

**AUDUBON AREA COMMUNITY SERVICES, INC.**

*Affirmative Action Plan - Policies and Procedures*

2010

Hon. Reid Haire, Chair  
Board of Directors

Hon. Larry Whitaker, Chair  
Administrative Support Committee

Susan Sears, Esq.  
Dinsmore & Shohl  
Employment Law Counsel

Ronald Lee Logsdon  
Executive Director

Cheryl Gatton  
Human Resources Director/Section 504 Coordinator

Martha Ladd and Beth Russelburg  
Equal Opportunity Officers

December 2009

Audubon Area Community Services, Inc.

**I. Equal Opportunity Plan- General Statement of Commitment.**

The purpose of the equal opportunity plan of the Audubon Area Community Services, Inc. is to set forth a positive policy prohibiting discrimination of race, religion, sex, age, marital status, disability, political affiliation or national origin, in all agency programs, policies, and employment. This includes assurance of compliance with Title VI of the Civil Right Act of 1964, Section 504 of The Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990; Executive Order 11246, the approved Affirmative Action Plan, the Audubon Area Community Services *Personnel Policies and Procedures Manual*, and other such directives as set forth from time to time.

The Audubon Area Community Services, Inc. (AACS) is a state - and federally-funded agency which primarily serves the seven-county Green River Area Development district, consisting of the counties of Daviess, Hancock, Henderson, McLean, Ohio, Union and Webster Counties. The agency also operates the Head Start program in the sixteen counties (the seven GRADD counties, and nine Pennyriple ADD counties), the Child Care Assistance Program (CCAP) and Kentucky Works Program (KWP) in thirty-four counties (the seven GRADD counties, nine Pennyriple counties, eight Purchase ADD counties and ten counties in the Barren River ADD). AACS also acts as fiscal agent for other non-profit agencies.

The AACS operates the following programs: CSBG (Community Services Block Grant), GRITS Transit System; community-based outreach and neighborhood services, Head Start; Retired Senior Volunteer Program; Foster Grandparent Program: Senior Companion Program; Low-income Home Energy Assistance Program (LIHEAP); Subsidized Low-income Housing; HOME Weatherization Program; Counseling Services and other human services projects.

The seven-county population is 207,377 (2000) estimates from the Kentucky State Data Center with a population of 13,897 minorities.

**II. Statement of Compliance.**

Audubon Area Community Services, Inc. hereby makes a public commitment to comply with all applicable equal opportunity policies, laws, and directives, to insure non-discrimination because of race, religion, creed, color, sex, age, marital status, disability, political affiliation, national origin or other protected classes.

This Agency supports the intent of these requirements and will exert maximum effort to insure and maintain compliance with the following:

- A. Civil Rights Act of 1964, as may be amended from time to time.
- B. Executive Order 11246 (where applicable).
- C. Rehabilitation Act of 1973, as amended.
- D. Title 45, Chapter 10 of the "Federal Register."
- E. Grant conditions and provisions relative to the Economic Opportunity Act of 1964.

- F. The Kentucky Equal Opportunity Civil Rights Act of 1966 and later amendments of the Civil Rights Bill.
- G. Americans with Disabilities Act of 1990.

### **III. Objectives and Implementation of the Affirmative Action Plan.**

This Affirmative Action Plan entails an Agency commitment to:

- A. Insure equal employment opportunity and equal application and practice promotional and advancement policies for all persons within the Agency.
- B. Insure equal participation in all AACS programs by participants without regards to race, creed, color, religion, sex, age, marital status, disability, political affiliation, national origin or other protected classes.
- C. Insure an appropriate delivery of services that this Agency provides under the Audubon Area Community Services, Inc. sponsorship.
- D. Require any delegate agency of Audubon Area Community Services to implement and carry out equal opportunity policy, as required under state and Federal Civil Rights Laws and Executive Orders.
- E. Work as requested and to the extent practical, with contractors, sub-contractors, lenders, vendors, suppliers with which this agency does business in developing affirmative action plans and equal opportunity programs, and avoiding business dealings with firms in obvious non-compliance with equal opportunity practices.
- F. Establish coordination procedures and working relations with federal, state and local agencies to further the goal of equal opportunity for all persons.
- G. Continue the Agency self-evaluation relative to its compliance with the requirements of Section 504 of The Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 particularly as related to hiring practices and facilities access.

