

**FY 2019 –
2020 AAP**

Kansas
Department
of
Corrections



**EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
PLAN FOR STATE FISCAL YEAR 2019-20**

Jefferey Zmuda
Secretary of Corrections

December 1, 2019

Table of Contents

Preface.....	4
Agency EEO Policy.....	5
EEO Complaint Resolution.....	6
Sexual Harassment Procedure.....	15
ADA Policy.....	27
Contractor EEO Sexual Harassment and ADA.....	37
Rules of Conduct.....	47
High Level Organizational Chart.....	73
Program Responsibilities.....	74
Agency Summary.....	75
2016 Civilian Labor Force & Utilization Figures by Location.....	76
2016 Civilian Labor Force & Utilization Figures by Job Family.....	80
Other Terms and Conditions.....	88
Examples of Outreach.....	90
Designation of ADA Coordinators.....	93
Listing of the KDOC EEO Representatives.....	94
Basis of the Affirmative Action Plan.....	97
Agency Population by EEO Category.....	99
Methods of Analysis.....	99
EEO-4.....	100
Barriers and Actions.....	102

Preface

The Kansas Department of Corrections (KDOC) continually works to seek out and eliminate discrimination in the Agency's programs. Our vision is to develop and maintain a productive, quality, and diverse workforce and to promote continuous improvement toward the goal of Equal Employment Opportunity (EEO).

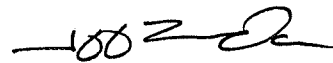
EEO requires equal treatment with regard to all terms and conditions of employment.

Affirmative Action (AA) includes outreach, hiring, promotion, retention, and training initiatives and actions and these are done consistent with IMPP 02-126D Recruitment and Selection process. AA also includes performing an analysis to determine whether the efforts to correct imbalance have been effective.

Race and gender conscious actions are permissible and may be warranted only when they represent a narrowly tailored remedy to known discrimination. Prior to undertaking race or gender conscious actions, accurate data should indicate that race/gender neutral methods have been unable to redress disparity. Even when representation of protected group individuals within KDOC is generally consistent with availability in Kansas, there are opportunities for continuous improvement in specific locations and job families, and in the range of methods utilized to achieve organizational parity.

The EEO/AAP planning process involves the Strategic Management Team. All managers and supervisors have a responsibility to make hiring decisions based upon merit consistent with strategic Agency planning and undertake AA with regard to recruitment and selection of qualified individuals.

Supervisors are directed to be proactive in seeking out, and remedying behaviors that might reasonably be considered harassing or discriminatory. This includes an examination of individual practices and decisions to eliminate those processes that may disparately impact one or more protected groups.



Jefferey Zmuda
Secretary of Corrections

KANSAS DEPARTMENT OF CORRECTIONS EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

December 1, 2019

It is Agency policy that all personnel actions related to the Kansas classified service within Kansas Department of Corrections (KDOC) are based on merit and fitness to perform the work required and that all individuals have equal opportunity for employment, and freedom from discrimination and harassment.

MERIT - KDOC shall comply with the Kansas Civil Service Act. Kansas Statute Annotated 75-2925 provides "All personnel administration actions regarding employees in the state classified service shall be made without regard to race, national origin or ancestry, religion, political affiliation, or other non-merit factors. Personnel administration actions shall be based on merit principles and fitness to perform the work required and shall provide fair and equal opportunity for public service."

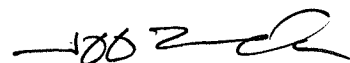
EQUAL EMPLOYMENT OPPORTUNITY - KDOC shall comply with Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act, the Equal Pay Act, the Age Discrimination in Employment Act (ADEA), the Civil Rights Act of 1991, and the Americans with Disabilities Act (ADA) and ADA Amendments Act of 2008 (ADAAA). Title VII prohibits employment discrimination based on race, religion, color, sex, or national origin. The ADA/Section 504 and ADAAA prohibit discrimination on the basis of disability and require efforts to reasonably accommodate qualifying disabilities. Governors Executive Order 19-02 Protects employees on the basis of sexual preference, gender identity and gender expression. The (ADEA) and Kansas ADEA prohibit discrimination based upon age over the age of 40. The Genetic Information Nondiscrimination Act (GINA) provides protection based on an individual's genetic information. Because consideration of a previous conviction can result in disparate impact, when convictions do not represent bona fide qualification, the KDOC will make hiring and promotional decisions absent that factor.

PROHIBITION OF SEXUAL HARASSMENT - KDOC does not tolerate sexual harassment. Sexual harassment is any unwanted, deliberate, or repeated sexual behavior (including comments, gestures, or touching) when submission to such conduct is made either explicitly or implicitly a term or condition of employment; submission or rejection of such conduct is used as the basis for employment decisions; or when an action interferes with an individual's work performance by creating an intimidating, hostile or offensive environment.

RESPONSIBILITIES AND REMEDIES – All managers and supervisors shall make a continuing effort to identify and eliminate any discrimination, including sexual harassment, in KDOC's programs and activities. Agency personnel are responsible for behaving in a manner consistent with the laws, rules, regulations, and agency policy governing EEO, ADA, and sexual harassment and to report discrimination. Any current or prospective employee who has a complaint concerning an employment practice is encouraged to contact the Manager of EEO/AA listed below.

COMPLAINTS OF DISCRIMINATION - The Agency has implemented policies and procedures to achieve compliance with all appropriate employment discrimination laws. Complaints are processed in accordance with the Internal Management Policies and Procedures (IMPP) and State Policy with regard to Disabilities. IMPP 02-101D defines discrimination and indicates that complaints of discrimination may be filed utilizing the procedure it outlines. IMPP 02-124D defines and outlines the procedure for complaints of sexual harassment. The Agency ADA procedure found in IMPP-02-129D discusses reasonable accommodation and the complaint process parallels the statewide ADA complaint process. Sub-recipient complaints may be filed consistent with IMPP 01-128 and questions regarding these procedures or how to request an accommodation may be directed at any time to:


Mike Smith, Manager of EEO/ADA/AA
Toll Free – 1-844-522-1956
Email – mike.smith@ks.gov



Jefferey Zmuda
Secretary of Corrections

To Be Posted on all Bulletin Boards

KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	I NTERNAL M ANAGEMENT P OLICY AND P ROCEDURE	SECTION NUMBER 02-101D	PAGE NUMBER 6 of 11						
	SUBJECT: HUMAN RESOURCES: EEO Discrimination Complaint Resolution								
Approved By: Secretary of Corrections	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Original Date Issued:</td> <td style="text-align: right;">09-15-15</td> </tr> <tr> <td>Replaces Version Issued:</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>CURRENT VERSION EFFECTIVE:</td> <td style="text-align: right;">09-15-15</td> </tr> </table>			Original Date Issued:	09-15-15	Replaces Version Issued:	N/A	CURRENT VERSION EFFECTIVE:	09-15-15
Original Date Issued:	09-15-15								
Replaces Version Issued:	N/A								
CURRENT VERSION EFFECTIVE:	09-15-15								

APPLICABILITY:	_ ADULT Operations Only	_ JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
-----------------------	-------------------------	----------------------------	---

POLICY STATEMENT

The Department of Corrections shall provide equal employment opportunity to all employees based upon merit and bona fide occupational qualifications. The Agency will undertake continuous actions to seek out and eliminate discrimination in all facets of employment based upon race, gender, color, political or religious affiliation, national origin or ancestry, age, military status, or any other non-merit factor. (ACO 2-1C-09; ACI 3-4053; APPFS 3-3052) Concerns based upon disability shall be handled in accordance with IMPP 02-129D.

DEFINITIONS

Discriminatory Hostile Working Environment: A form of discrimination that is unwelcomed, severe, pervasive or encouraged and is exhibited by speech, conduct or actions that would adversely or negatively impact a member of a protected group and is so offensive to a reasonable person that it creates an abusive working environment and/or impair the employee's job performance (e.g., One incident, if severe enough, could create a hostile work environment, or that many minor incidents could accumulate, and become pervasive enough to create a hostile work environment).

EEO Complaint: A complaint alleging discrimination in employment action(s) on one or more basis including, but not limited to, race, ethnicity, color, gender, political or religious affiliation, national origin or ancestry, age, military status, disability, and/or retaliation prohibited under federal or state laws, or this policy. Disability complaints shall be addressed according to IMPP 02-129D, which parallels the statewide discrimination procedure.

Human Resources Director: Agency Executive Team Manager located in Central Office Human Resources Division and who is responsible for the administration of the Department's Human Resource Functions.

Manager of EEO/AA: The staff member assigned to the Central Office Human Resources Division who is responsible for the administration of the Department's Equal Employment Opportunity and Affirmative Action Programs.

PROCEDURES

I. Provision of a Work Environment Free of Discrimination

- A. Managers and supervisors shall set a positive example, shall inform the appointing authority and Manager of EEO of allegations of discrimination, and shall take immediate corrective action when violations of this policy are known whether or not a formal complaint is made.

1. In addition, any supervisor or manager who himself or herself engages in discriminatory behavior or who enables or ignores the discriminatory actions of others shall be subject to disciplinary action, up to and including dismissal.
- B. It is the responsibility of the Department's managers, supervisors, and employees to create a positive working atmosphere that is free of:
1. Discriminatory acts and practices; ~~(ACO 2-1C-09; ACI 3-4053; APPFS 3-3052)~~
 2. Other factors related to protected group membership which could create an offensive, or oppressive working environment; and,
 3. Retaliation against employees who exercise their access to redress under the provisions of this IMPP.
- C. Every employee shall receive a copy of this policy and shall acknowledge the receipt in writing (Attachment A) during new employee orientation.

