LEAVES OF ABSENCE (WITH PAY)

POLICY NUMBER: RESERVED FOR FUTURE USE
POLICY TYPE: ADMINISTRATIVE
RESPONSIBLE OFFICIAL TITLE: DIRECTOR OF HUMAN RESOURCES
RESPONSIBLE OFFICE: OFFICE OF HUMAN RESOURCES

I. POLICY STATEMENT

1.) TEMPORARY DISABILITY
This policy describes employee eligibilities and obligations relative to temporary illnesses and incapacitation. The university reserves the right to require medical statements to support the use of benefits under this policy. Failure to provide requested documentation may result in a "without pay" status for the period of time in question, suspension or dismissal.

Intention:
The Temporary Disability Leave Policy is intended to encourage the accumulation of temporary disability leave to cover an extended illness or incapacity as described in the Family and Medical Leave section. It is urged that staff members recognize the value of accumulating as much temporary disability leave as possible to cover potential emergency needs or to be applied upon retirement to the Kentucky Employees Retirement System if the employee is a member of said retirement system.

Accumulating Temporary Disability Leave:
Regular full-time staff employees earn a temporary disability leave allowance of one day with pay for each calendar month of employment. Temporary disability leave may be accumulated without limitation.

New regular employees accumulate temporary disability leave, but it is not available for use until the fourth month of employment. The temporary disability leave allowance will be earned for a month when employment commences on or before the last working day of that month. No allowance is earned in the final month of employment when the termination occurs on or before the last working day of that month.

Employees transferring within the university retain their leave allowance accumulation in their new work assignment. Temporary disability leave continues to accumulate during any leave with pay, but not during any leave or extended leave without pay. Unused leave allowance will not be paid upon termination or resignation by the employee. Temporary disability leave with pay may not be taken in excess of the days accumulated.

Workers Compensation:
When a staff member receives workers' compensation benefits for time lost from
work, accumulated leave may be used to supplement the difference between workers’ compensation and regular pay. Employees on workers’ compensation leave continue to accrue temporary disability and vacation time as though they were in paid status.

Overtime Pay:
Temporary disability is not considered as time worked for the purpose of determining overtime payments.

Vacation Rule:
When a staff member is on scheduled vacation, he/she is not eligible for temporary disability leave except under circumstances such as hospitalization. The staff member may request the authority to use leave but not, however, to result in double pay. Such a request is subject to approval of the major department head and Human Resources.

Consultation Requirement:
Illnesses extending beyond ten (10) consecutive working days will require a consultation between the supervisor and Human Resources and a PAR may be required from the department placing the employee on a Family and Medical Leave.

Reporting Absences:
Absences must be reported to the supervisor or department head by the employee or previously designated person before the start of the work period. Unreported absences may be without pay.

Using Disability Leave Days:
Regular employees who suffer temporary sickness or incapacitation, thus making them unable to perform assigned duties, will be granted leave for the necessary period not to extend beyond the period of time that can be covered by accumulated sick leave days. Employees who require use of accumulated leave time beyond the accumulated leave limits discussed in this policy, may request a Family and Medical Leave and remain on leave or take additional leaves, with proper medical documentation, until accumulated leave time is exhausted. (See Family and Medical Leave Section)

Physician’s Statement:
In order to be paid out of sick accrual (disability), a physician’s written statement is required for absences more than 3 days. A physician’s written statement is required if the absence is more than 3 days by the employee’s department head, supervisor or the Human Resources Department for any time off if there is a concern about the employee’s ability in performing his/her job duties or upon suspected or proven abuse by the employee of temporary disability leave. All medical documentation must include treatment dates, a potential return to work date and any restrictions if applicable.

Caring for Family Member:
Absences necessitated by emergency or serious illness of an immediate member
of the family may be applied against accumulated temporary disability leave up to a maximum of 10 work days for a single illness. Medical documentation may be required. Immediate family is defined, for this purpose, as parents, brother, sister, spouse, child or other persons for whom the employee is directly responsible.

