

# Supreme Court of Kentucky

2022-40

## ORDER

**IN RE: ANNUAL LEAVE SHARING POLICY FOR COURT OF JUSTICE PERSONNEL**

In light of the natural disasters that have ravaged the Commonwealth over the past twelve months and to provide the necessary support to those Court of Justice personnel impacted by such natural disasters or fire, the Supreme Court, under Section 116 of the Kentucky Constitution and Supreme Court Rule 1.010, hereby orders an Annual Leave Sharing Policy for all Court of Justice personnel be adopted and implemented as follows:

**A. General**

- (1) Annual leave may be donated from one state employee to another, including employees from another branch of government. All salary and wage payments donated under this section to an employee while on shared annual leave will be paid by the agency employing the person who receives the donated leave.
- (2) Requests for donating and receiving annual leave must be made in writing to appointing authorities and if approved, submitted to the Administrative Office of the Courts (AOC) Human Resources Department (AOC HR Department). The AOC HR Department will maintain records of annual leave donations and employees' use of donated annual leave.
- (3) Hours donated pursuant to this Order are to be used only for long-term, continuous absences. Annual leave sharing hours may not to be used for intermittent absences.
- (4) An employee on shared annual leave will receive the same benefits as an employee on regular annual leave as described in Section 7.02(3) of the Administrative Procedures of the Court of Justice (AP), Part III (Personnel Policies).
- (5) The AOC HR Department may require an employee receiving shared annual leave to provide documentation showing the employee's continued need for annual leave due to an inability to report to work or perform job duties as the result of a catastrophic loss to residential property.
- (6) Shared annual leave shall not be utilized retroactively except to cover any period of leave without pay following the date the

request was submitted to the employee's supervisor or appointing authority.

- (7) Any leave that an employee accrues while receiving shared annual leave shall be used before the shared annual leave.
- (8) No employee shall directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute annual leave when authorized under this Order. For the purpose of this Order, "intimidate, threaten, or coerce" includes, but is not limited to, promising to give or giving a benefit or effecting or threatening to affect any reprisal.
- (9) If an annual leave donor resigns, retires, or is otherwise dismissed from Court of Justice employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the shared annual leave recipient.
- (10) In the event that an appointing authority learns that an employee receiving shared annual leave has not complied with this Order, they may, in consultation with the AOC HR Department, rescind approval of annual leave sharing and the employee will be required to report to work within 24 hours of being notified.

**B. Responsibilities of Employee Requesting Annual Leave Sharing**

- (1) An employee requesting annual leave sharing must submit a request to his or her appointing authority for approval, which includes the following information:
  - (a.) The employee's name, last four digits of their social security number, and the amount of annual leave they need;
  - (b.) A statement as to why the annual leave is needed, including a brief description of the nature of the loss, the impact of the loss on the employee's ability to work full time, and the anticipated amount of time the loss is expected to prevent work full time; and
  - (c.) A statement indicating that the employee authorizes the AOC HR Department to release the employee information to employees of the Court of Justice for the purpose of requesting annual leave donations on the employee's behalf.
- (2) If the appointing authority approves the request, they will submit the request to the AOC HR Department for review and approval.
- (3) If authorized by the employee, the HR Department will send out a notification based on the employee's request.
- (4) An employee may receive a maximum of 200 hours per qualifying event.

- (5) The employee must return to work at the end of the approved annual leave sharing period.
- (6) Upon the employee's return to work, any remaining balance of donated annual time will be returned to the donor at the end of the month.
- (7) Use of annual leave is typically only granted by the appointing authority based on the operating requirements of the office, and therefore, annual leave sharing shall not be authorized for mere convenience or employee preference.
- (8) Employees are not authorized to work secondary employment while receiving shared annual leave.
- (9) While receiving shared annual leave, employees are expected to use their leave time to address and/or resolve their need for annual leave sharing, so they may return to work full time at the end of the approved annual leave sharing period, if not sooner.
- (10) If an employee is able to return to work full time prior to the exhaustion of the approved annual leave sharing period, they are required to notify their appointing authority and the AOC HR Department immediately and resume work full time.

**C. Eligibility to Receive Annual Leave**

- (1) An appointing authority, including an elected official, may permit an employee to receive annual leave pursuant to this Order if:
  - (a) The employee has suffered a catastrophic loss to their residential property, due to either a natural disaster or fire, that either has caused or will likely cause them to go on leave for more than ten consecutive working days;
  - (b) The employee has exhausted his or her annual and compensatory leave balances; and
  - (c) The employee has complied with this Order regarding the request for and use of shared annual leave.
- (2) The employee must be on leave for ten consecutive working days before receiving shared annual leave. If the employee does not have accumulated leave to cover this period, this leave may be without pay. Upon approval, shared annual leave may be applied retroactively to any period of leave without pay following the employee's date of request.

**D. Request to Donate Annual Leave**

- (1) Employees in active payroll status who have 82.5 or more hours of annual leave may donate 7.5 or more hours of their annual leave to another employee who is authorized to receive annual leave

under Section C. of this Order. Employees donating annual leave must maintain a minimum balance of 75 annual leave hours.

- (2) Employees intending to donate annual leave must submit a request to their appointing authority for approval, which includes the following information:
  - (a.) Their name, employee ID number, and the amount of annual leave to be donated; and
  - (b.) The name of the recipient employee, the recipient employee's ID number, and the recipient employee's office or department.
- (3) Annual leave donations to an employee in another branch of government must be made on the Personnel Cabinet's Annual Leave Sharing Donor Form and given to the appointing authority for review and signature. The appointing authority will forward the signed Annual Leave Sharing Donor Form to the AOC HR Department.
- (4) The donated annual leave will be subtracted from the donating employee's annual leave balance in the month of donation.
- (5) An employee donating annual leave is responsible for ensuring that his or her timesheet appropriately reflects the donation. The donating employee must contact the AOC HR Department within the month of donation to correct any errors on his or her timesheet.
- (6) If multiple donors donate annual leave to an eligible recipient, the AOC HR Department shall transfer the annual leave in chronological order of receipt of the donation forms, up to the maximum number of hours approved or 200 work hours, whichever is less.

**E. Applicability to Employees Currently on Leave**

If an employee is on leave due to a catastrophic loss to their residential property at the time of entry of this Order, the employee's "date of request" under Section B shall be the first day leave was taken as a result of the loss.

This Order shall be effective upon entry and until further Order of this Court.

Entered this 5th day of August 2022.

All sitting; all concur.

  
CHIEF JUSTICE