

CABINET FOR ECONOMIC DEVELOPMENT

Office of the Secretary
Office of Legal Services
Office of Administrative Services
Office of Research and Public Affairs
Office of Commercialization and Innovation
Department for Business Development
Department of Financial Incentives

July 1, 2011

Lorrie Hawkins
Division of Financial Audit
209 St. Clair Street
Frankfort, Kentucky, 40601

Via – USPS and E-Mail

Re: 2011 Title VI Implementation Plan Update and Compliance Report
Cabinet for Economic Development

Dear Ms. Hawkins:

Enclosed please find the Cabinet for Economic Development's 2011 Title VI Implementation Plan Update and Compliance Report. Copies of the enclosed documents have also been submitted by e-mail.

Please advise if there is anything further that you need.

Sincerely,

Catherine C. Staib
Assistant General Counsel

Enclosures

cc: Commission on Human Rights

Auditor of Public Accounts
Title VI of the Federal Civil Rights Act
Implementation
“Initial Plan and “Plan Update” Form”

Initial Plan

Plan Update

AGENCY: Cabinet for Economic Development

DATE: July 1, 2011

Pursuant to KRS 344.015 and Section 2 of 45 KAR 1:080, state agencies receiving federal funds shall prepare and submit an annual Title VI plan update to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter. Please complete the following information when submitting annual plan updates.

Check the corresponding sections of the plan that the agency is:

- (1) Required to update; and/or
- (2) Amending.

Please include the updated wording under the applicable sections listed below in your Plan Update.

The following sections are required to be updated annually: (6), (7), (9), (10), (12) and (13). Please attach a Plan Update detailing updates or changes from the prior year Plan – do not submit your entire plan once it is on file with the Auditor’s Office.

(1) Glossary/Definitions

(2) Overview

(3) Scope Of Title VI Applicability To Programs And Activities

(4) Responsible Official

(5) Statement Of Assurance

(6) Identify Programs Or Activities Subject To Title VI

(7) Complaint Procedures

(8) Compliance/Noncompliance Reporting

(9) Agency Training Plan

(10) Evaluation Procedures Of Title VI Plan

(11) Public Notice And Outreach

(12) Recordkeeping And Reporting

(13) Minority Representation On Planning Board Or Advisory Body

NOTE: This form **DOES NOT** substitute for the actual **update** that may need to be completed.

Title VI Compliance Status Report
Cabinet for Economic Development
(July 1, 2010 - June 30, 2011)

	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Coordinator for this agency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board if at least 5% of the population in the geographic service area are minority persons.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTE: This form **DOES NOT** substitute for the **actual update** that may need to be completed.

**CABINET FOR ECONOMIC DEVELOPMENT
TITLE VI IMPLEMENTATION PLAN UPDATES**

2. Over View of the Agency: This section of the Cabinet's initial plan has changed since the last update to read as follows:

The mission of the Cabinet for Economic Development is to create more and higher quality opportunities for all Kentuckians by building an expanding and sustainable economy. The Cabinet consists of the Office of the Secretary, Office of Legal Services, Office of Administrative Services, Office of Research and Public Affairs, Office of Commercialization and Innovation, Department for Business Development, and Department of Financial Incentives. Each office or department is made up of sub units. A more complete breakdown of the Cabinet is contained in Appendix C. Title VI programs help the Cabinet reach various members of the business community to enhance their success in building and expanding the Commonwealth's economy.

4. Responsible Official: This section of the Cabinet's initial plan has been reviewed for updating and has been revised to read as follows:

The Secretary of the Cabinet is to select and name an individual to coordinate the Cabinet's nondiscrimination efforts for federally funded Cabinet programs or activities, to include such actions as making grants, loans, contracts, or providing business assistance. The coordinator is to oversee, monitor, and enforce Title VI of the Civil Rights Act. Assistant Coordinators, within departments that dispense or receive federal funds, are to be appointed to assist the Cabinet Coordinator with enforcing Title VI of the Civil Rights Act. The Cabinet's Executive Director, Office of Legal Services, will serve as advisor to the Cabinet Coordinator in all matters pertaining to Title VI. In addition, an Advisory Board of selected Cabinet employees will be established by the Secretary to address Title VI issues and concerns. The Cabinet has appointed Catherine C. Staib as Coordinator for Title VI. Her address is Old Capitol Annex, 300 W. Broadway, Frankfort, Kentucky, 40601; telephone: 502-564-7670; e-mail: Catherine.Staib@ky.gov.

Roni-Anne Denham is designated as a Cabinet Title VI Assistant Coordinator. Her address is Old Capital Annex, 300 West Broadway, Frankfort, Kentucky 40601; telephone 502-564-7670; e-mail: Roni-Anne.Denham@ky.gov. Tim Back is also designated as a Cabinet Title VI Assistant Coordinator. His address and telephone number is the same; e-mail: Tim.Back@ky.gov. Advisory Board members are listed in Section 13.

