



Education and Workforce Development Cabinet
Affirmative Action Plan

Thomas O. Zawacki, Secretary

November 2014

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Steven L. Beshear
Governor

PERSONNEL CABINET

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Tim Longmeyer
Secretary

MEMORANDUM

TO: Cabinet Secretaries
Agency Heads
Personnel Executive

FROM: Tim Longmeyer, Personnel Cabinet Secretary *TML*

RE: Executive Branch Affirmative Action Plan

DATE: November 15, 2013

Equal Employment Opportunity is more than just a legal requirement, it is a moral imperative. In order to serve effectively the people of our Commonwealth, it is essential that we enhance our workforce diversity and foster inclusive workplace cultures. The Executive Branch Affirmative Action Plan supports this Administration's continued commitment to maintaining workplaces that are free from harassment and discrimination to assure employees feel valued, respected and supported.

The Executive Branch Affirmative Action Plan reaffirms existing guidelines to ensure that all employees and applicants, without regard to race, color, religion, sex, national origin, sexual orientation, gender identity, ancestry, age, disability, genetic information, political affiliation or veteran status, are afforded equal employment opportunities within the Executive Branch. It also establishes Executive Branch hiring goals for minorities and females. These goals are based upon the most recent 2010 Kentucky Census data and help ensure that the Commonwealth strives to have a workplace which is reflective of society.

The Affirmative Action Plan originated in 1984 with the issuance of Executive Order 84-549 by Governor Martha Layne Collins. Statewide goals at that time were based on the results of the 1980 Kentucky Census. The 1988 General Assembly confirmed and strengthened affirmative action efforts by mandating the Affirmative Action Plan for state government via KRS 18A.138. Since 1988, each administration has reaffirmed its commitment to affirmative action efforts by setting goals which reflect the society it serves, while also capturing updated equal employment efforts within the Affirmative Action Plans. These equal employment efforts include the denouncement of sexual harassment, inclusion of policy statements regarding the Americans with Disabilities Act, and other updates to state and federal law.

Thus, Kentucky has long-recognized that a diverse and inclusive workforce enables state government to better serve an increasingly diverse community, while also being a desired place of employment. The Commonwealth has made many strides in equal opportunities in the workplace. However, we remain committed to evaluating our current processes and setting new goals for the future.

Thank you for your continued commitment and diligent work to remove any barriers for meaningful equal opportunity within state government.



An Equal Opportunity Employer M/F/D



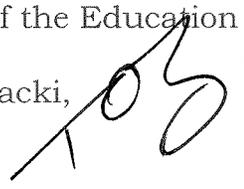
**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
OFFICE OF THE SECRETARY**

Steven L. Beshear
Governor

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Thomas O. Zawacki
Secretary

TO: All Employees of the Education and Workforce Development Cabinet

FROM: Thomas O. Zawacki,
Secretary 

RE: Affirmative Action Plan

DATE: February 9, 2015

As the Secretary of the Education and Workforce Development Cabinet, I am fully committed to the principles and policies presented in our Affirmative Action Plan ("Plan") and expect full cooperation at all levels to reach the goals stated in the Plan. We expect all employees, supervisors and managers to work together and to follow the proper procedures and to have a workplace free from all discrimination and harassment.

Each employee of the Education and Workforce Development Cabinet is an important asset to our organization. If you believe you have been discriminated or harassed based upon your age (over 40), race, color, religion, national origin, ancestry, sex, disability, gender identity, sexual orientation, genetic information, political affiliation, or veteran status, please follow the procedures outlined in the Plan. Retaliation for filing a complaint or participating in an investigation is prohibited. This Cabinet has zero tolerance for discrimination and harassment and any employee who violates the Plan's principles and policies is subject to disciplinary action up to and including termination.

We represent the Commonwealth of Kentucky at all times and therefore we as public servants must hold ourselves to high standards in the workplace.

Thank you for your commitment to the principles of equal opportunity in employment.

SECTION I:
AFFIRMATIVE ACTION PLAN OVERVIEW

ABOUT THE EXECUTIVE BRANCH AFFIRMATIVE ACTION PLAN

The Executive Branch Affirmative Action Plan is mandated by KRS 18A.138 and adopted by Executive Order 84-549 and 96-612. Governor Beshear reaffirms the Executive Branch Affirmative Action Plan with Executive Order 2013-841.

