



LEAVE PROVISIONS PROCEDURE

2.03

Effective Date: 07/18

Purpose: The purpose of the procedure is to provide a information and guidelines for the various types of leave that Barren River District Health Department provides to its employees.

Failure to Comply: Employees who fail to comply with this procedure may be subject to the disciplinary process. Agency failure to comply could result in violation of federal or state regulations.

Procedure: A leave of absence (LOA) is defined as a paid or unpaid approved absence from work for a specified period of time for medical, parental, military, personal reasons, etc. (See each LOA category below for a more complete definition of each type of leave of absence.)

LOAs will start on the date of request or date of need. Failure to return to work upon the expiration of a leave of absence may result in voluntary resignation.

All requests for a LOA must be made in writing and submitted to the immediate supervisor. An employee must provide advance notice when the need for the leave or absence is "foreseeable". If appropriate notice is not given the leave may be denied. If the leave of absence is not foreseeable, the employee must provide notice to his or her immediate supervisor as soon as practical.

The immediate supervisor will review the request and provide notice to the employee of whether the request was approved for leave.

BRDHD will continue to pay its portion of the cost of the employee's benefits including health, dental, and life insurance benefits while an employee is on a paid leave of absence. The employee must continue to pay their portion of the benefits which may be made by payroll deductions (when applicable) or by check which must be submitted to the human resources department each pay period unless other arrangements have been made. If the employee fails to pay his or her portion of the benefits, the employee's coverage(s) will be terminated and they will be offered COBRA to continue

certain benefits. While on a LOA, employees are required to use any accrued sick, annual, or compensatory benefits until returning to work.

Any LOA-without pay must be approved by the public health director.

No benefits will be accrued while an employee is on a LOA-Without Pay. Time spent on a LOA-without pay will not be counted as time employed in determining an employee's eligibility for benefits that accrue on the basis of length of employment.

BRDHD follows the leave provisions as found in 902 KAR 8:120. Descriptions of various leave provisions are found below.

Vacation/Annual Leave

Barren River District Health Department grants vacation/annual leave with pay to full-time and part-time 100 employees, except for an emergency employee, in accordance with 902 KAR 8:120.

Vacation/annual leave is accrued or earned based on the employee's length of service and on the time actually worked. Employees may not take paid vacation/annual leave until they have actually earned the time. Employees who feel that there is a discrepancy in the calculation of their vacation/annual pay or eligibility may request a review of that calculation by the human resources department. Vacation pay will consist of the employee's regular rate of pay for the vacation period and will be paid on the regularly scheduled payday.

Employees should submit a request in writing to their supervisor for vacation leave. The amount of notice required and the manner of the request shall be at the discretion of the supervisor. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts.

Employees on a medical or sick leave of absence may use accrued annual leave.

The appointing authority may require an employee who has a balance of compensatory leave hours to use compensatory leave before the employee's request to use annual leave is granted.

If illness occurs during a scheduled vacation leave, employees will be expected to count the leave as vacation time unless the employee is hospitalized or experiences the death of an immediate family member as defined in 902 KAR 8:120, Section 5.

Annual Leave Purchase

In accordance with 902 KAR 8:120, Section 3, an employee who has accumulated annual leave in excess of 275 hours may request payment of an amount of annual leave not to exceed seventy-five (75) hours total during the fiscal year of the agency, with no more than two requests per fiscal year per employee.

To request this payment, the employee shall complete the appropriate form and submit the form to the appointing authority for approval. If approved, the requested annual leave payment shall not reduce the employee's balance of annual leave below 275 hours and will be processed in the following payroll cycle along with the employee's normal time sheet.

Sick Leave

On occasion, employees may find it necessary to be out of work due to a personal illness or to care for a family member who has a serious health condition (refer to 902 KAR 8:120). The agency may require a certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider. In situations where the agency requires proof to justify sick time, the obligation to provide proof lies with the employee.

