

KENTUCKY

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) For FY 2021-2024

ADMINISTRATIVE MODIFICATION #2021.017

I. Proposed Action:

Modify the FY 2021-2024 Statewide Transportation Improvement Program (STIP) by adding the attached policies to Exhibit A-1 of the STIP.

II. Additional Remarks:

See the attachment for detail information.

This modification will become part of the 2021 STIP end of Federal Fiscal Year 2022 “fiscal constraint” recalculations.

III. Administrative Modification Approval:

Modification Recommended for Approval:

Jill Lamb for Ron Rigney 11/12/21

Kentucky Transportation Cabinet Date
Ronald B. Rigney, Director
Division of Program Management



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET

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Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

MEMORANDUM

TO: Jim Gray *J. Gray*
Secretary

THROUGH: Mike Hancock, P.E. *M. Hancock*
Deputy Secretary

THROUGH: Todd Shipp *TS*
Special Assistant, Office of Legal Services

THROUGH: Tony Youssefi *T.Y.*
Staff Assistant
Office for Civil Rights & Small Business Development

FROM: Melvin Byne *M.B.*
Executive Director
Office for Civil Rights & Small Business Development

DATE: November 2, 2021

SUBJECT: Nondiscrimination Policy statements

Please review and sign the attached Policy Statements. It is the policy of the Kentucky Transportation Cabinet to assure equal employment opportunities to all persons. All Cabinet employees and applicants for employment shall be treated impartially and without regard to race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability, or veteran status in all aspects of employment.

In addition, the Kentucky Transportation cabinet has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation ("USDOT"), 49 CFR Part 26. The Cabinet has received Federal financial

assistance from the Department of Transportation, and as a condition of receiving this assistance, the Cabinet has signed an assurance that it will comply with 49 CFR Part 26.

These policies shall be prominently posted in all personnel offices, EEO offices, and on the Cabinet's internal website.

- Sexual Harassment Policy and Procedure
- Policy Statement on Persons with Disabilities
- Equal Employment Opportunity (EEO) Policy
- Disadvantaged Business Enterprise Program Policy Statement
- Title VI Policy Statement

Should you require additional information, please do not hesitate to contact me.

cc: File



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SEXUAL HARASSMENT POLICY AND PROCEDURE

OFFICIAL ORDER _____

Sexual harassment of any kind will not be tolerated in the Kentucky Transportation Cabinet ("Cabinet"). Sexual harassment is defined as a continuing pattern of unwelcome sexual advances, request for sexual favors or physical contact of a sexual under any of these conditions.

1. When submission to the conduct involves a conditional of the individual's employment.
2. Submission of refusal of such conduct is used as a basis for employment decisions.
3. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

It is the responsibility of each employee to understand and abide by this policy. Any person who is found by the Cabinet to have sexually harassed another employee is subject to appropriate disciplinary action, including termination. The Cabinet provides sexual harassment awareness training and requires all employees to attend these sessions.

Any employee with a concern, grievance or complaint or harassment should utilize the procedures outlined in the Cabinet's Internal Discrimination Complaint Procedures. Any employee who believes that he/she is a victim of sexual harassment should report the matter to their immediate supervisor and or District Administrative Manager, Office of Human Resources Management, Employee Relations Branch and/or the Office for Civil Rights and Small Business Development. A report need not be in writing but must contain sufficient detail to permit an investigation of incidents. All information reported will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolved the matter. The alleged harasser will be informed of the complaint and given an opportunity to respond to the allegations.

This policy shall be prominently posted in all personnel offices, EEO offices and on the Cabinet's internal website. Retaliatory action of any kind is prohibited and will be regarded as a separate and distinct cause for complaint.

Signed and approved on this 12th day of November, 2021



Jim Gray, Secretary
Kentucky Transportation Cabinet



APPROVED AS TO FORM AND LEGALITY
Todd Shipp, Esq., Special Assistant Office of Legal Services



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POLICY STATEMENT ON PERSONS WITH DISABILITIES

OFFICIAL ORDER _____

In compliance with the Americans with Disabilities act (ADA) of 1990, it is hereby ordered that the employment, personnel and construction policies of the Kentucky Transportation Cabinet in relation to persons with disabilities shall be as follows:

- (1) ADA prohibits discrimination against qualified person with disabilities as defined by the ADA because of their disability.
- (2) This prohibition applies to job application procedures, hiring, advancement or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment.
- (3) The Cabinet shall reasonably accommodate the disabilities of qualified applicants or employees.
- (4) The remedies and restorative procedures available under the ADA shall be similar to those available under Title VII of the Civil Rights Act of 1965 and Section 505 of the Rehabilitation Act of 1973. The specifics are set forth in Public Law 101-336, the Americans with Disabilities Act of 1990, Section 107 and 203 and administration regulations promulgated thereto.