A central goal of the Plan is to achieve and maintain a qualified workforce that includes a representation of minorities and women that approximate their availability in the state resident workforce. This Plan establishes the Education and Workforce Development Cabinet's ("Cabinet") female and minority employment goals at 50.8% and 12.2%, respectively. These goals, based on 2010 Census information, reflect the state population of persons of working age (16 and older). The increase in the minority employment hiring goal will be measured on an incremental basis starting with the December 2013 *Semi-Annual Report on Female & Minority Employment*. The timetable for implementing these new goals is as follows:

<u>Reporting Period</u>	<u>Goal</u>
December 31, 2013	10.2%
June 30, 2014	10.7%
December 31, 2014	11.2%
June 30, 2015	11.7%
December 31, 2015	12.2%

The Plan reaffirms the Commonwealth of Kentucky's commitment to non-discrimination and equal employment through affirmative action to ensure equal treatment of applicants and employees without regard to race, color, sex, disability, age, national origin, ancestry, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.¹

The Plan details actions the Executive Branch will take to identify, analyze, and if necessary, correct any adverse employment practices. It also assigns responsibility and establishes timetables to complete such actions. A further goal of the plan is to ensure that persons with disabilities have equal access to employment opportunities and reasonable accommodations are made upon request.

¹ Title VII of the 1964 Civil Rights Act, Executive Orders 2008-473 and 2013-841 and KRS 18A.138



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2013-841
November 15, 2013

EXECUTIVE BRANCH AFFIRMATIVE ACTION PLAN

WHEREAS, the government of the Commonwealth of Kentucky exists to serve equally all the people of this state; and

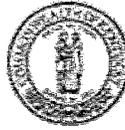
WHEREAS, this administration is firmly committed, legally and morally, to securing for all Kentuckians equal employment opportunities and freedom from discrimination and other forms of harassment in employment with the Kentucky State Government Executive Branch; and

WHEREAS, an affirmative action plan, as envisioned by the provisions of KRS 18A.138, serves to redress traditional and social patterns of discrimination which may create artificial barriers to employment opportunities; and

WHEREAS, the implementation of an affirmative action plan ensures that equality and fairness to all is recognized to be in the best interest of the Commonwealth;

NOW THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution and laws of Kentucky, hereby Order and Direct the following:

1. The Executive Branch Affirmative Action Plan dated November 15, 2013, shall be the official document for implementing the Executive Branch's policy on equal employment opportunities, and shall remain in full force and effect except as modified due to changes in the federal and state law;
2. This affirmative action plan shall provide for equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, religion, sex, national origin, sexual orientation, gender identity, ancestry, age, disability, genetic information, political affiliation or veteran status. Employer-employee relations shall include but not be limited to hiring, promotion, termination, tenure, recruitment and compensation;



STEVEN L. BESHEAR
GOVERNOR

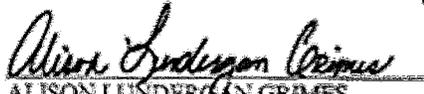
EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2013-841
November 15, 2013

3. This Administration condemns workplace harassment. The affirmative action plan shall outline the Executive Branch's policy against harassment and provide guidelines for enforcing such policy;
4. Every program cabinet, department or agency of the Kentucky State Government Executive Branch shall comply with the provisions of the affirmative action plan;
5. Equal employment opportunities shall be an integral part of each cabinet, department and agency program, and any program evaluation shall include an assessment of equal opportunity performance;
6. The Secretary of the Personnel Cabinet shall be responsible for the implementation and monitoring of the affirmative action plan and shall provide such technical assistance and reporting as may be deemed appropriate to accomplish the purposes identified by the affirmative action plan;
7. The Secretary of the Personnel Cabinet shall report to the Office of the Governor semiannually regarding female and minority employment within the Executive Branch.


STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky


ALISON LUNDERGAN GRIMES
Secretary of State

**POLICY STATEMENT ON
THE EDUCATION AND WORKFORCE DEVELOPMENT CABINET'S
AFFIRMATIVE ACTION PLAN**

The Education and Workforce Development Cabinet Action Plan reflects this administration's sincere commitment to both good government and equitable treatment of all employees of the Commonwealth, and applicants seeking employment with Kentucky State Government.

Employees and citizens of this Commonwealth are our most valuable resources. Equal Employment Opportunity, as well as opportunities for professional growth, shall be available to all applicants and employees regardless of race, color, sex, disability, age, national origin, ancestry, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status. This policy applies to all personnel actions, including but not limited to: recruiting, hiring, classification and compensation, benefits, promotions, transfers, layoffs, reinstatement, and educational programs.

It is the policy of the Education and Workforce Development Cabinet that no applicant for employment or employee will be subject to harassment or discrimination because of race, color, sex, disability, age, national origin, ancestry, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.

The Education and Workforce Development Cabinet's Affirmative Action Plan is established pursuant to KRS 18A.138(1) and by Executive Order 2013-841. The Division of Human Resources has overall responsibility for the implementation of this plan, including the development of specific overall goals and timetables, and is required to report progress under the Affirmative Action Plan to the Secretary of the Kentucky Personnel Cabinet. The Secretary of the Personnel Cabinet is required to report directly to the Office of the Governor regarding plan progress on a semi-annual basis. The full cooperation and affirmation of the Affirmative Action Plan, and the state EEO Program, by all managers, supervisors, executive leaderships, and state employees is expected.

