



Andy Beshear
GOVERNOR

PERSONNEL CABINET

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Mary Elizabeth Bailey
SECRETARY

MEMORANDUM

PERSONNEL MEMO 23-08

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

From: Mary Elizabeth Bailey, Secretary *meb*

Date: October 2, 2023

Re: **Annual State Certification for Drug-Free Workplace Federal Grants
October 1, 2023 – September 30, 2024**

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 2023. Your agency may be required to submit a copy of this certification when applying for federal funding. The certification is valid from October 1, 2023 through September 30, 2024.

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.

Attachments:
Annual Certification for Drug-Free Workplace Federal Grants
Agency Federal Funding Source 2023-2024

Kentucky State Government
Annual Multiple Agency Certification Regarding
Drug-Free Workplace Requirements
Federal Fiscal Year 2023/2024
October 1, 2023 - September 30, 2024

Pursuant to Executive Order 96-611 issued by the Governor of the Commonwealth of Kentucky on May 15, 1996, (attached as Appendix A) I, Mary Elizabeth Bailey, 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

Mary Elizabeth Bailey - Personnel Cabinet
Name and Title of Authorized Representative

Mary Elizabeth Bailey
Signature

October 1, 2023
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.

A handwritten signature of Paul E. Patton in black ink.

PAUL E. PATTON
Governor

A handwritten signature of John Y. Brown III in black ink.

JOHN Y. BROWN III
Secretary of State



Andy Beshear
GOVERNOR

PERSONNEL CABINET

501 High Street, 3rd Floor
Frankfort, Kentucky 40601
Phone: (502) 564-7430
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Mary Elizabeth Bailey
SECRETARY

MEMORANDUM

PERSONNEL MEMO 23-05

To: All State Employees

From: Mary Elizabeth Bailey, Secretary

Date: August 21, 2023

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 promote 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.

Please contact your agency Human Resources Office with any questions concerning this directive. Employees who need assistance with substance misuse are encouraged to contact the Kentucky Employee Assistance Program at (502) 564-5788. Please refer to the [Personnel Cabinet's Substance Misuse website](#) for more information.

APPENDIX B



Employee Handbook



Issued by: **TEAM KENTUCKY**
PERSONNEL CABINET

August 8, 2023

Table of Contents

| | |
|--|-----------|
| GENERAL INFORMATION | 7 |
| About State Government | 7 |
| The Merit System | 7 |
| Equal Employment Opportunity (EEO) | 8 |
| Americans with Disabilities Act (ADA) | 11 |
| EMPLOYMENT/POSITION INFORMATION | 12 |
| Classification Plan | 12 |
| Compensation (Pay) Plan | 12 |
| Records and Files | 14 |
| BENEFITS OF EMPLOYMENT | 15 |
| Adoption Benefit Program | 15 |
| Deferred Compensation | 15 |
| Employee Discount Program | 16 |
| Employee Performance Management System | 16 |
| Benefits Schedule/Overview | 16 |
| Insurance | 19 |
| Optional Coverage | 19 |
| Health | 19 |
| Holidays | 21 |
| Leave | 22 |
| Annual (Vacation) Leave | 22 |
| Blood Donation Leave | 23 |
| Compensatory Leave Time & Overtime Pay | 24 |
| Court Leave | 25 |
| Critical Incident Leave | 25 |
| Family and Medical Leave Act (FMLA) | 25 |
| Funeral and Bereavement Leave | 30 |
| Living Organ Donor Leave Program | 30 |
| Military Leave | 30 |
| Military, Spousal Leave | 31 |
| Parental Leave: Maternity/Paternity/Adoption/Foster | 32 |
| Sick Leave | 32 |
| Special Leave of Absence/Educational | 34 |
| Voting and Election Leave | 34 |
| Weather, Adverse | 35 |
| Transferring Months of Service/Leave Balances with No Break in Service | 36 |

| | |
|---|-----------|
| Leave Sharing Programs | 37 |
| Ridesharing | 40 |
| Retirement | 40 |
| Unemployment Insurance | 42 |
| RESPONSIBILITIES OF EMPLOYMENT | 42 |
| Ethics Code for the Executive Branch | 42 |
| Use of State Materials and Equipment | 43 |
| Outside Employment | 44 |
| Political Activities | 44 |
| Travel Regulations: Employees | 46 |
| Use of Information Technology Resources | 46 |
| Work Schedules | 50 |
| EMPLOYEE SERVICES/RECOGNITION | 51 |
| Communications | 51 |
| Kentucky Employee Suggestion System (KESS) | 51 |
| Kentucky Employees Charitable Campaign (KECC) | 52 |
| Kentucky Human Resource Information System (KHRIS): Self-Service Center | 52 |
| MyPURPOSE | 52 |
| Training and Development Services | 53 |
| EMPLOYEE RELATIONS | 54 |
| Appeals to the Personnel Board | 54 |
| Grievance Process | 55 |
| Kentucky Employee Assistance Program (KEAP) | 56 |
| Kentucky Employee Mediation Program (KEMP) | 57 |
| Workers' Compensation | 57 |
| WORKPLACE | 57 |
| Dress Code | 57 |
| Alcohol and Drug Use/Drug-Free Workplace/Substance Abuse Assistance | 58 |
| Drug Testing | 59 |
| HIV and AIDS in the Workplace | 59 |
| Kentucky Safety Program | 61 |
| Pregnant Workers Act | 61 |
| Tobacco-Free Policy | 62 |
| Violence in the Workplace | 62 |

- 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.

