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DEPARTMENT FOR PUBLIC HEALTH**

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TO: Local Health Department (LHD) Directors and Administrators
FROM: Ron Horseman, Administrative Branch Manager
Local Health Personnel Branch
DATE: August 18, 2009
SUBJECT: Holidays and Closures for Partial Year/School Schedule (PY/SS) Employees

As a result of recent trainings conducted by Local Health Personnel (LHP) there have been many questions asked in regards to the treatment of Voting Leave, School Closures and Holidays in regards to PY/SS employees. LHP has reviewed the Administrative Regulations and the Administrative Reference in addition to policy clarifications that have been issued to date. The following procedures are clarifications or additions to prior guidance in reference to PY/SS employees only:

Definitions

Per Administrative regulations 902 KAR 8:080 Section 8

A. "Partial Year" (2) A partial-year position shall contain regularly-scheduled periods, not to exceed seven (7) pay periods per year, during which an incumbent in the position remains an employee but is not at work.

❖ An employee who is required to report to the LHD when school is not in session or closed during holidays and the summer would not be considered a "partial year or PY/SS" employee.

Per Administrative Regulations 902 KAR 8:040- During the school schedule/calendar year:

B. "Full-time employee" means an employee who is compensated on a salary basis for a standard biweekly pay period. (A standard bi-weekly pay period is 75 hours for LHD or 7.5 hours daily regular scheduled)

C. "Part-time 100 hour employee" means an employee who is compensated on a biweekly basis for hours worked and whose hours worked average (consistently over a 3 month period) 100 hours per month or more. (More than 1200 and less than 1950 per school year).

D. "Part-time employee" means an employee who is compensated on a biweekly basis for hours worked and whose hours worked average less than 100 hours of work per month. (less than 1200 per school year)

Adverse Weather or Emergency Closures

(Clarification to: February 4, 2009-Memorandum/SUBJECT: Coding Leave Time Due to Adverse Weather)

If a school is closed (entire day or portions of the day) due to adverse weather or for unforeseen circumstances (weather or non-weather related) in your capacity as Appointing Authority or by others with authority, e.g., County Judge Executive, State Police, Board of Education and the employee(s) assigned to this location is advised by the designated authority :

- “not to report for work”;
- to “leave early” ; or
- “start later”.

The following should apply:

- A.** PY/SS employee(s) who are “scheduled to work” and the school will require the missed hours and days to be “made-up” within the school calendar year.
1. PY/SS employees who accrue leave per 902 KAR 8:120 shall, upon proper request, be “allowed” and not “required” to use leave for the days/hours to cover for the unanticipated closure during the current pay period (ppd).
 2. PY/SS who do not wish to use their personal leave may be allowed to leave these hours off their timesheet completely as if they were never scheduled to work or they may code the closure as “leave without pay” for tracking purposes only on the payroll/timesheet for the days/hours of closure.
 3. PY/SS employees who are allowed to work or who report to work at a pre-arranged worksite or on an emergency basis, per LHD request, shall be paid for the hours worked during the current ppd per FLSA guidelines as follows:
 - Non-exempt- straight time up to 40 hours and time and one half for hours worked over 40 in that week.
 - Exempt will earn comp time.
 4. PY/SS employees are not eligible to have their time coded as “other paid leave” during hours/days of the official school closure due to adverse weather or unforeseen emergency circumstances when that employee will be required to “make up” the missed days/hours on a future date.
 5. PY/SS employee(s) who are on prearranged annual, compensatory or sick leave prior to the closure shall have leave charged as originally requested pursuant to 902 KAR 8:120, Section 19 (2). This includes an employee that requests and is approved to leave early or come in later prior to an “official” closure because they felt conditions were hazardous to life and safety.
- B.** A PY/SS employee shall be paid and have their time coded as “other paid leave” only for the hours when school was not in session/closed for which ALL of the following apply:
- Employee was scheduled to work prior to the closure.
 - The PY/SS employee will not be required to “make-up” for the closure.
 - Employee was not provided an alternative site to report by the local LHD.

Adverse Weather or Emergency Closures (Cont).

Examples:

- 1) A PY/SS employee scheduled to work at school learns of a mandated closure (all or a portion of the day) at their normal work location, the day/hours will be “made up” on a future date during the school calendar year.
 - Shall not be eligible to have their time coded as “other paid leave”; **AND**
 - With proper request, the employee may take leave for the mandated closure days/hours; or
 - The employee may elect to report current closure on timesheet as if not scheduled to work for that day/hours of work; or
 - The employee may request with proper approval or the agency may require the employee to work at an alternative work site. Pay shall be at the rate defined per FLSA guidelines based on Exempt/Non-exempt status; or
 - Use leave as pre-arranged and requested prior to the closure;
- 2) Same as above, school closure will not be “made up” during the school calendar year.
 - Shall be paid and have their time coded as “other paid leave” for the day/hours not rescheduled unless an alternative work site was established and the employee requested or failed to report to the alternative work site.

