attached, if necessary.

**Grievances****156 GRIEVANCE PROCEDURES (CONTINUED)**

- The recipient of any grievance that alleges discrimination on the basis of race, color, national origin, sex, genetic information, disability, religion, marital status, or age forty (40) or over, shall notify the ombudsman, Office of Career and Technical Education to comply with the affirmative action plan.
- Interviews conducted by supervisors and/or the ombudsman with the grievant or other employees to evaluate or investigate the grievance outside of normal work hours shall entitle those employees to compensatory time and shall not require use of leave time.
- Both parties may have a representative present at each step of the grievance process.

**Grievance Levels:**

Except as noted in three (3) below; the immediate supervisor shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) working days after receipt of the grievance.

1. If the first line supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within five (5) working days of receipt of the decision to the second line supervisor.
2. If the division director is the first line supervisor, the request for review shall automatically be requested from the ombudsman for the Office of Career and Technical Education.
3. If an act of the immediate supervisor is the basis for the grievance, the immediate supervisor shall not investigate or issue findings or a decision. The grievance shall be investigated by the second line supervisor, with subsequent appeals available.
  - a. The second line supervisor shall, upon investigation, issue findings and a decision in writing to the employee within ten (10) working days after receipt of the grievance.
  - b. If the second line supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within five (5) working days of receipt of the decision to the ombudsman.
  - c. If the ombudsman is unable to mediate the grievance to the satisfaction of the employee, the employee may request review of the grievance within five (5) working days of receipt of the decision to the Associate Commissioner of the Office of Career and Technical Education or his designee for final determination.
  - d. The Associate Commissioner, upon investigation, shall issue findings and a final determination in writing to the employee within ten (10) working days.

**Grievances****156 GRIEVANCE PROCEDURES (CONTINUED)**

4. If the next level is the Division Director, he/she shall, upon investigation, issue findings and a decision in writing to the employee within the (10) working days after receipt of the grievance. If the Division Director is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within five (5) working days of receipt of the decision, to the Ombudsman for the Office of Career and Technical Education.
5. If the ombudsman is unable to mediate the grievance to the satisfaction of the employee, the employee may request review of the grievance within five (5) working days of receipt of the decision, to the Associate Commissioner. The Associate Commissioner upon investigation shall issue findings and a final determination in writing to the employee within ten (10) working days.
6. Failure of supervisory or management to respond within prescribed time limits shall be grounds for the advancement of the grievance to the next review level, unless the time limits have been extended by agreement of both parties.
7. Any intermediate grievance level may be waived by written agreement of the parties.

**18A GRIEVANCE PROCEDURES**

Grievances concerning an action that may be appealed directly to the Personnel Board under 101 KAR 1:345 may also be filed with the Kentucky Department of Education or the Office of Career and Technical Education. The filing of a grievance with the cabinet or agency does not prohibit the employee from also filing an appeal with the Personnel Board, or extending the statutory appeal period.

The center principal shall be responsible for informing all 18A employees of the provisions of 101 KAR 1:375 at the time of their employment, as well as reviewing all revisions to the regulation approved by the Personnel Board. Employees should receive a copy of the grievance form and/or be reminded annually how to obtain a copy at the school level or other locations. Grievance forms may also be inspected, copied or obtained at the Personnel Board, 8:00 a.m. to 4:30 a.m., Monday through Friday.

**Process:**

1. A grievance shall be filed with the employee's immediate supervisor within thirty (30) calendar days following the occurrence or discovery of the event.
2. If the action or conduct of the first line supervisor is the basis of an employee's grievance, the grievance may be filed with the second-line supervisor.
3. An employee shall state in writing the basis of the grievance or complaint together with the corrective action desired. Additional information or documentation may be attached.

