

## **SECTION 2**

### **Human Resources Related Policies**

### **2.0.1.1 Employment Status Categories**

An employment status category is designated for each employee. When a search process is initiated, the college president/chief executive officer shall determine the employment status in accordance with KCTCS Board Policy 2.0-*KCTCS Employment*, based on funding and the needs of the college.

#### **2.0.1.1.1 Faculty Tenured Employment Status**

Full-time tenure-related faculty appointments shall be of two kinds: (1) tenure-track appointments and (2) tenured appointments. Faculty who have completed the tenure review period and are awarded tenure have tenured employment status.

Only regular full-time faculty, as defined in KCTCS administrative policies and procedures regarding time worked categories, are eligible to be tenured. The terms and conditions governing each appointment shall be stated in writing on the official KCTCS appointment record, a faculty tenure contract, which is continuous. Faculty members employed under a tenure contract shall continue to be subject to the terms and conditions of employment until separated from employment.

Although tenure is granted in KCTCS and not in a college, tenured faculty have as the location of their appointment the academic unit of the college as stated in their contracts. A dual appointment to a different college and/or different academic unit may be granted to a faculty member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one (1) college and academic unit as the faculty member's primary college and academic unit for the purpose of this policy (e.g., governance, evaluation, promotion, separation).

Tenured faculty are eligible for full-time employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.2 Faculty Tenure-Track Employment Status**

Faculty employed in a tenure-track position have tenure-track employment status unless and until they earn tenured employment status. The terms and conditions governing each appointment shall be stated in writing on the official KCTCS faculty tenure-track contract.

Only regular full-time faculty, as defined in KCTCS administrative policies and procedure regarding time worked categories, shall have tenure-track employment status.

Tenure-track faculty have as the location of their appointment the academic unit of the college as stated in their contracts. A dual appointment to a different college and/or different academic unit may be granted to a faculty member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one (1) college and academic unit as the faculty member's primary college and academic unit for the purpose of this policy; e.g., governance, evaluation, promotion, separation.

Regular full-time tenure-track faculty are eligible for full-time employee benefits as described in benefits policies, procedures, and regulations.

**Faculty Tenure-Track Review Period**

Tenure-track faculty appointments shall be for one (1) year unless otherwise stated, subject to renewal, but the total tenure-track or probationary period shall not exceed seven (7) years, including recognized previous full-time service with the rank of instructor or librarian IV or higher in other institutions of higher learning. There is one exception: when a faculty member with more than three (3) years in the academic profession is called from another institution and appointed at the rank of associate professor or librarian II or below. That faculty member may be required to serve in a tenure-track status for a period not to exceed four (4) years, even though the total tenure-track period in the academic profession may be extended beyond seven (7) years.

In any case where a period of prior service of a faculty member involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the -tenure-track period at the Kentucky Community and Technical College System.

The applicability of prior service to the tenure-track period of a faculty member shall be reviewed initially by the prospective faculty member, the appropriate division chairperson, the chief academic officer, and the college president/ceo. This review shall occur either before and/or during the interview of the applicant and prior to the appointment of the applicant as a faculty member. A request that all or part of the prior service be eliminated from consideration in determining the probationary period may be initiated by the prospective faculty member, the division chairperson, or the college president/ceo. After seeking the advice of the College Advisory Committee on Promotion, the college president/ceo shall forward the request with the college president/ceo's recommendation to the KCTCS Chancellor who shall approve or disapprove the request. The following questions shall serve as guidelines in making and considering requests for waiver or elimination of prior service:

1. Did the institution of prior service have similar expectations regarding formal criteria for awarding tenure?
2. Were the measurable achievements of the faculty member at the institution of prior service such that they would be counted as part of the

achievements to be evaluated by the KCTCS in consideration for promotion and tenure?

3. Did the faculty member use the same knowledge and skills and have the same career goals at the institution of prior service that the faculty member shall be using at the KCTCS? and
4. Does employment in the KCTCS involve a change of career and, therefore, a change in the expectations that shall be placed upon measurable achievements within a particular period of time?

Time spent on leave of absence shall count as tenure-track service unless the college granting the leave and the faculty member accepting it agree in writing to the contrary.

Faculty members initially appointed at the rank of full professor or librarian I may be given tenure-track status for a period not to exceed one (1) year. Following appropriate review periods not exceeding in duration those described above, all persons of associate professor or higher rank shall be given tenure or shall not have their appointments renewed; all persons of assistant professor rank shall be promoted to associate professor with tenure or shall not have their appointments renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

A tenured associate professor who has not received a recommendation for promotion for six (6) years shall be considered for promotion, and a recommendation by the college president, either affirmative or negative, shall be made to the KCTCS Chancellor during the seventh (7th) year. If the recommendation of the college president is negative, the college president/ceo shall advise the faculty member of the decision not to recommend promotion and shall give the faculty member an opportunity to submit a promotion file to the KCTCS Senate Advisory Committee on Promotion for evaluation. The faculty member shall reply in writing to the college president/ceo either accepting or declining this opportunity for an evaluation of the faculty member's file by the KCTCS Senate Advisory Committee on Promotion. In the case of acceptance, the KCTCS Senate Advisory Committee on Promotion shall review and evaluate the file and recommend to the KCTCS Chancellor in the usual manner. In case of declination, the provision of another opportunity for consideration of the faculty member's promotion by the KCTCS Senate Advisory Committee on Promotion shall not be mandatory until six (6) more years have passed.

#### **Procedure for Promotion and Granting of Tenure**

The college president:

1. Initiates the proposal;

2. Supervises the gathering of vitae with the required and supporting material including the written opinions of the tenured faculty of the appropriate division;
3. Secures the advice of the division chairperson;
4. Secures the advice of the College Advisory Committee on Promotion;
5. Approves or disapproves the proposal at the level of Instructor to Assistant Professor. Notifies the faculty member and the division chairperson; and
6. Forwards to the KCTCS Chancellor recommendations for promotions at the levels of Assistant Professor to Associate Professor and of Associate Professor to Professor.
7. Notifies the faculty member and the division chair if the proposal is approved or disapproved after the proposal goes through all of the steps and a decision is made.

The KCTCS Chancellor:

1. Reviews proposal for completeness;
2. Secures the advice of the KCTCS Senate Advisory Committee on Promotion;
3. Forwards recommendations for approval to the KCTCS President; and
4. Notifies the college president once the proposal is approved or disapproved.

The President of the Kentucky Community and Technical College System:

1. Reviews the proposals;
2. Submits recommendations for approval to the Board of Regents for final action;
3. Notifies the KCTCS Chancellor if the proposal is disapproved.

The Board of Regents:

1. Takes final action.

### **2.0.1.1.3 Term Contract Employment Status**

Regular contract faculty who are in a non-tenure-track faculty position have term contract status. Regular staff in a contract position shall have term contract status.

The terms and conditions governing each appointment shall be stated in writing on an official KCTCS appointment record (faculty term contract or staff term contract). Term employment contract faculty and staff shall not earn continued employment status. Term contracts shall have a maximum contract term of up to but no more than four years.

Term contract faculty and staff shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Regular full-time contract faculty are expected to participate in KCTCS governance and committee work as deemed appropriate and in keeping with their annual performance planning document. Term contract faculty and staff are subject to all performance appraisal and other human resources policies during the terms of their contracts. If a faculty or staff member violates policy, the faculty or staff member is subject to disciplinary action, up to and including termination prior to the expiration of the term and/or the established non-renewal notification timeline.

Contract faculty and staff have as the location of their appointment the academic unit of the college stated in their contract. A dual appointment to a different college and/or academic unit may be granted a faculty or staff member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one academic unit as the faculty member's primary academic unit for purposes of this policy (e.g., governance, evaluation, promotion, separation).

Term contract faculty and staff are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.4 Continued Employment Status**

Faculty and staff who have satisfactorily completed the KCTCS Introductory Period have continued employment status. In addition, former UKCCS and Lexington Community College non-contract staff who exercise the one-time option into the KCTCS personnel system are granted continued employment status. For newly hired employees on or after July 1, 2004, only regular full-time staff shall be eligible to earn continued employment status.

Faculty and staff with continued employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Regular status faculty who were employed on a non-contract basis and previously earned continued employment status retain their continued employment status while they remain in a non-contract position. Employees with continued employment status shall only be discharged from employment for just cause.

Faculty and staff with continued employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.5 Continuing Employment Status**

Former 151B faculty and staff who earned continuing employment status under KRS Chapter 151B retain continuing employment status following their transfer to KCTCS under KRS 164.5805. Those faculty and staff who exercise the one-time option into the KCTCS personnel system retain continuing employment status, which is equivalent to continued employment status in the KCTCS personnel system.

Faculty and staff with continuing employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Faculty and staff with continuing employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.6 “Status” Employment Status**

Former 18A staff who earned “status” employment status under KRS Chapter 18A retain “status” employment status following their transfer to KCTCS under KRS 164.5805. Those faculty and staff who exercise the one-time option into the KCTCS personnel system retain “status” employment status, which is equivalent to continued employment status in the KCTCS personnel system.

Staff with “status” employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedure regarding time worked categories.

Staff with “status” are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.7 “At Will” Employment Status**

Temporary faculty and staff (contract and non-contract) shall have “at will” employment status. “At will” employment is defined as a legal doctrine that states that an employment relationship may be terminated by an employee or the employer at any time and for any or no reason. Regular status, less than full-time, faculty and staff who are hired on or after July 1, 2004, shall have “at will” employment status. Former UKCCS (including former Lexington Community College) non-contract staff retain their employment “at will” status following their transfer to KCTCS under KRS 164.5807. Employees under the KCTCS personnel system who are subject to the Introductory Period have “at will” employment status during the course of the Introductory Period.

Regular faculty and staff with “at will” employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative

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policies and procedure regarding time worked categories. Temporary faculty and staff shall be classified as temporary full-time or temporary part-time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Faculty and staff with “at will” employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

**Introductory Period**

The first 6 months of employment is the Introductory Period for employees. During the Introductory Period, employees have “at will” employment status, with their work performance being monitored and assessed. During the Introductory Period an employee may be terminated from employment at any time with or without cause. This Introductory Period and its terms and conditions may be extended by the Vice President primarily responsible for Human Resources at the request of the respective college or cabinet member. Employees who satisfactorily complete the Introductory Period are granted “continued employment status” in accordance with KCTCS Board policies and administrative policies and procedures regarding continued employment status.

An employee may access the KCTCS independent third party appeal process during her/his Introductory Period only in cases involving allegations of statutorily prohibited discrimination.

Faculty and staff employed under a tenure contract, tenure-track contract, or term contract do not have a formal Introductory Period and are not eligible to earn continued employment status; they are governed under the terms of their employment contract (see KCTCS policies and procedures regarding contracts).

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_____ Recommended by	_____ Date	_____ President, KCTCS	_____ Date



**2.0.2.1 Kentucky Community and Technical College System Employment**

**2.0.2.1.1 Employee Rights and Responsibilities**

**Employee Rights**

KCTCS believes in creating a professional, respectful, and harmonious working relationship among all employees. KCTCS believes in providing direct access to leadership. KCTCS is dedicated to creating and maintaining an atmosphere of open communication in which employees are encouraged to approach their immediate supervisor to discuss any problem or question. In pursuit of this goal, KCTCS has created the following employee relations objectives:

1. Provide an exciting, challenging, and rewarding workplace and experience.
2. Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religion, political affiliation, veteran status or a disability that does not prohibit performance of essential job functions.
3. Compensate all employees according to their effort and contribution to the success of our organization.
4. Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
5. Provide reasonable vacation, sick leave, paid time off and holidays to all eligible employees.
6. Provide eligible employees with health and welfare benefits.
7. Assure employees have, after talking with their immediate supervisor, an opportunity to discuss any issue or problem with officers of KCTCS or its designee.
8. Take prompt and fair action of any complaint that may arise in the everyday conduct of our affairs, to the extent that is practicable.
9. Respect individual rights, and treat all employees, students, and others with courtesy and consideration.
10. Maintain mutual respect in our working relationships.
11. Provide buildings and offices that are comfortable, orderly and safe.
12. Promote employees on the basis of their ability and merit.

13. Make promotions or fill vacancies from within KCTCS, to the degree possible and consistent with an efficient and effective workforce.
14. Keep all employees informed of the progress of KCTCS, as well as the organization's overall goals and objectives.
15. Promote an atmosphere in keeping with KCTCS' vision, values, mission, and goals.

In addition, KCTCS encourages all employees to bring forward their suggestions and ideas about how the organization can be made a better place to work, internal processes improved, and services to clientele enhanced. When employees see an opportunity for improvement, they shall discuss it with their immediate supervisor. If appropriate, supervisors shall assist employees to bring their ideas to the attention of other responsible employees in the organization to consider and possibly implement. All suggestions are valued.

### **Employee Responsibilities**

As a member of the KCTCS team, employees are expected to contribute their talents and energies to further improve the environment and quality of the services delivered to the citizens and employers of the Commonwealth.

1. KCTCS expects employees to make each working day productive, enjoyable, and rewarding. Employees have the responsibility to know their own duties and how to do them promptly, professionally, competently, respectfully, and pleasantly. Employees also have the responsibility to abide by KCTCS policies and procedures, applicable laws, as well as college and departmental rules and guidelines. Employees are expected to cooperate with leadership and their coworkers and to demonstrate a respectful and positive team attitude.
2. Employees are responsible for performing position responsibilities as outlined by the job description, job specification, and supervisor instructions. How employees interact with fellow employees and those whom KCTCS serves, and how employees accept direction can affect the success of their department and the organization. In turn, the performance of one department can impact the entire service offered by KCTCS. Consequently, whatever their position, employees have an important responsibility: perform every task as required.
3. Employees are encouraged to seek opportunities for professional development. This Policy Manual informs employees of KCTCS policies and procedures.
4. KCTCS expects employees to communicate their opinions and contribute their suggestions to improve the quality of the System. Please take the initiative to communicate with co-workers and with leadership to improve KCTCS services.

5. Employees must help create the pleasant and safe working conditions that KCTCS intends, resulting in better performance for the organization overall and personal satisfaction for employees.

Responsibilities of faculty members with administrative or staff appointments are addressed in the individual contract, job specification, job description, and/or departmental/supervisor directives.

Positions in the KCTCS System Office shall be positions under the KCTCS personnel system; therefore, employees who choose to accept KCTCS System Office positions shall be governed by KCTCS personnel system.

Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day of employment.

No statement or promise by a supervisor, immediate supervisor, or department head, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee.

#### **2.0.2.1.2 Employment under the KCTCS Personnel System**

With the establishment of the Kentucky Community and Technical College System through the *Kentucky Postsecondary Education Improvement Act of 1997* codified in sections of KRS Chapter 164, KCTCS is authorized to employ individuals in furtherance of its mission. New employees hired on or after July 1, 1998 (and after January 14, 1998 in community colleges and the system office, and on or after July 1, 2004 at Lexington Community College) in the Kentucky Community and Technical College System shall be governed by the rules of the KCTCS personnel system established by the Board of Regents.

#### **2.0.2.1.3 Employment of Former University of Kentucky Community College System Employees Transferred to KCTCS: Adoption of Personnel Rules Pursuant to KRS 164.5807 (3) and (4)**

Unless they elect to participate in the Kentucky Community and Technical College personnel system, employees in the University of Kentucky Community College System as of January 14, 1998, the date of the transfer of the management responsibilities of the University of Kentucky Community College System, to the Kentucky Community and Technical College System shall be governed by the University of Kentucky administrative regulations as of the effective date of the transfer and any subsequent changes made by the University, except that appeals shall be to the KCTCS Board of

Regents or to the Board's designee. The following provisions shall apply: (a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee; (b) Faculty employees with tenure shall retain their tenure. Faculty employees without tenure shall earn tenure based on personnel policies in effect at the time of their employment. Applicable faculty without tenure shall earn tenure based on the policies established by the KCTCS Board of Regents; (c) Employees shall maintain a salary not less than their previous salary as of the effective date of the transfer; and (d) All employees hired as of the effective date of the transfer shall be provided the same benefit package available for University of Kentucky employees as it may be modified by the University of Kentucky for all employees.

A person employed as of the effective date of the transfer described in the paragraph above in may elect to participate in the Kentucky Community and Technical College personnel system. An employee who elects to accept this option may not return to the previous personnel system. The employee shall have the right to exercise this option at any time, to be made effective on the first day of the applicable pay period.

KCTCS administers all employment functions including but not limited to decisions relating to hiring, firing, employee discipline, wage and salary administration, payroll, benefits administration, employee training, wellness programs, and the I-9 certification process. Except for employees who accept a system office position, former UKCCS employees hired before January 14, 1998 who subsequently move to a different position at a KCTCS college shall retain their coverage under the UK personnel system, unless and until the employee has exercised the option to be covered by the KCTCS personnel system pursuant to KRS 164.5807 Section (4) (the *Kentucky Postsecondary Education Improvement Act of 1997*).

**2.0.2.1.4      Employment of Former  
KRS 151B/18A Employees Transferred  
to KCTCS: Adoption of Personnel Rules  
Pursuant to KRS 164.5805 (1)(e)**

This policy covers faculty and staff employees of the Cabinet for Workforce Development, Department of Technical Education who were hired into regular positions (not temporary appointments) before June 30, 1998.

In accordance with KRS 164.5805 (1) (e), the Board of Regents for the KCTCS adopted rules that are the same as the administrative regulations under KRS Chapter 151B in effect on June 30, 1998, to govern the certified and equivalent employees who transferred from the Cabinet for Workforce Development unless they elect to be governed by the KCTCS personnel system except that all grievances and appeals shall be to the Board of Regents or the Board's designee.

The Board of Regents adopted rules that are the same as the administrative regulations under KRS Chapter 18A in effect on June 30, 1998, to govern the transferred classified employees, except that all grievances and appeals shall be to the Board of Regents or to the Board's designee.

The rules referred to above (See Appendix I) were made effective July 1, 1998 and are incorporated into the administrative policies, as though fully set out in these policies.

Employees not otherwise covered under the KCTCS personnel system may elect to be governed by the KCTCS personnel system. An employee who elects to accept this option may not return to the previous personnel system. The employee's decision into the KCTCS personnel system shall be in writing and may be exercised at any time, to be made effective on the first day of the applicable pay period.

KCTCS administers all employment functions including but not limited to decisions relating to hiring, firing, employee discipline, wage and salary administration, payroll, benefits administration, employee training, wellness programs, and the I-9 certification process. Except for employees who accept a system office position, former 151B/18A employees hired before July 1, 1998 who subsequently move to a different position at a KCTCS college shall retain their coverage under the former 151B/18A personnel system, unless and until the employee has exercised the option to be governed by the KCTCS personnel system.

#### **2.0.2.1.5 Employment of Former University of Kentucky/Lexington Community College Transferred to KCTCS: Adoption of Personnel Rules Pursuant to Kentucky House Joint Resolution 214**

KCTCS is delegated management responsibility for Lexington Community College (LCC) effective July 1, 2004. LCC faculty and staff have the same rights as KCTCS employees as former UKCCS employees related to policies, benefits, and the terms and conditions for electing to be governed under the KCTCS personnel system.

#### **2.0.2.2 Duration Categories and Time Worked Categories for Employees**

The Kentucky Community and Technical College System's workforce consists of faculty and staff employees. KCTCS uses two (2) position/employment "duration" categories for both faculty and staff that serve as the basis for the determinations of both employment status and eligibility for employee benefits. These categories are "regular" and "temporary". KCTCS employees are officially designated as either regular or temporary, typically based on whether the position they hold is classified as regular or temporary.

When positions are officially established and assigned a classification, the college or System Office department proposes and requests the duration category of the position to be either regular or temporary based on departmental workload needs and budgetary considerations. The determination of the duration category is a formal designation in the position classification process and is subject to the approval of the KCTCS Human Resources Office.

In addition to a duration category, employees have a “time worked” category. The time worked categories include “full-time” and “part-time.” The time worked category is established based on the assigned number of hours to work as part of the position classification process. Work schedules and the number of hours worked may potentially vary for a given week/month, therefore the amount of hours to be worked is considered spread over a monthly and/or annualized basis. The college or system office department, in accordance with the unit’s operational needs, defines the actual scheduled hours of work for a workweek.

All employees have both a duration category (regular or temporary) as well as a time worked category (full-time or part-time), with four (4) possible combinations of the two duration/time worked categories. An employee’s combined duration category and time worked category determine eligibility for employee benefits as described in applicable benefits policies and regulations.

#### **2.0.2.2.1 Duration Categories**

Regular positions have the following characteristics:

- 1) A position that is funded for one year or longer, and
- 2) A position that has a minimum employment period of nine (9) months.

All other positions are temporary positions.

A regular employee is an employee whose position has been officially established and classified as a regular position within the KCTCS classification system. In addition, a regular employee may staff a temporary position on a temporary basis. Regular employees are entitled to full or partial employee benefits, depending on their time worked category and as described in benefits policies, procedures, and regulations.

A temporary employee is an employee whose position has been officially established as a temporary position within the KCTCS classification system, or who is in a regular position on a temporary basis. A temporary employee is not eligible to earn continued employment status and did not earn either continuing employment status (under 151B) or status (under 18A). Temporary employees are entitled to employee benefits as described in benefits policies, procedures, and regulations.

### **2.0.2.2.2 Time Worked Categories**

In addition to duration category as regular or temporary, the time worked category determines eligibility for employee benefits. For full-time regular and temporary staff the normal work week consists of at least 37.5 hours. For faculty, a normal work week consists of the time required to complete the assigned workload as specified in the Distribution of Effort Agreement and/or the Performance Planning and Evaluation document, in accordance with KCTCS Administrative Policy and Procedure 2.11-*Workload*. Regular less than full-time staff are scheduled to work based upon a pro rata portion of the college's or department's normal workweek

The time worked category may vary and can affect employee benefits. The time worked categories are as follows:

A full-time employee is one who is designated as such and is normally scheduled to work one hundred percent (100%) of the college or department's normal work week for staff (i.e., at least 37.5 hours per week) or the normal full-time workload for faculty.

A part-time employee is one who is designated as such and is normally scheduled to work on average less than one hundred percent (100%) of the college or department's normal work week for staff (i.e., less than 37.5 hours per week) or on average less than 100 percent (100%) of the normal full-time workload for faculty.

A part-time employee who has not worked for two (2) consecutive years is deemed to have resigned his/her employment.

### **2.0.2.2.3 Duration and Time Worked Categories: Benefits Eligibility**

Employees may have combinations of the duration category and the time worked category as follows:

**REGULAR/FULL TIME**– A regular full-time employee whose position is classified as regular full-time (or is assigned to a temporary position on a temporary basis) and who is normally scheduled to work one hundred percent (100%) of the college or department's normal work week for staff (i.e. at least 37.5 hours per week) or the normal full-time workload for faculty. Regular full-time designation entitles employees to full employee benefits as described in benefits policies, procedures, and regulations.

**REGULAR/PART TIME** – A regular part-time employee is an employee in a position classified as regular status part-time position (or is assigned to a temporary position on a temporary basis) and therefore is normally

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scheduled to work on average less than one hundred percent (100%) of the college or department’s normal work week for staff (i.e., less than 37.5 hours per week) or on average less than one hundred percent (100%) of the normal full-time workload for faculty. A regular part-time employee is eligible for employee benefits only on a very limited basis and may be prorated, in accordance with KCTCS benefits policies, procedures, and regulations.

TEMPORARY/FULL TIME- A temporary full-time staff employee, or adjunct faculty member, is an employee in a position that is classified as a temporary position (or in a regular position on a temporary basis) and who is normally scheduled to work one hundred percent (100%) of the college or department’s normal work week for staff (i.e., 37.5 hours per week,) or one hundred percent (100%) of the full-time workload for faculty, or is in a regular staff position on a temporary basis. A temporary full time employee is eligible for employee benefits only on a very limited basis and may be prorated, in accordance with KCTCS benefits policies, procedures, and regulations.

TEMPORARY/PART TIME – A temporary part-time staff employee, or an adjunct faculty member, is working in a position that is classified as a temporary position (or in a regular position on a temporary basis) and normally scheduled to work on average less than one hundred percent (100%) of the college or department’s normal work week for staff (i.e., less than 37.5 hours per week,) or on average less than one hundred percent (100%) of the normal full-time workload for faculty, or is in a regular staff position on a temporary basis. A temporary part-time employee is eligible for employee benefits only on a very limited basis and may be prorated, in accordance with KCTCS benefits policies, procedures, and regulations.

4-30-99

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Date Approved by  
President, KCTCS

6-29-01; 6-29-04; 6-14-05;  
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Date(s) of Last Review

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Date(s) of Last Revision  
*(Include all dates in  
chronological order)*

(SIGNED) 1-23-14

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Recommended by

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Date

(SIGNED)

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President, KCTCS

1-23-14

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Date



## **2.1 Faculty, Faculty Rank, and Faculty Titles**

### **2.1.2 Full-Time Faculty**

A full-time faculty member is an employee of a KCTCS college who is qualified for appointment to one (1) of the academic ranks listed in Policy Subsection 2.1.3 and ordinarily has full-time teaching duties or has other teaching related duties (e.g. research, academic administration, librarians, counselors) equivalent to a full-time teaching load and fulfills the duties and responsibilities of a faculty member.

#### **2.1.2.1 Librarians (Faculty)**

Librarians perform specific duties as assigned by the director of library services or the chief academic officer. A college's academic programming encompasses four general areas: pre-baccalaureate, occupational/technical, developmental, and continuing education/community service. Librarians assist in achieving educational objectives relevant to these areas.

The library services philosophy supports the general philosophy of an open access college: to assist individuals through college programs to realize their full potential as educated citizens. Toward that end, the duties included in any job description encompass all functions assigned to the librarian as reflected on the annual planning document agreement. Each librarian may, in addition, be given by the director of library services specific assignments that are in keeping with institutional priorities, program needs, and individual expertise. The basic concept of library services is that each college provides a library program to which each individual librarian contributes as student and faculty needs emerge and institutional change occurs. The librarian is evaluated by the director of library services.

General Responsibilities may include:

- To assist with the planning, organization, and evaluation of library and information services.
- To offer quality library and information services.
- To instruct library users to access and evaluate information.
- To remain informed on current trends for library and information services.
- To participate in professional organizations and professional development opportunities.
- To serve on assigned college and KCTCS committees.
- To meet professional standards and ethics that are in accordance with state regulatory statutes and/or the American Library Association (ALA) standards.

Qualifications:

Master's or Doctoral Degree in Library and Information Sciences from an American Library Association accredited program. The librarian will be evaluated by the director of library services.

### **2.1.2.2 Counselors (Faculty)**

Counselors employed by KCTCS colleges are expected to address specific duties as assigned by the chief student services officer or chief academic officer. The college's academic programming encompasses four general areas: developmental, continuing education/community service, occupational/technical, and pre-baccalaureate. The counselor shall be prepared to assist students in achieving educational objectives relevant to these areas.

The counseling program's philosophy is supportive of the general philosophy of an open access college: to assist individuals, through college programs, to realize their full potential as educated citizens. Toward that end, the duties shall encompass all functions normally assigned to the counselor as reflected on the annual planning document agreement. Each counselor may, in addition, be given other assignments that are in keeping with institutional priorities, program needs, and individual expertise.

The counselor will be evaluated annually by the chief student services officer or other designated supervisor.

General Responsibilities may include:

#### Academic and Career Exploration

- To provide academic and career/life planning, counseling, assessment, and development.
- To assist prospective transfer students planning to transfer to a four-year college or university.
- To assist prospective students seeking an occupational/technical certificate, diploma, and degree within KCTCS colleges.
- To periodically engage in teaching (e.g., human development courses, psychology, etc.), as academic credentials allow.

#### Personal Growth Programs and Other Areas that Affect the Complete Development of an Educated Person

- To provide referrals to appropriate community agencies.
- To promote the total development of each individual student.
- To be accountable for meeting professional ethical standards as stated by the American Counseling Association (ACA).

#### Qualifications:

- Master's Degree in Counseling/Counselor Education or in a related field.

- Knowledge and skill competencies in the following areas: human growth and development, helping relationships, career and lifestyle development, social and cultural foundations, student affairs practice in higher education, and assessment.

Preference may be given to:

- Applicants with a doctorate in Counseling/Counselor Education or in a related field.
- Graduates of a CACREP (Council for Accreditation of Counseling and Related Educational Programs) accredited program.
- Substantial experience (3 years) in student affairs practice in higher education.

### **2.1.3 General Criteria for Ranks (KCTCS Faculty Hired 2004 and Thereafter; All Other Full-Time Faculty Who Select This Criteria)**

**Faculty Hired in Former UK Personnel System or Prior to 2004 in a Community College are grandfathered under 2003-2004 promotion criteria. (See Attachment A)**

**Faculty Hired in Former Kentucky TECH System or Prior to 2004 in a Technical College are grandfathered under 2003-2004 promotion criteria. (See Attachment B)**

For eligibility for promotion in rank, see administrative policy 2.6.

#### **2.1.3.1 Instructor or Lecturer**

The title Instructor designates a person whose services are primarily teaching or other teaching-related duties (e.g. research, academic administration, librarians, counselors), advising, community service, professional development, and institutional service based on the planning document agreement.

The title Lecturer designates a person whose services are for specific teaching or other teaching-related duties (e.g. instructional design, online teaching and/or facilitation, laboratory or clinical facilitation). Other academic duties and service may be considered and will be based upon the planning document agreement.

In occupational/technical programs where an academic degree is not available, two (2) years of occupational experience, professional preparation in the field, or registration or certification by a recognized agency may be presented in lieu of educational attainment.

The minimum academic degree for faculty teaching in professional, occupational and technical degree areas must be at the same level at which the faculty member is teaching.

The typical combination is a baccalaureate degree with appropriate work experience.

In the pre-baccalaureate program, faculty must meet the credential qualifications as stated in the Southern Association of Colleges and Schools' *Principles of Accreditation*.

### **2.1.3.2 Assistant Professor**

Promotion to the rank of Assistant Professor will be made when the colleagues, the division chairperson/director of library services, the chief academic officer, or the chief student services officer, and the president/ceo of the college determine that the individual has a current capacity for quality teaching or other teaching-related duties, quality student relations, and community service. The individual will also have demonstrated an interest in professional development and in fulfilling the mission of the college.

The evaluation of the individual's performance should be determined by the use of current objective evaluative instruments used at the college. This rank is a recognition of increased quality and depth of performance and achievement rather than length of service.

### **2.1.3.3 Associate Professor**

Promotion to Associate Professor will be made only after an indication of continuous improvement and contribution as a faculty member. The individual shall have compiled a record of achievement in all assigned areas of activity and have demonstrated leadership in one or more of these. The individual shall also have contributed to the overall fulfillment of the college mission.

The evaluation of the individual's performance should be determined by the use of current objective evaluative instruments used at the college. This rank is a recognition of increased quality and depth of performance and achievement rather than length of service.

### **2.1.3.4 Professor**

Promotion to the rank of Professor will be awarded to an outstanding faculty member who has demonstrated excellence in assigned areas of activity and in professional development as related to the mission of the college. This person shall also have been recognized for educational or professional leadership activities extending beyond the local college level.

**The evaluation of the individual's performance should be determined by the use of current objective evaluative instruments used at the college. This rank is a recognition of increased quality and depth of performance and achievement rather than length of service.**

### **2.1.3.5 Review Periods (All Eligible Faculty)**

#### **Track A: (Continuing Status/Continued Status/Term Contract Status)**

Full-time faculty at the rank of Instructor shall serve three (3) years at the rank of Instructor to be eligible for promotion to Assistant Professor. Full-time faculty at the rank of Lecturer will not be eligible for promotion in rank. Faculty at the rank of Assistant Professor shall serve three (3) years at the rank of Assistant Professor to be eligible for promotion to the rank of Associate Professor. Faculty at the rank of Associate Professor shall serve six (6) years at the rank of Associate Professor to be eligible for promotion to the rank of Professor.

#### **Track B: (Tenure Track/Tenure Status)**

An individual shall not remain as an Instructor for more than three (3) years. If after that period promotion to a higher rank cannot be justified, the individual's appointment in the Kentucky Community and Technical College System shall not be renewed. Non-tenured appointments at the Assistant Professor or Associate Professor level shall not exceed seven years including previous full-time service at the rank of Instructor or higher at other institutions of higher learning, except that no more than three (3) years of previous service may be counted against this seven year probationary period. Reviews shall follow the usual procedures for promotion and must be completed in time for the individual to be notified of the result in accordance with the KCTCS policies and procedures or as otherwise set forth in the individual's Letter of Appointment. Assistant Professors must either be promoted at the end of the probationary period or shall not have their appointments renewed.

### **2.1.4 Types of Appointments Applicable to All Faculty**

All recommendations for appointment to the faculty of KCTCS colleges must be supported by a file containing a complete vita of the candidate, official college transcripts, and letters of recommendation from at least three (3) qualified persons outside the colleges. These recommendations must originate with the chief academic officer or the appropriate administrative officer in concert with the college's and KCTCS' hiring procedures after due consultation with the appropriate faculty members. Established criteria shall form the basis for judgment at all steps of the appointment process.

The precise terms and conditions concerning each appointment shall be stated in writing on an official appointment record.

#### **2.1.4.1 Visiting Professors**

The designation "visiting" before an academic title indicates that the holder of the title has a limited temporary appointment for an academic year, semester, or summer term.

The visiting title used should be appropriate to the appointee's home base position, i.e., Visiting Professor, Visiting Associate Professor, Visiting Assistant Professor, or Visiting Instructor. Where professorial rank or title does not appear to be suitable, the title "Visiting Lecturer" should be used. A visiting appointment may be full-time or part-time, salaried or unsalaried. The appointment is by definition a temporary one and the visitor is not eligible for staff benefits, except that those with salaried full-time appointments are eligible for health insurance coverage. The visiting title does not include eligibility for membership in the Senate. Membership, with or without voting privileges, may be extended to a visiting appointee by the faculties of the college and the division to which the appointee is assigned.

#### **2.1.4.2 Voluntary Faculty**

Voluntary faculty members are those appointed by a KCTCS college president/ceo who receive no stipend or salary and who devote only a part of their time to a program. Usually such faculty members are engaged in private practice or business, but they may hold full-time positions with other institutions and agencies. Voluntary faculty members are not eligible for tenure, for usual benefits available to full-time faculty members, or for membership in the Senate. Faculty membership, with or without voting privileges, may be extended by a college to one (1) or more of its voluntary faculty.

Voluntary faculty may be appointed by the president/ceo of a KCTCS college and reported to the Chancellor. A Voluntary Faculty Data Form shall be completed and is maintained at the college. The college compiles a list of voluntary faculty from the completed Voluntary Faculty Data Forms, which should be forwarded to the Chancellor at the earliest opportunity for processing and reporting to the Kentucky Community and Technical College System President. Since the affiliation of Voluntary Faculty with the college is not documented in the payroll system, completion of the Voluntary Faculty Data Form and submission of the list of voluntary faculty to the System Office is necessary to formalize the association. The Voluntary Faculty Data Form should be completed prior to assumption of duties.

Each spring, voluntary faculty members for the following academic year should be appointed or reappointed at the same time the college is appointing or reappointing full-time faculty members. Voluntary faculty members may be appointed or reappointed for periods determined by the college president/ceo.

When reporting voluntary faculty appointments, a cover letter, or letter of transmittal, should accompany the form.

Signed copies of each Appointment Form, if utilized, are returned to the college.

### **2.1.4.3 Part-Time Faculty– (Less Than Full-Time)**

Part-time faculty are employed by the college to meet the needs of the instructional program. Term contracts are given to the part-time faculty who are appointed by the president/ceo. The employment of part-time faculty members provides expertise which enhances the educational effectiveness of the college. Typically, part-time faculty members are not eligible for membership in the Senate. Membership, with or without voting privileges, may be extended to a part-time faculty member in the faculty of the college and in the division to which the individual is assigned.

### **2.1.4.4 Emeritus Professors**

Upon retirement, tenured status, continuing status, and continued status faculty members may retain their titles with the designation "emeritus" at the discretion and approval of the respective college president/ceo.

In addition, the respective college president/ceo will determine the privileges to be given to the emeritus designated faculty member. Access to such privileges shall be limited to those resources that are owned, managed, and/or controlled at the local college level.

### **2.1.4.5 Retired Faculty Employment**

Official retirees may be hired as a temporary part-time or full-time faculty member in one of two (2) ways:

1. using an approved fee schedule at the part-time per course instruction rate. Such an appointment shall be treated as a temporary part-time per course faculty appointment. The standard Appointment Form must be completed. Appropriate credentials must be on file at the college. No approval is needed outside the college; or
2. with the approval of the Chancellor, the President of the Kentucky Community and Technical College System and the Board of Regents. Such an appointment may be temporary full-time or part-time, for a maximum length of one (1) year. Reappointment for each subsequent year also requires approval of the individuals listed above and of the Board of Regents. This process requires planning to meet published Board of Regents' deadlines. The Board of Regents must approve the appointment prior to the effective date of the appointment. The standard Primary Faculty Appointment and Assignment Form is used to initiate this process. Appropriate credentials must be on file at the college.

In all cases the college should contact the KCTCS Human Resources Office to verify the status of the potential employee, and to check on benefit implications (social security

earnings, Medicare, etc.), and should then advise the retiree. The retiree may also wish to consult with the KCTCS Human Resources Office to check on benefits implications.

**2.1.5 Failure to Support Administrative Action for Promotion (All Eligible Faculty)**

Whenever a recommendation to promote is disapproved by either the Chancellor or the President of the Kentucky Community and Technical College System, this fact must be reported back to the president/ceo of the college with supporting reasons in writing, and an opportunity provided for a thorough discussion among the concerned parties. The president/ceo of the college shall notify the faculty member in writing of the decision not to promote and shall include the reason(s) for the decision. The president/ceo of the college will initiate the discussion with the faculty member. The director of library services/division chairperson, chief academic officer, and/or chief student services officer may be included in such a discussion at the request of the president/ceo of the college or the faculty member. Any related appeals through administrative channels and/or the KCTCS Senate Advisory Committee on Appeals (KCTCS Senate ACA) (for the ranks of Assistant, Associate, or Professor) must be initiated in writing by the faculty member within thirty (30) days after being notified in writing by the president/ceo of the college of the decision not to approve a recommendation to promote.

The faculty member’s appeal, which is sent through the college president’s office, shall be in writing and shall be addressed to the Chancellor. It shall state and explain the basis of the appeal under inadequate consideration and/or incomplete procedure. (See KCTCS administrative policies and procedures regarding faculty appeals through the KCTCS Senate Advisory Committee on Appeals.)

The KCTCS Senate ACA shall follow formal hearing appeal procedures developed by the committee.

	5-15-02; 6-23-04; 3-22-05; 10-12-05; 1-23-08; 11-20-09; 8-24-10; 2-28-11; 12-14-11; 9-22-14	5-15-02; 6-23-04; 3-22-05; 10-12-05; 1-23-08; 11-20-09; 8-24-10; 2-28-11; 12-14-11; 9-22-14
4-30-99	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>
Date Approved by President, KCTCS		
(SIGNED)	9-22-14	(SIGNED)
Recommended by	Date	President, KCTCS
		9-22-14
		Date



**2.1 Administrative Policy Attachment A**

**FACULTY HIRED IN FORMER UK PERSONNEL SYSTEM  
OR PRIOR TO 2004 IN A COMMUNITY COLLEGE  
GRANDFATHERED UNDER  
2003-2004 GENERAL CRITERIA FOR RANKS**

Although it would be impossible to specify the exact criteria for judging an appointment or promotion to any one particular rank, a few general statements are made as guides to review committees.

**Instructor in the Community Colleges**

The title Instructor in the Community Colleges designates a person whose services are contracted primarily for teaching, advising, and community service, including professional development, and institutional service (all areas on the planning agreement). The individual should have an understanding of and a belief in the purposes of a community college.

In the pre-baccalaureate program, faculty must meet the credential qualifications as stated in the Southern Association of Colleges and Schools Criteria for Accreditation Manual.

In technical programs where an academic degree is not available, two (2) years of occupational experience, professional preparation in the field, or registration or certification by a recognized agency may be presented in lieu of educational attainment. In technical programs where an academic degree is available, it is expected that the individual shall have at least a bachelor's and preferably a master's degree where appropriate.