Holidays

(Clarification to: April 8, 2009-Memorandum/SUBJECT: School Schedule/Partial Year Employees and Holidays)

PY/SS employees may be off work to observe a “school holiday” however these differ from “LHD holidays.

A PY/SS employee is only eligible for the holiday pay if they meet 902 KAR 8:120 Section 18 item one (1) (Full Time status and three (3) must be in pay status (worked or paid leave) immediately prior to the holiday. For PY/SS this may be the last day worked or last day school was in session prior to the holiday break.

A. During the summer months when school is out of session:

Example: July 4, school is closed for the summer, therefore unless the agency requested the employee to work on July 3 or employee was using leave that started last day of school and ran concurrently through July 3, employee would not be eligible for the Holiday pay.

B. During the school calendar year:

- 1) When a “**school holiday**” is observed and it is “**not a LHD holiday**” the PY/SS employee is not eligible for holiday pay, the employee should be required to use annual leave for this date or the appointing authority may require the employee to work at an alternate work station/LHD on this date. Salary would be based on exempt/non-exempt status per FLSA guidelines.
- 2) When “**school is open**”, however the “**LHD is closed**” observing a holiday, the PY/SS employee is paid their normal salary per FLSA requirements and is not eligible for holiday pay.
- 3) When a “**school holiday**” is on the same date recognized as an “**LHD holiday**”, the employee must meet the definition of Section 18 item one (1) Full Time (FT) status employee and per item three (3) must be in pay status the last day that school was in regular session prior to the holiday to be eligible for the Holiday pay.

Holidays (cont.)

- Example: Christmas may be scheduled for two (2) weeks or more, regulations provide FT status employees seven point five (7.5) hours of holiday pay on December 25th and one (1) extra day.
- 1) If school closes for Christmas on 18th, so long as the employee was in pay status for any portion of the 18th they would be eligible for seven point five (7.5) for December 25th and seven point five (7.5) for one (1) extra day identified by the department.
 - 2) Upon proper request a PY/SS employee may use leave balances for the school breaks to remain in pay status. When elected, leave balances may not be broken into several pay periods for the purpose of remaining in pay status to earn leave and should be used consecutively.
 - 3) When both agencies are observing a holiday and the PY/SS employee is permitted or required to work; then the employee would be eligible for holiday and pay per FLSA requirements for those hours worked.

Good Friday Exception:

April 10 the LHD will observe a ½ day Holiday (3.75 hours (hrs) per regs). Schools may or may not be in session for the entire school day. The LHD is typically open for 3.75 hrs and closed for 3.75 hrs.

1) School Closed Good Friday:

The Full Time PY/SS employee may:

- a. Be requested by the appointing authority to work at the LHD for 3.75 hrs when open and receive 3.75 holidays when LHD closes.
- b. Should take 3.75 hrs approved annual leave upon approval from appointing authority when the LHD is open and receive 3.75 holiday pay during the closure of the LHD, if no other site provided to work.
- c. When both sites are “officially” closed for the Holiday and the employee is permitted or required to work by the appointing authority the employee shall be eligible for holiday pay in addition to pay per FLSA requirement for those hours worked.
- d. Pursuant to 902 KAR 8:120, Section 19 (2), an employee who is on prearranged annual, compensatory or sick leave shall charge leave as defined above.

2) School Open Good Friday:

- a. If required to work as part of the school calendar year will not be eligible for holiday pay observed by the LHD and should report as required to the school.

Voting Leave

All health department employees are encouraged to exercise their voting privileges and all eligible employees are encouraged to avail themselves of the voting leave benefit. To ensure that the benefit is properly accessed, please note the following.

- A.** Pursuant to Kentucky law, employees shall be granted four (4) hrs of leave to vote if:
- 1) They are registered to vote in Kentucky;
 - 2) They are scheduled to work during the hours that the polls are open;
 - o **PY/SS employees are not to be penalized due to school closure, as they are eligible to use annual leave for school closures, they are also entitled to paid voting leave.**
 - o Part-time employees are eligible for paid voting leave for only those hours they are scheduled to work in excess of three and one-half (3 1/2) hours.

Voting Leave (cont.)

- 3) They request leave, and are approved by their supervisor, in advance; **and**
 - 4) They vote.
 - 5) Employees who are eligible for paid voting leave and who are permitted or required to work in lieu of time off shall be granted compensatory leave on an hour-for-hour basis.
 - 6) If an employee is scheduled to be off work on either sick or annual leave and the employee exercises the right to vote on Election Day, the employee is eligible for four (4) hrs of voting leave, if the requirements for taking voting leave outlined above have been met.
- B.** Employees are cautioned that a qualified voter claiming voting leave, but failing to vote, may be subject to disciplinary action.
- C.** Employees electing to vote via absentee ballot in Kentucky are eligible for voting leave on the day that they travel to their respective County Clerk's office to request an absentee ballot, or to vote that ballot, pursuant to the provisions above and meeting the applicable laws for absentee voting in this state.