

101 KAR 2:106. Annual leave sharing procedures.

RELATES TO: KRS 18A.025(3)(c)1d, 18A.203

STATUTORY AUTHORITY: KRS 18A.030(2)(b), 18A.110(1)(h), (7)(g), 18A.203(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.030(2)(b) requires the Secretary of Personnel to promulgate administrative regulations, consistent with KRS Chapter 18A and federal standards, for the administration of a personnel system. KRS 18A.110(1)(h) and (7)(g) require the secretary to promulgate administrative regulations governing various types of work leave, including annual leave. KRS 18A.203(9) requires the secretary to promulgate procedural administrative regulations to implement the Annual Leave Sharing Program. This administrative regulation establishes the procedures for the Annual Leave Sharing Program established by KRS 18A.203.

Section 1. Definition. "Employee" is defined by KRS 18A.005(14).

Section 2. Eligibility to Donate or Receive Annual Leave.

(1) An employee shall not qualify to donate or receive annual leave under the Annual Leave Sharing Program if the employee:

(a) Is not in active payroll status; or

(b) Has:

1. Resigned;

2. Retired; or

3. Been placed in unpaid leave status by a personnel action.

(2) To request donated annual leave, an employee shall complete an Annual Leave Sharing Application.

(3) To donate annual leave, an employee shall complete an Annual Leave Sharing Donation Form.

Section 3. Procedures and Restrictions.

(1) The ten (10) consecutive days of leave required for eligibility by KRS 18A.203 shall be leave with or without pay.

(2) The total amount of shared annual leave that may be received or used by an eligible employee for the purposes specified by this administrative regulation shall be limited to 200 work hours per each qualifying event.

(3) Annual leave sharing shall not be authorized for mere convenience or employee preference.

(4) Annual leave shall not be donated to an employee regularly scheduled to work thirty-seven and one-half (37.5) hours per week in an amount less than seven and one-half (7.5) hours. Annual leave shall not be donated to an employee regularly scheduled to work forty (40) hours per week in an amount less than eight (8) hours.

(5) If multiple donors donate annual leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient or 200 work hours, whichever is less.

(6) The applicant for annual leave sharing shall be responsible for filing the Annual Leave Sharing Application.

(7) Donated annual leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the appointing authority.

(8) The annual leave sharing recipient shall be responsible for monitoring the amount of annual leave donated and used.

(9) Except as provided by subsection (10) of this section, donated annual leave shall be used:

(a) In the order in which it is donated; and

- (b) On consecutive days.
- (10) Any leave that an employee accrues while receiving donated annual leave shall be used before donated annual leave.
- (11) When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides evidence that the original condition for which annual leave was donated will continue.
- (12) If an annual leave donor resigns, retires, or is otherwise terminated from state employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the recipient.

Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Annual Leave Sharing Application", October 2011; and
 - (b) "Annual Leave Sharing Donation Form", October 2011.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
- (27 Ky.R. 1382; 1766; eff. 1-15-2001; 38 Ky.R. 648; 894; eff. 11-16-2011; 41 Ky.R. 2120; 2543; eff. 7-6-2015; Cert. eff. 4-28-2022.)