**Grievances****18A GRIEVANCE PROCEDURES (CONTINUED)**

4. If a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, genetic information, disability, age forty (40) or over, the recipient of the grievance shall immediately notify the Associate Commissioner of the Office of Career and Technical Education and the ombudsman, Office of Equal Employment Opportunity (EEO), Office of Career and Technical Education to comply with the affirmative action plan.
5. Interviews to evaluate or investigate the grievance outside of normal work hours, with the grievant or other employees shall entitle them to compensatory time.
6. Interviews to evaluate or investigate the grievance held with the grievant or other employees shall not require the use of leave time.
7. Both parties shall be given the opportunity to have a representative present at each step of the grievance procedure.

**Grievance Levels:**

The person with whom the grievance is filed shall, upon investigation, issue findings and a decision in writing to the employee within five (5) workdays after receipt of the grievance. If the responding supervisor is unable to resolve the complaint to the satisfaction of the employee, the employee may request review of the grievance within two (2) workdays of receipt of the decision to the next appropriate level.

If the line supervisors are unable to resolve the grievance to the satisfaction of the employee, the employee may request review of the grievance within two (2) workdays of receipt of decision of the final line supervisor, by the appointing authority who, upon investigation, shall issue findings and a final determination in writing to the employee within ten (10) work days.

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

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

KRS 18A employees should refer to their personnel handbook for specifics relating to the process.

**EXCEPTION**

Harassment/Discrimination allegations shall be governed by Policy 03.162.

**REFERENCES:**

KRS 156.808; KRS 156.820  
101 KAR 1:345; 101 KAR 1:375  
780 KAR 3:130; 780 KAR 6:100  
Grievance – 156; Grievance – 156 – Appeal Form

**RELATED POLICY:**

03.162

Adopted/Amended:  
Order #:

## **Harassment/Discrimination**

### **APPLICABILITY**

This policy applies to all employees, students, clients and contract personnel doing business with the Office of Career and Technical Education.

The Office of Career and Technical Education is committed to maintaining an educational and work environment that is free from harassment and violence on the basis of sex, genetic information, race, color, national origin, disability, age 40 or over, religion, marital status, or any other basis prohibited by federal, state, or local law, ordinance, or regulation involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

Accordingly, the Office of Career and Technical Education strictly prohibits any form of harassment, discrimination or violence on the basis of any of the protected areas mentioned above. Complaints of such conduct shall be investigated in a prompt, effective and uniform manner. Appropriate action shall be taken to correct and prevent reoccurrence of the harassment/discrimination behavior.

### **DEFINITION**

Discriminatory harassment is any conduct that, by reference to any of the aforementioned protected areas, intentionally or recklessly abuses, ridicules or disparages a person or persons so as to adversely affect their work performance, academic performance, or service received from the Office of Career and Technical Education.

### **PROHIBITED CONDUCT**

State law specifically 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 has the purpose of or creates a hostile or offensive environment.

Examples of prohibited sexual harassment behavior include, but are not limited to:

1. Negative or offensive comments, jokes, or suggestions about an individual's gender or sexuality;
2. Sexual innuendo, including embarrassing comments or terminology addressed to a specific employee;
3. Vulgar or indecent gesture, language or joke;
4. Bringing or displaying a sexually suggestive object, book, magazine, photograph, cartoon, calendar or picture in the workplace;
5. Use of the computer to transmit, solicit, display or download obscene messages or material;
6. Threatening, demeaning or offensive conduct directed toward an individual because of his/her gender;
7. Unwelcome sexual advances, request for sexual favors, or sexually motivated physical conduct/contact;

**Harassment/Discrimination****PROHIBITED CONDUCT (CONTINUED)**

8. Slang names or labels such as “honey”, “sweetie”, “boy”, “girl” that others find offensive;
9. Commenting about or calling attention to an individual’s body, attire or sexual characteristics in a negative or embarrassing way; or
10. Ridiculing, ignoring or not taking seriously an individual who experiences sexual harassment.

Examples of prohibited racial harassment behavior include, but are not limited to:

1. A physical act of aggression or assault upon another individual because of race, color, or national origin;
2. Unwelcome verbal harassment or abuse; or
3. Unwelcome behavior or words directed at an individual because of race, color, or national origin.

