

MATTHEW G. BEVIN
GOVERNOR



THOMAS B. STEPHENS
SECRETARY

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MEMORANDUM

PERSONNEL MEMO 18-08

TO: Constitutional Officers
Cabinet Secretaries
Agency Heads
HR Administrators

FROM: Thomas B. Stephens, Secretary

A handwritten signature in blue ink, appearing to read "TBS", is placed over the name "Thomas B. Stephens" in the "FROM" line.

DATE: October 1, 2018

RE: Annual State Certification for Drug-Free Workplace Federal Grants
October 1, 2018 - September 30, 2019

Attached is your agency's copy of the Kentucky State Certification for Federal Grants under the provisions of the Drug-Free Workplace Act for Federal Fiscal Year 2018. Your agency may be required to submit a copy of this certification when applying for federal funding. The certification is valid from October 1, 2018 through September 30, 2019.

If you have any questions or concerns, please feel free to contact Rosemary G. Holbrook at (502) 564-6761 or via email at rosemaryg.holbrook@ky.gov.

Thank you for your continued cooperation.

Attachments: Annual Certification for Drug-Free Workplace Federal Grants
Agency Federal Funding Source 2018-2019

**Kentucky State Government
Annual Multiple Agency Certification Regarding
Drug-Free Workplace Requirements
Federal Fiscal Year 2018/2019
October 1, 2018 - September 30, 2019**

Pursuant to Executive Order 96-611 issued by the Governor of the Commonwealth of Kentucky on May 15, 1996, (attached as Appendix A) I, Thomas B. Stephens, Secretary, Personnel Cabinet, do hereby certify, on behalf of the Executive Branch of Kentucky State Government, that all of its agencies are in compliance with the Drug-Free Workplace Act of 1988, and it has:

- I. Published a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition (attached as Appendix B);
- II. Established an ongoing drug-free awareness program to inform employees about:
 - A. The dangers of drug abuse in the workplace;
 - B. The grantee's policy of maintaining a drug-free workplace;
 - C. Available drug counseling, rehabilitation, and employee assistance programs; and
 - D. The penalties that may be imposed upon employees for drug abuse violations;
- III. Made it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (I);
- IV. Notified each employee in the statement required by paragraph (I) that as a condition of employment under the grant the employee will:
 - A. Abide by the terms of the statement; and
 - B. Notify the employer of any criminal drug statute conviction for a violation in the workplace no later than five days after the conviction;
- V. Established a policy which the employer will notify the granting agency in writing, within ten days after receiving notice under subparagraph (IV)(B) from an employee or otherwise receiving actual notice of such conviction;
- VI. Established a policy under which the employer will impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted; as required by 41 U.S.C. § 8104;

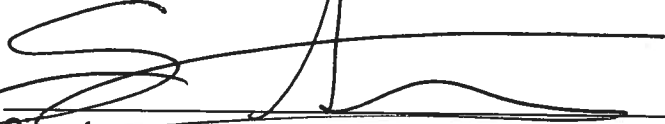
- VII. Made a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs I through VI.

Commonwealth of Kentucky, State Government

Organization Name

Thomas B. Stephens - Personnel Cabinet

Name and Title of Authorized Representative

A handwritten signature in dark ink, appearing to be 'T. B. Stephens', written over a horizontal line.

Signature

October 1, 2018

Date



PAUL E. PATTON
GOVERNOR

EXECUTIVE ORDER

96-611

Secretary of State
Frankfort
Kentucky

May 15, 1996

RELATING TO DRUG-FREE WORKPLACE POLICY
COMMONWEALTH OF KENTUCKY

WHEREAS, in 1988, the United States Congress enacted the Anti-Drug Abuse Act (Public Law 100-690) which requires recipients of federal grants to certify that they have met the requirements designed to promote a drug-free workplace; and

WHEREAS, the Commonwealth of Kentucky has maintained a policy of prohibiting the manufacture, distribution, possession, and use of controlled substance drugs in the workplace and of enforcing such prohibition through disciplinary action against offenders while providing a program of rehabilitation and counseling through its Employee Assistance program and through the State-supported health insurance programs; and

WHEREAS, the unlawful manufacture, distribution, possession and use of controlled substances in the workplace constitutes a serious hazard to the health, safety and welfare of State employees as well as to the health, safety and welfare of the public they serve; and

WHEREAS, it is deemed appropriate that the Secretary of the Personnel Cabinet notify State employees of the penalties, programs and reporting requirements of the Anti-Drug Abuse Act of 1988:

NOW, THEREFORE, I, PAUL E. PATTON, Governor of the Commonwealth of Kentucky, do hereby order and direct the Secretary of the Personnel Cabinet to issue written notice to each employee of the Commonwealth of Kentucky, advising of the requirements of the Anti-Drug Abuse Act of 1988, of the range of penalties that may be imposed for violations, and of the rehabilitation and counseling programs that are available.

