

**KENTUCKY LABOR CABINET**

*Office of the Secretary  
Department of Workplace Standards*



*Auditor of Public Accounts - 2011 Title VI*  
**Commonwealth of Kentucky**  
**Auditor of Public Accounts**  
**Title VI of the Federal Civil Rights Act**  
**Implementation**  
**“Initial Plan and “Plan Update” Form”**

Initial Plan

Plan Update

**AGENCY:** Labor Cabinet

**DATE:** 6/30/2011

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**  
**Kentucky Labor Cabinet**  
 (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.

## **VI. IDENTIFY PROGRAMS OR ACTIVITIES**

The Kentucky Labor Cabinet receives federal funding for the *Kentucky Occupational Safety and Health Program (KYOSH)*. This program is divided into two primary areas, the Division of OSH Compliance which investigates occupational safety and health complaints and performs random inspections, and the Division of OSH Education and Training offering voluntary services to the public. The Cabinet also receives federal funding in the area of Apprenticeship and Training. This program is administered by the Division of Employment Standards, Apprenticeship and Mediation. Attachment 5 provides a listing of the grants associated with the respective divisions.

## **VII. COMPLAINT PROCEDURES**

**Internal Complaint Procedure:** Any person who believes he/she or any special class of individuals have been subjected to discrimination of the type prohibited by Title VI may file an oral or written complaint (see **Attachment #1** at the back of this Plan) with the Kentucky Labor Cabinet Title VI Coordinator at the following address and/or telephone number:

Mr. Cornelius O'Banion, Title VI Coordinator  
Office of the Secretary  
Kentucky Labor Cabinet  
1047 US HWY 127 S, Suite 4  
Frankfort, KY 40601  
(502) 564-3070, Ext. 231

Complaints should be filed within ninety (90) days of the alleged discrimination. Receipt of the complaint will be promptly acknowledged by the responsible official (the Title VI Coordinator). The complainant will be advised of the commencement of an investigation of the alleged discrimination by the Cabinet. All complaints will be promptly investigated. The investigation must be conducted and completed within thirty (30) working days of the receipt of the complaint. All information gathered in the investigation shall be confidential.

A written response containing the Cabinet's finding will be provided to the complainant upon completion of the investigation (see **Attachment #2** at the back of this Plan). If the complainant is dissatisfied with the response he/she may request a meeting with the Secretary of the Kentucky Labor Cabinet or his/her designee to attempt a mutually agreeable resolution. Requests for resolution meetings must be made by the complainant within ten (10) days of receipt of the written response. If a mutually agreeable resolution can not be reached, the complainant will be advised of the right to file a complaint with the Kentucky Human Rights Commission, pursuant to the provisions of KRS Chapter 344.

A withdrawal of a complaint must be in writing, signed by the complainant or his/her representative and forwarded to the Title VI Coordinator named above in Section VII (see **Attachment #3** at the back of this Plan).

If the agency finds, on the basis of a complaint and investigation, that discrimination has occurred or is occurring, corrective action will be taken and follow-up compliance reviews will be conducted.

*Corrective Action:* If a discriminatory practice is found in a federally-funded program within the Kentucky Labor Cabinet, the Cabinet will be provided a written notice of the discriminatory practice and will be directed to immediately take corrective action to eliminate or cease the practice.

*Follow-up Compliance Review:* In the case of a finding that discrimination, in violation of Title VI, has occurred or is occurring, and voluntary compliance is obtained, the program will be reviewed within three months of the survey, review, or complaint that resulted in the finding to determine compliance with Title VI. A second follow-up review will be conducted within six months on the initial follow-up.

*Appeals:* Any party who is aggrieved by the decision issued may make a request, in writing, to the Title VI Coordinator for reconsideration of the decision and to present further evidence. Such request shall be made no more than twenty (20) days after issuance of the decision.

### **IX. AGENCY TRAINING PLAN**

It is the Kentucky Labor Cabinet's policy to recruit, hire, train, and promote persons in all job classifications without regard to race, color, national origin, religion, sex, age, or disability status. New staff will receive EEO and Title VI information during orientation.

Executive management staff will receive an annual briefing and hand-outs from the Title VI Coordinator. Executive staff is encouraged to pass this information along to supervisors in divisional staff meetings and continue to advise staff to render a high quality of services to all clients regardless of their race, color, or national origin.

The EEO and Title VI Coordinator, EEO counselors, and other key personnel are encouraged to attend the Governor's Annual EEO Conference.

