

**MATTHEW G. BEVIN**  
GOVERNOR



**THOMAS B. STEPHENS**  
SECRETARY

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**MEMORANDUM**

**PERSONNEL MEMO 19-14**

**TO:** Constitutional Officers  
Cabinet Secretaries  
Agency Heads  
HR Administrators

**FROM:** Thomas B. Stephens, Secretary

A handwritten signature in blue ink that reads "TBS".

**DATE:** October 1, 2019

**RE:** Annual State Certification for Drug-Free Workplace Federal Grants  
October 1, 2019 - September 30, 2020

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 2019. Your agency may be required to submit a copy of this certification when applying for federal funding. The certification is valid from October 1, 2019 through September 30, 2020.

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](mailto:rosemaryg.holbrook@ky.gov).

Thank you for your continued cooperation.

Attachments: Annual Certification for Drug-Free Workplace Federal Grants  
Agency Federal Funding Source 2019-2020

**Kentucky State Government  
Annual Multiple Agency Certification Regarding  
Drug-Free Workplace Requirements  
Federal Fiscal Year 2019/2020  
October 1, 2019 - September 30, 2020**

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**

  
**Signature**

October 1, 2019  
**Date**



PAUL E. PATTON  
GOVERNOR

EXECUTIVE ORDER

96-611

May 15, 1996

Secretary of State  
Frankfort  
Kentucky

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.

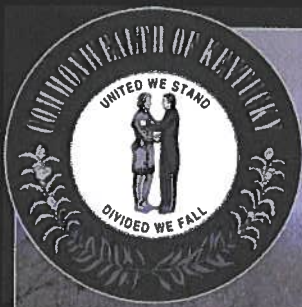
The Secretary of the Personnel Cabinet is authorized and directed to certify compliance with the Anti-Drug Abuse Act of 1988 to the appropriate federal grantor agency upon issuance of notice to State employees.

This Order is effective upon execution.