Funeral/Bereavement Leave

In accordance with 902 KAR 8:120, Section 5, accumulated sick leave may be granted for death in the employee's family. Family is defined as spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, mother- or father-in-law, or daughter- or son-in-law. Use of sick leave for funeral leave is limited to three (3) days or a reasonable extension at the discretion of the appointing authority. If reasonable extension is requested, and granted by the appointing authority, it will be for no more than two (2) days. If more time is requested after funeral leave is exhausted, the request will be at the discretion of the supervisor and will be taken as vacation/annual leave.

Family Medical Leave Act (FMLA)

It is the practice of Barren River District Health Department to grant up to 12 weeks of family medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

To qualify for FMLA, the employee must have been employed by BRDHD for 12 months, must have worked at least 1,250 hours during the 12 months immediately prior to requesting leave.

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child;
- 2) The placement of a child for adoption or foster care and to care for the newly placed child;
- 3) To care for a spouse, child (under the age of 18, or 18 years of age or older but incapable of self-care because of a mental or physical disability) or parent with a serious health condition; or
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice or residential medical care facility, including any

period of incapacity or any subsequent treatment in connection with such inpatient care or a condition which requires continuing care by a licensed health care provider. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

The agency does require an employee to provide a doctor's certification of the serious health condition. While on paid leave, the agency will continue to make payroll deductions to collect the employee's share of the health insurance premium(s). If on unpaid leave, the employee must continue to make this payment, either in person or by mail. Employees may choose to:

- cease contributions (terminate the entire plan)
- prepay the coverage contributions for the FMLA leave period
- choose to pay the premium each time it is due (every two weeks on payday.)

BRDHD will only pay the employer's portion of the health insurance premium per 902 KAR 8:170, Section 4(b) (4).

If the employee contributes to other benefits, such as life, disability, dental plan, etc., the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits, and pay their portion of the premiums. If the employee does not continue these payments, the employer will discontinue the coverage.

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions.

The agency may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position.

Employees requesting FMLA Leave will use accrued paid leave concurrently. Employees are able to reserve ten (10) days of accumulated sick leave.

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced-hour schedule.

All employees requesting leave should notify HR and their supervisor of the need for FMLA as soon as practical. Employees and/or their supervisor should notify HR after an absence of three (3) consecutive days occurs.

FMLA leave will not be granted for voluntary or cosmetic treatments, such as orthodontia or acne, which are not medically necessary and are not considered serious health conditions. Minor illnesses that last only a few days and surgical procedures that do not involve hospitalization and require only a brief recovery period do not qualify under FMLA. Complications that arise out of these procedures may develop into a "serious health condition" that would qualify the employee for an FMLA leave.

The Barren River District Health Department will not offer any special protection to employees who are on FMLA leave at the time of a layoff. The appointing authority will make the same decisions that would have been made had the employee not been on FMLA leave.

The Barren River District Health Department will require a position-specific, return-to-work certification from the physician regarding the particular health condition that was the cause of the employee's FMLA leave. The employee will not be allowed to begin work until this position-specific, return-to-work is received by the treating physician.

Donated Sick Leave

On occasion, an employee may find they have a need to request donated sick time. In accordance with 902 KAR 8:120, Section 11, to be eligible to make this request the employee must find that:

1. They or an immediate member of family suffers from a medically certifiable illness, injury or impairment of physical or psychiatric condition.
2. This condition causes the employee to go on leave for at least ten (10) consecutive working days.
3. The need for absence and use of sick leave are certified by a licensed practitioner.
4. The employee has exhausted their sick, annual and comp leave balances.

If these conditions are met, an employee then makes the request for donated sick leave to the appointing authority. If the appointing authority approves, the employee and/or their supervisor may then send out a message to staff via e-mail or other means.

Any staff who would like to donate sick leave must have accrued a sick leave balance of more than seventy-five (75) hours. If this requirement is met, the employee will complete a form, which must be approved by the appointing authority, to specify an amount of sick leave to be donated to another named employee who has been authorized to receive it.

