



Executive Branch Affirmative Action Plan

May 23, 2024

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SECTION I: AFFIRMATIVE ACTION PLAN OVERVIEW

The Executive Branch Affirmative Action Plan is mandated by KRS 18A.138. 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 female and minority employment goals at 51.5% and 12.1%, respectively. These goals, based on 2020 Census information, reflect the state population of persons of working age. The increase in the minority employment hiring goal will be measured on an incremental basis starting with the July 2024 *Semi-Annual Report on Female & Minority Employment*.

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, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, 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 to complete such actions.

¹ Title VII of the 1964 Civil Rights Act, Genetic Information Nondiscrimination Act, Executive Order 2020-554, KRS 18A.138, and KRS 18A.140.

THE EXECUTIVE BRANCH AFFIRMATIVE ACTION PLAN

The Executive Branch Affirmative Action Plan reflects the sincere commitment to both good government and equitable treatment of all employees of the Commonwealth and applicants seeking employment with Kentucky State Government. KRS 18A.138 requires all cabinets, departments, and agencies of state government to comply with the provisions of the current Affirmative Action Plan for State Government, which is located in the [Executive Branch Employee Handbook](#). KRS 18A.138 also requires all cabinets, departments, and state government agencies to develop programs consistent with the Executive Branch Affirmative Action Plan. Furthermore, all Executive Branch agencies are required to follow the following additional plans and policies as set forth in the Executive Branch handbook:

[Policy Statement on Harassment Prevention](#)

[Policy Statement on Diversity and Inclusion](#)

Agencies are also required to comply with the requirements detailed in this plan document. When agency programs are developed, the programs must be consistent with all aspects of the overall state affirmative action plan detailed in the handbook and this plan document.

SECTION II: EXECUTIVE SUMMARY, OBJECTIVES, ANALYSIS & PLAN

EXECUTIVE SUMMARY

The Executive Branch Affirmative Action Plan is based on analysis of utilization reports of protected classes in the utilization and job categories.²

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

- Minority and female recruitment.
- Continual training for EEO coordinators.
- Consistent human resources practices and procedures.
- Distribution of employee complaint procedure information.

Included in the Action Plan is an extensive list of responsibilities and duties for Executive Branch personnel. These items represent two key priorities of the plan:

1. Provide training and technical assistance to agencies and EEO coordinators.
2. Create cooperative partnerships among agencies and the Office of Diversity, Equality, and Training (ODET) to encourage sharing of resources and information.

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 the applications submitted by minorities and women in state government.
3. Increase affirmative action and equal employment opportunities by analyzing specific practices and implementing employment policy.
4. Strengthen accountability, reporting, and evaluation when necessary.
5. Promote support for affirmative action, equal employment opportunity, and workforce diversity by providing information and training regarding these topics and fair employment practices to employees, supervisors, managers, and executive officers.

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.

ANALYSIS & PLAN

Program Analysis

A careful and thorough review of employment policies, procedures, and practices was conducted in the development of this plan. 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, recruitment to attract qualified members of underutilized groups, a system for career advancement, and/or a system for monitoring and program evaluation. Legal requirements of the KRS Chapter 18A merit system must also be applied. KRS 18A.010 requires that all appointments and promotions to positions in the state classified service be made solely on the basis of merit and fitness, to be ascertained by competitive hiring. In other words, applicants for positions may not be pre-selected for employment.

Organization & Resources

The Executive Branch Affirmative Action Plan is developed under the direction of the Personnel Cabinet Secretary. The Executive Branch of the Commonwealth of Kentucky is comprised of eleven cabinets and agencies and various departments, boards, and commission.

Action Items

Priorities, goals, or objectives of the Executive Branch Affirmative Action Plan are listed as follows:

1. Workforce Composition

A review of the workforce composition within State government indicates that women and minorities have not yet achieved appropriate representation in several areas. By continuing efforts to ensure delivery of equal employment opportunity (EEO) and affirmative action training workshops for supervisors, managers, professionals, and others with EEO responsibilities representation of women and minorities in the workforce will improve.

2. Recruitment and Outreach

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

- The Office of Diversity, Equality, and Training (ODET) will collaborate with the Division of Career Opportunities to develop innovative ways to increase the number of female and minority applicants for State government employment.
- The ODET will produce recruitment material and resources.
- All of the recruiting sources used by the Commonwealth will be informed of the Commonwealth's policy regarding Equal Employment Opportunity and will be asked to refer

qualified candidates without regard to their race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity or expression, pregnancy or related medical condition, marital or familial status, ancestry, political affiliation, genetic information, or veteran status.

3. Prevention/Investigation of Harassment

We remain committed to maintaining work environments free from all forms of harassment, which is prohibited by state and federal law. The following priorities continue to be identified as action items:

- To recognize that our employees are our most valuable asset and to treat them with dignity and respect.
- To create an environment that ensures the safety and welfare of our employees.
- To ensure delivery of anti-harassment prevention training for all employees.
- To ensure distribution of anti-harassment policies and procedures for filing complaints.

4. Program Monitoring, Evaluation and Reporting

A review of this area reflects the following continued priorities:

- Maintain existing record-keeping system and provision of reports.
- Promote understanding of affirmative action/equal employment opportunity goals and programs by all supervisors, managers, and other professionals.
- Standardize special reports to provide a basis for comparison and analysis.
- Educate supervisors, managers, and other professionals about responsibilities for program monitoring, evaluation, and reporting.