**Assistant Professor in the Community Colleges**

Appointment or promotion to the rank of Assistant Professor in the Community Colleges will be made when it has been determined by colleagues, the Division Chairperson, and the President of the Community College that the individual has a current capability for good teaching, good student relations, and community service; and that the individual has demonstrated a genuine concern in fulfilling the purposes of a community college.

The evaluation of the individual's performance should be determined by the use of current objective evaluative instruments.

**Associate Professor in the Community Colleges**

The promotion to Associate Professor in the Community Colleges will be made only after an indication of continuous improvement and contribution as a faculty member. The

individual shall have demonstrated definite leadership in assigned areas of activity and in the overall development of the program of the applicable community college. The individual also shall have earned recognition for educational leadership.

### **Professor in the Community Colleges**

A promotion to the rank of Professor in the Community Colleges should be an indication that the individual is an outstanding, mature faculty member who has been recognized for leadership in the applicable community college and the Community College Branch; and who has demonstrated excellence in assigned areas of activity, in professional development, and in the total program of the applicable community college. It should always be stressed that this rank is a recognition of quality, and depth of performance and achievement rather than length of service.

**2.1 Administrative Policy Attachment B**

**FACULTY HIRED IN FORMER KENTUCKY TECH SYSTEM  
OR PRIOR TO 2004 IN A TECHNICAL COLLEGE  
GRANDFATHERED UNDER  
2003-2004 GENERAL CRITERIA FOR RANKS**

**Definition of Faculty Eligible for Promotion – Technical Colleges**

- A person who spends at least 50% of his/her time in a teaching capacity; 50% of his/her responsibilities are related to an instructional program. (Verify)
- Division/department chairs who are employed in an administrative division/department chair capacity and who do not teach will not be considered for promotion in rank. Division/department chairs from faculty ranks who are assigned division/department chair responsibilities will be required to meet the 50% clause.
- Division/department chairs must teach 50% of their time to be considered for promotion in rank.
- Librarians who hold a Master's Degree in Library and Information Sciences from an American Library Association accredited program are eligible for the ranks of Librarian IV (Instructor), III (Assistant Professor), II (Associate Professor), and I (Professor).
- Faculty classified as part-time by Human Resources (HR) are not eligible to participate in the credentials and promotions process nor faculty governance.

**Certificate and Diploma Programs: Promotions – Technical Colleges**

**Instructor to Assistant Professor – Technical Colleges**

**Performance Effectiveness:** Good recommendations would consist of all required components from the following:

1. Successful completion of mentorship, KCTCS New Teachers Institute or have previous successful teaching experience
2. Student course evaluations\*\*
3. Personal (annual) evaluations
4. Course Syllabi
5. Classroom Observations
6. Advising \*\*\*
7. Community Service and Institutional Service

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process.

**Education:** Completion of associate degree or equivalent\* in teaching or related field.

\*Equivalent of an associate degree is defined as:

1. Any combination of field-related experience, i.e. licensure, certification, apprenticeship, NOCTI, continuing education, ASE, A+, AWS, MACS, etc.
2. One year postsecondary diploma is equal to one year of work experience.
3. Two year postsecondary diploma is equal to two years of work experience.
4. An Associate Degree is 7000 hours or 3.5 years of full-time, field-related work experience.
5. An Associate degree equivalent can also be 64 college credit hours.

**Work Experience\*:** 2 years

\*Work experience must be field-related work experience.

**Teaching Experience:** 3 years, 3 of which must be KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**Professional Activities:** Professional organization membership, campus committee membership, awards and recognition, etc.

### **Assistant Professor to Associate Professor – Technical Colleges**

**Performance Effectiveness: Must be rated as Very Good.**

The portfolio would include appropriate and sufficient documentation from the following required components to support the promotion. The Campus Peer Review Committee (CPR) would review and determine if the criteria were met.

1. Student evaluations of instruction\*\*
2. Personal (annual) evaluations
3. Course Syllabi, proof of varied teaching modalities
4. Professional development, **25 hrs. per year**
5. Advising\*\*\*
6. Community Service and Institutional Service
7. Campus participation: Senate, college-wide committees
8. Awards and recognition, published articles, or presentations at workshops and conferences.

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process.

**Education:** Bachelor's or equivalent\* with 12 semester hours in teaching or related field.

\*Equivalent of a Bachelor's degree is defined as:

1. Any combination of field-related experience, i.e. licensure, certification, apprenticeship, NOCTI, continuing education, ASE, A+, AWS, MACS, etc.
2. One year postsecondary diploma is equal to one year of work experience.
3. Two year postsecondary diploma is equal to two years of work experience.
4. An Associate Degree is 7000 hours or 3.5 years of full-time, field-related work experience.
5. An Associate degree equivalent can also be 64 college credit hours.
6. A Bachelor's degree equivalent is 14,000 hours or 7 years of full-time, field-related work experience.

**Work Experience\*:** 2 years.

\*For those in academic areas, one year of college equals two years work experience up to two years of education substituting for four years work experience.

**Teaching Experience:** Six years, three of which must be in KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**Recognized Leadership:** Must be evaluated as Very Good.

Local Senate committee officer or chair or major Senate committee, accreditation committee standard chair, officer in faculty council, attended leadership academy, representative to board of directors, student organization advisor, officer in professional organization. (Examples that may be used to meet this requirement)

**Minimum Time in Previous Rank\*:** Three years as Assistant Professor.

Note: Faculty hired prior to academic year 2000-01 may also demonstrate that initial appointment criteria for Assistant Professor has been met to fulfill part of this three year requirement for the initial promotion in rank. (Thereafter, time in the promoted rank must be served.)

### **Associate Professor to Professor – Technical Colleges**

**Performance Effectiveness:** Must be rated as Excellent.

The portfolio would include appropriate and sufficient documentation from the following required components to support the promotion. The Campus Peer Review Committee (CPR) will review and determine if the criteria were met.

1. Student evaluations of instruction\*\*
2. Personal (annual) evaluations
3. Course Syllabi, proof of varied teaching modalities
4. Professional development, **25 hrs. per year**
5. Advising\*\*\*
6. Community Service and Institutional Service
7. Campus and System or District participation: local and system or state or national
8. Awards and recognitions, published articles, or presentations at conferences and workshops.

9. Professional memberships

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process.

**Education:** Bachelor's degree in teaching or related field.

**Work Experience\*:** 2 years.

\*For those in academic areas, one year of college equals two years work experience up to two years of education substituting for four years work experience.

**Teaching Experience:** 10 years, 6 of which must be under KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**System/District Leadership:** Must be evaluated as Excellent.

**Minimum Time in Previous Rank\*:** 6 years as Associate Professor

Note: Faculty hired prior to academic year 2000-01 may also demonstrate that initial appointment criteria for Associate Professor has been met to fulfill part of this six year requirement for the initial promotion in rank. (Thereafter, time in the promoted rank must be served.)

## **AAS and AAT Programs and Courses: Promotions – Technical Colleges**

### **Instructor to Assistant Professor – Technical Colleges**

**Performance Effectiveness:** Good recommendations would consist of required components of the following:

1. Successful completion of mentorship, KCTCS New Teachers Institute or have previous successful teaching experience
2. Student course evaluations\*\*
3. Personal (annual) evaluations
4. Course Syllabi
5. Classroom Observations
6. Advising\*\*\*
7. Community Service and Institutional Service

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process.

**Education:** Bachelor's or equivalent\* in teaching or related field.

**Work Experience\*:** 2 years.

\*For those in academic areas, one year of college equals two years work experience up to two years of education substituting for four years work experience.

**Teaching Experience:** 3 years which must be under KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**Professional Activities:** Professional organization membership, campus committee membership, awards and recognition, etc.

### **Assistant to Associate Professor – Technical Colleges**

**Performance Effectiveness: Must be rated as Very Good**

The portfolio would include appropriate and sufficient documentation from the following required components to support the promotion. The Campus Peer Review Committee (CPR) would review and determine if the criteria were met.

1. Student evaluations of instruction\*\*
2. Personal (annual) evaluations
3. Course Syllabi, proof of varied teaching modalities
4. Professional development, **25 hrs. per year**
5. Advising\*\*\*
6. Community Service and Institutional Service
7. Campus participation: i.e. Senate or college-wide committees
8. Awards and presentations, published articles, or presentations at conferences and workshops.

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process.

**Education:** Bachelor's or equivalent\* with 18 semester hours in teaching or related field.

**Work Experience\*:** 2 years.

**Teaching Experience:** 6 years, 3 of which must be under KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**Recognized Leadership:** Must be evaluated as Very Good.

Local Senate committee officer or chair or major Senate committee, accreditation committee standard chair, officer in faculty council, attended leadership academy, representative to board of directors, student organization advisor, officer in professional organization.

**Minimum Time in Previous Rank\*:** 3 years as Assistant Professor.

Note: Faculty hired prior to academic year 2000-01 may also demonstrate that initial appointment criteria for Assistant Professor has been met to fulfill part of this three year requirement for the initial promotion in rank. (Thereafter, time in the promoted rank must be served.)

### **Associate Professor to Professor – Technical Colleges**

**Performance Effectiveness:** Must be rated as Excellent.

The portfolio would include appropriate and sufficient documentation from the following required components to support the promotion. The Campus Peer Review Committee (CPR) would review and determine if the criteria were met.

1. Student evaluations of instruction \*\*
2. Personal (annual) evaluations
3. Course Syllabi, proof of varied teaching modalities
4. Professional development, **25 hrs. per year**
5. Advising\*\*\*
6. Community Service and Institutional Service
7. Campus and System or District participation: local and system or state or national
8. Awards and recognitions or published articles or presentations at conferences and workshops
9. Professional memberships

\*\* Student course evaluations: faculty in correctional settings will have the student course evaluations completed by on-site administration.

\*\*\*Advising: Non-occupational program faculty may submit materials which document collaborative or subject area information which supports the advising process

**Education:** Bachelor's degree required plus Master's degree or Master's equivalent\* in teaching or related field.

\*Equivalent of a master's degree is defined as:

1. Any combination of graduate education and teaching experience above the required ten years.
2. Two years of additional teaching experience equals 15 graduate credit hours.
3. Two years teaching experience equals one year of education with a maximum of four years teaching experience substituting for two years of education.

**Work Experience\*:** 2 years.

**Teaching Experience:** 10 years, 6 of which must be under KCTCS\*.

\*KCTCS teaching experience includes teaching in the technical (KY TECH) or community college system prior to the establishment of KCTCS.

**System/District Leadership:** Must be evaluated as Excellent.



**Minimum Time in Previous Rank\*:** 6 years as Associate Professor.

Note: Faculty hired prior to academic year 2000-01 may also demonstrate that initial appointment criteria for Associate Professor has been met to fulfill part of this six year requirement for the initial promotion in rank. (Thereafter, time in the promoted rank must be served.)

### **Related Information: COE/SACS Requirements for AAS/AAT Degree Programs and Courses**

#### **A. COE Requirements:** (*COE Handbook, p.51, B*)

4. Faculty members who teach general education courses in Associate Degree programs hold a minimum of a Bachelor's degree with 15 hours or 23 quarter hours in the teaching discipline. (In exceptional cases, evidence of outstanding professional experience or creative achievement in the field may be considered in lieu of formal academic requirements.)
5. Faculty members who teach in technical areas of associate degree programs hold a minimum of an Associate Degree. (In exceptional cases, evidence of outstanding experience and skills in the technical field may be considered in lieu of formal academic requirements.)

#### **B. SACS Requirements:** (*Criteria, pp. 43-44*)

Each full-time and part-time faculty member teaching courses in professional, occupational and technical areas other than physical activities courses that are components of associate degree programs designed for college transfer, or from which substantial numbers of students transfer to senior institutions, must have completed at least 18 graduate hours in the teaching discipline and hold a master's degree, or hold the minimum of the master's degree with a major in the teaching discipline.

In exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in lieu of formal academic preparation for faculty members teaching both transfer and non-transfer courses in these areas. Such cases must be justified by the institution on an individual basis.

#### **C. Other Regulating Bodies:**

Where other regulating bodies or accrediting agencies are a factor, those criteria must be met. (ex. Allied Health, Nursing)

#### **D. KCTCS Policy on Collaborative Program Development:**

Kentucky Community and Technical College (KCTCS) collaborative program development processes shall meet criteria specified by the accrediting bodies of the respective community and technical colleges and any required programmatic standards. (Board of Regents Policy 4.12, approved 9/16/98)

For collaborative programs, faculty must meet both SACS/COE requirements or document an exception.

## **2.2 Emeritus Status for College Presidents**

Emeritus status is an honor bestowed for distinguished institutional service. This administrative policy is intended to recognize the distinguished contributions of a college president upon retirement, if the following conditions have been fulfilled.

A college president who retires with a minimum of twelve (12) consecutive years of full-time service as college president at one college in the Kentucky Community and Technical College System may be eligible for designation as College President Emeritus. Such designation shall not entitle the nominee to any salary or benefits from KCTCS. College President Emeritus is an honorary title.

The College Board of Directors may nominate a retiring or retired college president for emeritus status within the nine months prior to or following the president's effective date of retirement. At a minimum and with specific examples, the nomination shall address the following criteria:

- Long-term record of professional experience.
- Meritorious professional growth.
- Other significant contributions to college programs or initiatives or to the college's community.

The KCTCS President shall review nominations for emeritus status to determine whether nominees meet the appropriate criteria. Upon successful review, the KCTCS President shall notify the System Director of Human Resources of the approved emeritus status for inclusion in the quarterly Board of Regents Personnel Actions.

11-11-14

\_\_\_\_\_  
Date Approved by  
President, KCTCS

\_\_\_\_\_  
Date(s) of Last Review

\_\_\_\_\_  
Date(s) of Last Revision  
*(Include all dates in  
chronological order)*

(SIGNED)

\_\_\_\_\_  
Recommended by

11-11-14  
\_\_\_\_\_  
Date

(SIGNED)

\_\_\_\_\_  
President, KCTCS

11-11-14  
\_\_\_\_\_  
Date

## **2.3 KCTCS Faculty Search / Appointment / Orientation**

It is the aim of the Kentucky Community and Technical College System colleges to recruit and select outstanding faculty members in support of the KCTCS vision to create, a comprehensive community and technical college system recognized as the nation's best.

The college president/ceo or designee is responsible for all college appointments including the appointment of search committees, the appointment of faculty members, and the conducting of the faculty orientation process. The college president/ceo is responsible for developing the procedures that adhere to the policies of the KCTCS Board of Regents regarding employment.

### **2.3.1. Faculty Recruitment and Search for Faculty**

Prior to advertising of a faculty position, a chief academic officer or designee, in collaboration with the appropriate academic unit, must assure that:

#### Position Description and Identification

- A. A vacant position is identified and authorized subject to availability of funds.
- B. The current essential functions of the position are properly described and documented, including minimum requirements, preferred skills and experience, and any required and/or preferred licensures and/or certifications.

#### Position Advertisement and Recruitment

- C. The college Director of Human Resources or designee, in conjunction with KCTCS Diversity Programs and/or KCTCS Employment is responsible for using appropriate recruitment methods that secure a quality candidate pool. Increased recruitment emphasis should be implemented to obtain a representative pool. A list of recommended advertising media may be obtained from KCTCS Employment. EEO guidelines will be followed.
- D. The position vacancy is advertised, including the minimum requirements, current essential functions, and required and/or preferred licensures and/or certifications. An Equal Employment Opportunity statement must be included in the advertisement.

#### Advisory Search Committee Formation

- E. The responsibility for recruiting faculty members is entrusted to the college president/ceo in consultation with a faculty advisory search committee appointed by the college president/ceo or designee and appropriate

administrators. Search committees are normally comprised of the designated administrative official responsible at the applicable college, the appropriate division chairperson, and faculty members representing the academic unit in which the appointment is to be made and outside the academic unit in which the appointment is to be made. The search committee chairperson may be elected by the committee or appointed by the college president/ceo, or designee as determined by the college president/ceo.

#### Responsibilities of the Search Committee Chairperson

- F. The chairperson is responsible for communicating the committee's official charge to committee members as soon as is reasonably possible after completion of the search committee formation and appointment or election of the chairperson. The committee charge is signed/approved by the college president/ceo, or designee, and assists in the determination of the interview and selection criteria for the position. The chairperson of the search committee is required to keep the president/ceo, or designee, of the college informed about the progress of the search. The chairperson is also responsible for appropriately informing the faculty of the applicable college about the status of the search process.

The chairperson works closely with the college Director of Human Resources, or designee, to set up (an) organizational meeting(s) and deliver search committee guidelines and materials to committee members in addition to arranging candidate interviews and completing necessary documentation for the committee.

#### Candidate Screening and Interviewing

- G. An advisory search committee's selection criteria for the vacancy are properly established in consultation with the college Director of Human Resources or college president/ceo's designee, and the screening and interviewing processes are implemented.
- H. Employment and personal history inquiries are conducted according to hiring procedures specified in KCTCS Policy 2.18 as well as search committee procedures;
- I. Generally, three (3) or more candidates are recommended by the Advisory Search Committee for an interview, based on their meeting or exceeding the established criteria and position requirements;
- J. Of the selected interviewees, the finalists are selected to be interviewed by the college president/ceo or designee.

- K. Recommendations for appointment are made by the Advisory Search Committee to the college president/ceo, or designee. The college president/ceo's reviews the committee's recommendation and determines if an employment offer will be extended.
- L. If the employment offer is not accepted, the college president/ceo, or designee, may extend an offer to another candidate, continue, or terminate the search.
- M. Either before or at the time of interview of an individual for an appointment to the faculty, the college president/ceo, or designee shall inform the individual about the parts of Kentucky Community and Technical College System Policies dealing with appointment, promotion, and tenure and shall provide access to these policies as requested.
- N. In the event that no recommendation is made, the search may be re-opened or terminated at the discretion of the college president/ceo.

### **2.3.1.1 Open Meetings Law**

Search committees for chief administrative officers are subject to the open meetings law in Kentucky. Faculty Advisory Search Committees that are established or appointed by a college at the division level to screen, interview, and make recommendations regarding appointment of individual faculty members, however, are not subject to the law. (See Attorney General Opinion 94-25.) Additional information regarding the scope and application of the open meetings law is available from the KCTCS office of the General Counsel.

### **2.3.2 Faculty Appointment and Assignment Periods**

Faculty are normally assigned on a 10-, 11-, or 12-month basis dependent upon program and curriculum needs and as allowed under their respective personnel system. Tenured faculty members are on continuous appointment. Non-tenured faculty members are appointed for part or all of a fiscal year basis (July 1 - June 30). Assignments of regular status faculty members, however, shall be on nine-month (academic year), ten-month, eleven-month, or twelve-month basis within a fiscal year dependent upon program and curriculum needs. However full-time faculty covered under the administrative regulations effective on June 30, 1998 for KRS Chapter 151B are employed only on a 12-month basis.

Faculty members employed on a nine-month (academic year) assignment basis normally shall be available for participation in academic activities from August 16 through May 15. There is no entitlement to vacation during this period. Faculty members employed on a nine-month assignment basis may be permitted to engage in a KCTCS temporary assignment during an interim between regular assignment periods to a maximum extent

of three (3) months or sixty-six (66) working days per year. Daily or monthly compensation for full-time KCTCS employment during such an interim shall not exceed 1/195 or 1/9, respectively, of an individual's regular nine-month assignment period salary for the fiscal year in which the activity occurs.

Faculty members employed through a ten-month assignment basis shall be normally available for participation in academic activities from August 1 through May 31, or during any other ten-month period, which has been established after consultation with the affected faculty members, and approved by the Chancellor. All regular status full-time faculty members on a ten-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each member of the teaching faculty shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three days prior to the first day of registration for the fall semester, unless for special reasons leave is approved. Vacation leave normally cannot be accumulated from one assignment prior to another; however, under unusual circumstances, provided it is in the best interest of the Kentucky Community and Technical College System and has advance approval by the college president/ceo, a faculty member employed on a ten-month assignment basis also may take unused vacation leave during the assignment period following that in which the leave was earned. Faculty members employed on a regular ten-month basis may be permitted to engage in a Kentucky Community and Technical College System temporary assignment during an interim between regular assignment periods to a maximum extent of two (2) months or forty-four (44) working days per year. Daily or monthly compensation for full-time Kentucky Community and Technical College System employment during such an interim shall not exceed 1/217 or 1/10, respectively, of an individual's regular ten-month assignment period salary for the fiscal year in which the activity occurs.

Faculty members employed on an eleven-month assignment basis shall be normally available for participation in academic activities from August 1 through June 30, or during any other eleven-month period, which has been established after consultation with the affected faculty members and approved by the Chancellor. All regular status full-time faculty members on an eleven-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each member of the teaching faculty shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three days prior to the first day of registration for the fall semester, unless for special reasons leave is approved. Vacation leave normally cannot be accumulated from one assignment period to another; however, under unusual circumstances, provided it is in the best interest of the Kentucky Community and Technical College System and has advance approval by the college president/ceo, a faculty member employed on an eleven-month assignment basis may

take unused vacation leave during the assignment period following that in which the leave was earned. A faculty member employed on an eleven-month assignment basis may be permitted to engage in a Kentucky Community and Technical College System temporary assignment during an interim between regular assignment periods to a maximum extent of one (1) month or twenty-two (22) working days per year. Daily or monthly compensation for full-time Kentucky Community and Technical College System employment during such an interim shall not exceed 1/238 or 1/11, respectively, of an individual's regular eleven-month assignment period salary for the fiscal year in which the activity occurs.

A faculty member employed on a nine-month, ten-month, or eleven-month assignment basis shall not engage in two (2) or more Kentucky Community and Technical College System assignments during an interim between two (2) regular assignment periods unless a request for such has been forwarded through the college president/ceo and approved in advance by the Chancellor. For any such request which is approved, an individual's total compensation from all types of Kentucky Community and Technical College System assignments during such an interim shall not exceed the maximum compensation permitted in the absence of summer session teaching.

Faculty members employed on a twelve-month assignment basis shall be normally available for participation in academic activities from July 1 through June 30. All regular status full-time faculty members on a twelve-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period, unless otherwise specified in the rules of their respective personnel system. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each member of the teaching faculty shall be in actual attendance at least until after Commencement, and until all reports have been made, and at least three (3) days prior to the first day of registration for the fall semester, unless for special reasons leave is approved. Faculty members employed on a twelve-month assignment basis may take vacation leave either during the assignment period in which the vacation leave is earned or during the subsequent assignment period if allowed under their respective personnel system.

Temporary status faculty members on full-time assignment are entitled to the same holiday leave granted to regular faculty members, are not entitled to vacation leave, and are not entitled to compensation for unused holiday leave.

### **2.3.3 Orientation**

1. At the time a contract is issued, an individual should be informed of general items regarding criteria for academic rank by the unit administrator, if applicable.
2. The college president/ceo or designee shall inform each new faculty member (within one (1) month of the beginning of employment) of the existence and locations of the following documents:

***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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- a. The Kentucky Community and Technical College System Policies dealing with appointment, promotion and tenure;
- b. The Rules of the Senate;
- c. The Rules and Bylaws of the Faculty of the college hiring the new employee;
- d. The rules and procedures of the new employee's division; and
- e. Student Rights and Responsibilities.

Access to any of these documents shall be provided by the college president/ceo or designee as requested.

All applicable federal, state, and local laws, as well as applicable KCTCS policies and procedures for hiring and appointments, must be followed.

<u>4-30-1999</u> Date Approved by President, KCTCS	<u>11-20-01; 10-26-04</u> Date(s) of Last Review	<u>11-20-01; 10-26-04</u> Date(s) of Last Revision (Include all dates in chronological order)	
(SIGNED)	10-26-04	(SIGNED)	10-26-04
<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u>	<u>Date</u>



## **2.4 KCTCS Personnel Records**

Each college and the System Human Resources Office, as applicable, shall maintain a personnel file on employees for the purpose of review as appropriate. The System Human Resources Office shall maintain the official file for active employees. The college president shall designate a custodian to maintain an official file for active college employees.

Colleges are responsible for keeping a file for their active college employees. The System Human Resources Office is the official repository for employee files. After a period of inactivity of not less than two (2) academic years, the inactive files are to be transferred to the Kentucky Community and Technical College System Human Resources Office for archiving. Records may not be removed or destroyed except in accordance with applicable state laws.

The types of documents maintained and retained in the personnel files may include, but are not limited to:

1. Application for Employment;
2. Résumés or Curriculum Vitae;
3. Payroll activation and authorization records;
4. Vacation and temporary disability records (which should be forwarded by the department/division as completed), excluding records which include medical information;
5. Emergency contact form;
6. Performance Evaluations and related documentation, along with copies of performance reviews, including the performance review agreement and professional development plan;
7. Disciplinary Records, Consultation Reports, and other related documentation;
8. Separation Sheets;
9. Diplomas, certificates, training records, official credentials including a current official transcript, and related documentation regarding personal accomplishments;
10. All official correspondence between the unit administrator and employee concerning appointment or status, including employment contracts;
11. Copies of publications and published reviews or letters concerning publications and/or copies of materials relating to creative productivity;
12. Equal opportunity compliance forms;
13. Salary and fringe benefits data; and
14. Any additional information that the employee wishes to place in this file that pertains to the employee's professional background or accomplishments.

### **2.4.1 Responsibility for Faculty Personnel Records**

Because all considerations of promotion (and tenure, where applicable) require thorough documentation of the faculty member's record of pertinent activities in the Kentucky Community and Technical College System, as well as the relevant actions involving the individual's faculty status, the college president and the individual faculty member shall jointly ensure that the personnel file includes current documents that relate to credentials and performance.

It shall be the responsibility of the faculty member to provide official credentials (i.e., curriculum vitae and transcripts) and the college president's office to provide faculty performance reviews and evaluations, performance review agreements, and the professional development plan for the faculty member's file.

Kentucky Revised Statutes 61.878 has been amended to provide that any employee may inspect and copy any record relating to that employee. Thus, writers of judgments which will be included in appointment, promotion, and/or tenure decisions should not be given assurances of confidentiality.

4-30-99  
Date Approved by  
President, KCTCS

11-20-03; 12-7-04; 4-21-09  
Date(s) of Last Review

11-20-03; 12-7-04; 4-21-09  
Date(s) of Last Revision  
*(Include all dates in  
chronological order)*

(SIGNED)  
Recommended by                      4-21-09  
Date

(SIGNED)  
President, KCTCS                      4-21-09  
Date

## **2.4.2 Enterprise Content Management (ECM) System Document Imaging and Capture**

In preparing records for imaging, it is important to ensure the chain of custody for the hard copy records is maintained in accordance with the standard operating procedures for the functional unit so, the accuracy of records can be preserved. The processes adopted in this policy and related procedures are designed to ensure the documents captured are a true copy of the original document. This process documents a chain of evidence to ensure that the hard copy and electronic copy are the same.

**Each KCTCS College will adopt a policy incorporating the processes/procedures included in this administrative policy.**

### **2.4.2.1 Responsibilities and Processes**

For records to be imaged, the employee receiving documents has ownership of the records on behalf of KCTCS until they are delivered to an employee (or approved vendor) responsible for imaging. When records are delivered to an employee (or approved vendor) responsible for imaging, ownership of the records is then transferred to the receiving employee or approved vendor. The receiving party is responsible for the safekeeping of the eye readable record throughout the scanning and quality assurance process. Following the imaging and quality assurance process, the documents may be transferred to another KCTCS employee that is responsible for the documents until destruction of the records. KCTCS will maintain a training guide for each application of the ECM system, which outlines the document capture process and procedures.

#### **A. Quality Assurance (QA) Process**

Quality assurance begins when documents are identified as something that needs to be placed in the ECM system and document preparation starts through disposition after the documents have been placed in OnBase.

Employees must be fully knowledgeable of the KCTCS scanning process and records retention process to ensure the most accurate end-results. To successfully manage the documents being placed in OnBase it is essential that shortcuts are not taken through the process. All steps (regardless of the repetition or minute nature of the step) must be done to ensure accurate results. ECM system users will be trained using the established procedures included in the training guide for the appropriate functional area.

KCTCS has identified the following basic quality assurance processes:

- Have one employee scan and a second employee review and verify the quality and content of the image before submitting to OnBase.

- Using the holding queue, an employee scans the documents, and then reviews and verifies at another time. This should be done the following day, to allow an ample amount of time between scanning and the review/verification process.
- In either of these QA processes, users need to use document preparation and QA processes.

**The illustration below steps through the gathering of documents through the placement in OnBase and verifying of imaging and indexing to the disposition of the documents.**

### **B. Transcript Capture**

Transcript imaging processes will be managed in the following manner:

- All **official** transcripts received electronically from institutions via email will include a statement of authenticity that will be included in the employee or student records stored in the ECM system.
- **Official** transcripts received from institutions by regular mail, will include a statement of authenticity that will be included in the employee or student records stored in the ECM system.
- KCTCS will utilize the American Association of Collegiate Registrars and Admissions Officers (AACRAO) guidelines for determining transcripts authenticity.

### **C. Destruction of Records**

Hard copy records captured in the ECM system will be destroyed in accordance with the requirements established by the Kentucky Department for Libraries and Archives (KDLA). For permanent records, KCTCS will petition the Director of the Public Records Division with the KDLA for approval of an exception to maintain eye readable copies in accordance with their policies and procedures. KDLA approved an exception for the Student Academic Performance File in November 2013 and additional petitions will be made as needed. For nonpermanent records, KCTCS will follow the same quality assurance processes as for permanent records.

7-8-14

\_\_\_\_\_  
Date Approved by  
President, KCTCS

\_\_\_\_\_  
Date(s) of Last Review

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Date(s) of Last Revision

*(Include all dates in  
chronological order)*

(SIGNED)

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Recommended by

7-8-14

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Date

(SIGNED)

\_\_\_\_\_  
President, KCTCS

7-8-14

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Date

## **2.5 KCTCS Performance Review**

KCTCS has a system-wide standardized process of annual performance review for regular full-time KCTCS faculty and staff. The performance review process includes the following reviews:

- a regular process for performance evaluation, and
- an additional, optional process of evaluation of significant accomplishments for determination of eligibility for a merit bonus.

The purpose of the annual performance review is to set forth job expectations and corresponding goals, to measure individual performance related to goals, to achieve individual employee improvement through constructive feedback, and to achieve organizational improvement.

The annual performance review cycle corresponds with the fiscal and academic years from July 1 through June 30 of each year, and consists of the following:

- Planning Process for current and new employees
- Initial Employment Period Evaluation for new employees
- Optional Mid-year Review
- Annual Performance Evaluation for regular full-time and regular part-time employees.

The annual performance review cycle includes deadlines for each step to occur no later than on or before the last working day of the following dates:

- **May-August** – Supervisors shall conduct the performance evaluation Planning Process by meeting with employees to establish performance evaluation goals and optional significant accomplishment goals for the upcoming fiscal year. The planning process for new employees and employees who change positions shall be completed within one month of their employment/change in position.
- **August 31** – Supervisors shall conduct the planning process and submit the completed performance evaluation planning document and the optional significant accomplishment planning document to the college president/ceo or designee.
- **December/January** – Supervisors shall conduct the optional Mid-Year Progress Report/meeting with employees, at the discretion of supervisors and/or the college president/ceo.
- **February** – Supervisors shall conduct the annual performance evaluation by the supervisor for faculty promotion candidates.

- **May 15** – Supervisors shall complete the annual performance evaluation by the supervisor excluding the evaluations of faculty promotion candidates), including conducting the evaluation meeting with the employee.
- **June 7** – Parties of the local review process shall review employee outcomes related to goals for significant accomplishments and make an approval determination regarding eligibility for merit bonuses; college officials shall submit completed PPE forms to the KCTCS Human Resources office.
- **June 30** – Nonrecurring merit bonuses are awarded.

**Note:** Within 6 months of the initial employment of new employees, supervisors shall conduct the Initial Employment Period performance evaluation.

Performance planning and evaluation shall also be addressed in accordance with applicable KCTCS policies and human resources procedure(s) related to performance evaluation.

### **2.5.1 Performance Planning and Evaluation**

As part of a continuing program of improvement and growth both in the instructional and non-instructional areas, KCTCS utilizes a periodic performance review for all regular full-time faculty and staff. The Performance Planning and Evaluation (“PPE”) process is used to establish annual individual goals and to report outcomes.

KCTCS evaluations shall designate individual duties, goals, and outcomes in the following areas:

- Position Responsibilities (including instruction and student guidance/advising activities for faculty),
- Internal Service – institutional service,
- External Service – community service,
- Professional Development activities, and
- Educational Leadership/Leadership.

The particular areas in which an individual employee is active and therefore is to be evaluated in is dependent upon the employee’s individual position and job duties as determined by college/system priorities. All five areas may not apply to all employees.

The KCTCS Performance Planning and Evaluation Program form shall be completed in performing the evaluation by the immediate supervisor, chief academic officer, division chairperson, and the faculty member. To serve this purpose, input from students, colleagues and administrators are to be used as applicable. In the assessment of teaching and advising, student appraisal is to be included for at least one (1) semester each year.

The purpose of performance review is individual and institutional improvement. To help in achieving this purpose, the performance review process shall determine, for each faculty member, both a quantitative assessment and a qualitative judgment of the faculty member's activities during the review period in the areas as outlined in the individual's KCTCS PPE form.

### **2.5.1.1 Criteria for Evaluation of Faculty for Appointment and Promotion; Criteria for Evaluation of Staff**

In addition, the following areas of activity are considered in the annual, optional mid-year, and initial employment period evaluations, as well as for faculty in the appointment and promotion processes.

Since all faculty appointments and promotions shall be made on the basis of performance, a detailed statement on each of these areas shall serve as a guide to promotion review committees evaluating the expectations and accomplishments of a faculty member.

#### **2.5.1.1.1 Position Responsibilities**

##### **A. Faculty Position Responsibilities**

##### **Faculty Instruction**

The primary function of a faculty member in a KCTCS college is to provide instruction of superior quality. Superior teaching is recognized as a distinct value and must be used as evidence for appointment and promotion of faculty. Objective evidence of the quality of teaching must be obtained and considered. Such evidence shall consist of reports by colleagues, evaluation by students, and, if available, evaluation by graduates of the KCTCS college. Evidence of superior teaching also can be demonstrated by competence in the following:

1. Course objectives that are clearly defined. The relationship to prerequisites and courses which follow should be well conceived, and the relationship of the course to the field of study in general should be articulated.
2. The organization of the course is in the form of an outline and assignments reflect a logical and imaginative approach to the subject.
3. The course content is kept up to date and is consistent with the level at which the course is offered in the curriculum.

A faculty member establishes the proper level of instruction in the course. The capacity and background of the students are not irrelevant in this regard, but the objectives of the course and its usefulness in preparing

students for more advanced work are not compromised. The level of instruction does not make undue concessions to the limitations of students, but is not so advanced that if not comprehended the course fails to fulfill its purpose.

4. The faculty member is aware of and, where appropriate, uses newer educational media in teaching, including e-learning or “blended” instruction.
5. The faculty member teaches in such a manner that the students work to the level of their abilities, i.e., enrichment of opportunity for students to achieve at significantly different levels.
6. The faculty member is skillful in evaluating student progress. The faculty member also has the ability to devise and use valid instruments for evaluation which are pertinent to the learning experiences provided by the course.
7. The faculty member is effective in presentation and interpretation of subject matter. Effective techniques of instruction vary with individuals but certain standards of performance have general applicability.
  - a. The faculty member is poised and always in command of self and the classroom situation;
  - b. The faculty member's presentations are always organized in a manner conducive to learning and always reflect thorough preparation;
  - c. The faculty member's manner of presentation and substance of presentation holds the attention and interest of students;
  - d. The faculty member establishes a rapport with the class that is conducive to sustained and enthusiastic pursuit of the subject;
  - e. The faculty member gains the respect of students for knowledge of the subject and ability to communicate and stimulate interest in the subject; and
  - f. The faculty member establishes a reputation as a teacher who is fair and thorough in evaluation and as a person who is interested in the progress of students.
8. The faculty member carries an appropriate share of the total instructional load of a division or department in a KCTCS college and contributes to



the maintenance of a vigorous tone in the division's or department's instructional program.

- a. There is both a quantitative, and a qualitative, dimension to instruction. Consideration is given to a person who teaches a variety of courses, or to the faculty member who can teach effectively a large number of students;
- b. The positive tone of an instructional program is obviously an intangible property. A poor tone, however, is easy to discern; disinterested students, lack of rapport between the faculty member and students, and casual presentations in class are some of the more apparent characteristics. A most telling indication of "tone" is an atmosphere in which the student feels that the instructor and the student are working together on the problem, as contrasted to an atmosphere in which there is a cold war tension between the two parties; and
- c. The faculty member has the respect of colleagues as a teacher.

### **Faculty Student Guidance-Advising Activities**

KCTCS colleges strive to project a student-centered image by emphasizing, as one of their functions, the comprehensive attempt to meet the needs of students who vary widely in academic potential and academic interest. Academic advising is a more important function in KCTCS colleges than in four-year institutions due to the heterogeneity of the student body, the variety and complexity of decisions which the students must make, and the need for developmental programs to prepare students for collegiate work.

1. Faculty members are concerned with the opportunities to serve as advisers to students. For effective contributions as a student adviser the faculty member:
  - a. Demonstrates an interest in working with students as an adviser;
  - b. Demonstrates the ability to deal effectively with students in a one-to-one relationship;
  - c. Demonstrates a willingness to learn the fundamentals of advising responsibility;
  - d. Has the knowledge and ability to refer students to other resource persons in finding solutions to specific problems; and

- e. Develops a rapport with students which leads them to seek counsel and advisement.
2. Faculty members in KCTCS colleges have responsibility for extending the teacher-student relationship beyond the classroom in a way that is conducive to the maturing of the intellect and emotions of the student. This responsibility involves more than formal advising.

### **B. Staff Position Responsibilities**

Staff shall be evaluated based on their assigned responsibilities, including those applicable duties specified in the job specification for their position and based on the job analysis questionnaire and additional duties assigned by the supervisor.

#### **2.5.1.1.2 Internal Service – Institutional Service**

The demonstration and evaluation of employees' institutional service shall be based upon evidence of effective participation in college activities appropriate to the growth and viability of the institution and educational programs therein. Activities include, but are not limited to, committee involvement, workshop facilitation, continuing education instruction, development of new program proposals, program accreditation efforts, recruitment and marketing, grant proposal preparation, and mentoring of new faculty.

#### **2.5.1.1.3 External Service - Community Service**

KCTCS colleges have responsibility for service across the broad spectrum of the community to meet those needs not met by formal degree programs. Some staff members and most faculty members in a KCTCS college share this responsibility, and it is recognized that while the specific roles and responsibilities of individual faculty members in this area shall vary, community service shall be reflected in the overall responsibility (as noted on the performance planning and evaluation form) and evaluation of an employee's contribution to the college.

Community service might include planning or directing such activities as:

1. Serving on community boards, foundations, committees, commissions;
2. Workshop facilitation;
3. Continuing education or customized industry courses;
4. Forums and community meetings;
5. Delivering lectures or seminars;

6. Arranging fine arts events, cultural events and recreational events;
7. Professional assistance; and
8. Working with K-12 schools.

#### **2.5.1.1.4 Professional Development Activities**

The demonstration and evaluation of the professional activities and service shall be based upon evidence of professional growth and development in areas of primary responsibility.

#### **2.5.1.1.5 Educational Leadership/Leadership**

The demonstration and evaluation of the educational leadership and service of a faculty or leadership of a staff member shall be based upon evidence of effective participation in activities appropriate to the formation of educational policy and organization, effective performance of supervisory and/or administrative duties where applicable, and recognition of educational leadership.

#### **2.5.1.2 Standardized Performance Planning and Evaluation Form**

The standardized KCTCS performance planning and evaluation form shall be used for reporting the employee's performance for the rating period. This form shall include the following:

- space for written evaluations of each area,
- a legend explaining the descriptive rating categories for the overall official performance evaluation rating,
- space for an overall written evaluation and recommendations for improvement, and
- spaces for the signatures of the employee, the supervisor, and the reviewer.

Copies of the signed completed form shall be made available to the employee, for the files of the division chairperson and the chief academic officer (for faculty), and for the employee personnel file which are maintained by the college president/ceo. The original completed form shall be maintained by the KCTCS Human Resources office.

