



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-396
May 15, 2020

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 18, 2020, I signed Executive Order 2020-243, encouraging all Kentucky citizens to take all feasible measures to engage in appropriate social distancing in accordance with the guidance of the Centers for Disease Control and Prevention (“CDC”). On March 22, 2020, I signed Executive Order 2020-246, ordering all in-person retail businesses that are not life-sustaining to close. On March 25, 2020, I signed Executive Order 202-257, requiring life-sustaining businesses to, to the fullest extent possible, utilize delivery or curbside service in lieu of in-person service, and to adhere to social distancing and hygiene guidance from the CDC.

Kentuckians are encouraged to remain Healthy at Home, which will continue to help protect our community from the spread of COVID-19. For the same reason, as the Kentucky economy reopens through phases Kentuckians and Kentucky businesses must be Healthy at Work.

On April 27 and May 1, 2020, the Secretary of the Cabinet for Health and Family Services, as my designee, modified the prior directives for elective medical procedures as part of the Healthy at Work reopening of healthcare facilities. On May 9, 2020, I signed Executive Order 2020-323 to continue Healthy at Work reopening by reopening entities



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that are not life-sustaining and implementing, through Orders of the Cabinet for Health and Family Services, minimum requirements for all entities and additional requirements for certain sectors, businesses and entities. Continuing with the Healthy at Work reopening in Kentucky, it is appropriate that government offices and agencies be permitted to reopen with certain requirements that must be implemented and followed, in addition to the minimum requirements for all entities in the Commonwealth.

Order

I, Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. State Executive Branch offices and agencies are permitted to reopen for in-person services on May 18, 2020.
2. State Executive Branch offices and agencies, except those constitutional offices listed in KRS 12.020(I)(3) through (7), permitted to reopen for in-person services on May 18, 2020, shall implement and comply with the minimum requirements for all entities in the Commonwealth of Kentucky under Executive Order 2020-323 and implemented by the May 11, 2020 Order of the Cabinet for Health and Family Services. The Cabinet Order and the minimum requirements for all entities may be found at <https://healthyatwork.ky.gov>.
3. In addition to the minimum requirements for all entities in the Commonwealth under the May 11, 2020 Order of the Cabinet for Health and Family Services, State Executive Branch offices and agencies, except those constitutional offices listed in KRS 12.020(I)(3) through (7), permitted to reopen for in-person services on May 18, 2020 shall, pursuant to Orders of the Cabinet for Health and Family Services implementing this Executive Order, implement and comply with the specific Requirements for Government Offices and Agencies detailed at <https://healthyatwork.ky.gov>.
4. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the specific Requirements for Government Offices and Agencies and the minimum requirements for all entities in the Commonwealth, detailed at <https://healthyatwork.ky.gov>.
5. All local, county, and city government offices and agencies are recommended to consult with their local health departments to develop requirements or guidelines as appropriate for their offices or agencies.



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6. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches are encouraged to adopt or incorporate the specific Requirements for Government Offices and Agencies and the minimum requirements for all entities in the Commonwealth, detailed at <https://healthyatwork.ky.gov>.
7. Paragraph 7 of Executive Order 2020-257 is hereby superseded and is no longer in effect.
8. **Other Prior Orders Remain In Effect.** All other prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, remain in full force and effect, except to the extent they conflict with this Order.
9. **Additional Orders.** The following designees may provide guidance, clarification or modification of this Order to industries or businesses, and may otherwise issue orders necessary to the operation of government during the State of Emergency: the Governor's Executive Cabinet, as set forth in KRS 11.065; the Commissioner of Public Health; the Director of the Division of Emergency Management; and the Director of the Kentucky Office of Homeland Security.
10. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services implementing this Executive Order, is a violation of the Orders issued under KRS Chapter 39A and could subject a person or entity violating the Orders to penalties as authorized by law.

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.

A handwritten signature in blue ink, appearing to read "Andy Beshear", written over a horizontal line.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 18, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency.