Examples of prohibited religious harassment behavior include, but are not limited to:

1. Physical conduct related to an individual’s religion;
2. Verbal conduct related to an individuals religion; or
3. A physical act of aggression or assault upon another because of religion.

**REPORTING RESPONSIBILITY**

Employees subjected to harassment or other prohibited behavior shall report the harassment to their supervisor.

Individuals other than employees who need to register a complaint about harassment, are encouraged to seek the aid of an EEO Counselor at the ATC, or the Office of Career and Technical Education Ombudsman.

**CONFIDENTIALITY**

The privacy of the complainant and the accused harasser shall be protected to the fullest extent permitted by the circumstances. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality directive shall be grounds for disciplinary action.

**RETALIATION**

Retaliation by or against any party involved in a complaint shall be strictly prohibited. Retaliation shall be grounds for disciplinary action in and of itself.

**FALSE ACCUSATION**

If a complaint is filed falsely and maliciously, or if it is learned that false information is provided to anyone in the course of an investigation, disciplinary action shall be taken.

**QUESTIONS OR CONCERNS**

Questions or concerns regarding this policy should be addressed to an employee’s supervisor or the individual authorized to handle discrimination matters.

**Harassment/Discrimination****OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

**REFERENCES:**

KRS 18A.140  
KRS 156.020  
780 KAR 3:120  
780 KAR 3:072  
42 USC 2000e, Civil Rights Act of 1964, Title VII, KRS Chapter 344  
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations  
Implementing Title VII  
20 U.S.C. 1681, Education Amendments of 1972, Title IX  
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights  
Regulations Implementing Title IX  
Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

03.11, 03.113, 03.1325, 03.16, 09.422, 09.42811

Adopted/Amended:  
Order #:

**Termination/Nonrenewal/Separation by Employee****DISCIPLINARY ACTIONS**

All inquiries about and actions concerning disciplinary actions shall be directed through the Division of Resource Management.

Except as otherwise provided in this policy and related regulations, the tenure of an employee in the certified and equivalent personnel system shall be on-going during good behavior and the satisfactory performance of his duties. The appointing authority may discipline employees for lack of good behavior or the unsatisfactory performance of duties. Lack of required behavior or the unsatisfactory performance of duties include, but are not limited to, the following:

1. Insubordination, including but not limited to violations of lawful rules and regulations established for the operation of schools and central office in the Department of Education and refusal to recognize or obey the school Principal or any other supervisory personnel within the department in the performance of assigned duties;
2. Immoral character or unbecoming conduct;
3. Inefficiency, incompetence, or neglect of duty when a written statement identifying the problems or difficulties has been furnished the individuals involved, including but not limited to instances involving:
  - a. Chronic absenteeism or excessive tardiness;
  - b. Inability to control students or exert appropriate supervision of subordinates;
  - c. Inappropriate discipline of students or treatment of subordinates and peers;
  - d. Poor teaching or supervisory habits; and
  - e. Lack of completion of records and required reports.

**TERMINATION**

In the event an employee is laid off as deemed necessary by reasons of lack of funds, lack of work, abolishment of position, or other changes in duties or organization, the employee affected by a layoff shall receive written notice. This notice shall contain the effective date of separation, reasons for the layoff, and appeal rights information.

**CODE OF ETHICS**

As implemented by the Education Professional Standards Board, the Professional Code of Ethics for Kentucky School Certified Personnel requires Kentucky's educators to reaffirm their commitment to the highest ethical standards. In recognizing the magnitude of professional responsibility to learners and to society, the Code of Ethics reflects and promotes the aspirations of the teaching profession. Employees who violate provisions of the Code of Ethics may be subject to disciplinary action, up to and including termination.

**REPORTING**

The Principal shall comply with the reporting requirements of KRS 161.120 that applies to certified personnel.



**Termination/Nonrenewal/Separation by Employee**

**SEPARATION BY EMPLOYEE**

Notice of separation by retirement, resignation or transfer must be submitted to the supervisor in written form and forwarded to the Personnel/Payroll Officer.

