

### **803 KAR 1:063. Trading time.**

RELATES TO: KRS 337.275, 337.285, 45 U.S.C. 181

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.295 authorizes the executive director to issue administrative regulations for special items usual in a particular employer-employee relationship. The function of this administrative regulation is to define the criteria to be met by public employers who wish to permit employees engaged in fire protection activities and any employee of a carrier by air subject to the provisions of 45 U.S.C. 181 (title II of the Railway Labor Act) to use the practice of "trading time."

Section 1. A common practice or agreement among employees engaged in fire protection activities and employees of a carrier by air subject to the provisions of 45 U.S.C. 181 (title II of the Railway Labor Act) is that of substituting for one another on regularly scheduled tours of duty (or for some part thereof) in order to permit an employee to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time."

Section 2. The practice of "trading time" will be deemed to have no effect on hours of work if the following criteria are met:

- (1) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer;
  - (2) The reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matters; and
  - (3) A record is maintained by the employer of all time traded by his employees.
- (1 Ky.R. 1402; Am. 2 Ky.R. 126; eff. 8-13-75; 7 Ky.R. 488; eff. 1-6-81; 18 Ky.R. 3029; 3388; eff. 6-7-92; TAm eff. 8-9-2007; Certified to be amended, filing deadline 8-26-2021.)