



Andy Beshear
GOVERNOR

PERSONNEL CABINET

Mary Elizabeth Bailey
SECRETARY

501 High Street, 3rd Floor
Frankfort, Kentucky 40601
Phone: (502) 564-7430
Fax: (502) 564-7603

MEMORANDUM

PERSONNEL MEMO 26-01

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

From: Mary Elizabeth Bailey, Secretary *MES*

Date: January 23, 2026

Re: **State of Emergency / Severe Weather – FLSA Status and Disaster Services Volunteers**

To ensure consistency in our personnel policies, protocols, and HR applications across the enterprise, and as a follow-up to Governor Beshear's Executive Order [2026-047](#), declaring a State of Emergency due to the severe winter storm forecasted to begin January 24, 2026, and continue through the weekend, 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 beginning Sunday, January 25, 2026, and may 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.

Also, as a reminder, some employees who are assisting with disaster relief related to this event, may be eligible for paid leave while participating as a Disaster Service Volunteer in accordance with [KRS 61.395](#). Those employees who qualify and are approved to participate in disaster services should use time code **SPEC** for hours absent from work, not to exceed thirty (30) workdays in any twelve (12) month period.

If you have any questions, please contact Jamie Caldwell, Commissioner, Department of Human Resources Administration, at Jamie.Caldwell@ky.gov.

