

DRAFT 5/14/18, REVISED 9/28/18

PERSONNEL

03.121

## **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)  
<http://www.lrc.state.ky.us/KRS/018A00/355.PDF>

### **EXTENDED EMPLOYMENT**

The Associate Commissioner for Career and Technical Education or their designee may request that the teacher perform other essential services for which extended employment shall be provided. The special request shall be handled on an individual basis. The duties of an ATC Principal shall consist of 228 work days between July 1 and June 30 annually, to be scheduled by the Associate Commissioner for Career and Technical Education or their designee. The regular work year for any teacher in an ATC shall be 190 work days to be scheduled by the ATC Principal between July 1 and June 30 annually. A teacher may be employed beyond the 190 work days if requested and approved by the Associate Commissioner for Career and Technical Education or their designee. To request extended employment, a teacher in an ATC shall submit a written request to the teacher's Principal.

## **Salaries**

### **PAYCHECK**

Any teacher employed 190 working days may request that their salary be paid in twenty-four (24) paychecks.

### **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.

### **ACCRUAL 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.

Teachers and Principals shall not accumulate compensatory time.

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>

## **Salaries**

### **ACCRUAL OF COMPENSATORY LEAVE AND OVERTIME (CONTINUED)**

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:

1. Pay at 1.5 of their hourly rate or
2. 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.

3. 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.)
4. 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 non-school based eligible 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

**Salaries****REDUCTIONS IN COMPENSATORY LEAVE BALANCES (CONTINUED)**

- 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.

**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.

**Salaries**

**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

LEGAL: HB 3 CREATES A NEW CHAPTER OF KRS 158 REQUIRING DISTRICTS TO IMPLEMENT ESSENTIAL WORKPLACE ETHICS PROGRAMS THAT PROMOTE CHARACTERISTICS THAT ARE CRITICAL TO SUCCESS IN THE WORKPLACE. DISTRICTS ARE ALSO REQUIRED TO DESIGN, AND ADOPT A DIPLOMA, SEAL, CERTIFICATE TO AWARD STUDENTS OF THE ATTAINMENT OF SUCH.  
FINANCIAL IMPLICATIONS: COST OF DEVELOPING PROGRAM/AWARDS  
CHECK FOR APPLICABILITY OF CAREER TECH PROGRAMS

DRAFT 5/15/18, REVISED 9/28/18

CURRICULUM AND INSTRUCTION

08.1341

## **Essential Workplace Programs**

### **INDICATORS**

Beginning with the 2019-2020 school year, the ATC shall implement essential workplace ethics programs that promote characteristics that are critical to success in the workplace. Each student in elementary, middle, and high school shall receive essential workplace ethics instruction that includes but is not limited to the following characteristics:

- a) Adaptability, including an openness to learning and problem solving, an ability to embrace new ways of doing things, and a capability for critical thinking;
- b) Diligence, including seeing a task through to completion;
- c) Initiative, including taking appropriate action when needed without waiting for direct instruction;
- d) Knowledge, including exhibiting an understanding of work-related information, the ability to apply that understanding to a job, and effectively explain the concepts to colleagues in reading, writing, mathematics, science, and technology as required by the job;
- e) Reliability, including showing up on time, wearing appropriate attire, self-control, motivation, and ethical behavior;
- f) Remaining drug free; and
- g) Working well with others, including effective communication skills, respect for different points of view and diversity of coworkers, the ability to cooperate and collaborate, enthusiasm, and the ability to provide appropriate leadership to or support for colleagues.

The ATC shall use these characteristics when creating or choosing an existing program. By January 1, 2019 and every two (2) years thereafter, the local school boards shall collaborate with the local workforce investment board, in conjunction with local economic development organizations and other economic, workforce, or industry organizations the workforce investment board deems necessary, to establish essential workplace ethics indicators for middle and high school students that are aligned with the characteristics listed above.

### **ATTAINMENT**

The local school boards shall design and adopt a diploma seal, certificate, card, or other identifiable symbol to award students deemed as having minimally demonstrated attainment of the board's essential workplace ethics indicators.

**Essential Workplace Programs****REPORTING REQUIREMENT**

By September 1, 2019, and every two (2) years thereafter, the Associate Commissioner shall provide a report to the Commissioner of Education, in a format specified by the Commissioner, describing the ATC's essential work ethics programs and their implementation at each school.

