

ANDY BESHEAR
GOVERNOR



GERINA D. WHETHERS
SECRETARY

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MEMORANDUM

PERSONNEL MEMO 20-18

TO: Constitutional Officers
Cabinet Secretaries
Agency Heads
HR Administrators

FROM: Gerina D. Whethers, Secretary

A handwritten signature in blue ink, appearing to be 'GDW', located to the right of the 'FROM' line.

DATE: October 1, 2020

RE: **Annual State Certification for Drug-Free Workplace Federal Grants
October 1, 2020 - September 30, 2021**

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 2020. Your agency may be required to submit a copy of this certification when applying for federal funding. The certification is valid from October 1, 2020 through September 30, 2021.

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 2020-2021

**Kentucky State Government
Annual Multiple Agency Certification Regarding
Drug-Free Workplace Requirements
Federal Fiscal Year 2020/2021
October 1, 2020 - September 30, 2021**

Pursuant to Executive Order 96-611 issued by the Governor of the Commonwealth of Kentucky on May 15, 1996, (attached as Appendix A) I, Gerina D. Whethers, 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 by 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

Gerina D. Whethers - Personnel Cabinet

Name and Title of Authorized Representative



Signature

October 1, 2020

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.

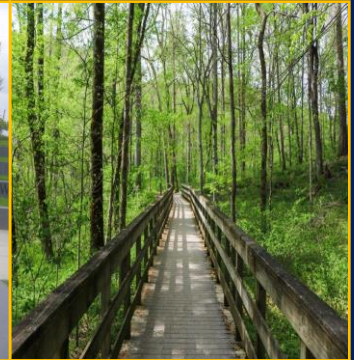

PAUL E. PATTON
Governor


JOHN Y. BROWN III
Secretary of State

APPENDIX A



Employee Handbook



Issued by:



August 2020

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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. Refer to the [Personnel Cabinet's Substance Abuse website](#) for more information.

LEGAL REFERENCES:

[KRS 18A.043](#)
[41 U.S.C. § 8103](#)

Drug Testing

Some Executive Branch employees may be subject to drug testing. Employees should consult with their agency's human resources office to determine the applicability of drug testing.

ANDY BESHEAR
GOVERNOR



GERINA D. WHETHERS
SECRETARY

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MEMORANDUM

PERSONNEL MEMO 20-16

TO: All State Employees
FROM: Gerina D. Whethers, Secretary
DATE: August 19, 2020
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, Assistant General Counsel, Personnel Cabinet, Office of Legal Services at (502) 564-7430 with any questions concerning this directive.

STATE AGENCIES' FEDERAL FUNDING SOURCES 2020/2021

(As of September 30, 2020)

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
- Office of Community Planning and Development
U.S. Department of the Interior
- National Park Service
U.S. Department of Transportation
- Federal Highway Administration
U.S. Department of Energy
- Office of Energy Efficiency and Renewable Energy
U.S. Department of Commerce
- Economic Development Administration
U.S. Department of Treasury
Appalachian Regional Commission
National Forest Receipts Fund
Federal Flood Control Fund

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
Veterans Health Administration
National Cemetery Administration

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

STATE AGENCIES' FEDERAL FUNDING SOURCES 2020/2021

(As of September 30, 2020)

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
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
Office of State Budget Director	U.S. Department of Treasury

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 the Interior
	U.S. Department of Transportation

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

STATE AGENCIES' FEDERAL FUNDING SOURCES 2020/2021

(As of September 30, 2020)

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

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

Office of the Secretary

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

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

STATE AGENCIES' FEDERAL FUNDING SOURCES 2020/2021

(As of September 30, 2020)

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
U.S. Department of Labor
U.S. Department of Agriculture

Public Protection Cabinet

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

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 Treasury

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 Justice
U.S. Department of Treasury

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

Department of Criminal Justice Training

U.S. Department of Homeland Security
U.S. Department of Transportation
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

STATE AGENCIES' FEDERAL FUNDING SOURCES 2020/2021
(As of September 30, 2020)

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