**Medical Appointments:**
Temporary disability leave may be utilized for the purpose of medical or dental appointments for the employee or a member of the immediate family as previously defined. Requests for any such use must be directed in advance to the appropriate designated supervisor for approval.

**Personal Leave:**
Employees needing additional time off without medical documentation may request a **Personal Leave of Absence**. Personal leaves are granted only in special cases at the discretion of the major department head and approval of Human Resources.

When such a leave cannot be granted, employment may be terminated. If a personal leave is granted upon the expiration of the initial and extended **Family and Medical Leave**, the combined time off cannot exceed 180 calendar days within any twelve month period. An employee may use his/her accumulated vacation time during the Personal Leave; accumulated sick time may not be used. An employee on personal leave assumes the full cost of his/her benefits for the duration of the leave.

2.) **FAMILY AND MEDICAL LEAVE**
Effective 1/16/09 the U.S. Department of Labor issued final regulations regarding modifications to the Family Medical Leave Act of 1993. The Final Regulations (PDF) implement two important new military family leave entitlements for eligible specified family members.

**Introduction:**
Under this section, employees may request a leave of up to 90 days for the following reasons:
- Birth of son or daughter of the employee and in order to care for such son or daughter;
- Placement of a son or daughter with the employee for adoption or foster care;
- Caring for the spouse, son, daughter or parent of the employee or other persons for whom the employee is directly responsible if such spouse, son, daughter, parent or other person has a serious health condition;
- Serious health condition that makes the employee unable to perform functions of the position of such employee.

An extended leave of up to an additional 90 days is available if the employee is still unable to return to work after the original 90 days. Additional medical documentation is required.

**Requesting Leave:**
The employee must request a leave from his/her department head, 30 days prior to its commencement. If the employee is unable to make such a request due to the
seriousness of the health condition, a request must be made as soon as possible after the onset of the condition. Family and Medical Leave (FMLA) forms are available in the Human Resources Office or may be downloaded from the Human Resources website. Completed forms are to be returned to Human Resources.

**Medical Statement:**
The request for a leave for the employee must be accompanied by a medical statement which includes the following information:

- Date on which the serious health condition commenced;
- Probable duration of the condition;
- Appropriate medical documentation within the knowledge of the health care provider regarding the condition, including the employee's ability to perform the functions of his/her position.

The employee may submit medical documentation to their Department Head or directly to Human Resources. Human Resources will inform the department if such a statement has been submitted or the department will notify Human Resources Services if it receives the statement.

If the employee is needed to care for a son, daughter, parent, spouse, or other person for whom the employee is directly responsible, the same information must be provided along with a statement that the employee is needed for said care.

**Military Family Leave:**
Section 585(a) of the National Defense Authorization Act amended the FMLA to provide two (2) new leave entitlements:

- **Military Caregiver Leave** (also known as Covered Service member Leave): eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.

- **Qualifying Exigency Leave**: This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department's final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**Guaranteed Former Position:**
An employee on Family and Medical Leave is guaranteed his/her former position or an equivalent position at a comparable rate of pay upon return.

**Continued Benefit Plans:**
Employees with accumulated leave time will continue in the University's benefit plan.
programs during the leave period; payroll deductions will continue during that time. Employees with accumulated leave time will also be eligible to take the full extent of their time with proper medical documentation. These employees will not be held to the six-month return to work requirements between leave requests.

**Extending Leave:**
In order to remain within pay status while the employee is on leave for his/her own serious health condition or to care for a son, daughter, parent, spouse or other person for whom the employee is directly responsible, he/she may use accumulated disability leave first, then compensatory time, if applicable, then vacation/annual leave, prior to going into non-pay status.

**Employees Without Sufficient Accumulated Leave Time:**
Employees without sufficient accumulated leave time are eligible for a Family and Medical Leave up to a total of 90 calendar days with proper medical documentation. An employee, out of paid status, who is unable to return to work upon the expiration of the initial leave may apply for an extended leave for up to an additional 90 calendar days; medical documentation will be required to extend the leave beyond the initial request.

