



PERSONNEL CABINET

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MEMORANDUM

PERSONNEL MEMO 9-12

To: All Cabinet Secretaries
Constitutional Officers
HR Administrators
Agency Heads

From: Nikki R. Jackson, Secretary 

Date: September 4, 2009

Re: HR Protocols for H1N1 Virus (Swine Flu)

One of our strategic goals within the Personnel Cabinet is to promulgate a “one employer” culture across our enterprise. Our desire is to assure consistency in our policies, protocols and HR applications. In that spirit, the Personnel Cabinet is partnering with the Cabinet for Health and Family Services, Department for Public Health (DPH) to provide state employees with up-to-date, consistent information regarding H1N1 (Swine Flu).

Earlier this week, an Employee Bulletin was placed on the Personnel Cabinet’s website (<http://personnel.ky.gov/>) and sent to HR leaders for dissemination to state employees. This included general information about H1N1, signs and symptoms of H1N1, and methods to prevent H1N1.

This Memorandum provides the recommended protocols for HR issues that may arise in state government:

Exposed Employee: Based on interim guidance received to date, employees who have only been exposed to H1N1 and exhibit no symptoms themselves do not need to be sent home from the worksite at this time. Exposure includes residing with another individual diagnosed with H1N1, and also includes exposure in which an employee is the primary caretaker of an individual diagnosed with H1N1. Additionally, an employee who has been exposed to H1N1 is under no obligation to report such exposure to management, nor



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must an employee be required to submit to an H1N1 diagnostic test. Should the employee desire to stay home of their own volition, the employee should utilize the appropriate sick leave regulations as explained below.

Employee with Flu-Like Symptoms: H1N1 symptoms are similar to flu-like symptoms, which may include the following:

- Fever higher than 100 degrees Fahrenheit
- Chills
- Cough
- Headache
- Sore throat
- Stuffy nose
- Muscle aches
- Diarrhea and vomiting have been reported by some people

If an employee is sick at work with contagious symptoms, and it is reasonably believed the employee's health or the health of other employees may be in jeopardy, the agency may send this employee home on sick leave pursuant to 101 KAR 2:102 Section 2(a)(4). This "agency directed sick leave" may be with or without pay, depending on whether an employee has adequate sick leave balances and/or is voluntarily willing to utilize sick leave. Prior to the employee's return to work, the agency may also require the employee to produce a certificate from a health care professional certifying that the employee is fit to return to duty.

When Can Employees Return? At this time, DPH recommends that once an employee has gone home with flu-like symptoms, the employee should not return to the workplace until they have been without a fever for at least 24 hours.

Insufficient Leave Balances: The regulations governing sick leave allow sick leave to be used for personal illness as well as to care for members of the immediate family. If sufficient accrued sick leave is not available, compensatory leave and annual leave may also be used for this purpose. We encourage agencies to grant leave requests as liberally as possible.

Telecommuting Opportunities: We remind agencies that 101 KAR 2:095 provides latitude in allowing employees to telecommute when appropriate. While this option may not be available for facilities that operate on an around the clock basis, it may be useful in preventing unnecessary exposure and should be considered.

The fundamental principle is that the personnel regulations are to be construed with a view toward protecting our employees and their families while maintaining essential services to the public. For agencies impacted by high absenteeism, another suggestion is to develop an internal contingency plan to ensure service delivery.

For any additional questions on the sick leave policies, please contact Dinah Bevington, Personnel Cabinet, Acting Executive Director, Office of Legal Services at (502) 564-7430 or dinaht.bevington@ky.gov.

We encourage agencies and employees to refer to the following websites for updated information, and to continue practicing basic health habits to prevent the spread of illness.

KY Cabinet for Health and Family Services

Frankfort, KY

<http://chfs.ky.gov>

<http://healthalerts.ky.gov>

KY Regional Poison Center Louisville, KY

EMERGENCY: 1-800-222-1222

<http://www.krpc.com/>

The Centers for Disease Control and Prevention (CDC)

Atlanta, GA

Toll free: 1-800-232-4636

<http://www.cdc.gov/h1n1flu>

http://cdc.gov/flu/swineflu/key_facts.htm