II. Expectations

- A. Employees shall report discrimination.
1. Actions away from work violate this policy when they involve inappropriate actions or behaviors at work related or sanctioned functions and/or if the actions of staff of the Department that occur at other locations are severe enough to reasonably carry over to and interfere with the employee's Departmental work environment.
- B. The appointing authority for each work site shall monitor the atmosphere and events at the work site and work to maintain an environment free of discrimination.
1. If such discriminatory treatment is reported or observed, or there is otherwise cause to believe it is occurring, all managers and supervisors shall take steps, or cause steps to be taken, necessary to rectify the situation, whether or not a complaint has been filed.

III. Processing Internal EEO Discrimination Complaints ~~(ACO 2-1C-09; ACI 3-4053; APPFS 3-3052)~~

- A. Informal Process:
1. Within five (5) days of an event, employees should discuss EEO concerns with their supervisor indicating that they believe the concern to be related to discrimination. EEO Representatives can be consulted. Any concern, which involves their supervisor, should be directed to the next level in the supervisory chain. When so notified, supervisors shall undertake reasonable action to look into and address the concern. The supervisor shall issue a response in writing within five (5) days of being notified, copying the Appointing Authority and the Manager of EEO.
 2. If an appropriate manager or supervisor, and/or the EEO Representative can address or achieve a mutually agreeable resolution, they may do so and draft a written report of the resolution at this informal stage.
- B. Formal Process:
1. If the employee does not believe that the supervisor adequately dealt with the concern or the supervisor did not respond, then within ten (10) working days of the event if no response was received, or ten (10) days of receiving the response, an individual who feels that discrimination exists in any employment situation with the Department shall contact someone listed in section 2.B or may call the Department's toll free hotline to file a complaint. Once assigned, an EEO Representative to initiate a formal complaint by completing the EEO Discrimination Complaint Form (Attachment B). Any employee or manager may contact the Manager of EEO/AA at any time to report an issue, or obtain

policy guidance.

2. If it is determined during the initial interview that the complaint is outside the scope of EEO, the EEO Representative shall advise the complainant of appropriate policies for pursuing such complaints. The EEO Representative shall notify the Manager of EEO/AA to provide a listing of the basic allegations. Questions by either the representative or employee may be directed to the Manager of EEO/AA.
- C. Any EEO Representative of the office or facility where the employee works or where the harassment is occurring, the Manager of EEO/AA in Central Office, the Director, DOC Human Resource Division, the Human Resources Manager of the facility where the employee works, the facility Appointing Authority or any facility manager or supervisor. The appointing Authority or their designee will assign the complaint to an appropriate EEO representative.
1. No employee shall be required to report discrimination to his or her immediate supervisor in order for the allegation to be investigated.
 - a. The Department's toll free hotline is 1-888-317-8204. The toll free hotline goes directly to the desk of the Manager of EEO/AA. In order to ensure an adequate investigation is conducted regarding the allegation of discrimination, employees are urged to provide specific and detailed information about the discrimination they believe is occurring or has occurred.
- D. The EEO Representative shall directly contact the Manager of EEO/AA, the appointing authority, and the human resource manager (if they are not involved parties) to inform them that the complaint has been filed. In most cases, the Appointing Authority will determine who will investigate and assign the EEO Representative to conduct the investigation.
1. The Manager of EEO/AA is responsible for the complaint procedure and to assure fairness may ask for the assignment of a different representative or choose to individually investigate any complaint of discrimination.
 2. No EEO Representative may participate in an investigation of any complaint in which he or she may otherwise be involved as a witness or participant, or if they are in a close personal or working relationship with individuals who are principals in the matter being reported.
- E. Within 20 working days following the receipt of a complaint, the assigned EEO Representative(s) shall investigate the complaint (see Section VI. for extending time limits).
1. The EEO Representative shall be authorized to interview all individuals and to review all documents and records, which might provide relevant information concerning the complaint.
 2. Upon completion of the investigation, the EEO Representative shall submit copies of all materials, records, and summaries of all interviews, and his or her investigative findings to the Manager of EEO/AA.
- F. As soon as possible, but within 20 working days following receipt of all materials, records, reports, and summary of findings from the EEO Representative, the Manager of EEO/AA shall gather any additional information needed, make a determination on the complaint, and forward a report and recommendation for resolution to the appropriate appointing authority or other appropriate respondent. In most cases Chief legal Counsel or their designee, and the Human Resources Director should also receive that report. (See Section V. for extending time limits.)
- G. Within 20 working days following receipt of the report and the Manager of EEO/AA's recommendation, the appointing authority, or other appropriate respondent, shall make a determination concerning resolution of the complaint, which shall be subject to review by the Chief Legal Counsel or designee and the Human Resources Director.
- H. Following review by the Chief Legal Counsel or designee and the Human Resources Director, the

appropriate appointing authority, or appropriate respondent, shall make the final decision and issue the decision to the complainant copying the Manager of EEO/AA and Chief Legal Counsel or their designee.

1. This decision shall set forth the findings and the complainant's right to pursue the matter further with the Kansas Human Rights Commission (KHRC) or Equal Employment Opportunity Commission (EEOC).

I. Once that notification occurs, the complaint will be considered closed and the Department will take no further action toward resolution.

J. All EEO investigations and supporting documentation shall be maintained in a secure area in the Manager of EEO/AA office.

IV. Filing a Complaint with the Manager of EEO/AA

A. Any employee who so desires may file a complaint directly with the Manager of EEO/AA, who shall determine the appropriate course of investigation to be conducted in a manner consistent with the previously listed procedures.

V. Resolution During Investigative Procedure

A. A decision to undertake a written resolution prior to the completion of an investigation any time after the informal complaint procedure, requires the concurrence of the Manager of EEO/AA and appointing authority, and any final resolution must be approved by the appropriate appointing authority.

1. The resolution shall be signed by all parties to the agreement.

2. The original agreement shall be maintained by the Manager of EEO/AA. A copy of the agreement shall be provided to the appointing authority and to each of the parties to the agreement.

VI. Time Frames Involved in Processing a Complaint

A. The Manager of EEO/AA shall be responsible for this procedure to include ensuring compliance with the procedures and timeframes indicated in the policy.

1. Those involved in investigating the complaint or making decisions regarding the complaint may submit a notice to the Manager of EEO/AA that an extension, not to exceed thirty (30) working days, of any time limit shall be required.

a. Upon approval of an extension to any time limit, the Manager of EEO or designee shall provide notice of such extension to the complainant, to the human resource manager, and to the appointing authority of the facility or office where the complaint originated.

VII. Complaint Filed Against an Appointing Authority

A. Any complaint against an appointing authority shall be made directly to the Manager of EEO/AA who shall determine the appropriate course of investigation.

VIII. The Following Internal Procedure Shall Be Followed in Processing Complaints Against the Department Filed with External Enforcement Authorities

A. Any person within the Department receiving notice of an employment related complaint or charge from an outside EEO enforcement authority shall notify his or her appointing authority that a complaint has been filed, and shall immediately forward the complaint or charge and all materials to the Manager of EEO/AA.

1. The Manager of EEO/AA shall notify the Human Resources Director and Chief Legal Counsel that a complaint has been received.
 2. Complaints from Department employees who have filed with outside EEO enforcement agency, simultaneously filed internally, shall be directed to the Manager of EEO/AA for a determination regarding how to proceed.
- B. The Manager of EEO/AA shall process the complaint based upon the allegation(s) and a preliminary investigation of the circumstances precipitating the complaint.
- C. During all phases of an investigation by an outside EEO enforcement authority, the Manager of EEO/AA or his or her designee shall act as the Department's liaison with such enforcement authorities.
1. The Manager of EEO/AA or his or her designee shall be present during all interviews conducted with departmental employees other than the complainant(s) and during review of any documentary materials by representatives of any EEO enforcement authority.
- D. In the event of a finding by an EEO/ADA enforcement authority that probable cause exists to believe the validity of the complaint, any negotiation with such authorities for a settlement agreement shall be conducted by the Chief Legal Counsel or his or her designee.
1. The Manager of EEO/AA shall provide such assistance as the Chief Legal Counsel requires in the conduct of these negotiations and a satisfactory resolution of the complaint.
- E. The Manager of EEO/AA shall notify and consult with the Director of Human Resources and the Department's Chief Legal Counsel in all cases where court action or where the complainant has obtained independent legal representation pursuant to an action outside the realm of an internal complaint. The Department's Chief Legal Counsel or his or her designee shall act as the Department's liaison with such authorities or agents and shall represent the Department in all subsequent actions.

IX. Confidentiality of Investigative Information

- A. With or without a formal complaint, once discrimination is verbally alleged, all sharing of information between complainants, prospective witnesses and others shall cease and any breach of confidentiality can result in discipline, which may include termination.
1. All information obtained or shared during an investigation shall be considered confidential to the extent feasible by all parties.
 - a. No employee or manager involved in the investigation shall discuss or divulge any information obtained in the course of the investigation with anyone other than the Manager of EEO/AA, the assigned EEO Representative, the Human Resources Director, DOC legal counsel, investigators from outside enforcement entities, and when appropriate the local Human Resource Manager and/or the appointing Authority.
 - b. Questions may be directed to the Manager of EEO/AA.
 2. Any breach of confidentiality may result in disciplinary action against the person committing the breach, which may include termination.
 3. The Manager of EEO/AA may direct employees to share information with people other than those on the above list.
- B. Each employee involved in an EEO/AA or Sexual Harassment investigation shall sign the KDOC EEO/Sexual Harassment Acknowledgement of Confidentiality (Attachment C).