**Maintaining Benefits During Extended Leave:**
Employees on Family and Medical Leave will remain in the University's benefit plans during the leave period, not to exceed 90 calendar days. If an extended leave is requested, the university will continue the individual in the benefit plans for up to an additional 90 calendar days.
The employee must contribute his/her share, however, as if he/she were being paid; checks must be submitted to Human Resources made out to the various carriers. Failure to maintain payments will cause the employee to be removed from the University's plans. If the employee is on leave for less than six months and returns to work, he/she will be reinstated to the appropriate plans.

**Eligibility for Another Disability Leave:**
An employee who has taken both a family leave and an extended family leave must return to work for a minimum of six months before becoming eligible for another disability leave with university-paid benefits. Employees requiring time off for Family and Medical Leave purposes prior to having fulfilled the six-month return requirement may be approved for a leave without benefits.

**Intermittent Leave of Absence:**
In the event an employee does not need continuous time off to attend to a serious health condition for him/herself or the persons listed in this policy, he/she may request an intermittent or reduced time leave of the department head.
The employee must provide treatment dates along with the physician's statement required in paragraph F 1.18 above. If necessary, the employee may be required to transfer to another position with equivalent pay/benefits, but that better accommodates the reduced leave schedule required by the employee.

3.) **HOLIDAYS**
**Legal Holidays:**
The university recognizes the following legal holidays to be observed by the
closing of all departments and offices except where continuous service is essential:
- New Year's Day
- Martin Luther King Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day
- Election Day in national election years.

Special Holidays:
Four special winter holidays during Christmas week and the Friday following the Thanksgiving holiday are observed by the university. The specific dates of the winter holidays to be taken will be announced each year. Flexibility in scheduling will be granted to those departments with special scheduling and staffing problems. The five additional days may be scheduled up to the following February 1.
Special holidays in addition to the ones listed above may be granted by action of the Board of Regents or the president as may be deemed appropriate.

Holiday Occurring on Scheduled Day Off:
When a holiday falls on an employee’s scheduled day off, time off will be granted in lieu of the holiday within one month.

Holiday Occurring During Vacation:
Should a recognized university holiday occur during an authorized vacation period, the holiday will not be charged as a day of vacation time, except that no holiday will be recognized during terminal vacation. (Section F 4.4)

Holiday Occurring While Absent Without Pay:
Staff members who are absent without pay immediately before or after a holiday will not be paid for the holiday.
Staff members on authorized leave without pay will not receive pay for holidays falling within the leave period.

Payment for Worked Holidays:
If a holiday falls on a staff member's regular workday and the staff member is required or permitted to work, payment for the holiday shall be as follows:
- Employee shall be paid at the straight-time rate for the hours worked, and in addition,
- Employee shall either be credited with equivalent compensatory time off on an hour-for-hour basis or be paid an additional amount, at the straight-time rate, for the hours worked. The decision to allow compensatory time off or make additional payment is reserved to the department head, giving consideration to staffing needs and budgetary constraints.

Calculating Holiday Hours
All hours worked on the holiday will be included in calculating total hours "actually worked" during the workweek.
Employees Not Required to Work on Holiday:
Payment for employees not required or permitted to work on the holiday shall be at the straight-time rate for the normally scheduled hours. Unworked holidays are not included in calculating total hours "actually worked" during the work week.

No Distinction Between Holidays:
For purposes of this section, no distinction is made between legal and special holidays.

4.) VACATION/ ANNUAL LEAVE
It is the policy of the university to grant vacation/annual leave with pay to all staff members employed on a regular basis, as defined at Section B 4, and who have successfully completed the initial probationary period. Vacation/annual leave provides the opportunity for rest, recreation and relaxation necessary to the maintenance of effective work performance, and all eligible employees are expected to take their vacation/annual leaves regularly.

