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MEMORANDUM

PERSONNEL MEMO 20-09

To: Constitutional Officers
Cabinet Secretaries
Agency Heads
Human Resource (HR) Administrators

From: Gerina D. Whethers, Secretary 

Date: May 19, 2020

Re: **HR Protocols for 2019 Novel Coronavirus (COVID-19) –
FLSA Status and Block 50 Accrual**

To assure consistency in our policies, protocols, and HR applications across the enterprise, and as a follow-up to Governor Beshear’s Executive Order 2020-215, declaring a State of Emergency in response to 2019 Novel Coronavirus (COVID-19), please be advised of the following:

Appointing authorities may temporarily change the Fair Labor Standards Act (FLSA) status of non-policy making positions from “Exempt” to “Non-Exempt” status, if the majority of the job duties of the position are being performed in response to COVID-19.

Additionally, the unclassified service leave regulation (101 KAR 3:015, Section 5(1)(f)) limits the maximum amount of compensatory leave that may be carried forward from one pay period to the next to 240 hours for policy-making positions. During the State of Emergency, the maximum amount of compensatory leave that may be carried forward by unclassified employees in policy-making positions shall be increased to 480 hours for any hours worked in support of the response to COVID-19. This directive pertaining to 480 hours shall be retroactive to March 6, 2020, the commencement date of the State of Emergency. Any compensatory time accrued up to 480 hours shall not lapse upon expiration of the State of Emergency or rescission of this directive.

These changes shall remain in effect for the duration of the State of Emergency under Executive Order 2020-215, or until rescission of this directive by further notice.

HR Administrators will be receiving detailed guidance for implementing these changes, following the distribution of this memo. If you have any questions, please contact Mary Elizabeth Bailey, Commissioner, Department of Human Resources Administration, at (502) 564-7571.