### **X. GOALS AND EVALUATION PROCEDURES**

The goal of the Kentucky Labor Cabinet in regard to Title VI compliance is to afford all individuals an equal opportunity to participate in federal financially assisted programs and to benefit equally from those programs.

All services shall be administered so as to not discriminate against any individual or group of individuals in regard to race, color, or national origin. To assure this, the programs which receive federal financial assistance and offer services to the public shall be reviewed annually as it pertains to Title VI by the Title VI Coordinator designated by the Secretary of Labor. The programs that receive federal financial assistance are the Division of OSH Compliance and Division of OSH Education & Training.

As mandated by KRS 338, the Division of OSH Compliance is required to investigate all potential violations of occupational safety and health standards by employers. By statute, all valid employee complaints must be investigated. In addition, any person who feels aggrieved may file a complaint against the State Program with the federal government.

The Division of OSH Education and Training shall assure compliance with Title VI by annually providing to the Title VI Coordinator a listing of all requests for voluntary consultations and services received from all employers and the priority in which they are responded to. It should be noted that this division is presently subject to the federal audit and/or complaint procedures which affect the Division of OSH Compliance.

If the agency finds non-compliance, corrective action will be taken and follow-up compliance reviews will be conducted.

*Corrective Action:* If a discriminatory practice is found in a federally-funded program within the Kentucky Labor Cabinet, the Cabinet will be provided a written notice of the discriminatory practice and will be directed to immediately take corrective action to eliminate or cease the practice.

*Follow-up Compliance Review:* In the case of a finding that discrimination, in violation of Title VI, has occurred or is occurring, and voluntary compliance is obtained, the program will be reviewed within three months of the survey, review, or complaint that resulted in the finding to determine compliance with Title VI. A second follow-up review will be conducted within six months on the initial follow-up.

At this time, the Cabinet has not identified any existing needs or plan deficiencies.

## **XI. PUBLIC NOTICE AND OUTREACH**

The Kentucky Labor Cabinet will display anti-discrimination posters and copies of the Cabinet's Title VI Plan on bulletin boards in its office locations.

All published brochures and program information will include a statement that the program and its services and services are available to all without regard to race, color, or national origin.

Subgrantees will be advised of their obligations under Title VI prior to the award of federal monies. Copies of the Title VI brochures are available to sub-recipients, as well as training, should there be a request. We translated the Title VI brochure into Spanish. Additionally, we have posted EEO/Title VI Posters in both English and Spanish in buildings in which our agencies reside.

The Title VI brochure is available to all employees, and the public, in our Frankfort and remote office locations.

To further address the need for providing meaningful access to the cabinet programs by individuals with limited English proficiency (LEP), language interpretation/translation is provided, as needed, by Language Services Associates.

Posters from Language Services Associates indicating our ability to provide translation services to individuals with limited English proficiency (LEP) will be posted in all office locations. Also, quick reference guides to assist with the translation calls will be distributed to all office locations.

The Title VI Coordinator will be the staff person responsible for distribution of information relating to Title VI matters.

## ***XII. RECORDKEEPING AND REPORTING***

Paper copies of all Title VI-related forms, complaint documents, data reports, annual surveys, and annual updates to the Cabinet Implementation Plan will be kept on file in the office of the Kentucky Labor Cabinet's Title VI Coordinator at the address shown in *Section IV. RESPONSIBLE OFFICIAL*. These items will be retained for at least five (5) years. After that, they may be archived with the Department of Libraries. These records are subject to the Kentucky Open Records Law and public inspection.

Given the broad spectrum of individuals who benefit from the Title VI programs and activities, we are unable to specifically determine the participation of the protected parties and services to specific geographical areas.

No changes occurred in subsections (8) and (9).

**XIII. MINORITY REPRESENTATION ON PLANNING BOARD OR ADVISORY BODY**

Boards, Commissions, and Councils	WHITE	BLACK	HISPANIC	ASIAN/PAC	AM. IN	OTHER
Prevailing Wage Review Board	0	0	0	0	0	0
Kentucky State Apprenticeship and Training Council	0	0	0	0	0	0
Child Labor Committee	3	1	0	0	0	0
Occupational Safety and Health Standards Board	10	1	0	0	0	
Occupational Safety and Health Review Commission	7	0	0	0	0	0
Kentucky Workers' Compensation Funding Commission	15	0	0	0	0	0
State Labor Relations Board	3		0	0	0	0
Workers' Compensation Board Nominating Commission	6	1	0	0	0	0
Bluegrass State Skills Corp.	16	2	0	0	0	0
Workers' Compensation Board	9	0	0	0	0	0
Employers Mutual Insurance Authority	9	1	0	0	0	0
TOTAL	78	6	0	0	0	0

There is currently 7.69% minority representation on boards and commissions. The Cabinet will continue its efforts to identify and determine whether an eligible and interested minority is available for the purpose of recommending them for consideration of any vacancy to the board or commission in question.