At this time the Commonwealth is beginning to reopen its economy with a phased approach known as the Healthy at Work program. Healthy at Work is based upon criteria set by the Centers for Disease Control and Prevention and public health officials and experts, along with advice from industry experts. Each phase will be introduced in steps to ensure the Commonwealth's citizens can safely return to work while still protecting the most vulnerable Kentuckians.

The Cabinet for Health and Family Services has already issued directives for the reopening of Kentucky's healthcare system that are available for review on <https://healthyatwork.ky.gov>. On May 11, 2020, the Cabinet of Health and Family Services issued Orders implementing the minimum requirements for all entities in the Commonwealth of Kentucky, and implementing the industry- or sector-specific requirements for certain sectors, businesses, and entities. The Cabinet issued those Orders as the continuation of Healthy at Work, pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020, Executive Order 2020-215, and Executive Order 2020-323. That Cabinet Order fully adopted and incorporated by reference the minimum requirements or all entities and the industry- and sector-specific requirements for certain sectors, businesses, and entities that were attached to the May 11, 2020 Orders, which can be found at: <https://healthyatwork.ky.gov>.

Pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020, Executive Orders 2020-215, 2020-323 and 2020-396, the Cabinet for Health and Family Services states that for the duration of the state of emergency State Executive Branch offices and agencies shall, in addition to the minimum requirements for all entities in the Commonwealth of Kentucky, comply with Requirements for Government Offices and Agencies attached to, and fully adopted and incorporated by reference in, this Order. These requirements are available at: <https://healthyatwork.ky.gov>.

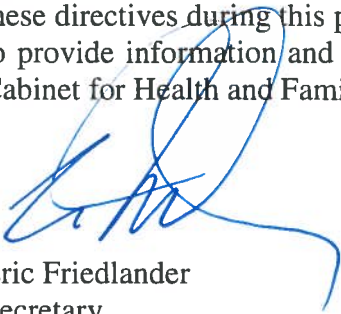
If a State Executive Branch office or agency cannot comply with the Requirements for Government Offices and Agencies, it must wait to reopen until they are able to do so or until some or all of these requirements are lifted.

The Requirements for Government Offices and Agencies shall not apply to those constitutional offices listed in KRS 12.020(I)(3) through (7). However, those constitutional offices are encouraged to adopt or incorporate the requirements, as well as the minimum requirements for all entities.

The Judicial and Legislative Branches are encouraged to adopt or incorporate the Requirements for Government Offices and Agencies, as well as the minimum requirements for all entities.

All county, city, and local government offices and agencies are encouraged to adopt or incorporate the Requirements for Government Offices and Agencies, as well as the minimum requirements for all entities. All county, city, and local government offices and agencies are further recommended to consult with their local health department to develop requirements or guidelines as appropriate for their offices or agencies.

The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency. The Cabinet for Health and Family Services will continue to provide information and updates during the duration of this Public Health Emergency. Prior orders of the Cabinet for Health and Family Services remain in effect unless inconsistent with this Order.



Eric Friedlander
Secretary
Governor's Designee

ANDY BESHEAR
GOVERNOR




GERINA D. WHETHERS
SECRETARY

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MEMORANDUM

To: All State Employees

From: Gerina D. Whethers, Secretary 

Date: May 18, 2020

Re: Updated Information for 2019 Novel Coronavirus (COVID-19)

On March 6, 2020, the Governor issued Executive Order 2020-215 declaring a state of emergency regarding COVID-19, a respiratory disease that can result in serious illness or death. As we transition from “Healthy at Home” to “Healthy at Work,” the Commonwealth of Kentucky is committed to ensuring the health and safety of our state employees and limiting the spread of COVID-19. To do our part in preventing the spread of COVID-19 in the workplace, state employees at many locations will be screened for symptoms of COVID-19 when entering state owned or operated buildings and offices. Specifically, beginning May 19, 2020, in locations where staff and equipment are available to conduct screenings, employees will be required to submit to temperature checks and must answer a short series of questions as to whether they have symptoms of COVID-19. At locations where staff and equipment are unavailable for screening, employees will be required to complete a daily self-assessment for symptoms. Employees are also highly encouraged to participate in testing for the COVID-19 virus, as further explained below.