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and

offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

Civil Rights Act of 1964 & 1991 as amended by the Equal Employment Opportunity Act of 1972
 Age Discrimination in Employment Act of 1967 as amended
 The Kansas Act Against Discrimination as amended
 The Kansas Age Discrimination in Employment Act of 1983
 IMPP 02-129D
 ACO 2-1C-09, 2-1C-11
 ACI 3-4053
 APPFS 3-3036

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	DDO Acknowledgments	1 page
B	EEO Discrimination/Sexual Harassment Complaint/Report	1 page
C	KDOC EEO and/or Sexual Harassment Acknowledgment of Confidentiality	1 page

KANSAS DEPARTMENT OF CORRECTIONS

EEO ACKNOWLEDGMENTS

I. Receipt of KDOC EEO Discrimination Complaint Resolution Policy

I, _____, the undersigned, am employed by the Kansas Department of Corrections in the position of _____, and hereby acknowledge, by my signature below, that on this date I was provided with a full and complete copy of the KDOC EEO Discrimination Complaint Resolution policy (IMPP 02-101D), was afforded adequate time, on the job, to read the same, and was informed by my supervisor that I could ask any questions of said supervisor, the appointing authority, or the human resources manager, necessary to understand the policy. I further hereby agree that I understand and agree to fully abide by the policy.

Date

Signature of Employee

Date

Signature of Supervisor

II. Receipt of KDOC Sexual Harassment Policy

I, _____, the undersigned, am employed by the Kansas Department of Corrections in the position of _____, and hereby acknowledge, by my signature below, that on the date indicated, I was provided with a full and complete copy of the KDOC Sexual Harassment Policy (IMPP 02-124D), was afforded adequate time, on the job, to read the same, and was informed by my supervisor that I could ask any questions of said supervisor, the appointing authority, or the human resources manager, necessary to understand the policy. I further hereby agree that I understand and agree to fully abide by the policy.

Date

Signature of Employee

Date

Signature of Supervisor

AFTER THIS FORM HAS BEEN SIGNED BY THE EMPLOYEE AND SUPERVISOR, IT SHALL BE FORWARDED TO THE HUMAN RESOURCES OFFICE OF THE FACILITY OR OFFICE WHERE THE EMPLOYEE WORKS, AND SHALL BE MADE A PERMANENT PART OF THE OFFICIAL PERSONNEL FILE OF THE EMPLOYEE.

KANSAS DEPARTMENT OF CORRECTIONS

EEO DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT/REPORT

1. Name of Person Reporting or filing complaint: _____
Position: _____ Facility/Office: _____
At what phone number should we call you? _____

2. Name(s) of Person(s) Alleged to have committed the actions:

Name	Position Title/Rank
_____	_____
_____	_____
_____	_____

Facility/Office _____

3. Date(s) of incident(s): _____

4. Describe the incident(s) in detail. Include names, dates, locations, approximate time of day, etc.; (use additional pages and attach if necessary)

5. State the name and phone number or work location of any person(s) who witnessed any of the alleged harassment/discrimination. Briefly explain what you think they know about this complaint and how they were involved or observed the alleged incident:

6. Have you discussed this alleged incident with any other person(s) within the Department of Corrections? If so, tell us their name(s) and phone number(s) or work location(s), the dates on which such discussions occurred and what, if anything, happened as a result of your discussion.

7. How would you like to see this complaint resolved? What action would you like to see take place?

Signature of Complainant/Reporter Date of Filing Signature of Person Receiving Complaint Date Received

=====
FOR OFFICE USE ONLY
Resolution:
Date of Resolution: _____

KDOC EEO/Sexual Harassment Acknowledgement of Confidentiality

I, _____, an employee of _____,
(Print Name) (Facility or Office)

hereby affirm that the Kansas Department of Corrections policies on maintaining confidentiality related to EEO and/or sexual harassment investigations has been made available to me. I further acknowledge that I have read and fully understand the policies as they apply to any involvement I may have in an EEO and/or sexual harassment investigation. I understand that I am not to discuss or divulge any information I have obtained or will obtain in the course of an EEO and/or sexual harassment investigation with anyone other than the Manager of EEO/AA, the assigned EEO Representative(s), the Human Resources Director, DOC legal counsel, investigators from outside enforcement entities, and when appropriate the local Human Resources Manager and/or the Appointing Authority unless directed to do so by the Manager of EEO/AA and that a breach of confidentiality can result in disciplinary action up to and including termination.


Employee's Signature

Date

Witness Signature

Date

KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	I NTERNAL M ANAGEMENT P OLICY AND P ROCEDURE	SECTION NUMBER	PAGE NUMBER
		02-124D	1 of 9
		SUBJECT:	
		HUMAN RESOURCES: Sexual Harassment	
Approved By: Secretary of Corrections		Original Date Issued:	09-15-15
		Replaces Version Issued:	N/A
		CURRENT VERSION EFFECTIVE:	09-15-15

APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
----------------	--	---	---

POLICY STATEMENT

Kansas Department of Corrections shall strive to maintain a zero tolerance policy for sexual harassment. Sexual harassment is unlawful, exposes employees, supervisors, managers, and the Department to legal liability, and interferes with a fair and safe working environment. Sexual harassment in any form is prohibited (ACO 2-1C-11; ACI 3-4054-1; APPFS 3-3053) and will be dealt with promptly, by corrective action, preventive action, and disciplinary action, up to and including dismissal.

DEFINITIONS

Employee: Any person employed full-time, part-time, or on a temporary appointment to the Kansas Department of Corrections, including any person employed by an entity under contract to provide services to the Kansas Department of Corrections.

Sexual Harassment: A form of sex discrimination, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, by males or females against males or females, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment may include suggestive notes, letters or other written material; graffiti; sexual photographs, computer images or drawings; sexual innuendos; comments about a person's clothing, body, or sexual activities; suggestive or insulting sounds; whistling in a suggestive manner; jokes about sex that denigrate either gender; sexual advances; sexual propositions or invitations; suggestive or obscene gestures; repeated insults against men or women; repeated flirtatious or sexual comments; patting, pinching, brushing, cornering, or other inappropriate touching of the body; spreading rumors of a sexual nature; talking about one's own sexual activity; referring to body parts, including reproductive anatomy; staring at a person's body; and/or leaning over someone at a desk unnecessarily close.

Insulting or offensive conduct that is not sexual in nature could result in a grievance, and may violate other Department policy. However, unless the conduct or words are of a sexual nature, and are hostile, serious or pervasive, and interfere with the employee's ability to perform his or her job, they are not sexual harassment.

Quid Pro Quo: A form of sexual harassment, "This for That", which is defined as making conditions of employment, such as hiring, promotion, retention, pay or job assignment, contingent on the employee providing a

sexual favor. Even if a supervisor suggests to an employee that he or she will take an adverse job action if the employee does not submit to a sexual advance, and in the end no adverse job action is actually taken, sexual harassment has occurred.

Unwelcome means behavior unwanted at the time that the employee did not invite or solicit.

Sexually Hostile Working Environment: A form of sexual harassment, which is defined as speech or conduct or actions of a sexual nature, which was not welcome nor encouraged, which would be so offensive to a reasonable person as to create an abusive working environment and/or impair the employee's job performance. The conduct must be unwelcome and severe or pervasive to be illegal. This means that one incident, if severe enough, could create a hostile work environment or that many minor incidents could accumulate, and become pervasive enough to create a hostile work environment. It does not matter whether the harasser intended to be offensive. A hostile work environment can be caused by a co-worker, a supervisor or a manager.

PROCEDURES

I. Expectations

- A. Every employee has the right to do his or her job in an environment free of sexual harassment.
 - 1. Every employee shall be provided information and training concerning sexual harassment issues to include employee and management responsibility, prevention and proper use of the Department's policy.
 - 2. Supervisors shall discuss the policy with each of their subordinates to ensure they are all familiar with and understand the policy.
- B. Every employee shall be treated with respect and dignity.
 - 1. Every work area shall be free from any form of treatment or work environment based on the submission to or rejection of conduct of a sexual nature.
 - 2. Every employee who reasonably believes he/she has been sexually harassed has the right to make a complaint of sexual harassment without fear of retaliation.
 - 3. Every report or accusation of sexual harassment shall be addressed in a fair and consistent manner.
- C. Managers and supervisors shall set a positive example, shall inform superiors of known instances of sexual harassment that are known or suspected, whether or not a formal complaint is made.
 - 1. The Department expects its managers to report and undertake reasonable action to prevent reoccurrence of even minor behaviors when it knows of them to prevent a pattern of practice from developing consistent with the informal procedure.
 - a. Any conduct of a sexual nature that would offend a reasonable person is wrong.
 - (1) For sexual harassment to occur the victim must have been offended by a reasonable person standard.
 - (2) It does not matter whether the harasser intended to be offensive.
 - b. A sexually hostile work environment can be caused by actions, behaviors or comments of a sexual nature from a co-worker, a supervisor or manager, or outsider visitors during work, if the actions interfere with the performance of the employee at work.
 - 2. When personally witnessed, managers and supervisors shall take immediate corrective action when violations of this policy are encountered.
 - a. In addition, any supervisor or manager who engages in sexual harassment, or

who enables or ignores known sexual harassment, shall be subject to disciplinary action, up to and including dismissal.