Accruing Vacation Time:
Vacation/annual leave begins accruing on a pay period basis from the initial date of employment and shall be credited at a rate of one-twelfth of the annual leave allowance on or before the first day of the calendar month following the completion of each calendar month of employment. No vacation/annual leave may be taken prior to successful completion of the initial probationary period.

Vacation Allowances:
Annual vacation/annual leave allowances are as follows:
- For Administrative positions, as defined in Section B 3, the annual allowance is 25 days.
- For exempt Professional and Managerial classified positions, as defined in Section B 3, the annual allowance for each of the first nine years is 20 days. After completing nine years of service, the annual allowance is 25 days.
- For non-exempt Office, Clerical, Technical, & Scientific and Service & Maintenance, as defined in Section B 3, the annual allowance for the first four years of service is 17 days. After completing four years of service, the annual allowance for each of the next five years of service is 20 days. After completing nine years of service, the annual allowance is 25 days.

Transferring Departments:
If a staff member transfers from one department to another, the amount of vacation/annual leave accumulated as of the date of the transfer will remain with the employee and will be carried over into the new department.

Change in Status or Position:
If a staff member is promoted, demoted, reclassified or otherwise moved from a position in one employment category, to a position in a different employment category for purposes of calculating years of service the initial date of employment with the university will be used. The staff member's accrued unused vacation/annual leave will be transferred and will not be recalculated on the new
vacation/annual leave allowance. From the date of transfer forward that rate will be on the new vacation/annual leave allowance schedule.

**Re-Employment:**
Except as provided at Section C 7, if a staff member is voluntarily or involuntarily terminated and later re-employed, the last date of re-employment will be used for purposes of calculating years of service.

**Vacation Accrual Limits:**
Vacation/annual leave will continue to accumulate each pay period until the accrual maximum has been reached.
- 25 days annual allowance - 20 days maximum accrual
- 20 days annual allowance - 15 days maximum accrual
- 17 days annual allowance - 12 days maximum accrual
- Part-time annual accrual - based on full-time equivalent

No further accrual will be made until the staff member takes vacation/annual leave and his number of days of vacation/annual leave is less than the maximum accrual allowance.

**Change to Regular Status:**
If a staff member employed on a full-time temporary status basis is changed to regular status, the period of temporary employment may be considered for purposes of calculating months or years of service.
For this consideration to be granted the temporary employment must have substantially involved work related to that which is performed in the regular position. Requests for approval of temporary employment meeting these requirements must be submitted by the appropriate department head with approval of the major department head to the director of Human Resources, who shall review the request. The decision reached by Human Resources is final.

**Unused Vacation Time:**
Payment in lieu of unused vacation/annual leave is not authorized, except as provided at Section F 4.
After four years of employment at NKU, an employee has the option to transfer unused vacation leave to sick leave. A maximum of five vacation days may be converted to sick leave on an annual basis. Eligible regular part-time employees would receive this benefit on a full-time equivalency basis. (Added on 4/2004)

**Holiday During Vacation:**
Should a recognized university holiday occur during an authorized vacation/annual leave period, the holiday will not be charged as a day of vacation/annual leave time, except that no holiday will be recognized during terminal vacation/annual leave.

**Leaves of Absence:**
All authorized leaves of absence will be considered as time worked for purposes of computing years of service. Vacation/annual leave will continue to accrue during leaves with pay, but will not accrue during leaves without pay.

**Unusual Work Schedules:**
Regular status full-time and part-time employees who are scheduled to work less than twelve (12) months or 37.5 hours per week, but at least 1040 hours a year; (i.e. summers scheduled off or part-time) accrue vacation/annual leave based on the FTE (Full Time Equivalency) of the position.