The Secretary of the Personnel Cabinet is authorized and directed to certify compliance with the Anti-Drug Abuse Act of 1988 to the appropriate federal grantor agency upon issuance of notice to State employees.

This Order is effective upon execution.


PAUL E. PATTON
Governor


JOHN Y. BROWN III
Secretary of State

APPENDIX A



Employee Handbook



Issued by:



August 2018

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This handbook is not a contract and the statements contained in it do not have the force of law. Personnel laws and regulations may modify or supersede any or all statements in this handbook. For more information, employees should see their human resource administrator and refer to the current edition of [Chapter 18A of the Kentucky Revised Statutes \(KRS\)](#) and [Title 101 of the Kentucky Administrative Regulations \(KAR\)](#). [Please note that the statutory and regulatory citations included herein are for reference only and additional references may also support the provisions as listed.](#)

The Employee Handbook is available electronically on the Personnel Cabinet's [website](#). If another format is needed (such as braille or large format), a request may be submitted to the Department of Human Resources Administration, through your agency's human resource administrator.

shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, an agency will make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.

- Retaliation and Coercion: The Commonwealth will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA, or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in Employee Grievances and Complaints section of the Employee Handbook. Please direct any questions or concerns to your agency [ADA Coordinator](#).

LEGAL REFERENCES:

[KRS Chapter 18A.095](#)

[KRS Chapter 18A.138](#)

[101 KAR 1:375](#)

Dress Code

As the Commonwealth's largest employer, our workforce interacts with the public and other government entities on a daily basis. Employees, as representatives of the Commonwealth, should maintain a neat, professional appearance that is appropriate for the workplace and the work being performed. Employees shall adhere to the following guidelines:

- Employees shall carry or wear employee identification badges or other agency-identifying clothing;
- Flip-flops shall not be worn in the workplace;
- Employees shall not wear tops exposing their midriff;
- Employees shall not wear tops with oversized/large commercial logos or offensive language;
- Reasonable accommodations to this policy may be granted for religious, medical, or disability related needs;
- An employee seeking an accommodation should contact the agency's Human Resource office.

The Personnel Cabinet recognizes that individual workplaces have unique needs and requirements. Therefore, agencies are responsible for ensuring that their employees are aware of this policy in addition to any other policy that may exist for the agency. Any employee found in violation of the policy will be required to take corrective action, which may include leaving the work premises, and may be subject to disciplinary action, up to and including dismissal.

Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

- The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any employee found to be in violation will be subject to disciplinary action by the Appointing Authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with the State law.
- Employees may be required to satisfactorily participate in a drug abuse assistance or treatment program.
- State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.
- Compliance with drug-free workplace requirements is a condition of continued employment with the Executive Branch. Each employee is obligated to report any conviction he or she receives as a result of a

violation of any criminal drug statute occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's Appointing Authority and is required by federal law. Failure of any employee to report his or her conviction to the appointing authority may result in disciplinary action. The agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.

- Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal. Employees who have questions concerning this directive are encouraged to contact their supervisor or the Kentucky Employee Assistance Program at (502) 564-5788. For more information please check our website at <https://personnel.ky.gov/Pages/Substance-Abuse.aspx>.

LEGAL REFERENCES:

[KRS Chapter 18A.043](#)

[41 U.S.C. § 8103](#)

HIV and AIDS in the Workplace

WHAT YOU SHOULD KNOW ABOUT HIV AND AIDS:

HIV in the Workplace

The impact of the HIV/AIDS epidemic on the workplace gets bigger each year. That's because people between the ages of 20-44 are most affected by HIV/AIDS—and they also make up over 50% of our nation's 143 million workers. Thanks to advances in antiretroviral therapy, with the proper care and treatment, people living with HIV can live healthy lives and continue to contribute their skills and talents to America's labor force.

What is HIV?

HIV stands for Human Immunodeficiency Virus. Infection with HIV can lead to acquired immunodeficiency syndrome, or AIDS. The human body cannot get rid of HIV; once a person has HIV, they have it for life. HIV is spread through blood and certain body fluids. The virus affects specific cells of the immune system and can destroy so many cells over time that the body can't fight infections and disease.

What is AIDS?

AIDS, or Acquired Immune Deficiency Syndrome, may follow infection with HIV, especially if the infection is not diagnosed and treated early. AIDS can be a life-threatening illness that causes the body of a person to be unable to fight off infections. A person with AIDS is susceptible to certain kinds of germs and cancers. When a person with AIDS cannot fight off infections, this person becomes ill. These infections can result in death.