Certified employees seeking to resign or terminate contracts in force shall do so in compliance with KRS 161.780.

**REFERENCES:**

16 KAR 1:020 (Code of Ethics)  
KRS 18A.1131; KRS 18A.1132; KRS 18A.095; KRS 18A.146  
KRS 156.800; KRS 156.808; KRS 156.818; KRS 156.820; KRS 156.824  
KRS 156.830; KRS 156.832; KRS 156.834; KRS 156.836  
KRS 161.1201; KRS 161.780  
101 KAR 1:345; 780 KAR 3:100; 780 KAR 3:110  
780 KAR 3:120; 780 KAR 6:080; 780 KAR 6:090

**RELATED POLICIES:**

03.1311  
03.1313  
03.172  
03.173  
03.175

Adopted/Amended:  
Order #:

### **Sanctions**

Letters of caution and written reprimands are methods by which a supervisor may motivate an employee to improve job performance. With the letter of caution, the supervisor gives an employee written notice that improvement in a certain performance needs to be forthcoming, and in the case of the written reprimand, the supervisor submits documentation according to law, which is then filed in the employee's personnel file.

#### **LETTER OF CAUTION**

A letter of caution is not a written reprimand, but rather serves as a corrective action. It is not to be placed in the employee's personnel files, including the personnel file at the Division or Resource Management.

A letter of caution:

- Is an evaluation tool.
- Serves as a written reminder to an employee from a supervisor that the employee's performance is in some way specifically sub-standard and so must be specifically improved.
- Details for the employee the supervisor's dissatisfaction in a very particular way with a very particular performance.
- Is to be kept in the employee's evaluation file and may be used to support the evaluation of an employee by the supervisor.
- Is not of a permanent nature. It will be kept only until the next evaluation conference unless necessary corrective action has been taken.

#### **WRITTEN REPRIMAND - 156 EMPLOYEES**

A written reprimand is an official step in the corrective action process and is issued to an employee in order to point out misconduct, other infraction, or failure to perform duties in a proper or adequate manner, and to emphasize that if the problem is not corrected, further disciplinary action may be taken, up to and including dismissal.

A written reprimand is placed in an employee's personnel file and becomes a part of the employee's permanent record.

#### **WRITTEN REPRIMAND - 18A EMPLOYEES**

A written reprimand is an official step in the corrective action process and is issued to an employee in order to point out misconduct, or failure to follow prescribed policies, procedures, etc., and to emphasize that if the problem is not corrected, further disciplinary action may be taken, up to and including dismissal.

A written reprimand is placed in an employee's personnel file and becomes a part of the employee's permanent record.

**Sanctions**

**ASSISTANCE**

Assistance in drafting either of these writings shall be obtained through the Office of Career and Technical Education Ombudsman's office.

**REFERENCES:**

KRS 18A.020  
KRS 156.814  
101 KAR 1:345  
780 KAR 3:110

**RELATED POLICIES:**

03.17  
03.173

Adopted/Amended:  
Order #:

### **Ethics Guidelines**

In Advisory Opinion 99-41, the Executive Branch Ethics commission ruled that employees of Office of Career and Technical Education are not separate and independent from the Kentucky Department of Education and, therefore, are considered the “state agency” for purposes of the Executive Branch Ethics Code. Accordingly, if a person or company offering a gift is regulated by or does business with the Office of Career and Technical Education, the gift rule applies to all its employees, stationed in Frankfort and at area technical centers.

