

## **JUSTICE and PUBLIC SAFETY CABINET Equal Employment Opportunity (EEO) Policy**

**PURPOSE** The Justice and Public Safety Cabinet is committed to ensuring an environment free from discrimination and harassment against employees and those who conduct business with the Cabinet. Types of prohibited conduct include, but are not necessarily limited to, harassment because of one's race, color, national origin, sex, age, religion, veteran status, genetic information, disability, political affiliation, sexual orientation, gender identity or ancestry.

Any employee may participate in these procedures without fear of retaliation. The Cabinet prohibits retaliatory action of any kind and regards such action as a separate and distinct cause for complaint. Any interference, coercion, reprisal, or other intimidation against an employee who has participated in the EEO/civil rights complaint procedures shall result in disciplinary action against the responsible individual(s).

### **Equal Employment Opportunity (EEO) / CIVIL RIGHTS COMPLAINT PROCESS FOR EMPLOYEES / CONTRACTORS**

- 1) The internal EEO/civil rights complaint procedures are inquiry, informal complaint, and formal complaint.
  - a) **INQUIRY**
    - i) An individual may approach any member of management, a supervisor, an EEO Coordinator, a departmental Human Resources Office, the Cabinet Human Resources Office, or the Cabinet Internal Investigations Branch with an inquiry. Every department Human Resources Office has an EEO Coordinator and they are listed on the Personnel Cabinet website.
    - ii) The supervisor or other recipient of the inquiry shall review this procedure with the individual making the inquiry and ask them to complete the *EEO Complaint* form. If the complainant does not provide a completed *EEO Complaint* form at the meeting, the supervisor or other recipient of the inquiry shall complete and forward the *EEO Complaint* form to the Cabinet Internal Investigations Branch or the Cabinet Human Resources Office by close of the next business day after the inquiry is made.
  - b) **INFORMAL COMPLAINT**
    - i) If the inquiry is determined to be in possible violation of this policy or EEO laws, the EEO Investigator or Agency Investigator shall bring the issue to the attention of management and Human Resources. If the inquiry cannot be informally resolved, it shall be accepted as a formal complaint.

c) **FORMAL COMPLAINT**

- i) If an individual chooses, he or she may bypass the inquiry/informal complaint process and file a formal complaint with the Cabinet Internal Investigations Branch or the Cabinet Human Resources Office at any time. Before a formal investigation is initiated, the complainant shall complete and sign the *EEO Complaint* form. This statement shall include the allegation of discrimination (equal pay, failure to promote, etc.), complaint's basis (race, color, sex, etc.), and identity of the accused along with the incident date/dates. The *EEO Complaint* form shall be emailed to [JusticeCabinetEEO@ky.gov](mailto:JusticeCabinetEEO@ky.gov), faxed to (502)564-0250, (502)564-6686 or mailed to the following:

**Justice and Public Safety Cabinet**  
**Internal Investigations Branch**  
**Or**  
**Cabinet Human Resources Director**  
**125 Holmes Street, 2<sup>nd</sup> Floor**  
**Frankfort, Kentucky 40601**

- ii) The complainant has thirty (30) days to complete the *EEO Complaint* form. Failure to return the form within thirty (30) days will result in a closure of the complaint. The complainant may resubmit or refile the complaint at any time.
- iii) The complainant may fax the document(s) to (502)564-0250 or (502)564-6686.
- iv) For an unsubstantiated complaint, the Department Head shall issue a letter indicating the claims were not substantiated to the complainant, the accused, and the Cabinet Human Resources Director.
- v) For a substantiated complaint, the Department Head shall issue a letter indicating the claims were substantiated to the complainant, the accused, and the Cabinet Human Resources Director.
- vi) Regardless of the investigation's determination (substantiated or unsubstantiated), if the Cabinet Human Resource Director or Cabinet General Counsel are notified that counsel represents the complainant, the letter shall be sent to the complainant's counsel. The complainant or his or her legal counsel shall provide all necessary contact information.
- vii) The investigation for the formal complaint should not exceed 45 days from the date the EEO Investigator or Agency Investigator receives the formal complaint. Upon written notification to the complainant and the Internal Investigations Branch management, the EEO Investigator may extend the completion date of the investigation. The letter from the Department Head should be sent as soon as possible after the completion of the investigation.