Stages of Infection

- Acute infection – within 2 to 4 weeks after infection with HIV. The ability to spread HIV is highest during this stage because the amount of virus in the blood is very high.
- Clinical latency – HIV is active, but reproduces at very low levels. A person may not have any symptoms or get sick.
- AIDS – the immune system of the infected person is badly damaged and so the person becomes vulnerable to infections and infection-related cancers called opportunistic illnesses.

Testing: Early diagnosis of HIV infection is critical! Everyone should be tested for HIV, especially if engaging in risky sexual or needle-sharing behaviors. Confidential and anonymous testing with counseling is available at all local health departments in Kentucky at reduced cost or free. After being infected with HIV, it takes between two weeks to three months before the test can detect the antibodies to the virus. If you test positive, your health care provider can help you determine the best treatment for you, which will help you to remain healthy. Antiretroviral therapy can prolong the lives of many people infected with HIV and lower their chance of infecting others.

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MEMORANDUM

PERSONNEL MEMO 18-06

To: All State Employees

FROM: Thomas B. Stephens, Secretary

A handwritten signature in blue ink, appearing to read "TBS", is placed next to the "FROM:" line.

DATE: August 20, 2018

RE: Drug-Free Workplace

The federal statute governing drug-free workplace requirements for federal grant recipients requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace (41 U.S.C. § 8103). In compliance with this Act, and at the discretion of the Governor, all state employees are notified that:

- A. The unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance is strictly prohibited in the workplace.
- B. The Personnel Cabinet will continue to improve drug-free awareness programs through employee assistance and, in cooperation with state agencies, to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol-related problems.
- C. Compliance with drug-free workplace requirements is a condition of continued employment with state government for all state employees. Each employee is obligated to report any conviction he or she receives as a result of a violation of any criminal drug statute occurring in the workplace within five (5) days after such conviction. Such a report is to be made to the employee's appointing authority and is required by federal law. Failure of any employee to report his or her conviction to the appointing authority may result in disciplinary action. The agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.
- D. Employees found to be in violation of drug-free workplace requirements may face disciplinary action by the appointing authority up to and including dismissal, in accordance with state law, or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

Feel free to contact your supervisor or the Personnel Cabinet's Kentucky Employee Assistance Program at (502) 564-5788 with any questions concerning this directive.

STATE AGENCIES' FEDERAL FUNDING SOURCES 2018/2019
(As of September 30, 2018)

STATE AGENCY

FEDERAL FUNDING AGENCY

General Government Cabinet

Department of Agriculture

U.S. Department of Agriculture
U.S. Environmental Protection Agency
U.S. Department of Defense

Department of Military Affairs

U.S. Department of Defense
U.S. Department of Transportation
U.S. Department of Health & Human Services
U.S. Department of Homeland Security
- Federal Emergency Management Agency
U.S. Department of Justice

Department for Local Government

U.S. Department of Housing & Urban Development
- Appalachian Regional Commission
- Community Development Block Grant
- Neighborhood Stabilization Program
U.S. Department of the Interior
- Land & Water Conservation Fund
U.S. Department of Transportation
- Recreational Trails Program
Delta Regional Authority
U.S. Department of Commerce
- Economic Development Administration

Council on Postsecondary Education

U.S. Department of Education
U.S. Department of Agriculture

Kentucky Commission on Human Rights

U.S. Department of Housing & Urban Development
Equal Employment Opportunity Commission

Kentucky Infrastructure Authority

U.S. Environmental Protection Agency

Kentucky Department of Veterans' Affairs

U.S. Department of Veterans' Affairs
U.S. Department of Health & Human Services

Office of the Governor

U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health & Human Services

Early Childhood Advisory Council

U.S. Department of Health & Human Services
U.S. Department of Education

Office of Homeland Security

U.S. Department of Homeland Security

State Board of Elections

U.S. Department of Health & Human Services
- Administration for Children & Families

STATE AGENCIES' FEDERAL FUNDING SOURCES 2018/2019

(As of September 30, 2018)

Secretary of State

- Administration on Developmental Disabilities
U.S. Election Assistance Commission

Kentucky Communications Network Authority

U.S. Department of Defense
- Federal Voting Assistance Program

Office of the State Treasurer

U.S. Department of Commerce

U.S. Department of Health & Human Services
- Administration for Community Living

Office of Attorney General

Office of Medicaid Fraud & Abuse Control
Office of Victims Advocacy
Office of Prosecutors Advisory Council
Office of Child Abuse & Human Trafficking
Prevention and Prosecution
Department of Criminal Investigations

