

**18A.197 Sick-leave sharing program.**

- (1) The Commonwealth of Kentucky sick leave sharing program is created. An employee who has accrued a sick leave balance of more than seventy-five (75) hours may request that the appointing authority of the agency for which the employee works makes available for transfer a specified amount of his or her sick leave balance to another named employee authorized to receive leave under subsection (2) of this section. The employee may not request a transfer of an amount of leave that would result in reducing his or her sick leave balance to less than seventy-five (75) hours.
- (2) An appointing authority, with the approval of the secretary of personnel, may permit an employee of the agency to receive leave under this section if:
  - (a) The employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten (10) consecutive working days;
  - (b) The employee's need for absence and use of leave are certified by a licensed practicing physician or advanced practice registered nurse;
  - (c) The employee has exhausted his or her accumulated sick leave, annual leave, and compensatory leave balances; and
  - (d) The employee has complied with administrative regulations governing the use of sick leave.
- (3) The appointing authority, with the approval of the secretary of personnel, shall determine the amount of leave, if any, which an employee within his or her agency may receive under subsection (2) of this section. Transfers of leave shall not exceed the amount requested by the recipient.
- (4) Leave may be transferred from an employee of one (1) agency to an employee within the same agency. With the approval of the secretary of personnel and of the appointing authorities of both agencies, leave may be transferred from an employee of one (1) agency to an employee of another state agency. The Personnel Cabinet shall maintain records of leave transferred between employees and the utilization of transferred leave.
- (5) While an employee is on leave transferred under this section, he or she shall be deemed a state employee and shall receive the same treatment with respect to salary, wages and employee benefits.
- (6) All salary and wage payments made to an employee while on leave transferred under this section shall be made by the agency employing the person receiving the leave.
- (7) Any leave transferred under this section which remains unused shall be returned to the employees who transferred the leave when the appointing authority finds that the leave is no longer needed and will not be needed at a future time in connection with the illness or injury for which the leave was transferred to an employee in his agency.
- (8) No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering

with the employee's right to voluntarily contribute leave when authorized under this section. For the purpose of this subsection, "intimidate, threaten, or coerce" shall include, without being limited to, the promise to confer or the conferring of any benefit or effecting or threatening to effect any reprisal.

- (9) The secretary of the Personnel Cabinet shall promulgate procedural administrative regulations to implement the provisions of this section.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 85, sec. 68, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 97, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 154, sec. 42, effective July 15, 1998. -- Created 1990 Ky. Acts ch. 483, sec. 2, effective July 13, 1990.