All previous instructions, written and oral, relative to or in conflict with this order are hereby superseded.

Signed and approved this 12th day of November, 2021

Jim Gray, Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY

Todd Shipp, Esq., Special Assistant
Office of Legal Services



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SECRETARY

Equal Employment Opportunity (EEO) Policy

Official Order _____

It is the policy of the Kentucky Transportation Cabinet ("Cabinet") to assure equal employment opportunities to all persons. All Cabinet employees and applicants for employment shall be treated impartially and without regard to race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability or veteran status in all aspects of employment, including but not limited to recruitment, hiring, compensation, recognition (awards), benefits, merit promotions, demotions, transfers or reassignments, disciplinary actions, lay-offs and other terminations, training and career development within the Cabinet.

The Cabinet policy further prohibits discrimination and harassing behavior on account of race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability or veteran status. Such discrimination or harassing behavior will not be tolerated and allegations of discrimination or harassing behavior will be immediately investigated, and where allegations are substantiated, appropriate action will be taken.

The Cabinet also maintains the same impartial and nondiscriminatory policy in the selection of persons, firms or businesses that do business with the Cabinet.

Cabinet head and management personnel shall be responsible to ensure this policy is announced and enforced throughout this agency. Employees or applicants for employment seeking assistance in these matters may contact the Office of Human Resource Management, Employee Relations Branch at 502-564-4610 and/or the Office for Civil Rights and Small Business Development at 502-564-3601.

This policy shall be prominently posted in all personnel offices, EEO offices and on the Cabinet's internal website.

Retaliatory action of any kind is prohibited, will not be tolerated and will be regarded as a separate and distinct cause for complaint. The Cabinet supports the rights of all employees to exercise their rights under the civil rights statutes.

Signed and approved this 12th day of November 2021.



Jim Gray, Secretary
Kentucky Transportation Cabinet

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Todd Shipp, Esq, Special Assistant
Office of Legal Services



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II. POLICY STATEMENT
(49 CFR 26.23)DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
POLICY STATEMENT

Official Order _____
Section 26.1, 26.23 Objectives/Policy Statement

The Kentucky Transportation Cabinet ("Cabinet") has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation ("USDOT"), 49 CFR Part 26. The Cabinet has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Cabinet has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Cabinet to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of USDOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To promote the use of DBE's in all types of federally-assisted contracts and procurement activities conducted by the Department;
6. To help remove barriers to the participation of DBEs in USDOT assisted contracts;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Cabinet's Office for Civil Rights and Small Business Development has delegated a DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the DBELO in its financial assistance agreements with the Department of Transportation.

Furthermore, the Cabinet, its sub-recipients, contractors and subcontractors shall not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability or veteran status in the award and performance of USDOT-assisted contracts or in the administration of its DBE program or the requirements of 49 CFR Part 26.

This policy statement shall be prominently posted throughout all of the Cabinet offices and disseminated to DBE and non-DBE business communities that perform work for us on USDOT-assisted contracts.

Signed and approved this 12th day of November 2021.



Jim Gray, Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY


J. Todd Shipp, Esq., Special Assistant, Office of Legal Services



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TITLE VI POLICY STATEMENT

OFFICIAL ORDER

It is the policy of the Kentucky Transportation Cabinet ("Cabinet") to afford equal opportunity to all persons and no person in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation.

Program and activities to which this policy applies include, but are not limited to, the use of grants in connection with federal-aid highway systems, the Surface Transportation and Reauthorization & Reform Act of 2015, the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle and Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

This policy shall be prominently posted in all personnel office, EEO offices, and on the Cabinet's internal website.

Signed and approved this 12th day of November, 2021



Jim Gray, Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY



Todd Shipp, Esq., Special Assistant
Office of Legal Services