

ADVERSE WEATHER

The manner in which absences are managed in the case of Adverse Weather is addressed by Administrative Regulation (101 KAR 2:102, Section 10). Simply stated employees typically must use leave time to account for absences from work due to adverse weather, however, there is a provision that allows employees to defer the leave and make that leave up over a four-month period. Leave that is deferred should be reported on the timesheet under "other" and coded as a 921 transaction as this will allow for the time to be tracked. This provision would be especially helpful for those employees who would otherwise be in a without pay situation. Listed below is the 101 KAR 2:102, Section 10, in its' entirety:

(1) An employee, who is not designated for mandatory operations and chooses not to report to work or chooses to leave early in the event of adverse weather conditions such as tornado, flood, blizzard or ice storm, shall have the time of the absence reported as:

- (a) Charged to annual or compensatory leave;
- (b) Taken as leave without pay, if annual and compensatory leave has been exhausted; or
- (c) Deferred in accordance with subsections (3) and (4) of this section.

(2) An employee who is on prearranged annual, compensatory or sick leave shall charge leave as originally requested.

(3) If operational needs allow, except for an employee in mandatory operations, management shall make every reasonable effort to arrange schedules whereby an employee will be given an opportunity to make up time not worked rather than charging it to leave.

(4) An employee shall not make up work if the work would result in the employee working more than forty (40) hours in a workweek.

(a) Time lost shall be made up within four (4) months of the occurrence of the absence. If it is not made up within four (4) months, annual or compensatory leave shall be deducted to cover the absence, or leave without pay shall be charged if no annual or compensatory leave is available.

(b) If an employee transfers or separates from employment before the leave is made up, the leave shall be charged to annual or compensatory leave or deducted from the final paycheck.

(5) If catastrophic, life-threatening weather conditions occur, as created by a tornado, flood, ice storm or blizzard, and it becomes necessary for authorities to order evacuation or shutdown of the place of employment, the following provisions shall apply:

(a) An employee who is required to evacuate or who would report to a location that has been shutdown shall not be required to make up the time that is lost from work during the period officially declared hazardous to life and safety.

(b) An employee who is required to work in an emergency situation shall be compensated pursuant to the provisions of Section 5 of this administrative regulation and the Fair Labor Standards Act as amended.

GUIDELINES

In order to provide guidance to supervisors and employees on how this cabinet will manage leave issue due to adverse weather the following guidelines and questions and answers have been developed:

1. Supervisors have the flexibility to allow an employee to arrive to work late or leave work early for fear of adverse weather conditions, however, employees must use leave time pursuant to the regulation cited above.
2. Employees who are not going to report to work or who are going to be late in arriving to work because of adverse weather should contact their immediate supervisors or designee and advise them of this situation within the first hour of the work day/shift.
3. Employees who are going to leave work prior to the end of their normal work schedules because of fear of inclement weather should attain approval from their immediate supervisors prior to leaving.
4. Currently within in the Department of Vocational Rehabilitation the only operation that has designated operations is the Carl D. Perkins Comprehensive Rehabilitation Center. Employees who have been designated for mandatory operations are required to work during adverse weather and are not eligible to make up leave time under the provisions of regulations.

Adverse Weather–Questions and Answers

Q: Once the timesheet has been completed and submitted may the employee ask to change their timesheet in order to defer the leave.

A: No, the decision on whether or not to defer the leave must be made before the timesheet is signed and submitted.

Q: Is the other paid leave column (code 921) only to be used when the employee does not have annual or comp-leave to cover the absence.

A: No, employees do not have to use their paid leave. They may defer the time off under other paid leave (921) and make the time up over a 4-month period. However, they are restricted from working overtime (over 40 hours) to make this time up. Since many employees are taking advantage of flexible work schedules this deferral option is generally more attractive to those employees who are facing unpaid time off due to such absences.

Q: If an employee uses paid annual or comp-leave to cover the adverse weather absence and failed to defer and report the time off as 921 can their supervisor allow them to make the time up.

A: NO

Q: When can the employee use the deferral option?

A: The regulation stipulates that an employee can exercise the deferral option in the event of adverse weather conditions, such as tornado, flood, blizzard or ice storm. While a certain amount of latitude can be applied here, the adverse weather conditions must be obvious in order for the deferral option to apply.

Q: How do I reflect the defer time and the make up time on my timesheet?

A: When an employee elects to make up the time not worked due to adverse weather conditions, the following instructions should be followed when reporting that time on the timesheet: The time for which an employee is absent from work should be reported as Adverse Weather Leave (code 921). The make up hours should also be reported as Adverse Weather Leave (code 921) using a negative amount for the hours worked (Example: 2.0 hours worked to make up for adverse weather conditions absence would be reported on the timesheet as “-2.0” (Adverse Weather Leave, code 921). This time worked to make up adverse weather leave must be reported as a negative number.

Note to timekeepers: As the time is made up please make sure that Payroll receives a copy of the timesheet(s). The payroll officer will then manually adjust the employee's payroll record to reflect the make up hours as they are worked. A report to help track these hours will run each pay period on RDS. The report will list the employees with 921 transactions and the number of hours. Payroll can access this report that is called (PERUPPDQ) to track the requirements of making up the time in the four (4) months following the use of the deferral.