



Andy Beshear
GOVERNOR

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Gerina D. Whethers
SECRETARY

MEMORANDUM

PERSONNEL MEMO 22-07

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

From: Gerina D. Whethers, Secretary 

Date: August 1, 2022

Re: **State of Emergency / Severe Weather System Response**

To assure consistency in our personnel policies, protocols, and HR applications across the enterprise, and as a follow-up to Governor Beshear's Executive Order 2022-457, declaring a State of Emergency in response to the severe weather system which began July 26, 2022 and continues to create dangerous conditions and damage to the Commonwealth of Kentucky, please be advised of the following:

FLSA Status

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 the State of Emergency.

This change may be effective retroactively to July 28, 2022 and shall remain in effect until rescission of this directive.

480 Comp Accrual

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 the State of Emergency. This directive pertaining to 480 hours shall be retroactive to July 28, 2022, 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.

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 MaryE.Bailey@ky.gov.