- D. Actions away from work violate this policy when they involve inappropriate actions or behaviors at work related or sanctioned functions and/or if the actions of staff of the Department that occur at other locations are severe enough to reasonably carry over to and interfere with the employee's Departmental work environment.

II. Prevention of Sexual Harassment

- A. It is the responsibility of the Department's managers, supervisors, and employees to create a positive working environment that is free of sexual harassment and retaliation.
 - 1. It is the responsibility of the Department's supervisors and managers to undertake individual action to eliminate sexual harassment when they know, or reasonably should have known about sexual harassment.
 - 2. Supervisors and managers who fail to act under this policy can be disciplined for failing to act.
- B. The appointing authority of each facility and office shall implement specific methods for circulation of this policy on an ongoing basis.
 - 1. The Department's sexual harassment policy, and the methods by which a complaint for sexual harassment may be made, as spelled out in this policy, shall be posted throughout the Department's facilities and offices.
- C. Every employee including all new hires shall receive a copy of this policy and the employee shall acknowledge the receipt, in writing, on the EEO Acknowledgement Form (Attachment A).
 - 1. If and when it becomes necessary for this IMPP to be revised, provisions shall be made for distribution of such revisions to each employee and to each new hire.
- D. Each employee within a correctional facility, in a field office within Parole Services, or in Kansas Correctional Industries shall receive training regarding sexual harassment during his or her initial basic training.
 - 1. Persons employed by DOC Central Office shall receive such training during the initial one-week orientation period.
 - 2. Refresher training relative to sexual harassment shall be provided during annual training or more often if the appointing authority determines that a need for such training exists.

III. What to do if you are a Victim or Have Knowledge of Sexual Harassment

- A. Any employee who believes he or she has been a victim of sexual harassment, or who has knowledge that sexual harassment is occurring is responsible to tell at least one member of the staff designated in this policy.
 - 1. An employee may contact any of the following to report the same:
 - a. Any EEO representative of the office or facility where the employee works or where the harassment is occurring;
 - b. The Manager of EEO/AA in Central Office;
 - c. The Human Resource Director;
 - d. The Human Resources Manager of the facility where the employee works;
 - e. The appointing authority or any facility manager or supervisor; or

- (1) The appointing authority or their designee will assign the complaint to an appropriate EEO representative.
 - f. Through the Department's toll-free hotline at 1-844-522-1956.
 - (1) The toll-free hotline goes directly to the desk of the Manager of EEO/AA. In order to ensure an adequate investigation is conducted regarding the allegation of discrimination, employees are urged to provide specific and detailed information about the sexual harassment.
- B. Any person listed in Section III.A.1. a. through f. above to whom a report of sexual harassment is made, shall:
 1. Request that the employee prepare a report of the reported sexual harassment, in accordance with this policy;
 2. If the employee is unwilling to make a written report on his/her own, prepare a written report in accordance with this policy incorporating all of the information known; and,
 3. Notify the Manager of EEO/AA and when appropriate the appointing authority and/or HR Manager in accordance with this policy.
- C. No employee shall be required to report sexual harassment to his or her immediate supervisor or other designated staff in order for the allegation to be investigated.
- D. The appointing authority of each facility and office shall ensure the posting of a current and complete list of EEO Representatives who may be contacted for reporting sexual harassment by any employee of the facility or office.
 1. The posting shall include current mailing address, work phone number, electronic address (if applicable), facsimile number (if applicable), or any other means of contact for each person listed.
 2. The posting shall be made on employee bulletin boards, in facility or office newsletters, in areas where employees congregate or areas of high employee traffic, or, any other location, which the appointing authority believes will enhance access to the list.
- E. A complaint or report of sexual harassment may be made by any employee, to any of the persons listed at Section III.A.1.a. through f. above, in writing or verbally, by regular mail, by electronic mail, by facsimile, in person, or by telephone.
- F. A complaint or report of sexual harassment may be made by any employee anonymously when sufficient information is provided to investigate the complaint.
 1. If an employee reports sexual harassment but does not claim to be the victim of the same and asks that his/her identity be protected and remain anonymous, his/her request shall be honored to the extent feasible, but the name of the victim must be provided as a sexual harassment finding requires that a behavior be unwanted.
 - a. Knowingly making a false complaint and intentionally providing false information is not a protected action and can result in discipline.
- G. No employee shall be subject to discipline for sexual harassment without that employee being provided with a full and fair opportunity to be heard and/or without a thorough, fair, and objective investigation.
- H. No employee who claims to be the victim of or who reports sexual harassment or participates in a sexual harassment investigation shall be subjected to retaliation.
 1. Any employee who has been threatened with, or subjected to, retaliation shall immediately notify his or her appointing authority and/or the Manager of EEO/AA.

2. Any employee who threatens or engages in retaliation of any form against any person for reporting, complaining of, or providing information for an investigation regarding sexual harassment may be subject to discipline, including suspension, demotion or dismissal, if appropriate.
- I. If any employee complains of or reports sexual harassment, the appointing authority shall see that the matter is addressed, and/or an investigation is conducted, in accordance with the procedures set out at Section IV. below.
 1. If a complaint or report is made against an appointing authority, the complaint or report shall be referred directly to the Manager of EEO/AA who shall determine the appropriate course of the investigation.
 - J. If the Department receives notice of an employment related complaint or charge concerning sexual harassment from an outside agency, or in any court, the procedures for processing such a complaint, as set out in IMPP 02-101D, shall be followed.

IV. Investigation of Sexual Harassment

- A. Any complaint or report of sexual harassment shall be promptly and fairly investigated, and the alleged victim advised of the results of the investigation.
- B. Any person contacted during an investigation regarding sexual harassment shall be instructed that the investigation is confidential, and shall not divulge any allegations, facts or content of the investigation without the proper prior approval of the Manager of EEO/AA.
 1. Any person who fails to adhere to this requirement shall be subject to discipline, up to and including dismissal
- C. Informal Process
 1. Within five (5) days of a triggering event, employees are encouraged to discuss sexual harassment concerns with their supervisor indicating that they believe their concern to be related to sexual harassment.
 - a. Any concern which names their supervisor may be directed to the next level in the supervisory chain.
 - b. No employee is required to make a complaint to their supervisor.
 2. When so notified, supervisors shall undertake reasonable action to look into and address the concern.
 - a. They shall issue a response in writing within five (5) days of being notified, copying the Appointing Authority and the Manager of EEO.
 3. If an appropriate manager or supervisor, and/or the EEO Representative can address or achieve a mutually agreeable resolution, they may do so and draft a written report of the resolution at this informal stage.
- D. Formal Process
 1. Employees or others who have a complaint or report of sexual harassment or retaliation are encouraged to set out the details of the complaint by completing the KDOC EEO Discrimination/Sexual Harassment Complaint/Report (Attachment B) within 10 days of the event or 10 days of receiving the informal response.
 - a. If an employee complaining of or reporting sexual harassment is unwilling to complete this form, the appointing authority or designee shall complete the form

- K. As soon as possible following receipt of the investigator's report, the Manager of EEO/AA shall review the information contained in the report, seek any additional information, and provide a draft report to the Human Resources Director and the Chief Legal Counsel for their review.
 - 1. Within 20 working days following receipt of the investigator's report, the Manager of EEO/AA shall forward the final written report to the Appointing Authority, for his/her determination.
 - 2. The Manager of EEO/AA will provide guidance as to whether the complaint/report appeared to be sustained or not, and recommend what action should be taken, in accordance with Section VI. below.
- L. If at any time during this process, the appointing authority, the Human Resources Director or the EEO Manager determines it necessary to insure the integrity of the investigation, the complaint may be reassigned to a different investigator.

V. Informal Resolution/Mediation

- A. A decision to undertake a written resolution prior to the completion of an investigation but after the informal complaint procedure, requires the concurrence of the Manager of EEO/AA and the appointing authority and any final resolution must be approved by the appropriate appointing authority.
 - 1. The resolution shall be signed by all parties to the agreement.
 - 2. The original agreement shall be maintained by the Manager of EEO/AA. A copy of the agreement shall be provided to the appointing authority and to each of the parties to the agreement.
- B. If the Manager of EEO/AA and the appointing authority believe that mediation between the parties would be beneficial, mediation shall be recommended. Any agreement reached must be sufficient to likely preclude the reoccurrence of similar inappropriate behavior.
 - 1. If the victim and accused harasser both agree to mediation, the Manager of EEO/AA and appointing authority shall select a mediator, subject to the approval of all parties.
 - 2. The parties shall agree on rules of mediation in advance and shall agree to be bound by the outcome of the mediation.
 - 3. If the parties reach an agreement in the mediation, which resolves the complaint, that agreement shall be adopted as the resolution of the complaint.
 - a. A written agreement shall be signed by the parties, and the mediator, reflecting the resolution.
 - b. This written agreement shall be maintained in the investigation file, and shall be adopted as the resolution of the complaint.