5. Dispute Resolution: EEO Complaints

It is in the best interest of state government, and the citizens of the Commonwealth, that EEO complaints be resolved efficiently and correctly. In order to provide for this, the following initiatives will be continued:

- Educate Human Resource (HR) and EEO professionals 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.
- Educate supervisors, managers, and executive leadership on the Kentucky Employee Mediation Program (KEMP).

6. Governor's Minority Management Trainee Program

The ODET will continue to administer the Governor's Minority Management Trainee Program (GMMTP) as required by KRS 18A.025(3)(a)(4). Created in 1995, the GMMTP is a twelve-month transformational leadership development program designed to provide guidance and leadership development opportunities for minority employees in the merit system. A flagship program, the GMMTP has garnered respect as a model for developing leaders within state government.

7. Diversity & Inclusion Councils & Employee Resource Groups

ODET will continue to work in collaboration with cabinets and agencies to create and administer Diversity and Inclusion Councils and Employee Resource Groups.

- **Diversity & Inclusion (D&I) Councils**

D&I Councils are independent groups organized within partnering Executive Branch agencies. These councils share the objectives of diversity and inclusion, enhance cultural awareness, and cultivate a sense of belonging.

- **Employee Resource Groups (ERGs)**

ERGs are committed to raising cultural awareness and creating a sense of belonging among all state government employees. ERGs collectively develop programming, conduct events and activities, and support internal and external community initiatives.

SECTION III: RESPONSIBILITIES

An 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.

PERSONNEL CABINET

Secretary of the Personnel Cabinet

The Secretary of the Personnel Cabinet has primary responsibility for supporting equal employment opportunity and inclusion within state government.

The Secretary of the Personnel Cabinet shall:

1. Implement and administer the Executive Branch Affirmative Action Plan.
2. Provide agencies with guidelines and assistance for establishing and implementing an affirmative action program in accordance with employment laws.
3. Update and disseminate EEO policy statements.
4. Develop and implement training programs.
5. Monitor and evaluate the implementation of goals established in this plan.
6. Continually monitor personnel policies and procedures to ensure equal employment opportunities.
7. Maintain, and make available for inspection, copies of the official affirmative action plan for Kentucky state government.

Office of Diversity, Equality & Training (ODET)

The ODET 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 ODET 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 this 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. Work to ensure consistency of EEO policies and procedures across the various cabinets and agencies.
8. Educate personnel on employee rights and complaint procedures.
9. Administer the Governor's Minority Management Trainee Program and Employee Resource Groups.
10. Consult agencies on complaint investigations and resolutions when requested or necessary.
11. Produce the federally mandated EEO-4 Report on behalf of Kentucky State Government.
12. Promote Personnel Cabinet alternative dispute resolution resources.
13. Collaborate with the Division of Career Opportunities to expand applicant pool.
14. If an agency adopts their own affirmative action plan, review and approve the plan and any updates to the plan.

CABINETS / AGENCIES

Cabinet Secretaries/Agency Heads

Cabinet Secretaries and Agency Heads are responsible for complying with the Executive Branch Affirmative Action Plan.

Cabinet Secretaries/Agency Heads shall:

1. Appoint an Equal Employment Opportunity (EEO) Coordinator for the agency and/or cabinet. The EEO Coordinator shall be designated in writing by the agency and the identity of the coordinator shall be provided to all agency employees. The Office of Diversity, Equality & Training shall also be notified of each agency's designated EEO Coordinator.
2. Instruct each of their agency heads to carry out the goals and objectives of the Executive Branch Affirmative Action Plan and conduct meetings with management as needed.
3. Ensure that Agency EEO Coordinators receive training provided by ODET.
4. 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.
5. Submit any agency-created and adopted affirmative action plan to ODET for review and approval. Note: At a minimum, agencies must comply with the Executive Branch Affirmative Action Plan. Agency created affirmative action plans may be adopted at the discretion of the agency.
6. Direct the formulation, implementation, and monitoring of the agency diversity programs.
7. Review each internal personnel procedure to identify any barriers to equal employment opportunity.
8. Assure that all official stationery and prepared correspondence contain the disclaimer "An Equal Opportunity Employer."
9. Display required employment statements and posters in state facilities and state publications.
10. Designate duties as required to the Human Resource Executive (HRE) to fulfill the obligations of the affirmative action plan.

Agency EEO Coordinator

The Agency EEO Coordinator shall have direct access to the agency head (or designee) and has primary responsibility for the agency's affirmative action program in compliance with the Executive Branch Affirmative Action Plan.

Agency EEO Coordinator shall:

1. Provide employees with information on employee rights and complaint filing options.
2. Assess agency's affirmative action program and provides recommendations to leadership as needed.
3. Provide periodic updates to management regarding progress toward equal opportunity in the agency.
4. If the agency adopts its own affirmative action plan, assess the plan, and provide recommended changes or revisions to the plan to leadership. Any revisions of the plan are to be submitted to ODET for review.
5. Conduct or coordinate investigation of discrimination complaints within their agency.
6. Coordinators are expected to participate in professional development and workshops hosted by ODET.
7. 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). Informs employees of such avenues of appeal.

Managers and Supervisors

Ensures compliance with the Executive Branch Affirmative Action Plan, through the agency's affirmative action program. Promotes Equal Employment Opportunity for all employees. Section Heads, Managers and Supervisors 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 Executive Branch Affirmative Action Plan and, if applicable, the agency's affirmative action plan.
3. Comply with EEO investigations.

Employees

Employees are responsible for following and supporting all policies, laws, and rules 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.