### **2.5.1.2.1 Descriptive Performance Rating Categories**

The following five (5) descriptive performance rating categories shall be used for the overall official evaluation

- 1. Consistently Exceeded Expectations of Job Requirements (EE)**  
Job performance was continuously performed in an exceptional manner. Contributions significantly and consistently exceeded expectations and requirements based on established success criteria, with exceptional quality, quantity and timeliness of work. Consistently achieved outstanding results well beyond those expected of the position, and helped accomplish the KCTCS strategic plan by aligning action plans with the strategic goals.
- 2. Met and Frequently Exceeded Job Requirements (ME)**  
Job performance consistently met and frequently exceeded the expectations and requirements for the position based on established success criteria. Contributions consistently met and frequently exceeded expected criteria for quality, quantity and timeliness of work. Frequently achieved results beyond those expected for the position and helped accomplish the KCTCS strategic plan by aligning action plans with the strategic goals.
- 3. Fully Met Job Requirements (M)**  
Job performance consistently met the expectations and requirements for the position based on established success criteria. Contributions occasionally exceeded expected criteria for quality, quantity and timeliness of work and helped accomplish the KCTCS strategic plan by aligning action plans with the strategic goals.
- 4. Some Improvement Needed to Meet Job Requirements (NI)**  
Certain job duties were performed capably; however, improvement in quality, quantity and/or timeliness of work is required in order to fully meet expectations and requirements for the position based on established success criteria.

A Performance Improvement Plan may be developed by the supervisor to facilitate improvement by the employee. Performance shall be evaluated again in six months. Significant and immediate improvement in quality, quantity, and timeliness of work is necessary in order to avoid disciplinary action and/or termination of employment in accordance with KCTCS policies and procedures regarding employee termination and disciplinary action.

**5. Did Not Meet Job Requirements (F)**

Performance throughout the rating period did not meet the job requirements and expectations for the position based upon established success criteria. A Performance Improvement Plan shall be immediately developed by the supervisor to facilitate improvement by the employee. Performance shall be re-evaluated based on the Performance Improvement Plan and the evaluation goals in at least three months, in six months, and again thereafter if determined necessary. Significant and immediate improvement in quality, quantity and timeliness of work is necessary in order to avoid disciplinary action and/or termination of employment in accordance with KCTCS policies and procedures regarding employee termination and disciplinary action.

**2.5.1.3 Performance Planning and Evaluation Process**

**Planning Process**

During the planning process the supervisor and employee shall work jointly to identify specific position duties and activities for the employee's performance plan using the PPE form as the planning document(s). For staff employees these duties and activities shall normally correspond with the duties listed on the employees' job specification and job analysis questionnaire. The planning process for the ensuing academic year shall be completed by August 31. The distribution of effort of faculty members shall be determined during the planning process.

When there is a significant change in position duties or an employee makes a change in position during the course of a performance year, a revised planning document shall be prepared.

The planning process for new employees and employees who change positions shall be completed within one month of employment/change in position.

For faculty, the chief academic officer, with the advice of the division chairperson and faculty members of that unit, shall recommend the distribution of the faculty effort and other resources among the major functions for the ensuing year, taking into account instructional needs, indicated enrollment trends, potential resources available, and any other relevant indicators. This recommendation on distribution of effort for each division shall be forwarded to and discussed with the college president/ceo, and agreement reached on distribution of effort within the college or division or department. In any case of disagreement that is not readily resolved, the decision of the college president/ceo shall be final. Following these discussions, the chief academic officer and/or division chairperson shall formalize with each faculty member an agreement on the distribution of effort expected of each faculty member in each major function for the upcoming academic year.

The evaluation reviewer shall review the proposed planning document and approve it prior to it being finalized. The reviewer is normally the supervisor's immediate supervisor, or another individual as designated by the college president/ceo.

Employees shall put their signatures on the completed planning documents(s), acknowledging their understanding of the planned duties/activities and the corresponding goals/results expected.

### **Initial Employment Period Performance Evaluation**

Supervisors shall conduct two review meetings with their new employees during the course of the Initial Employment Period for the purpose of reviewing, providing feedback, and requesting input from new employees regarding their progress.

In addition, An Initial Employment Period performance evaluation for new employees shall be completed immediately prior to the end of the 6-month Initial Employment Period using the regular PPE form.

### **Mid-year Review**

The mid-year review is an optional process to be conducted by supervisors with employees at the discretion of the college president/ceo or individual supervisors.

Supervisors shall conduct a mid-year review for individual employees who have work performance issues that need to be addressed.

### **Annual Performance Evaluation Process**

Information assembled in the process of evaluating each faculty member should be utilized by the division chairperson, chief academic officer, or the college president/ceo in assisting the faculty member in a program of self-improvement in relation to the faculty member's anticipated responsibilities for the forthcoming year. After the completion of the performance review process, the chief academic officer (and other faculty or staff members) may also be involved in assisting the faculty member in a program of self-improvement.

The standard form shall provide opportunity for a written evaluation of performance in each active area that is listed on the PPE. Employees shall participate in identifying accomplishments related to their planned goals/results expected that were designated during the planning process. Supervisors shall be responsible for designating performance outcomes related to each activity listed on the PPE form during the planning process.

The standard form shall provide a space for a written overall evaluation of performance and recommendations for improvement. A written overall evaluation is required.

Recommendations for improvement are required on the evaluation form as determined by the supervisor. Specific activities which would help the employee improve performance should be listed.

Employees shall put their signature on the completed evaluation document(s), acknowledging that the evaluation information was communicated to them.

**A. Faculty Evaluation Process**

**Division Chairperson's Role**

The division chairperson, using the various inputs described above, shall make a recommendation to the chief academic affairs officer regarding the evaluation of each faculty member in the division using the PPE form. In the overall performance rating process, the division chairperson and the chief academic officer (and the college president/ceo) select the evaluation rating category which best describes the judgment about the faculty member's overall performance. While relative weighting among any and all of the activities of a faculty member shall be based on the PPE form, the determination of an overall judgment of performance shall not be mathematically based on weighting of PPE form categories or numerical ratings. A summative judgment is made taking into consideration the goals and expectations specified on the PPE form during the planning process, unique opportunities pursued, quantity and quality of efforts made, and significance of the faculty member's overall contribution to meeting the goals of the division or department, the college, and KCTCS.

The chief academic officer shall review the evaluation completed by the division chair and recommend an evaluation category to the college president/ceo. After approval of the evaluation by the college president/ceo, the division chairperson and/or chief academic officer shall meet with each individual faculty member in the division or department. This meeting shall focus on the faculty member's performance in the effort reflected in the PPE form for the review period. The chief division chairperson and/or chief academic officer shall discuss the various inputs used, the written evaluations of the individual areas of the PPE form, the overall performance review rating, and any appropriate recommendations on how to improve performance in areas needing improvement. The official rating shall be communicated to the faculty member by the division chairperson and/or the chief academic officer during this meeting.

**Chief Academic Officer's Role**

The chief academic officer shall review the evaluation form and completed by the division chairperson. The chief academic officer shall also use the various inputs and process described above in reviewing the recommendation.

The chief academic officer shall recommend an evaluation category to the college president/ceo. After approval by the college president/ceo, the chief academic officer,

along with or in lieu of the division chairperson, shall meet with each individual faculty member in the division or department to communicate the evaluation as described above.

### **College President/CEO's Role**

The college president/ceo is responsible for the communication of the procedures to be used in the performance planning and evaluation to the college faculty and staff members prior to the beginning of each review process. Any supplemental evaluation forms (e.g., evaluations by students, customers, or peers) to be used by the college shall be developed by the college president/ceo, involving consultation with the appropriate faculty and staff. The college president/ceo shall review and finalize performance evaluations recommended by the chief academic officer. Where there are differences of opinion regarding a rating to be given, a conference shall then be held between the college president/ceo and the chief academic officer to discuss the rating of each individual and to attempt to resolve any differences in judgment. There shall be only one (1) official rating, that being assigned by the college president/ceo.

#### **B. Staff Evaluation Process**

For staff evaluations the evaluation reviewer shall review the proposed evaluation form and approve it prior to it being finalized.

The evaluator shall then conduct a meeting with the employee in which the completed PPE form is presented to the employee.

#### **2.5.1.3.1 Faculty Biennial Ratings**

The performance of faculty shall normally be reviewed annually.

However, at the discretion of the college president/ceo, faculty members with a faculty rank of Associate Professor or higher who were reviewed and rated in the middle category entitled "Fully Meets Job Requirements" during the first year of the biennium have the option to have the rating during the first year of the biennium apply for the second year of the biennium as well.

Also at the discretion of the college president/ceo, faculty members at a rank of Associate Professor or higher who receive one of the top two ratings during the first year of the biennium have the option of carrying forward the middle rating to the second year of the biennium, or being reviewed annually.

Faculty members at a rank of Associate Professor or higher who receive a rating below the middle rating during the first year of the biennium shall be reviewed during the second year of the biennium.



### **2.5.1.4 Evaluation Appeals**

The faculty member shall be provided opportunities for appeal of a PPE rating at both the individual KCTCS college and the KCTCS System levels. After consultation with appropriate faculty member, each college president/ceo shall annually appoint a college Faculty Performance Review Appeals Committee to hear appeals made by a faculty member, who, after a conference with the college president/ceo, remains in disagreement with the rating received. After a hearing, the college Faculty Performance Review Appeals Committee shall make a recommendation to the college president/ceo, and the college president/ceo shall accept or reject the recommendation of the college Faculty Performance Review Appeals Committee and advise the faculty member of the decision. If the faculty member remains in disagreement with the decision, the faculty member may appeal to the KCTCS Chancellor for a hearing before a system Faculty Performance Review Committee appointed by the KCTCS Chancellor. The system Faculty Performance Review Committee shall meet in a central location to hear the appellant, the college president/ceo, and the division chairperson and/or chief academic officer. The system Faculty Performance Review Committee shall make a recommendation to the KCTCS Chancellor. The KCTCS Chancellor shall accept or reject the recommendation of the system Faculty Performance Review Committee, and advise the faculty member and the college president/ceo of the decision.

Staff who choose to appeal their evaluation rating shall do so through the KCTCS Complaint Resolution Procedure within the established provisions and specified timelines.

#### **2.5.1.4.1 Evaluation Appeals Schedule**

The faculty evaluation appeals schedule for the appeal of an assigned evaluation includes deadlines for each step to occur no later than on or the last working day before the following dates:

##### ***Faculty Promotion Candidates***

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- |                 |  |
|-----------------|--|
| <b>March 31</b> | <i>Individual faculty appeals shall be submitted to the college president;</i> |
| <b>May 1</b>    | Appeals response from the college president shall be completed;                |
| <b>May 16</b>   | Faculty appeals shall be submitted to the KCTCS Chancellor;<br>and             |
| <b>May 31</b>   | System appeals to the KCTCS Chancellor shall be processed.                     |

***Faculty Non-Promotion Candidates***

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**May 31**      *Individual faculty appeals shall be submitted to the college president;*

**August 15**      Appeals response from the college president shall be completed;

**September 15**      Faculty appeals shall be submitted to the KCTCS Chancellor; and

**October 15**      System appeals to the KCTCS Chancellor shall be processed.

The above schedules may be changed by the KCTCS Chancellor.

**2.5.1.5      Evaluation Input/Outcome**

Relevant input from students, colleagues, and administrators regarding faculty performance shall be used. If letters or written comments are submitted by colleagues, these documents must be signed by the individual(s) providing the information. In the assessment of teaching and advising, student evaluations are to be included for at least one (1) semester each year.

The quantitative data shall be provided at least once annually by the faculty member to the division chairperson/chief academic officer through the Academic Personnel Report, which shall cover activities, functions, and time. The distribution of effort, is designated in the quantitative data or through a substitute instrument approved by the KCTCS Chancellor.

The outcome of this process is both a comprehensive review of the performance of the individual faculty member and a plan of action for any needed improvements. At the end of the formal performance review process, the faculty member should have a good understanding of strengths and weaknesses in the areas of responsibility and of specific actions to take to make needed improvements.

**A.      Innovation and Experimentation**

In those instances when the pedagogical techniques employed are planned and documented; are clearly innovative and exploratory in nature; and the effort of the faculty member is an initial one of experimentation, the impact of any negative student evaluation of teaching shall be minimized. In addition, other indications of effort to improve instruction, such as suitable uses of technology, self-examination, and innovative and experimental approaches shall be recognized.

## **B. Scholarship and Creative Work**

Scholarship and creative work appropriate to the various fields are to be recognized in performance review.

## **C. Teamwork and Collaboration**

Teamwork and collaboration appropriate to the various fields (such as interdisciplinary courses, continuing education/community service offerings, professional development, and so forth) are to be recognized in performance review.

### **2.5.1.6 English Language Assessment**

In accordance with KRS 164.297(3), each college shall institute English language proficiency assessment for all faculty members, including teaching assistants, for whom English is not their primary language, except for the teaching of foreign language courses. The instructors shall be evaluated periodically to demonstrate their ability to deliver all lectures and oral presentations in an English speech pattern which the students understand. If a faculty member receives an unsatisfactory assessment, the faculty member shall have one (1) semester to demonstrate English language proficiency. If the faculty member receives a second unsatisfactory assessment, the faculty member's employment shall be terminated.

### **2.5.1.7 Librarian Evaluation**

Professional Librarians are evaluated under the same criteria as other ranked faculty as set forth in policy 2.5, as applicable. KCTCS colleges recognize that excellence in job performance is one of the most important attributes of a professional Librarian. The attributes and qualifications to be considered and documented in assessing job effectiveness must be related to the appropriate position and classification, and should include, but not necessarily be limited to, performing the following actions:

1. Assist with the planning, organization, and evaluation of library and information services;
2. Offer quality library and information services;
3. Instruct library users to access and evaluate information;
4. Remain informed on current trends for library and information services;
5. Participate in professional organizations and professional development opportunities;
6. Serve on assigned college and KCTCS committees; and

7. Meet professional standards and ethics that are in accordance with state regulatory statutes and/or the American Library Association (ALA) standards.

### **2.5.2 Evaluation of Significant Accomplishments**

When funded, as determined by the KCTCS Board of Regents, KCTCS shall have a performance-based merit pay system with the goal of recognizing and rewarding outstanding employee performance. Furthermore, the expected outcome of a performance-based merit pay system is to maintain and improve overall employee performance.

The process for the determination of eligibility for merit bonuses shall be consistent throughout KCTCS. Merit bonuses shall be based on a two-tier process that includes both the performance planning and evaluation (PPE) and an additional systematic review process at the college level. This college level review shall incorporate the PPE overall evaluation relative to locally-developed criteria. The determination of merit bonus award recipients shall be based on an internal college review process to ensure consistency in the awarding of merit bonuses throughout the college.

Individual colleges and the system office shall develop standards to further define what constitutes significant accomplishments for their employees. These shall be developed with input from faculty and staff relative to the strategic plan goals for the college and system.

For faculty and staff the process of determining individual planned “significant accomplishments relative to KCTCS system-wide, or college goals” shall be an inclusive process based on meetings with their supervisor during the PPE planning process. This provides faculty and staff with the opportunity to provide input in defining the outcomes that shall constitute significant accomplishments and how they can contribute to achieving KCTCS or college strategic plan goals.

Merit bonuses are to be awarded to regular full-time faculty and staff who have been determined to have made significant accomplishments relative to KCTCS system-wide, or college goals as articulated through KCTCS or college strategic plans. Merit bonus award recipients shall have documentable significant accomplishments in one or more of the goals outlined in the KCTCS or college strategic plans.

Each college president/ceo shall submit the college’s written proposed systematic review process for merit bonus determination and criteria for significant accomplishments for an approval determination by the KCTCS President, in consultation with the KCTCS System Human Resources Office. Colleges shall award merit bonuses to those

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employees who qualify for a merit bonus, in accordance with the college’s approved process.

Candidates eligible for consideration for merit bonus shall be identified based on the following:

- Overall performance rating of “Consistently Exceeded Expectations of Job Requirements (EE)”;
- Overall performance rating of “Met and Frequently Exceeded Job Requirements (ME)”;
- Overall performance rating of “Excels (E)” on pilot three-point scale;
- Recommendations of the supervisor and evaluation reviewer;
- Predetermined criteria establishing “significant accomplishments relative to KCTCS or college strategic plan goals,” representing achievement of extraordinary contributions;
- Employee self-assessment of achievements; and
- Supervisor assessment of employee achievements.

Each college president/ceo shall establish a college review process to consider merit bonuses for faculty and staff who have been recommended for consideration by their immediate supervisor and PPE reviewer.

<u>4-30-99</u>	<u>11-13-02; 6-9-06; 4-21-09; 2-27-12; 10-14-14</u>	<u>11-13-02; 6-9-06; 4-21-09; 2-27-12; 10-14-14</u>	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
<u>(SIGNED)</u>	<u>10-14-14</u>	<u>(SIGNED)</u>	<u>10-14-14</u>
Recommended by	Date	President, KCTCS	Date

## **2.6 Promotion in Rank (All Eligible Faculty)**

### **2.6.1 Definition of Faculty Eligible for Promotion in Rank**

Faculty as defined in Board of Regents Policy 2.1.1 are eligible for promotion in rank with the exception of the rank of Lecturer.

### **2.6.2 Promotion in Rank Process (All Eligible Faculty)**

Kentucky Community and Technical College System (KCTCS) colleges and their programs can be no greater than the quality and performance of their faculty members. The promotion procedures and criteria (criteria is found in Administrative Policy 2.1) offer minimum standards and requirements that should be exceeded in most, if not all, cases. These have been developed solely for the purpose of improving the comprehensive community and technical college programs by continually upgrading the quality and performance of faculty members.

In conducting procedures for appointment, promotion, granting of tenure (where applicable), and termination of appointment affecting faculty members not assigned to a division, the appropriate chief academic officer or student services officer shall handle those procedural steps which are assigned to a division chairperson.

The president/ceo of the college, after consultation with the appropriate division chairperson/director of library services and /or chief academic officer or chief student services officer, is responsible for initiating the promotion process by inviting a faculty member to prepare a vita and appropriate supporting materials. The invitation letter to the faculty member should be issued on or before May 31 with the portfolio format. With the assistance of the faculty member and the division chairperson, the president/ceo of the college is responsible for gathering supporting materials and submitting the promotion file.

The president/ceo of the college has the responsibility for ensuring that each promotion file is complete and contains the advice of the appropriate division chairperson, and six or more faculty letters, including at least all Associate and Professor division members located on the same campus. Faculty letters should be addressed and sent to the college president/ceo. The college president/ceo also has the responsibility, along with the division chairperson, for ensuring that the college president's/ceo's recommendation includes remarks, if applicable, that one (1) or more of the letters of recommendation in a promotion file may be affected by personal bias. Each president/ceo of a college shall ensure that the College Advisory Committee on Promotion (CACP) reviews and advises on some or all recommendations to appoint or promote.

The college presidents/ceos are delegated authority to make appointments, reappointments, and terminal reappointments to the ranks of Instructor and Assistant

Professor without reference to the College Advisory Committee on Promotion (CAPC). These actions are reported by the college president/ceo to the Chancellor. Recommendations for appointment to the ranks of Associate Professor and Professor, with or without tenure, must be forwarded to the Chancellor.

The KCTCS Senate Advisory Committee on Promotion (KCTCS Senate ACP) will make its recommendation to the KCTCS President or designee, the Chancellor. The positive recommendation by the KCTCS President will be given final action by the Board of Regents.

Whenever a promotion is disapproved and stopped by the president/ceo, the Chancellor, or the KCTCS President, the faculty member will be informed in writing by the president/ceo of the college of the action taken. The KCTCS President or designee, the Chancellor, shall report the KCTCS Senate ACP's recommendation and the decision to the college president/ceo in writing with reason(s) for the disapproval. The reason(s) for the disapproval shall be included in a written letter from the college president/ceo to the faculty member. A conference shall be called by the college president to discuss, informally, the disapproval and reason(s). The director of library services/division chairperson and/or chief academic officer or chief student services officer may be included in the discussion at the request of either the college president/ceo or the faculty member.

### **2.6.2.1 Promotion from Associate Professor to Professor**

After review by the local College Advisory Committee on Promotion, the president/ceo of the college will make a recommendation, either affirmative or negative, in writing to the Chancellor as specified in annual promotion timelines.

Individuals being considered for the rank of Associate and Professor who have a negative recommendation from the college president/ceo will be notified by the president/ceo of that recommendation and, in the case of a Professor candidate, be given the opportunity to submit a promotion file directly to the KCTCS Senate ACP.

Those individuals with tenure, seeking the rank of Professor, who choose not to have their files reviewed by the KCTCS Senate ACP will thereby begin a new six (6) year period beginning July 1 of the year in which the choice is made.

Individuals for whom an affirmative recommendation is made by the college president/ceo and those who choose to have their file reviewed, even though there is a negative recommendation by the college president/ceo, will be considered for promotion in the usual manner.

Individuals being considered for promotion to either Associate Professor or Professor are expected to complete a promotion review notebook. The recommendations by the local

College Advisory Committee on Promotion on all promotions shall be signed by all members of the committee and the vote of the committee given.

### **2.6.2.2 Promotion from Assistant Professor to Associate Professor or Professor**

Proposals for promotion to Associate Professor will follow the process described in Section 2.6.2. In each case, the president/ceo of the college will either approve the proposal and forward an affirmative recommendation to the Chancellor or disapprove and stop the proposal and then inform the faculty member in writing and also notify the appropriate chief academic officer or chief student services officer and the appropriate division chairperson/director of library services. When the Chancellor receives the promotion file containing the president's/ceo's recommendation, the Chancellor will obtain a related recommendation from the KCTCS Senate Advisory Committee on Promotion (ACP) and then will either approve the proposal and forward an affirmative recommendation to the President of the KCTCS or disapprove and stop the proposal and notify the president/ceo of the college. When the President of KCTCS receives the Chancellor's recommendation, the President of KCTCS will either approve the proposal for promotion and make an affirmative recommendation to the Board of Regents for final action or disapprove and stop the proposal and inform the Chancellor who, in turn, will notify the president/ceo of the college of this action in writing with reason(s). In a case where the Board of Regents takes final action, the President of KCTCS, through the Chancellor, will inform the president/ceo of the college about the Board's action. The president/ceo of the college, in turn, will notify the faculty member in writing with reason(s) and also inform the chief academic officer or chief student services officer and the appropriate division chairperson/director of library services.

### **2.6.2.3 Promotion from Instructor to Assistant Professor**

The president/ceo of the college has been delegated authority to approve or disapprove promotions from Instructor to Assistant Professor. An approved action will be communicated through the Chancellor to the President of KCTCS who will report it to the Board of Regents of KCTCS. In case of disapproval of such a promotion, the president/ceo of the college will inform the faculty member in writing and notify the chief academic officer or the chief student services officer and the division chairperson/director of library services.

Tenure Track: An individual shall not remain as an Instructor for more than three (3) years. If after that period promotion to a higher rank cannot be justified, the individual's appointment shall not be renewed.



#### **2.6.2.4 Failure to Support Administrative Action for Promotion**

Whenever a recommendation to promote is disapproved by either the Chancellor or the President of KCTCS, this decision must be reported to the president/ceo of the college with supporting reasons in writing, and an opportunity provided for a thorough discussion among the concerned parties. The president/ceo of the college shall notify the faculty member in writing of the decision and shall include the reason(s). The president/ceo of the college will initiate the discussion with the faculty member. The director of library services/division chairperson, chief academic officer, and/or chief student services officer may be included in such a discussion at the request of the president/ceo of the college or the faculty member. Any related appeals through administrative channels and/or the KCTCS Senate Advisory Committee on Appeals (KCTCS Senate ACA) must be initiated in writing by the faculty member within thirty (30) days after being notified in writing by the president/ceo of the college of the decision to disapprove the recommendation to promote.

The faculty member's appeal shall be in writing, shall be addressed to the Chancellor, and sent through the college president's office. It shall state and explain the appeal under inadequate consideration and/or incomplete procedure. (See KCTCS administrative policies and procedures regarding faculty appeals through the KCTCS Senate Advisory Committee on Appeals.)

The KCTCS Senate ACA shall follow formal hearing appeal procedures developed by the committee.

#### **2.6.2.5 Promotion Committees**

##### **1. College Advisory Committee on Promotion (CACP) (All Colleges)**

This committee shall be comprised of a representative from each of the divisions and one representative from the non-teaching faculty (librarian/counselor). Members of the committee shall be at the Associate Professor rank or above.

The college president/ceo shall, after consultation with faculty, appoint the committee. Committee representatives who have direct responsibility for required faculty performance evaluations shall not participate in the consideration of said faculty member's files.

If representation from a division or the non-teaching faculty is not feasible, the president/ceo shall appoint an additional representative from the remaining eligible faculty.

In addition to the appointed committee members, the college president/ceo shall appoint the CACP Chair for a two-year term. The CACP Chair may be reappointed for one additional two-year term.

Terms of CACP members – Appointed members shall serve a one-year term. Appointed members may be reappointed on an annual basis to serve up to three consecutive years.

The committee shall submit a recommendation to the college president/ceo (with the committee vote and signature of each member in attendance). Reasons for the recommendation, including strengths and weaknesses will be noted.

The college president/ceo shall review the portfolio and the recommendation and, in the case of a candidate for Associate Professor or Professor, forward the portfolio with the president/ceo's letter of recommendation to the Chancellor.

Upon review by the CACP, promotions from Instructor to Assistant Professor may be approved by the college president/ceo and a letter submitted to the Chancellor with a copy to the faculty member.

In the event a candidate for Associate Professor or Professor is denied at the local level, the college president/ceo shall send the Chancellor a letter stating such denial with a copy to the faculty member.

In the case of a candidate for Professor, the college president/ceo shall contact the faculty member in writing to present the option of submitting the portfolio for review by the system committee (KCTCS Senate Advisory Committee on Promotion) in the regular system portfolio review process.

## **2. KCTCS Senate Advisory Committee on Promotion (KCTCS Senate ACP)**

This committee shall consist of one member and one alternate from each college who hold the rank of Associate Professor or Professor appointed by the KCTCS President from recommendations made by each college by the KCTCS Council. A minimum of five members shall review each file.

Terms – In the initial appointment, eight (8) members and eight (8) alternates will be appointed for two-year terms; eight (8) members and eight (8) alternates will be appointed for a one-year term. Thereafter, members will be appointed for two-year terms.

The committee shall make a recommendation to the KCTCS President (with the committee vote and signature of each member in attendance). The committee shall give in writing the reason(s) for a negative recommendation.

The KCTCS President or designee, the Chancellor, shall report the committee's recommendation and the decision to the college president/ceo in writing. The college president will notify the faculty member in writing. In the event of a decision to deny, the reason(s) shall be included in the letter from the college president/ceo to the faculty member.

A conference shall be called by the college president to discuss the negative recommendation/reason(s).

### **3. KCTCS Senate Advisory Committee on Appeals (KCTCS Senate ACA)**

This committee shall consist of seven members (5 members and 2 alternates). The KCTCS President shall appoint the members from recommendations made by each college by their respective KCTCS Council member. In the initial appointments, four (4) members shall be appointed for two-year terms; and three (3) members shall be appointed for one-year terms. Thereafter, members shall be appointed for two-year terms.

The committee shall decide whether to hear the appeal.

The committee shall use a formal appeal hearing format developed by the committee.

Faculty denied promotion have 30 days from receipt of the final letter to deny promotion from the college president to file an appeal.

The basis for all appeals shall be inadequate consideration and/or incomplete procedure.

The appeal, which is to be sent through the college president's office, shall be addressed to the Chancellor in writing and state/explain the facts for the reason(s) for the appeal – inadequate consideration and/or incomplete procedure.

#### **2.6.2.6 Promotion Timelines**

1. On or before May 31, the college president/ceo shall invite faculty members to become a candidate for promotion by sending them an invitation letter and a copy of the portfolio format.
2. Timelines –Standard Promotion Process for Assistant, Associate Professor, Professor:
  - Annual Performance Reviews for Promotion Candidates – January through the first week of February.
  - Deadline for submitting promotion folders to CACP– on or before Monday of the second week of February.

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- Deadline for CACP to forward to college president/ceo– last day of the first week of March.
- Deadline for college president/ceo to forward to Chancellor – third week of March.
- KCTCS Senate ACP Committee meets the second week of April.
- Appeal Timeline: Once written notice of a disapproval is received, a faculty member has 30 working days to appeal the decision.

4-30-99

Date Approved by  
President, KCTCS

5-15-02; 6-23-04; 3-22-05;  
5-10-07; 1-23-08; 2-27-12; 9-22-14

Date(s) of Last Review

5-15-02; 6-23-04; 3-22-05;  
5-10-07; 1-23-08; 2-27-12; 9-22-14

Date(s) of Last Revision  
*(Include all dates in  
chronological order)*

(SIGNED)

Recommended by

9-22-14

Date

(SIGNED)

President, KCTCS

9-22-14

Date

## **2.6.3 KCTCS Rank and Promotion Guidelines for Term Contract Faculty**

### **2.6.3.1 Definition**

Term contract faculty are those full-time teaching faculty offered non-tenured contracts for specific contract terms as specified in administrative policy.

### **2.6.3.2 Process**

Whereas a series of employment contracts may be offered at the discretion of the local chief administrative officer over a long-term association with KCTCS, term contract faculty (with the exception of the Lecturer rank) may be awarded promotion in rank for assistant professor, associate professor (without tenure), and professor (without tenure) according to the following process:

1. The faculty member must be invited to apply for promotion according to existing promotion procedures. (See Administrative Policies 2.1 (Track A) and 2.6).
2. A promotion portfolio, which meets established promotion criteria, is to be submitted to the college faculty promotion peer committee utilizing existing procedures by the annual specified date.
3. The existing college faculty promotion peer committee will evaluate the promotion portfolio; the committee chair will submit the committee's recommendation to the college CEO by the annual specified date.
4. The college CEO is delegated the authority to approve or deny promotions for term contract faculty from Instructor to Assistant Professor, Assistant Professor to Associate Professor, and Associate Professor to Professor. The college CEO shall prepare a letter that includes comments on the quality of the promotion portfolio, action taken by the college faculty promotion peer committee, and the CEO action.
  - An approved action by the college CEO will be communicated through the Chancellor to the President of KCTCS, who will report it to the KCTCS Board of Regents.
  - In the case of denial, the college CEO will inform the faculty member in writing, including the reasons, and also notify the Division Chairperson.
  - If the college CEO denies the promotion, the faculty member may appeal to the system promotion appeals committee upon receipt of the written notification of denial from the college CEO, utilizing existing appeal timelines and processes.

**2.6.3.3      Timeline**

***Standard Promotion Process for Assistant, Associate Professor, Professor:***

- Annual Performance Reviews for Promotion Candidates – January through first week of February.
- Deadline for submitting promotion folders to college faculty promotion peer committee - on or before Monday of the second week of February.
- Deadline for college CEO to forward to Chancellor – third week of March.

2-13-02  
Approval Date

6-23-04; 9-22-14  
Date(s) of Last Review

6-23-04; 9-22-14  
Date(s) of Last Revision  
(Include all dates in  
chronological order)

          (SIGNED)                      9-22-14  
Recommended by                      Date

          (SIGNED)                      9-22-14  
President, KCTCS                      Date

## **2.8 KCTCS Employee Separation**

There are four (4) categories of separation of employment for KCTCS employees:

- Non-renewal of Appointment
- Termination
- Resignation
- Retirement

When an individual leaves employment, college human resources officers shall attempt to conduct an exit interview to discuss the reasons for leaving KCTCS. During the exit interview, the employee may provide insights into areas for improvement that KCTCS can make. Every attempt shall be made to keep all information confidential.

Any KCTCS property such as office or computer equipment, keys, parking passes or credit cards shall be returned to KCTCS at the time of separation. The employee shall be responsible for any lost or damaged items. The value of any property issued and not returned may be deducted from the employee's paycheck, and the employee may be required to sign a wage deduction authorization form for this purpose.

### **2.8.1 Non-Renewal of Appointment**

*Term contract employment* shall end upon the expiration of the stated term as specified in the contract, without additional notice.

For *faculty initially appointed on or after July 1, 2005 who have tenure-track employment status*, notification of non-renewal of appointment shall be given at least ninety (90) calendar days before the period of appointment ends.

For *faculty initially appointed prior to July 1, 2005, with tenure-track employment status*, the notification of non-renewal for subsequent appointments shall be given as follows:

<b><u>Notification</u></b>	<b><u>Years of KCTCS Service</u></b>	<b><u>Deadline for of Non-Renewal</u></b>
First Year of Service		
Appointment that expires at the end of the current fiscal year		March 1.
Appointment that expires during the current fiscal year		3 months in advance of expiration of appointment.
Second Year of Service		
Appointment that expires at the end of the current fiscal year		December 15.

Appointment that expires during the current fiscal year	6 months in advance of expiration of appointment.
After the Second Year of Service	12 months in advance of expiration of appointment.

*For faculty with tenure-track employment status* in cases when the chief academic officer and a division chairperson's advice for reappointment for a specific term is rejected by the college president/ceo and a terminal reappointment is offered instead, the following procedure shall be employed. If the tenured members of the division faculty, the division chairperson, and the chief academic officer reaffirm their advice and so request by majority vote, the KCTCS Chancellor shall refer the matter to the KCTCS Senate Advisory Committee on Promotion (or an ad hoc advisory committee especially formed for the purpose). The committee in its deliberation will address itself to the potential of the individual as a faculty member in a college and the likelihood of an eventual tenured appointment, and shall submit a written recommendation to the KCTCS Chancellor. After considering the committee's report, the KCTCS Chancellor shall make a recommendation to the KCTCS President.

It is KCTCS policy not to provide written reasons in cases of non-renewal of appointment. However, upon the faculty member's request, the college president/ceo of the college may meet with the faculty member and discuss informally the circumstances surrounding the non-renewal. If the faculty member is not satisfied with this conference, the faculty member may further request a related conference with the KCTCS Chancellor. Any related appeals through administrative channels and/or the KCTCS Senate Advisory Committee on Appeals shall be initiated in writing by the faculty member within thirty (30) calendar days after being notified in writing by the college president/ceo about non-renewal of appointment.

## **2.8.2 Termination Procedures**

Faculty or staff may be terminated in accordance with the reasons specified in KCTCS Board Policy 2.8-*KCTCS Employee Separation* using the following procedures:

### **A. Termination for Unsatisfactory Performance for Faculty with Tenured Employment**

#### **Status or Tenure-Track Employment Status**

Dismissal of a *faculty member with tenured employment status or tenure-track employment status* before the end of a specified term of appointment shall be preceded by discussions between the faculty member and an appropriate administrative officer or officers looking toward a mutual resolution. In the event of failure to agree upon a resolution, the college president/ceo shall be responsible for the preparation of a written statement of charges and to submit it to the KCTCS Chancellor, who shall furnish it to



the faculty member, his/her supervisor, his/her chief academic officer, and the KCTCS Senate Advisory Committee on Appeals. The committee shall make an investigation for the purpose of attempting to reach a resolution and, in the case of failure, to recommend to the KCTCS Chancellor whether, in its opinion, dismissal proceedings ought to be undertaken. The recommendation shall not be binding upon the KCTCS Chancellor.

If the college president/ceo decides to dismiss the faculty member, the faculty member shall have the right to be heard by the KCTCS Senate Advisory Committee on Appeals.

The faculty member shall be informed in writing by the college president/ceo regarding specific charges at least twenty (20) calendar days prior to the hearing. At least seven (7) calendar days prior to the hearing, the faculty member shall answer the charges in writing. The faculty member may waive the hearing. If the faculty member waives the hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal shall evaluate all available evidence and rest its recommendation upon the evidence in the record.

During the proceedings the faculty member may have an academic adviser or counsel of personal choice. At the request of either party or the hearing committee, a representative may attend the proceedings as an observer. A full stenographic record of the hearing or hearings shall be taken and made available to the parties concerned. The burden of proof that adequate cause exists rests with the college, and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member's competence is in question, the testimony shall include that of qualified faculty from the college or other KCTCS colleges and may include that of qualified faculty from comparable institutions of higher education.

Within seven (7) calendar days following the hearing, the committee shall report to the KCTCS President that adequate cause for dismissal has or has not been established by the evidence in the record. It may, in addition, recommend that, although adequate cause for dismissal has been established, an academic penalty less than dismissal would be more appropriate, giving supporting reasons for the recommendation. If the KCTCS President rejects the recommendation, the KCTCS President shall provide reasons in writing to the committee and to the faculty member, and provide an opportunity for response.

The faculty member may appeal the KCTCS President's decision to dismiss through the independent third party appeal process. The decision from the independent third party appeal may be taken to the Board of Regents pursuant to KRS 164.360. The Board of Regents' decision shall be final.

**B. Termination for Unsatisfactory Performance for Regular Staff and for Faculty with Term Contract Employment Status, Continued Employment Status, or Continuing Employment Status**

Prior to the decision to terminate *regular staff* and to terminate *regular faculty with term contract employment status, continuing employment status, or continued employment status*, the college shall conduct a fact-finding process in which the employee is interviewed, along with other individuals as necessary and appropriate, to gather the facts surrounding the alleged policy violations/performance problems.

Pending the investigation and exhaustion of the administrative remedy procedures, the employee may be put on administrative leave by the college, with or without pay.

Following the investigation, the college shall send a written pre-termination notice informing the employee of the specific incidents of the reported policy violations/performance problems and the college's intention to terminate the employee. The notice shall include information regarding an opportunity for the employee to request a pre-termination hearing. The purpose of the hearing is to review the issues with the employee and allow the employee to respond to the charges one final time before the college makes a final decision regarding termination. The hearing shall routinely be conducted on the campus by college administration. In the pre-termination notice, the clear and concise reason(s) for the termination shall be included.

Within seven (7) calendar days following the hearing, the employee shall be advised in writing that a decision shall be rendered within the time period established by the college. If the decision is to terminate the employee, the letter shall include specific reasons for the termination and information regarding the complaint resolution procedure.

### **C. Termination for Financial Emergency**

In the instance of termination because of a financial emergency, an employee shall be given notice as soon as possible but not less than ninety (90) calendar days prior to termination. Prior to the effective date of the termination, a faculty member with tenured, tenure-track, continuing, continued, or term contract (during the term of the contract) employment status may appeal to the KCTCS Senate Advisory Committee on Appeals. Staff may utilize the KCTCS Complaint Resolution Procedure if they elect to appeal the action. The position of an employee who was terminated due to financial emergency shall not be filled by a replacement within a period of two years, unless the released employee has been offered reappointment and a reasonable time within which to accept or decline it.

#### **2.8.2.1 Considerations of Academic Freedom**

A faculty member who alleges that a decision to terminate the faculty member was caused by reasons violative of academic freedom rights the faculty member shall present their allegation under the complaint resolution procedure, or if applicable in writing to the KCTCS Senate Advisory Committee on Appeals within thirty (30) calendar days before the end of the appointment period. An allegation so presented shall be given preliminary considerations by the *KCTCS Senate Advisory Committee on Appeals*, which shall seek to settle the matter by informal methods. The faculty member's statement of allegations

shall be accompanied by statements that the faculty member agrees to the presentation, for the consideration of the committee, of such reasons and evidence as the college may allege in support of its decision. If the dispute is unresolved at this stage and if the committee so recommends, the procedures set forth in this administrative policies and procedure shall be applied, except that the faculty member making the complaint is responsible for stating the grounds upon which the faculty member bases his/her allegation, and the burden of proof shall rest upon the faculty member. If a prima facie case is established via this procedure in favor of the faculty member, it becomes incumbent upon the college president/ceo, or designee, who made the decision to terminate to present evidence in support of the decision (See KCTCS Academic Freedom Policy).

### **2.8.2.2 Administrative Leave**

Until the final decision regarding termination has been reached, the faculty or staff member may be placed on administrative leave, or assigned to other duties. Salary shall continue during the period of administrative leave, except in cases of serious misconduct as determined by the college president/ceo. For employees under the administrative regulations for KRS Chapter 151B, the issue of pay status during an administrative leave is further addressed in the administrative regulations located in Appendix I.

### **2.8.3 Resignation**

Employees in all employment status categories shall provide the proper notice as specified in KCTCS administrative policies and procedures in order to not adversely impact KCTCS operations. Resignations shall be given early enough to obviate serious inconvenience to KCTCS. To leave “in good standing”, regular status and temporary status non-exempt staff employee shall give at least two weeks written advance notice, unless otherwise specified in the terms of their contract. To leave “in good standing”, regular and temporary exempt staff employees shall give at least one month written advance notice. Faculty members are requested to give written notice of their intent to resign as soon as possible and no less than three (3) months in advance. This advance notice requirement may be waived by the college president/ceo.

Employees under the KCTCS personnel system, the UK personnel system, or the administrative regulations for KRS Chapter 18A, who have not worked for one year, are not on an approved leave of absence, and did not otherwise terminate or resign, shall be deemed to have resigned at the end of that year. For employees under the administrative regulations for KRS Chapter 151B, this issue is addressed in the administrative regulations located in Appendix I.

### **2.8.4. Retirement**

Eligible KCTCS employees in all employment status categories may retire in accordance with the applicable retirement plan's policies and procedures. Proper notice of retirement shall be given. For the KCTCS 403b retirement plan an employee shall give notice of retirement no less than 3 (three) months in advance of retirement, although this requirement may be waived by the college president/ceo. Requirements for giving notice of retirement under the UK 403b retirement plan are specified in the UK Administrative Regulations. Requirements for giving notice of retirement under the defined benefit plans are specified in the state statutes pertaining to the state retirement plans.

To be considered as an official retiree under the respective retirement plans, the terminating employee shall meet the age and service requirements as specified in the KCTCS retirement plan policies and procedures and the respective regulations for the retirement plans.

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(SIGNED) <u>Recommended</u>	11-20-09 <u>Date</u>	(SIGNED) <u>President, KCTCS</u>	11-20-09 <u>Date</u>

## **2.10 Faculty and Staff Tuition Assistance**

Kentucky Community and Technical College System encourages self-improvement and career growth of regular, full-time employees, both faculty and staff, through the taking of supplemental educational courses and pursuing programs of study. These efforts may be to pursue a degree or for purposes of continuing professional education. In addition, KCTCS shall provide a tuition defrayal for regular employees other Kentucky postsecondary education institutions.

To facilitate career growth and to encourage personal and professional development of employees, the Kentucky Community and Technical College System shall provide a tuition waiver for regular full-time faculty and staff enrolled in KCTCS colleges. In addition, KCTCS shall defray the tuition at a Kentucky public postsecondary institution for regular, full-time faculty and staff employees, and in state and locally operated secondary area technology centers. (See Attachment A-Council on Postsecondary Education Faculty and Staff Tuition Waiver Policy effective May 22, 2000.)

1. A regular, full-time employee is eligible for tuition waiver or defrayal for courses taken at any postsecondary public institution.
2. For eligible employees, the maximum number of credit hours for which the tuition may be waived and defrayed shall be no more than six per term, with a combined maximum waiver and/or defrayal of 18 credit hours per academic year. Employees under the UK personnel system may have a tuition defrayal of up to eight credit hours at the University of Kentucky with a maximum a combined maximum defrayal and/or waiver of 18 credit hours per academic year; if more than six credit hours are scheduled in a semester at the University of Kentucky for these employees, then the number of classes shall not exceed two and their respective one- or two-credit hour labs.
  - a. Tuition waiver or defrayal is not available for audited, non-credit, continuing education, or community education courses.
  - b. If an employee registers for more hours than the maximum for which the tuition may be waived and/or defrayed, the excess tuition shall be paid by the employee.
3. The combination of summer sessions is considered as one term. Therefore, the combined total amount of tuition which may be waived and/or defrayed for summer sessions shall not exceed the normal tuition for six hours of credit, or eight hours of credit taken at the University of Kentucky for employees under the UK personnel system.
4. Fees other than tuition (e.g., breakage fees, books, etc.) shall not be waived or defrayed by the Kentucky Community and Technical College System.
5. Employees utilizing this policy who are part-time students shall not be eligible for the Student Health Service or other programs requiring student status but rather shall retain employee status for purposes of all such determinations.

6. In the event an employee terminates employment with the Kentucky Community and Technical College System prior to the first day of classes, any previously approved tuition waiver or defrayal shall not be honored.
7. Employees utilizing this policy shall be permitted, with their supervisor's or department head's and the institution's president/ceo approval, to take one (1) course for credit per term or combined summer session during the employee's normal working hours. All time away from work as a result of this policy shall be made up within that regular workweek, resulting in no net loss of work time for which the employee shall be paid. As determined by the college president/ceo, faculty may take up to two (2) courses as a part of their summer workload. If this is approved as a part of the summer workload, appropriate release time shall be granted and the hours away from work do not have to be made up. Scheduling of classes and make up time shall be approved in advance by the employee's supervisor or department head and the college president/ceo.

### **2.10.1 Dependent/Spouse Tuition Waiver**

#### **KCTCS Personnel System**

Regular full-time faculty and staff in the KCTCS personnel system are eligible for a tuition waiver for their spouse and dependent children. The following guidelines are applicable:

1. For eligible spouse/dependents, the tuition waiver shall apply to classes taken at KCTCS colleges.
2. The tuition waiver shall be for a maximum of six credit hours per academic term (fall, spring, and summer).
  - a. Tuition waiver shall not be available for audited, non-credit, continuing education or community education courses.
  - b. If a dependent/spouse registers for more hours than the maximum (six hours per term) for which the tuition shall be waived, the excess tuition shall be paid by the student.
  - c. Only a maximum of six credit hours per term may be waived for a spouse/dependent student, regardless if the student has multiple qualifying relationships with more than one KCTCS employee.
3. The dependent child must be age 23 or less, as defined by federal financial aid guidelines.
4. The combination of summer sessions is considered as one term. Therefore, the total amount of tuition which may be waived shall not exceed the normal registration fee for six hours of credit.
5. Fees other than tuition (e.g., breakage fees, books, etc.) shall not be waived by the Kentucky Community and Technical College System.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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6. In the event that an employee terminates employment with the Kentucky Community and Technical College System prior to the first day of classes of a term for the dependent/spouse, any previously approved tuition waiver shall not be honored for the subsequent term.

**UK Personnel System and 18A/151B Personnel System**

This benefit is not available for employees under these personnel systems.

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<u>(SIGNED)</u> Recommended by	<u>1-4-07</u> Date	<u>(SIGNED)</u> President, KCTCS	<u>1-4-07</u> Date

**KCTCS ADMINISTRATIVE POLICY 2.10.1, ATTACHMENT A**  
***(Kentucky Council on Postsecondary Education Policy)***

**2:51: FACULTY AND STAFF TUITION WAIVER PROGRAM**  
**POLICY**

**I. Statement of Purpose**

The 1997 First Extraordinary Session of the General Assembly resulted in the creation of a faculty and staff tuition waiver program [KRS 164.020(32)] with the express purpose of promoting employee and faculty development. Specific responsibility was granted to the Council on Postsecondary Education to develop and implement this program. Consistent with stated legislative purpose, this policy sets out the parameters of this program, which is intended to enhance the professional development opportunities of the faculty and staff of the public postsecondary institutions and of state or locally operated secondary area technology centers.

**II. Statutory Authority**

KRS 164.020(32) provides that the Council on Postsecondary Education shall:

(32) Develop a statewide policy to promote employee and faculty development in all postsecondary institutions and in state and locally operated secondary area technology centers through the waiver of tuition for college credit coursework in the public postsecondary education system.

Any regular full-time employee of a postsecondary public institution or a state or locally operated secondary area technology center may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term; . . .

Additional requirements for employees of the Kentucky Community and Technical College System are stated in KRS 164.5807:

(6) A regular full-time employee may, with prior administrative approval, take one (1) course per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.



**Section A. Definitions**

1. “Course-offering institution” means the institution where an employee has enrolled to take a college credit course under the provisions of this policy.
2. “Employing institution” means the institution or a state or locally operated secondary area technology center where an employee seeking a benefit under this policy works on a full-time basis.
3. “Institution” means a state-supported postsecondary institution as described in KRS 164.001(10).

**2.10.1.1 KCTCS-Sponsored Employee Development**

To strengthen its ability to serve students, employers, and communities, KCTCS may encourage or require employees to take additional coursework or seminar training. If the course planned is determined by the college president/ceo or designee to be clearly job-related, and available only during regular working hours, KCTCS shall make every reasonable effort to grant appropriate release time with pay.

KCTCS shall pay for seminars and coursework if the following conditions are met:

- taking the seminar or course serves the interests of KCTCS;
- it is required for the performance of the duties of the employee’s current position;
- the class is not covered under the KCTCS Faculty and Staff Tuition Waiver program; and
- the cost is within budget constraints.

In addition, in order for KCTCS to pay for coursework it shall be approved by the college president/ceo, or by the appropriate KCTCS President's Cabinet member for system office employees.

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Recommended by	Date	President, KCTCS                      Date

## 2.11 Work Load

Faculty work load shall be assigned in an equitable manner within campus locations, according to KCTCS Policy 2.11.1.

Faculty work includes instruction, student guidance-advising activities, internal service-institutional service, external service-community service, professional development activities, and educational leadership. Faculty work may be performed in many locations and is not defined by time spent on campus or school premises.

Each academic year, faculty supervisors will develop in consultation with each faculty member a written plan of responsibilities and assignments. This plan will be used by the supervisor and reviewer in the faculty performance reviews.

Faculty may be asked to assume overload assignments for additional compensation at rates approved by the college president/ceo. A faculty member may decline an overload assignment without prejudice to his/her record with KCTCS.

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(SIGNED)	11-20-09	(SIGNED)
_____ Recommended by	_____ Date	_____ President, KCTCS
		_____ Date

### **2.11.1 Work Load KCTCS Colleges**

The Division Chairperson or other appropriate academic officer, with the approval of the reviewer, will develop with the faculty member a written statement of responsibilities and assignments including institutional service. Work load allocations within the broad areas of responsibility will vary with both faculty members and divisions and the requirements of specific programs and disciplines and should be noted on the faculty member's Performance, Planning, and Evaluation document (PPE).

The normal teaching load for full-time faculty members is considered to be fifteen (15) credit hours per semester or equivalent for the academic year, fall and spring semesters. The maximum number of contact hours per week for full-time teaching faculty shall be determined by the college president/ceo but shall not exceed twenty-five (25). For faculty whose courses involve laboratory and clinical responsibilities with extensive contact hours or who teach courses with low enrollments, a teaching load equivalent may be calculated based on local college policy.

The normal teaching load for part-time faculty is less than 70% of a full-time faculty teaching load. On a fiscal year basis, this equates to a teaching assignment of 25 credit hours or fewer including fall, spring, and summer terms.

Decisions about work load allocation will be reached on the basis of discussion between the faculty member and the division chair or other appropriate academic officer through the PPE process, with final approval given by the chief academic officer.

#### **2.11.1.1 Teaching Duties**

Consideration should be given to a person who teaches a variety of courses, or to the faculty member who can teach effectively a large number of students. Faculty members are expected to maintain regular office hours for consultation with students and are encouraged to take an active role in college and community life through work with committees and civic groups.

#### **2.11.1.2 Non-Teaching Duties**

Occasional circumstances may require that a faculty member take on an assignment beyond the scope of the individual's normal college responsibilities. In such cases, an approved fee schedule or appropriate per diem compensation is used. Prior administrative approval of an internal overload assignment is required.

### **2.11.1.3 Faculty Consulting and Other Overload Employment Outside the KCTCS Colleges**

#### **2.11.1.3.1 KCTCS Colleges**

KCTCS has an obligation to encourage its faculty to assist in the transfer of knowledge from the KCTCS colleges into the general community. It recognizes that the effectiveness of its academic programs can be enriched by appropriate faculty involvement with the realities of social, economic, and technologic activities outside the colleges. Faculty members are uniquely qualified to assist in meeting a variety of societal needs by way of limited consulting activity. Personal participation in professionally relevant consulting activities should enhance a faculty member's competence as a teacher and a researcher.

With appropriate prior administrative approval, a faculty member employed on a full-time basis may render professional consulting services in the public interest to an individual association, governmental agency, business, or others. Such consulting activities, whether compensated or not, should not interfere with the fundamental responsibility of a faculty member to meet regularly assigned duties and obligations to teaching and research, including being regularly available to students and colleagues, which are normally expected of a full-time faculty member and for which the faculty member receives compensation from the Kentucky Community and Technical College System. The chief executive officer of a KCTCS college has the authority to limit external consulting and other overload assignments for faculty in that college to less than the maximum extent when such limitation is necessary to meet the college's commitments to instruction and service.

At all times while on full-time or part-time appointment, during either an assignment period or a non-assignment period, faculty members must avoid any situations in which their involvement may actually conflict with their Kentucky Community and Technical College System duties and responsibilities. While it is not possible to anticipate every factual situation which might give rise to a conflict of interest, such a conflict of interest does arise within the meaning of this regulation when a faculty member represents the legal interest of another party against KCTCS or when a faculty member engages in litigation on behalf of another party against KCTCS. A conflict of interest also may arise in a case of a potentially patentable invention or discovery (see KCTCS intellectual properties policy and guidelines). Interpretations as to conflicts of interest in particular factual situations are to be made by the chief executive officer of the college with the proviso that an adverse decision can be appealed.

The above principles apply to all faculty members during the period of their active full-time employment by Kentucky Community and Technical College System.

Regardless of the assignment period, faculty who plan to consult or to undertake employment outside the Kentucky Community and Technical College System must complete Form F. Form F must be completed before a faculty member undertakes any consulting or outside employment. The information provided by the faculty member on Form F will be evaluated to ensure that there are no actual or potential conflicts of interest during the nine (9) -, ten (10) -, eleven (11) -, or twelve (12) - month assignment period and also during any non-assignment period, authorized leave, or vacation period. Professional services covered under KCTCS-enacted professional service plans are excluded from the approval process.

### **2.11.1.3.2 Approval Procedure**

The variety of outside consulting or employment situations and the potential of such for detracting from a faculty member's regular KCTCS activities, for lacking professional relevance to the faculty member's field, or for constituting a conflict of interest for the faculty member demand a standard procedure for review and approval.

The following guidelines and procedures are set forth to aid in the interpretation of the policy for consulting, whether compensated or not. In general, any outside consulting demanding more than purely spare-time effort must be substantially justified in terms of the contribution its performance can bring to the faculty member's pursuit of teaching, research, and service. The basic responsibility for determining the appropriateness of any consulting is determined collaboratively by the chairperson, chief academic officer or other appropriate administrative officer, president/ceo, and the faculty member.

When desiring to engage in such activities, a faculty member must make a formal proposal in writing to the concerned department or division chairperson using a copy of Form F. Since approval shall not be granted for blanket authorization to consult or engage in professional practice, a proposal should be specific. Such a proposal shall indicate the nature of the work to be performed, the estimated amount of time involved, the duration of the assignment, and the scale of compensation, if any. The division chairperson's recommendation on the proposal shall be forwarded to the college chief executive officer whose approval or denial shall be forwarded to the KCTCS System Human Resources (HR) Office. These proposals shall be made a matter of record by the HR who shall transmit periodic reports to the President of the Kentucky Community and Technical College System and to the Board of Regents.

Whenever a proposal by a faculty member is disapproved by an official of the college, it is the obligation of that official to provide the faculty member, upon request, with an oral statement of the reason for the decision. The faculty member also is entitled to appeal such a disapproval through established channels.

Faculty members engaged in consulting and other overload activities must not use the name of the Kentucky Community and Technical College System in such a manner as to suggest institutional endorsement or support of a non-KCTCS enterprise.

Requests for outside consulting that involve significant use of other KCTCS personnel, facilities, or equipment should be performed on a contractual basis with KCTCS rather than on an individual consulting basis.

A faculty member wishing to engage in continuing consulting must resubmit a request annually.

The following professional activities are subject to the guidelines set forth above, but are excluded from the approval requirements discussed in this section so long as any such activity occurs on no more than four separate occasions per year and does not result in compensation in excess of one thousand dollars (\$1,000) per occasion.

1. Occasional service on review panels, site visit teams, professional committees or boards;
2. Occasional lectures or seminars at other institutions;
3. Occasional telephone or office consultation; and
4. Occasional reading and evaluation of manuscripts, writing reviews, serving as expert witness, rendering professional opinions in depositions, etc.

Faculty members engaged in consulting and other overload activities must assure that they do not have a conflict of interest nor a conflict with regular workload and quality of instruction.

### **2.11.1.3.3 Special Considerations Regarding Faculty Consulting and Other Overload Assignment**

KCTCS recognizes that there are occasional circumstances when a faculty member may be the most appropriate person to undertake KCTCS assignments which are beyond the scope of that individual's normal division, college, and System-wide responsibilities. Examples include the conducting of continuing education classes, the grading of correspondence courses, and participating in various types of sponsored activities for which the basic responsibility lies outside the faculty member's educational unit. Equity demands that procedures for compensation above the individual's regular KCTCS contract be provided for these situations. At the same time, however, the local nature of the circumstances and the relative closeness of participants suggest that special attention be given to the potential impingement on the individual's regular duties and the potential for conflicts of interest.

Additional compensation for internal overload assignments (e.g., continuing education classes, including extension and evening programs classes, and grading in correspondence courses) must be approved by the college president/ceo.

If an internal overload assignment is to be compensated from sponsored project funds, the faculty member's proposal for overload employment shall be forwarded sequentially to the division chairperson, chief academic officer or other appropriate administrative officer, president/ceo, principal investigator for the sponsored project, and the KCTCS System HR Office. (CEOs should coordinate with the System Office of Sponsored Projects and Contracts where appropriate.)

#### **2.11.1.3.4 Internal Faculty Overload**

1. **Restrictions on Internal Overload for Faculty.** Internal overload within the educational unit for faculty in KCTCS will be restricted to instructional assignments that are clearly above and beyond the duties and responsibilities recorded in the faculty member's approved Performance Planning and Evaluation agreement.
2. **College-Level Approval.** It is the president/ceo's responsibility to evaluate the budgetary impact of a proposed overload and to determine, after due consultation with the faculty member, the division chairperson, and chief academic officer or other appropriate administrative officer, whether an instructional assignment is clearly above and beyond the duties and responsibilities recorded in the faculty member's approved Performance Planning and Evaluation agreement.
3. **Overload for Non-Credit Business and Industry Teaching.** Instructional assignments approved for overload above and beyond the Distribution of Effort Agreement may include credit courses and non-credit business and industry short courses, seminars, and educational programs.
4. **Overload for Faculty on 'Released Time' or 'Reassigned Time.'** Overload pay is generally restricted to faculty carrying a normal teaching load of fifteen (15) credit hours per semester or equivalent for the academic year, fall and spring semesters. The maximum number of contact hours per week for a full-time occupational/technical instructor shall be determined by the chief executive officer but shall not exceed twenty-five (25). However, faculty members who have been released from one or more courses to take on other duties may be paid overload for an additional instructional assignment if that assignment is clearly above and beyond the duties recorded in the approved Distribution of Effort Agreement.
5. **Librarians, Counselors, and Mid-management Staff.** Librarians and Counselors may be documented using appropriate forms and submitted for approval by the chief executive officer prior to the start of the semester for which the overload is requested. Exceptions to this deadline will be made for circumstances which arise after the start of the semester.
6. **KCTCS System HR Office Submission.** Overload payment requests must be documented using appropriate forms and submitted to the KCTCS System HR Office as notification by the chief executive officer prior to the start of the semester for



**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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which the overload is requested. Exceptions to this deadline will be made for circumstances which arise after the start of the semester.

7. Minimum / Maximum Overload Pay Limits. The minimum payment for credit classes shall be the college's existing per-course rate for part-time faculty. Overload payment for business and industry classes is a matter of local policy, as is the limit on the number of overload assignments permitted in a given semester or academic year.

<u>4-30-99</u>	<u>9-24-02; 10-17-05; 11-20-09; 3-29-11; 2-19-13</u>	<u>9-24-02; 10-17-05; 11-20-09; 3-29-11; 2-19-13</u>	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	2-19-13	(SIGNED)	2-19-13
Recommended by	Date	President, KCTCS	Date

### **2.11.3 KCTCS Outside Employment**

KCTCS wants to assure that work for other employers does not create scheduling conflicts with KCTCS duties or otherwise restrict an employee's ability to perform KCTCS work assignments. KCTCS requires employees to report and to request approval to perform "related" outside employment or consulting work, if it is the type of instruction, or training, or other related services that KCTCS provides to the public. Related work is work that uses substantially the same professional knowledge and skills required in an employee's KCTCS position. Outside employment may also be referred to as faculty consulting or an external overload.

KCTCS employees may engage in additional related employment or consulting assignments outside of KCTCS only if a description of the outside related employment has been submitted on the designated outside employment request form and has been approved by the college president/ceo.

Requests for outside employment shall be determined based upon the following:

- The outside employment or consulting does not represent a diversion of regular KCTCS business which the employee is expected to secure or carry out as part of his/her KCTCS employment.
- The hours of the outside employment shall not coincide with the employee's KCTCS scheduled hours of work.
- Outside employment shall not conflict with the employee's job responsibilities, KCTCS interests or affect the employee's job performance at KCTCS.
- Outside employment shall not cause the employee to arrive late for, or leave early from, his/her KCTCS scheduled work shift or hours.

Actions on outside employment requests shall be reported to KCTCS Human Resources as specified on the designated outside employment request form.

KCTCS facilities and equipment shall not be used in the conduct of an employee's outside business or employment without explicit written permission from the college president/ceo.

The ability to engage in outside employment/external consulting/external overload during a medical leave of absence, including a Family/Medical Leave, shall be subject to the same terms and the same type of process for request and approval determination as that used for an employee who is not on a medical leave of absence. A separate request and approval determination shall be used for engaging in outside employment during medical leaves of absence.

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Employees must also comply with related KCTCS administrative policies and procedures regarding external consulting, overloads, and running for or serving in elective or appointive office.

<u>6-22-98</u>	<u>5-23-06</u>	<u>5-23-06</u>	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
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<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u>	<u>Date</u>

**2.11.3.1 Running for or Serving in Elective or Appointive Office**

Like other citizens, KCTCS employees are free to engage in political activities so far as they are permitted to do so within conflict of interest statutes and their job-related obligations. Elective and appointive part-time services in public office and on public boards and commissions, to which members of the faculty and staff are prepared to provide service while actively employed, shall be governed by policies on outside employment and faculty consulting and external workloads.

For leaves of absence while serving in a public office, see KCTCS administrative policies and procedures regarding political leave.

6-22-98	6-14-05	6-14-05	
_____ Date Approved by President, KCTCS	_____ Date(s) of Last Review	_____ Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	6-14-05	(SIGNED)	6-14-05
_____ Recommended by	_____ Date	_____ President, KCTCS	_____ Date

## 2.14 Leaves of Absence

### **Opt Over Banked Leave Balances**

KCTCS employees under the UK personnel system or 18A/151B personnel system who exercise their one-time election to opt over to the KCTCS personnel system without a break in service shall bank existing vacation/annual leave, compensatory leave, and sick/temporary disability leave balances. These banked balances shall be available for use subject to the leave policies under the KCTCS personnel system. KCTCS policies shall govern new leave accumulations.

### **Continuous Service Credit for Employees Who Elect to Opt Over**

For KCTCS employees who exercise their one-time election to opt over to the KCTCS personnel system, their length of service for benefits calculations shall be their combined, uninterrupted service for KCTCS and the University of Kentucky Community College System, Lexington Community College, or the Commonwealth of Kentucky prior to the transfer to KCTCS set forth by statute. They shall retain their original service date.

<u>6-22-98</u> Approval Date	<u>1-4-07</u> Date(s) of Last Review	<u>1-4-07</u> Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED) _____ Recommended by	1-4-07 Date	(SIGNED) _____ President, KCTCS	1-4-07 Date

### **2.14.1 Faculty and Staff Vacation Leave**

KCTCS provides vacation with pay to any regular full-time and eligible regular part-time faculty and staff. Vacations are to be scheduled at times that are convenient to the department with due consideration given to the department. The department supervisor shall be responsible for scheduling vacations to allow for adequate staffing to meet the departmental work load. This scheduling may specify periods during which some or all employees may not take vacation leave.

Employees shall earn vacation leave/annual leave based on their position title, duration category, time worked category, the personnel system under which they are governed; KCTCS policies, procedures, and regulations; and applicable laws. Employees shall confirm eligibility for vacation leave with their supervisor and follow all policies and procedures for requesting and/or reporting vacation leave.

All paid vacation leave requires the approval of employees' supervisor in order to be considered excused leave time. Employees shall request from their supervisor, in advance of each absence unless that is not possible, the approval of vacation leave, using the official KCTCS absence record/request form (located on the KCTCS website Forms page) in accordance with KCTCS Business Procedures regarding absence record procedures. An official KCTCS absence record/request form shall be submitted for each absence prior to any vacation being taken. In addition to the official KCTCS absence record/request form, colleges may also use a vacation leave planning form to plan at the beginning of the academic year vacation leave for the whole year; however, this form shall be used for planning purposes only, rather than for the purpose of requesting and/or recording vacation leave time. Absence record/request forms, and time sheets if applicable, shall accurately reflect the amount of vacation leave taken during any given pay period. Local payroll and/or human resources staff shall use standardized methodology to track the earning of and usage of vacation leave. A deduction of leave time shall be recorded in leave records as the leave time occurs.

Employees may use vacation leave for absences due to illness and other health-related reasons. When requesting approval for an absence due to an illness or health-related reason, employees and supervisors shall contact and collaborate with the human resources staff to explore whether or not the absence qualifies for Family Medical Leave (FML). The KCTCS FML request form shall be completed and submitted in order for a final determination to be made. If the absence does qualify as FML, it shall be subject to the provisions of that policy and the Family Medical Leave Act. Approved FML shall run concurrent with other paid and unpaid leave time

Employees on vacation leave who become ill or injured while on vacation may substitute TDL during the period of temporary disability upon providing written certification of a physician. The employee shall be responsible for obtaining the physician's certification and requesting the substituted time through their supervisor by the end of the pay period in which the absence occurred. The employee shall make any necessary corrections on

their time sheet/absence record and obtain appropriate signatures in order to complete substitution of time.

Employees shall exhaust all available and applicable paid leave time, including applicable banked leave, if necessary during the duration of the leave. Excessive non-FML absenteeism, including unplanned absences, and tardiness are disruptive, and either violation may lead to disciplinary action, including termination of employment.

The subsequent policies further address faculty and staff vacation leaves.

In addition, provisions regarding leaves of absence shall be adhered to in accordance with other KCTCS policies and human resources procedures related to attendance and leaves, including KCTCS policies regarding unauthorized absences and leaves and unpaid medical leaves of absence.

### **2.14.1.1 Faculty Vacation Leave**

#### **KCTCS Personnel System and UK Personnel System**

Regular full-time faculty members on a ten (10)-month, eleven (11)-month, or twelve (12)-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period. Regular part-time faculty members who work 50 percent or more of a full-time schedule on an annualized basis earn a pro-rata share of vacation days annually. Temporary faculty members, along with regular part-time faculty who work less than 50 percent of a full-time schedule on an annualized basis, shall not earn vacation leave.

In addition to their vacation leave earned under the KCTCS personnel system, faculty who opted over from the 18A/151B personnel system shall retain their balance of banked vacation leave earned under that personnel system. The banked balance shall not increase but may be used in accordance with this policy.

Except for emergencies or other special reasons as approved by the college president/ceo, faculty shall not take vacation during the academic year while classes (including labs, clinicals, committee work, advising, office hours, and other responsibilities assigned by the supervisor and college officials) are in session. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each member of the teaching faculty shall be in actual attendance at least until after commencement and until all reports have been made, and at least three (3) days prior to the first day of registration for the fall semester, unless for emergencies or other special reasons, leave is approved by the college president/ceo.

Faculty members employed on a twelve-month assignment basis may take vacation leave either during the assignment period in which the vacation leave is earned or during the subsequent assignment period if allowed under their respective personnel system. For

regular full-time faculty members on a ten (10)-month or eleven ((11)-month assignment basis, vacation leave normally cannot be accumulated from one (1) assignment period to another. However, under unusual circumstances, provided it is in the best interest of the Kentucky Community and Technical College System and has advance approval by the college president/ceo, a faculty member employed on a ten (10)-month or eleven (11)-month assignment basis also may take unused vacation leave during the assignment period following that in which the leave was earned.

### **18A/151B Personnel System**

For employees under this personnel system, additional provisions regarding annual leave is addressed in the provisions of their retirement plan and in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

### **2.14.1.2 Staff Vacation Leave**

Available vacation leave shall be taken only after it has been accrued and in increments of no less than .25 hours when approved.

### **KCTCS Personnel System**

Regular full-time and regular part-time employees who work 50 percent or more of a full-time scheduled on an annualized basis, KCTCS provides you with vacation pay. Vacations are scheduled at times that are convenient to the department with due consideration given to employee preferences.

Regular full-time staff employees in a twelve-month position shall have an annual vacation allowance as follows:

- Fifteen days each year during the first five years of service.
- Twenty days each year at the sixth year of service and thereafter.

Regular full-time staff employees in an eleven-month position shall have an annual vacation allowance as follows:

- Twelve days each year during the first five years of service.
- Eighteen days each year at the sixth year of service and thereafter.

Regular employees who work less than ten months per year accrue no vacation allowance. In addition, temporary staff employees accrue no vacation allowance.

Vacation earned is earned monthly on the 15th of the month and is available for use on the sixteenth day of that month (including the months during the new employee introductory period) for the months in which employees are in a paid status for a minimum of half of the month. Vacation leave may be used when credited and scheduled with the supervisor. Monthly vacation accruals are as follows:



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	<b>Staff Vacation Accrual based on Length of Position Assignment Period</b>		
<b>Length of Service</b>	<b>12 Months/year</b>	<b>11 Months/year</b>	<b>10 months</b>
<b>0-5 years of</b>	1.25 days/month	1.1 day/month	1 day/month
<b>6 years and over</b>	1.67 days/month	1.5 days/month	1.4 days/month

Paid vacation leave is earned for a month when employment commences on or before the fifteenth day of the month.

Employees in an unpaid leave of absence for more than half of the month do not accrue vacation leave during that month.

In addition, no paid vacation leave is accrued in the final month of employment when termination occurs on or before the 15th day of the month.

In addition to their vacation leave earned under the KCTCS personnel system, staff who opted over from the UK personnel system or the 18A/151B personnel system shall retain their balance of banked vacation leave earned under that personnel system. The banked balance shall not increase but may be used in accordance with this policy.

Part-time employees accumulate vacation on a pro-rata basis. If the scheduled work week is not to be consistent throughout the year, the pro rata percentage to full-time shall be calculated on an annualized basis. The principle governing pro rata percentages under this policy is to provide, within reasonable limits, an equitable allocation of paid vacation time for eligible part-time employees who work 50 percent or more of a full-time schedule on an annualized basis.

An employee's balance of vacation leave earned under the KCTCS personnel system is limited to a maximum of 40 days at any given time. An employee shall forfeit the balance of vacation leave in excess of the 40-day limit that was earned under the KCTCS personnel system.

**UK Personnel System**

Regular full-time staff employees and part-time staff employees who work 50 percent or more of a full-time scheduled on an annualized basis who are absent shall be granted paid vacation leave if they have an available leave balance and if the requested leave is approved.

Regular full-time staff employees in the following groups and employed on or after 07/01/83 shall accrue paid vacation leave as follows.

- 1) Any administrative and professional staff employee earns vacation as follows:

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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- a. 15 days each year during the first five years of continuous service, and
- b. 20 days each year during the sixth year and each year of continuous service thereafter.

2) Any office and clerical, service and maintenance or technical and scientific staff employee earns vacation as follows:

- a. 10 days each year during the first three years of continuous service,
- b. 15 days each year during the fourth through the ninth year of continuous service, and
- c. 20 days each year during the tenth year and each year of continuous service thereafter.

Any regular employee with an assignment of 0.5 FTE or greater and employed before 07/01/83 shall receive vacation leave in accordance with the policy in effect at the time of that employee's employment as long as that employee has not been involved in a personnel action (i.e. promotion, demotion, transfer etc.) in which the exempt/non-exempt position status changed.

Regular part-time staff employees who work 50 percent or more of a full-time schedule on an annualized basis shall accrue vacation leave in an amount for the hours and/or days worked, directly proportionate to the amount received by full-time staff employees. The principle governing pro rata percentages under this policy is to provide, within reasonable limits, an equitable allocation of paid vacation for an eligible employee who is not full-time but who works half-time or more.

**18A/151B Personnel System**

If approved, paid annual leave shall be granted subject to the terms specified in the Administrative Regulations for KRS Chapters 18A and 151B effective on June 30 1998, located in Appendix I Section 2.

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Recommended by	Date	President, KCTCS	Date

### **2.14.1.3 Terminal Vacation Pay**

#### **2.14.1.3.1 Faculty Terminal Vacation Pay**

##### **KCTCS Personnel System and UK Personnel System**

For employees under this personnel system, when separating employment faculty members shall receive terminal vacation pay if applicable, provided they leave in good standing.

If separation from employment occurs prior to the start of an assignment period, faculty members shall not be entitled to any vacation pay for that assignment period within the new appointment period.

Faculty members who terminate their contracts prior to the end of an assignment period and who leave in good standing shall receive prorated terminal vacation pay based on the amount of unused vacation days earned during the portion of their assignment period in which they were actually employed.

In addition, faculty members who separate from employment at the end of their assignment period or appointment period who leave in good standing shall be compensated for unused vacation leave.

Faculty terminal vacation pay for unused vacation leave shall be limited to a maximum of twenty-two (22) days. The calculation of the number of prorated vacation days for which a faculty member is entitled to receive terminal pay shall be based on the portion of the number of months in the assignment period that they were employed, rather than on the portion of the 12-month appointment period that they were employed. The faculty terminal vacation pay rate shall be calculated at a rate of pay based on the length of faculty members' assignment period (10-month, 11-month or 12-month), rather than on their 12-month pay rate for 10-month and 11-month faculty.

In accordance with proration of vacation leave upon separation from employment, faculty members who used vacation leave during their employment that is in excess of the prorata amount earned based on their date of separation shall be required to reimburse KCTCS for the amount of unearned vacation they used and were paid.

In addition, faculty who opted over from the 18A/151B personnel system who retain a balance of banked vacation leave that was earned under their previous personnel system shall also receive terminal vacation pay in the amount equal to their current balance of banked vacation leave, not to exceed the maximum allowable terminal vacation payout as specified under the 18A/151B regulations.

Applicable faculty terminal vacation pay will be paid in the event of the death of a faculty employee.

### **18A/151B Personnel System**

For employees under this personnel system terminal annual leave pay is addressed in the provisions of their retirement plan and in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

### **2.14.1.3.2 Staff Terminal Vacation Pay**

#### **KCTCS Personnel System and UK Personnel System**

For employees under this personnel system regular full-time or part-time employees (who are eligible to accrue vacation leave) who are separating from employment with KCTCS are eligible to receive wages or salary for unused accumulated vacation leave, at the time of their date of separation following their last actual day of work normally to be included with their final pay, provided that they meet the following criteria:

- Employees successfully completed the new employee introductory period, if applicable.
- Employees separate either (a) "in good standing," i.e., proper advance notice of their separation was given and was fulfilled in accordance with KCTCS policies that address the required time frames (this notice may be waived at KCTCS' discretion) or (b) involuntarily for reasons other than misconduct.
- Employees shall receive terminal vacation pay in the amount equal to their current balance of vacation leave earned under the KCTCS personnel system as of their date of separation, not to exceed one year's accrual of their annual vacation leave allowance. In addition, employees who opted over from the UK personnel system who retain a balance of banked vacation leave earned under that personnel system shall also receive terminal vacation pay in the amount equal to their current balance of banked vacation leave, not to exceed one year of their annual allowance. Likewise, employees who opted over from the 18A/151B personnel system who retain a balance of banked vacation leave earned under that personnel system shall also receive terminal vacation pay in the amount equal to their current balance of banked vacation leave, not to exceed the maximum allowable payout as specified in the 18A/151B regulations.
- Terminal vacation pay of staff who have a 10-month or 11-month assignment period shall be calculated at a rate of pay based on the length of their assignment period (10 months or 11 months).

Applicable staff terminal vacation pay will be paid in the event of the death of a staff employee.

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**18A/151B Personnel System**

For employees under this personnel system annual leave is addressed in the provisions of their retirement plan and in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

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1-4-07

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1-4-07

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Recommended by

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Date

\_\_\_\_\_  
President, KCTCS

\_\_\_\_\_  
Date

### **2.14.2 Faculty and Staff Sick/Temporary Disability Leave**

Employees shall be granted sick leave as approved based on their position title, duration category, time worked category, the personnel system under which they are governed, KCTCS policies and procedures, and laws. Employees shall confirm eligibility for sick leave with their supervisor and follow all policies and procedures for requesting and/or reporting sick leave.

Available sick leave may be taken in increments of no less than 0.25 hours when approved. Requests for sick leave shall be in advance if at all possible. Employees shall request from their supervisor the approval of sick leave, using the official KCTCS absence record/request form and medical documentation as required. In addition, a letter of request may be submitted along with the absence record/request form. All paid or unpaid sick leave requires the approval of employees' supervisor in order to be considered excused leave time. Employees shall use the official KCTCS absence record/request form to accurately reflect the amount of sick leave taken during any given pay period, along with the time sheet (if applicable).

In the event that an absence may possibly be a qualifying event for Family Medical Leave (FML), when requesting approval for sick leave employees and supervisors shall ensure that the Family Medical Leave (FML) request form is completed and submitted for a determination to be made regarding whether or not the absence shall be approved as a FML qualifying event. FML shall run concurrent with other paid and unpaid leave time, including paid sick leave and leaves due to injuries/illness that are covered by Workers' Compensation, in accordance with the KCTCS family medical leave policy and related human resources procedures.

Regular faculty and staff shall be approved for up to thirty (30) working days of paid or unpaid sick leave (which could include banked leave) or unpaid special leave by the college president/ceo for purposes of new child care following the birth of their child or the adoption of a child under the age of seven. Employees may request additional paid or unpaid leave beyond the 30 working days in accordance with KCTCS policies and procedures regarding sick leave, vacation leave, special leave, or other leave programs subject to the approval of the college president/ceo. Medical complications arising in conjunction with the new child care of the adopted child, when supported by appropriate medical statements, are grounds for authorizing additional leave.

For employees who are eligible and/or approved for pay for lost time from work under Workers' Compensation, the pay received for lost time from work from the Workers' Compensation carrier may be supplemented by the use of available temporary disability/sick leave pay at the employee's request, with the combined amount not to exceed the amount of the employee's regular salary immediately prior to going on leave due to the injury covered by Workers' Compensation.

An employee on vacation leave who becomes ill or injured while on vacation may substitute TDL for vacation leave for the pertinent period of temporary disability (if available and applicable) upon request by the employee and with the written certification of a physician. The employee shall submit this certification as soon as possible upon return from leave. If approved, the employee shall make the necessary corrections on their time sheet and/or absence record/request form and obtain the appropriate approval signature in order to complete the substitution of leave time.

Supervisors may require a physician's certification or other health care professional's certification for absences. In addition, supervisors may establish sick leave rules for their employees to adhere to that are consistent with this policy.

Supervisors shall review excess absenteeism with the employee and with the local human resources personnel. An employee who is absent from work on a regular basis, has an excessive use of unpaid leave, has excessive unplanned and/or unapproved absences, or has attendance patterns which interfere with his/her job shall not be entitled to the provisions of this policy unless the absences are qualifying events and the employee is eligible for the Family Medical Leave. In addition, abuse of TDL or the use of leave without pay may be cause for more restrictive reporting and certification requirements for use of TDL for an individual employee. Unapproved sick leave shall be unpaid. Excessive or unplanned absenteeism and tardiness are disruptive, and either violation may lead to disciplinary action, including termination of employment.

An employee who is not able to work regularly due to non-FML related absences may be separated from employment.

In addition, provisions regarding paid and unpaid sick leave shall be adhered to in accordance with other KCTCS policies and human resources procedures related to Family Medical Leave and leaves of absence.

#### **A. Temporary Disability (Sick) Leave for Faculty Members**

##### **KCTCS Personnel System**

Regular full-time faculty, and regular part-time faculty members who work 50 percent or more of a full-time schedule on an annualized basis, are entitled to the temporary disability (sick) leave provisions in this policy. Regular faculty may be absent up to five continuous working days with pay for a period of absence because of their own personal illness or injury. KCTCS requires appropriate notification so that class schedules and other professional duties can be covered. The supervisor may require faculty members to furnish medical documentation.

Faculty who are sick or injured and unable to work, resulting in the need for a period of absence longer than the initial five continuous working days, may submit a request for up to 30 calendar days of sick leave with pay. Such leave requests shall be reviewed and an approval determination made by the college president/ceo. If the need for TDL continues

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beyond that time, faculty shall request approval of a renewal of additional TDL every 30 calendar days for a maximum of six months. Faculty members shall be required to submit medical documentation to the supervisor for each request of sick leave, including renewals and/or the ability to safely return to work for a sick leave.

Faculty who opted over from the 18A/151B personnel system shall retain their balance of banked sick leave earned under that personnel system. The banked balance shall not increase but may be used in accordance with this policy.

At the discretion of the college president/ceo, faculty members may be required to use their banked sick leave balance (banked as a result of opting over to the KCTCS personnel system from the 18A/151B personnel system) prior to being approved for the use of paid faculty sick leave.

Regarding requests for medical leave beyond six months or unapproved requests for sick leave, see KCTCS policies and procedures regarding vacation leaves, unpaid medical leaves of absence, special/other leaves, long-term disability insurance and/or the disability retirement provisions provided under the Kentucky Retirement System.

Faculty sick leave with pay may also be used for the purpose of tending to a serious illness suffered by a member of your immediate family, in the event the illness requires your personal time and attention, for up to five faculty sick days with pay within a six month period. Possible exceptions to the five day limit may be made by the college president/ceo, due to an employee's extenuating circumstances, to allow up to a maximum of 30 working days of sick leave with pay. For purposes of this policy, immediate family includes spouse, child, parent, sibling, or person for whom you serve as legal guardian.

KCTCS may, at its sole and absolute discretion, require a doctor's certificate verifying the necessity for any absence(s) due to sickness of a family member.

Faculty may not use paid sick leave until after three months of employment.

Temporary/adjunct faculty and regular part-time faculty working less than half-time are not eligible for paid temporary disability (sick) leave.

### **UK Personnel System**

Paid sick leave may be granted to faculty members by the college president/ceo. Faculty who are totally disabled, are entitled to up to six months leave with pay. Faculty who remain disabled after six months of sick leave may qualify for long term disability benefits under the UK plan with premiums paid by KCTCS. Sick leave with pay for more than six months requires approval by a KCTCS Vice President or the KCTCS Chancellor.



Requests by regular faculty for purposes of the care of a new child (through birth or adoption) shall be approved by the college president/ceo for up to thirty (30) working days of temporary disability/sick leave (which could include banked leave). Faculty may request additional paid sick leave, vacation leave, or a special leave without pay for new child care for a period beyond the 30 working days, subject to the approval of the college president/ceo. Medical complications arising in conjunction with the care of the adopted child, when supported by appropriate medical statements, are grounds for authorizing additional leave.

For further information please see the UK benefits policies and regulations on the KCTCS website.

### **18A/151B Personnel System**

If approved, paid or unpaid sick leave shall be granted subject to the terms specified in the Administrative Regulations for KRS Chapter 151B effective on June 30, 1998, located in Appendix I Section 2.

## **B. Temporary Disability (Sick) Leave for Staff Employees**

### **KCTCS Personnel System**

Regular full-time staff employees and part-time staff employees who work 50 percent or more of a full-time scheduled on an annualized basis who are absent from work because of a personal illness or injury shall be granted paid temporary disability leave (TDL) if they have an available leave balance and if the requested leave is approved.

Regular full-time employees accrue paid temporary disability (sick) leave at the rate of one day (7.5 hours) per month.

Regular part-time employees who work 50 percent or more of a full-time schedule on an annualized basis accrue paid TDL in an amount for the hours and/or days worked, directly proportionate to the amount received by full-time staff employees. The principle governing pro rata percentages under this policy is to provide, within reasonable limits, an equitable allocation of paid TDL for an eligible employee who is not full-time but who works half-time or more.

Paid TDL allowance is earned for a month when employment commences on or before the fifteenth day of the month.

For eligible continuing employees the TDL accrued per month is available for use on the sixteenth day of that month (including the months during the new employee introductory period) for the months in which the employee is in a paid status for a minimum of half of the month.

Employees in an unpaid leave of absence for more than half of the month do not accrue TDL during that month.

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In addition, no paid TDL is accrued in the final month of employment when termination occurs on or before the 15th day of the month.

In addition to their TDL leave earned under the KCTCS personnel system, staff who opted over from the UK personnel system or the 18A/151B personnel system shall retain their balance of banked TDL/sick leave earned under that personnel system. The banked balance shall not increase but may be used in accordance with this policy.

Employees shall use TDL, vacation leave, or compensatory leave (if applicable) during a period of temporary disability.

In addition to utilizing sick leave in the event of employees' own illness, sick leave may also be used for the purpose of visiting doctors, dentists or other recognized practitioners. Sick leave may also be used for the purpose of tending to a serious illness suffered by a member of the employees' immediate family, in the event the illness requires the employees' personal time and attention. For purposes of this policy, immediate family includes spouse, child, parent, sibling, or person for whom the employee serves as legal guardian.

KCTCS may, in its sole and absolute discretion, require a doctor's certificate verifying the necessity for absence(s). Accrued paid TDL or vacation leave shall be used during a period of temporary disability.

Employees shall exhaust all available paid leave time prior to going into a leave without pay status. Employees shall be in a leave without pay status only if accrued paid TDL, vacation leave, and compensatory leave (if applicable) are unavailable or are unapproved, or when employees have exhausted all accrued paid TDL, vacation leave, and compensatory leave (if applicable).

Provisions regarding unpaid leaves are specified in KCTCS policies and human resources procedures regarding unpaid medical leaves of absences.

Please note the relationship between this policy and the KCTCS Family and Medical Leave policy.

Upon termination of employment, there is no payout of terminal sick pay of the current balance of temporary disability leave days to the terminating employee.

### **UK Personnel System**

Regular full-time staff employees and part-time staff employees who work 50 percent or more of a full-time scheduled on an annualized basis who are absent from work because of a personal illness or injury shall be granted paid TDL if they have an available leave balance and if the requested leave is approved.

## ***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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Regular full-time staff employees accrue paid TDL at the rate of one day (7.5 hours) per month.

Regular part-time staff employees who work 50 percent or more of a full-time schedule on an annualized basis accrue paid TDL in an amount for the hours and/or days worked, directly proportionate to the amount received by full-time staff employees. The principle governing pro rata percentages under this policy is to provide, within reasonable limits, an equitable allocation of paid TDL for an eligible employee who is not full-time but who works half-time or more.

TDL accrual is earned for a month when employment commences on or before the fifteenth day of the month.

For eligible continuing employees the TDL accrued per month is available for use on the sixteenth day of that month (including the months during the new employee introductory period) for the months in which the employee is in a paid status for a minimum of half of the month.

Employees in an unpaid leave of absence for more than half of the month do not accrue TDL during that month.

Employees shall use TDL or vacation leave during a period of temporary disability.

Unless otherwise approved for additional leave time, a cumulative maximum of 30 working days of TDL in one year may be used for time off due to the illness or injury of a family member, defined as: spouse; child; grandchild; mother/father; grandmother/grandfather; brother/sister (including steps, halves, and in-laws of the above relatives); legal dependent of the employee; and another who resides in the employee's household and for whom the employee has an obligation to provide care. A presumption of six weeks (30 working days) leave during recovery period shall be made in the case of childbirth. Up to a maximum of 30 working days of TDL may be used by employees for the adoption of a child and by male employees for the birth of his child.

Employees shall exhaust all available paid leave time prior to going into a leave without pay status. Employees shall be in a leave without pay status only if accrued paid TDL, vacation leave, and compensatory leave (if applicable) are unavailable or are unapproved, or when employees have exhausted all accrued paid TDL, vacation leave, and compensatory leave (if applicable).

Use of paid TDL for over six months shall be approved by the college president/ceo, or by the appropriate Cabinet member for system office employees.

Upon termination of employment, there is no payout of the current balance of TDL days to terminating employees.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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**18A/151B Personnel System**

If approved, paid or unpaid sick leave shall be granted subject to the terms specified in the Administrative Regulations for KRS Chapters 18A and 151B effective on June 30 1998, located in Appendix I Section 2.

6-22-98	5-15-02; 11-13-02; 1-4-07	5-15-02; 11-13-02; 1-4-07	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	1-4-07	(SIGNED)	1-4-07
Recommended by	Date	President, KCTCS	Date

### **2.14.2.1 Conversion of Staff Temporary Disability (Sick) Leave**

Regular staff employees with a full-time equivalent (FTE) of 0.5 or greater under the UK personnel system who have a minimum accrued balance of 66 days of temporary disability leave (TDL), have a conversion option for extra vacation leave or credit toward retirement. Likewise, regular full-time and regular part-time staff employees (who work a schedule of 50 percent or more of a full-time schedule on an annualized basis) under the KCTCS personnel system who elected to opt over from the UK personnel system and have a minimum accrued balance of 66 days of temporary disability leave (TDL), have a conversion option for extra vacation leave or credit toward retirement. It is the intention of this policy to reward loyal, long-time employees who remain healthy as well as to encourage employees to use TDL only when necessary.

Conversion is available for regular part-time staff employees (who work a schedule of 50 percent or more of a full-time schedule on an annualized basis) if the employee has TDL accrual which is pro rata the equivalent to 66 days. For example, an employee who works 50 percent, an accrual of 33 days shall be maintained to be eligible for conversion.

#### **KCTCS Personnel System and UK Personnel System**

##### **Annual Conversion of Temporary Disability Leave**

Upon accumulating a balance of more than 66 temporary disability leave days, regular full-time employees may, on an annual basis, voluntarily convert a portion of their accrued temporary disability leave to vacation leave. Staff who opted over may use their combined TDL balance (banked balance earned under the UK personnel system and the TDL balance accrued under the KCTCS personnel system) to count toward eligibility or this conversion option. Employees shall have accumulated and shall retain a minimum balance of 66 temporary disability leave days following the conversion in order to be eligible for this alternative conversion option. Only days in excess of 66 accrued temporary disability leave days may be converted. One vacation leave day shall be acquired for each three temporary disability leave days converted. A maximum of 12 temporary disability leave days may be converted in any one fiscal year.

Employees who convert 12 temporary disability leave days and who did not use any temporary disability leave days during that fiscal year shall acquire five vacation leave days as a result of the conversion.

The annual conversion shall occur only in the month of April. The days acquired through the conversion shall be counted as vacation days earned in the current fiscal year. Any converted day(s) shall become a part of the employees' vacation leave balance and shall be used in accordance with Kentucky Community and Technical College System administrative policies and procedures regarding staff vacation leave. Conversion of temporary disability leave for vacation leave shall be final. Employees who have a minimum balance of 66 temporary disability leave days plus three or more days for

conversion and who desires to convert accrued temporary leave days to vacation leave days shall, in consultation with the human resources department, complete the appropriate form. Conversion of accrued temporary disability leave to vacation leave for the preceding fiscal year shall be completed between April 1 and April 30.

Any costs as a result of this policy shall come from the department's regular salary account.

**Temporary Disability Leave Conversion at Retirement**

The option for staff employees to convert a portion or all of their temporary disability leave accrued balance at retirement may be done in accordance with KCTCS Board Policy 3.7.3.5- *Sick Leave Conversion* if they meet the eligibility requirements set forth below.

1) If, at retirement, regular full-time employees who participate in the KCTCS 403b retirement plan have a minimum of 66 days of accrued TDL, employees may apply the entire accrual (less days opted for full payment under section b. below) toward the employees' service date for regular retirement and/or the age requirement for early retirement.

- a. For employees hired prior to July 1, 1995, KCTCS shall pay the employee an amount equal to that which the employer would have contributed to the employees' retirement plan if the employee had worked the same period of time.

Example

An employee is 66 days 'short' of eligibility for retirement and has 66 days of accrued TDL, the employee's TDL accrual could be applied to fulfill the retirement eligibility requirement. Also, the employee shall receive a lump sum payment based on the total number of TDL days (less days opted for full payment under section b. below). The amount of the lump sum payment shall be determined by taking the remaining number of TDL days (valued at the daily or hourly pay), multiplied by the retirement percentage contribution for the employee.

- b. Employees hired prior to July 1, 1995, who has a minimum of 66 days of accrued TDL, may choose to take a cash award for the TDL balance, not to exceed the salary equivalency of 22 days.

Example

Total days of accrued TDL	66 days
Less days opted for full payment	22 days
Balance of accrued TDL	44 days
Daily rate of pay (annual salary of \$26,000 divided 260 work days)	\$100
Value of accrued TDL (44 days x \$100)	\$4,400
Multiplied by normal retirement contribution percentage	10%
Lump sum payment to employee	\$440.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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- c. The remaining balance, if any, may be applied to the employees' service and/or age eligibility toward retirement.

**18A/151B Personnel System**

For employees under this personnel system sick leave conversion is addressed in the provisions of their retirement plan and in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

<u>6-22-98</u>	<u>5-15-02; 11-13-02; 1-4-07; 8-24-10</u>	<u>5-15-02; 11-13-02; 1-4-07; 8-24-10</u>	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
<u>(SIGNED)</u>	<u>8-24-10</u>	<u>(SIGNED)</u>	<u>8-24-10</u>
Recommended by	Date	President, KCTCS	Date

### **2.14.2.2 KCTCS Family and Medical Leave Policy**

KCTCS provides eligible employees with unpaid, job-protected leave for certain conditions in accordance with the Family and Medical Leave Act of 1993 (as amended in 2008). To request Family and Medical Leave (FML), please notify your supervisor or local Human Resources Director. System Office employees may notify the supervisor or Employee Relations to request Family and Medical Leave.

#### **I. Eligibility**

All employees who have worked for KCTCS for a minimum of 12 months within the last seven years **and** have worked for KCTCS at least 1,250 hours during the 12 calendar months immediately preceding the request for FML may request FML for a serious health condition involving the employee or a qualified family member for the reasons listed below:

1. To care for the employee's son or daughter (during the first 12 months) following birth of the employee's child;
2. To care for a child (during the first 12 months) following a placement of a child with the employee for adoption or foster care;
3. To provide care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical care or child birth;
5. For the employee's own serious health condition that renders the employee unable to perform (an) essential function(s) of his/her position;
6. For certain qualifying exigencies involving the military *or*;
7. To care for a covered servicemember.

The minimum 12 months of service are not required to be consecutive. Employment prior to a break in service of seven years or more will not be counted, **unless**:

- (1) The break in service was caused by the employee's active duty with the National Guard or Reserve *or*;
- (2) There was a written agreement that the employer intended to rehire the employee after the break in service.

Employees who are unsure about their eligibility for FML should contact the department supervisor, respective college Human Resources Director, or the System Office Employee Relations Department for more information.



## **II. Determining Available FML Time**

KCTCS uses the following methods for determining available leave:

### **A. Employees not in the Military**

Eligible employees may request up to 12 weeks of FML in a twelve (12) month period. When an employee requests FML, the 12 months immediately prior to the effective date of the current requested leave is the time frame used to determine whether FML time is available. The amount of time available depends on any FML time used within that twelve (12) month period. *The twelve (12) month period "rolls back" from the effective date of the current requested leave to the prior twelve (12) month period.*

### **B. Employees in the Military**

Eligible employees may request up to 26 weeks of FML during a single twelve (12) month period to care for a spouse, son, daughter, parent or next of kin with an illness or injury incurred in the line of duty while in the Armed Forces, National Guard or Reserves.

Eligible employees may use any of his or her 12 weeks allotment to take FML because of any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

*The twelve (12) month period "rolls forward" from the effective date of the current requested leave for Military Servicemember leave.*

## **III. Employee Responsibilities** *(wherein include but are not necessarily limited to):*

- **Foreseeable Leave** - If the need to use FML is foreseeable, then the employee shall give at least 30 days' prior notice of the need to take leave. When 30 days' notice is not feasible, the employee shall give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of FML. The employee shall give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.
- **FML Forms** - Forms are located on the KCTCS forms page, or may be requested from the supervisor or Human Resources. Whenever possible, completed forms should be submitted to the employee's department head, respective college Human Resources Director or system office Employee Relations (for system office employees). It is the joint responsibility of the employee's department supervisor or designee and a Human Resources designee to determine the approval for FML.

Employees shall provide sufficient information for KCTCS to determine if the leave may qualify as FML.

- Certification and Recertification - Employees shall be required to provide a certification and periodic recertification supporting the need for FML, in accordance with the law.
- Reporting Absences - Employees shall follow standard policies, procedures and practices for reporting absences. Calling in sick without providing more information shall not be considered sufficient notice for FML.

**IV. Employer Responsibilities** (*wherein include but are not necessarily limited to*):

- When an employee requests leave, KCTCS shall inform the employee whether he/she is eligible under the FMLA. If the employee is eligible, KCTCS shall provide the employee with a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, KCTCS shall provide the employee with a written notice indicating the reason for ineligibility.
- If leave is designated as FML, KCTCS shall inform the employee in writing and provide information on the amount of leave that shall be counted against the employee's approved 12 or 26 week entitlement.
- If an absence is identified as FML after the leave has begun or after the employee has returned, the absence may retroactively be designated as FML within two working days of the employee's return to work.
- The application of this FML policy shall be coordinated with applicable KCTCS policies and procedures regarding temporary disability leave/sick leave, vacation leave, unpaid medical leave, long term disability, special leave/other leave, and all other applicable laws, regulations, and/or KCTCS policies.
- If the requested leave exceeds the approved period of FML, KCTCS shall evaluate the request in accordance with other applicable laws, regulations, and/or KCTCS policies and procedures. KCTCS reserves the right to disapprove such a request at its sole discretion.

**V. Pay, Benefits, and Protections** (*wherein include but are not necessarily limited to*):

**A. Pay During an FML**

- FML is unpaid leave unless employees are eligible for short- or long-term disability payments and/or workers' compensation benefits under those insurance plans if leave is taken because of an employee's own serious health condition. During a period of

disability, employees may be eligible for disability pay benefits. Provisions for disability benefits are stated in the applicable policies, statutes, and regulations regarding eligibility for long-term or short-term disability, benefit amounts, filing deadlines, and filing procedures.

- KCTCS requires employees to substitute available paid leave time for unpaid leave during FML leave. Employees' pay status during an FML leave shall be determined in accordance with KCTCS policies regarding paid and unpaid leaves of absence. FML leave runs concurrent with other paid leave time, where necessary. Therefore, during FML, employees shall use any paid leave in accordance with all leave policies, including banked leave time, but excluding up to 10 days of annual leave and 10 days of sick leave (when requested by the employee) for employees in the 18A/151B personnel system, prior to going into a leave without pay status. Paid and unpaid FML shall be coordinated with other leaves and benefits policies, procedures, and regulations.
- In no case may the substitution of paid leave time for unpaid leave time result in an employee receiving more than one hundred (100) percent of their salary.
- KCTCS requires eligible employees taking FML for a qualifying exigency or to care for an injured or ill family in the military to substitute paid sick, vacation or banked leave time for unpaid FML.

#### **B. Benefits During an FML**

- KCTCS shall maintain the employee's health benefits as if the employee continued to be actively employed during an approved FML. KCTCS shall deduct the employee's portion of the health plan premium as a regular payroll deduction if paid FML is substituted for unpaid FML. **The employee shall pay his/her portion of the premium through one of the following payment options if FML is unpaid:**
  - a) **Pre-payment of premiums (employee pays premiums prior to going on leave)**
  - b) **Pay-as-you-go (employee pays premiums while on leave)**
  - c) **Catch-up (employer initially pays employee's share of premiums, then is reimbursed by the employee upon employee's return from FML.)**
- The employee shall make arrangements with the benefits office prior to going on FML, or as soon as possible for unforeseeable FML conditions, regarding the chosen method of payment for the employee's portion of health care premiums. **An employee's healthcare coverage may cease if the employee's premium payment is more than 30 days late.**
- If the employee chooses not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse KCTCS for the cost of

the premiums paid by KCTCS for maintaining coverage during the unpaid FML, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

- KCTCS will maintain the employee's health coverage under any group health plan(s) on the same terms as if the employee had continued to work during FML. The use of FML shall not result in the loss of any employment benefit that accrued prior to the start of the employee's FML.

**C. Job Restoration under FMLA**

- Upon returning from FML, most employees shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- KCTCS requires a fitness for duty form to be completed and submitted upon return from FML. Employees shall obtain this form from the KCTCS forms page, his or her supervisor, the respective college Human Resources Director or system office Employee Relations. This form shall be completed by the employee's physician or health care provider who completed the FML form.
- If any employee is unable to perform the essential functions of his or her position because of a physical or mental condition, the employee has no right to restoration to another position. Under such circumstances, the ADA shall determine KCTCS' obligation to the employee.

**VI. Definitions** (*wherein include but are not necessarily limited to*):

**Medical Certification**

- If the employee is requesting FML because of the employee's own serious health condition or a covered relation's serious health condition, the employee and the relevant healthcare provider shall supply appropriate medical certification.
- KCTCS shall notify the employees who request FML of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave). If the employee provides at least 30 days' notice of FML, he or she should also provide medical certification before the FML is scheduled to begin. The employer shall allow seven (7) days for the employee to cure any deficiency on the medical certification form.
- Failure to provide requested timely medical certification may result in denial of leave until it is provided.
- KCTCS, at its expense, may require an examination by a second healthcare provider designated by KCTCS, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original

medical certification, KCTCS, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

- KCTCS may require subsequent medical recertification in accordance with the FMLA. Failure to provide requested recertification, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

### **Married Couples**

- A husband and wife who are eligible for FML and are both employed by KCTCS may be limited to a combined total of 12 weeks of leave during any twelve (12) month period if the leave is taken:
  - 1) For birth of the employee's son or daughter or to care for the child after birth;
  - 2) For placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or
  - 3) To care for the employee's parent with a serious health condition.

### **Intermittent FML**

- Intermittent FML may be taken for the following:
  - 1) a serious health condition of a parent, son, or daughter,
  - 2) the employee's own serious health condition,
  - 3) a serious injury or illness of a covered service member.

In order to qualify as intermittent FML, the leave shall require treatment by a health care provider periodically, rather than for one continuous period of time. This may include leave of periods from an hour or more to several weeks. Eligible employees may take the FML intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary.

- KCTCS may temporarily transfer an employee on approved intermittent or reduced-schedule FML to an available alternative position that better accommodates the recurring leave, and which has equivalent pay and benefits. If the FML is unpaid, KCTCS shall reduce the employee's salary based on the amount of time actually worked.
- Employees are required to make reasonable efforts to schedule intermittent FML for planned medical treatment in order not to unduly disrupt KCTCS operations.
- FML is not permitted to be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child

placed with the employee for foster care or adoption unless it is in the best interest of KCTCS, and agreed upon by KCTCS and the employee in advance.

- All intermittent FML shall be tracked by the employee and the employee's supervisor. Absences resulting from intermittent FML shall be reported to the supervisor and college Human Resources Director (for respective college employees) or system office Employee Relations (for system office employees) as soon as possible or at the end of each pay period.

**Exemption for “Key Employees”**

- Key employees (i.e., highest-paid 10 percent of employees at a worksite or within a 75-mile radius of that worksite) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to KCTCS. This fact-specific determination shall be made by KCTCS on a case-by-case basis. KCTCS shall notify employees if they qualify as “highly compensated” employees only if KCTCS intends to deny reinstatement, and of the employees' rights in such instances.

**Military Family Leave**

- A covered servicemember is defined as a current member of the Armed Forces, National Guard or Reserves, who is undergoing medical treatment, recuperation, therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness.

**Military Caregiver Leave**

- When both husband and wife work for KCTCS, the combined amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.
- Covered servicemember leave may be taken only during one 12-month period, on a per-covered servicemember, per-injury basis. The single 12-month period is measured forward from the date the employee's leave to care for the covered servicemember begins.

**Qualifying Exigency Leave** (*wherein includes but is not necessarily limited to*):

- 1) Short-notice deployment (up to 7 days of leave).
- 2) Attending certain military events.
- 3) Arranging for alternative childcare.
- 4) Addressing certain financial and legal arrangements.
- 5) Periods of rest and recuperation for the servicemember (up to 5 days of leave).
- 6) Attending certain counseling sessions.
- 7) Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active duty status).
- 8) Any other activities arising out of the servicemember's active duty or call to active duty that are agreed upon by KCTCS and the employee.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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KCTCS reserves the right at any time to modify, alter, or amend this policy, whole or in part, retroactively or otherwise, in such respect and to such extent that is necessary to meet any legal requirement and to the extent necessary to accomplish this purpose. KCTCS is hereby granted authority to issue interpretations and clarify rules under this policy and/or coordinate it with or modify other rules of the organization as required for compliance with the law.

6-22-98  
Approval Date

1-4-07; 5-5-09  
Date(s) of Last Review

1-4-07; 5-5-09  
Date(s) of Last Revision  
*(Include all dates in  
chronological order)*

(SIGNED) 5-5-09  
Recommended by Date

(SIGNED) 5-5-09  
President, KCTCS Date

### **2.14.2.3 Unpaid Medical Leaves of Absence**

#### **KCTCS Personnel System**

Accrued temporary disability leave and/or vacation leave shall be used during the period of temporary disability until the paid leave is exhausted. Employees shall be in a leave without pay status when accrued temporary disability leave and vacation leave are exhausted. However, in order for an employee's leave without pay to be considered an approved leave, a formal approval shall be requested and a determination made regarding the approval.

Upon a written request by or on behalf of an employee, KCTCS shall determine if an extended unpaid leave of absence for an employee's illness, disability or pregnancy shall be approved, at the discretion of the college president/ceo, or of the appropriate cabinet level official for a system office employee. To request an unpaid medical leave of absence from the supervisor, an employee shall submit to the supervisor and college president/ceo, or have someone submit on his/her behalf, a written request along with a statement of ill health or disability from the employee's doctor stating the need to be off work for a specified period of time. An approved unpaid medical leave may initially be granted for up to ninety (90) calendar days. If necessary, an employee may request extensions beyond that period in thirty (30) calendar day increments, for a total maximum of one (1) year. Such a request for each extension shall also be made in writing and submitted along with an additional statement of ill health or disability from the employee's doctor stating the need to be off work for a specified period of time.

The college president/ceo, or the appropriate cabinet level official for a system office employee, may disapprove all or any portion of any request, for an unpaid medical leave.

Employees are required to give as much notice as possible of their pending need for an unpaid medical leave of absence.

In the case of pregnancy, employees shall inform their supervisor as soon as possible of the date that their doctor anticipates that they will need to begin their leave.

KCTCS shall attempt to either hold employees' position open during an approved unpaid medical leave of absence or to allow them to return to a similar position that is available for which they are qualified. For employees whose unpaid medical leave of absence is also a Family Medical Leave, upon return from the leave they shall return to their original position or to a like position.

At the time a sick/disability leave begins, an employee shall use any accrued paid temporary disability/sick leave, vacation/annual leave, and/or compensatory leave until it is exhausted prior to going into a leave without pay status. KCTCS administrative policies, procedures, and regulations regarding vacation/annual and temporary disability/sick leaves state provisions regarding the loss of accrual of leave time during an unpaid leave of absence.



Employees shall review their group insurance booklet to determine the available insurance coverage during a leave of absence. In addition, KCTCS employee benefits policies and procedures state provisions regarding the loss of the employer insurance premium contribution during certain unpaid leaves of absence, and employees' responsibility regarding payment of insurance premiums in order to ensure continuation of insurance coverage.

Employees who remain away from work either: 1) for more than the period of time allowed by this policy, 2) for an unapproved or partially unapproved leave of absence, or 3) who fail to request such a leave, shall be considered to have resigned from their employment. .

Upon returning from an unpaid medical leave, employees shall be required to submit a physician's fitness for duty statement. In order for employees to be able to return to work, this statement shall give approval that returning to work in their present position shall not jeopardize their health or the safety of others.

Additional provisions regarding leaves of absence shall be adhered to in accordance with other KCTCS policies and human resources procedures related to leaves of absence.

### **UK Personnel System**

Accrued temporary disability leave and/or vacation leave shall be used during the period of temporary disability until the paid leave is exhausted. Employees shall be in a leave without pay status when accrued temporary disability leave and vacation leave are exhausted. However, in order for an employee's leave without pay to be considered an approved leave, a formal approval shall be requested and a determination made regarding the approval.

Upon a written request by or on behalf of an employee, KCTCS shall determine if an extended unpaid leave of absence for an employee's illness, disability or pregnancy shall be approved, at the discretion of the college president/ceo, or of the appropriate cabinet level official for a system office employee. To request an unpaid medical leave of absence from the supervisor, an employee shall submit to the supervisor and college president/ceo, or have someone submit on his/her behalf, a written request along with a statement of ill health or disability from the employee's doctor stating the need to be off work for a specified period of time.

The college president/ceo, or the appropriate cabinet level official for a system office employee, may disapprove all or any portion of any request, for an unpaid medical leave.

Employees are required to give as much notice as possible of their pending need for an unpaid medical leave of absence.

## ***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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In the case of pregnancy, employees shall inform their supervisor as soon as possible of the date that their doctor anticipates that they will need to begin their leave.

KCTCS shall attempt to either hold employees' position open during an approved unpaid medical leave of absence or to allow them to return to a similar position that is available for which they are qualified. For employees whose unpaid medical leave of absence is also a Family Medical Leave, upon return from the leave they shall return to their original position or to a like position.

KCTCS administrative policies, procedures, and regulations regarding vacation/annual and temporary disability/sick leaves state provisions regarding the loss of accrual of leave time during an unpaid leave of absence.

Employees shall review their group insurance booklet to determine the available insurance coverage during a leave of absence. In addition, KCTCS employee benefits policies and procedures state provisions regarding the loss of the employer insurance premium contribution during certain unpaid leaves of absence, and employees' responsibility regarding payment of insurance premiums in order to ensure continuation of insurance coverage.

Employees who remain away from work either: 1) for more than the period of time allowed by this policy, 2) for an unapproved or partially unapproved leave of absence, or 3) who fail to request such a leave, shall be considered to have resigned from their employment.

Employees who are absent from work on a frequent or regular basis or who have attendance patterns which interfere with accomplishment of assigned job responsibilities are not entitled to the provisions of this policy. Employees who are not able to work regularly may be separated from employment (see KCTCS and UK policies regarding temporary disability leave, disciplinary action, and separation from employment).

Upon returning from an unpaid medical leave, employees shall be required to submit a physician's fitness for duty statement. In order for employees to be able to return to work, this statement shall give approval that returning to work in their present position shall not jeopardize their health or the safety of others.

Additional provisions regarding leaves of absence shall be adhered to in accordance with other KCTCS policies and human resources procedures related to leaves of absence.

### **18A/151B Personnel System**

For employees under this personnel system unpaid leaves of absence is addressed in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

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Additional provisions regarding leaves of absence shall be adhered to in accordance with other KCTCS policies and human resources procedures related to leaves of absence.

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Recommended by	Date	President, KCTCS	Date

#### **2.14.2.4 Sick Leave Pool**

On a voluntary basis employees who accrue sick leave may elect to participate in a KCTCS system-wide Sick Leave Pool.\* The pool is intended as a source of salary continuance for pool members whose appropriately documented serious health conditions (as defined in the Family Medical Leave Act) prevent them from working and whose sick and vacation leave balances have been (or shall be within 15 days) exhausted. For the purposes of this policy, serious health conditions include both medically documented physical and mental illness, including disabilities resulting from complications from pregnancy, miscarriage, or childbirth. However, leaves of absence due to regular maternity leave are excluded as eligible health conditions for the purposes of this policy.

Employees with sick leave balances of at least 50 hours may elect to join the pool at anytime after they have met the minimum balance required. The effective date shall be at the beginning of the pay period following the election to participate. Pool members may withdraw at anytime. However, their contributed sick leave time remains in the pool and shall not be returned to employees who elect to withdraw from the pool.

To participate employees shall contribute 2 days (15 hours) of sick leave per year to the pool. Contributions shall be deducted from the employee's sick leave balance within 30 days of enrollment, and annually thereafter at the employee's anniversary date.

Awards of up to 150 hours (20 work days) may be made by the KCTCS Sick Leave Pool Committee upon application from a pool member whose sick and other paid leave is exhausted and who is approved for receipt of Sick Leave Pool hours by the Sick Leave Pool Committee. A single member may receive up to 3 awards per year (450 hours maximum).

Applications shall include all appropriate medical documentation to provide information to determine if it meets the definition of an employee's serious health condition as specified under the Family Medical Leave Act. Awards shall be integrated with other KCTCS-sponsored income continuation benefits (e.g., long-term disability) and Family Medical Leave, if applicable.

The Sick Leave Pool Committee shall have 5 members including the KCTCS System Director of Human Resources or designee who shall serve as chair. Decisions of the Sick Leave Pool Committee shall be final.

Sick Leave Pool Committee members shall be appointed by the KCTCS President and shall include at least one member on the committee from among current pool participant/contributors.

The Sick Leave Pool Committee shall set and publish application procedures. Due to federal privacy laws, committee members and other KCTCS and college officials shall

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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maintain confidentiality of names, identities, and illnesses of the employees who make requests or are recipients of leave from the Sick Leave Pool.

In addition, requests and absences related to the Sick Leave Pool shall be addressed in accordance with other applicable KCTCS policies and human resources procedure(s) regarding leaves of absence, family medical leaves, Workers' Compensation, long-term disability, and unpaid medical leaves of absence.

\* Since regular faculty in the KCTCS personnel system and the UK personnel system do not accrue sick leave, they are not eligible to participate in the program, *except for the ability to donate banked sick leave that was earned on an accrual basis prior to opting over from the 18A/151B personnel system to the KCTCS personnel system.*

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(SIGNED)	1-4-07	(SIGNED)
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### **2.14.2.5 Sick Leave Sharing Program**

This policy applies to any regular employee (as opposed to *temporary*) who has successfully completed the introductory period and is governed by policies in which the employee may accrue paid sick leave time.\*

#### **A. Eligibility Requirements**

##### **Donor**

- Any regular status employee (Staff or Faculty) who has an **accrued** sick leave balance of more than 75 hours (including banked hours).
- Shall maintain a minimum sick leave balance of 75 hours following any donation.

##### **Recipient**

- Shall be a regular employee who has successfully completed their introductory period.
- Shall have exhausted all available and accrued paid leave, including sick/TDL, vacation/annual and compensatory leave, banked sick/TDL, banked vacation/annual leave, and any time received as a result of participation in the KCTCS Sick Leave Pool.
- Leave shall be used exclusively for a medical condition of an employee or to care for an employee's family member, as defined by KCTCS staff TDL policy, that is considered a qualifying event as defined under the Family and Medical Leave Act (FMLA). The employee's or family member's health care provider, as defined under the Family and Medical Leave Act (FMLA), shall document the condition resulting in the leave for submission to college/KCTCS officials prior to approval of the donation.
- The condition resulting in the leave shall require the employee to be absent for at least ten full consecutive workdays.
- Shall not have been disciplined for abuse of sick leave or excessive absences within the past 12 months.

#### **B. Donation Stipulations**

Donations shall only be made by and used for eligible employees employed within KCTCS.

##### **Minimum amount to be donated**

7.5 hours

##### **Maximum amount to be donated**

There is no maximum. However, every donor shall maintain a minimum sick leave balance of 75 hours following any donation.

##### **Minimum donated amount to be used by recipient**

.25 hours

## ***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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Where multiple donors donate sick leave to the same recipient, the sick leave shall be transferred to the eligible recipient in chronological order of receipt from donors' forms up to the maximum that has been certified to be needed by the recipient.

Donated sick leave shall be used in the order in which it is donated and shall be used on consecutive days of absence except as provided in this policy. Leave that an employee accrues while receiving donated leave shall be used before donated sick leave.

Interested donors may initiate contact with their local Human Resources office to donate their leave time to employees who have a need to participate as recipients in the program. In addition, if necessary to obtain a sufficient number of donations, an official communication of a request for donations shall be made by the local Human Resources personnel. Due to federal privacy laws, any communication by college officials or system office officials (for system office employees) shall be made by withholding the name, identification, and the illness of the prospective employee recipient to ensure employee privacy.

When the recipient of donated leave returns to work, unused donated leave shall be restored to the donor(s) within 30 calendar days of the return date, unless the recipient provides medical evidence that he or she will require continued, intermittent medical treatment, and/or a reduced work schedule relating to the original condition for which leave was donated.

No employee shall directly or indirectly intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute sick leave under this program. For the purpose of this program, "intimidate, threaten, or coerce" shall include, without being limited to, the promise to confer or the conferring of any benefit or gain, or effecting or threatening to effect any reprisal.

Employees who have given notice of termination and/or retirement (oral or written) shall not donate or receive sick leave.

All sick leave donations shall be approved by the college president/ceo, or by the KCTCS Chancellor or KCTCS Vice President for System office employees, following receipt and confirmation of all appropriate documentation and information (leave sharing requests, leave donation forms, statements from health care practitioners, etc.).

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In addition, provisions regarding sick leave sharing shall be adhered to in accordance with other KCTCS policies and human resources procedure(s) related leaves of absences, family medical leave, and unpaid medical leaves of absence.

\*Since regular faculty in the KCTCS personnel system and the UK personnel system do not accrue sick leave, they are not eligible to participate in the program, *except for the ability to donate banked sick leave that was earned on an accrual basis prior to opting over from the 18A/151B personnel system to the KCTCS personnel system.*

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### **2.14.3 Unauthorized Absences or Leaves**

Employees who are absent from work without adequate notice to and advance approval from the employees' supervisory official may be subject to loss of pay and/or disciplinary action. Severe or repeated infractions may be considered as justification for the non-renewal of a contract, or termination of employment before the end of the appointment period.

In addition, abuse or misuse of sick/temporary disability leave (TDL) or other paid leave may be cause for more restrictive reporting and certification requirements for the individual employee in order for the use of paid sick/TDL or other paid leaves to be approved for an individual employee. Unapproved sick leave shall be unpaid.

Furthermore, excessive or unplanned absenteeism and tardiness are disruptive. Employees who have absences due to excessive use of paid or unpaid leave due to non-Family Medical Leave absences, or other frequent absences due to other reasons, may be separated from employment.

In addition, unauthorized absences or leaves shall be addressed in accordance with KCTCS policies and human resources procedures regarding leaves, pay, attendance, scheduling/hours of work, compensation, progressive discipline, and job abandonment.

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## **2.14.4 Voting Leave**

### **KCTCS Personnel System**

Employees who are eligible to vote in national, state, or local elections, are encouraged to exercise their voting privileges. Employee work schedules normally permit adequate time for employees to exercise their voting privilege, either before or after normal working hours. However, in the case where voting cannot be accomplished in off-duty hours, KCTCS shall grant employees time off with pay (not to exceed two hours) to vote on election day.

If employees desire time off to vote, they shall submit a request to their supervisor at least one working day in advance of the election.

If employees do not submit their request at least one working day in advance for time off to vote, they may still receive time off to vote but it shall be using vacation leave, compensatory leave, flexible scheduling, or leave without pay.

Regular full-time employees and regular part-time employees who work 50 percent or more of a full-time schedule on an annualized basis who accept a position as an election official shall use accrued vacation leave or compensatory leave for that absence.

### **UK Personnel System**

Faculty and staff are encouraged to exercise their voting privileges at all national, state and local elections.

Work schedules shall normally permit adequate time for faculty and staff to exercise their voting privileges, either before or after normal working hours, and it is encouraged that they use this period of time to vote whenever possible. When this is not possible, regular full-time faculty and staff entitled to vote may be granted time off from regular duties for up to four hours for the purpose of voting on election days. The employer may specify the hours during which employees may be absent from work for voting purposes.

Faculty and staff who are absent for such purpose shall not be subject to any penalty or deduction from pay.

Faculty and staff who vote in distant communities are encouraged to exercise their right to vote by absentee ballot to avoid absence from work.

Regular full-time employees and regular part-time employees who work 50 percent or more of a full-time schedule on an annualized basis who accept a position as an election official shall use accrued vacation leave or compensatory leave for that absence.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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**18A/151B Personnel System**

For employees under this personnel system unpaid leaves of absence is addressed in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

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*(Include all dates in  
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(SIGNED)  
Recommended by

1-4-07  
Date

(SIGNED)  
President, KCTCS

1-4-07  
Date

### **2.14.5 Political Leave**

Like other citizens, KCTCS employees are free to engage in political activities, so far as they are permitted to do so within conflict of interest statutes and their job-related obligations. When necessary, leaves of absence without pay may be approved for the duration of an election campaign or a term of public office; provided that there has been a timely application for leave and that the requested leave is limited to a reasonable period of time. The terms of a leave of absence for this purpose shall be set forth in writing. The leave shall not affect unfavorably the tenure status of a faculty member, except that the time spent on such leave from academic duties does not count as faculty probationary service or staff introductory period unless agreed to otherwise. Regarding part-time service in public office while actively employed, see KCTCS administrative policies and procedures regarding outside employment, external workloads, and running for or serving in elective or appointive office.

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### **2.14.6 KCTCS Sabbatical Leave**

The purpose of all sabbatical leaves is to provide opportunities for study, research, creative effort, improvement of teaching capabilities and methods and related travel in order that the quality of each recipient's service to the KCTCS students may be enhanced.

Faculty Sabbatical Leave. Faculty members are eligible for leaves of absence after six years of continuous service with KCTCS and/or antecedent organizations for leaves of absence under a different option after three years of continuous service. All such sabbatical leaves shall be approved by the Chancellor.

After six years of continuous eligible service, an individual may apply for one year's leave (academic year for appointees on academic year, 10-month, 11-month, or 12-month assignments) at one-half salary or six months' leave (academic semester for appointees on academic year, 10-month, 11-month, or 12-month assignments) at full salary.

After three years of continuous eligible service, an appointee may apply for six months' leave, a mini-sabbatical (academic semester for appointees on academic year, 10-month, 11-month, or 12-month assignments) at one-half salary. Normally, "continuous service" is interrupted by a sabbatical leave; i.e., no service prior to a sabbatical may be credited toward eligibility for future sabbatical leave. However, in the event that it becomes necessary for an individual to postpone a sabbatical leave at the request of and/or for the benefit of KCTCS or one of its education units, the period of postponement shall be counted as part of the six years of service necessary for the individual to again become eligible for sabbatical leave. The request for and/or agreement that the sabbatical leave be postponed must be made in writing by the president/ceo of the individual's institution and be approved by the Chancellor. The request or agreement must specify the period of postponement and the reason for it. In no case shall cumulative sabbatical leave be granted for a single period longer than one full year at full salary.

Leaves of absence without pay are not normally credited toward eligibility for sabbatical leave. However, exception may be made when the leave enhances the value of the individual to KCTCS, e.g., a leave to accept a fellowship or a grant, service for professional organizations, etc. In no case shall the leave of absence without pay be considered as an interruption of continuous service. Sabbatical leave shall be granted with the understanding that the recipient, following the leave, will continue in service with the KCTCS for at least the length of the sabbatical leave.

Faculty may be required to document employment offers, and admission to educational programs prior to the granting of any sabbatical leave. KCTCS may also require you to furnish evidence of satisfactory work or academic performance in sabbatical period activities. Faculty earnings during sabbatical leaves may not exceed a faculty member's regular KCTCS earnings.

***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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To enable KCTCS to plan its instructional offerings during your absence on sabbatical, leave requests must be submitted six months before you plan to begin the leave. Your institution president/ceo must notify you within 60 days if your requested leave is to be postponed or denied and the reasons for the delay or the denial.

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**2.14.7 Educational Leave**

To pursue an advanced degree, regular full-time faculty members may request half-time or more leave, with proportional reduction in salary. If such educational leave for faculty development is recommended by the college president/ceo and approved by the KCTCS Chancellor, the faculty members shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Although a period of educational leave shall not be credited toward eligibility for sabbatical leave, it shall not be considered as an interruption of continuous service. Also, for tenure-track faculty members, such a period of educational leave shall not be counted as probationary period service.

**2.14.8 Scholarly Fellowship Leave**

To accept a scholarly fellowship which allows a faculty member to pursue a program of research, and which the funding agency will not process through the Kentucky Community and Technical College System, a faculty member may request leave with partial pay. If such leave is recommended by the college president/ceo and approved by the KCTCS Chancellor, the faculty member shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Time spent on scholarly fellowship leave shall count as probationary period service unless the KCTCS Chancellor in granting the leave and the individual accepting it agree to the contrary.

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## **2.14.9 Holiday Leave**

### **Designated Holidays**

KCTCS designates specific days as official KCTCS holidays. The designation of these days as officially observed holidays is recurring and entitles eligible employees to claim the day off as holiday leave pay. KCTCS closes all departments and offices on the designated holidays except those departments and offices for which continuous service is essential (see below). KCTCS recognizes the following events as recurring holidays:

- Martin Luther King Day
- President's Day
- Good Friday (1/2 day)
- Memorial Day
- Independence Day
- Labor Day
- Presidential Election Day
- Thanksgiving Day
- Day after Thanksgiving Day.

### **Day of Observance**

When a KCTCS designated holiday falls on a Saturday, KCTCS observes that holiday on Friday. If the KCTCS designated holiday falls on a Sunday, KCTCS observes that holiday on Monday. KCTCS lists the holiday schedule on the KCTCS website.

### **Institutional Closing**

In addition to these holidays, KCTCS observes a two-week institutional closing that begins in late December and includes Christmas Eve, Christmas Day, and New Year's Day and ends in early January. KCTCS lists the institutional closing schedule on the KCTCS website, and the [institutional closing policy](#) contains additional information about this closing period.

### **Spring and Fall Breaks**

Regular faculty who are not assigned to work as essential personnel during spring and fall breaks, but remain available for meetings and other KCTCS business that occur on-site during those periods, shall be paid at their regular rate during those breaks.

Faculty who leave the area or are otherwise unavailable for meetings and other on-site KCTCS business shall request and use, as applicable, vacation/annual leave, sick leave, or compensatory time when available. KCTCS shall require faculty without such leave or compensatory time to take unpaid leave.

Spring and fall break periods do not apply to college and system office staff and cannot be claimed as paid holiday leave.



**Holiday Pay**

Eligible KCTCS employees shall be authorized to receive compensation related to holidays through one of two avenues:

- A. Holiday leave entitlement, or
- B. Working on a designated holiday.

**Employee/Supervisor Duty to Plan in Advance:** For employees who work during a holiday or who are on paid holiday leave, supervisors and employees are encouraged to coordinate and use advance planning and adjusted/flexible scheduling during weeks in which a holiday occurs, in order to try to ensure that regular full-time employees reach, but do not exceed, 37.5 hours of combined work hours and paid holiday leave hours during the work week (or the designated prorated amount for regular part-time employees) when feasible.

Compensation provisions during a holiday are as follows:

**A. Holiday Leave Entitlement**

**Regular Full-Time and Regular Part-time Employees Leave Eligibility**

Eligible regular full-time non-essential employees shall be granted time off with pay on a holiday. Eligible regular part-time non-essential employees (i.e., whose work schedule constitutes 50% or more of a full-time schedule on an annualized basis) shall be granted paid holiday leave computed on a pro rata percentage to full time.

**Eligibility in Alternate Circumstances**

Work schedules and employee status for both regular full-time employees and regular part-time employees may affect employees' eligibility for holiday pay and other compensation as follows:

- 1. Regular Full-Time Employees on Flex-Time/Alternate Schedules:** If eligible, regular full-time employees who work a flex-time, evening, or night schedule and/or those employees whose scheduled work weeks are not consistent throughout the year shall be granted holiday time off with pay of 7.5 hours per individual holiday (or a prorated amount for partial day holiday on Good Friday) if the holiday day occurs during their assignment period.
- 2. Regular Part-Time Employees on Flex-Time/Alternate Schedules:** If eligible regular part-time employees (as stated above) work flex-time, evening, or night schedules and/or have scheduled work weeks that are not consistent throughout the year, they shall receive paid holiday leave at a pro rata percentage to full-time that is calculated using the average number of hours worked per week on an annualized basis.
- 3. Holiday As a Previously Scheduled Non-Scheduled Work Day:** When eligible regular full-time or eligible regular part-time employees with a flex-time/alternate

schedule are not scheduled to work the day on which a holiday occurs, KCTCS shall grant time off with pay on another day within one week of the holiday.

**4. Ineligible Regular Part-Time Employees:** Regular part-time employees who work a schedule of less than 50% of a full-time schedule on an annualized basis are not eligible for and shall not receive holiday leave with pay.

**5. Temporary Employees Ineligibility:** Temporary employees are not eligible for and shall not receive holiday leave with pay.

**6. Effect of Retirement on Holiday Leave Pay:** Eligible employees whose retirement occurs during a designated holiday shall receive that holiday pay, up to and including on their last day of employment.

**7. Effect of Other Leave on Holiday Leave Pay:** If a holiday occurs while eligible employees are on authorized paid leave such as vacation leave, sick/temporary disability leave, bereavement leave, or compensatory leave, an otherwise eligible employee is entitled to paid holiday leave and shall not be charged vacation leave or sick/temporary disability leave time, bereavement leave, or compensatory leave for the holiday.

**8. No-pay Status:** Employees in no-pay status for any reason during any portion of either the scheduled work day or leave day that falls immediately before and/or after a holiday are not eligible for and shall not receive paid holiday leave.

**9. Weekly Overtime Calculation:** Paid leave time due to a holiday is not counted as "time worked" for the purpose of calculating overtime compensation for the week for eligible employees.

## **B. Working on a Designated Holiday**

### **Essential Services**

When essential services are required during a holiday (as well as an emergency closing or institutional closing), KCTCS shall officially designate employees as "essential personnel" and assign them to work on the holiday and/or at other times that are adjacent to the holiday and are outside employees' regularly scheduled work days/hours (i.e., evenings and weekends).

The following definitions and practices apply to issues surrounding "essential personnel" who perform essential services for their hours worked on KCTCS designated holidays:

**1. Essential Personnel:** Definitions of "essential personnel" and "non-essential personnel" are included in the KCTCS policy regarding [emergency closings](#).

**2. Designation of Essential Personnel:** Whenever possible, supervisors shall designate "essential personnel" in advance of the holiday and shall communicate to those essential

personnel their responsibilities and assigned work hours for the holidays on which they are required to work. For a given holiday, essential personnel may be assigned to work a full day or only a partial day(s) on the actual holiday and/or evenings/weekends adjacent to holidays. Supervisors shall also notify the payroll department of essential personnel when they do work during an emergency closing, preferably via their employees' time sheets.

**3. Applicable Compensation:** Applicable compensation for essential personnel for hours worked on a holiday varies by employees' personnel system, as addressed below:

- a. **Definitions:** "Exempt" and "nonexempt" positions are defined in the KCTCS policy for [compensation](#).
- b. **Exempt Employee Compensation:** Essential personnel under all personnel systems who are exempt employees required to work on a holiday shall receive the regular rate of pay for hours worked on the designated holiday. Any additional provision, if applicable, is stated below.
- c. **Compensation and Overtime Provisions for Essential Personnel:** The following information specifies compensation and overtime provisions for hours worked by essential personnel on designated holidays. These provisions are based on the employees' personnel system:

**KCTCS Personnel System –  
Nonexempt Employees**

For hours worked during a holiday (full or partial day), essential personnel shall:

- Receive **holiday** pay at their regular pay rate. In addition, because they are considered to have worked overtime, for the hours worked they shall be paid at 1½ times their regular rate. If necessary and feasible, employee work schedules may be adjusted for the week in order to maintain the regular number of total hours for the workweek.
- Receive holiday pay for the regular pay rate for those hours worked on evenings/weekend days that are adjacent to the holiday (but are not designated as a holiday since they are evenings/weekend days). In addition, because they are considered to have worked overtime, for these hours worked they shall be paid at 1½ times their regular rate.

**UK Personnel System**

**Nonexempt Employees**

For hours worked during **holidays** (full or partial day), essential personnel shall:

- Be paid at the regular pay rate (unless total hours worked are in excess of 40 hours for the week), and take equal time off within 6 weeks of the holiday.
- Be paid at the regular rate on evenings/weekend days that are adjacent to the holiday period (but are not designated as a holiday since they are evening hours/weekend days) unless total hours worked are in excess of 40 hours for the week, and take equal time off within 6 weeks of the holiday period.
- Be paid the overtime rate of 1.5 hours for every hour worked in excess of 40 hours during the week in which the work on the holiday occurs, if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked.

**Exempt Employees**

For time worked during a holiday (full or partial day) and adjacent evening hours/weekends, essential personnel shall:

- Be paid at the regular pay rate (and shall receive no additional compensation for working on a holiday), and take equal time off within 6 weeks of the holiday.

**151B/18A Personnel System**

**Nonexempt Employees**

For hours worked during holidays (full or partial day), essential personnel shall:

- Be paid at the regular pay rate, unless total hours worked are in excess of 40 hours for the week.
- Be paid at the regular pay rate for working on evenings/weekend days that are adjacent to the holiday (but are not designated as a holiday since they are evening hours/weekend days), unless total hours worked are in excess of 40 hours for the week.
- Receive overtime compensation for every hour worked in excess of 40 hours during the week in which the work on the holiday occurs (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

**Exempt Employees**

For time worked on holidays (full or partial day), the following shall apply to essential personnel:

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- During the week in which the work on the holiday occurs, if the total hours worked in that work week exceed 40 hours, when combined with all other hours worked during that same work week, employees shall receive compensatory time at the regular rate for the hours worked in excess of 40 hours (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

**Other Holidays**

In addition to the designated holiday schedule, employees may occasionally request time off in order to celebrate religious holidays within their faith tradition. In recognition of the religious diversity of its workforce, KCTCS encourages departments to accommodate such requests whenever possible. Time off for religious holidays shall be charged to a vacation day or compensatory leave time, if available. Alternately, employees' supervisors may exercise discretion to allow employees seeking time off for religious holidays to substitute one of the designated KCTCS holidays for their religious holiday. Additionally, supervisors may arrange for employees to use flexible scheduling when taking time off for employees to observe religious holidays not designated as a KCTCS holiday, allowing employees to make up the time by working additional hours, provided the arrangement is completed within the same workweek. If one of the above arrangements is not applied, the time off for religious holidays shall be unpaid.

**Related Policies**

Additional provisions regarding holidays shall be adhered to in accordance with other KCTCS policies and procedures related to holidays, [compensation](#) , and [leaves of absence](#).

In addition, KCTCS has separate policies and procedures governing leaves due to institutional closing and emergency closing.

<u>6-22-98</u>	<u>6-4-01; 1-4-07; 6-29-11; 1-22-13</u>	<u>6-4-01; 1-4-07; 6-29-11; 1-22-13</u>
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### **2.14.10 Military Leave of Absence**

Employees who serve in U.S. military organizations or National Guard shall take the necessary military leave time with or without pay (as applicable) to fulfill this obligation, in accordance with institutional policies and procedures, state statutes and regulations, and the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). In addition, these employees shall retain all of their legal rights for continued employment under USERRA following military leave taken during the course of their employment at KCTCS. For purposes of this policy, uniformed service and military service are considered the same and the terms are used interchangeably. USERRA provides that returning service members who have been on military leave are reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.

Volunteers, draftees, and reservists are covered under USERRA during and following a period of service that occurs during the course of their employment at KCTCS. Uniformed services include the United States Armed Forces, National Guard, and commissioned public health service employees, such as the Army, Navy, Marine, Air Force, and Coast Guard. Types of activities covered as military leave include, but are not limited to, active duty for training, drills, inactive training, full-time National Guard duty, and physical examinations to determine the fitness of the individual to perform such duties.

#### **Eligibility to Receive Pay and Benefits During Military Leave**

Military leave for uniformed services annual training shall be granted to regular employees who are members of the uniformed services. During such leaves the following conditions shall apply:

1. Military leave with pay shall not exceed 10 working days in each federal fiscal year (October 1 to September 30).
2. Military leave exceeding ten working days of paid military leave shall be without pay unless a request is made by the employee and approved by the supervisor to use available paid vacation leave or compensatory leave. Employees who continue to be on military leave when a new federal fiscal year begins (on October 1) shall be entitled to receive up to 10 working days of paid military leave at that time, even if they were in an unpaid status prior to the start of the new fiscal year.
3. Regular full-time and part-time employees who work at least 50 percent of a full-time schedule on an annualized basis shall continue to accrue vacation and temporary disability leave during a paid military leave of absence but not during an unpaid military leave of absence.
4. Benefits shall remain in effect during paid military leave. Employees who take military leave without pay have the option to continue some of their benefit coverage during the military leave. If they elect to continue their benefit coverage, employees shall make arrangements for their payment of insurance premiums and retirement

contributions, as appropriate. The time frame in which eligible employees may continue their KCTCS health plan coverage for themselves and their covered dependents is for 24 months after the military leave begins. The extended continuation period for health insurance coverage shall be effective for all continuation elections made on or after December 10, 2004.

5. Time spent on military leave shall count toward service time credit for an adjusted service date for the purposes of determining the accrual rate for staff vacation leave as well as time toward meeting the required service credit for retirement. In addition, employees on military leave are eligible for annual salary increases in accordance with USERRA, which states that returning service members are reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), equal service credit time and the same status, pay, and other rights and benefits determined by service credit time.
6. A. As long as employees remain in a paid leave status during military leave, their employee retirement contributions shall continue along with the KCTCS matching contributions.  
B. Once employees go into an unpaid leave status during military leave, they may continue making employee contributions to their retirement plan on an after-tax basis during the unpaid leave. In order to do so, employees shall make arrangements for making their direct payment of these after-tax retirement contributions to their retirement carrier(s). KCTCS shall not match these after-tax employee contributions made during the unpaid leave.  
C. Upon employees' return to employment with KCTCS following military leave, they shall be eligible to make up contributions to the retirement plan over a period equal to three (3) times the period of Uniformed Services Leave but no longer than five (5) years. KCTCS shall make, on behalf of returning service members, any contributions to the retirement plan that the KCTCS would have made if they had not been absent for Uniformed Services Leave. These "make-up" contributions by KCTCS shall double match the employee contributions, up to a maximum of ten percent (10%). These "make-up" contributions shall not include the payment of any interest for the missed investment period.

### **Reemployment Following Military Leave**

Full-time employees who take military leave to serve in the U.S. Armed Forces shall be eligible for re-employment after completing military service in accordance with USERRA, which requires the following conditions are met:

- The employee shall provide the employer with advance notice of uniformed service obligations, where reasonable. The employee shall show military orders to the supervisor as soon as practicable within seven days after the employee receives them.
- The employee shall satisfactorily complete active duty service.
- The employee shall enter the Uniformed Service directly from employment with KCTCS.

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The employee shall either report to or submit an application for reemployment to the employer after the military service within the following time frames:

- 1) If length of military service is less than 31 days, the employee shall return to work by the beginning of the first regularly scheduled work period after the end of the calendar day of duty plus travel time to return home safely and an eight hour rest period.
- 2) If length of military service is 31 to 180 days, the employee shall make application for reemployment no later than 14 days after completion of uniformed service.
- 3) If length of military service is greater than 180 days, the employee shall make application for reemployment no later than 90 days after completion of uniformed service.

The position into which an employee is reinstated following a Uniformed Services leave of absence is determined by priority based on the length of military service, except with respect to those employees who suffered a disability as a result of military service or whose disability was aggravated by such service. The priorities are as follows:

- 1) Service of 1-90 days: The employee shall be placed in the position that would have been held had the employment not been interrupted by uniformed services participation, including promotion, as long as the person is qualified to perform the duties. If the employee is not qualified to perform the duties of such position, and/or only after reasonable efforts by KCTCS to qualify the employee for such position, the employee shall resume the position held on the date of commencement of the uniformed services tour of duty.
- 2) Service of 91 or more days: This is the same as Service of 1-90 days or a position of like seniority, status, and pay as long as the employee is qualified for the position. If the employee cannot become qualified, he/she shall be placed in the position held on the date of the commencement of the uniformed services tour of duty or a position of like seniority, status, and pay.

In addition, provisions regarding military leave shall be adhered to in accordance with all other applicable KCTCS policies and human resources procedure(s) regarding leaves of absences, pay, and employment.

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### **2.14.11 Special/Other Leave**

Special/Other Leaves may be available for employees who have exhausted all applicable and available leave, or who need to take a leave of absence from KCTCS for reasons other than those normally provided by other KCTCS leave of absence policies and procedures. Special leave is subject to approval and may be approved as paid or unpaid leave. An employee shall submit a written request for a Special/Other Leave with pay or a Special/Other Leave without pay to their immediate supervisor and the local HR Director.

Special leave may include leaves for reasons such as extended personal illness, necessary additional education, care of a relative in the immediate family members (as defined in the KCTCS administrative policy and procedure regarding staff temporary disability leaves), attendance at a professional meeting, or service temporarily with an outside agency. Other special leaves may be considered as requested, whenever special circumstances exist not otherwise provided for in these policies.

Approval of special leave with pay for absences due to personal or family illness is reserved for catastrophic and/or extended illnesses, such as terminal illnesses. Absences due to pregnancy, elective or routine surgeries, and other non-catastrophic illnesses do not normally meet the criteria for approval of special leave with pay.

If an employee is eligible for Family Medical Leave, a special leave with or without pay shall run concurrent with a Family Medical Leave if the reason for the leave meets the criteria under the Family Medical Leave Act (see KCTCS administrative policies and procedures regarding family/medical leaves). For special leave requests due to illness, an employee shall have exhausted all available leave balances prior to the effective date in order to receive approval for special leave with pay. In addition, any leave time accrued during a special leave with pay must be applied toward and exhausted during the continued leave.

Special leave for educational purposes shall be directly related and beneficial to an employee's employment at KCTCS in order to be approved for special leave with pay, and may require the use of annual and compensatory leave.

The KCTCS President may grant special leave with pay. A leave of absence with pay for more than 90 calendar days shall be reported to the Board of Regents.

The college president/ceo or for system office employees the respective KCTCS President's cabinet member, may approve special leave without pay for their respective organizational unit. Ordinarily, such leave shall not be granted for a period in excess of one year.

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Employees who remain away from work for more than the approved period of time shall be considered resigned from employment.

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## **2.14.12 Emergency Closings**

An emergency closing may occur in which the normal operations at KCTCS facilities are curtailed by declaration of a start date/time and subsequently an ending date/time by the college president/ceo, or by the KCTCS President for emergency closings of the KCTCS system office. Emergency closings may occur for unusual conditions such as severe weather, power outages, fuel shortages, or other calamities or crises.

An emergency closing could be for a full or partial day, including a closure with a delayed start of business for the day, a closure that begins during the course of the workday (but prior to the regular established office closing), or a closure for an entire workday(s).

### **Definitions of Essential and Non-Essential Personnel**

“Essential personnel” and “non-essential personnel” are defined as follows:

#### **Essential Personnel**

“Essential personnel” may be designated and assigned to work to facilitate KCTCS operations to continue as needed when KCTCS closes for a given holiday, emergency closing, or institutional closing. In general, if an employee’s job duties affect the security, safety, or physical operation, or other critical operation of KCTCS (including providing services to students, administering payroll, systems, etc.), his/her position may be considered “essential” during a specific holiday/closing and therefore the employee is designated as such. The department supervisor and college leadership shall designate essential personnel for a given holiday/closing and assign their responsibilities and hours of work in advance to the extent possible. Essential personnel may be assigned to work a full day or only a partial day(s) on the actual holiday/closing or evenings/weekends adjacent to holidays/closings. The individual positions/employees who shall be designated as essential personnel may vary from closing to closing.

#### **Non-Essential Personnel**

Employees who are not officially designated as “essential personnel” (i.e., those who are assigned to work during the holiday/closing) are considered “non-essential personnel”, and therefore are not assigned to work when KCTCS closes during a holiday, institutional closing, or emergency closing.

If a given employee who is not designated as “essential personnel” by his/her college makes an individual decision to work during a holiday, institutional closing, or emergency closing (including during a delayed start of business and during a closure that occurs prior to regular office closing hours), he/she would receive his/her regular rate of pay during this holiday/closing and would not be subject to receive any holiday/closing overtime compensation for work during the holiday/closing. If the employee does meet the hourly threshold for regular overtime compensation for the work week and is a nonexempt employee

according to the FLSA as described in other KCTCS policies and procedures, the employee could be eligible for overtime compensation.

### **Leave Compensation**

Eligible employees shall be authorized to receive compensation related to KCTCS emergency closings through one of two avenues:

- A. Emergency closing leave entitlement
- B. Working during an emergency closing

Eligibility and compensation provisions during an emergency leave are as follows:

#### **A. Emergency Closing Leave Eligibility/Compensation (non-essential personnel)**

During emergency closings, “non-essential personnel” who were otherwise scheduled to work at the affected physical location shall not report to work or remain at work. Only those employees officially designated as “essential personnel” during the emergency closing shall report to work or remain at work as instructed.

Except for the working hours for those employees who are officially designated as essential personnel to perform services during an emergency closing, paid emergency closing leave is provided to eligible regular employees unless otherwise stated in this policy or a related KCTCS human resources procedure.

#### **Employees on a Regular Work Schedule**

Emergency closing leave time shall be paid at regular rates for eligible regular full-time employees who were otherwise scheduled to work at the affected physical work location during the emergency closing period.

In addition, emergency closing leave time shall be paid at regular rates at a pro rata percentage to full-time for eligible regular part-time employees (those who work a schedule of 50 percent or more on an annualized basis) who were otherwise scheduled to work at the affected physical work location during the emergency closing period.

#### **Eligibility in Alternate Schedules and Circumstances**

Work schedules and employee status for both regular full-time employees and regular part-time employees may affect employees’ eligibility for compensation during emergency closing leaves as follows:

- 1. Employees on Flex-Time/Alternate Schedules:** Emergency closing leave pay for an employee who works a flex-time schedule will be for the number of hours (if any) that the employee was originally scheduled to work on the emergency closing day(s).
- 2. Ineligible Regular Part-Time Employees:** Regular part-time employees who work a schedule of less than 50% of a full-time schedule on an annualized basis shall not receive paid leave for an emergency closing.

- 3. Temporary Employees:** Temporary employees shall not receive paid leave for an emergency closing.
- 4. Effect of Retirement on Emergency Closing Leave:** Employees whose retirement occurs during a designated emergency closing period shall receive the emergency closing leave pay up to and including on their last day of employment.
- 5. Weekly Overtime Calculation:** Paid leave time due to an emergency closing is *not* counted as "time worked" for the purpose of calculation of overtime compensation for the week for eligible employees.
- 6. Unaffected Locations:** If an emergency closing of a physical work location occurs, employees who are scheduled to work at unaffected locations during the emergency closing period shall report to work as scheduled.
- 7. Additional circumstances:** Following is a table that further specifies entitlement for paid emergency closing leave for non-essential personnel.

**Paid Leave Entitlement for Non-essential Personnel  
During Emergency Closings**

<b>Full/Partial Emergency Closing Leave Days</b>	<b>Eligibility for Paid Emergency Closing Leave For Affected Employees</b>
a. On pre-approved paid leave (vacation, sick leave, compensatory leave, bereavement leave, etc.).	a. Eligible for paid emergency closing leave during the emergency close.
b. On unscheduled paid leave that occurs when calling in on the day of the emergency closing.	b. Eligible for paid emergency closing leave during the emergency close.
c. On unpaid leave on the emergency closing day.	c. Ineligible for paid emergency closing leave.
d. In a no-pay status on the workday/leave day immediately before or after an emergency closing day.	d. Ineligible for paid emergency closing leave.
e. Emergency closing begins at the start of the workday, continuing through the duration of the workday.	e. Eligible for paid emergency closing leave for the entire of the workday, subject to all other provisions.
f. Emergency closing causes a delayed start to the workday.	f. Eligible for paid emergency closing leave beginning with the start of the workday and continuing until the end of the emergency closing time period. Scheduled employees who do not report to work immediately at the time the emergency closing ends, are not eligible for emergency closing leave during the non-closing hours; those hours are subject to other applicable leave.
g. Emergency closing begins at a given time during the course of the workday <b>after</b> the workday has begun.	g. Eligible employees are paid emergency leave beginning at the time the emergency closing begins. Employees who leave work <b>prior to</b> the start of the emergency closing are not eligible for emergency closing leave during the non-closing hours; those hours are subject to other applicable leave time.

**B. Compensation for Working during Emergency Closings (essential personnel)**

If essential services are required during the closing, “essential personnel” may be assigned to work during the emergency closing and/or during other times necessitated by the emergency closing that are outside of employees’ normally scheduled work hours.

**Supervisors’ Responsibilities**

For employees who work during an emergency closing, supervisors and employees are encouraged to use adjusted/flexible scheduling during the week in which the emergency closing occurs, in order to try to ensure that regular full-time employees reach, but do not exceed, 37.5 hours (or the designated prorated amount for regular part-time employees) when feasible. Supervisors shall also notify the payroll department of essential personnel when they do work during an emergency closing, preferably via their employees’ time sheets.

**Applicable Compensation**

The applicable compensation for essential personnel for hours worked during an institutional closing varies by personnel system and is addressed below:

**1. Definitions:** “Exempt” and “nonexempt” positions are defined in the KCTCS policy regarding [emergency closing](#).

**2. Exempt Employee Compensation:** Essential personnel under all personnel systems who are exempt employees and who work during an emergency closing shall receive their *regular pay* rate for hours worked during the closing. Any additional provision, if applicable, is stated below.

**3. Compensation and Overtime Provisions for Essential Personnel:** The applicable pay rate for employees who are essential personnel required to work during an emergency closing varies by personnel system and is addressed below.

Following is information that specifies the pay and overtime provisions regarding essential personnel for hours worked during an institutional closing.

**KCTCS Personnel System –**

**Nonexempt Employees**

For hours worked during an emergency closing (full or partial day), essential personnel shall:

- Receive emergency closing pay at their regular pay rate. In addition, because they are considered to have worked overtime, for the hours worked they shall be paid at 1½ times their regular rate. If necessary and feasible, employee work schedules may be adjusted for the week in order to maintain the regular number of total hours to be worked.

- Receive emergency closing pay for the regular pay rate for those hours worked on evenings/weekend days that are adjacent to the emergency closing (but are not designated as an emergency closing since they are evenings/weekend days). In addition, because they are considered to have worked overtime, for these hours worked they shall be paid at 1½ times their regular rate.

### **UK Personnel System**

#### **Nonexempt Employees**

For hours worked during an emergency closing (full or partial day), essential personnel shall:

- Be paid at the regular pay rate (unless total hours worked are in excess of 40 hours for the week), and take equal time off within 6 weeks of the emergency closing.
- Be paid at the regular rate on evenings/weekend days that are adjacent to the emergency closing period (but are not designated as an emergency closing since they are evening hours/weekend days) unless total hours worked are in excess of 40 hours for the week, and take equal time off within 6 weeks of the emergency closing.
- Be paid the overtime rate of 1.5 hours for every hour worked in excess of 40 hours during the week in which the work on the emergency closing occurs, if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked.

#### **Exempt Employees**

For hours worked during an emergency closing (full or partial day) and adjacent evening hours/weekends, essential personnel shall:

- Be paid at the regular pay rate, and take equal time off within 6 weeks of the emergency closing.

### **151B/18A Personnel System**

#### **Nonexempt Employees**

For hours worked during an emergency closing (full or partial day), essential personnel shall:

- Be paid at the regular pay rate, unless total hours worked are in excess of 40 hours for the week.
- Be paid at the regular pay rate for working on evenings/weekend days that are adjacent to the (but are not designated as an emergency closing since they are evening hours/weekend days), unless total hours worked are in excess of 40 hours for the week.
- Receive overtime compensation for every hour worked in excess of 40 hours during the week in which the work on an emergency closing occurs (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of



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total hours to be worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

### **Exempt Employees**

For hours worked during an emergency closing (full or partial day), essential personnel shall:

- Be paid at their regular pay rate.
- During the week in which the work on the emergency closing occurs, if the total hours worked in that work week exceed 40 hours, when combined with all other hours worked during that same work week, employees shall earn compensatory time at the regular rate for the hours worked in excess of 40 hours (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

### **Related Policies**

Additional provisions regarding emergency leave shall be adhered to in accordance with other KCTCS policies and procedure(s) related to [emergency leave](#), [compensation](#), and [leaves of absence](#).

In addition, KCTCS has separate policies and procedures governing leaves due to [holidays](#) and [institutional closings](#).

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### **2.14.13 Institutional Closings**

An **institutional closing** is a planned suspension of KCTCS operations that is scheduled in advance. Eligible regular employees shall receive paid leave time during institutional closings due to scheduled maintenance and other purposes.

#### **Annual Institutional Closing**

KCTCS will observe a two-week institutional closing each year beginning in the latter part of December and includes Christmas Eve, Christmas Day, and New Year's Day and ending in early January. The institutional closing schedule will be listed on the KCTCS website.

Other institutional closing days may be granted by action of the Board of Regents or the KCTCS President.

#### **Holidays**

In addition to institutional closing days, there are separate days during the year that are officially designated as KCTCS holidays that are specified in the KCTCS policy regarding [holidays](#).

#### **Compensation during an Institutional Closing**

Eligible employees shall be authorized to receive compensation related to institutional closings through one of two avenues:

- A. Institutional closing leave entitlement
- B. Working during an institutional closing

**Employee/Supervisor Duty to Plan in Advance:** For employees who work during an institutional closing or who are on paid institutional closing leave, supervisors and employees are encouraged to coordinate and use advance planning and adjusted/flexible scheduling during a week in which the institutional closing occurs, in order to try to ensure that regular full-time employees reach, but do not exceed, 37.5 hours of combined work hours and paid institutional closing hours (or the designated prorated amount for regular part-time employees) when feasible.

Compensation provisions during an institutional closing are as follows:

#### **A. Paid Institutional Closing Leave Entitlement (non-essential personnel)**

##### **Regular Full-Time/Regular Part-Time Employees on a Regular Work Schedule**

Except for designated essential personnel, eligible regular full-time employees shall be granted time off work with paid leave during an institutional closing. In addition, eligible regular part-time employees (i.e., those who work a schedule of 50% or more of a full-time schedule on an annualized basis) shall be granted time off work with paid leave during an institutional closing on a pro rata percentage to full time.

**Eligibility in Alternate Schedules and Circumstances**

Work schedules and employee status for both regular full-time employees and regular part-time employees may affect employees' eligibility for institutional closing pay and other compensation as follows:

- 1. Regular Full-Time/Regular Part-Time Employees on Flex-Time/Alternate Schedules:** If an eligible regular part-time employees (i.e., those who work a schedule of 50% or more of a full-time schedule on an annualized basis) work a flex-time, evening, or night schedule and/or the employee's scheduled work week is not consistent throughout the year, paid institutional closing leave at a pro rata percentage to full-time will be calculated based on the average number of hours worked per week on an annualized basis.
- 2. Institutional Closing on a Previously Non-Scheduled Work Day:** If an eligible regular full-time employee or eligible regular part-time employee who meets the eligibility requirements would otherwise not be scheduled to work on the institutional closing day, time off with pay shall be granted on another day within a week of when the institutional closing occurs.
- 3. Ineligible Regular Part-Time Employees:** Regular part-time employees who work a schedule of less than 50% of a full-time schedule shall not receive paid leave during an institutional closing.
- 4. Temporary Employees:** Temporary employees (full-time or part-time) shall not receive paid leave during an institutional closing.
- 5. Effect of Retirement on Institutional Closing Pay:** Employees whose retirements occur during a designated institutional closing period shall receive the institutional closing leave pay up to and including on their last day of employment.
- 6. Effect of Other Leave on Institutional Closing Pay:** If an institutional closing occurs while employees are on authorized paid leave such as vacation leave, sick/temporary disability leave, bereavement leave, or compensatory leave, an otherwise eligible employee is entitled to emergency closing leave and shall not be charged vacation leave, sick/temporary disability leave time, bereavement leave, or compensatory leave for the institutional closing.
- 7. No-Pay Status:** Employees in a no pay status for any portion of either the scheduled work day or leave day that falls immediately before and/or after an institutional closing are not eligible, and therefore shall not receive paid institutional closing leave.
- 8. Weekly Overtime Calculation:** Paid leave time due to an institutional closing is *not* counted as "time worked" for the purpose of calculation of overtime compensation for the week for eligible employees.

**B. Working during an Institutional Closing (essential personnel)**

**Essential Services**

When essential services are required during an institutional closing (as well as an emergency closing or holiday), KCTCS shall officially designate employees to work as “essential personnel” and assign them to work on the institutional closing day, and/or during other times necessitated by the institutional closing that are outside of employees’ normally scheduled work hours (i.e., evenings and weekends).

The following definitions and practices apply to issues surrounding “essential personnel” who perform essential services regarding their hours worked on KCTCS designated holidays:

- 1. Essential Personnel Definition:** Definitions of “essential personnel” and “non-essential personnel” are included in the KCTCS policy regarding [emergency closings](#).
- 2. Designation of Essential Personnel:** To the extent possible, supervisors shall designate “essential personnel” in advance of an institutional closing and shall communicate to them their responsibilities and assigned work hours for an institutional closing during which they are required to work. For a given institutional closing, essential personnel may be assigned to work a full day or only a partial day(s) on the actual closing days and/or on evenings/weekends adjacent to the closing days. Supervisors shall also notify the payroll department of essential personnel when they do work during an emergency closing, preferably via their employees’ time sheets.
- 3. Applicable Compensation:** The applicable compensation for essential personnel for hours worked during an institutional closing varies by personnel system and is addressed below:
  - a. Definitions:** “Exempt” and “nonexempt” positions are defined in the KCTCS policy regarding [compensation](#).
  - b. Exempt Employees Compensation:** Essential personnel under all personnel systems who are exempt employees required to work during an institutional closing shall receive their *regular pay* rate for hours worked during the closing. Any additional provision, if applicable, is stated below.
  - c. Compensation and Overtime Provisions for Essential Personnel:** The following information specifies the compensation and overtime provisions regarding essential personnel for hours worked during an institutional closing.

**KCTCS Personnel System –**

**Nonexempt Employees**

For hours worked during an institutional closing (full or partial day), essential personnel shall:

- Receive pay at their regular pay rate. In addition, because they are considered to have worked overtime, for the hours worked they shall be paid at 1½ times their regular rate. If necessary and feasible, employee work schedules may be adjusted for the week in order to maintain the regular number of total hours to be worked
- Receive institutional closing pay for the regular pay rate for those hours worked on evenings/weekend days that are adjacent to the institutional closing (but are not designated as an institutional closing since they are weekend days). In addition, because they are considered to have worked overtime, for these hours worked they shall be paid at 1½ times their regular rate.

### **UK Personnel System**

#### **Nonexempt Employees**

For hours worked during an institutional closing (full or partial day), essential personnel shall:

- Be paid at the regular pay rate (unless total hours worked are in excess of 40 hours for the week), and take equal time off within 6 weeks of the institutional closing.
- Be paid at the regular rate on weekend days that are adjacent to the institutional closing period (but are not designated as an institutional closing since they are weekend days) unless total hours worked are in excess of 40 hours for the week, and take equal time off within 6 weeks of the institutional closing.
- Be paid the overtime rate of 1.5 hours for every hour worked in excess of 40 hours during the week in which the work on the institutional closing occurs, if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked.

#### **Exempt Employees**

For hours worked during an institutional closing (full or partial day) and adjacent weekends, essential personnel shall:

- Be paid at the regular pay rate, and take equal time off within 6 weeks of the institutional closing.

### **151B/18A Personnel System**

#### **Nonexempt Employees**

For hours worked during an institutional closing (full or partial day), essential personnel shall:

- Be paid at the regular pay rate, unless total hours worked are in excess of 40 hours for the week.
- Be paid at the regular pay rate for working on weekend days that are adjacent to the (but are not designated as an institutional

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closing since they are weekend days), unless total hours worked are in excess of 40 hours for the week.

- Receive overtime compensation for every hour worked in excess of 40 hours during the week in which the work on an institutional closing occurs (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours to be worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

**Exempt Employees**

For hours worked on an institutional closing (full or partial day), essential personnel shall:

- Be paid at their regular pay rate.
- During the week in which the work on the institutional closing occurs, if the total hours worked in that work week exceed 40 hours, when combined with all other hours worked during that same work week, employees shall receive compensatory time at the regular rate for the hours worked in excess of 40 hours (if it is not possible to adjust employee work schedules for the week in order to maintain the regular number of total hours worked), in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures).

**Related Policies**

Additional provisions regarding institutional closings shall be adhered to in accordance with other KCTCS policies and procedure(s) related to [compensation](#) and [leaves of absence](#).

In addition, KCTCS has separate policies and procedures governing leaves due to [holidays](#) and [emergency closings](#).

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## **2.14.14 Bereavement Leave**

### **KCTCS Personnel System**

A regular full-time employee, or regular part-time employee who works a schedule of 50% or more of a full-time schedule on an annualized basis, shall be granted bereavement leave with pay as follows:

1. Up to five (5) working days for attending to funeral related matters in the case of the death of a parent, spouse, brother, sister, child (includes steps or halves of the same relationship), grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, domestic partner, step-parent, daughter or son of the employee's spouse or domestic partner, and any other person who resides in the employee's household, or other persons with whom the employee has an "in loco parentis"\* relationship. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extenuating circumstances, such as extended, lengthy travel. Total bereavement leave with pay, including additional leave for extenuating circumstances, shall not exceed seven (7) working days.
2. Up to two (2) working days in the case of the death of an aunt, uncle, niece, and nephew. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extenuating circumstances, such as extended, lengthy travel. Total bereavement leave with pay, including additional leave for extenuating circumstances, shall not exceed four (4) working days.
3. At the discretion of an employee's supervisor, an employee may be granted bereavement leave with pay up to one-half of a working day to attend the funeral service of other relatives, associates, or close friends.

A "day" for bereavement leave purposes is defined as the number of hours an employee works in a regularly scheduled work-week on an annualized basis, divided by five (5).

In cases requiring absences in excess of the above allowances or other absences requested for funerals of other relatives or friends, approved time off shall be requested using other available leave as applicable or without pay if no other leave is available.

If requested, a portion of the available bereavement leave with pay may be used at a time subsequent to the day of the funeral, in order to address related estate/business matters.

Regular part-time employees who are eligible for bereavement leave with pay as noted above shall receive bereavement leave for the scheduled work hours that fall within the leave period.

## **UK Personnel System**

A regular full-time employee, or regular part-time employee who works a schedule of 50% or more of a full-time schedule or more on an annualized basis, shall be granted bereavement leave with pay as follows:

1. Up to five (5) working days for attending to funeral related matters in the case of the death of a parent, spouse, brother, sister, child (includes steps or halves of the same relationship), a step-child for whom the employee is directly responsible, and any other person who resides in the employee's household, or other persons with whom the employee has an "in loco parentis"\* relationship. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extensive travel. Extensive travel is defined as travel distance greater than 100 miles, one way. Total bereavement leave with pay, including additional leave for extensive travel, shall not exceed seven (7) working days.
2. Up to two (2) working days in the case of the death of a direct descendant grandparent, grandchild, aunt, uncle, niece, and nephew, a step-child for whom the employee is not directly responsible, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extensive travel. Extensive travel is defined as travel distance greater than 100 miles, one way. Total bereavement leave with pay, including additional leave for extensive travel, shall not exceed four (4) working days.
3. At the discretion of an employee's supervisor, an employee may be allowed bereavement leave with pay up to one-half of a working day to attend the funeral service of other relatives, associates, or close friends.

A "day" for bereavement leave purposes is defined as the number of hours an employee works in a regularly scheduled work-week on an annualized basis, divided by five (5).

In cases requiring absences in excess of the above allowances or other absences requested for funerals of other relatives or friends, approved time off shall be requested using other available leave as applicable or without pay if no other leave is available.

If requested, a portion of the available bereavement leave with pay may be used at a time subsequent to the day of the funeral, in order to address related estate/business matters.

Regular part-time employees who are eligible for bereavement leave with pay as noted above shall receive bereavement leave for the scheduled hours that fall within the funeral leave period.



**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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**18A/151B Personnel System**

For employees under this personnel system bereavement leave is addressed in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B, located in Appendix I (Section 2) of this manual.

\*“In loco parentis” means the employee has the day-to-day responsibilities for the care and financial support of a child or persons who had such a responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

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**2.14.15 Jury Duty**

Jury duty is recognized as a civic responsibility. Employees are encouraged to fulfill their obligations with regard to this service as citizens of the community. KCTCS shall pay employees their regular salary for time served on jury duty. Employees shall submit to their supervisor a copy of the call to jury duty as soon as possible after receipt.

Upon completion of jury duty each day, employees shall report back to work as soon as possible to resume their assigned work responsibilities. If employees are dismissed too late to return to work before their shift ends, or if they work a second, third or other variable work shift on a given day, employees shall report to work at the beginning of their next assigned work shift. Employees shall receive instructions from their supervisor, in advance of the assigned period of jury duty, for any further specific reporting expectations. Supervisors are encouraged to accommodate employees on second or third shifts whose jury duty interrupts normal sleep schedules.

Employees shall be permitted to retain jury duty compensation, if received, in addition to their regular salary from KCTCS for paid time off for jury duty to help defray expenses while serving on a jury.

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### **2.14.16 Court Appearances**

A court appearance normally requires use of vacation leave, or leave without pay. However, if summoned, subpoenaed, or requested to appear as a party or a witness in a civil or criminal court case in which KCTCS requests an employee's attendance, the employee shall be granted time off with pay to fulfill such responsibilities. Employees shall submit a copy of the subpoena, summons, or request to appear in court before receiving approved time off for this duty. In addition, if a compelling KCTCS interest in a court case justifies the employee's absence, KCTCS may approve time off with or without pay for a court appearance in cases that do not directly relate to KCTCS. Immediately upon receipt of a summons, subpoena, or request to appear in court, employees shall present a copy of the document to their supervisor and request applicable leave time, either with or without pay.

For cases not involving KCTCS, employees shall use vacation leave or leave without pay.

Upon completion of a paid or unpaid court appearance, the employee shall report to work at the beginning of the next regularly scheduled work period. If the court appearance does not require the full work period in a given day, the employee shall report for work that day as soon as possible after the court appearance ends.

In addition, jury duty and court appearances will be addressed in accordance with applicable KCTCS policies and human resources procedure(s) regarding paid and/or unpaid leaves of absence and special leave.

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## **2.15 KCTCS Classification and Compensation Administration**

The goal of the KCTCS classification and compensation program is to attract potential employees, meet the needs of current employees and encourage well-performing employees to continue with the organization. With this in mind, the compensation program is built to balance both employee and KCTCS needs.

KCTCS has a market-based classification and compensation plan for regular full-time KCTCS employees.

As part of the classification and compensation plan, each KCTCS position has a title. In addition, each KCTCS staff position title has a designated document that provides a representative summary of the types of duties, responsibilities, and credentials required of the position. A salary schedule is established consisting of pay bands for staff employees and pay bands for faculty employees. Within each pay band there are salary ranges, including a minimum salary level, a market salary level, and a maximum salary level. Each position title is assigned to a pay band based on the level of responsibilities and required credentials as specified in the job specification and/or job analysis questionnaire.

A compensation committee will be designated to include four System Office Human Resources employees and two (rotating) college Directors of Human Resources for recommendations regarding classification and compensation issues. The salary schedule is reviewed periodically to assess for potential updates needed.

KCTCS applies the same principles of fairness to all employees, regardless of race, color, citizenship status, national origin, gender, sexual orientation, age, religion, creed, political affiliation, ethnic origin, physical or mental disability, veteran status, political affiliation, smoking status, or any other factor protected by law.

### **2.15.1 Wage and Salary Administration**

#### **2.15.1.1 Pay Cycle**

Payday is normally on the 15<sup>th</sup> and 30<sup>th</sup> day of the month for services performed during the previous pay cycle. The twice monthly pay schedule is made up of twenty-four (24) pay periods per year. Changes to the payroll cycle shall be made and announced in advance whenever KCTCS holidays or closings interfere with the normal pay schedule.

#### **2.15.1.2 Mandatory Deductions from Paycheck**

KCTCS is required by law to make certain deductions from employee paychecks. Among these are federal, state and local income taxes and employee contributions to Social Security as required by law. These deductions shall be itemized on employee pay statements. The amount of the deductions depend on employee earnings and on the information employees furnish on the W-4 and K-4 tax withholding forms regarding the

number of withholding allowances claimed. Employees may modify this number by completing a new W-4 tax withholding form located on the KCTCS website and submitting it to their local payroll office. No one other than the employee may modify the employee's W-4 and/or K-4 tax withholding forms. Oral or written instructions are not sufficient to modify withholding allowances. Employees are advised to check their pay statements to ensure that these statements reflect the proper amount of withholding allowances.

KCTCS shall send employees a W-2 tax form annually that reflects employee taxable earnings and taxable amounts withheld for the year.

### **2.15.1.3 Employee Organization Dues Deduction**

Employees may have dues for any employee membership organization, which has registered with KCTCS and has been approved by the KCTCS President, deducted from regular pay checks. "Employee organizations" are those whose primary mission is to serve KCTCS employees. The amount of the deduction is set by the organization. Dues deduction authorization forms are available at the employees' local payroll/business office. Dues deductions shall begin with the first check after a thirty (30) day processing period.

Employees may cancel their authorization to have dues deducted from their pay check by filing a written notice of cancellation with the same office at least 30 days before the end of the calendar quarter.

KCTCS shall furnish a list including the employee's name and home or mailing address to the organizations for which an employee authorizes dues deductions.

### **2.15.1.4 Direct Payroll Deposit**

Direct payroll deposit is the automatic deposit of employees' payroll funds into the financial institution accounts of their choice. KCTCS employees shall participate in direct deposit of their payroll funds in accordance with the KCTCS Business Procedures. In addition, employees may authorize KCTCS to make additional deductions from their paychecks. Employees shall complete the necessary authorization forms located on the KCTCS website and submit them to their payroll office.

### **2.15.1.5 Error in Pay**

Every effort is made to avoid errors in employee paychecks. If an error has been made, employees immediately, and no later than the end of the fiscal year, shall notify the local payroll officer, who shall take the necessary steps to research the problem and to assure that any necessary correction is made promptly.

### **2.15.1.6 Wage Garnishments**

KCTCS expects that employees will manage their financial affairs so that KCTCS shall not be obligated to execute any court-ordered wage garnishments. However, employees shall be notified when court-ordered deductions are to be taken from their paycheck by KCTCS. KCTCS acts in accordance with the federal Consumer Credit Protection Act, which places restrictions on the total amount that may be garnished from employee paychecks.

If KCTCS is required to make additional mandatory deductions from an employee's paychecks, KCTCS shall inform the employee about the mandatory deductions upon receipt of other lawful order.

### **2.15.1.7 Computing Pay**

Pay is computed based on a regular full-time work week, which for KCTCS is 37.5 hours per week for regular full-time employees. Nonexempt employees are paid on a semi-monthly basis, **for an average of 81.25 hours** semimonthly. Employees are "made whole" once they have worked an entire fiscal year.

### **2.15.1.8 Compensation for Overtime Hours Worked**

KCTCS expects that position workloads shall be accomplished within the regularly scheduled hours of the work week. Each supervisor is responsible for organizing, scheduling, and staffing departmental workloads in a manner that will avoid the development of overtime situations when at all possible. In addition, employees are expected to organize and manage their workload in order to complete it during regularly scheduled hours of the work week, if possible.

Therefore, this policy is intended for situations such as peak workload periods, unforeseen circumstances, or emergency situations, that prevent the completion of work during regularly scheduled working hours. Employees and supervisors shall understand that overtime compensation is intended for short-term arrangements, not as an ongoing operational and compensation strategy. Overtime work shall be reviewed every six months by the supervisor, appropriate supervisory personnel within the chain of command, and/or a financial officer to plan for other options, such as flexible scheduling, training other available staff, or hiring a temporary or additional regular employee(s).

A position classified as an exempt position is one in which the employee is exempt from being eligible to receive overtime compensation. A position classified as a nonexempt position is one in which the employee is eligible to receive overtime compensation, when applicable. A position may be classified as exempt from receiving overtime compensation based on job duties, responsibilities, salary, and, in some cases, minimum education required. Determination regarding the classification for each position

## ***KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES***

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regarding exemption or nonexemption from overtime is made under the provisions of the Fair Labor Standards Act (FLSA) and is administered by the KCTCS System Human Resources Office.

Advance planning for flexible scheduling is a proper strategy for reducing overtime hours. Prior to engaging in any work in excess of the 37.5 hours per week for a regular full-time employee, the excess work hours shall be requested, and if necessary to be worked shall be approved in advance by an employee's immediate supervisor (except for exempt employees who are not subject to overtime). Any hours worked between 37.5 and 40 hours in the week are not considered overtime work for purposes of determining the rate of pay, and shall be paid at the employees' regular pay rate. In addition, supervisors are encouraged to use advance planning and flexible scheduling for their employees as methods to minimize any work over 37.5 hours during a work week. Whenever possible, if an employee works additional days or additional hours on a given work day beyond his/her regularly scheduled hours, if at all possible the supervisor shall adjust the employee's work schedule accordingly for the other days in that work week in order that the employee's total work hours do not exceed 37.5 hours.

For purposes of this policy, "overtime work" is defined as "the hours worked in excess of 40 hours in a given work week". Nonexempt employees shall be compensated at an overtime rate on hours worked in excess of forty (40) hours per work week. If applicable, supervisors shall request and obtain approval in advance from the appropriate management level in order to permit their employees to perform overtime work.

Only actual hours worked are counted in computing eligibility for overtime compensation. Leaves and other absences will not be counted or added to the number of "hours worked" in a work week, and will therefore not be calculated for purposes of eligibility for overtime compensation. Therefore, unless otherwise stated, paid leave shall be paid at the regular rate of pay.

Eligible employees are entitled to overtime compensation for applicable hours worked as follows:

### **KCTCS Personnel System and UK Personnel System**

If it was not possible to adjust employee work schedules for a given week (as stated above) to maintain the regular number of total hours to be worked, non-exempt employees shall receive overtime pay of 1.5 times the hourly rate for every hour worked over 40 hours per week.

Exempt employees are not eligible to earn or receive overtime pay.

### **18A/151B Personnel System**

If it was not possible to adjust employee work schedules for a given week (as stated above) to maintain the regular number of total hours worked, exempt and non-exempt employees who work overtime (time worked in excess of 40 hours per week) shall

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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receive compensation for overtime in accordance with the administrative regulations for KRS Chapters 18A and KRS Chapter 151B (see Appendix 1 of Section 2 of the KCTCS Administrative Policies and Procedures.

**Related Information**

For supplemental assignments, including internal faculty overloads/working a second job, additional assignments, and/or outside employment, please refer to the KCTCS policies on [faculty/staff workload](#) , [faculty consulting](#), and [outside employment](#).

Additional provisions regarding compensation and overtime pay related to working during a [holiday](#), [institutional closing](#), and [emergency closing](#) are addressed in the applicable policies.

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<u>(SIGNED)</u> Recommended by	<u>1-22-13</u> Date	<u>(SIGNED)</u> President, KCTCS	<u>1-22-13</u> Date



## **2.15.2 Employment Actions**

### **2.15.2.1 Initial Employment**

Salary offers are made using salary ranges for existing positions. Upon initial employment, commensurate with education and experience newly hired regular employees shall receive a salary of at least the minimum but not to exceed the market salary of the position title's pay band.

### **2.15.2.2 Promotion**

The promotion of a regular employee is a move to a different position title with a higher corresponding classification pay band with corresponding new and/or increased duties and responsibilities. Employees are not eligible for promotions until after completion of the first 6 (six) months of employment. Salary increases resulting from promotions shall be at least to the minimum of the pay band of the new position title and may be up to 20% of the current salary not to exceed the KCTCS market salary of the new position's pay band. Salary increases resulting from promotion shall be commensurate with the duties of the new position. For faculty promotions in rank, the designated KCTCS promotion salary increase shall be awarded.

### **2.15.2.3 Reclassification**

A position reclassification is the assignment of a given position within a specific college or department to a different position title as a result of significant and demonstrated expansion, reduction, or change of the duties and responsibilities of that specific position on an ongoing basis. A position reclassification requires approval by the college president/ceo and the KCTCS Vice President primarily responsible for Human Resources. Salary increases resulting from position reclassifications to a higher pay band shall be at least to the minimum of the pay band of the employee's new position and may be up to 20% of the current salary, not to exceed the KCTCS market salary of the position's pay band. Salary increases shall be commensurate with the duties of the reclassified position. A position reclassification to a lower pay band shall not result in a salary change for the incumbent due to the reclassification.

### **2.15.2.4 Reassignment**

A reassignment of position occurs when an employee is moved to a different position or whose position title is changed, involving the same or different pay band. A reassignment of duties occurs when there is a change in the assignment of responsibilities of a given position. A reassignment is not an automatic reclassification or demotion.

An employee may be reassigned to another position and/or title, or be reassigned to other duties, with the understanding that the reassignment or change of duties is in the best interest of the institution and does not violate the employee's rights.

An employee's salary may or may not be adjusted as a result of a reassignment. The determination about whether a salary increase is appropriate is based on an increased scope of assigned responsibilities or an increase in the level of assigned responsibilities.

A reassignment may be associated with an administrative reorganization, which is a realignment of the functions/processes and/or operations within the department, division, and/or college. A reassignment due to an administrative reorganization shall not adversely affect the employee's salary. A reassignment due to an administrative reorganization requires the approval of the college president/ceo and the KCTCS Vice President primarily responsible for Human Resources.

### **Tenured Faculty Reassigned to Staff Roles**

By mutual agreement tenured faculty members may be reassigned to staff roles. Although individuals cannot earn tenure in staff positions tenure may be held separately as a faculty privilege concurrent with a staff role, including an administrative role. Tenured faculty in a staff role shall retain their faculty status, faculty rank, and faculty position title, along with retaining coverage under faculty benefits and policies, including faculty temporary disability leave and faculty vacation leave. Tenure shall not provide the right to remain in or be reassigned to a staff role. Tenured faculty in a staff role shall retain the right to return to a teaching position in KCTCS for which they are qualified, if such a position is available at the time the faculty member leaves the staff role. Tenured faculty who leave a staff role shall be entitled to receive a position in the academic unit in which the faculty member obtained tenure. The removal of tenured faculty from their staff role shall not impair whatever rights they may have in their faculty rank.

See section 2.15.2.9 (*Conversion or Transfer from a Non-Tenured Faculty Position to a Staff Position*) regarding a position change for faculty with continued employment status, continuing employment status, and term contract employment status.

If appropriate, a faculty member may be entitled to an administrative supplement of non-recurring salary due to the assignment of duties or reassignment of staff or administrative duties or position. Any faculty administrative supplement salary shall be established in writing and shall be applicable only during the period of administrative assignment. In addition, if a faculty member's assignment period is changed, the faculty member may be due a faculty assignment period salary (FAPS) conversion based on the table in section 2.15.2.13.2 (*Faculty Salary Conversion Related to Change in Assignment Period*) regarding faculty salary conversion. A salary supplement shall be excluded from the calculation when implementing any conversion of the faculty salary related to a change in assignment period.

If the administrative duties are subsequently removed and/or the length of the assignment period is reduced, the administrative salary supplement and/or the FAPS conversion amount that was previously awarded is likewise removed.

### **2.15.2.5 Salary Adjustment**

Salary adjustments may be made as appropriate as determined by the college president/ceo and the KCTCS Vice President primarily responsible for Human Resources, based on defined pay equity issues and market salary studies. Salary adjustments may be made due to the increased scope of assigned responsibilities, increased levels of assigned responsibilities, and/or pay equity issues. Salary adjustments may be up to 20% of the current salary not to exceed the KCTCS market salary of the position's pay band. The college president/ceo and the KCTCS Vice President primarily responsible for Human Resources shall review for local internal pay equity issues before making a salary adjustment.

### **2.15.2.6 Lateral Transfer**

A lateral transfer occurs when an employee is moved to another position within the same classification pay band, to a position of the same title within a college, or to a position of the same title or classification band at another KCTCS college. The salary shall remain the same for an employee who makes a lateral transfer. An employee may not apply for a lateral transfer until after the employee completes the first six months of employment.

### **2.15.2.7 Acting Assignments**

Based on college needs and resources, an employee may be asked to serve in a position or be assigned new responsibilities on an interim or temporary basis. An acting assignment may not exceed 24 months. The college president/ceo will take the appropriate steps to justify and document that the acting assignments comply with all state and federal employment laws and KCTCS policies and procedures. An employee serving in exempt or non-exempt acting assignments may be provided compensatory time or supplemental pay, subject to KCTCS policies and procedures and applicable federal and state laws. Resulting salary adjustments may be up to 20%, not to exceed the KCTCS market salary for the position's pay band.

### **2.15.2.8 Conversion or Transfer from a Staff Position to a Faculty Position**

A proposed conversion or transfer of a KCTCS employee from a KCTCS staff position to a KCTCS faculty position shall be reviewed by the KCTCS Vice President primarily responsible for Human Resources, in consultation with the KCTCS Chancellor, prior to the transfer. The salary of an employee who is converted from a staff to a faculty shall be no less than it was before the conversion. The salary of an employee who pursues and elects to voluntarily transfer to a faculty position shall be determined based on the same guidelines as determining the starting salary upon initial employment in a faculty

position. The employee who converted or transferred to a faculty position shall then begin coverage under faculty benefits, faculty leaves policies, and other faculty policies.

Unused staff vacation leave balance shall be banked and available for future use. In addition, if applicable, vacation/annual leave balance that was banked in conjunction with a personnel system opt over election shall continue to be banked and available for future use.

If applicable, the staff sick leave balance shall be banked and available for use, including as a donation through the KCTCS sick leave sharing or pool programs, or applied toward service credit at the time of retirement under KTRS/KERS. In the event that the employee returns to a staff position at a point in time after opting over the employee's banked staff sick leave balance earned under the UK personnel system is available for use, and/or if applicable, for sick/temporary disability leave conversion at retirement (unless retirement previously occurred in conjunction with opting over).

#### **2.15.2.9 Conversion or Transfer from a Non-Tenure Faculty Position to a Staff Position**

KCTCS employees may be converted or transferred from a non-tenured faculty position to a staff position. The salary of an employee whose position is converted from a faculty position to a staff position shall remain the same as it was before the conversion. The salary of an employee who pursues and elects to voluntarily transfer to a staff position shall be determined based on the same guidelines as determining the starting salary upon initial employment in a staff position. In addition, faculty with continuing employment status, continued employment status, or term contract employment status whose position is converted to a staff position shall return to the faculty rank that they had prior to the conversion or transfer if they subsequently have a position conversion or transfer back to a faculty position.

The employee shall then be covered by staff benefits, leave policies, and other staff policies.

If applicable, any faculty sick leave balance that was earned through monthly accrual (under the 151B personnel system), shall be banked, including sick leave balances as a result of an opt over, and available for future use including as a donation through the KCTCS sick leave sharing or pool programs if the eligibility requirements are met.

Faculty annual leave earned through monthly accrual (under the 151B personnel system) shall be banked and available for use. Unused prorated faculty vacation leave earned under the KCTCS and UK personnel systems during the fiscal year in which the transfer occurred shall be banked and available for use up to one year from the effective date of the transfer conversion from faculty to staff.

### **2.15.2.10 Pay Band Changes/Adjustment**

KCTCS shall conduct an ongoing review and refinement of the KCTCS classification and compensation plan and shall make necessary adjustments. Periodically, within the classification and compensation plan position titles may be changed and/or assigned on a system-wide basis to a different pay band to accurately reflect the evolving job responsibilities of the KCTCS workforce and market conditions based on revisions of existing job specifications documents. When changes in pay band assignments are made employees shall be at least at the minimum salary level of the new pay band and may be eligible for a salary increase of up to 10% of the current salary only if approved by the college president/ceo in consultation with the KCTCS Vice President primarily responsible for Human Resources.

### **2.15.2.11 Demotion**

A demotion is:

- 1) a change from a regular position to a different regular position assigned to a lower band within the KCTCS job classification system, excluding a change due to a reassignment or administrative reorganization, or
- 2) a change in position and/or employee duration category of a regular staff employee or of a regular faculty member with tenured employment status, tenure-track employment status, term contract employment status, continued employment status, or continuing employment status from regular to temporary and/or from full-time to part-time.

A demotion is either voluntary or involuntary. A voluntary demotion is one in which the KCTCS employee elects to take a position in a lower pay band. The KCTCS President approves voluntary demotions for college presidents/ceo's. College presidents/ceo's or system office cabinet members (for system office employees) approve voluntary demotions, in consultation with the KCTCS Vice President primarily responsible for Human Resources. Unsatisfactory performance or lack of qualifications to perform the duties required of the position may result in an involuntary demotion, as determined by the college president/ceo or system office cabinet member in consultation with the KCTCS Vice President primarily responsible for Human Resources.

When a demotion occurs, KCTCS shall reduce the demoted employee's salary. The new salary shall be within the classification pay band range for the new position and with consideration of internal equity and commensurate with qualifications.

## **2.15.2.12 Separation**

Separation shall comply with Section 2 of the KCTCS Board of Regents Policies and Section 2 of the KCTCS Administrative Policies and Procedures, as well as KCTCS Human Resources Procedures.

### **2.15.2.12.1 Proration of Salary for Faculty Members Separating Employment**

#### **KCTCS Personnel System and the UK Personnel System**

The period of assignment for faculty with a 10-month assignment period is August 1 through May 31. One-tenth (1/10) of the annual salary is considered earned for each full month of service during this assignment period.

The period of assignment for faculty with an 11-month assignment period is August 1 through June 30; however, with prior consultation and approval of the Chancellor, the month when the faculty member is not on assignment during a fiscal year may be a month other than July. One eleventh (1/11) of the annual salary is considered to be earned for each full month of service during an assignment period.

The period of service for faculty in a 12-month assignment period is July 1 through June 30. One-twelfth (1/12) of the annual salary is considered earned for each full month of service during this assignment period.

If separation of employment occurs prior to the start of the assignment period, the faculty member shall not be entitled to any pay for that assignment period within the new appointment period.

If separation occurs during the assignment period, the salary and vacation leave for that month shall be prorated in accordance with the faculty vacation leave and terminal vacation pay policies and regulations of the applicable personnel system. If separation during the assignment period occurs at a time other than the end of the month, the salary for that month shall be prorated on the basis of calendar days.

Temporary (adjunct) faculty who leave before the end of their contract shall be entitled to pay on a prorated basis based on the number of class periods they actually taught of the total scheduled classes to be held during their assignment period.

Regular and adjunct employees are responsible, based on the actual portion of the assignment period worked prior to separation, for repaying KCTCS for any overpayment of unearned salary and/or employer insurance contributions paid during the appointment period.

### **18A/151B Personnel System**

For employees under this personnel system pay is addressed in the provisions of their retirement plan and in the Kentucky Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B in effect as of June 30, 1998, located in Appendix I (Section 2) of this manual.

## **2.15.2.13 Appointment and Assignment Periods**

### **Staff Assignment Periods**

Staff assignment periods shall normally be for 12 months. Designated staff positions shall be established as having either 10-month assignment periods or 11-month assignment periods.

### **Faculty Assignment Periods**

Faculty members have both an appointment period and an assignment period. The appointment period is a twelve month period from July to June, coinciding with the KCTCS fiscal year period. The assignment period is the time interval within the appointment period that the faculty member is actually assigned to work. The assignment period may encompass the entire appointment period or may encompass only a portion of the appointment period, depending on the length of the assignment period. For faculty members employed on a contract, the appointment period and the designated assignment period are specified in their contract.

Faculty assignment periods are 10 months, 11 months, or 12 months, depending upon program and curriculum needs and as allowed under the respective personnel systems. Although faculty members work either a 10-month, 11-month, or 12-month assignment period, pay for the various assignment periods is spread over the course of the 12-month appointment period. Except for newly appointed faculty members, payments for 10-month, 11-month, and 12-month assignment periods normally begin in July, even though the faculty member's assignment period may not begin until August. Payment normally shall begin in August for newly appointed faculty members whose assignment period begins in August. Payments for 10-month, 11-month, and 12-month assignment periods normally end in June, even though the faculty member's assignment period may end during May.

Faculty on a 10-month, 11-month, or 12-month regular assignment shall be paid in twelve (12) equal installments during the fiscal year in their second year and subsequent years of employment. Exceptions to this rule are salary paid to faculty whose separation occurs prior to the end of the fiscal year and for faculty who do not receive a paycheck for every pay period during the fiscal year due to being in a leave without pay status.

### **2.15.2.13.1 Ten-Month and Eleven-Month Staff Assignment Periods**

Certain regular full-time staff positions shall be officially designated and established as a 10-month or 11-month position. The determination to designate a staff position as a 10-month or 11-month assignment period is based on the operational needs of KCTCS.

When in established 10-month and 11-month positions, staff employees shall work during their assignment period and shall not be assigned to work in their regular position during the period of time that is outside of their assignment period. Staff employees in 10-month and 11-month positions shall be considered regular full-time employees for all human resources policy purposes in accordance with the following provisions:

- Employees shall not be eligible to receive unemployment compensation during the period of time outside of their assignment period.
- Employees shall not accrue paid leave during the period of time outside of their assignment period.
- Employees shall not be entitled to holiday pay or the use of or payment for vacation leave, sick/temporary disability leave, or other paid leaves during the period of time outside of their assignment period.
- Terminal vacation pay for eligible staff who have a 10-month or 11-month assignment period shall be calculated at a rate of pay based on the length of their assignment period (10-month or 11-month).
- Participation in insurance plans shall continue during the period of time outside of their assignment period under the same conditions that are in effect during the assignment period.
- Other benefits afforded to regular full-time employees shall continue and may be used during the period of time outside of their assignment period, except for benefits for which employees in a leave without pay status are ineligible (such as retirement).
- Employees in 10-month and 11-month positions shall abide by all other applicable policies and procedures.

#### **Proration of salary**

The period of assignment for employees in 10-month and 11-month positions shall be for either 10 months or 11 months; one-tenth (or one-eleventh) of the annualized salary is considered earned for each full month of employment in a 10-month or 11-month position.

Due to state and federal regulations salary payments for non-exempt staff employees in 10-month and 11-month positions shall be paid only during the time period(s) in which the actual work is performed in the established KCTCS pay cycle for the assignment period.



For exempt staff employees in 10-month and 11-month positions, beginning with the 2007-08 fiscal year salary payments shall be extended over 12 months of the year. During the transition, starting August 1, 2006, payments for existing exempt staff in 10-month and 11-month positions shall begin in July, even though the staff members' assignment period may not begin until August. Each year salary payments for exempt employees in 10-month and 11-month positions shall end in June, even though the employees' assignment period may end during May.

Payment shall begin in August for newly hired exempt staff employees in 10-month and 11-month positions whose assignment period begins in August. Exempt staff employees in regular 10-month and 11-month positions shall be paid in 24 equal installments during the fiscal year in their second year and subsequent years of employment.

Exceptions to these rules are: 1) exempt staff employees in 10-month and 11-month positions whose separation occurs prior to the end of the fiscal year and 2) exempt staff employees in 10-month and 11-month positions who do not receive a paycheck for every pay period during the fiscal year, due to being in a leave without pay status during their normal assignment period.

Exempt and non-exempt staff employees employed in 10-month and 11-month positions may be permitted to work at KCTCS during the period of time that is outside of their assignment period in a different position and only on a temporary basis.

Additional provisions regarding employees in 10-month and 11-month positions shall be adhered to in accordance with other KCTCS policies and human resources procedures related to benefits and leaves of absence.

### **2.15.2.13.2 Faculty Salary Conversion Related To a Change in Assignment Period**

#### **KCTCS and UK Personnel Systems**

Faculty assignment periods are ten (10) months, eleven (11) months, or twelve (12) months. When a faculty assignment period is changed from one assignment period to another, it may be accompanied by a change in the faculty assignment period salary (FAPS). The following table depicts the customary faculty salary conversions related to changes in faculty assignment periods.

#### **FACULTY SALARY CONVERSION TABLE RELATED TO CHANGE IN ASSIGNMENT PERIOD**

Relationships in this table are based on the ratio of the number of non-vacation or working months during the new faculty assignment period to the number of such months during the old assignment period.

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<b>New Assignment Period (Months)</b>	<b>Old Assignment Period (Months)</b>	<b><u>New Faculty Assignment Period Salary (FAPS)</u></b>
10	11	9/10 (90%) of 11-month assignment period salary = 10-month assignment period salary
10	12	9/11 (82%) of 12-month assignment period salary = 10-month assignment period salary
11	10	10/9 (111%) of 10-month assignment period salary = 11-month assignment period salary
11	12	10/11 (91%) of 12-month assignment period salary = 11-month assignment period salary
12	10	11/9 (122%) of 10-month assignment period salary = 12-month assignment period salary
12	11	11/10 (110%) of 11-month assignment period salary = 12-month assignment period salary

Salaries for faculty who converted from a 12-month assignment period to a 10-month assignment period subsequent to an election to opt over from the 151B personnel system to the KCTCS personnel system shall not be converted if the change in assignment period occurs within one (1) year of the effective opt over date.

Any faculty who previously converted to a shorter assignment period with no salary conversion having been applied at that time shall have no salary conversion applied if the faculty subsequently return to a longer assignment period.

### **151B Personnel System**

In accordance with the administrative regulations for KRS Chapter 151B (see Appendix 1), faculty shall have a 12-month assignment period; therefore, with no change in assignment periods, salary conversion is not applicable.

If eligible due to the faculty member being assigned administrative duties, the faculty member may be entitled to an administrative supplement in salary. Any administrative supplement to the faculty salary shall be established in writing and shall be applicable only during the period of administrative assignment. If the administrative duties are subsequently removed from the faculty member's responsibilities, the corresponding administrative salary supplement is likewise removed from the faculty member's salary.

**2.15.2.14 Reduction in Force**

In accordance with KCTCS Board Policy 1.1 *KCTCS Responsibilities of the Board of Regents and the President of KCTCS*, a reduction in force may occur because of lack of work or funds. The reduction in force shall be implemented in accordance to removal strategies identified by the college president/ceo and submitted to the KCTCS Vice President primarily responsible for Human Resources.

**2.15.2.15 Reemployment**

Former KCTCS employees shall be hired under the KCTCS personnel system in accordance with the policies and procedures for new hires.

**2.15.2.16 Exceptions**

The KCTCS Vice President primarily responsible for Human Resources may consider exceptions to the above policies and procedures as appropriate. The college president/ceo will submit requests for salary adjustments that exceed the stated policy maximums to the Vice President for review and approval. Requests for exceptions may include considerations for salary adjustments related to equity pay, increases

in responsibilities, reorganization, reassignments, reclassification, and promotions. Exceptions to the above policies and procedures involving faculty will be determined in consultation with the Chancellor. Such requests should be submitted to the Vice President 60 calendar days prior to awarding salary adjustments.

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(SIGNED) <u>Recommended by</u>	11-10-09 <u>Date</u>	(SIGNED) <u>President, KCTCS</u>	11-10-09 <u>Date</u>

### **2.15.5 Shift Differential Pay**

KCTCS recognizes the need for supplemental pay for certain designated positions in specific occupational categories within the KCTCS classification and compensation plan for hours of work that may be in periods of time or in circumstances other than those considered normal. The KCTCS System Human Resources Office is responsible for establishing and administering supplemental pay policies.

One of these types of supplemental pay is referred to as a shift differential, a premium pay in addition to the normal rate of pay. Only non-exempt staff are eligible for shift differential pay.

A differential rate of pay shall be added to the regularly established rate of pay for eligible staff employees working on designated second and third shift operations.

Shift differential rates shall be a minimum of:

\$ 0.30 per hour for second shift

\$ 0.40 per hour for third shift

The college president/ceo, or other appropriately designated official, shall determine the exact hours of the second and third shift operations for the college as an entire operation. Shift hours and shift differential rates shall remain consistent throughout all departments of each college.

The determination of an employee's eligibility to receive shift differential pay is based on the position the employee regularly holds, and the shift the position is normally assigned. The determination of a position's eligibility for shift differential pay is based on the occupational category of the position, with this eligibility applying to all positions within the same designated occupational category, as determined by the college president/ceo and not solely by position title. The college director of human resources, in conjunction with the college payroll staff, shall coordinate and ensure that all college employees within the same occupational category (for example: custodial/service category or maintenance category) shall or shall not receive a shift differential pay based on the work shifts the employees are regularly assigned.

Only employees who are regularly scheduled to work second or third shift on an ongoing basis shall receive shift differential pay. Employees who are regularly scheduled to work first shift shall not receive shift differential pay for partial shifts for hours worked on 2<sup>nd</sup> or 3<sup>rd</sup> shifts immediately prior to or immediately following their regularly scheduled shift. Employees who work the complete 7.5 hours during second or third shift shall receive shift differential pay.

Employees who are regularly scheduled to work second or third shift shall receive shift differential pay during paid leaves.

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Shift differential pay shall be added to the normal wage rate as a basis for computing the overtime rate but shall not be added to the normal wage rate for computing annual increases.

In addition, shift differential pay shall be addressed in accordance with applicable KCTCS policies and human resources procedure(s) regarding pay and scheduling.

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**2.16.1.1 Informal Personnel Dispute Resolution Procedures**

KCTCS strives to foster an environment that encourages employees to bring an issue or dispute with a coworker directly to that individual. If a resolution cannot be reached with the individuals, employees shall arrange a meeting with their immediate supervisor(s) to discuss issues that arise during the course of employment. Supervisors have the responsibility to respond to these matters so that employee concerns are properly addressed.

Another alternative in addressing concerns involves mediation through the KCTCS Voluntary Intervention Program. This may be invoked as an alternative to the Complaint Resolution Procedure (CRP) and engages all appropriate parties in the resolution of the issues. Once a complaint has been made under the CRP, appeals to the next level in the CRP may be placed “on hold” in order to attempt to reach resolution through the mediation process. If a signed Mediation Agreement is the outcome of the mediation process, then the issue shall be ineligible for further appeals through the CRP. Faculty or staff interested in mediation should contact their Human Resources Director. If this is not possible, you should contact System Office ODHR for assistance.

Any information discussed in such informal meetings is considered confidential to the extent possible. Retaliation against any employee for appropriate usage of open communication channels is prohibited. If the issues cannot be resolved informally, the individual shall be so informed and be advised of the KCTCS Complaint Resolution Procedure in writing by the appropriate supervisor or mediator.

6-13-11

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Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision (Include all dates in chronological order)
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(SIGNED)	6-13-11	(SIGNED)	6-13-11
Recommended by	Date	President, KCTCS	Date

**2.16.2.1 Faculty Appeals through the KCTCS Senate Advisory Committee on Appeals (KCTCS Senate ACA)**

The KCTCS Senate Advisory Committee on Appeals is charged with giving a recommendation on the following appeals referred to it by the KCTCS Chancellor, the KCTCS Faculty Senate, or individual faculty or staff members of KCTCS:

1. Cases of appointment termination for cause of a faculty member who has tenure;
2. Cases of dismissal of a faculty member during a tenure-track appointment;
3. Cases of non-renewal of a probationary appointment with less advance notice than specified by the Kentucky Community and Technical College System policies and procedures;
4. Cases of allegation by a faculty member on a non-tenured appointment that a decision for non-reappointment violates the faculty member's academic freedom;
5. Cases of allegation by a college administrator that a decision to terminate an appointment to that administrative post, or not to reappoint, violates academic freedom.
6. Cases of termination of a tenured appointment or the dismissal of a person prior to expiration of a non-tenured appointment, because of financial emergency; and
7. Cases of allegations of inadequate consideration or incomplete procedure related to the faculty promotion process.

Upon receipt of an appeal, the Committee determines if it has jurisdiction. If the Committee determines it has jurisdiction, the Committee shall set a date for a hearing which shall be within thirty (30) days of receipt of the appeal unless the Chair determines that good cause exists to extend the time. After the completion of the hearing(s) the Committee shall forward its recommendations to the KCTCS President. The KCTCS President shall make a decision after review of the report of the Committee and shall notify the Committee Chair and the parties.

If the Committee determines it does not have jurisdiction over the case, the appeal shall be returned to the appropriate parties.

The KCTCS Senate Advisory Committee on Appeals may, upon request, advise individuals on the interpretation of Kentucky Community and Technical College System

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privilege, tenure, and promotion policies and procedures, with copies of the interpretations sent to the KCTCS Senate Council, the chairperson, the college president/chief executive officer, the college chief academic officer, and the KCTCS Chancellor. The committee may also consider allegations of faculty members who believe that their privilege as scholars has been abridged or abused. Faculty members shall address statements to the chairperson of the committee, describing in detail the reasons why they believe their privilege has been abused. The committee reviews the statement and determines whether conditions warrant further investigation. On conclusion of investigation, the committee makes recommendations to the faculty member and files a copy of these recommendations with the KCTCS Chancellor. Recommendations may also be made to the KCTCS Chancellor with a copy sent to the faculty member.

<u>4-30-99</u>	<u>6-23-04; 6-14-05; 11-20-09</u>	<u>6-23-04; 6-14-05; 11-20-09</u>	
Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision <i>(Include all dates in chronological order)</i>	
(SIGNED)	11-20-09	(SIGNED)	11-20-09
Recommended by	Date	President, KCTCS	Date



### **2.16.2.2 KCTCS Complaint Resolution Procedure**

Most faculty and staff concerns or grievances can be resolved informally through normal collegial communication. Faculty and staff members are encouraged to take complaints to their immediate supervisor in the spirit of problem solving. Should these efforts be unsuccessful, the faculty or staff member may elect to proceed to additional steps of the KCTCS Complaint Resolution Procedure to make a complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation, safety procedure or policy as described herein, unless specified in other KCTCS policies and procedures that the complaint be referred to the KCTCS Senate Advisory Committee on Appeals which has broad jurisdiction on matters relating to faculty privilege as well as tenure.

All KCTCS employees have access to an appeal process to the KCTCS Board of Regents or to the Board's designee for applicable complaints. The KCTCS Board of Regents authorized the KCTCS President to establish a personnel dispute resolution process that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System for designated types of complaints as defined in the KCTCS Independent Third Party Appeal Process policy.

The persons accountable for the delivery and quality of service, namely department heads and their immediate supervisors, have the primary responsibility to resolve work disputes. Therefore, any appeal or complaint process should emphasize resolution within the management system at the earliest possible level - and in the shortest possible time frame.

Please contact the college or KCTCS Human Resources Office, KCTCS Office of Legal Services, or a KCTCS Administrator for more information regarding the process for reporting harassment, discrimination, hostile work environment, or retaliation. In accordance with the KCTCS Administrative Policy on Harassment, reports of these matters do not follow the Complaint Resolution Procedure.

The steps in the Complaint Resolution Procedure are as follows:

#### **Step 1**

An employee may direct a complaint to the immediate supervisor in writing within 10 working days of the occurrence or when a reasonable employee should have become aware of the issue. The supervisor will attempt to resolve the matter and respond to the employee in writing within ten working days. If not resolved, the employee may proceed to Step 2.

**Step 2**

The employee may then forward a written complaint, with a full description of the complaint including a description of the interaction with the supervisor, to the head of the institution within 10 working days of the time the employee receives a response to the complaint in Step 1. The institution head may choose to: (a) refer the matter to an intermediate immediate supervisor for investigation and recommended solution, or (2) assume direct responsibility. In either case, the head of the institution must give a written decision to the complaining employee within 10 working days of the receipt of the written complaint unless there is an agreed extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 3 by appealing the matter to the KCTCS Chancellor in writing with a full description of the complaint and suggested remedy.

**Step 3**

The KCTCS Chancellor will take the matter under advisement, gather any additional information he/she deems necessary and render a decision within 20 working days, unless there is an agreed upon extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 4 by appealing the matter to the Board of Regents in writing with a full description of the complaint and suggested remedy.

**Step 4**

Upon receipt of the complaint by the Board, the matter will be directed to the President of KCTCS, as the Board's designee, to investigate the case. The President may request that the Board designate an alternative designee for any particular case. In either case, the designee will air the complaint, gather relevant evidence directly or through other parties, consider options for resolution of the complaint and reach a decision. The decision reached should be based on its fairness to management as well as the employee, but most particularly that it be in the interest of providing quality service to the people of Kentucky. The designee will render a decision within 20 working days of the Board's receipt of the complaint unless there is an agreed extension in writing.

The decision of the Board's designee will be forwarded to the parties to the complaint and will be final, subject to the independent third party appeal process if applicable according to the KCTCS Independent Third Party Appeal Process policy.

For KCTCS system office employees, the same procedures and timelines apply, beginning with their immediate supervisor and proceeding through the normal chain of command. In any grievance in which the Chancellor is required to respond at Step 1 or Step 2, a System Vice President will perform Step 3 requirements.

The employee may have a representative at any step of the complaint resolution process.

Failure to forward a response to the complainant at any stage of the process within the set time frames shall be treated as a denial of the complaint at that stage.

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Complaint resolution process steps are summarized in the table below:

<b>Step</b>	<b>Written Response Due Within</b>	<b>Employee Must Appeal in Writing Within</b>
1. Written with supervisor	10 working days	10 working days
2. Written with college president/ceo	10 working days unless extended in writing by mutual agreement	10 working days
3. Written with the KCTCS Chancellor	20 working days unless extended in writing by mutual agreement	10 working days
4. Board of Regents Designee (usually KCTCS President)	20 working days unless extended in writing by mutual agreement	Final, except for matters eligible for third party appeal.

6-22-98

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Date Approved

6-14-05; 11-25-08; 5-4-10;  
6-13-11

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6-13-11

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Date of Last Revision  
*(Include all dates in chronological order)*

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Recommended by

6-13-11

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Date

(SIGNED)

\_\_\_\_\_  
President, KCTCS

6-13-11

\_\_\_\_\_  
Date

## **2.18 Employment Selection**

KCTCS carefully selects new employees through appropriate selection procedures, including but not limited to resumes and/or written applications, personal interviews, reference checks, and pre-employment background checks. KCTCS makes decisions regarding employment after all available information has been considered and evaluated.

This selection process helps KCTCS find and employ people who:

- are concerned with their own personal success and the success of KCTCS;
- desire to do a job competently;
- can perform their work with the required skill and ability;
- can work well as part of a team; and
- can ensure a safe working and academic environment for employees, students, and the public.

KCTCS encourages and promotes career opportunities for current employees. If employees are interested in new career opportunities, they may contact the local Human Resources staff. Opportunities for advancement are also enhanced by self improvement through other educational, training, and development programs.

In addition, college and system officials shall adhere to other KCTCS policies and human resources procedures regarding employment selection.

### **Employment with Tenure**

If approved through the KCTCS faculty promotion/tenure review process, academic administrators hired to fill administrative positions from outside of KCTCS may be granted tenure in an academic unit.

#### **2.18.1 Pre-employment Background Check**

Pre-employment criminal record checks are completed to protect KCTCS' interests and the well-being of employees, students and other customers, and the public. Prior to becoming an employee of KCTCS, KCTCS shall administer on a system-wide basis a pre-employment background check, which includes a criminal record check, on all initial hires in compliance with KRS Chapter 164.281. The check shall provide background information in at least the following areas:

- Social Security search
- County criminal record search
- Kentucky statewide criminal record search
- National database criminal record search

Employment decisions regarding criminal record checks that indicate an applicant has a criminal conviction shall be made based on criteria including the following:

- The nature and gravity of the offense;
- The length of time passes since the conviction and/or completion of the sentence;
- The nature, scope of responsibilities, and level of authority of the position being sought;
- The applicant's employment record since the offense and conviction occurred;
- The information contained in professional letter(s) of reference, if available and appropriate;
- The information obtained in reference checks of previous employers, if appropriate;
- The supervisor's or other college official's recommendation regarding the hiring of the applicant.

In addition, a comprehensive background check may include, but is not limited to, prior employment verification, professional reference checks, and education confirmation. As appropriate, a credit history, health examination, and/or driving record check may also be obtained.

Procedures for conducting pre-employment background checks and making a determination regarding employment are specified in the related KCTCS human resources procedure.

### **2.18.2 Credit Investigation**

Following the requirements imposed by the Federal-Truth-In-Lending and the Fair Credit Reporting Acts (a federal statute that regulates the activities of consumer reporting agencies and users of credit reports, and protects consumers from invasions of privacy by placing certain restrictions on persons who may use or disseminate credit information about consumers), KCTCS may conduct a pre-employment credit check only on those applicants for positions that involve financial responsibility. KCTCS employment may be conditional upon review of the information in the credit check. In addition, KCTCS reserves the right to conduct this credit check at any time after an individual has been employed.

Remember, applicants/employees have certain legal rights to discover and to dispute or explain any information prepared by the credit checking organization(s).

### **2.18.3 Driver's License and Driving Record**

Employees whose work requires operation of a motor vehicle shall present and maintain a valid driver's license and a driving record acceptable to KCTCS' insurer. Employees may be asked to submit a copy of their driving record to KCTCS periodically. Any changes in an employee's driving record shall be reported to the immediate supervisor or designated organization representative immediately. Failure to do so may result in disciplinary action, up to and including possible termination.

### **2.18.4 Health Examinations**

KCTCS reserves the right to require an offeree's or employee's participation in a health examination to determine the employee's ability for performing his/her essential job functions. All such health exams shall be paid for by KCTCS.

### **2.18.5 New Employee Orientation and Training**

Beginning on or about the new employee's first day of employment, regular employees shall participate in the new employee orientation and training program conducted by personnel from the human resources office, the administration, staff from the new employee's department, and/or the supervisor. This shall include orientation and training information related to the KCTCS organization; the college organization; the employee's position responsibilities; policies and procedures; departmental rules, policies, and related information; and employee benefits information. During the orientation and training process the new employee shall be given employment and orientation forms and other documents to be reviewed and completed on a timely basis. Depending on the department's workload, the new employee's immediate supervisor or other designated individual shall introduce him/her to co-workers, show him/her the office layout, and provide him/her with other pertinent information.

Temporary employees shall participate in an abbreviated orientation and training program.

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<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u> <u>Date</u>

## **2.19 Attendance/Hours of Work**

Each employee shall work the hours scheduled for his/her position as a normal condition of work. Particular hours of work shall be determined and assigned by the supervisor in accordance with all federal, state, and local laws as well as KCTCS Administrative Policies and Procedures. Any questions concerning work schedules shall be directed to the immediate supervisor.

Additional provisions regarding attendance shall also be followed in accordance with applicable KCTCS policies and human resources procedure(s) related to scheduling and hours of work.

### **2.19.1 Flex-Time**

KCTCS encourages the scheduling of flexible work hours when mutually beneficial for the employee(s) and KCTCS. Based on business need and supervisory approval, employees may have the opportunity to propose preferred hours of work to supervisors for consideration. The total number of hours worked per pay period shall remain the same during approved flex-time scheduling (for staff and non-teaching faculty, a minimum of 37.5 hours (normally not to exceed 40 hours per week for non-exempt employees without supervisory approval; for faculty, hours will be in accordance with KCTCS Administrative Policies and Procedures.)

### **2.19.2 Work Schedule**

The normal work week for a non-exempt, full-time staff employee is 37.5 hours, normally distributed over five consecutive days, Monday through Friday. This schedule may vary depending on workloads, time required to complete assignments, and scheduling needs. The supervisor shall establish work schedules as operational needs demand. Any changes to the work schedule shall have the prior approval of the supervisor. Faculty work schedules are determined by the demands of their position and department and the Performance Planning and Evaluation form in accordance with KCTCS policies and procedures.

### **2.19.3 Work Arrival and Departure**

The supervisor shall inform employees of expected arrival and departure times. A non-exempt employee scheduled to work is expected to remain on the job performing the duties of the job until the completion of his/her scheduled work day. In addition to complying with the hours of service maintained by the department, exempt employees are governed by completion of tasks as well as responsibility for assuring that projects are completed on time. This may require additional work outside of the scope of normal work hours. When these occasions arise, employees are expected to fulfill their responsibilities to the organization.

### **2.19.4 Reporting to Work**

KCTCS values regular attendance. Employees unable to report to work due to illness or emergency shall notify the immediate supervisor by telephone within thirty (30) minutes of their scheduled shift start time to report the absence of each day, to request leave time, and to advise when they will be able to return to work. The employee's failure to notify their immediate supervisor within thirty (30) minutes of their shift start time regarding an absence may result in progressive disciplinary action, up to and including termination, and/or lack of approval to use paid vacation, sick, or compensatory leave for the absence.

For additional information about unreported absences, refer to KCTCS policies and procedures regarding job abandonment.

Excessive or unplanned absenteeism and/or tardiness are disruptive, and a violation may lead to disciplinary action, including termination of employment.

### **2.19.5 Rest Periods**

Employees are not required to work more than four hours without being permitted a paid rest period of fifteen minutes. Rest periods are in addition to regularly scheduled meal periods. These rest periods shall be scheduled as nearly as possible to the middle of each four-hour work period. The rest period may be taken in three five-minute intervals if deemed appropriate by the supervisor and arranged in advance. The scheduling of rest periods shall be arranged with the supervisor and communicated to coworkers in the area when applicable in order to maintain departmental and service objectives. No reduction in salary shall be made for these rest periods. These compensable rest periods may not be offset against other working time.

Employees scheduled to work a seven and one half hour day are permitted two fifteen-minute rest periods, one near the middle of the shift before a meal period and one near the middle of the shift after a meal period.

### **2.19.6 Meal Periods**

Each employee shall be granted a reasonable period of time for daily meal periods. The meal period shall be scheduled as nearly as possible to the middle of the work day or shift of more than five hours. Employees shall not be required or permitted to take a meal break sooner than the third hour of work or later than the fifth hour of work. Thirty to 60 minutes is considered adequate time for a bona fide meal period and employees are required to take a minimum of 30 minutes for meal period. The scheduling of meal periods shall be arranged with the supervisor and communicated to coworkers in the area



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when applicable in order to maintain departmental and service objectives. Employees shall not perform work-related duties during meal periods. Meal periods are not counted as hours worked.

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chronological order)*

(SIGNED)

6-9-06

Recommended by

Date

(SIGNED)

6-9-06

President, KCTCS

Date

### **2.19.7 KCTCS Job Abandonment Policy**

#### **KCTCS Personnel System and UK Personnel System**

Employees who are absent from work for three consecutive working days, without proper notification to the immediate supervisor regarding the absence, will be considered as having abandoned their job and resigned their employment at KCTCS “not in good standing”.

Prior to making a determination regarding job abandonment for employees under the KCTCS personnel system, the employee’s immediate supervisor or other designated college or KCTCS official shall make a good faith effort to contact the employee to ensure there are no extenuating circumstances concerning the absences. If the supervisor or designated official is unable to make contact with that employee and/or no extenuating circumstances are identified, the job abandonment designation is then made.

The employment separation decision should be communicated to employees by mail.

#### **18A/151B Personnel System**

KCTCS employees under this personnel system are subject to the terms regarding job abandonment that are specified in the Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B located in Appendix I Section 2.

11-20-01	5-23-06	5-23-06
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(SIGNED)	5-23-06	(SIGNED)
Recommended by	Date	President, KCTCS
		Date

## **2.20 Core Values and Ethical Conduct Policy**

The Kentucky Community and Technical College System (KCTCS) has a responsibility for the stewardship of institutional resources and the public and private support that enables it to pursue its mission. Ethical conduct is a part of that responsibility. Compliance with all federal, state, and local government laws and regulations to which KCTCS is subject is imperative. To assist with ethical conduct and commitment to policy and procedure compliance, the following core ethical values and principles shall apply in all KCTCS operations and to all persons employed by KCTCS, regardless of rank or position. These values serve as the permanent foundation upon which KCTCS operates. Policies and procedures implementing these principles have been and may be enacted to help ensure understanding and compliance of these standards.

Additionally, as a mechanism to address unethical or illegal behavior, KCTCS provides an avenue for reporting possible wrongdoing.

### **2.20.1 Ethical Values and Principles**

The following are core ethical values and principles KCTCS honors within its decision-making processes and views as critically important to the KCTCS community -- employees, regents, students, volunteers, contractors, and the public:

- Honesty and trustworthiness
- Respect and responsibility
- Fairness
- Academic excellence and freedom
- Diversity of thought, culture, gender, and ethnicity
- Community
- Accountability

It is with a commitment to these core ethical values that each member of the KCTCS community must endeavor to:

- Promote the best interests of KCTCS.
- Preserve the public's trust, respect, and confidence in KCTCS.
- Exhibit personal integrity, honesty, and responsibility in all actions.
- Provide an environment of mutual respect, impartiality, and collaboration.
- Maintain confidentiality in all matters deemed confidential.
- Assure independence of judgment free from conflicting interests.
- Ensure that relationships that constitute or could be perceived as conflicts of interest are fully and properly disclosed and that KCTCS policies and procedures are followed.
- Comply with the policies and procedures of KCTCS and applicable federal, state, and local laws and regulations.
- Demonstrate stewardship of KCTCS property and resources.

### **2.20.2 Code of Conduct**

The guidelines regarding professional conduct for KCTCS Regents, faculty, staff and other representatives and volunteers are addressed in KCTCS policies and procedures including, but not limited to:

- **Conflict of Interest (KCTCS Board of Regents Bylaws 1.3.1)**
- **Core Values and Ethical Conduct Business Procedures (KCTCS Business Procedures 1.20)**
- **KCTCS Outside Employment (KCTCS Administrative Policy and Procedure 2.11.3)**
- **Harassment-Free Workplace (KCTCS Administrative Policy and Procedure 3.3.1)**
- **Consensual Relationships Policy (KCTCS Administrative Policy and Procedure 3.3.1.4)**
- **Nepotism (KCTCS Administrative Policy and Procedure 3.3.2)**
- **Intellectual Property (KCTCS Administrative Policy and Procedure 3.3.5)**
- **KCTCS Fund-Raising Policy (KCTCS Administrative Policy and Procedure 3.3.18)**
- **Outside Activities -KCTCS (KCTCS Administrative Policy and Procedure 3.3.19)**
- **Information and Information Technology Responsible Use Policy (KCTCS Administrative Policy and Procedure 4.2.5)**
- **Policy and Procedures for Private Fund Raising (KCTCS Administrative Policy and Procedure 7.6)**

### **2.20.3 Reporter Protection**

KCTCS employees may report suspected fraud, waste, and abuse to their immediate supervisor, college or KCTCS Human Resources Office, KCTCS Office of Legal Services, or a KCTCS Administrator. In addition, employees may make a report of these matters by calling the contracted reporting service 24 hours 7 days per week. ***In all instances, reporting of suspected fraud, waste, and abuse shall be investigated and treated as confidential.***

KCTCS will not take any adverse employment action against an employee bringing issues forward under the provisions of KRS Chapter 61.102.

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Kentucky’s criminal code has various laws for prosecuting fraud, including the provisions related to theft, forgery, business and commercial fraud, miscellaneous crimes affecting businesses, occupations and professions, obstruction of public administration, and perjury.

Similarly, there are federal laws and regulations that provide protection against retaliation for reporting of false claims. The current Federal False Claims Act (FCA) provides the government with authority to identify and recover monies paid out fraudulently and issue associated penalties for violations. Likewise, federal law (Federal Program Fraud Civil Remedies Act) provides for administrative remedies (fines) against persons who make or cause to be made, a false claim or written statement. Federal law also provides provision for civil penalties on any person who makes, presents, or submits or causes to be made, presented, or submitted a claim that the person knows or has reason to know is false, fictitious, or fraudulent.

KCTCS will refer potential violations of federal or state laws to law enforcement authorities and take other action as appropriate.

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(SIGNED)	6-13-11	(SIGNED)	
<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u>	<u>Date</u>

Appendix 1, Section 2

[Former KRS 151B Employees Transferred to KCTCS Under KRS 164.5805\(1\)\(e\)](#)

[Former KRS 18A Employees Transferred to KCTCS Under KRS 164.5805\(1\)\(e\)](#)

**2.16.1.1 Informal Personnel Dispute Resolution Procedures**

KCTCS strives to foster an environment that encourages employees to bring an issue or dispute with a coworker directly to that individual. If a resolution cannot be reached with the individuals, employees shall arrange a meeting with their immediate supervisor(s) to discuss issues that arise during the course of employment. Supervisors have the responsibility to respond to these matters so that employee concerns are properly addressed.

Another alternative in addressing concerns involves mediation through the KCTCS Voluntary Intervention Program. This may be invoked as an alternative to the Complaint Resolution Procedure (CRP) and engages all appropriate parties in the resolution of the issues. Once a complaint has been made under the CRP, appeals to the next level in the CRP may be placed “on hold” in order to attempt to reach resolution through the mediation process. If a signed Mediation Agreement is the outcome of the mediation process, then the issue shall be ineligible for further appeals through the CRP. Faculty or staff interested in mediation should contact their Human Resources Director. If this is not possible, you should contact System Office ODHR for assistance.

Any information discussed in such informal meetings is considered confidential to the extent possible. Retaliation against any employee for appropriate usage of open communication channels is prohibited. If the issues cannot be resolved informally, the individual shall be so informed and be advised of the KCTCS Complaint Resolution Procedure in writing by the appropriate supervisor or mediator.

6-13-11

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Date Approved by President, KCTCS	Date(s) of Last Review	Date(s) of Last Revision (Include all dates in chronological order)
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Recommended by	Date	President, KCTCS	Date

**2.16.2.1 Faculty Appeals through the KCTCS Senate Advisory Committee on Appeals (KCTCS Senate ACA)**

The KCTCS Senate Advisory Committee on Appeals is charged with giving a recommendation on the following appeals referred to it by the KCTCS Chancellor, the KCTCS Faculty Senate, or individual faculty or staff members of KCTCS:

1. Cases of appointment termination for cause of a faculty member who has tenure;
2. Cases of dismissal of a faculty member during a tenure-track appointment;
3. Cases of non-renewal of a probationary appointment with less advance notice than specified by the Kentucky Community and Technical College System policies and procedures;
4. Cases of allegation by a faculty member on a non-tenured appointment that a decision for non-reappointment violates the faculty member's academic freedom;
5. Cases of allegation by a college administrator that a decision to terminate an appointment to that administrative post, or not to reappoint, violates academic freedom.
6. Cases of termination of a tenured appointment or the dismissal of a person prior to expiration of a non-tenured appointment, because of financial emergency; and
7. Cases of allegations of inadequate consideration or incomplete procedure related to the faculty promotion process.

Upon receipt of an appeal, the Committee determines if it has jurisdiction. If the Committee determines it has jurisdiction, the Committee shall set a date for a hearing which shall be within thirty (30) days of receipt of the appeal unless the Chair determines that good cause exists to extend the time. After the completion of the hearing(s) the Committee shall forward its recommendations to the KCTCS President. The KCTCS President shall make a decision after review of the report of the Committee and shall notify the Committee Chair and the parties.

If the Committee determines it does not have jurisdiction over the case, the appeal shall be returned to the appropriate parties.

The KCTCS Senate Advisory Committee on Appeals may, upon request, advise individuals on the interpretation of Kentucky Community and Technical College System



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privilege, tenure, and promotion policies and procedures, with copies of the interpretations sent to the KCTCS Senate Council, the chairperson, the college president/chief executive officer, the college chief academic officer, and the KCTCS Chancellor. The committee may also consider allegations of faculty members who believe that their privilege as scholars has been abridged or abused. Faculty members shall address statements to the chairperson of the committee, describing in detail the reasons why they believe their privilege has been abused. The committee reviews the statement and determines whether conditions warrant further investigation. On conclusion of investigation, the committee makes recommendations to the faculty member and files a copy of these recommendations with the KCTCS Chancellor. Recommendations may also be made to the KCTCS Chancellor with a copy sent to the faculty member.

<u>4-30-99</u>	<u>6-23-04; 6-14-05; 11-20-09</u>	<u>6-23-04; 6-14-05; 11-20-09</u>	
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### **2.16.2.2 KCTCS Complaint Resolution Procedure**

Most faculty and staff concerns or grievances can be resolved informally through normal collegial communication. Faculty and staff members are encouraged to take complaints to their immediate supervisor in the spirit of problem solving. Should these efforts be unsuccessful, the faculty or staff member may elect to proceed to additional steps of the KCTCS Complaint Resolution Procedure to make a complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation, safety procedure or policy as described herein, unless specified in other KCTCS policies and procedures that the complaint be referred to the KCTCS Senate Advisory Committee on Appeals which has broad jurisdiction on matters relating to faculty privilege as well as tenure.

All KCTCS employees have access to an appeal process to the KCTCS Board of Regents or to the Board's designee for applicable complaints. The KCTCS Board of Regents authorized the KCTCS President to establish a personnel dispute resolution process that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System for designated types of complaints as defined in the KCTCS Independent Third Party Appeal Process policy.

The persons accountable for the delivery and quality of service, namely department heads and their immediate supervisors, have the primary responsibility to resolve work disputes. Therefore, any appeal or complaint process should emphasize resolution within the management system at the earliest possible level - and in the shortest possible time frame.

Please contact the college or KCTCS Human Resources Office, KCTCS Office of Legal Services, or a KCTCS Administrator for more information regarding the process for reporting harassment, discrimination, hostile work environment, or retaliation. In accordance with the KCTCS Administrative Policy on Harassment, reports of these matters do not follow the Complaint Resolution Procedure.

The steps in the Complaint Resolution Procedure are as follows:

#### **Step 1**

An employee may direct a complaint to the immediate supervisor in writing within 10 working days of the occurrence or when a reasonable employee should have become aware of the issue. The supervisor will attempt to resolve the matter and respond to the employee in writing within ten working days. If not resolved, the employee may proceed to Step 2.

**Step 2**

The employee may then forward a written complaint, with a full description of the complaint including a description of the interaction with the supervisor, to the head of the institution within 10 working days of the time the employee receives a response to the complaint in Step 1. The institution head may choose to: (a) refer the matter to an intermediate immediate supervisor for investigation and recommended solution, or (2) assume direct responsibility. In either case, the head of the institution must give a written decision to the complaining employee within 10 working days of the receipt of the written complaint unless there is an agreed extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 3 by appealing the matter to the KCTCS Chancellor in writing with a full description of the complaint and suggested remedy.

**Step 3**

The KCTCS Chancellor will take the matter under advisement, gather any additional information he/she deems necessary and render a decision within 20 working days, unless there is an agreed upon extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 4 by appealing the matter to the Board of Regents in writing with a full description of the complaint and suggested remedy.

**Step 4**

Upon receipt of the complaint by the Board, the matter will be directed to the President of KCTCS, as the Board's designee, to investigate the case. The President may request that the Board designate an alternative designee for any particular case. In either case, the designee will air the complaint, gather relevant evidence directly or through other parties, consider options for resolution of the complaint and reach a decision. The decision reached should be based on its fairness to management as well as the employee, but most particularly that it be in the interest of providing quality service to the people of Kentucky. The designee will render a decision within 20 working days of the Board's receipt of the complaint unless there is an agreed extension in writing.

The decision of the Board's designee will be forwarded to the parties to the complaint and will be final, subject to the independent third party appeal process if applicable according to the KCTCS Independent Third Party Appeal Process policy.

For KCTCS system office employees, the same procedures and timelines apply, beginning with their immediate supervisor and proceeding through the normal chain of command. In any grievance in which the Chancellor is required to respond at Step 1 or Step 2, a System Vice President will perform Step 3 requirements.

The employee may have a representative at any step of the complaint resolution process.

Failure to forward a response to the complainant at any stage of the process within the set time frames shall be treated as a denial of the complaint at that stage.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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Complaint resolution process steps are summarized in the table below:

<b>Step</b>	<b>Written Response Due Within</b>	<b>Employee Must Appeal in Writing Within</b>
1. Written with supervisor	10 working days	10 working days
2. Written with college president/ceo	10 working days unless extended in writing by mutual agreement	10 working days
3. Written with the KCTCS Chancellor	20 working days unless extended in writing by mutual agreement	10 working days
4. Board of Regents Designee (usually KCTCS President)	20 working days unless extended in writing by mutual agreement	Final, except for matters eligible for third party appeal.

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Date Approved

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6-13-11

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6-13-11

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Date of Last Revision  
*(Include all dates in chronological order)*

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Recommended by

6-13-11

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Date

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President, KCTCS

6-13-11

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Date

## **2.18 Employment Selection**

KCTCS carefully selects new employees through appropriate selection procedures, including but not limited to resumes and/or written applications, personal interviews, reference checks, and pre-employment background checks. KCTCS makes decisions regarding employment after all available information has been considered and evaluated.

This selection process helps KCTCS find and employ people who:

- are concerned with their own personal success and the success of KCTCS;
- desire to do a job competently;
- can perform their work with the required skill and ability;
- can work well as part of a team; and
- can ensure a safe working and academic environment for employees, students, and the public.

KCTCS encourages and promotes career opportunities for current employees. If employees are interested in new career opportunities, they may contact the local Human Resources staff. Opportunities for advancement are also enhanced by self improvement through other educational, training, and development programs.

In addition, college and system officials shall adhere to other KCTCS policies and human resources procedures regarding employment selection.

### **Employment with Tenure**

If approved through the KCTCS faculty promotion/tenure review process, academic administrators hired to fill administrative positions from outside of KCTCS may be granted tenure in an academic unit.

#### **2.18.1 Pre-employment Background Check**

Pre-employment criminal record checks are completed to protect KCTCS' interests and the well-being of employees, students and other customers, and the public. Prior to becoming an employee of KCTCS, KCTCS shall administer on a system-wide basis a pre-employment background check, which includes a criminal record check, on all initial hires in compliance with KRS Chapter 164.281. The check shall provide background information in at least the following areas:

- Social Security search
- County criminal record search
- Kentucky statewide criminal record search
- National database criminal record search

Employment decisions regarding criminal record checks that indicate an applicant has a criminal conviction shall be made based on criteria including the following:

- The nature and gravity of the offense;
- The length of time passes since the conviction and/or completion of the sentence;
- The nature, scope of responsibilities, and level of authority of the position being sought;
- The applicant's employment record since the offense and conviction occurred;
- The information contained in professional letter(s) of reference, if available and appropriate;
- The information obtained in reference checks of previous employers, if appropriate;
- The supervisor's or other college official's recommendation regarding the hiring of the applicant.

In addition, a comprehensive background check may include, but is not limited to, prior employment verification, professional reference checks, and education confirmation. As appropriate, a credit history, health examination, and/or driving record check may also be obtained.

Procedures for conducting pre-employment background checks and making a determination regarding employment are specified in the related KCTCS human resources procedure.

### **2.18.2 Credit Investigation**

Following the requirements imposed by the Federal-Truth-In-Lending and the Fair Credit Reporting Acts (a federal statute that regulates the activities of consumer reporting agencies and users of credit reports, and protects consumers from invasions of privacy by placing certain restrictions on persons who may use or disseminate credit information about consumers), KCTCS may conduct a pre-employment credit check only on those applicants for positions that involve financial responsibility. KCTCS employment may be conditional upon review of the information in the credit check. In addition, KCTCS reserves the right to conduct this credit check at any time after an individual has been employed.

Remember, applicants/employees have certain legal rights to discover and to dispute or explain any information prepared by the credit checking organization(s).

### **2.18.3 Driver's License and Driving Record**

Employees whose work requires operation of a motor vehicle shall present and maintain a valid driver's license and a driving record acceptable to KCTCS' insurer. Employees may be asked to submit a copy of their driving record to KCTCS periodically. Any changes in an employee's driving record shall be reported to the immediate supervisor or designated organization representative immediately. Failure to do so may result in disciplinary action, up to and including possible termination.

### **2.18.4 Health Examinations**

KCTCS reserves the right to require an offeree's or employee's participation in a health examination to determine the employee's ability for performing his/her essential job functions. All such health exams shall be paid for by KCTCS.

### **2.18.5 New Employee Orientation and Training**

Beginning on or about the new employee's first day of employment, regular employees shall participate in the new employee orientation and training program conducted by personnel from the human resources office, the administration, staff from the new employee's department, and/or the supervisor. This shall include orientation and training information related to the KCTCS organization; the college organization; the employee's position responsibilities; policies and procedures; departmental rules, policies, and related information; and employee benefits information. During the orientation and training process the new employee shall be given employment and orientation forms and other documents to be reviewed and completed on a timely basis. Depending on the department's workload, the new employee's immediate supervisor or other designated individual shall introduce him/her to co-workers, show him/her the office layout, and provide him/her with other pertinent information.

Temporary employees shall participate in an abbreviated orientation and training program.

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<u>Recommended by</u>	<u>Date</u>	<u>President, KCTCS</u> <u>Date</u>

## **2.19 Attendance/Hours of Work**

Each employee shall work the hours scheduled for his/her position as a normal condition of work. Particular hours of work shall be determined and assigned by the supervisor in accordance with all federal, state, and local laws as well as KCTCS Administrative Policies and Procedures. Any questions concerning work schedules shall be directed to the immediate supervisor.

Additional provisions regarding attendance shall also be followed in accordance with applicable KCTCS policies and human resources procedure(s) related to scheduling and hours of work.

### **2.19.1 Flex-Time**

KCTCS encourages the scheduling of flexible work hours when mutually beneficial for the employee(s) and KCTCS. Based on business need and supervisory approval, employees may have the opportunity to propose preferred hours of work to supervisors for consideration. The total number of hours worked per pay period shall remain the same during approved flex-time scheduling (for staff and non-teaching faculty, a minimum of 37.5 hours (normally not to exceed 40 hours per week for non-exempt employees without supervisory approval; for faculty, hours will be in accordance with KCTCS Administrative Policies and Procedures.)

### **2.19.2 Work Schedule**

The normal work week for a non-exempt, full-time staff employee is 37.5 hours, normally distributed over five consecutive days, Monday through Friday. This schedule may vary depending on workloads, time required to complete assignments, and scheduling needs. The supervisor shall establish work schedules as operational needs demand. Any changes to the work schedule shall have the prior approval of the supervisor. Faculty work schedules are determined by the demands of their position and department and the Performance Planning and Evaluation form in accordance with KCTCS policies and procedures.

### **2.19.3 Work Arrival and Departure**

The supervisor shall inform employees of expected arrival and departure times. A non-exempt employee scheduled to work is expected to remain on the job performing the duties of the job until the completion of his/her scheduled work day. In addition to complying with the hours of service maintained by the department, exempt employees are governed by completion of tasks as well as responsibility for assuring that projects are completed on time. This may require additional work outside of the scope of normal work hours. When these occasions arise, employees are expected to fulfill their responsibilities to the organization.



### **2.19.4 Reporting to Work**

KCTCS values regular attendance. Employees unable to report to work due to illness or emergency shall notify the immediate supervisor by telephone within thirty (30) minutes of their scheduled shift start time to report the absence of each day, to request leave time, and to advise when they will be able to return to work. The employee's failure to notify their immediate supervisor within thirty (30) minutes of their shift start time regarding an absence may result in progressive disciplinary action, up to and including termination, and/or lack of approval to use paid vacation, sick, or compensatory leave for the absence.

For additional information about unreported absences, refer to KCTCS policies and procedures regarding job abandonment.

Excessive or unplanned absenteeism and/or tardiness are disruptive, and a violation may lead to disciplinary action, including termination of employment.

### **2.19.5 Rest Periods**

Employees are not required to work more than four hours without being permitted a paid rest period of fifteen minutes. Rest periods are in addition to regularly scheduled meal periods. These rest periods shall be scheduled as nearly as possible to the middle of each four-hour work period. The rest period may be taken in three five-minute intervals if deemed appropriate by the supervisor and arranged in advance. The scheduling of rest periods shall be arranged with the supervisor and communicated to coworkers in the area when applicable in order to maintain departmental and service objectives. No reduction in salary shall be made for these rest periods. These compensable rest periods may not be offset against other working time.

Employees scheduled to work a seven and one half hour day are permitted two fifteen-minute rest periods, one near the middle of the shift before a meal period and one near the middle of the shift after a meal period.

### **2.19.6 Meal Periods**

Each employee shall be granted a reasonable period of time for daily meal periods. The meal period shall be scheduled as nearly as possible to the middle of the work day or shift of more than five hours. Employees shall not be required or permitted to take a meal break sooner than the third hour of work or later than the fifth hour of work. Thirty to 60 minutes is considered adequate time for a bona fide meal period and employees are required to take a minimum of 30 minutes for meal period. The scheduling of meal periods shall be arranged with the supervisor and communicated to coworkers in the area

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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6-9-06

Recommended by

Date

(SIGNED)

6-9-06

President, KCTCS

Date

### **2.19.7 KCTCS Job Abandonment Policy**

#### **KCTCS Personnel System and UK Personnel System**

Employees who are absent from work for three consecutive working days, without proper notification to the immediate supervisor regarding the absence, will be considered as having abandoned their job and resigned their employment at KCTCS “not in good standing”.

Prior to making a determination regarding job abandonment for employees under the KCTCS personnel system, the employee’s immediate supervisor or other designated college or KCTCS official shall make a good faith effort to contact the employee to ensure there are no extenuating circumstances concerning the absences. If the supervisor or designated official is unable to make contact with that employee and/or no extenuating circumstances are identified, the job abandonment designation is then made.

The employment separation decision should be communicated to employees by mail.

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KCTCS employees under this personnel system are subject to the terms regarding job abandonment that are specified in the Administrative Regulations for KRS Chapter 18A and KRS Chapter 151B located in Appendix I Section 2.

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Additionally, as a mechanism to address unethical or illegal behavior, KCTCS provides an avenue for reporting possible wrongdoing.

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The following are core ethical values and principles KCTCS honors within its decision-making processes and views as critically important to the KCTCS community -- employees, regents, students, volunteers, contractors, and the public:

- Honesty and trustworthiness
- Respect and responsibility
- Fairness
- Academic excellence and freedom
- Diversity of thought, culture, gender, and ethnicity
- Community
- Accountability

It is with a commitment to these core ethical values that each member of the KCTCS community must endeavor to:

- Promote the best interests of KCTCS.
- Preserve the public's trust, respect, and confidence in KCTCS.
- Exhibit personal integrity, honesty, and responsibility in all actions.
- Provide an environment of mutual respect, impartiality, and collaboration.
- Maintain confidentiality in all matters deemed confidential.
- Assure independence of judgment free from conflicting interests.
- Ensure that relationships that constitute or could be perceived as conflicts of interest are fully and properly disclosed and that KCTCS policies and procedures are followed.
- Comply with the policies and procedures of KCTCS and applicable federal, state, and local laws and regulations.
- Demonstrate stewardship of KCTCS property and resources.

### **2.20.2 Code of Conduct**

The guidelines regarding professional conduct for KCTCS Regents, faculty, staff and other representatives and volunteers are addressed in KCTCS policies and procedures including, but not limited to:

- **Conflict of Interest (KCTCS Board of Regents Bylaws 1.3.1)**
- **Core Values and Ethical Conduct Business Procedures (KCTCS Business Procedures 1.20)**
- **KCTCS Outside Employment (KCTCS Administrative Policy and Procedure 2.11.3)**
- **Harassment-Free Workplace (KCTCS Administrative Policy and Procedure 3.3.1)**
- **Consensual Relationships Policy (KCTCS Administrative Policy and Procedure 3.3.1.4)**
- **Nepotism (KCTCS Administrative Policy and Procedure 3.3.2)**
- **Intellectual Property (KCTCS Administrative Policy and Procedure 3.3.5)**
- **KCTCS Fund-Raising Policy (KCTCS Administrative Policy and Procedure 3.3.18)**
- **Outside Activities -KCTCS (KCTCS Administrative Policy and Procedure 3.3.19)**
- **Information and Information Technology Responsible Use Policy (KCTCS Administrative Policy and Procedure 4.2.5)**
- **Policy and Procedures for Private Fund Raising (KCTCS Administrative Policy and Procedure 7.6)**

### **2.20.3 Reporter Protection**

KCTCS employees may report suspected fraud, waste, and abuse to their immediate supervisor, college or KCTCS Human Resources Office, KCTCS Office of Legal Services, or a KCTCS Administrator. In addition, employees may make a report of these matters by calling the contracted reporting service 24 hours 7 days per week. ***In all instances, reporting of suspected fraud, waste, and abuse shall be investigated and treated as confidential.***

KCTCS will not take any adverse employment action against an employee bringing issues forward under the provisions of KRS Chapter 61.102.

**KCTCS ADMINISTRATIVE POLICIES AND PROCEDURES**

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Kentucky’s criminal code has various laws for prosecuting fraud, including the provisions related to theft, forgery, business and commercial fraud, miscellaneous crimes affecting businesses, occupations and professions, obstruction of public administration, and perjury.

Similarly, there are federal laws and regulations that provide protection against retaliation for reporting of false claims. The current Federal False Claims Act (FCA) provides the government with authority to identify and recover monies paid out fraudulently and issue associated penalties for violations. Likewise, federal law (Federal Program Fraud Civil Remedies Act) provides for administrative remedies (fines) against persons who make or cause to be made, a false claim or written statement. Federal law also provides provision for civil penalties on any person who makes, presents, or submits or causes to be made, presented, or submitted a claim that the person knows or has reason to know is false, fictitious, or fraudulent.

KCTCS will refer potential violations of federal or state laws to law enforcement authorities and take other action as appropriate.

<u>3-29-10</u> Date Approved by President, KCTCS	<u>6-13-11</u> Date(s) of Last Review	<u>6-13-11</u> Date(s) of Last Revision <i>(Include all dates in chronological order)</i>
(SIGNED)	6-13-11	(SIGNED)                      6-13-11
_____ Recommended by	_____ Date	_____ President, KCTCS                      _____ Date

Appendix 1, Section 2

[Former KRS 151B Employees Transferred to KCTCS Under KRS 164.5805\(1\)\(e\)](#)

[Former KRS 18A Employees Transferred to KCTCS Under KRS 164.5805\(1\)\(e\)](#)