**REFERENCES:**

New Section of KRS 158

LEGAL: HB 1 AMENDS KRS 620.146 REQUIRING THAT WHEN THE CABINET FOR HEALTH AND FAMILY SERVICES IS AWARDED CUSTODY OF AN ABUSED, NEGLECTED, OR DEPENDENT CHILD, IT MUST NOTIFY THE PRINCIPAL, OR ANY ASSISTANT PRINCIPAL, AND DPP OF THE NAMES OF PERSONS AUTHORIZED TO CONTACT OR REMOVE THE CHILD FROM SCHOOL GROUNDS. THE NOTIFICATION SHALL BE PROVIDED BY THE CABINET BY WRITTEN NOTICE VIA EMAIL OR FAX.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.1231

### **Student Release**

Students shall be dismissed early from school only if they are signed out by the custodial parent/guardian/designee identified on the Student Release Form. (*See Form*, <http://www.kytech.ky.gov/PolicyProceduresFormsLink.htm>)

During the enrollment process, students shall have their custodial parent/guardian identify those individuals who have permission to sign the student out from the area technology center.

#### **RELEASE PROCESS**

Students shall sign out on the Student Sign In-Out Sheet when leaving and/or returning to the center. (*See Form, School* - <http://www.kytech.ky.gov/PolicyProceduresFormsLink.htm>)

The individual(s) who have permission to sign the student out shall present photo identification at the time the student is picked up from the area technology center.

The home high school shall be notified when students are released from the area technology center.

#### **EXCEPTIONS**

A student may be released to a person with lawful authority to take custody of the student, e.g., a police officer with a warrant or the person authorized by the Cabinet for Health and Family Services when the student is committed to the Cabinet or when the Cabinet is granted custody of the student by a court order. In such case, the student's parent shall be notified at the earliest opportunity except as otherwise provided by a court order or law.<sup>1</sup>

When custody of a student is granted to the Cabinet by a court order as a result of dependency, neglect, or abuse, the Cabinet shall notify the Principal, or any Assistant Principal, of the school in which the child is enrolled, and the District's Director of Pupil Personnel, of the names of persons authorized to contact the child at school or remove the child from school grounds.

The notification shall be provided to the school by the Cabinet:

- a) By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
- b) By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet's receipt of the court order of a change of custody or change in contact or removal authority.

In addition, the Board authorizes emergency release of students for illness or other bona fide reasons, as determined by the Principal.



STUDENTS

09.1231  
(CONTINUED)

**Student Release**

**REFERENCES:**

<sup>1</sup>OAG 85-134; OAG 92-138  
KRS 620.146  
702 KAR 7:125

LEGAL: HB 147 AMENDS KRS 158.838 TO ADD MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

LEGAL: THIS CLARIFIES THAT SCHOOLS SHALL HAVE EMERGENCY CARE PROCEDURES THAT COMPORT WITH REGULATION.

FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.224

### **Emergency Medical Treatment**

When enrolled students, for whom documentation under KRS 158.838 has been provided to the school, are present during school hours or as participants in school-related activities, an employee who has been appropriately trained to administer or assist with the self-administration of glucagon, insulin, seizure rescue medications, or medication prescribed to treat seizure disorder symptoms shall be present.

#### **FIRST AID**

The following information shall be provided during initial employment orientation and at the beginning of each school year.

- 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, disinfectants 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 shall be placed in each lab/shop area and equipped with gauze, bandages, large and small Band-Aids, bottle of peroxide, disinfectant wipes, latex gloves and other sterile materials required to stop bleeding and cover wounded areas.
- Fire blankets shall be placed in those areas where the potential exists for fire and explosion. Large shops shall have two (2) fire blankets.

#### **SICKNESS/ACCIDENTS**

The following steps shall be implemented:

1. First aid shall be administered as required (ambulance called if necessary). The first aid provider shall be trained and certified in first aid. Injured persons shall not be transported in private auto or state vehicle by center personnel.
2. The center Principal or designee shall be notified.
3. Personnel shall secure the area for inspection by the Frankfort safety unit. The Principal or designee shall notify the Safety Director in the Frankfort Office. This procedure shall be used when accidents are severe enough in nature to cause or could cause loss of life or limb. All other accidents are to be reported and detailed on the *designated accident reporting form* as soon as possible after first aid is provided and the victim and/or area is secured.
4. Personnel shall secure the name of any witnesses available, and if possible make photos of the accident scene.

**Emergency Medical Treatment**

**EMERGENCY CARE PROCEDURES**

Schools shall have emergency care procedures comporting with regulation<sup>1</sup> and may utilize the Kentucky Department of Education Health Services Reference Guide (HSRG) as a resource.