### **IV. Agency Support.**

In addition to the AACS Equal Opportunity Officers, all Agency staff and members of any delegate agencies will support the AACS Affirmative Action Program. Other participatory groups include:

- A. The Board of Directors
- B. The Administrative Committee
- C. The Agency's advisory groups and councils

### **V. Affirmative Action Plan.**

- A. Board of Directors Administration

The Board of Directors of the Audubon Area Community Services, Inc. approves the established goals for the equal opportunity plan and shall have ultimate responsibility for planning, implementing, and evaluating the equal opportunity plan. The AACS Board members are encouraged to familiarize themselves with on-site visits to all AACS centers. (Members should seek to avoid direct intervention in staff activities). In addition, the Board shall take the steps necessary to assure compliance within the Agency in accordance with the appropriate Federal guidelines and is committed to maintain

compliance with all laws, regulations and guidelines. The Board of Directors shall approve all changes, deletions and changes to the Affirmative Action Plan. Through its varied membership, the Board is in a unique position to elicit support in achieving and maintaining such societal change.

The Board of Directors consists of twenty-seven members which has 1/3 representation from the public, 1/3 private, and 1/3 from the poor (consumer) sector.

B. Administrative/Public Relations Committee.

The primary functions of the Administrative Committee/Public Relations Committee consist of the following:

1. Planning, supervising and evaluating surveys being taken by the Agency to assure equal employment — and the participation in all the benefits provided by the Agency for members of all eligible groups.
2. Report to the Board of Directors on human rights issues.
3. Assist with any studies and surveys on specific problems to be resolved within a short and a long range time frame.
4. To provide the leadership for the Agency in conducting a continual effort to eliminate every form of prejudice of discrimination based upon race, color, disability, religion, sex, age, marital status, national origin or political affiliation.
5. The Committee shall further demonstrate an awareness, concern and leading policy/monitoring role in the Agency's Affirmative Action Plan to eliminate prejudice, discrimination and adverse effect, in all aspects of the Agency's operation.

C. Equal Opportunity Officers.

The Equal Opportunity Officers (EEO) reports directly to the Board of Directors only with the respect to equal opportunity matters *only*. The Equal Opportunity Officers may serve as technical advisors to the Administrative Committee and the Executive Director on matters relating to equal opportunity, and there must exist an atmosphere of cooperation within these relationships. The Agency's two EEOs serve in this role without compensation, being full-time employees of the AACS in other paid capacities.

The Equal Opportunity Officers and the Human Resources Director are responsible for ensuring the proper implementation of equal opportunity policies and handling complaints and investigation of alleged discriminations. They may serve as the "executive officers" of the Administrative Committee of the Board, but shall have no vote.

D. Executive Director.

The Executive Director of the Audubon Area Community Services, Inc. is charged with the responsibility to carry out the goals of the equal opportunity plan as set forth by the Board of Directors. Within the management of the Agency, he/she shall ensure that steps are undertaken in all Agency activities to maintain compliance with equal opportunity policies and to overcome the efforts of any past practices and policies of discrimination. The Executive Director is the administrative supervisor of the Equal Opportunity Officers

and the Human Resources Director. With the approval of the Board of Directors and the Administrative Committee, he/she may assign a staff person(s) (who may be the Equal Opportunity Officer(s)) with the Human Resources Director to administer the equal opportunity plan to be responsible to the Executive Director or his/her designee, and to develop rapport with Federal, state, and local human rights agencies and officials. The Human Resources Director, as designated by the Executive Director, will act as the liaison for the Agency on any motions filed by complainants to a local, state or Federal human rights agency. The AACS Administrative Committee and Board of Directors shall be informed of any such motions.