VI. Correction of Sexual Harassment

- A. If an investigation discloses that sexual harassment has occurred, corrective action shall be taken.
- B. Upon receipt of a report and a conclusion that sexual harassment has occurred, the appointing authority shall confer with the Chief Legal Counsel and the Human Resources Director or their designees concerning appropriate disciplinary action.
- C. The appointing authority shall make the final determination about what disciplinary action shall be imposed and what corrective action shall be taken.

- D. The appointing authority or designee shall inform the complainant or victim regarding any found harassment.
 - 1. If the investigation resulted from a report made by someone other than a victim, the reporting employee shall be notified that the investigation is complete. The reporting employee shall not be informed of the specific outcome.

VII. Extension of Time Limits

- A. Time limits set out in this policy may be extended for a period up to 30 working days.
- B. Any person obligated to act within a specified time period, who requires an extension of time, shall contact the Manager of EEO/AA to request the extension.
 - 1. The Department's Manager of EEO/AA shall determine if the extension should be granted and, if so, the length of the extension. This decision shall be final.
 - 2. If an extension is granted, the party requesting the extension shall provide notice of the extension to the complaining or reporting person, the investigator(s), and the appointing authority of the facility or office where the complaint or report originated.

VIII. Records, Confidentiality & Reports

- A. When a sexual harassment investigation has been completed, whether formally or informally, the Manager of EEO/AA shall maintain all records of the investigation.
 - 1. All records shall be maintained in a secure area with limited access in the EEO Office.
- B. The facts and content of the investigation of a report or complaint of sexual harassment shall be confidential and shared only with those with a need to know. Any signed investigatory statements will be kept confidential to the maximum extent feasible.
 - 1. Any employee who fails to maintain the confidentiality and/or anonymity of any complaining or reporting party as described in this policy, shall be subject to discipline, including suspension, demotion or dismissal if appropriate.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

IMPP 02-101D, 02-115D
ACO 2-1C-11
ACI 3-4054
APPFS 3-3053

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	EEO Acknowledgment	1 page
B	KDOC EEO Discrimination/Sexual Harassment Complaint/Report	1 page
C	KDOC EEO/Sexual Harassment Acknowledgment of Confidentiality	1 page

KANSAS DEPARTMENT OF CORRECTIONS

EEO DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT/REPORT

1. Name of Person Reporting or filing complaint: _____
Position _____ Facility/Office _____
At what phone number should we call you? _____

2. Name(s) of Person(s) Alleged to have committed the actions:

Name	Position Title/Rank
Name	Position Title/Rank
Name	Position Title/Rank

Facility/Office _____

3. Date(s) of incident(s): _____

4. Describe the incident(s) in detail. Include names, dates, locations, approximate time of day, etc.; (use additional pages and attach if necessary)

5. State the name and phone number or work location of any person(s) who witnessed any of the alleged harassment. Briefly explain what you think they know about this complaint and how they were involved or observed the alleged incident:

6. Have you discussed this alleged incident with any other person(s) within the Department of Corrections? If so, tell us their name(s), and phone number(s) or work location(s) the dates on which such discussions occurred and what, if anything, happened as a result of your discussion.

7. How would you like to see this complaint resolved? What action would you like to see take place?

Signature of Complainant/Reporter Date of Filing Signature of Person Receiving Complaint Date Received

=====
FOR OFFICE USE ONLY
Resolution:
Date of Resolution: _____

KDOC EEO/Sexual Harassment Acknowledgement of Confidentiality

I, _____, an employee of _____,
(Print Name) (Facility or Office)

hereby affirm that the Kansas Department of Corrections policies on maintaining confidentiality related to EEO and/or sexual harassment investigations has been made available to me. I further acknowledge that I have read and fully understand the policies as they apply to any involvement I may have in an EEO and/or sexual harassment investigation. I understand that I am not to discuss or divulge any information I have obtained or will obtain in the course of an EEO and/or sexual harassment investigation with anyone other than the Manager of EEO/AA, the assigned EEO Representative(s), the Human Resources Director, DOC legal counsel, investigators from outside enforcement entities, and when appropriate the local Human Resources Manager and/or the Appointing Authority unless directed to do so by the Manager of EEO/AA and that a breach of confidentiality can result in disciplinary action up to and including termination.


Employee's Signature

Date

Witness' Signature

Date

KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	I NTERNAL M ANAGEMENT P OLICY AND P ROCEDURE	SECTION NUMBER 02-129D	PAGE NUMBER 1 of 9						
	SUBJECT: HUMAN RESOURCES: ADA, Accommodation Requests and Disability Compliant Resolution								
Approved By: _____ Secretary of Corrections	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Original Date Issued:</td> <td style="text-align: right;">09-15-15</td> </tr> <tr> <td>Replaces Version Issued:</td> <td style="text-align: right;">N/A</td> </tr> <tr> <td>CURRENT VERSION EFFECTIVE:</td> <td style="text-align: right;">09-15-15</td> </tr> </table>			Original Date Issued:	09-15-15	Replaces Version Issued:	N/A	CURRENT VERSION EFFECTIVE:	09-15-15
Original Date Issued:	09-15-15								
Replaces Version Issued:	N/A								
CURRENT VERSION EFFECTIVE:	09-15-15								

APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
-----------------------	--	---	---

POLICY STATEMENT

The Department of Corrections (DOC) shall not discriminate against qualified employees or job applicants with disabilities. The DOC shall provide a mechanism to process requests for reasonable accommodations made by a qualified individual with a disability, either as a job applicant or a KDOC employee so that he/she has the opportunity to participate in all DOC's employment opportunities.

DEFINITIONS

Agency ADA Coordinator: An employee, who is trained in all ADA requirements and is designated to be responsible for the Administration of the Department's ADA Compliance Program.

Americans with Disabilities Act (ADA): A federal civil rights law establishing a clear and comprehensive prohibition of discrimination on the basis of disability.

Appointing Authority: Any person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make appointments to positions in the State service pursuant to K.A.R. 1-2-9. Anytime this term is used in this IMPP, it can be read as referring to the "appointing authority or designee" as noted in IMPP 02-109D.

Essential Functions: A basic duty of the job which:

1. Is the reason for the positions existence; or
2. Cannot be reasonably performed by other employees because of factors which include, but are not limited to, the following
 - a. Other employees do not have the expertise or skills to perform the function.
 - b. The function is critical for the safety and security of staff and/or offenders.
 - c. The function accounts for a significant portion of the work assigned to the position.
 - d. The number of other employees available to perform the duty is not sufficient

Official Medical File: Private and confidential medical file maintained in only one secure location and available only to those with a need to know.

Official Personnel File: A permanent file containing all non-medical transactions relating to a person's employment with DOC.

Official Record: A current and accurate record of the employee's work history including all important information relating to it as described in K.A.R. 1-13-1a.

Qualified Individual: A person who meets the skill, experience educations, and other job related minimum requirements of a position held or desired and who can, with or without reasonable accommodation perform the essential functions of the job, is a qualified individual.

Reasonable Accommodation: Modifications, adjustments or restructuring of a job settings or methods, application or hiring process, or other employment related concerns, facilities, or process which would enable a qualified individual with one or more disabilities to compete equally for a job, perform the essential functions of the job, or participate in all benefits and functions afforded similarly situated employees without disabilities are reasonable accommodations.

Statewide ADA Coordinator: A person designated by the Governor or his representative to be responsible for Statewide compliance with the ADA in state service, who is located in the Department for Children and Families.

Undue Hardship: A modification or adjustment to a job setting or process, or other employment related concern which is not reasonable is an undue hardship. The following shall be taken into consideration in determining whether an undue hardship exists:

1. Whether the requested accommodation fundamentally alters the program service, activity or position to the point that it can no longer perform at an adequate level;
2. Nature and cost of the proposed accommodation in relation to the financial resources of the state;
3. Number of employees at the facility; and,
4. The overall operation of the DOC including the structure and purpose of the workforce.

PROCEDURES

I. ADA Coverage

- A. The ADA covers both physical and mental impairments as determined on a case-by-case basis that are long term in nature and limit a major life function that may include:
 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss that affects any of the following:
 - a. Special sense organs;
 - b. Neurological;
 - c. Musculoskeletal;
 - d. Respiratory (including speech organs);
 - e. Cardiovascular;
 - f. Reproductive;
 - g. Digestive;
 - h. Geni-to-urinary;
 - i. Hemic;
 - j. Lymphatic;
 - k. Skin; or
 - l. Endocrine.
 2. Any mental or psychological disorder such as.

- a. mental retardation,
 - b. Organic brain syndrome,
 - c. Emotional or mental illness; or
 - d. Specific learning disabilities.
3. Past substance abuse.
- B. Although individuals who have recovered from past substance abuse are covered under the ADA, persons who are current illegal substance abusers are not covered.
- C. To be considered disabled under the ADA, the individual must meet at least one (1) of the following criteria:
- 1. Have an impairment that substantially limits one (1) or more major life activities.
 - 2. Have a record of such an impairment because they previously had an impairment and have now recovered and have suffered some sort of negative job action due to that record.
 - 3. Have a disability that does not substantially limit a major life activity or have no disability, but be regarded as having a disability by the DOC representatives (e.g., supervisors, managers, interview teams, etc.)
 - a. The individual is only covered under this portion of the regulation during the period that the individual is so regarded.
- D. Temporary impairments are seldom covered under the ADA. Impairments that do not limit major life activities are not covered except when regarded as disabled by the employer as stated above.
- E. Some examples of reasonable accommodation include:
- 1. Modification of equipment, such as a hearing device for a telephone.
 - 2. Providing services, such as a sign language interpreter, for a training or interviews.
 - 3. Removal of one or more non-essential duties that cannot be accommodated by other means, such as a requiring a clerical employee to drive weekly to pick up supplies.
 - 4. Modifications to facilities, such as widening a doorway or installing ramps for a wheelchair access to work areas, restrooms, break rooms, etc.
 - 5. Supervisors and managers shall confer with the Agency ADA coordinator:
 - a. Anytime they believe that the applicant or employee will be unable to perform the essential functions of their job, even with an accommodation.
 - b. When it appears that a requested accommodation is unreasonable.
- F. Since these are general statements and examples, supervisors and managers are encouraged to consult with the DOC ADA Coordinator anytime they have questions regarding whether an individual is covered under the ADA.