**REFERENCES:**

<sup>1</sup>702 KAR 1:160

KRS 156.160; KRS 156.502; KRS 158.836; KRS 158.838

**RELATED POLICIES:**

03.14, 09.22, 09.2241

LEGAL: HB 1 AMENDS KRS 620.146 REQUIRING THAT WHEN THE CABINET FOR HEALTH AND FAMILY SERVICES IS AWARDED CUSTODY OF AN ABUSED, NEGLECTED, OR DEPENDENT CHILD, IT MUST NOTIFY THE PRINCIPAL, OR ANY ASSISTANT PRINCIPAL, AND DPP OF THE NAMES OF PERSONS AUTHORIZED TO CONTACT OR REMOVE THE CHILD FROM SCHOOL GROUNDS. THE NOTIFICATION SHALL BE PROVIDED BY THE CABINET BY WRITTEN NOTICE VIA EMAIL OR FAX.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

STUDENTS

09.227

## **Child Abuse**

### **REPORT REQUIRED**

Any teacher, school administrator, or other school personnel who knows or has reasonable cause to believe that a child under age eighteen (18) is dependent, abused or neglected<sup>1</sup>, or a victim of human trafficking shall immediately make a report to a local law enforcement agency or the Kentucky State Police, the Cabinet for Health and Family Services or its designated representative, the Commonwealth's Attorney or the County Attorney in accordance with KRS 620.030.<sup>2</sup>

After making the report, the employee shall notify the Principal of the suspected abuse, who then shall also promptly make a report to the proper authorities for investigation. If the Principal is suspected of child abuse, the employee shall notify the Associate Commissioner of Career and Technical Education/designee who shall also promptly report to the proper authorities for investigation.

Only agencies designated by law are authorized to conduct an investigation of a report of alleged child abuse. Therefore, the school shall not first investigate a claim before an employee makes a report to the proper authorities. However, in certain situations, reports involving claims made under state and federal laws, such as Title IX, shall require the school, after making the required report, to conduct an independent investigation of the allegations in order to determine appropriate personnel action.

### **WRITTEN REPORT**

The person reporting shall, if requested, in addition to the report required above, file with the local law enforcement agency or the Kentucky State Police or the Commonwealth's or County's Attorney or the Cabinet for Health and Family Services or its designated representative within forty-eight (48) hours of the original report a written report containing specific information regarding the child, the child's parents or guardians, and the person allegedly responsible for the abuse or neglect.

### **WRITTEN RECORDS**

Copies of reports kept by the school that are submitted to authorities in compliance with the child abuse law are educational records and subject to inspection by the parents of the alleged victim of child abuse. Whether the records are considered "internal records", and not maintained with the students' "permanent records", is immaterial if such records are directly related to students and are maintained by the school.

### **INTERVIEWS**

If the student is an alleged victim of abuse or neglect, school officials shall follow directions provided by the investigating officer or Cabinet for Health and Family Services representative as to whether to contact a parent<sup>3</sup> and shall provide the Cabinet access to a child subject to an investigation without parental consent.<sup>4</sup>

**Child Abuse****AGENCY CUSTODY**

If, as a result of dependency, neglect, or abuse, a child has been placed in the custody of the Cabinet, the Principal, or any Assistant Principal of the school in which the child is enrolled, and the District's Director of Pupil Personnel shall be notified of the names of persons authorized to contact the child at school, in accordance with school visitation or communication policy, or remove the child from school grounds.

The notification shall be provided to the school by the Cabinet:

- a) By written notice via email or fax on the day that a court order is entered and again on any day that a change is made with regard to persons authorized to contact or remove the child from school. Verbal notification shall occur on the next school day immediately following the day a court order is entered or a change is made if the court order or change occurs after the end of the current school day; and
- b) By email, fax, or hand delivery of a copy of the court order within ten (10) calendar days following the Cabinet's receipt of the court order of a change of custody or change in contact or removal authority.

**REQUIRED TRAINING**

All current school administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors shall complete KBE selected training on child abuse and neglect prevention, recognition, and reporting by January 31, 2017, and every two (2) years thereafter. School administrators, certified personnel, office staff, instructional assistants, coaches, and extracurricular sponsors hired after January 31, 2017, shall complete the training within ninety (90) days of being hired, and every two (2) years thereafter.

**OTHER**

Each school shall prominently display the statewide child abuse hotline number administered by the Cabinet for Health and Family Services and the National Human Trafficking Reporting Hotline number administered by the United States Department for Health and Human Services.

**REFERENCES:**

<sup>1</sup>KRS 600.020 (1)(15)

<sup>2</sup>KRS 620.030; KRS 620.040

<sup>3</sup>OAG 85-134; OAG 92-138

<sup>4</sup>KRS 620.072

KRS 17.160; KRS 17.165; KRS 17.545; KRS 17.580

KRS 156.095; KRS 199.990; KRS 209.020; KRS 620.050; KRS 620.146

OAG 77-407; OAG 77-506; OAG 80-50; OAG 85-134

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights  
Regulations Implementing Title IX

**RELATED POLICIES:**

09.1231; 09.3; 09.31; 09.42811; 09.4361; 10.5

DRAFT 5/15/18, REVISED 9/27/18

PERSONNEL

03.122

### **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.). Any employee required to work on a holiday to serve students will be compensated.