5. Statement of Assurances: This section of the Cabinet's initial plan has been reviewed for updating and has been revised to read as follows:

Prior to receiving or dispensing any federal funded loans, services, contracts, or grants, all departments of the Cabinet for Economic Development, as well as its contractors or grantees, are required to sign a non-discrimination clause. In signing such a clause, they certify they will:

Comply with all federal statutes relating to non-discrimination. These include, but are not limited to, Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin.

Copies of written assurances of compliance with Title VI, from Cabinet departments receiving or dispensing federal funds or providing federally funded Cabinet services as the result of federal funds, such as contractors or grantees, are to be collected, filed, and maintained by the Cabinet's Title VI Civil Rights Assistant Coordinators and made available upon written request. Both the Cabinet and any sub-recipients have complied with Title VI.

6. Identify Programs or Activities Subject to Title VI – The following two Cabinet programs currently receive federal funding and are subject to Title VI: This section of the Cabinet's initial plan has been reviewed for updating and has been revised to read as follows:

A. The Kentucky Procurement Assistance Program (KPAP), Department of Financial Incentives, currently receives federal cooperative agreement funds from the US Department of Defense, Defense Logistics Agency (DLA). These funds are matched with state dollars and are used to assist the beneficiaries, Kentucky businesses, in selling goods and services to federal, state, and local government agencies. Primary program services include marketing assistance, consulting, and training programs. KPAP promotes these services through a combination of direct marketing and networking. Special emphasis is given to attracting minority firms interested in doing business with government agencies. Services are available to firms throughout the state. Because this program is directed toward existing businesses, the call for services to those with limited English proficiency ("LEP") has appeared to be limited. However, efforts are being made to reach businesses for which LEP may be an issue and include them within the ambit of KPAP. See Section 11, below. CFDA – 12.002.

B. The Kentucky Export Initiative (KEI), Department for Business Development, is partially funded by a grant from the Appalachian Regional Commission. The grant funding began September 1, 2010, and extends through December 31, 2011. The purpose of the initiative is to teach, the beneficiaries, Kentucky business owners in the 50 county Appalachian region of Kentucky, the importance and mechanics of exporting their products. The services have been made available to all appropriate businesses in the Appalachian region through informational/training meetings. Efforts were made to reach all interested parties in the region. All KEI events were conducted in the Appalachian region of the state. CFDA – 23.001

7. Complaint Procedures: This section of the Cabinet's initial plan has been reviewed for updating and has been revised to read as follows:

Any person who believes that a Cabinet's recipient or dispenser of federal funds discriminated against him/her based on race, color, or national origin, has a right to file a complaint no later than 90 calendar days after the alleged discrimination and request a compliance review. The Complaint is to be filed with the Cabinet's Coordinator for Title VI at Old Capitol Annex, 300 West Broadway, Frankfort, Kentucky; e-mail Catherine.staib@ky.gov; telephone 502-564-7670. All complaints, written or verbal, are to be accepted by the Coordinator. In the event a complainant refuses or is unable to put his/her allegations in writing,

the Coordinator will reduce the elements of the complaint to writing. Forms are available from the Coordinator to aid a complainant in filing a complaint, but the use of such forms is not required for acceptance of a complaint. Complaints may be filed electronically by e-mail to the Coordinator. Complaints should contain the following information:

- Name, address, and telephone number of the complainant;
- The location and name of the Cabinet program, activity, grantee, or contractor alleged to have discriminated;
- The nature of the incident that led the complainant to feel discrimination occurred;
- The basis of the complaint; i.e., race, color, or national origin;
- Names, addresses, and phone numbers of people who may have knowledge of the incident(s); and
- The date or dates on which the alleged discriminatory incident(s) occurred.

The Cabinet Coordinator, as part of his or her complaint review is to:

- Investigate the complaint thoroughly, to include interviewing Cabinet staff against whom a complaint was lodged;
- Resolve the complaint, or refer for further handling, within 30 calendar days of its receipt;
- Acknowledge receipt of the complaint in writing and request a time and date that an investigator can reach the complainant by telephone contact to discuss the complaint, or in the alternative, make arrangements for a face-to-face visit;
- Determine if there is a violation of Title VI and, if there is, inform the violator of proposed remedial action;
- Conduct a full compliance/noncompliance investigation, if violation continues and records maintained on incidents and follow-up contacts demonstrate that no correction action was taken;
- The complainant may appeal an adverse determination. The appeal should be addressed as stated for a complaint; and
- If complainant chooses to withdraw his/her complaint, the reason for withdrawal shall be documented in writing;

During the time period covered by this report, no complaint was received.

