

<b>Finance and Administration Cabinet STANDARD PROCEDURE</b>	PAGE: 1 OF 5
<b>ISSUED BY: OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND CONTRACT COMPLIANCE</b>	
EFFECTIVE DATE: <b>6/06/05 Revised 11/13/07</b>	
PROCEDURE # <b>2.19</b>	
SUBJECT: <b>Americans with Disabilities Act</b>	
DISTRIBUTION CODE: <b>A,B,C,D</b> CONTACT: <b>Executive Director – EEO and Contract Compliance (502) 564-2874</b>	

## **I. PURPOSE**

The Finance and Administration Cabinet (Cabinet) recognizes its responsibility to abide by the provisions of the Americans with Disabilities Act of 1990 (ADA) and the Kentucky Civil Rights Act. This procedure establishes processes for handling allegations or suspicions of discrimination or harassment and for reviewing requests for reasonable accommodation.

## **II. PROCEDURE**

### **A. Reasonable Accommodation Requests**

- An employee shall notify the supervisor or manager of the need for a reasonable accommodation.
- If required by the Cabinet, the employee shall provide documentation from a healthcare provider or rehabilitation professional.
- The employee and Cabinet shall work together to determine an effective accommodation.
- The Cabinet shall make the final determination regarding reasonable accommodation.

### **B. Reporting Allegations of Discrimination or Harassment**

#### **1. Employee reports**

An employee who believes he/she is a victim of discrimination or harassment at work by supervisors, managers, co-workers, visitors, clients, or customers instances may notify any of the following:

- a supervisor or manager,
- an EEO Counselor,
- the Cabinet EEO/ADA Coordinator,
- the Director of Human Resources,
- the State EEO Coordinator, or

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- the State ADA Coordinator.

An employee may also file a complaint with:

- the Kentucky Commission on Human Rights, or
- the federal Equal Employment Opportunity Commission (EEOC).

## 2. Reports by job applicants

Applicants for employment may bring a complaint to the attention of any of the following:

- the Cabinet EEO/ADA Coordinator,
- the State ADA Coordinator,
- the State EEO Coordinator
- any of the Human Rights Commission offices, or
- the federal EEOC.

## C. Complaint Investigations

- The Office of Equal Employment Opportunity and Contract Compliance (EEO/CC) shall promptly investigate all complaints or suspicions of potential discrimination, harassment or retaliation.
- To the extent possible, the privacy of the complainant and the person accused of discrimination, harassment or retaliation shall be kept confidential. Information concerning the complaint shall not be released to third parties or anyone who is not involved with the investigation under the Open Records Act. Nor shall anyone involved be permitted to discuss the subject outside the investigation. The purpose of this provision is to 1) protect the confidentiality of the employee who files a complaint, 2) to encourage the reporting of any incidents of sexual harassment, and 3) to protect the reputation of any employee wrongfully charged with sexual harassment.

## D. Corrective or Disciplinary Action

After completing an investigation the Cabinet shall, as appropriate, take the following action:

- assure that all parties are reacquainted with the ADA procedures,

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- require specific training, counseling and/or follow-up,
- take disciplinary action, up to and including dismissal,
- provide any information requested by the State ADA Coordinator.

### **III. RESPONSIBILITIES**

#### **A. The Cabinet shall:**

- maintain a positive, non-hostile work environment, and
- maintain an atmosphere where all employees are safe to report discrimination or harassment or to request a reasonable accommodation without fear of retaliation.

#### **B. The Office of Equal Employment Opportunity and Contract Compliance (EEO/CC) shall:**

- promptly investigate all complaints or suspicions of illegal conduct and maintain investigative reports,
- notify the Division of Human Resources and the Office of General Counsel regarding potential discrimination, harassment or retaliation,
- assure that all requests for reasonable accommodation are considered in a timely manner,
- provide guidance to employees, supervisors and managers regarding the ADA procedures, and
- ensure that all employees, managers, and EEO counselors receive appropriate ADA training.

#### **C. Agency EEO Counselors shall:**

- know and understand procedures for handling complaints and requests for reasonable accommodation,
- ensure that the ADA procedures are posted in a location accessible to all employees, and
- immediately notify the Cabinet EEO/ADA Coordinator when a complaint or request for reasonable accommodation is received.

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### **B. Supervisors/Managers**

A supervisor or manager shall immediately notify the agency EEO Counselor and the Cabinet EEO/ADA Coordinator when:

- any employee makes an allegation of discrimination or harassment,
- the supervisor or manager witnesses, is made aware of, or suspects potential discrimination or harassment,
- an employee requests a reasonable accommodation,
- the supervisor or manager receives an inquiry from the Kentucky Retirement System regarding disability retirement.

### **C. The Division of Human Resources shall:**

- notify EEO/CC and the Office of General Counsel regarding potential discrimination, harassment or retaliation,
- work with the EEO/CC and the Office of General Counsel to make recommendations at the conclusion of a complaint investigation,
- work with the supervisor or manager and EEO/CC to respond to requests for reasonable accommodation,
- work with the EEO/CC in responding to disability retirement inquiries for the Kentucky Employees Retirement System.

### **D. The Cabinet employee:**

- is strongly encouraged to report any instances of discrimination, harassment, retaliation or need for reasonable accommodation.

## **IV. DISCIPLINE FOR VIOLATIONS**

Any employee determined to have refused to abide by or to have violated the ADA procedure shall be subject to disciplinary action, including, but not limited to reprimand, fine, demotion, suspension and dismissal.

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## V. REFERENCES

- Office of the Kentucky ADA Coordinator  
<http://ada.ky.gov/>
- State EEO Coordinator  
<http://personnel.ky.gov/eeodiversity/>
- U.S. EEOC website  
<http://www.eeoc.gov/>

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**NO STANDARD PROCEDURE MAY BE REVISED BY ADDENDUM, MEMORANDUM OR ANY OTHER MEANS OTHER THAN THOSE SET OUT IN STANDARD PROCEDURE #1.1 ENTITLED "CREATION, REVISION AND RESCISSION OF FINANCE AND ADMINISTRATION CABINET POLICIES AND PROCEDURES"**

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**DISTRIBUTION CODES:**

**A. Senior Management B. Division Directors C. Branch Managers/Supervisors  
D. Cabinet Personnel E. Division Personnel F. Branch Personnel G. Attached Agencies**

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