The Ethics Commission has prepared a helpful brochure detailing the gift rule for state employees. A copy shall be available in the school office. This is included as part of the orientation packet. Additional information is available at their website:

<http://klec.ky.gov/>

Highlights from this brochure include:

- *Basic Rule:* Employees, their spouse and their dependent children are prohibited from accepting gifts including travel expenses, meals, alcoholic beverages and honoraria totaling a value greater than \$25 in a single calendar year, from a 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 state agency for which employees work or which they supervises, or from any group or association which has as its primary purpose the representations of those person or businesses.
- *Gifts to an Agency:* Gifts that may not be accepted by an employee may also not be accepted by a state agency if the agency has a business, regulatory, or influential relationship with the gift giver.
- *Gifts That are Permitted:* The following items are exceptions to the basic rule and may be accepted by an employee, spouse, or a dependent child:

A gift or gratuity received by an employee working directly on an economic incentive package or seeking to bring tourism to the state or by any other public servant working directly with the cabinet on an economic incentive package of anything of economic value, when that (gift or gratuity) was not solicited by the employee and was accepted in the performance of the employee’s official duty and in compliance with guidelines to be established by the Kentucky Economic Development Partnership which shall include requirements that all gifts or gratuities of a reportable value under KRS 11A.050(3)(k) be registered with the Kentucky Economic Development Partnership and with the Executive Branch Ethics Commission and that all tangible property with a value in excess of twenty-five dollars (\$25), other than food and beverages consumed on the premises, shall be turned over to the Cabinet for Economic Development within thirty (30) days of receipt.

#### **REFERENCES:**

KRS 11A.050; KRS 11A.020; KRS 11A.040; KRS 18A.145; KRS 156.838

#### **RELATED POLICIES:**

03.17, 03.1322

Adopted/Amended:

Order #:

**Suspension**

If approved by the Appointing Authority, the Associate Commissioner of the Office of Career and Technical Education may grant leave of absence for special leave for investigative purposes during which an employee may be placed on special leave with pay for investigative purposes and for a period of time not to exceed sixty (60) working days.

The employee shall be notified in writing by the appointing authority concerning being placed on leave and the reasons. If no misconduct is proven, all records relating to the investigation shall be purged from the Office of Career and Technical Education. The employee shall be notified in writing of the completion of the investigation and the action taken, including cases where the employee resigns.

All inquiries/actions concerning suspension of an employee shall be directed through Office of Career and Technical Education's Ombudsman, prior to initiating disciplinary action. When the employee is notified, copies of the notice of suspension shall be forwarded to the Associate Commissioner on the same date the notice is delivered to the employee.

**REFERENCES:**

KRS 156.808  
101 KAR 1:345  
780 KAR 6:090

**RELATED POLICIES:**

03.1235; 03.172

Adopted/Amended:  
Order #:

## **Retirement**

Eligible employees in the Office of Career and Technical Education actively participate in one (1) of two (2) retirement systems:

- **KTRS** (Kentucky Teachers' Retirement System) <http://ktrs.ky.gov/>: Primarily serves instructors and administrators, who pay into the system.

Administrative employees pay into KTRS when the position/classification states that a degree is required **and** there is no experience substitution clause.

In order to be a member of KTRS, the **position has to require a degree** (with no substitution clause) and **the person has to have a degree**. If both of these criteria aren't met, then the individual would fall under KERS. **KERS** (Kentucky Employees Retirement System) <http://www.kyret.com/>: Primarily serves support staff, including eligible clerical and maintenance employees, who will pay into the system.

Administrative employees with a degree whose position has a substitution clause for the degree means those individuals will fall under KERS.

### **NOTICE**

Notice of separation by retirement must be submitted to supervisor in written form and forwarded to the Division of Resource Management.

Failure of a 156 employee to give thirty (30) calendar days notice of resignation may result in forfeiture of accrued annual leave.

### **KTRS SERVICE CREDIT**

A retirement plan year is as follows:

- Twelve (12) month employees: The plan year is July 1 through June 30, which is figured at 260 or 261 days per year (based on the calendar);
- Ten and one-half (10.5) month employees: The plan year is August 1 through June 15, which is figured at 227 to 230 days per year (based on the calendar).

Refer to the KTRS web site (<http://ktrs.ky.gov/>) for additional information.

### **UNUSED SICK DAYS**

Unused sick leave days count toward retirement credit under both the Kentucky Teachers' Retirement System and the Kentucky Employee Retirement System (KERS).