9. Agency Training Plan: This section of the Cabinet's initial plan has been reviewed for updating and does not require revision since the last update.

Employees of the Cabinet for Economic Development that receive or dispense federal funds are to receive orientation regarding the obligations and rights involved in the Title VI program as are the Cabinet grantees or contractors that receive federal funds. The Cabinet Coordinator for Title VI is to arrange for such training. Assistant Coordinators within programs that dispense or receive federal funds shall provide annual notice and/or training for all employees in their federally funded programs, and shall certify in writing that such training has taken place. Training will consist of written materials explaining Title VI requirements, as well as verbal discussion to clarify any issues as needed. The Cabinet Coordinator will provide technical assistance related to Title VI implementation as needed. Training will include information on

Executive Order 13166, “Improving Access to Services for Person with Limited English Proficiency”.

10. Evaluation Procedures of Title VI Plan: This section of the Cabinet’s initial plan has been reviewed for updating and does not require revision since the last update:

Collection Data: The Cabinet Coordinator will ensure that any Cabinet recipient or dispenser of federal funds, to include grantees and contractors, are in compliance with Title VI by periodically collecting:

- The manner in which the services are, or will be, provided by the program;
- The assistance, services, programs, or activities provided, broken down by race, color or national origin;
- Program employment data by race, color or national origin;
- The location of existing or proposed facilities connected with the program (to determine the effect of unnecessarily denying access to any person); and
- The current or proposed membership (by color, race or national origin) of any planning or advisory body that is an integral part of the program.

Visits: Additional action might include visits by the Coordinator or his/her designates, for the purpose of monitoring compliance activities of the Cabinet recipients or dispensers of federal funds to include grantees or contractors that received federal funds through the Cabinet (see Appendix B).

Self-Surveys: Self-surveys are to be completed annually by Assistant Coordinators of Title VI within those Cabinet activities that receive or dispense federal funds. An annual report of this analysis shall be submitted to the Cabinet’s Title VI Coordinator no later than June 25th of each year. Self-surveys and written progress reports will be maintained

Advisory Board: The Cabinet will maintain a Title VI Advisory Board comprised of various Cabinet staff. It is to meet at least once a year to review prior year’s activities. This yearly meeting will focus primarily on complaints filed during the year. Any significant problems of general compliance will also be addressed. At this time, there do not appear to be any significant deficiencies in the program. However, the Advisory Board is becoming more active in identifying any issues that might arise as the Cabinet develops additional programs the use federal funds. Applications have been made for two such programs and additional training for the personnel who will be involved in these programs is being developed.

11. Public Notification/Outreach: This section of the Cabinet’s initial plan has been reviewed for updating and has been revised to read as follows:

The Cabinet’s recipient or dispenser of federal funds and their grantees and contractors will take positive and specific action to advise and inform the public about all available services and about their rights under Title VI. As part of its compliance procedures, the Cabinet’s recipient or dispenser of federal funds and their grantees or contractors will display posters and other literature stating that its program is in compliance with Title VI. Civil rights requirements will

be included in all guidelines and information on Title VI will be made available to the public. All Program information, to include brochures and promotional material, published by the Cabinet's recipient or dispenser of federal funds and their grantees or contractors will include a statement that their services, assistance, or activities are available to all without regard to race, color, or national origin. At this time, services are being provided by Cabinet staff and a contractor.

Outreach to those with limited English proficiency ("LEP"): Because the Cabinet's KPAP and KEI services are offered to businesses rather than individuals, special efforts are being made to reach those businesses for which LEP may be an issue. The Cabinet will call upon its internal resources, having several employees who are fluent Spanish speakers and several fluent in Asian Pacific languages to assist in this outreach. A statement has been added to the KPAP program's web site, in Spanish, to advise of the availability of KPAP; other web based LEP changes are anticipated for the KEI program. Outreach is being made to the Kentucky Hispanic Business Council and any similar organizations, including those in the Japanese and Indian communities, in order to reach their members and identify businesses that need special outreach because of LEP issues. Additionally, a study is planned to assess the needs of LEP businesses for both programs and the most effective methods of reaching that business population. The KPAP brochure has been translated into Spanish and is to be printed and distributed.

Tim Back is the individual directly responsible for KPAP in the Cabinet, including the oversight of the distribution of information regarding the program. Roni-Anne Denham is the individual directly responsible for KEI in the Cabinet, including the oversight of the distribution of information regarding the program. She replaced a previous staff person who is retiring. Both individuals pass Title VI information on to clients.