**Vacation Requests:**
Vacation/annual leaves are to be scheduled at time that are most convenient to the staff member’s department, although the staff member’s preferences will also be given due consideration. Vacation/annual leave schedules in each department will be arranged to provide adequate staffing to meet the workloads of the department. A department head may, in the best interest of the university, specify periods during which staff members may not take vacation/annual leaves. All vacation/annual leave requests must be approved in advance by the staff member’s department head who is responsible for insuring that the employee is eligible for the amount of vacation/annual leave requested. The staff member will not be paid for vacation/annual leaves that:
- Have not been approved by the department head;
- Exceed the amount of vacation/annual leave accrued according to the official records maintained by Human Resources;
- Violate any university policies or procedures including those provided in this section.

**Interpretations and Records:**
The Director of Human Resources is responsible for any interpretations of these vacation policies and will maintain the official records necessary to provide an accurate and equitable vacation/annual leave system.

5.) **TERMINAL VACATION**
**Using Accumulated Vacation:**
Employees who anticipate termination due to resignation, retirement, reduction in force, reorganization, etc., or who anticipate moving to a position not providing vacation/annual leave (i.e. staff to academic year faculty) should use all accumulated vacation/annual leave prior to the effective date of such action.

**Ineligible Employees:**
Employees who are involuntarily terminated for reasons of misconduct or who fail to provide two (2) weeks’ notice prior to voluntary termination are not eligible for terminal vacation/annual leave pay.

**Payment for Vacation:**
If approval is granted to pay terminal vacation/annual leave, payment will be equal to the amount of vacation/annual leave an employee has accumulated as of the last day of employment. In no case will payment for terminal vacation/annual leave exceed the accrual rate which can be accrued in twelve (12) months. The maximum terminal vacation/annual leave that can be paid is as follows:
- Administrators -- 20 days maximum paid.
- Professional/Managerial Exempt -- 15 days maximum paid; 20 days maximum paid if employee has over 9 years of employment.
- Office/Clerical/Technical, Service/Maintenance Non-Exempt -- 12 days maximum paid; 15 days maximum paid if employee has over 4 years of employment; 20 days maximum paid if employee has over 9 years.
Part-time -- Based on FTE for the position.

**Holidays Not Included:**
In accordance with Section F 3, terminal vacation/annual leave pay, when granted, will not include payment for holidays occurring during the terminal vacation period.

**Death or Retirement:**
In the event of employee death, the final salary payment will include payment for accrued vacation/annual leave up to the maximum allowed for the terminal vacation/annual leave.
In the event an employee retires, an option will be provided to transfer the terminal vacation/annual leave to the employee’s temporary medical disability leave allowance. The maximum amount transferred will be limited by the maximum paid amount, refer to Section F 4.3 above.

**Probationary Period:**
Staff members who have not successfully completed the initial probationary period prior to the last day of employment will not be eligible for terminal vacation/annual leave pay.

**Rate of Pay:**
Terminal vacation/annual leave shall be paid at the employee’s rate of pay as of the last day of employment which is the last day worked and will be paid on the next regular pay cycle of the employee.

**Last Day of Employment:**
For purposes of this section, the last day of employment will be the termination date as indicated on the staff member's terminating Personnel Action Request (PAR) which is the last day worked. For employees moving to positions which do not provide vacation/annual leave, the date of termination from the current staff position will be considered as the last day of employment.

**Extension Requires Approval:**
Terminating employees may not extend their last working day to encompass a holiday unless approved by the major department head because of extenuating circumstances.

**Grant and Contract Employees Ineligible:**
Grant and contract employees are not eligible for terminal vacation/annual leave as grants/contracts provide no funds for such payments.

6.) **MILITARY LEAVE: EXTENDED DUTY**
A leave of absence for extended military service of longer than one month will be granted to regular full-time employees. This leave beyond the 30-day period will be without pay.

**Re-Enlistment:**
If a staff member re-enlists after the expiration of his first enlistment or voluntarily remains in service beyond the expiration of required service, he will
not be eligible for further military leave from the university.