II. Responsibility

- A. The following contact information shall be posted on internal employment related bulletin boards:
- 1. State ADA Coordinator
Kansas Department for Children and Families

555 S. Kansas Avenue
Topeka, KS 66603
785-296-1389

2. KDOC ADA Coordinator
714 SW Jackson, Suite 300
Topeka, KS 66603
Agency Telephone: 785-296-4273
Agency Cell Phone: 785-213-3450
Toll Free 1-844-522-1956

- a. The Agency ADA Coordinator shall investigate and provide resolution for all complaints based upon disability consistent with this policy, provide training on the use of the policy and Agency expectations, and maintain confidential files on all disability complaints

- B. Supervisors and managers will assure that this IMPP and the Statewide procedure are posted internally on all employment related bulletin boards in locations accessible to employees and applicants.

III. Reasonable Accommodations

A. Requests by Employment Applicants

1. The qualified disabled applicant is responsible for initiating the interactive discussion process regarding reasonable accommodation.
 - a. Applicants shall be asked to notify the office conducting the interview, of any necessary accommodation needed to attend the interview, prior to the interview date.
2. Interviewers shall not require or allow inappropriate questions, tests, equipment, or qualifications in the selection process. They shall not consider any record of a disability that may have been inadvertently indicated on an application, nor may they record or consider any disability related responses inadvertently provided to any neutral questions.
3. During all employment interviews, an interviewer shall indicate that DOC complies with the requirements of all federal and state non-discrimination laws including the requirement to provide reasonable accommodations under the Americans with Disabilities Act and amendments thereto.
 - a. They may then ask the candidates if they have read the position description, and if so whether they believe they are able to perform the essential job functions.
 - b. No other discussion that may elicit disability related information shall occur during any portion of the interview process.

B. Requests by Employees

1. Managers responsible for processing new employees shall provide a copy of this procedure to newly hired employees and obtain a signed copy of Attachment A for inclusion in the employees Official Personnel File.
2. It is the responsibility of the employee to initiate the interactive process by making a request for accommodation to his/her supervisor/manager based upon a medical need that the employee believes to be covered.
 - a. Supervisors and managers who receive a request for accommodation shall meet in private with the requesting employee and evaluate the reasonableness of the request and implement those determined to be reasonable.

- (1) Any questions regarding the appropriateness of a request shall be discussed with the Agency ADA coordinator and any documentation provided shall be maintained only in the employee's permanent medical file.
 - (2) The supervisor/manager shall discuss any requests thought to represent an undue hardship, with the Agency ADA Coordinator.
3. Upon learning from the employee of a potential medical issue that may represent a covered disability, the supervisor shall engage in a private conversation with the employee regarding what the Agency may do to assist.
 - a. The supervisor or manager shall review any requests for assistance and take steps to provide reasonable accommodation.
 - b. An interactive process between the employee and the supervisor should be used to determine what reasonable accommodation will be provided.
 - c. When a non-apparent disability exists, the supervisor or manager may request that the medical documentation necessary to determine that a disability exists, be provided by the requestor from their qualified medical practitioner.
 - d. Any questions regarding the appropriateness of a request shall be discussed with the Agency ADA coordinator and any documentation provided shall be maintained only in the employee's permanent medical file.
 - e. Nothing in this IMPP shall preclude a manager from providing a workplace variance that would allow a person to more easily perform the duties of their position, regardless of disability status.

C. Some examples of reasonable accommodation include:

1. Modification of equipment, such as a hearing device for a telephone.
2. Providing services, such as a sign language interpreter, for a training or interviews.
3. Removal of one or more non-essential duties that cannot be accommodated by other means, such as a requiring a clerical employee to drive weekly to pick up supplies.
4. Modifications to facilities, such as widening a doorway or installing ramps for a wheelchair access to work areas, restrooms, break rooms, etc.
5. Supervisors and managers shall confer with the Agency ADA coordinator:
 - a. Anytime they believe that the applicant or employee will be unable to perform the essential functions of their job, even with an accommodation.
 - b. When it appears that a requested accommodation is unreasonable.

IV. Health and Safety Considerations

- A. In the case of a person with a disability that poses a direct or significant threat to the safety of themselves or others, the DOC may dismiss or refuse to hire the individual, provided that the threat is based upon knowledge, not speculation, when the threat cannot be eliminated by providing reasonable accommodation, which may include transfer to a different position consistent with other portions of this policy stated below.
- B. When it appears that such a threat may exist, the Appointing Authority shall evaluate the threat and the possibility of reasonable accommodation by taking the following factors into consideration:
 1. Duration of the risk.

2. The nature and severity of the potential harm.
 3. The likelihood that potential harm will occur.
 4. The imminence of potential harm.
- C. The Appointing Authority should confer with the Agency ADA Coordinator to determine whether some reasonable accommodation may alleviate the threat.
- D. If the disabled individual is a current DOC employee, and there is no accommodation that would allow the employee to remain in their current position, the accommodation of last resort would be to look for another open and available position within the DOC meeting all the following criteria:
1. The employee must meet the minimum qualifications and be able to perform the essential functions of an open and available position, with or without a reasonable accommodation, at the time of the appointment.
 2. The employee does not pose a direct threat in the new position.
 3. The position is at the same salary level or if not available at a lower level in the position in the range resulting in the least loss of pay possible.
 4. Any such appointment would be non-competitive.
- E. If no position exists within the DOC the Appointing Authority will consult with the Agency ADA Coordinator.

V. Prohibition of Discriminatory Actions

- A. The appointing authority shall monitor the atmosphere and events at the work site sufficiently to ensure that no employee is being subjected to discrimination based upon a disability. Any employee who participates in discriminatory actions prohibited by this IMPP may be subject to disciplinary action, which may include dismissal. Actions which could be discriminatory could include but are not limited to:
1. Disallowing the consideration of an individual due to, or not hiring a qualified individual because of, a disability.
 2. Inappropriately initiating discussions with an employee or applicant, regarding a disability or need for a reasonable accommodation.
 3. Inappropriately engaging in discussions with others who do not have a need to know about an applicant or employee's medical condition or disability.
 4. Using screening criteria, tests or qualifications for a job that are not necessary to perform the essential functions of the job, and which would disproportionately exclude otherwise qualified disabled persons.
 5. Failing or refusing to make a reasonable accommodation when requested by an employee or applicant.
 6. Refusing to hire a qualified applicant based solely upon their need for a reasonable accommodation.
 7. Refusing to make reasonable accommodations or supply necessary reasonable modifications to equipment or procedures so that at disabled employee or applicant is afforded the same opportunities during tests, trainings, or demonstrations.
 8. Refusing to provide reasonable accommodations which would allow access to the same privileges of employment, such as break rooms, trainings, and work-related functions.

B. Supervisors and managers shall not:

1. Refuse to; accept applications for interview or hire a qualified individual based upon the person's disability, regardless of whether the applicant has acknowledged that they have a disability.
2. Inappropriately initiate discussions with employees regarding a reasonable accommodation,
3. Discuss the applicant's ability to physically or mentally perform a job with an applicant during an interview at a pre-offer stage,
4. Use interview questions or testing procedures that would screen out disabled persons that are not related to the essential functions of the job.

VI. Disability Complaints - General Procedure

- A. Any employee or applicant who believes they have been discriminated against on the basis of a disability has the right to file a complaint under the provisions of the ADA and may do so in writing or verbally. Employees are encouraged to discuss their complaint with their supervisors, managers, the ADA Coordinator, or the Director of Human Resources.
- B. The Statewide grievance procedure outlined below shall be used for complaints based upon a disability. Any complaints filed shall be forwarded to the Agency ADA Coordinator, who will refer it to the Statewide ADA Coordinator for processing.
- C. Employees and applicants also have the right to file with the Equal Employment Opportunity Commission (EEOC) or the Kansas Human Rights Commission (KHRC) within 180 days of the alleged violation.
- D. Any findings, notices and recommendations will be sent to the complainant by certified mail, or hand delivered with a written receipt acknowledging its delivery.