POLICY STATEMENT ON HARASSMENT PREVENTION

The Education and Workforce Development Cabinet does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work and are responsible for assuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not limited to, harassment because of one's race, color, national origin, ancestry, sex, age, religion, sexual orientation, gender identity, veteran status, genetic information, disability, or political affiliation.

Examples of prohibited conduct include, but are not limited to, threatening, offensive or unwelcome conduct including: abusive verbal language directed toward an individual because of sex, race, color, age, religion, national origin, ancestry, sexual orientation, gender identity, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Additionally, in order to prevent sexual harassment, state and federal law prohibits unwelcome sexual advances, requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that has the purpose of or creates a hostile or offensive working environment.

Complaints of harassment will be promptly and carefully investigated. All employees are assured that they will be free from any and all reprisal or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the Cabinet EEO Coordinator at 502-564-2932, the appropriate agency EEO Coordinator; or the State EEO Coordinator at 502-564-8000.

Any supervisor receiving a complaint of harassment shall report the complaint to the appropriate agency EEO Coordinator and the Cabinet EEO Coordinator. Failure to do so shall be grounds for disciplinary action.

The investigation will include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to

the fullest extent permitted by the circumstances. The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation substantiates the complaint, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

Signature

Date

**POLICY STATEMENT ON
THE AMERICANS WITH DISABILITIES ACT (ADA) &
THE AMERICANS WITH DISABILITIES ACT AMENDMENTS (ADAA)**

Kentucky State Government and the Education and Workforce Development Cabinet are committed to the full implementation of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA). It is the policy of the Commonwealth and the Cabinet to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities.

All employees must comply with the following policies regarding the ADA & ADAA:

- **Discrimination Prohibited:** Employees with disabilities who are otherwise qualified may not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state;
- **Limiting, Segregating, and Classifying:** Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status;
- **Contractual or Other Arrangements:** The Cabinet will not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA and ADAA;
- **Reasonable Accommodations:** The Cabinet will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, all agencies will make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability; and
- **Retaliation and Coercion:** The Cabinet will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in Employee Grievances and Complaints section of the employee handbook.

POLICY STATEMENT ON DIVERSITY

The Commonwealth of Kentucky and the Education and Workforce Development Cabinet recognize that continued success in meeting the needs of our clients and customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their race, color, national origin, ancestry, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, or disability. By fostering an atmosphere of acceptance and support, we can begin to value and appreciate the strengths afforded by the differences, styles, ideas, and organizational contributions of each and every person.

The ultimate goal of workplace diversity will be achieved when Kentucky State Government has further enhanced its ability to recruit, retain, tap the full potential of employees at all levels, and is diverse enough to:

1. Allow all Cabinets to compete for qualified employees from an increasingly diverse worker pool;
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens; and
3. Eliminate biases that may be in the state government workforce.

Diversity complements the other organization values of teamwork, leadership, empowerment and service quality and encompasses the way we work, the work environment, and respect for people and ideas. Diversity includes everyone and everything. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, and personality – including lifestyle, sexual orientation, gender identity, tenure with the organization, merit and non-merit status, and management or non-management position. It also encompasses varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expressions of thoughts, and differing ways of delivering services provided there is consistency in the values we share.

Success in diversity requires inclusion. It stresses equal opportunity and recognizes and respects the multitude of differences that employees bring to the workplace as well as acknowledges the changing "face" of the community we serve. The full cooperation and affirmation of diversity by all state employees, including management, is expected.

SECTION II:
EXECUTIVE SUMMARY, OBJECTIVES, ANALYSIS & PLAN

EXECUTIVE SUMMARY

The Education and Workforce Development Cabinet's Affirmative Action Plan is based on analysis of utilization reports of protected classes in eight equal opportunity job categories, and from survey results regarding existing HR practices from practitioners from the various Cabinets.² This analysis was conducted by the Office of Diversity and Equality and the Personnel Cabinet. Their analysis was consistent with our Cabinet's recruitment and retention practices and findings.

The analysis identified the following as useful for achieving EEO goals and maintaining a diverse and inclusive workforce:

- Minority and female recruitment at a sustained, consistent level;
- Annual training for EEO coordinators and counselors;
- Analysis of workforce statistical data;
- Periodic analysis of complaint and grievance data;
- Consistent human resources practices and procedures; and
- Distribution of employee rights information.