## 2) OTHER AVAILABLE OPTIONS

- a) The following options are available concurrent with an internal complaint investigation. The EEO Coordinator shall advise employees of other options available for filing complaints with state and federal compliance agencies:
- i) A state employee may file a grievance that alleges discrimination on the basis of race, color, national origin, sex, age (40 or older), religion, veteran status, disability, political affiliation, sexual orientation, gender identity or smoking status or in reprisal for opposition to discriminatory practices or participation in the EEO process. The recipient of such grievance shall immediately notify the Cabinet's EEO Coordinator to comply with Kentucky's Affirmative Action Plan.
    - (1) If a grievance is filed alleging discrimination or sexual harassment, the grievance will be suspended, and the complainant shall complete the *EEO Complaint* form and submit it to the Cabinet Internal Investigations Branch or the Cabinet Human Resources Office. If the outcome of the investigation conducted by the Cabinet's Internal Investigations Branch is unsatisfactory to the complainant, then the complainant has the right to proceed with the grievance process outlined in the Personnel Cabinet's *Employee Handbook*.
  - ii) The Office of Diversity, Equality, and Training (ODET) is the office within the Personnel Cabinet that also addresses complaints of discrimination. An individual may obtain guidance from or file an EEO complaint with this office or the State EEO Coordinator within the Personnel Cabinet.
  - iii) Any classified or unclassified employee may appeal directly to the state Personnel Board an action alleged to be based on discrimination due to race, color, national origin, sex, age (40 or older), religion, veteran status, disability, political affiliation, sexual orientation, gender identity or smoking status or in reprisal for opposition to discriminatory practices or participation in the EEO process.
  - iv) The Equal Employment Opportunity Commission (EEOC) is the federal agency that investigates complaints of discrimination. An individual may obtain guidance from or file an EEO complaint with this office.
  - v) The Kentucky Commission on Human Rights is the state agency that investigates complaints of discrimination. An individual may obtain guidance from or file an EEO complaint with this office.
  - vi) The Finance and Administration Cabinet is the primary support agency for state government. An individual may email the employee Tipline at [TipLine.KY.gov](mailto:TipLine.KY.gov).

## **RESPONSIBILITIES OF DEPARTMENTS and the CABINET**

- 1) Supervisors shall not request major disciplinary action against employees based on allegations raised in a complaint until the completion of the investigation. The Department Head may issue placement on special investigative leave during the investigation if deemed necessary.
- 2) No employee shall retaliate against anyone who makes a complaint in good faith or participates in an investigation according to this policy. Any employee who is found to have retaliated shall be subject to disciplinary action, up to and including dismissal.

## **WITHDRAWAL OF COMPLAINT**

A complaint may be withdrawn by contacting the Cabinet Internal Investigations Branch or the Cabinet Human Resources Office.

## **LEGAL AUTHORITY**

- 1) Title VII of the Civil Rights Act of 1964, 42 USC 2000e, et seq;
- 2) Americans with Disabilities Act, 42 USC 12101, et seq;
- 3) Kentucky Executive Order 2008-473;
- 4) Presidential Executive Order 11246 as amended in Executive Order 11375;
- 5) Age Discrimination in Employment Act of 1967, 29 USC 621, et seq;
- 6) Section 504 of the Rehabilitation Act of 1973, 29 USC 794, et seq;
- 7) Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff-1;
- 8) Kentucky Civil Rights Act, KRS Chapter 344;
- 9) KRS Chapter 18A; and
- 10) 101 KAR 2:102.