



**Opinion of General Counsel
Opinion # 2012-01**

Voting Leave

In anticipation of the upcoming Presidential Election Day, Tuesday, November 6, 2012, this Opinion is intended to outline and clarify the University of Kentucky policy that governs time off to vote.

The University's voting leave policy is established in accordance with state law and is found in Human Resources Policy and Procedure 72.0. The University encourages its employees who are eligible to vote in national, state or local elections, to exercise those voting privileges. Work schedules normally permit adequate time for an employee to vote, either before or after normal working hours. However, in cases where voting cannot be accomplished in off duty-hours, the University grants its employee time off to vote in accordance with state law and as follows:

Presidential Election Day - Presidential Election Day, which occurs every four years, is a state holiday on which all state offices, all schools and all state universities and colleges are closed. However, recognizing that certain employees are essential to the continued operations of the University, any employee who is required to work on Presidential Election Day will receive compensatory pay or time off. (See KRS 2.190)

Non-Presidential Election Days - For election days that do not involve the general election of the President, a regular employee with a full-time equivalent (FTE) of 0.5 or greater, requesting time off to vote, will receive time off with pay, not to exceed four (4) hours. Time off must be requested at least five working days in advance of the election. The unit director may specify the hours during which an employee may be absent to vote between the opening and closing of the polls. This applies to primary elections and special elections. (See KRS 118.035)

Election Officials - A regular employee with an FTE of 0.5 or greater who accepts a position as an election official must use accrued vacation leave for that absence.

For questions, please contact the Office of Legal Counsel at (859) 257-2936.

References:

[Kentucky Constitution, Section 148](#)

[KRS 2.190](#)

[KRS 118.035](#)

[Human Resources Policy and Procedure 72.0](#)