**Returning to Work:**
Upon returning from military leave, a staff member will be restored to his former position or, at the discretion of the university, to one of similar requirements and compensation providing:
- He did not receive a "bad conduct" or "dishonorable" discharge.
- He requests re-employment within 90 days after being discharged from duty. If a veteran is hospitalized upon discharge, the 90-day period does not begin until the date of release from the hospital. If the veteran remains hospitalized for more than one year, the 90-day period begins at the end of the first year of hospitalization.
- He is qualified to perform the duties of the position.

**Work Re-Assignment:**
If, as a result of service in the armed forces, the staff member is not physically or mentally qualified to perform the duties of the former or equivalent position, the university will offer him employment in a position he is qualified to perform, at the rate of normal compensation provided for that position.

**Leave Added to Length of Service:**
The period of military leave of absence will be added to any length of service credit that the staff member may have previously accumulated.

**Vacation and Sick Leave Credit:**
Vacation credit and sick leave credit will accumulate during a military leave of absence. Upon return to active employment, accruals will be restored up to the maximum allowed, as if the staff member had continuous service.

**Replacement Employee:**
Replacement appointments to the position vacated by a staff member on a military leave will be made with the understanding that the new employee is being employed pending the return of the original job-holder. As such, the replacement employee is subject to separation or transfer upon the return of the original employee. However, the new employee, during his period of replacement employment, will be considered a regular employee and will be accorded the privilege of such an employment status.

**7.) MILITARY LEAVE: TRAINING AND EMERGENCY DUTY**

**Annual Training:**
Regular full-time employees in the National Guard or in the reserve components of the naval, air or ground forces of the United States will be granted leave for training service requirements.

**Maximum Number of Days:**
Such leave for training duty will be limited to a maximum of 10 working days a year.

**Salary Adjustment:**
The university will pay the employee the difference between his normal salary
and the military training salary. This will be computed on the basis of the total salary received for military training.

**Advance Notice:**
The staff member must give advance notice as soon as possible of the military training in order to enable the work of the department to be continued without disruption.

**Request for Military Orders:**
The supervisor may request a copy of the military orders or other appropriate statement in writing from the authority requesting such duty.

**Emergency Duty:**
Staff members in the National Guard or in the reserves who are required to perform emergency duty will be granted leave for the duration of such duty.

**Emergency Duty Salary Adjustment:**
If such leave is for one month or less, the university will pay the employee the difference between his military pay and his university pay. If the leave is for longer than one month, the leave beyond the 30 day period will be without pay. (For duty longer than one month, see Section F 6.)

**Request for Emergency Duty Orders:**
The supervisor may request a copy of the military orders or other appropriate statement in writing from the authority requesting such duty.

8.) **FUNERAL ATTENDANCE**

**Policy Statement:**
The university recognizes that the occurrence of death in the immediate family may require an absence from work of a staff member for a period of time.

**Funeral for Immediate Family Members:**
A regular, full-time staff member may be allowed necessary absence with pay for attendance to funeral matters up to three days for cases involving parents, brother, sister, spouse, child, mother-in-law, father-in-law, grandchildren, or other persons for whom he is directly responsible. In cases requiring extensive travel time, additional time off may be granted, except that the total allowance with pay for funeral matters will not exceed five working days.

**Funeral for Extended Family Members:**
In the case of a grandparent, sister-in-law, or brother-in-law absence with pay may be granted up to one day for funeral attendance. In cases requiring extensive travel time, additional time off may be granted, except that the total allowance with pay for funeral matters will not exceed three working days.

**Funeral for Other Relatives or Friends:**
Time off, without loss of pay, may be granted at the discretion of the department.
head, to attend the funeral service of other relatives, associates or close friends. Such time off should not exceed one-half day.

**Extending Time Allowances:**
In cases requiring time in excess of the above allowances or other absences requested for funerals of other relatives or friends will be granted without pay or may be charged to earned vacation.

9.) **COURT AND JURY DUTY**

**Policy Statement:**
Jury duty is recognized as a civic responsibility. Staff members are encouraged to fulfill their obligations with regard to this service as a citizen of the community.

