



**Andy Beshear**  
GOVERNOR

**PERSONNEL CABINET**

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**Mary Elizabeth Bailey**  
SECRETARY

**MEMORANDUM**

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

**From:** Mary Elizabeth Bailey, Secretary *MES*

**Date:** November 16, 2023

**Re:** **State of Emergency / Threat of Wildfire Response**

**PERSONNEL MEMO 23-12**

**Rescinded**

**Effective 12/12/2023**  
**(SOE ends 11:59 p.m. on 12/11/2023)**

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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 2023-704, declaring a State of Emergency in response to the intensified drought conditions and increased threat of wildfires which began November 3, 2023 and continues to create threats of major impacts to the health and safety of citizens, infrastructure, governmental properties, local economies, and private properties, 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 November 12, 2023 and shall remain in effect until 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 Jamie Caldwell, Commissioner, Department of Human Resources Administration, at [Jamie.Caldwell@ky.gov](mailto:Jamie.Caldwell@ky.gov).