VII. Complaint Process

- A. Employees or applicants who wish to file a complaint shall follow these steps:
 1. Step 1: Information regarding the allegations provided internally to the Appointing Authority, Agency ADA Coordinator, or Director of Human Resources will be forwarded to the Statewide ADA Coordinator's office within 45 calendar days of the alleged violation.
 - a. Employees and applicants may choose to file directly through the Statewide ADA Coordinator's office listed in Section II.A.1. above.
 2. Step 2: In most cases the State ADA Coordinator will refer the complaint back to the Agency ADA Coordinator for processing.
 3. Step 3: The Agency ADA Coordinator shall investigate the complaint and determine the validity of the complaint and provide any necessary resolution. The investigation shall include providing the complainant, any person against whom the complaint was filed, the Appointing Authority and others as applicable the opportunity to submit information or evidence.
 - a. Special Circumstances
 - (1) If the complaint involves the Agency ADA Coordinator, the State ADA Coordinator shall designate an impartial person to conduct the investigation and preform the related responsibilities.
 4. Step 4: Within 60 calendar days of the date of filing the ADA Coordinator shall provide a

written determination to the complainant, the person against whom the complaint was filed, the Appointing Authority, and the State ADA Coordinator. The Agency ADA Coordinator's written report shall include a determination regarding the validity of the complaint, a description of any resolution and the following statement: "If you disagree with this decision, you have thirty (30) days to file a request for reconsideration with the Statewide ADA Coordinator".

B. Reconsideration of Complaints

1. Either party to the complaint may appeal a decision regarding a complaint by submitting a request to the Statewide ADA Coordinator for reconsideration of the decision. Requests shall be submitted directly to the Statewide ADA coordinator within 30 calendar days of the party's receipt of the written decision from the Agency ADA Coordinator.

VIII. Files

- A. The ADA Coordinator shall establish a confidential complaint file consisting of the pertinent documents acquired during the complaint process and investigation. The documents shall include, but not be limited to:

1. All written and email correspondence regarding the complaint
2. Decisions and recommendations
3. Any provided investigatory statements
4. Findings of the investigation

- B. Information regarding complaints, requests for accommodation, and other disability issues shall not be included in any employee's official personnel file except as for the minimal documentation needed to support any disciplinary action proposed against an employee based upon the findings of the investigation. Any submitted medical documentation shall only be maintained in the applicable employee's permanent official medical file.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None

REFERENCES

42 U.S.C. 12101 (American with Disabilities Act of 1990 and amendments thereto)
K.S.A. 44-1001, 44-1002, 44-1005, 44-1009, 44-1012, 44-1013
K.A.R. 1-2-9; 1-13-1a
IMPP 02-109D
NOTICE TO THE PUBLIC memo to all State Agencies, dated 10-10-2012
Executive Order 92-154

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Employee ADA Acknowledgment	1 page

KANSAS DEPARTMENT OF CORRECTIONS

ADA ACKNOWLEDGMENT

I. Receipt of KDOC ADA Employment Policy

I, _____, the undersigned, am employed by the Kansas Department of Corrections in the position of _____, and hereby acknowledge, by my signature below, that on this date I was provided with a full and complete copy of IMPP 02-129D, ADA Accommodation Requests and Disability Compliant Resolution policy, which discusses expectations, accommodation requests and how to file a complaint, and confirm that I was afforded adequate time, on the job, to read the same, and was informed by my supervisor that I could ask any questions of said supervisor, the appointing authority, or the human resources manager, necessary to understand the policy. I further hereby agree that I understand and agree to fully abide by the policy.

Date


Signature of Employee

Date

Signature of Supervisor

AFTER THIS FORM HAS BEEN SIGNED BY THE EMPLOYEE AND SUPERVISOR, IT SHALL BE FORWARDED TO THE HUMAN RESOURCES OFFICE OF THE FACILITY OR OFFICE WHERE THE EMPLOYEE WORKS, AND SHALL BE MADE A PERMANENT PART OF THE OFFICIAL PERSONNEL FILE OF THE EMPLOYEE.

KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER	PAGE NUMBER
		01-128	1 of 7
		SUBJECT: ADMINISTRATION: Discrimination Complaints by Non-Offender Program Beneficiaries	
Approved By: Secretary of Corrections		Original Date Issued:	09-27-13
		Current Amendment Effective:	N/A
		Replaces Amendment Issued:	N/A

POLICY

The Department of Corrections is committed to prohibiting illegal discrimination as defined by state and federal law. Discrimination against program beneficiaries on the basis of protected class characteristics, including, but not limited to race, color, religion, national origin or ancestry, gender, age, disability, political affiliation, or military status is prohibited. This prohibition applies to all staff, volunteers, and contractors of the Department of Corrections and its subgrantees.

Whereas existing policies and procedures provide for the resolution of discrimination complaints by offenders and staff, this policy is intended to provide for resolution of discrimination complaints by non-offender beneficiaries of the Department's programs and services. It is intended to ensure fairness for both the complainant and the respondent in the handling of discrimination complaints, as well as to prevent retaliation or reprisals against individuals who take action or participate in action to secure rights protected by law.

The KDOC, its contractors, staff, volunteers, and subgrantees shall comply with all applicable non-discrimination requirements, including, but not limited to:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in OJP funded programs or activities and which entails taking reasonable steps to ensure that persons with Limited English Proficiency (LEP) (i.e., persons whose first language is not English and who have a limited ability to read, write, speak, or understand English) have meaningful access to funded programs or activities. (42 U.S.C. § 2000d, and DOJ implementing regulations at 28 C.F.R. § 42.201 *et seq.*);
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, or sex, in OJP funded programs or activities (42 U.S.C. § 3789d(c)(1), and DOJ implementing regulations at 28 C.F.R. § 42.201, *et seq.*);
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in OJP funded programs or activities (29 U.S.C. § 794 and DOJ implementing regulations at 28 C.F.R. § 42.501 *et seq.*);
- Title II of the Americans with Disabilities Act of 1990, as it relates to discrimination on the basis of disability in OJP funded programs or activities (42 U.S.C. § 12132, and DOJ implementing regulations at 28 C.F.R. § 35);
- Title IX of the Education Amendments of 1972, as it relates to discrimination on the bases of sex in OJP funded training or educational programs (20 U.S.C. § 1681, and DOJ implementing regulations at 28 C.F.R. § 54);

- The Age Discrimination Act of 1975, as it relates to services discrimination on the basis of age in OJP funded programs or activities (42 U.S.C. § 6102, and DOJ implementing regulations at 28 C.F.R. § 42.700 et seq.);
- The DOJ regulations on Equal Treatment for Faith-Based Organizations, 28 C.F.R. § 38;
- Section 1407 of the Victims of Crime Act (VOCA), which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities (42 U.S.C. § 10604);
- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672b); and
- Will not provide any funding (either directly or indirectly, whether by way of contract, subaward, or other means) either to 1) the Association of Community Organizations for Reform Now (ACORN), or 2) an ACORN subsidiary.

The principal administrator for each program shall monitor the atmosphere and events within the program sufficiently to ensure that no program recipient is being subjected to discrimination. If such treatment is observed or there is otherwise cause to believe it is occurring the principal administrator shall take steps, or cause steps to be taken, necessary to rectify the situation whether or not a complaint has been filed.

DEFINITIONS

Civil Rights Liaison: The staff member responsible for coordinating the Department's investigation of and response to discrimination complaints and inquiries made by non-offender program beneficiaries.

Illegal Discrimination: The denial of rights, benefits, justice, or equitable treatment on the basis of protected class characteristics, including, but not limited to race, color, religion, national origin or ancestry, gender, age, disability, political affiliation, or military status.

Principal Administrator: Person directly responsible for the overall administration of a KDOC facility, parole region, or Central Office work unit.

Program: A formal multi-faceted package of interventions and services, including such things as case management, treatment, counseling, service-connection, or similar activities that address multiple offender areas of risk or need.

Program Beneficiary: A person, other than an offender, who is eligible to receive services or benefit from KDOC programs.

Retaliation: Coercion, intimidation, or discrimination against an individual as punishment for engaging in legally protected activity such as making a complaint of harassment or participating in investigations or intended to deter such individual from engaging in such protected activity.

Subgrantee/Subrecipient: An organization that receives financial assistance as a pass-through obligation from the direct recipient of those funds.

PROCEDURES

I. Complaint Procedures

- A. A program beneficiary who believes s/he has been excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with a program or activity funded in whole or in part with DOJ funds on the basis of race, color, national origin, sex, age, religion, or disability or has been retaliated against for engaging in protected activity may file a complaint directly with the KDOC Civil Rights Liaison at:

Human Resources Director
 Kansas Department of Corrections
 900 SW Jackson 400N
 Topeka, Kansas 66612
 785-296-3310

1. Nothing in this policy shall be deemed to abridge or limit a complainant's right to file claims directly with outside entities having jurisdiction over such complaints, including:

Kansas Human Rights Commission (KHRC)

900 SW Jackson
Suite 568-South
Landon State Office Building
Topeka, KS 66612-2818
Phone: 785-296-3206
Fax: 785-296-0589
TTY: 785-296-0245
<http://www.khrc.net>

Office for Civil Rights (OCR)

Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

The Kansas Governor's Grant Program

900 SW Jackson, Rm 304 North
Topeka, Kansas 66612-1220
Phone: 785-291-3205
Fax: 785-291-3204

- B. Any KDOC staff or staff of any subgrantee who receives a complaint of alleged discrimination involving a program beneficiary shall:
 1. provide the complainant with a KDOC Discrimination Complaint Form for Non-Offender Program Beneficiaries (Attachment B), and assist the complainant as needed in completing the form;
 2. forward all written complaints to the KDOC Civil Rights Liaison; and
 3. direct the charging individual to contact the KDOC civil rights liaison.
- C. If the KDOC Civil Rights Liaison determines that the complaint is outside the scope of this policy, s/he shall advise the complainant of appropriate policies for pursuing such complaints.
- D. The KDOC Civil Rights Liaison shall advise the complainant of the complainant's right to pursue the matter with the Kansas Human Rights Commission (KHRC) or another entity having jurisdiction over such matters.
 1. The KDOC Civil Rights Liaison will advise the charging party that a complaint must be filed with KHRC and EEOC within 180 days from the date of the alleged violation in order to protect the charging party's rights.
 2. Complainants who have filed a complaint with outside enforcement agencies or who have filed a lawsuit against the Department may not file an internal complaint on the same matter, and no further action will be taken on a pending internal complaint on the same matter.
 3. A complaint with an outside enforcement agency or lawsuit does not affect the filing of an internal complaint on an unrelated matter.
- E. The KDOC Civil Rights Liaison shall be precluded from participating in the investigation or resolution of any complaint in which s/he is otherwise involved as a witness or participant or in a close personal or working relationship with individuals who are principals in the matter being reported.