Included in the Action Plan is an extensive list of responsibilities and duties for designated agency personnel. These items represent four key priorities of the Plan:

- A. Increase opportunities for minority and female recruitment;
- B. Provide training and assistance to agencies to ensure effective affirmative action strategies are in place for consistent recruitment and retention;
- C. Create cooperative partnerships with entities within the state that can assist in identifying qualified applicants. These partners may include, but are not limited to, the Kentucky Career Centers, Area Development Districts, Schools and Universities, local community organizations that help candidates find employment, and the Office of Diversity and Equality; and
- D. Strategies to ensure that the Education and Workforce Development Cabinet retains competent employees who have a Title VII protected class status.

² The Equal Employment Opportunity Commission (EEOC) divides the workforce into eight EEO Job Categories: Officials & Administrators, Professionals, Technicians, Protective Service Workers, Paraprofessionals, Administrative Support, Skilled Workers, and Service Maintenance.

OBJECTIVES

The following are the objectives of this Plan:

1. Maintain work environments that value equality and diversity and are free of harassment and discrimination;
2. Increase minorities and women in underutilized EEO job categories;
3. Increase the utilization of minorities in professional, administrative and technical job categories, which are our most underutilized;
4. Increase affirmative action and equal employment opportunities by analyzing specific practices and implementing employment policy;
5. Strengthen accountability, reporting and evaluation when necessary; and
6. Promote support for affirmative action, equal employment opportunity, and workforce diversity by: 1) providing information and training regarding these topics no less than annually; and 2) adhering to fair employment practices by employees, supervisors, managers, and executive officers.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET'S AFFIRMATIVE ACTION PLAN

Program Analysis

A careful and thorough review of employment policies, procedures, and practices was conducted in the development of this Plan through the Personnel Cabinet and the Education and Workforce Development Cabinet's Human Resources Division. The first objective of the analysis is to determine if employment practices could be improved to lessen the possibility of adverse impact, disparate treatment, exclusion, disadvantage, or restriction of minority or female individuals. If any improvements are feasible, the analysis is then used to determine reasonable actions. Reasonable actions may include goals and timetables, recruitment to attract qualified members of underutilized groups, a system for career advancement, and/or a system for monitoring and program evaluation.

Organization & Resources

The Education and Workforce Development Cabinet's Affirmative Action Plan was developed by the Division of Human Resources and the Cabinet Secretary. The Cabinet is comprised of twenty-five agencies, ten of which are attached to the Cabinet for administrative purposes only. <http://educationCabinet.ky.gov/aboutus/orgchart.htm>

As an agency which receives federal funds and has more than 250 full-time positions, the Education and Workforce Development Cabinet must comply with requirements under Title VI of the Civil Rights Act of 1964, as amended, and establish a suitable affirmative action program. Pursuant to KRS 344.015(2)(c), 45 KAR 1:080 Section 1 (7), and Section 2, the Cabinet is required to submit an annual Title VI compliance report and any implementation updates to the Auditor of Public Accounts and the Kentucky Commission on Human Rights no later than July 1 each year.

The Cabinet also is required to submit Affirmative Action/EEO Quarterly Status Reports to the Office of Diversity & Equality. The Office of Diversity & Equality is located within the Secretary's Office, in the Kentucky Personnel Cabinet. It has responsibility under KRS 18A.138 and Executive Order 2013-841 to administer the Executive Branch Affirmative Action Plan.

Action Items

Potential obstacles to equal employment opportunity, along with corresponding goals or objectives, are listed as follows:

Workforce Composition – A review of the workforce composition within the Cabinet indicates that minorities have not yet achieved appropriate representation in several areas. The Cabinet has been successful in achieving its 50.8% female goal. Immediate attention is needed to improve minority representation. Obstacles to reaching the goal, include, but are not limited to:

- A significant number of specialized job titles that require a specific degree or skill set;
- Not enough previous emphasis on goal attainment;
- Lack of qualified applicants for professional positions; and
- Low turnover rate for administrative and professional positions.

Strategies to improve in this area include:

- Ensure delivery of EEO and Affirmative Action training workshops for supervisors, managers, professionals, and others with EEO responsibilities; and
- Ask individual agencies to develop a more detailed plan for improving minority representation in their agency.

Organization and Resources – Statewide, a number of agency EEO Coordinators and Counselors perform a variety of duties for their respective agencies. Coordination of regular meetings to provide integrated services and support will occur through the EEO Coordinators Coalition³ (under the direction of the Office of Diversity & Equality).

The Education and Workforce Development Cabinet has EEO Agency Coordinators and Counselors, some of whom need updated or increased training. To improve in this area:

- The Cabinet EEO Coordinator will develop and provide training to all Agency EEO Coordinators and Counselors to ensure adequate knowledge of protected classes and their respective responsibilities; and
- Agency EEO Coordinators will provide quarterly information on goal attainment to the Cabinet EEO Coordinator.