**Area Technology Centers:** When school is in session during a state designated holiday, teachers can be compensated.

<b>HOLIDAY</b>	<b>DAY</b>	<b># OF DAYS</b>
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.

## **Holidays and Annual Leave**

### **HOLIDAYS (CONTINUED)**

#### **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.

#### **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.

**Holidays and Annual Leave****Annual Leave Usage (continued)**

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

**Annual Leave and Separation**

1. Upon proper 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.



**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

DRAFT 5/15/18

PERSONNEL

03.123

## **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.

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

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

- 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. School-based employees shall not receive blood donation leave.

**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 6:062  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.1231; 03.1232; 03.12322; 03.1234; 03.1235; 03.1236; 03.124, 03.17

LEGAL: THIS NEW POLICY REFLECTS REVISIONS TO 780 KAR 3:072.  
FINANCIAL IMPLICATIONS: NONE ANTICIPATED

DRAFT ALL NEW LANGUAGE 5/15/18

PERSONNEL

03.1231

### **Personal Leave**

#### **NUMBER OF DAYS**

Teachers and Principals shall be entitled to twenty-two and one-half (22.5) hours of personal leave at the beginning of each school year. Leave shall be used in half-day (3.75 hour) increments. An employee who makes a timely request for personal leave shall be granted personal leave by the appointing authority, up to at least the amount of time earned that year, if the operating requirements of the agency permit.

A teacher or Principal who is separated by proper resignation or retirement shall be paid in a lump sum for accumulated personal leave not to exceed twenty-two and one-half (22.5) hours.

#### **ACCUMULATION**

Any unused personal leave shall be converted to sick leave at the end of each school year.

Upon the death of an employee, the estate will be paid for accrued personal leave.

#### **REFERENCE:**

780 KAR 3:072

#### **RELATED POLICIES:**

03.121; 03.123

DRAFT 5/15/18

PERSONNEL

03.1232

### **Sick Leave**

Full-time employees, except emergency, are eligible to accumulate sick leave. Teachers and Principals shall be credited with seventy-five (75) hours of sick leave at the beginning of each school year.

#### **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>
  - KRS 18A.990 <http://www.lrc.ky.gov/KRS/018-00/990.PDF>
  - KRS 156.838 <http://www.lrc.ky.gov/statutes/statute.aspx?id=42189>
  - 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****SICK LEAVE AND MONTHS OF SERVICE (CONTINUED)**

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.
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.

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

- *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.
- *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  
KRS 18A.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



LEGAL: THIS NEW POLICY REFLECTS REVISIONS TO 780 KAR 3:072.  
FINANCIAL IMPLICATIONS: COST OF LEAVE

DRAFT ALL NEW LANGUAGE 5/15/18

PERSONNEL

03.1236

### **Emergency Leave**

Teachers and Principals shall be entitled to twenty-two and one-half (22.5) hours of emergency leave. Emergency leave shall accumulate at the beginning of each school year.

#### **ACCUMULATION**

Any unused emergency leave shall expire at the end of each school year. Remaining emergency leave balances shall not be paid out upon separation of an employee.

#### **REASONS FOR USE**

Emergency leave may be used due to death, illness, injury, or certain other urgent matters. Teachers and principals shall give as much advance notice as possible to their supervisor prior to using emergency leave. Emergency leave shall be used in three and three-quarter hour (3.75) increments when possible.

#### **REFERENCE:**

780 KAR 3:072

DRAFT 5/15/18

PERSONNEL

03.1239

### **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 a Central Office 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. School-based employees shall receive time off to vote. 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

DRAFT 5/15/18

PERSONNEL

AU03.124

## **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;
- A teacher or Principal 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 the last day of school of the previous year and first day of school of the following year, 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.

**Insurance****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.

**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

DRAFT 5/15/18

PERSONNEL

03.1332

## **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**

If the school district where the ATC is located closes due to inclement weather, staff in the ATC shall not report to work and the work day will be rescheduled to meet student needs. Non-traditional instruction days may be allowed at the discretion of the Associate Commissioner.

Adverse weather leave shall not be used by school-based employees when school is in session. Adverse weather leave may be used by school-based employees under extraordinary circumstances, as determined by the Associate Commissioner for Career and Technical Education

**Hours of Duty****ADVERSE WEATHER (CONTINUED)****SCHOOL CLOSURE WORK PLAN**

When the local school districts are closed due to 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

**Hours of Duty**

**REFERENCES:**

780 KAR 3:072  
780 KAR 6:062

**RELATED POLICIES:**

03.122  
03.1232  
03.126  
05.42

PERSONNEL

03.1911

### **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 may 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 affect 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