DAILY ON-SITE SCREENINGS:

Health Screening Questions: Where staff and equipment are available to conduct health screenings, preceding a temperature check, employees entering state-owned or operated buildings or facilities will be asked a series of questions to determine whether they present a significant risk of spreading COVID-19, based upon current Centers for Disease Control (CDC) recognized COVID-19 symptoms and risk factors. The current CDC symptoms list may be reviewed at the following website: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. If the employee answers all of the health screening questions in the negative, that person may proceed to the second step of screening, the temperature check. However, if an employee answers any of the above questions in the affirmative, that person will be denied admittance to the state building or office and will be advised as to next steps, which will include direction to contact his or her immediate supervisor for further instructions. Supervisors will coordinate with the employee’s Human Resources Office.

Temperature Check: In addition to health screening questions, employees may have their temperatures checked in the following manner prior to being admitted to a state-owned or state-operated facility:

- 1) Temperature checks will occur prior to entrance to any state-owned or state-operated facility where staff and equipment are available to conduct temperature checks;
- 2) On-site temperature checks shall be conducted using an infrared thermometer or a similar no-contact device, or a thermal imaging camera (where available);
- 3) If an employee has a temperature of 100.5° F or higher, after additional temperature checks, the employee will not be allowed to proceed past the temperature checkpoint and will be advised as to next steps, to include direction to contact their immediate supervisor.

Consequences of Refusing Screening: Based upon the State of Emergency declared by Governor Beshear in Executive Order 2020-215 and the Governor’s continuing mandate to protect the citizens of the Commonwealth of Kentucky, any person who refuses to have their temperature checked or to answer screening questions, will be denied admittance to any state building or facility. Employees may also be subject to corrective or disciplinary action for failure to comply with screening requirements.

DAILY SELF-ASSESSMENT:

In case staff or equipment is unavailable at various locations to conduct the screenings any given day, employees working onsite, or who interact with the public during performance of their duties, may receive notice from their employers of a requirement to conduct a daily self-assessment of their health. The daily assessment should be conducted, preferably, within one (1) hour prior to the employee’s arrival at work or interaction with the public. This self-assessment will be documented on a COVID-19 Employee Health Self-Assessment Form, which will be provided to the employee by their employing agency. If an agency requires completion of the form, at the end of each pay period, an employee must sign and submit the completed form to their agency Human Resources (HR) office. Forms will be maintained within the employee’s agency medical personnel file.

While being screened at entrances, and after entry into the building, employees must continue to maintain social distancing. Furthermore, employees must self-monitor for symptoms concerning the COVID-19 infection throughout the day. If an employee feels as though he or she is displaying symptoms related to the virus, they must immediately notify their supervisor.

Other Requirements for Admittance to State Buildings: In accordance with CDC guidelines and in addition to the preceding requirements, all state employees shall be required to do the following:

- 1) Maintain social distancing of at least six (6) feet, including during health screenings and temperature checks;
- 2) Wear a cloth mask that covers the mouth and nose;
- 3) Use good hygiene procedures, especially in terms of washing and/or sanitizing hands;
- 4) Avoid touching mouth, nose, eyes and face; and
- 5) Self-monitor for COVID-19 symptoms.

COVID-19 TESTING:

As stated in the White House’s guidelines for “Opening Up America Again,” a vital component of limiting the spread of the highly contagious COVID-19 virus while opening the workplace is regular

testing of employees. Accordingly, Executive Branch employees are highly encouraged to obtain testing for the COVID-19 virus. While employees must seek out and schedule their own test, the initial test will be paid for by the Commonwealth of Kentucky. As one option for testing, for a limited time period between May 18, 2020 and May 22, 2020, First Care Clinics will conduct daily COVID-19 testing for state employees, Monday-Friday, from 8:00 a.m. to 5:00 p.m. (except on May 18, when testing will occur between 1:00 p.m. and 5:00 p.m.), at the Sower Building in Frankfort, free of charge. Other locations of First Care Clinics' testing sites can be found at <https://firstcareclinics.com/locations/>. Employees may also go to their local health departments for COVID-19 testing. A list of health departments offering COVID-19 tests is attached to this memo. Testing sites may have different requirements for testing and hours of availability. A complete list of sites and conditions for testing can be found at www.kycovid19.ky.gov.