U.S. Department of Health & Human Services
U.S. Department of Justice
U.S. Department of Transportation

U.S. Department of Justice
U.S. Social Security Administration
U.S. Executive Office of the President (CFDA
95.011)

Transportation Cabinet

U.S. Department of Homeland Security
Federal Emergency Management Agency
U.S. Department of Transportation*
- Federal Aviation Administration
- Federal Highway Administration*
- Federal Motor Carrier Safety Administration
- Federal Transit Administration
- National Highway Traffic & Safety
Administration
(*Includes ARRA & Federal Lands Highway)

Economic Development Cabinet

U.S. Small Business Administration
U.S. Department of Treasury

Finance & Administration Cabinet

Kentucky Higher Education Assistance Authority

U.S. Environmental Protection Agency

Commonwealth Office of Technology

U.S. Department of Education

Department of Revenue

U.S. Department of Commerce

U.S. Department of Transportation

STATE AGENCIES' FEDERAL FUNDING SOURCES 2018/2019

(As of September 30, 2018)

Tourism, Arts & Heritage Cabinet

Department of Fish and Wildlife

U.S. Department of the Interior
U.S. Department of Agriculture
U.S. Department of Homeland Security
U.S. Department of Defense

Kentucky Arts Council

National Endowment for the Arts
U.S. Department of Agriculture

Kentucky Heritage Council

U.S. Department of the Interior
- National Park Service

Kentucky Historical Society

Institute of Museum and Library Services
National Endowment for the Humanities
National Archives and Records Administration
- National Historical Publications and Records
Commission

Kentucky Department of Parks

U.S. Department of Transportation
- Federal Highway Administration
U.S. Department of Homeland Security
Federal Emergency Management Agency
U.S. Department of the Interior
- National Park Service

Education and Workforce Development Cabinet

Department of Education

U.S. Department of Education
U.S. Department of Health & Human Services
U.S. Department of Agriculture

Educational Professional Standards Board

U.S. Department of Education

Kentucky Dept. for Libraries & Archives

Institute for Museum & Library Services
National Archives and Records Administration
- National Historical Publications and Records
Commission

Kentucky Educational Television (KET)

U.S. Department of Agriculture

Department of Workforce Investment

Office for the Blind

U.S. Department of Education - RSA
U.S. Department of Health & Human Services
U.S. Department of Education - RSA
U.S. Department of Health & Human Services
U.S. Department of Labor

Office of Vocational Rehabilitation

Office of Employment and Training

STATE AGENCIES' FEDERAL FUNDING SOURCES 2018/2019

(As of September 30, 2018)

Office of the Secretary

U.S. Department of Agriculture
U.S. Department of Commerce

Kentucky Environmental Education Council

U.S. Department of Education – RSA
U.S. Department of Labor
U.S. Department of Agriculture

U.S. Environmental Protection Agency
Corporation for National and Community Service

Energy & Environment Cabinet

U.S. Environmental Protection Agency
U.S. Department of Interior
U.S. Department of Energy
U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Agriculture
U.S. Department of Transportation
U.S. Department of Labor

Labor Cabinet

U.S. Department of Labor

Public Protection Cabinet

U.S. Department of Justice
U.S. Department of Health & Human Services

Cabinet for Health and Family Services

U.S. Department of Agriculture
U.S. Department of Health & Human Services
U.S. Department of Energy
U.S. Department of Education
Corporation for National and Community Service
U.S. Environmental Protection Agency
U.S. Department of Labor
U.S. Social Security Administration
U.S. Department of Justice
U.S. Department of Defense

Justice and Public Safety Cabinet

Office of the Secretary

U.S. Department of Justice

Department of Criminal Justice Training

U.S. Department of Transportation –
Governor's Highway Safety Program
U.S. Department of Health & Human Services –
Kentucky Prescription Drug Overdose
Prevention Program

Department of Corrections

U.S. Department of Education
U.S. Department of Health & Human Services
- Substance Abuse and Mental Health Services

STATE AGENCIES' FEDERAL FUNDING SOURCES 2018/2019
(As of September 30, 2018)

	Administration U.S. Department of Justice
Department of Public Advocacy	U.S. Department of Health & Human Services U.S. Department of Education U.S. Social Security Administration U.S. Department of Justice
Department of Juvenile Justice	U.S. Department of Justice U.S. Department of Education U.S. Department of Health & Human Services
Kentucky State Police	U.S. Department of Agriculture Food & Nutrition Service U.S. Department of Homeland Security U.S. Department of Justice U.S. Department of Transportation U.S. Department of Health & Human Services U.S. Executive Office of the President - Office of National Drug Control Policy U.S. Department of Commerce