Recruitment and Outreach – Based on a review of the areas of recruitment and outreach, the following have been identified as affirmative action priorities:

- The Personnel Cabinet's Office of Diversity and Equality will collaborate with the Division of Career Opportunities, also in the Personnel Cabinet, to develop

³ The EEO Coordinators Coalition consists of EEO representatives from the Executive Branch Cabinets and agencies.

innovative ways to increase the number of female and minority applicants for Kentucky State Government jobs;

- Encourage all qualified internal mobility candidates to apply for promotional opportunities. Although the individual agencies will determine how best to provide this information, they will, at a minimum, make current employees aware of vacancies;
- Use the Personnel Cabinet's Office of Diversity & Equality *Minority & Female Recruitment Resource Guide* to better inform communities about job vacancies in their area. This guide will identify regional demographic information, along with up-to-date information on educational institutions, minority and female organizations, and other avenues for developing a diverse applicant pool;
- The Office of Vocational Rehabilitation and the Office for the Blind offer tuition assistance for their employees through grants that are only available for specific degree programs; and
- All recruiting sources used by Kentucky State Government and the Education and Workforce Development Cabinet will be informed of the policy regarding Equal Employment Opportunity and will be asked to refer qualified candidates without regard to their race, color, religion, sex, age, national origin, ancestry, disability, sexual orientation, gender identity, genetic information, or veteran status.

Selection and Promotion – The Personnel Cabinet has analyzed state government job titles and organized them into relatively homogeneous job groups based on similarities in job content, salary, grade and promotional opportunities. Based on a review of the areas of concern, the following initiatives will continue and/or be implemented by the Education and Workforce Development Cabinet:

- Agencies are encouraged to promote employee participation in professional development opportunities. This shall include various training and educational programs, which are made available to employees to improve current skills or obtain additional skills, to thereby improve their opportunities for promotion;
- New Employee Onboarding will include a section on Equal Employment Opportunity, affirmative action, and diversity. The onboarding will provide names of the EEO Coordinators and/or Counselors and a review of current policy and complaint procedures. Employees will be provided policies and information on required training for sexual harassment prevention and workplace violence prevention. As of November, 2014, the Education and Workforce Development Cabinet will require all employees to sign policy agreements regarding harassment;

- The Cabinet/Agencies will encourage participation in the Governor's Minority Management Trainee Program. We will seek to include at least three participants per class, as other agencies have multiple participants per class; and
- Encourage agencies to use a behaviorally based interview process, and provide evidence that they adhered to 101 KAR 1:400, when considering candidates for promotional positions. These efforts support a fair and equitable selection and promotion process.

Prevention/Investigation of Harassment— The Education and Workforce Development Cabinet remains committed to maintaining work environments free from all forms of harassment, which are prohibited by state and federal law. The following priorities continue to be identified as Cabinet priorities:

- To recognize that our employees are our most valuable asset and to treat them with dignity and respect;
- To adhere to the Cabinet's zero tolerance policy for harassment and discrimination;
- To create an environment that removes obstacles that hinder the safety and welfare of our employees;
- To ensure that all employees receive mandatory sexual harassment training within six months of employment;
- To ensure distribution and posting of anti-harassment policies and procedures for filing complaints; and
- To complete investigations within 90 calendar days, whenever possible.

Program Monitoring, Evaluation and Reporting— A review of this area reflects time constraints and limited resources as a potential obstacle. Action items to address these issues are listed as follows:

- Maintain existing record-keeping system and providing of quarterly reports;
- Promote understanding of affirmative action/equal employment opportunity goals and programs by all supervisors, managers and other professionals and enhanced accountability;
- Provide clear and simple status reports on program activities and evaluation;
- Standardize special reports to provide a basis for comparison and analysis; and
- Educate supervisors, managers and other professionals about the new approach and responsibilities for program monitoring, evaluation and reporting.

Dispute Resolution: EEO Complaints – It is in the best interest of state government, and the

Education and Workforce Development Cabinet, that EEO complaints be resolved efficiently and correctly within our own system. In order to provide for this the following initiatives will be emphasized and overseen by the Cabinet EEO Coordinator:

- Educate managers, agency coordinators and agency counselors on proper complaint/investigation procedures to resolve complaints at the lowest level;
- Encourage supervisors, managers, and other professionals to give their full cooperation in responding to complaints and investigations;
- Provide information to employees on their rights and the procedure for filing complaints;
- Require agency coordinators to report quarterly on the number of complaints, the nature of these complaints, and their resolution/status. The Education and Workforce Development EEO Coordinator will report this information quarterly to the Personnel Cabinet's Office of Diversity and Equality; and
- Educate supervisors, managers and executive leadership on the Kentucky Employee Mediation Program.

ADA Compliance – The State ADA Coordinator is housed in this Cabinet, so many of our ADA issues/requests are handled by that office. The office educates and assists with reasonable accommodations for individuals with disabilities, and on the agency's role and responsibility in complying with the Americans with Disabilities Act. The following actions have been identified to maintain compliance with this law:

- Ensure management requests assistance with ADA related issues, either from Human Resources or the State ADA Coordinator;
- Designate and train ADA Coordinators in all agencies in state government; and
- Familiarize supervisors/managers with the State ADA Plan [www.ada.ky.gov].