Employees who test positive for the virus should not report to work but are highly encouraged to immediately notify their supervisor of the positive result, so the employing agency may take any required steps to protect the health and safety of other workers and visitors. Employees may consent to have testing sites provide results directly to their Human Resources Office. The Human Resources Office will maintain information confidentially in the employee's medical file.

Continue to discuss any concerns you may have with your supervisor and Human Resources staff. Please also refer to www.kycovid19.ky.gov or the **Kentucky State hotline (1-800-722-5725)** for reliable information related to the COVID-19 pandemic.

We will continue to update you as often as possible, as this is a rapidly evolving situation. Remember, we are all in this together. We appreciate your continued assistance in the response to COVID-19, and we thank you for being a part of **TEAMKENTUCKY**.

Attachment:
Testing Location Document

Requirements for Government Offices and Agencies

State Executive Branch offices and agencies, except those constitutional offices listed in KRS 12.020(1)(3)-(7), must comply with the [Minimum Requirements](#) for all entities as well as the following requirements for [government offices and agencies](#) provided below. All local offices and agencies, the judicial and legislative branches are encouraged to adopt or incorporate the following requirements, as well as the Minimum Requirements. All local government offices and agencies are further recommended to consult with their local health department to develop requirements or guidelines as appropriate for their office or agency.

Social Distancing Requirements

- Government offices and agencies with office-based work must ensure that no more than 50% of employees are physically present in the office on any given day and no more than 33% of the occupational capacity of the facility. Government offices and agencies should ensure public employees/contractors are spread across facilities in order to ensure appropriate social distancing.
- Government offices and agencies should provide services and conduct business via phone or Internet to the greatest extent practicable. Public employees who are currently able to perform their job duties via telework should continue to telework.
- Government offices and agencies must ensure that employees/contractors wear face masks or face coverings for any interactions between co-workers or while in common travel areas of the office (e.g., hallways, conference rooms, bathrooms, entries and exits). Public employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.
- Government offices and agencies should ensure employees use digital rather than paper formats to the greatest extent practicable.
- Government offices and agencies should meet by live audio or live video teleconference as provided by 2020 Senate Bill 150. However, the requirements of Section 1, subsection (8)(b) are suspended for any government office or agency meeting by live audio or live video teleconferencing that is not subject to or exempt from application of the Open Meetings Act, 61.800, *et seq.*
- Government offices and agencies must conduct meetings with constituents over the phone or Internet to the greatest extent practicable. Where in-person meetings with constituents cannot be avoided, public employees must wear face masks and remain six (6) feet apart from the constituents. Controls must be established, to the greatest extent practicable, when six (6) feet of physical distancing is not feasible. This includes, for example, installing portable or permanent non-porous physical barriers (e.g., plexiglass shields).

Healthy at Work



- Government offices and agencies should, to the greatest extent practicable, modify office traffic flow to minimize contacts between public employees/contractors/constituents.
- Government offices and agencies should also eliminate use of waiting rooms and lines for services should be avoided to the greatest extent practicable. Where lines are unavoidable government offices and agencies should ensure at minimum six (6) feet of distance. This can be accomplished by demarking six (6) foot distances with lines on floors or walls.
- Government offices and agencies must, to the greatest extent practicable, restrict access to common areas in order to maximize social distancing and reduce congregating. These common areas include, but are not limited to, waiting rooms, breakrooms, and vending areas. Government offices and agencies restricting access to water fountains must provide alternative water sources for employees in lieu of water fountains.
- Government offices and agencies should ensure, to the greatest extent practicable, that all paperwork can be completed electronically by using DocuSign or other e-signature technology for signatures.
- Government offices and agencies should ensure, if there are any documents that must be completed in-person, there is a safe process for doing so. This includes compiling all paperwork that must be completed in-person and leaving it in a single room for the constituent to complete alone.
- Government offices and agencies should reduce the number of public employees, contractors, and constituents entering, exiting, or gathering at one time.
- Government offices and agencies should seek to limit activities that require employees or contractors to enter within six (6) feet or less of another person, regardless of whether they have installed non-porous, physical barriers.
- Government offices and agencies that require employees or contractors to operate equipment, vehicles, or vessels must, to the greatest extent practicable, limit the number of public employees or contractors riding in the vehicle together. If riding in separate vehicles is not practicable then public employees or contractors should maximize social distancing and wear face masks in the vehicle. Thorough cleaning and disinfecting vehicles after each trip is required.
- Government offices and agencies with warehouses and loading docks must ensure minimal interaction between drivers at loading docks, doorsteps, or other locations.