## Kentucky Labor Cabinet Staff

Agency Staff by Division	WHITE	BLACK	HISPANIC	ASIAN/PAC	AM. IN	OTHER
Office of the Secretary	3	1	0	0	0	0
Office of General Counsel	12	0	0	0	0	0
Office of General Counsel-DWC	7	0	0	0	0	0
Division of Management Services	21	2		1	0	
Commissioner's Office-Workplace Standards	7	0	1	0	0	0
Division of Employment Standards, Apprenticeship, and Mediation	21	2	0	1	0	0
Division of OSH Compliance	45	5	1	0	0	
Division of OSH Education and Training	39	3	0	0	0	0
Division of Workers' Compensation Funds	7	1	0	0	0	0
Department of Workers Claims	154	10	0	0		1
GAPS Services	53	4	1	1	1	0
Office of Inspector General	9	1	0	0	1	0
Workers' Compensation Funding Commission	16	0	0	0	0	0
TOTAL	394	29	3	3	2	1

At the present time, the workforce of the Kentucky Labor Cabinet staff numbers 394 employees and there are 38 minority employees. This equates to 9.64% minority employment.

**Attachment #1**

**Complaint Form  
Title VI Plan  
Kentucky Labor Cabinet**

File # \_\_\_\_\_

Date: \_\_\_\_\_

TO: Title VI Coordinator

I, \_\_\_\_\_, hereby file an official complaint against

\_\_\_\_\_ located at  
Name of Person or Agency

Date of alleged discrimination: \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Complainant's Work Address: \_\_\_\_\_

Complainant's Telephone Number: \_\_\_\_\_

Basis of Complaint (race, color, national origin – use back of sheet if necessary) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Assigned to: \_\_\_\_\_  
Investigator

Date: \_\_\_\_\_

**Attachment #2**

**Report of Investigation  
Title VI Plan  
Kentucky Labor Cabinet**

File # \_\_\_\_\_

I, \_\_\_\_\_, representing the \_\_\_\_\_  
\_\_\_\_\_, have investigated the complaint filed on  
\_\_\_\_\_ by \_\_\_\_\_ alleging that discrimination occurred  
which was in violation of Title VI of the 1964 Federal Civil Rights Act.

The results of the investigation were as follows:

- \_\_\_\_\_ A. The agency or person WAS FOUND to be in violation of Title VI.
- \_\_\_\_\_ B. The agency or person WAS NOT FOUND to be in violation of Title VI.
- \_\_\_\_\_ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

---

---

---

---

---

---

---

---

---

---

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment #3**

**Withdrawal of Complaint/Withdrawal of Appeal  
Title VI Plan  
Kentucky Labor Cabinet**

TO: Title VI Coordinator

I, \_\_\_\_\_, hereby withdraw my ( ) complaint or  
( ) appeal filed on \_\_\_\_\_ against \_\_\_\_\_  
Date Name

Located at \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Complainant's Work Address: \_\_\_\_\_

Reason for withdrawal of ( ) complaint or ( ) appeal: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**Steven L. Beshear**  
Governor

**Daniel Mongiardo**  
Lieutenant Governor

**KENTUCKY LABOR CABINET**  
**Department of Workers' Claims**

657 Chamberlin Avenue  
Frankfort, KY 40601  
Telephone: (502) 564-5550  
[www.labor.ky.gov/workersclaims](http://www.labor.ky.gov/workersclaims)

**Mark S. Brown**  
Secretary

**Dwight T. Lovan**  
Commissioner

June 23, 2011

Mr. Justin Ebert  
Auditor of Public Accounts  
Division of financial Audits  
209 St. Clair Street  
Frankfort, KY 40601-1817

RE: Department of Workers' Claims  
Title VI Implementation Plan Exemption

Dear Mr. Ebert:

Pursuant to provisions of KRS 344.015, this letter will certify that the Kentucky Department of Workers' Claims did not receive federal funds during the fiscal year ending June 30, 2011. Further, in that the agency is solely funded by assessments paid by Kentucky employers, we do not anticipate receiving federal funds in the future.