Veterans Preference – Since 1970, Kentucky state law has given veterans extra points on employment tests with State government pursuant to KRS 18A.150. In light of the shift away from written testing in state employment, KRS 18A.150 was amended in 2010 to require an employing agency to offer an interview to no fewer than five (5) individuals identified on a register certificate as entitled to Veterans' Preference (if available), including individuals presently employed by the Commonwealth of Kentucky who apply for another classified position within state government. The Education and Workforce Development Cabinet complies with this statute and makes every effort to hire qualified veterans.

SECTION III: RESPONSIBILITIES

The Education and Workforce Development Cabinet's Affirmative Action Plan, in conjunction with the Executive Branch Affirmative Action Plan, depends on the efforts of many individuals for success. This section summarizes the roles and expectations of key personnel involved in the process. The duties listed may not be exhaustive.

OFFICE OF THE GOVERNOR

Governor

The Governor has the ultimate responsibility for the success of the Executive Branch Affirmative Action Plan.

The Governor shall:

1. Support Equal Employment Opportunity, Affirmative Action, and Diversity through initiatives such as Executive Orders, Legislation, etc; and
2. Lead the Commonwealth with his full support in all efforts to achieve a diverse workforce representative of the Commonwealth's population.

PERSONNEL CABINET

Secretary of the Personnel Cabinet

The Secretary of the Personnel Cabinet has primary responsibility for securing equal employment opportunity and diversity within the state personnel service systems.

The Secretary of the Personnel Cabinet shall:

1. Ensure the coordination of the Executive Branch Affirmative Action Plan;
2. Provide agencies with guidelines and assistance for establishing and implementing an affirmative action program, such guidelines to be in accordance with all state and Federal laws and regulations;
3. Create and circulate EEO Policy Statements (regarding Harassment Prevention, Diversity, Executive Branch Affirmative Action Plan, and Americans with Disabilities Act);
4. Develop and implement a positive hiring program to include additional target recruiting, salary surveys, cultural awareness education, and statewide diversity and inclusion training programs;
5. Provide assistance to state agencies in assuring that persons with disabilities are provided with reasonable accommodations upon request;

6. Establish utilization goals of minorities and women, to ensure that these populations are employed and are appropriately utilized and representative of the community population;
7. Take corrective action when:
 - a. There is evidence of manager, supervisor and/or employee non-adherence to agency policy;
 - b. There is evidence of non-adherence to the state's policy against harassment; and
 - c. There is evidence of non-adherence to the state's policy regarding the Americans with Disabilities Act;
8. Complete an analysis of the personnel policies and procedures of the Commonwealth to provide an evaluation of its status in assuring equal employment opportunities. This analysis shall address the following:
 - i. Recruitment;
 - ii. Selection, promotions and transfers;
 - iii. Demotions, disciplinary actions and terminations; and
 - iv. Compensation;
9. Monitor and evaluate the implementation of the Affirmative Action Plan. This evaluation must be an ongoing process, the results of which shall be summarized semi-annually. The evaluation system must include an internal monitoring and reporting system covering:
 - a. Records of personnel actions at all levels;
 - b. Formal reports from Cabinet Secretaries/Agency Heads on a scheduled basis which reflect the progress on the action plans and steps to accomplish the agency goals;
 - c. Scheduled review meetings with Cabinet Secretaries/Agency Heads to report the results of the Plan implementation;
 - d. Require all Cabinets, departments, and agencies of state government to develop programs consistent with the plan;
 - e. Provide any technical assistance he or she may deem appropriate to accomplish the purposes of the plan;

- f. Provide, through the Personnel Cabinet, an annual analysis to ensure that persons protected by antidiscrimination laws are not adversely affected by examination and selection procedures;
- g. Provide for validation of examination procedures;
- h. Provide for procedures to monitor appointments and salary adjustments to ensure that standards are uniformly applied so as to prevent salary disparity;
- i. Report to the Governor semiannually on actions taken pursuant to the plan; and
- j. Review the plan on an annual basis and make recommendations; and

10. Maintain, and make available for inspection, copies of the official affirmative action plan for Kentucky State Government (dated July 1, 1984, confirmed as part of Executive Order 84-549 continued in force by Executive Order 88-100), as well as plans developed by individual agencies pursuant to the state plan. KRS 18A.138(1).

Office of Diversity & Equality (ODE)

The Office of Diversity & Equality, under the Personnel Cabinet, is responsible for the development and implementation of policies, procedures and programs to promote and monitor progressive statewide workforce management in the areas of equal employment opportunity, affirmative action, retention, inclusion and diversity, as well as the duties set forth in KRS 18A.025.