Alcohol and Drug Use/Drug-Free Workplace/Substance Abuse Assistance

The use of alcohol or controlled substances while engaged in state business or on state premises is strictly prohibited. Reporting to or returning to work, either during or outside normal business hours, in an impaired condition due to the consumption or use of alcohol, prescription drugs, or controlled substances will not be tolerated, and may be subject to disciplinary action, up to and including dismissal.

The appropriate use of legally prescribed drugs (including the use of Medical Cannabis as permitted by Executive Order No. 2022-798 and/or permitted by Senate Bill 47 (Regular Session 2023) and non-prescription medication is not prohibited. However, agencies that actively utilize testing for the use of alcohol and/or controlled substances may, at their discretion or as required by federal law, impose a more stringent substance use policy, up to and including a zero-tolerance policy. Any employee considering the use of Medicinal Cannabis, cannabidiol (CBD), and/or any supplements or other products that have not been approved by the U.S. Food and Drug Administration should consult with their agency human resources office prior to using those products.

To the extent that the use of a legally prescribed substance is not prohibited by law or agency policy, it is the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair the employee's job performance or mental or motor function. Employees are also required to report the use of medically authorized drugs or other substances that may impair job performance or mental or motor function to his/her supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

Employees needing reasonable accommodation due to a disability, including the effects of medication taken for the disability, should contact the agency's Human Resource office.

Additionally, 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 the above directives are encouraged to contact their supervisor or agency Human Resources office.

Employees who need assistance with substance abuse issues are encouraged to contact 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.

Employees subject to drug testing should refrain from consuming supplements or other products that have not been approved by the U.S. Food and Drug Administration. For instance, some consumable products that are labeled as containing cannabidiol (CBD) may also contain chemical compounds whose presence could cause an employee to fail an employer's drug test.

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, most Kentuckians were 30-39 years of age at the time of HIV diagnosis. However, in recent years, the highest rates of new HIV diagnosis have occurred in Kentuckians aged 20-29. Many persons 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. 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. There is no cure for HIV, but antiretroviral therapy can control HIV. HIV medication can successfully reduce the amount of virus in the body to undetectable levels and allow the individual to live a longer and healthier life.

What is AIDS?

Infection with HIV can lead to acquired immunodeficiency syndrome, or AIDS, 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 infections. A person with AIDS is susceptible to certain types of infections and AIDS related cancers. These infections and cancers can result in death.

STATE AGENCIES' FEDERAL FUNDING SOURCES 2023/2024

(As of September 30, 2023)

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
U.S. Department of Treasury

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 Homeland Security

U.S. Department of Homeland Security

State Board of Elections

U.S. Election Assistance Commission

STATE AGENCIES' FEDERAL FUNDING SOURCES 2023/2024

(As of September 30, 2023)

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

Kentucky Board of Pharmacy

U.S. Department of Treasury (TBD)¹
U.S. Department of Justice (TBD)

Kentucky Board of Emergency Medical Services

U.S. Department of Health & Human Services

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

U.S. Department of Treasury

Kentucky Higher Education Assistance Authority

U.S. Department of Education
U.S. Department of Justice

Commonwealth Office of Technology

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

Department of Revenue

U.S. Department of Transportation

Kentucky Commission on Military Affairs

U.S. Department of Defense

¹ TBD – To be determined based upon various factors going forward.

STATE AGENCIES' FEDERAL FUNDING SOURCES 2023/2024

(As of September 30, 2023)

Tourism, Arts & Heritage Cabinet

Kentucky Arts Council

National Endowment for the Arts

Kentucky Heritage Council

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

Kentucky Historical Society

Institute of Museum and Library Services
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
U.S. Department of Justice

Kentucky Horse Park

Institute of Museum and Library Services
- Save America's Treasures

Education and Labor Cabinet

Department of Education

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

Kentucky Dept. for Libraries & Archives

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

Department of Workforce Development

U.S. Department of Labor
U.S. Department of Commerce

Office of Adult Education

U.S. Department of Education

Office of Vocational Rehabilitation

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

Office of Employer and Apprenticeship Services

U.S. Department of Labor

Office of the Secretary (includes KYSTATS)

U.S. Department of Education
U.S. Department of Labor
U.S. Department of Health & Human Services
U.S. Department of Commerce/Economic

STATE AGENCIES' FEDERAL FUNDING SOURCES 2023/2024

(As of September 30, 2023)

Development

Kentucky Environmental Education Council

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

Early Childhood Advisory Council

U.S. Department of Health & Human Services

Office of Unemployment Insurance

U.S. Department of Labor

Career Development Office

U.S. Department of Labor

Department for Workplace Standards – OSH

U.S. Department of Labor

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

Public Protection Cabinet

U.S. Department of Justice
Federal Financial Institutions Examination Council
Appraisal Subcommittee
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 Treasury

Justice and Public Safety Cabinet

Office of the Secretary

U.S. Department of Justice
U.S. Department of Treasury

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

STATE AGENCIES' FEDERAL FUNDING SOURCES 2023/2024
(As of September 30, 2023)

Department of Juvenile Justice

Kentucky State Police

Department of Fish and Wildlife

U.S. Department of Justice

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 Treasury

U.S. Department of the Interior

U.S. Department of Agriculture

U.S. Department of Homeland Security

U.S. Department of Defense