Cleaning and Disinfecting Requirements

- Government offices and agencies should ensure that offices and workstations are properly cleaned and ventilated.
- Government offices and agencies must ensure cleaning and sanitation of frequently touched surfaces with appropriate disinfectants. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol

solutions containing at least 60% alcohol. Government offices and agencies must establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.

- Government offices and agencies must ensure shared touched surfaces must be cleaned on a recurring basis consistent with CDC guidelines. This includes, but is not limited to: vehicle/equipment door handles; keys; gear shifts; steering wheel/operator controls and levers; door knobs; light switches; phones; computers/keyboards; copiers; elevator buttons; toilets; faucets; sinks; countertops; paper towel dispensers; desktops; handrails; counters; tables; and cabinets and knobs.
- Government offices and agencies must ensure public employees/contractors wipe their workstations down with disinfectant at the end of their shift or at any time they discontinue use of their workstations for a significant period of time.
- Government offices and agencies must ensure disinfecting wipes or other disinfectant are available at shared equipment.
- Government offices and agencies, as appropriate, must ensure public employees/contractors do not use cleaning procedures that could re-aerosolize infectious particles. This includes, but is not limited to, avoiding practices such as dry sweeping or use of high-pressure streams of air, water, or cleaning chemicals.

Personal Protective Equipment (PPE) Requirements

- Government offices and agencies must ensure appropriate face masks or face coverings and other personal protective equipment (PPE) is used by public employees/contractors so long as such use does not jeopardize the employees' health or safety. Government offices and agencies must train public employees to use PPE. This training includes: when to use PPE; what PPE is necessary; and how to properly put on, use, and remove PPE.
- Government offices and agencies must train employees to properly dispose of or disinfect PPE, inspect PPE for damage, maintain PPE, and the limitations of PPE.
- Government offices and agencies must ensure gloves are available to public employees engaging in high-touch activity to the greatest extent practicable provided that they do not create additional hazards while being worn. Government offices and agencies must ensure public employees/contractors use gloves, when cleaning equipment and workspaces. Government offices and agencies must ensure employees/contractors wear gloves while handling products during shipping and receiving.
- Government offices and agencies must ensure all employees/contractors comply with [Personnel Memorandum 2020-06, "COVID-19 Mask Policy,"](#) issued by the Kentucky Personnel Cabinet.

Healthy at Work



Training and Safety Requirements

- Government offices and agencies should ensure appropriate signage is posted throughout the office space to inform employees and constituents about good hygiene and new office practices.
- Government offices and agencies should, to the greatest extent practicable, implement hours where service can be safely provided to constituents at higher risk for severe illness per CDC guidelines. These guidelines are available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>
- Government offices and agencies should ensure public employees/contractors are instructed to avoid touching their faces, including their eyes, noses, and mouths, particularly until after they have thoroughly washed their hands upon completing work and/or removing PPE, to the greatest extent practicable.
- Government offices and agencies should ensure public employees/contractors are informed they may identify and communicate potential improvements and/or concerns in order to reduce potential risk of exposure at the workplace. All education and training must be communicated in the language best understood by the individual receiving the education and training.
- Government offices and agencies must ensure all employees/contractors comply with [Personnel Memorandum 2020-07, "Temperature Check Policy,"](#) issued by the Kentucky Personnel Cabinet.