### **UNUSED ANNUAL LEAVE**

As long as the required notice is provided, upon retirement employees shall be paid a lump sum for accumulated annual leave, up to the amount of maximum accumulation rate for their months of service.

### **REFERENCES:**

KRS 156.812  
780 KAR 3:100

### **RELATED POLICIES:**

03.122; 03.1232

Adopted/Amended:  
Order #:

## **Evaluation of Employee Performance**

### **TEACHER OBSERVATIONS**

The Principal is the instructional leader in the school and is responsible for ensuring that instruction is delivered in a manner that accomplishes the goals of the area technology center. The Principal shall be responsible for completing two (2) documented formal teacher observations per school year.

Activities to look for shall include the following:

- Lesson Review
- Orientation to Subject of Lesson
- Student Motivation
- Instructor Enthusiasm
- Classroom Control
- Efficient Use of Time
- Lesson Plan Available and Followed
- Demonstrations
- Student Practice Time
- Teaching Style Addressing Learning Styles of Students
- Assignments/Live Work
- Audiovisuals
- All Students Engaged in Learning
- Tests/Worksheets/Reading Assignments
- Safety Practices

The Principal shall discuss the activities observed or not observed with each teacher following the observation. The teacher shall prepare a written plan for the Principal to address activities that need improvement. The Principal will be responsible for ensuring that improvements are made and documented.

### **156 EMPLOYEE PERFORMANCE EVALUATIONS – OVERVIEW**

Employee performance evaluations are conducted annually for July 1 through June 30.

156 Evaluation Process for Teachers
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Certified and equivalent employees shall be rated in accordance with the guidelines outlined in KRS 156.828. Those guidelines require a written evaluation for each full-time employee who has completed the initial probation and each part-time employee who has worked over 100 hours per month and who has completed initial probation.

Two (2) formative evaluations shall to be conducted, one (1) during the fall semester and one (1) during the spring semester. Evaluation ratings shall be based on observations, program assessment documentation, daily communication, etc. Employees being evaluated shall have a conference with their supervisor before December 15 to discuss the fall formative evaluation. The spring formative evaluation conference shall take place before June 15. The summative evaluation shall be completed by June 15 of each year.

Performance ratings for the formative evaluations are: *Standard Exceeded* (4), *Standard Met* (3), *Improvement Needed* (2), and *Standard Not Met* (1). Summative evaluation ratings are based on the sum of the two (2) formative evaluations.

On each performance criteria rated *Improvement Needed*, justifying comments and suggestions for improvement must be provided during the evaluation conference.

**Evaluation of Employee Performance****156 Evaluation Process for Teachers (continued)**

For an overall *Unsatisfactory* summative rating, the supervisor shall provide a suggested growth plan that may include outside resources, a mentor teacher, etc. This plan shall be provided in writing and discussed during the evaluation conference.

Both employee and supervisor shall sign the formative evaluation signature sheet at the conclusion of each formative evaluation conference and the summative form at the end of the evaluation process. The employee's signature does not constitute agreement or acceptance of the evaluation ratings, and does not waive the right to appeal the evaluation within the guidelines of KRS 156.828.

Additional information is available at <http://www.lrc.state.ky.us/kar/780/003/035.htm>

KRS 156.828 specifically outlines the appeal procedure for the evaluation process and the specific evaluation categories for teachers, administrators, all other certified and equivalent staff statewide and Central Office personnel. KRS 156.828 also provides that if an employee receives an overall *Unsatisfactory* evaluation on two (2) successive summative evaluations, the employee shall be (a) demoted or (b) terminated.

**156 Evaluation Process for Administrators**

The evaluation process for school administrators and other certified equivalent and Central Office staff should begin in May.

- Administrator Evaluation process: Follow guidelines as noted.
- Reference form and information link above through Kentucky TECH website.

**CENTRAL OFFICE/AREA SUPERVISORS EVALUATION**

- Evaluation process for: Other Certified, Equivalent and Central Office Staff – follow guidelines as noted.
- Reference form and information link above through Kentucky TECH website.