The Office of Diversity & Equality shall:

- 1. Maintain the Executive Branch Affirmative Action Plan;
- 2. Work in coordination with the Personnel Cabinet Secretary to ensure that State government is working towards meeting the goals set within the Executive Branch Affirmative Action Plan;
- 3. Monitor the progress of each agency toward achieving its goals, develop a statistical analysis of the present workforce, and produce the Semi-Annual Report on Female & Minority Employment;
- 4. Investigate EEO related complaints at the discretion of the Personnel Cabinet Secretary;
- 5. Develop trainings in the areas of EEO and Diversity;
- 6. Review personnel policies and procedures to identify any barriers to equal employment opportunity;
- 7. Coordinate professional development opportunities for members of the EEO Coordinators Coalition (EEO Conference, EEO Forums, additional training opportunities);

8. Work to ensure consistency of EEO policies and procedures across the various Cabinets and agencies;
9. Evaluate agency affirmative action programs at prescribed intervals;
10. Educate personnel on employee rights and complaint procedures;
11. Administer the Governor's Minority Management Trainee Program;
12. Consult agencies on complaint investigations and resolutions when requested or necessary;
13. Produce the federally mandated EEO-4 Report on behalf of Kentucky State Government;
14. Promote Personnel Cabinet alternative dispute resolution resources; and
15. Collaborate with the Division of Career Opportunities in recruiting female and minority applicants.

Governmental Services Center (GSC)

The Governmental Services Center will provide support and resources to the Personnel Cabinet and agency heads to assist them in the delivery of training.

CABINETS/AGENCIES

Cabinet Secretary/Designated Appointing Authority/Agency Heads

Unless an agency has a separate Affirmative Action Plan, the Cabinet Secretary, designated Appointing Authority and Agency Heads of the Education and Workforce Development Cabinet are responsible for ensuring the development, implementation and maintenance of the Cabinet's affirmative action program.

The Cabinet Secretary shall:

Appoint an EEO Coordinator for the Cabinet. The Cabinet EEO Coordinator shall be designated in writing by the Cabinet Secretary and the identity of the Coordinator shall be provided to all Cabinet employees. The Office of Diversity & Equality, located in the Personnel Cabinet, shall also be notified of the Education and Workforce Development Cabinet's EEO Coordinator.

Agency Heads, in coordination with the designated Appointing Authority or Cabinet EEO Coordinator, shall:

1. Designate Agency EEO Coordinators, as deemed appropriate. Those names will be submitted to the Cabinet EEO Coordinator. Agency EEO Coordinators will work collaboratively with the Cabinet EEO Coordinator to ensure the Affirmative Action Plan is successful;
2. Carry out the goals and objectives of the Executive Branch Affirmative Action Plan;
3. Coordinate training available for administrators and supervisors to familiarize them with the stated Plans and all federal and State government statutes, regulations and policies prohibiting discrimination in employment, opportunities for professional growth, and employment benefits;
4. Ensure that Agency EEO Coordinators and Counselors receive appropriate training and information regarding federal and state anti-discrimination statutes and regulations;
5. Develop an action plan according to the priorities established for addressing the identified problem areas. These shall become a part of the Cabinet's Affirmative Action Program. In developing this element of the program, with updates as necessary, the following guidelines shall be followed:

- a. Action plans must specify how the Cabinet or agency will move forward with increasing diversity in the workforce. This shall include, but not be limited to the following:
 - i. The sequence of activities to be completed;
 - ii. The person/persons responsible for the completion of each activity; and
 - iii. The date by which each activity shall be completed;
6. Conduct periodic meetings with management staff to ensure compliance, discuss problem areas and promote understanding of affirmative action and equal employment opportunity responsibilities;
7. Ensure the fair and equitable administration of the EEO Complaint Procedure, Grievance Procedure or any other applicable state or federal law without retaliation or reprisal against any person filing a complaint, or against any person giving testimony or aiding in the resolution of a complaint;
8. Direct the formulation, implementation and monitoring of the agency's affirmative action and diversity programs;
9. Review each internal personnel procedure to identify any barriers to equal employment opportunity;
10. Complete an analysis of personnel policies and procedures to provide an evaluation of the Cabinet/agency's status in assuring equal employment opportunities. This component shall address the following:
 - b. Recruitment;
 - c. Selection, promotions and transfers;
 - d. Demotion, disciplinary actions and terminations; and
 - e. Compensation;
11. Assure that all official stationery and prepared correspondence contain the disclaimer "An Equal Opportunity Employer M/F/D"; and
12. Display the Commonwealth's Equal Employment Opportunity Policy Statement along with other required statements and posters conspicuously in state facilities.