It is our belief the Department of Workers' Claims is in compliance with KRS 344.015 relative to Title VI implementation.

Yours very truly,

A handwritten signature in black ink, appearing to read "D. Lovan", written over a circular stamp or seal.

Dwight T. Lovan  
Commissioner



Attachment 5

Kentucky Labor Cabinet  
Programs Subject to Title VI

Program	Type of Assistance	Delivery	Coverages	Potential Beneficiaries
<p>Bureau of Labor Statistics/Statistics Grant Program CFDA #17.005</p>	<p>Focuses on the gathering of information from data on work related fatalities within the Commonwealth of Kentucky</p>	<p>Researchers collect documents that identify occupational fatalities, such as death certificates, State workers' compensation fatality reports, and other fatality reports. The reports are made available to the general public in the form of news reports, medical examiners records, autopsy reports, motor vehicle fatality reports, etc.</p>	<p>BLS funds are to support the essential expenses of employee who gather information on work-related injury fatalities which shall be substantiated, whenever possible by at least two independent source documents. They shall attempt to obtain a substantiating source document or conduct a mail follow-up when only one source document identifies the fatal injury as work related or when work relationship cannot be determined from the available source materials. All data produced shall be published.</p>	<p>The people of the Commonwealth of Kentucky to ensure their health and well being.</p>
<p>Occupational Safety and Health for Administration and Enforcement CFDA #17.503</p>	<p>Focuses on preventing any detriment to the safety and health of all employees, both public and private, arising out of exposure to harmful conditions and practices at places of work. The program also provides education and training, inspections of workplaces, onsite consultation services, research, reports and statistics and other areas which further progress toward the mandate of the KRS Chapter 338.</p>	<p>The Division of Compliance conducts inspections of workplaces and Division of Education &amp; Training conducts trainings within the workplace. Employers and employees are educated regarding safety and health regulations.</p>	<p>OSHA funds support the essential expenses of two Divisions within the Department of Labor. Division of Compliance conducts inspections of workplaces and Division of Education &amp; Training conducts trainings within the workplace to educate employers and employees of the safety and health regulations.</p>	<p>The people of the Commonwealth of Kentucky to ensure their health and well being.</p>

<p><b>Occupational Safety and Health Data Collection</b> CFDA #17.504</p>	<p>Formula grant to designated State agencies in coal producing States receive annual grants to assist in administering and enforcing the States' approved regulatory programs as provided by the Surface Mining Control and Reclamation Act of 1977.</p>	<p>State agencies responsible for regulation, reclamation and enforcement of provisions protecting the environment from negative effects of coal mining operations.</p>	<p>Grants for permanent program development are available to fund staff and related costs in connection with preparing State legislative proposals; preparing State regulations; preparing permanent program applications to the Office of Surface Mining Reclamation and Enforcement (OSM); and for other related purposes. Administration and enforcement grants are awarded to assist States that have received approval of permanent regulatory programs.</p>	<p>State governments, local governments and universities.</p>
<p><b>Bureau of Labor Statistics/Data Collection Program (ODI)</b> CFDA #17.505</p>	<p>Focuses on the gathering of information from data on work-related injuries within the Commonwealth of Kentucky.</p>	<p>Researcher collects documents that identify occupational injuries. The information is made available to the general public through the internet.</p>	<p>BL S funds are to support the essential expenses of employee who gathers information on work-related injuries which is provided by employer. Researcher follows-up with telephone contact to employers. All data produced shall be published.</p>	<p>The people of the Commonwealth of Kentucky to ensure their health and well being.</p>
<p><b>Department of Workplace Standards, Division of Employment Standards, Apprenticeship and Mediation</b> SGA/DFA-PY 08-12 CFDA #17.260</p>	<p>Focus on implementation of 29 CFR 29 and Apprenticeship outreach and training.</p>	<p>The Division will hold regional meetings with the Apprenticeship community and discuss the implementation of 29 CFR 29. It will also focus on developing partnerships within the region focused on Apprenticeship. Training is scheduled with the Apprenticeship programs in implementing the RAPIDS software system for Registered Apprenticeship.</p>	<p>Grant funds will be directed toward travel and expenses occurred while holding the regional partnership meetings as well as travel and expenses for the individual training sessions for the current and future Registered Apprenticeship programs.</p>	<p>Registered Apprenticeship community, the state's One Stop Centers, KCTCS, Kentucky Tech, Workforce Development and the Kentucky Workforce Investment Boards.</p>