Effective with the 2015-2016 school year 156 employees (teachers and principals) will be evaluated under the Professional Growth and Effectiveness System.

**18A EMPLOYEE PERFORMANCE EVALUATIONS – OVERVIEW**

The 18A employee performance evaluation process shall follow the guidelines outlined in <http://www.lrc.state.ky.us/kar/101/002/180.htm>.

Evaluations are to be submitted on all 18A employees who meet the following guidelines:

1. All full-time merit employees who have held status as of January 1 (completed their initial probationary period prior to January 1) of the evaluation/performance year and have remained in continuous merit status throughout the performance year.
2. All merit employees on promotion (not initial) probation.



**Evaluation of Employee Performance****18A EMPLOYEE PERFORMANCE EVALUATIONS – OVERVIEW (CONTINUED)**

All eligible employees must be evaluated prior to their retiring, resigning or transferring. Should there be a situation when an employee will not be evaluated, a memo from the supervisor indicating the reason (e.g. extended sick leave, not with current supervisor for the required 90 days, etc.) must be submitted and placed in the employee's personnel file.

Signatures must be in red ink.

18A employee evaluations require a four (4) step process to be initiated in January, reviewed in April and August and finalized in December:

1. January – Performance Planning Meeting
2. May – Interim Review
3. September – Interim Review
4. January – Annual Performance Evaluation Meeting to finalize evaluation process for the year

**REFERENCES:**

KRS 156.828  
101 KAR 2:180  
780 KAR 3:035

**OTHER LINKS**

156 – Performance Evaluation Procedures & Form – Teachers

Procedures: <http://www.kytech.ky.gov/156PerformanceEvaluationProcedures.doc>

Electronic Form: <http://www.kytech.ky.gov/156Evaluation.xls>

Teacher Professional Growth Plan and Record: <http://www.kytech.ky.gov/PAPGP0911Blank.doc>

School Administrator Standards for Evaluation and Professional Growth Plan:

Procedures: <http://www.kytech.ky.gov/156PerformanceEvaluationProceduresPrincipals.doc>

Electronic Form: <http://www.kytech.ky.gov/PrincipalEvaluation.xls>

Professional Growth Plan: <http://www.kytech.ky.gov/PGPAdmin.doc>

Other Certified, Equivalent and Central Office Staff:

Procedures: <http://www.kytech.ky.gov/156PerformanceEvaluationProceduresCentralOffice.doc>

Electronic Form: <http://www.kytech.ky.gov/CentralOfficeEvaluation.xls>

Professional Growth Plan: <http://www.kytech.ky.gov/PGPAdmin.doc>

**RELATED POLICIES:**

03.15, 03.16

Adopted/Amended:  
Order #:

## **Professional Development**

### **SCHEDULING**

Five (5) days during the school year (August 1 through June 15) may be scheduled for professional development training/professional development. The building administrator must attend or conduct all scheduled professional development training activities and maintain a record of topics/training covered. The following is a suggested list of topics to cover during in-service:

- Safety Training
- School Policies and Procedures
- Curriculum/Lesson Planning
- Equity Training
- Record keeping
- Special Populations
- Integration/Collaboration Activities
- Student Orientation Process
- Program Assessment

### **EMPLOYEE RESPONSIBILITY**

Maintaining certification is the responsibility of the individual employee.

Teachers, principals and all other certified school personnel shall complete at least twenty-five (25) hours of professional development training annually beginning July 1 of each year. Effective Instructional Leadership (EILA) hours will count towards the twenty-five (25) hours. (Additional details regarding certification may be found at <http://www.kyepsb.net/>.)

Certified and equivalent employees in the Office of Career and Technical Education must meet requirements for professional education as specified for their specific classification.

Area Technology Center employees are responsible for obtaining copies of certificates or other forms of documentation as proof of attendance and/or participation in professional development activities. Also, they are responsible for providing copies to the Center Office.