E. Human Resources Director/Section 504 — ADA Coordinator.

The Human Resources Director is directly responsible for the conduct, administration and management of most Agency community-based program operations. In the absence of the Executive Director, the Human Resources Director is directly responsible for the agency's operation and its equal opportunity program.

The Human Resources Director is also the Agency's officially designated "Section 504 Coordinator." He/She is, thus, charged with the primary responsibility of assuring the Agency's compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

## **VI. Direct Employment**

A. New Employees.

1. Recruitment. To fulfill this Agency's commitment to equal opportunity employment, recruitment shall be done in the following manner if AACS decides to advertise.
  - a. Notices of job openings shall be posted in conspicuous places
  - b. Respective area news media and employment offices shall be notified of job.
  - c. Job applications and other pre-employment forms are to be free of any questions pertaining to an applicants' race, religion, creed, age, disability, marital status, political affiliation, national origin or other information that would violate federal or state regulations.
2. Screening. The following steps shall be taken in the screening process:
  - a. The use of examinations which tend to discriminate against applicants because of the applicant's cultural or economic background — or disability condition — have no relation to job performance and shall be excluded.
  - b. Equivalent experience may be substituted for degree requirements.
  - c. Except in positions of trust, as specified in the Personnel Manual, criminal records alone shall not constitute a basis for employment disqualification.

## **VII. Processing Complaints of Discrimination.**

- A. Definition of terms.
1. Complaint. A (human rights/equal opportunity) complaint is a stated (written or oral, but through the designated process) dissatisfaction with any personnel action in which the aggrieved person alleges discrimination due to race, religion, color, disability, creed, sex, marital status, age, national origin or political affiliation. The resolution and complaints of discrimination policies are stated in the AACS Personnel Policies and Procedures Manual, Section 7.1, "Equal Opportunity Officer Responsibilities," pages 1 and 2.
- B. The "complaint" procedure (outlined in full in Section 7.1, "Equal Opportunity Officer Responsibilities") is summarized in the following steps to be taken in dealing with charges of discrimination.
1. The formal complaint procedures are to be held in compliance with the appropriate equal opportunity instructions. The EOO's objective and the complaint procedure's purpose shall be to achieve a resolution consistent with all federal, state, local laws.
  2. The complainant should first discuss the belief of discrimination with the AACS Equal Opportunity Officer who shall deal with complaints of discrimination in the following manner:
    - Attempt to resolve the problem and assist with an equitable solution
    - Not identify the complainant without his/her written authorization
    - Attempt to resolve the complaint informally and within the agency
    - Communicate complaints to the appropriate supervisor, department head; the Executive Director and the respondent; and direct action toward resolving the discrimination problem
    - Access all needed information regarding the complaint
    - Not withdraw the complaint without written approval from the complainant
    - Be free of undue agency departmental constraint or interference while performing his/her equal opportunity responsibilities.
- C. If the discrimination complaint is not resolved by the Equal Opportunity Officer, the employee may ask for an agency-level "conciliation panel" to review his/her complaint. Conciliation panel members shall:
- Not have a conflict of interest
  - Consider a complainant and respondent time limit
  - Render a judgement within a reasonable time limit
  - If the judgement — within the scope and means of agency policy — is agreeable to all parties, incorporate their solution into a conciliation agreement which may be used for future reference of similar matters
  - Provide a copy of the settlement agreement to the complainant, respondent, Equal Opportunity Officer, the Board's Administrative Committee Chair, and the Executive Director.

- D. Complainants choosing to file formal complaints should address their charges to the Kentucky Human Rights Commission, the Federal Equal Employment Opportunity Commission or another human rights agency with legal authority to act on his/her behalf.