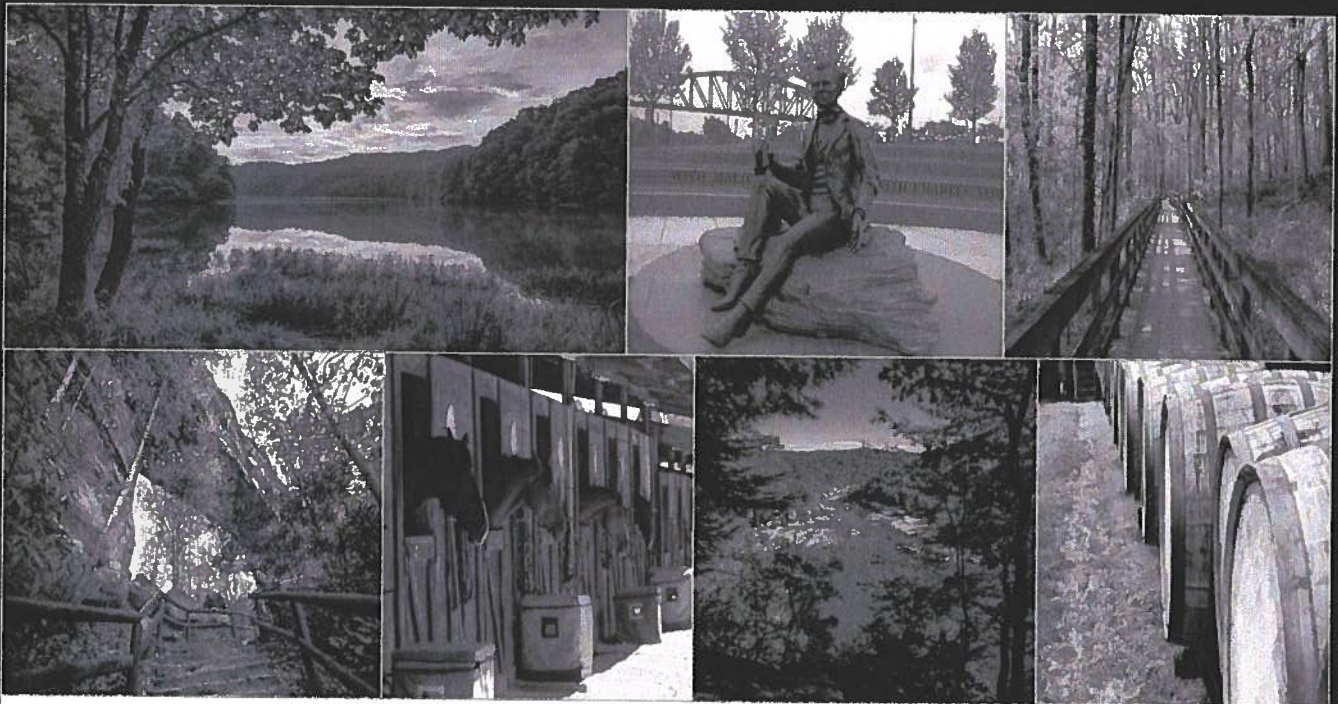
  
PAUL E. PATTON  
Governor

  
JOHN Y. BROWN III  
Secretary of State

APPENDIX A



# Employee Handbook



Issued by:



August 2019

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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.

- **Reasonable Accommodations:** The Commonwealth will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be 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 18A.095

KRS 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.
- 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, the Personnel Cabinet Office of Legal Services at (502) 564-7430, 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 18A.043

41 U.S.C. § 8103

## **HIV and AIDS in the Workplace**

### **WHAT YOU SHOULD KNOW ABOUT HIV AND AIDS:**

#### **HIV and the Workplace**

The impact of the HIV/AIDS epidemic continues to affect the workplace. Since the beginning of the epidemic in 1982, more Kentuckians are aged 30-39 years at the time of HIV diagnosis than any other decade. However, in 2015 and 2016, the highest rates of new HIV diagnosis occurred in Kentuckians aged 20-29. Many persons living with HIV are diagnosed early in their working careers, which may negatively impact career paths and the workforce. Due to advances in antiretroviral therapy, with proper care and treatment, people are living healthier, longer 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. There is no cure for HIV. HIV is spread through blood and certain body fluids. The virus affects specific cells of the immune system and can destroy cells over time so the body can't fight infections and disease due to weakened immunity.

#### **What is AIDS?**

AIDS 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 types of infections and AIDS related cancers. These infections and cancers 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 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, more frequently if engaging (or with a partner who engages) 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 testing can detect antigens and/or antibodies to the virus. If you test positive, your health care provider can help you determine

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**THOMAS B. STEPHENS**  
SECRETARY

## MEMORANDUM

### PERSONNEL MEMO 19-11

**TO:** All State Employees

**FROM:** Thomas B. Stephens, Secretary 

**DATE:** August 19, 2019

**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 Rosemary Holbrook, Executive Director, Personnel Cabinet, Office of Legal Services at (502) 564-7430 with any questions concerning this directive.

**STATE AGENCIES' FEDERAL FUNDING SOURCES 2019/2020**  
(As of September 30, 2019)

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

**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

**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

**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. Election Assistance Commission

**Secretary of State**

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

# **STATE AGENCIES' FEDERAL FUNDING SOURCES 2019/2020**

(As of September 30, 2019)

## **Office of the State Treasurer:**

**Commonwealth Council for Developmental Disabilities**

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 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 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**

**Commonwealth Office of Technology**

**Department of Revenue**

U.S. Environmental Protection Agency

U.S. Department of Education

U.S. Department of the Interior

U.S. Department of Transportation

## **Tourism, Arts & Heritage Cabinet**

**Department of Fish and Wildlife**

**Kentucky Arts Council**

**Kentucky Heritage Council**

**Kentucky Historical Society**

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

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

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

Institute of Museum and Library Services  
National Endowment for the Humanities

**STATE AGENCIES' FEDERAL FUNDING SOURCES 2019/2020**  
(As of September 30, 2019)

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

**Department of Workforce Investment**

Office for the Blind

Office of Vocational Rehabilitation

Office of Employment and Training

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

**Office of the Secretary**

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

**Kentucky Environmental Education Council**

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

**STATE AGENCIES' FEDERAL FUNDING SOURCES 2019/2020**  
(As of September 30, 2019)

**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 Corrections**

U.S. Department of Education

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

U.S. Department of Treasury