Human Resources Administrators

The Education and Workforce Development Cabinet's Human Resources Administrator (or designee) shall:

1. Provide assistance to agency staff regarding the Cabinet's Affirmative Action program, policy statements, and related policies;
2. Develop, maintain and evaluate recruitment, selection, training, promotional, employment and other related programs to ensure compliance with the Education and Workforce Development Cabinet and Executive Branch Affirmative Action Plans; and
3. Provide EEO Coordinators and Counselors with needed resources and support in the complaint investigation process.

Cabinet EEO Coordinator

The Cabinet EEO Coordinator shall have direct access to the Appointing Authority and has primary responsibility for the Cabinet's affirmative action program in compliance with the Executive Branch and Education and Workforce Development Cabinet Affirmative Action Plans.

The Cabinet EEO Coordinator shall:

1. Assist with the development of the Cabinet's affirmative action program, policy statement, and related policies;
2. Assist in the identification, selection and training of prospective EEO counselors prior to their designation;
3. Identify problem areas (i.e. clusters of EEO related complaints) and provide assistance in the resolution of problem areas in the Cabinet;
4. Provide employees with information on Employee Rights and Complaint Filing Options;
5. Evaluate the affirmative action program's effectiveness, and provide recommendations for improvements;
6. Provide periodic reports to management regarding progress toward equal opportunity in the Cabinet and of the latest developments in affirmative action;

7. Evaluate, revise and update the Cabinet's affirmative action program as necessary. The results of this process must be forwarded to the Personnel Cabinet's Office of Diversity & Equality with a copy of the Cabinet's revised program;
8. Conduct or coordinate investigation of discrimination complaints within the Cabinet, and upon request for assistance by other agencies (with referral from the Office of Diversity & Equality and approval from his or her supervisor);
9. Participate in professional development and workshops hosted by the EEO Coalition; and
10. Submit the quarterly reporting form by the deadline established by the Personnel Cabinet's Office of Diversity and Equality.

Agency EEO Coordinators and Counselors

The Agency EEO Counselors report to the Agency EEO Coordinator or other designated authority and may refer employee complaints to the Agency EEO Coordinator or appropriate authority. The Cabinet EEO Coordinator shall be made aware of all complaints or potential complaints, and may provide direction, when appropriate.

The Agency EEO Coordinators and Counselors shall:

1. Attend EEO related trainings conducted through the Office of Diversity & Equality or the Education and Workforce Development Cabinet;
2. Provide assistance to the Cabinet EEO Coordinator in complaint resolution;
3. Be well versed in employee complaint and grievance procedures and avenues of appeal, such as the Kentucky Human Rights Commission, the Grievance Procedure (101 KAR 1:375) and the Personnel Board (101 KAR 1:365). Inform employee of such avenues of appeal; and
4. May assist in collecting data for investigations of complaints of discrimination.

State ADA Coordinator

Responsibilities: The State ADA Coordinator, within the Education and Workforce Development Cabinet, has primary responsibility for the Cabinet/agencies' Americans with Disabilities Act of 1990 (ADA) program.

The State ADA Coordinator shall:

1. Coordinate efforts to complete the required Cabinet self-evaluation;
2. Ensure that publications, i.e. handbooks, manuals, pamphlets, and posters are in an accessible format and comply with ADA;
3. Coordinate the development and dissemination of Cabinet ADA procedures;
4. Design and implement monitoring procedures and reporting systems, which will:
 - a. measure the effectiveness of the Cabinet's program;
 - b. ensure facility and work areas are in compliance with the ADA; and
 - c. indicate the need for corrective action;
5. Complete the evaluation, revision and updating of the Cabinet's program on a semi-annual basis. The results of this process must be forwarded to the Office of Diversity & Equality, Personnel Cabinet, with a copy of the Cabinet's revised program;
6. Coordinate ongoing agency training regarding ADA; and
7. Work with Cabinet agencies, upon request, to assist with mediating cases of work accommodation.

Section Heads, Managers and Supervisors

Section Heads, Managers and Supervisors shall ensure compliance with the Executive Branch Affirmative Action Plan and the Education and Workforce Development Cabinet Affirmative Action Plan, and promote Equal Employment Opportunity for all employees. Section Heads, Managers and Supervisors also shall:

1. Assist the Equal Employment Opportunity Coordinator in identifying and resolving problems and eliminating barriers, which inhibit equal employment opportunity;
2. Support the objectives and initiatives of the Cabinet's affirmative action program;
3. Communicate the Cabinet's affirmative action program to all assigned employees;
4. Ensure compliance with Cabinet EEO Training requirements; and

5. Comply with EEO investigations, including data collection, when necessary.

Employees

Employees are responsible for following and supporting all laws, rules, and regulations that govern equal employment opportunity in the workplace, including timely compliance with any agency directed training. Employees will also participate in any agency directed investigations, including EEO investigations.