**VIII. The AACCS 2010 Affirmative Action/Equal Opportunity Work Program**

***GENERAL ACTIVITIES***

***January 1, 2010 – December 31, 2010***

A.	Promote board and staff involvement in Affirmative Action Plan (AAP) and equal opportunity plan.	1/10	12/10
1	Prepare and deliver copies of the AAP to board and staff members		
2	Involve board and staff in AAP activities		
a.	Assign specific responsibilities as detailed in AAP		
b.	Request reports, written and oral (on-going)		
3.	Discuss progress in AAP in semi-monthly staff meetings		
B.	Monitor the Agency's employment practices and adherence to the practice of equal opportunity and Agency's compliance with the Section 504/ADA standards in programs and services	On-going	On-going
1.	Semi-annual review of employment practices by Administrative Committee		
2.	Annually review of participants and services by Administrative Committee		
C.	Submission of periodic reports of finding of the Administrative committee to the AACCS Board of Directors.	On-going	On-going
1.	Report on assessment of practice of equal opportunity.		
2.	Report on progress with AAP in relation to established timetable(s)		
D.	Update Affirmative Active Plan	On-going	On-going
1.	Re-assess area human rights situations		
2.	Draft and update AAP		
3.	Present AAP draft to Board for approval		
E.	Promote Equal Opportunity	On-going	On-going
1.	Assist the EEOC, federal compliance officer, Kentucky and local Commissions on Human Rights as requested, with the investigation or amelioration of complaints or grievances.		
2.	Serve as an advocate in public documents with local, state and federal human rights authorities whenever needed.		
3.	Assist complainants in filing paper documents with local, state and federal human rights authorities; serve as a referral service to the above authorities whenever needed.		

*ADMINISTRATIVE ACTIVITIES*

This section is largely a reiteration of "General Activities," with the view in mind that repetition tends reinforcement to these objectives.

1.	Encourage Board members to familiarize themselves with on-site visits to all AACCS centers.	Board Chairman Administrative Committee Chair Executive Director	On-going
2.	Encourage a line of communication and support with the Henderson and Owensboro Human Rights Commissions' Coordinators; maintain cooperative relationships with local human rights organizations.	Equal Opportunity Officers Administrative Committee	On-going
3.	Provide reports to the Board on human rights.	Administrative Committee Human Resources Director Equal Opportunity Officers	Semi-annually
4.	Submit reports on AAP progress to the Administrative Committee.	Human Resources Director Equal Opportunity Officers	At least semi-annually.
5.	Update the AAP of the agency for 2011.	Human Resources Director Equal Opportunity Officers Administrative Committee	12/21/10 or As needed

## **STATEMENT OF HUMAN RIGHTS ROLE AND PHILOSOPHY**

### **Audubon Area Community Services, Inc.**

The AACS believes it has a responsibility to identify appropriate human rights objectives for the Agency, wherein it can realistically achieve the stated objectives consistent with its legal standing and private agency status. The Agency's Affirmative action role is one of a cooperative and supportive nature to local, state, and federal Human Rights Commissions, and compliance enforcement agencies, who possess a legal standing and a recognized charge for institutional change.

The AACS is involved largely in the areas of providing human rights information and referral to its staff and inquirers to those agencies with the expertise and authority for appropriate action. This approach better utilizes the AACS capabilities and emphasizes a self-help approach for human rights efforts. The strategy also includes a fuller utilization of the AACS Board members, in impacting on identified human rights problems and needs in their respective communities.

## Duty Summary

### **EQUAL OPPORTUNITY OFFICERS**

The job of the Equal Opportunity Officers is to establish an open and sympathetic channel through which employees may raise questions, discuss grievances, get answers, and on an informal basis, get resolutions of problems connected with equal employment opportunity. He/she serves as a bridge between employees and management and is responsible for trying to clear up problems which are brought to his/her attention by employees. He/she does this by discussing the employee's problems with the employee, and with the employee's supervisors or associates, if necessary; by advising the employee of the merits of the matters brought to his attention; and finding solutions to problems where it is possible to do so. While he/she concentrates on getting solutions to problems on an informal basis, where appropriate he/she makes a report to the organization's Executive or Administrative Committee about his/her findings in particular cases (using the employee's name only when permitted to do so) and, as necessary, make a recommendation for action to reach a solution or correct a problem. He/she is also responsible for informing the employee about his right to file a formal complaint when attempts at informal resolution fail.