An employee who is authorized to receive donated sick leave will not receive more than six (6) weeks of donated time. If the receiving employee returns to work before all of the donated time is used, the leftover donated time will return to the original employee who donated it.

Court Leave/Jury Duty

An employee shall be entitled to a leave of absence, without loss of pay or time, for each day during which the employee is subpoenaed by a court to serve as a juror or witness, except in a case where the

employee or a member of the employee's family is a party plaintiff. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work.

The employee must attach a copy of the jury duty summons to their P-00 Leave Request Form submitted to their supervisor. Employees need to submit the request as soon as possible so that the supervisor may make arrangements to accommodate the absence. Daily Jury Duty Certificates of Service should be forwarded to HR.

Employees who qualify for paid jury duty leave are:

- Full time
- Part-time 100 and Part-time employees (if previously scheduled to work on the day the court duty takes place)

The agency encourages employees to fulfill their civic responsibility by serving jury duty when selected. If the absence would create serious operational difficulties the appointing authority or designee may request an excuse from jury duty. If the excuse is granted the employee will report to work as scheduled.

Military Leave

An employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, The United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from duty without the loss of pay or time, upon request, to serve under orders on training duty for a period not to exceed seventy five (75) hours in any one (1) calendar year. The appointing authority, before granting military leave, may require a copy of the orders requiring the attendance of the employee.

The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of active duty not to exceed six (6) years. Accumulated annual leave and compensatory leave may be paid in lump sum at the request of the employee, upon being placed on leave.

Voting Leave

The appointing authority shall allow each employee no less than four hours to vote. The absence shall not be charged against accumulated leave. KRS 118.035(2) states that any person entitled to vote at any election in Kentucky shall be entitled to absent himself from work for a reasonable time, but not less than four (4) hours to vote. 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 ½) hours. Employees are required to request voting leave in advance and must vote.

Special Leave of Absence

An appointing authority may grant special leave for education, training or for other circumstances. Leave may be granted for a period not to exceed twenty-six (26) pay periods and may be granted with or

without pay. Leave for attendance at a college, university, vocational or business school shall be for training in subjects that relate to the employee's work and will benefit the agency.

Holiday Leave

BRDHD recognizes certain days each year as holidays in accordance with [902 KAR 8:120](#). Eligible employees will be given the appropriate amount of time with pay for each holiday observed. The schedule of holidays the agency will observe during each calendar year will be published by the Cabinet for Health Services, Department for Public Health, Division of Administrative and Financial Management.

Full-time employees are eligible to receive their regular rate of pay for each observed holiday.

To receive holiday pay, an eligible employee must be in pay status (working, or taking an approved absence) on the workday prior to the holiday. If an employee is absent the day prior to the holiday because of an illness or injury, the agency may require verification of the reason for the absence before approving holiday pay.

Employees required to work on an observed holiday, or any portion of that day, will be paid for all holiday hours plus any worked hours at their regular rate of pay or overtime rate of pay if applicable. Full time exempt employees required to work on the official observed holiday shall accrue compensatory time for the time worked.

The agency recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the agency's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not unduly disrupt the agency's business and if the employee's supervisor approves. Employees may use accumulated annual leave or compensatory hours for these occasions.

Forms: FMLA Packet; Leave Without Pay form

References: [COBRA](#); [902 KAR 8:120](#); [Family Medical Leave Act \(FMLA\)](#); [902 KAR 8:170 Section 4\(b\) \(4\)](#); [KRS 118.035\(2\)](#)

Contact Persons: Human Resources Manager

Procedure Origination, Revision, and Review Tracking

Procedure Version Number	Origination Date	Description of Revision or Reviewer Name
2.03	12.14.2017	HR Manager – Procedure Creation

2.03	10.06.2020	HR Manager-updated FMLA section of policy to run FMLA time concurrently with accumulated leave time.
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