Instructors shall:

1. Prepare annual plan for upgrading and maintaining up-to-date skills.
2. Plan should include subject matter, teaching methods, and supporting/general development.
3. All instructors shall complete at least twenty-five (25) clock hours of upgrade training each year, beginning July 1.
4. Instructors who must meet continuing education requirements as a part of their occupational licensure obligation shall earn those hours in accordance with regulations set by the credentialing body. These hours can apply to the twenty-five (25) clock hour obligation on an hour-for-hour basis.

**Professional Development****EMPLOYEE RESPONSIBILITY (CONTINUED)**

5. Regulations provide for the renewal of the five (5)-year Certificate for Vocational Education. Part of the requirement for this is the completion of sixty (60) hours of approved upgrading experiences.
  - a. Those full-time instructors must have a Technical Upgrade Transcript form on file in the Area Technology Center office.
  - b. Documentation for training is required as back-up to the Technical Upgrade Transcript.
  - c. A Technical Upgrade Transcript must be attached to the request for teacher certification renewal.
  - d. These hours can count toward the twenty-five (25) clock hour requirements.
6. Instructors are responsible for obtaining proof of those hours and providing that proof of attendance/participation, to ATC Principal. The ATC Principal will maintain a file in the school office. A copy of the Professional Development Form will be sent to the Frankfort Professional Development Coordinator.

**OTHER CERTIFIED STAFF**

Central Office, administrative business office, and school-based certified and equivalent staff members are required to complete twenty-five (25) hours of training annually, between July 1 and June 30 each fiscal year.

Training sources include:

- Upgrade training that may be specified by the Associate Commissioner/designee
- Statewide workshops and program area conferences
- Office for Employee and Organizational Development (OEOD)
- Governmental Services Center (GSC)

**REFERENCES:**

780 KAR 3:140  
780 KAR 3:150  
16 KAR 7:020

**RELATED POLICIES:**

03.14  
03.1911  
03.1912

Adopted/Amended:  
Order #:

**Professional Meetings**

Teachers and principals are encouraged to join professional organizations specific to their profession. Dues and related costs shall be the responsibility of the individual.

Two (2) professional days shall be granted for participation in professional meetings without loss of pay or leave status if requested in advance and if the absence from school does not effect efficient school operations. The Principal shall review and determine approval for use of professional days for school staff.

The Associate Commissioner for the Office of Career and Technical Education may approve up to fifteen (15) paid days for employees holding regional, state, or national leadership roles in professional organizations when these days are requested in advance and the employees' skills and leadership development are of value to the organization. Reimbursement of travel expenses for professional days requires prior approval and shall be considered on a case-by-case basis.

**RELATED POLICIES:**

03.125

03.19

Adopted/Amended:  
Order #:

**Instructional Leaders' Training****EFFECTIVE INSTRUCTIONAL LEADERSHIP HOURS**

Each year instructional leaders, including active principals and guidance counselors shall complete an intensive training program to include no fewer than twenty-one (21) participant hours of instruction

Information on Effective Instructional Leadership requirements is provided under administrative resources at:

<http://www.kde.state.ky.us/>

Individuals are responsible for keeping copies of certificates and/or other proof of attendance and for forwarding proof of acquisition of twenty-one (21) hours to the Professional Development Coordinator.

Effective Instructional Leadership (EILA) hours will count towards the twenty-five (25) hours required of all teachers, Principals and all other certified school personnel.

**RETIREEES/INACTIVE INDIVIDUALS**

Retirees and inactive individuals who hold a principal's or other leadership certificate are responsible for completing forty-two (42) hours of Effective Instructional Leadership every five (5) years. For more details, retirees should review the policies of the Education Professional Standards Board at:

<http://www.kyepsb.net/Certification/principalcert.asp>

For those individuals holding a "Life-Time" certificate, leadership hours are not required.

**REFERENCES:**

KRS 156.101, 704 KAR 3:325  
KRS 156.101

**RELATED POLICY:**

03.19

Adopted/Amended:  
Order #: