

## **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 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 employee is not eligible for employee benefits.

**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

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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.

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<u>(SIGNED)</u> Recommended by	<u>6-14-05</u> Date	<u>(SIGNED)</u> President, KCTCS	<u>6-14-05</u> Date