**Time Off Without Loss of Pay:**
A regular, full-time staff member will be granted time off to serve on a jury, or to serve as a court witness when subpoenaed, without loss of pay, and without charge against annual vacation.

**Court Compensation:**
The staff member will be permitted to retain his jury duty compensation so as to help defray his expenses while serving on a jury or as a court witness when subpoenaed.

**Department Head Approval:**
A copy of the subpoena may be required by the department head before approving time off for this purpose.

**Return to Work:**
If the jury duty does not require the full work day, the staff member must return to work when free from such service.

**Provisions for Evening and Night Shifts:**
Special provisions will be made for employees working evening or night shift who are required to serve on a jury.

10.) **ELECTIONS: FEDERAL, STATE & LOCAL**
University employees are encouraged to exercise their voting rights in all national, state and local elections.

**Presidential Elections:**
The university will be closed on the Tuesday following the first Monday in November in presidential election years.

**Voting During Off-Duty Hours:**
Work schedules will normally permit adequate time off for staff members to exercise their voting privileges, either before or after normal working hours, and it is suggested that they utilize this period of time to vote whenever possible.

**Voting During Work Hours:**
However, in cases where voting cannot be accomplished in off-duty hours,
Kentucky Revised Statues 118.340 is quoted below for your reference guidance:

- A. "Any person entitled to vote at any election in this state shall, if he has made application for leave prior to the day of election, be entitled to absent himself (herself) from any services or employment in which he (she) is then engaged or employed for a period of four (4) hours on the day of election, between the time of opening and closing the polls."
- B. "Such person shall not because of so absenting himself (herself) be liable for any penalty."
- C. "The employer may specify the hours during which the employee may absent himself (herself)."
- D. "No person shall refuse any employee the privilege hereby conferred or discharge or threaten to discharge an employee or subject an employee to a penalty because of the exercise of the privilege."

**Time Off Request:**
The right to time off with pay to vote should not be abused by any employee. Only the necessary time off required to vote should be requested in advance. If the employee does not make application for the leave in advance of election day, so as to enable the department to schedule the work load, the resulting time off taken may be recorded as an unauthorized absence and submitted as time off without pay.

**Absentee Ballot:**
Staff members who are eligible voters in distant communities are encouraged to exercise their right to vote by absentee ballot, if at all possible, so as to avoid absences from work.

**11.) EMERGENCY CLOSING/SEVERE WEATHER**
The intent of this policy (revised and approved Jan. 26, 2000) is to compensate employees for scheduled hours that would otherwise be unpaid due to the closing of university operations. It is not the intent of the policy to pay additional compensation above and beyond the employees' normal scheduled hours for the day of the full or partial closing. An exception is made for employees who are required to work during a closing and considered "essential personnel" for pay purposes.

**Policy Statement:**
It is the policy of the university to continue all normal operations during periods of inclement weather or unusual circumstances, except when the most severely adverse conditions exist.

**Severe Weather Options:**
In the event of severe weather or unusual circumstances, a decision on options will be made by the president with advice from the Vice President of the Administration and Finance Department. A separate decision for the Chase Law School will involve the dean of the law school. Options include:
- Complete cancellation of classes and the closing of all business and administrative offices;
- Cancellation of classes only;
- Delaying of the start of both classes and other operations;
Early closure of both operations and classes. Closings will be determined individually for each campus.

Late for Work Allowances:
When adverse weather conditions could generally be expected to cause some employees to be late for work, reasonable judgment is to be exercised on the part of both employees and supervisors relative to on-time requirements. Authority for granting allowances for unique travel problems rests with the supervisors and department heads.

Essential Personnel:
Because various critical operations such as facilities management or public safety require staffing at all times, certain "essential personnel" will need to work although the rest of the university may be closed. The number of "essential personnel" necessary may depend on whether the emergency situation occurs during a student vacation period or during a semester or summer session when classes are in progress.