The Equal Opportunity Officers maintain liaison as necessary with the AACS administrators and other officials of the organization on equal opportunity matters and submits recommendations (through the Equal Opportunity Officers only) regarding the Agency's equal opportunity plan as a means of assisting in carrying out the most effective equal opportunity plan possible in the Agency.

The Equal Opportunity Officers are also responsible for the administrative aspects of the Agency's equal opportunity program, i.e., assisting the Human Resources Director with developing drafts of the annual Affirmative Action Plan (AAP) updates, monitoring AAP progress, and serving as liaison to the AACS Administrative Committee and the Executive Director for equal opportunity matters.

*REFERRAL AGENCIES (FEDERAL)*

*Employment:*

Director of Employment  
Equal Employment Opportunity Commission  
1800 G Street, N.W.  
Washington, D.C. 20507

*Regional Office:*

Equal Employment Opportunity Commission  
Dermon Building  
Suite 1004  
46 Third Street  
Memphis, TN 38101

*Federal Contracts:*

Director  
Office of Federal Contract Compliance  
Washington, D.C. 21210

*State Employment Programs:*

Coordinator of Civil Rights Activities  
Department of Labor  
Washington, D.C. 20210

*Wage and Hour Division*

Employment Standards Administration  
Department of Labor  
Washington, D.C. 20210

*Education:*

Director  
Office for Civil Rights  
U.S. Department of Health, Education & Welfare  
Washington, D.C. 20210

*Housing:*

Housing and Urban Development  
Assistant Secretary for Equal Opportunity  
Washington, D.C. 20410

*General:*

The Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
Washington, D.C. 20530

**Audubon Area Community Services, Inc.**

***EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT***

It is the affirmative action policy of Audubon Area Community Services, Inc., to provide equal employment opportunity, to prohibit discrimination in employment, and to bring about fair representation and utilization of females and minorities in all levels of employment.

In keeping with our policy of equal employment opportunity, we will continue to exercise every equitable means to insure that applicants for employment, as well as present employees, are treated equally without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, political affiliation or belief.

This policy shall apply to employment, promotion, demotion or transfer, all phases of the recruitment practices, layoff or termination, rates of pay or other terms of compensation, and selection for training in all positions.

Each manager or supervisor has the responsibility for cooperating and encouraging cooperation in the achievement of the objectives of this policy.

The equal employment opportunity program will be reviewed frequently to determine the progress being made. Two individuals have been appointed as the Equal Employment Opportunity Officers and are responsible for monitoring and assuring the overall adherence to the Agency's affirmative action program.

/s/

Hon. Reid Haire  
Chairperson of the Board  
Audubon Area Community Services, Inc.  
1700 West Fifth Street  
Post Office Box 20004  
Owensboro, Kentucky 42304-0004

**AACS Equal Opportunity Officers:**

Ms. Martha Ladd  
*Telephone:* (270) 522-4035  
*Correspondence*  
Audubon Area Community Services/Head Start  
117 Lincoln Street  
Cadiz, Kentucky 42211

Ms. Beth Russelburg  
*Telephone:* (270) 852-6502  
*Correspondence*  
Audubon Area Community Services, Inc.  
1650 W. Second Street  
Owensboro, Kentucky 42303

January 1, 2010

***PLEASE POST IN ALL AACS OFFICES AND CENTERS***

NOTE: Issues concerning Disability Access (only) may also be referred to the AACS Human Resources Director/Section 504-ADA Coordinator at (270) 686-1646 in the Owensboro Central office.