12. Record Keeping and Reporting: This section of the Cabinet's initial plan has been reviewed and revised since the last update to read as follows:

The Cabinet Coordinator with assistance from the Assistant Coordinators will prepare an annual report and summary of his/her monitoring activities and complaint processing, and information gathered during investigations and other Title VI actions, proceedings, or investigations. The report will be submitted annually to the Secretary of the Cabinet for Economic Development. The Secretary of the Cabinet is to distribute this report to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter. The Cabinet Coordinator shall maintain all records regarding Title VI for a period not less than six years.

The Cabinet Coordinator will also maintain records showing the extent to which protected parties are participating in Cabinet programs covered by Title VI:

a) For the period 7/1/10 to 6/30/11, the Kentucky Procurement Assistance Program (KPAP) activity was as follows: KPAP's active client base currently consists of 17% minority owned firms. KPAP sponsored or participated in 26 training events during this period. Seven (7) of these events (27%) specifically focused on minority firms and all events were openly marketed and made available to minority firms. Twenty-three percent (23%) of all counseling sessions

documented by KPAP staff took place with minority firms. KPAP also made efforts to reach individuals with limited English proficiency by posting the following statement on the KPAP web page (www.thinkkentucky.com/KPAP):

“For assistance in translating the KPAP pages to another language, please visit these suggested sites:

Para la ayuda en traducir las páginas de KPAP a otra lengua, visite por favor estos sitios sugeridos:

[Google Translate](#) 

[Babel Fish](#) 

b) For the period of September 1, 2010, when the grant was received, until June, 30, 2011, the Kentucky Export Initiative (KEI) sponsored 4 informational events bringing awareness to 165 people the importance of exporting. KEI also held four training seminars teaching 53 company representatives the basic steps to exporting. In an effort to create export opportunities for Kentucky companies, representatives of the Cabinet’s Mexico Office led a lumber buyers’ mission to Kentucky to meet with a total of 6 local companies. Some of these events were held to introduce economic development professionals and community leaders in the area to the program. The events were marketed to and took place in Kentucky’s Appalachian region and open to all Appalachian companies. The region itself is rather homogeneous, so minority participation was limited. However, efforts are being made during the balance of grant activities (term ends December 31, 2011) to determine if the needs of any minority owned or LEP businesses in the region are not being served. The success of these efforts is being monitored by the Advisory Board.

c) No changes were made to subsection 8. Changes to subsection 9 are contained above.

13. Minority Representation on Planning Board or Advisory Body: This section of the Cabinet’s initial plan has been reviewed and revised since the last update and reads as follows:

Whenever a planning or advisory body, such as a board or committee, is an integral part of the services, assistance, or activities provided by a Cabinet recipient or dispenser of federal funds, to include their grantees and contractors, they are to take and document steps carried out to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members.

a. The Cabinet has four planning and/or advisory boards attached to it. These boards are statutory in nature, and the members are not employees of the state or Cabinet, except for those who are members of a board by virtue of serving in another state post. The members do not participate in the single federally funded program of the Cabinet.

The Kentucky Economic Development Partnership Board is comprised of 13 individuals: one is the Governor of the Commonwealth who serves as chairman; four are Executive Branch Cabinet Secretaries; the balance is private sector individuals. All are white Americans. Minority representation is 0%.

The Kentucky Economic Development Finance Authority is comprised of seven individuals: one is an Executive Branch Cabinet Secretary; the balance is private sector

individuals. One is a black American and six are white Americans. Minority representation is 14%.

The Bluegrass State Skills Corporation is comprised of 18 individuals. Of these, six serve by virtue of other positions held in state government. Twelve are private sector individuals. Two are black American, one being the chairman of the Board, and 16 are white Americans. Minority representation is 11%.

The Commission on Small Business Advocacy is comprised of 13 individuals, all from the private sector, with particular interest in and involvement with small businesses. Of the 13 members, two are black Americans. Minority representation is 15%.

b. The Cabinet may implement no policy to increase the minority representation on these boards. Membership on the boards is statutorily mandated in the case of cabinet secretaries and other state positions, the majority of which are gubernatorial appointments. The Governor appoints the private sector members of each board. The Cabinet, therefore, does not have the authority to alter the composition of the boards or create a plan to change the composition of the boards.

c. The Cabinet has 81 staff members. Of these five are black Americans (6%), three are Asian (4%), and one is originally from Cuba and is a United States Citizen. The remaining employees appear to be native born, white Americans.

Additionally, the Title VI committee is comprised as follows:

<u>Name</u>	<u>Race</u>
Mark Johnson	Black American
Ray Griffith	Black American
Stacey McClellan	White American
Roni-Anne Denham	White American
Katie Smith	White American
Tim Back	White American
Catherine C. Staib	White American
Joe Kelly	White American
Minority representation by percentage: 25%	

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