Employees deemed "essential personnel" may vary depending on the particulars of the situation. It is the responsibility of the department head to determine who the "essential personnel" are, to inform them of their obligations, and to insure they are able to be at work when needed. Essential personnel should be noted as such on the time sheet for the emergency period.

Compensation for Emergency Closing:
Compensation to employees when the university is closed for a full or partial work day encompasses the period of scheduled time worked from the beginning of the employee’s shift on the day of the closing to the beginning of the employee’s shift when university operations open again.

Non-exempt employees who are other than those deemed as 'essential personnel' and are not required to work, or who arrive at work and are subsequently dismissed, shall receive their regular pay for (the full number of hours normally worked) their scheduled work hours only if these scheduled work hours fall during the time frame that included the closing. If the employee was not scheduled to work during the hours of the emergency closing, no additional pay or compensatory time off will be granted. All time cards and absence records are to be marked as "Emergency Closing" with the appropriate dates and hours indicated.

Non-exempt "essential personnel" who are required to work during a period of emergency shall be paid at the regular straight-time rate for the hours worked during the hours the university is closed. In addition, they shall either be credited with equivalent compensatory time off, on an hour-for-hour basis or be paid an additional amount, at the straight-time rate, for the hours worked, if those hours were worked during the time the university was closed. The decision to allow compensatory time off or make additional payment is reserved to the department head, giving consideration to staffing needs and budgetary constraints.

Temporary staff employees will not receive compensation for university
emergency closings. However, if temporary employees work during an emergency closing, they shall be paid normal wage rate for each hour worked during the affected closing times.

Those employees on vacation, temporary disability/sick or special leave will not be entitled to the provisions of this policy. No additional compensation shall be granted to exempt employees who are required or permitted to work during an emergency closing (full or partial day).

**Calculating Total Hours:**
All hours worked by non-exempt employees when the university is closed for reasons of emergency will be included in calculating total hours worked and count towards overtime (time and one half) pay calculations during the work week (See Section D 2). Hours not worked but paid as emergency closing hours are excluded from this calculation.

12.) PERSONAL DAYS
The university recognizes that employees have emergencies that preclude scheduling vacation in advance within departments.

**Totals Hours Allowed:**
An employee is allowed to use 16 hours of his/her existing vacation to accommodate emergencies including but not limited to, weather, automobile problems, personal, etc. in each calendar year. Employees must call in on the same day to request this time or leave early to use this time with the approval of the supervisor.

**Time Increments:**
This time must be taken in one-hour (60 minute) increments for biweekly staff; four-hour increments or more for exempt staff. Departments are responsible for the record keeping.

**Call-In Procedure:**
Normal call-in procedures within a department must be maintained. This also does not override a supervisor's denial of time off or mandated overtime assigned by the department. Abuses to this policy will be addressed through the disciplinary process.

**Vacation Issues:**
Other vacation issues are addressed in Section F 3.

II. ENTITIES AFFECTED
*Describe the positions, units, departments, groups of people, or other constituencies to which the policy applies or has a material effect.*

Faculty and Staff

IV. DEFINITIONS
Define any terms within the policy that would help in the understanding or interpretation of the policy.

For purposes of this policy, "temporary illnesses and incapacitation" are defined as illnesses of no more than 3 consecutive days, during which the employee is unable to perform his/her duties because of his/her own incapacitation or that of his/her dependents. Illnesses or incapacitation of a longer duration are addressed under Family and Medical Leave.

For purposes of this policy, the following definitions shall apply:

- Son or daughter - Any person under 18 years old or any person 18 years old or older who is incapable of self-care because of a mental or physical disability if the person's relationship to the employee is:
  - Biological, adopted or foster child;
  - Stepchild, legal ward;
  - Child of person standing in the place of a parent.

- Parent - The biological parent of an employee or an individual who stood in the place of a parent to the employee when the employee was a son or daughter.

- Spouse - A husband or wife as the case may be.

- Other persons for whom the employee is directly responsible.

REVISION HISTORY

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