- F. Prior to any investigation, the KDOC Civil Rights Liaison shall contact the appointing authority to inform them that the complaint has been filed.
1. The appointing authority or designee shall notify the individual(s) named in the complaint that the complaint has been filed.
 - a. As a part of the notification to the individual(s) who allegedly committed the act of discrimination, the appointing authority or designee shall:
 - (1) Provide a copy of the complaint to the individual(s), inform them not to discuss the complaint with anyone not having the need to know, and advise them that the commission of retaliating acts is prohibited; and,
 - (2) Direct said person(s) to the appropriate provisions of this policy.
- G. Within twenty (20) working days following the receipt of a complaint, the KDOC Civil Rights Liaison shall gather any information needed, make a determination on the complaint, and forward the report and recommendation for resolution to the appropriate appointing authority. (See Section VI. for extending time limits).
1. The KDOC Civil Rights Liaison shall be authorized to interview all individuals and to review all documents and records that might provide relevant information concerning the complaint.
- H. Resolution During Investigative Procedure
1. If at any time during the investigation the KDOC Civil Rights Liaison can achieve a mutually agreeable resolution of the complaint, s/he should do so and draft a written report of the resolution. Such a resolution must be approved by the appropriate appointing authority.
 2. The resolution shall be signed by all parties to the agreement.
 3. The original agreement shall be maintained by the KDOC Civil Rights Liaison. Copies of the agreement shall be provided to the appointing authority and to each of the parties to the agreement. Copies will not be placed in an employee's official personnel file unless that employee received formal disciplinary action directly related to events alleged in the complaint.
- I. Within twenty (20) working days following receipt of the report and the KDOC Civil Rights Liaison's recommendation, the appointing authority shall make a determination concerning resolution of the complaint, which shall be subject to review by the Chief Legal Counsel or designee and the Director of Human Resources.
- J. Following review by the Chief Legal Counsel or designee and the Director of Human Resources, the appropriate appointing authority shall make the final decision and the decision shall be given to the KDOC Civil Rights Liaison.
1. This decision shall set forth findings and conclusions supporting the decision.
- K. The KDOC Civil Rights Liaison shall advise the complainant of the determination and of the complainant's right to pursue the matter further with the Kansas Human Rights Commission (KHRC) or another entity having jurisdiction over such matters.
1. The KDOC Civil Rights Liaison will advise the charging party that a complaint must be filed with KHRC and EEOC within 180 days from the date of the alleged violation in order to protect the charging party's rights.
- L. Once all actions stated in the determination have been completed, the complaint will be considered closed and the Department will take no further action toward resolution. However,

nothing shall prevent an employee from filing another complaint should significant additional information become available or should subsequent incidents of retaliation be alleged.

1. Notice of closure shall be provided by the KDOC Civil Rights Liaison or designee to all parties concerned.
- M. All discrimination investigations and supporting documentation shall be maintained in a secure area with limited access.

II. Processing Complaints Against the Department Filed with External Enforcement Authorities

- A. Any person within the Department receiving notice of a complaint or charge from an outside enforcement authority shall notify his or her appointing authority that a complaint has been filed, and shall immediately forward such complaint or charge to the KDOC Civil Rights Liaison.
- B. The KDOC Civil Rights Liaison shall notify Chief Legal Counsel that a complaint has been received.
- C. The KDOC Civil Rights Liaison shall make an initial determination as to the most appropriate internal method for processing the complaint based upon the allegation(s) and a preliminary investigation of the circumstances precipitating the complaint.
- D. During all phases of an investigation by an outside enforcement authority, the KDOC Civil Rights Liaison or his or her designee shall act as the Department's liaison with such enforcement authorities.
- E. The KDOC Civil Rights Liaison or his or her designee shall be present during all interviews conducted with departmental employees other than the complainant(s) and during review of any documentary materials by representatives of any enforcement authority.
- F. In the event of a finding by an enforcement authority that probable cause exists to believe the validity of the complaint, any negotiation with such authorities for a settlement agreement shall be conducted by the Chief Legal Counsel or his or her designee.
- G. The KDOC Civil Rights Liaison shall provide such assistance as the Chief Legal Counsel requires in the conduct of these negotiations and a satisfactory resolution of the complaint.
- H. In cases involving court action or where the complainant has obtained independent legal representation pursuant to an action outside the realm of an internal complaint, the Department's Chief Legal Counsel or his or her designee shall act as the Department's liaison with such authorities or agents and shall represent the Department in all subsequent actions.
- I. In the event a federal or state court or federal or state administrative agency makes a finding against KDOC of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, age, or disability, the KDOC Civil Rights Liaison shall forward a copy of the findings to the Kansas Governor's Grants Program.

II. Confidentiality of Investigative Information

- A. Information obtained or shared during an investigation shall be considered confidential to the greatest extent possible. No employee involved in the investigation shall discuss or divulge any information obtained in the course of the investigation with anyone other than the KDOC Civil Rights Liaison, KDOC legal counsel, investigators from outside enforcement entities, or the appointing Authority.
- B. Breach of confidentiality may result in disciplinary action against the person committing the breach.
- C. The KDOC Civil Rights Liaison may direct employees to share information with people other than those specified above.

- D. Each employee involved in a discrimination investigation shall sign the KDOC Acknowledgement of Confidentiality of Discrimination Investigation (Attachment C).

III. Policy Dissemination

- A. This policy will be made available to all KDOC staff, KDOC program beneficiaries, and subgrantees.
- B. Every employee shall receive a copy of this policy during new employee orientation.
- C. Non-discrimination clauses will be incorporated in all agreements, award packets and contracts that operate with KDOC. All subgrantees of KDOC shall acknowledge reviewing the policy and assure that their staff review the policy by initialing a special condition before receipt of their award.

IV. Training

- A. KDOC will provide training for staff on this policy during new employee orientation and annual training. The training will include an overview of complaint policies and procedures, including staff responsibility to refer discrimination complaints from program beneficiaries and subgrantees to the KDOC Civil Rights Liaison.

V. Time Frames Involved in Processing a Complaint

- A. The KDOC Civil Rights Liaison shall be responsible for ensuring compliance with the procedures and time frames indicated in the policy.
- B. Those involved in investigating the complaint or making decisions regarding the complaint may submit a notice to the KDOC Civil Rights Liaison that an extension, not to exceed thirty (30) working days, of any time limit will be required.
- C. Upon approval of an extension to any time limit, the KDOC Civil Rights Liaison or designee shall provide notice of such extension to the complainant, to the person charged, to those persons involved in investigating the complaint, and to the appointing authority of the facility or office where the complaint originated.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, and DOJ implementing regulations at 28 C.F.R. § 42.201 *et seq.*), as amended
- The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d(c)(1), and DOJ implementing regulations at 28 C.F.R. § 42.201, *et seq.*), as amended

- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 and DOJ implementing regulations at 28 C.F.R. § 42.501 *et seq.*), as amended
- Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132, and DOJ implementing regulations at 28 C.F.R. § 35), as amended
- Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, and DOJ implementing regulations at 28 C.F.R. § 54), as amended
- The Age Discrimination Act of 1975 (42 U.S.C. § 6102, and DOJ implementing regulations at 28 C.F.R. § 42.700 *et seq.*), as amended
- The DOJ regulations on Equal Treatment for Faith-Based Organizations, 28 C.F.R. § 38, as amended
- Section 1407 of the Victims of Crime Act (VOCA) (42 U.S.C. § 10604), as amended
- The Kansas Act Against Discrimination as amended & The Kansas Age Discrimination in Employment Act of 1983, as amended
- Section 1407 of the Victims of Crime Act (VOCA) (42 U.S.C. § 10604), as amended
- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672b), as amended

ATTACHMENTS

Attachment A - EEO Acknowledgements – 1 page

Attachment B - KDOC Discrimination Complaint Form for Non-Offender Program Beneficiaries - 1 page

Attachment C - KDOC EEO and/or Sexual Harassment Acknowledgement of Confidentiality - 1 page

KANSAS DEPARTMENT OF CORRECTIONS

DISCRIMINATION ACKNOWLEDGMENTS

I. Receipt of KDOC Discrimination Complaint Resolution Policy

I, _____, the undersigned, am employed by the Kansas Department of Corrections in the position of _____, and hereby acknowledge, by my signature below, that on this date I was provided with a full and complete copy of **IMPP 01-128 -- Discrimination Complaints by Non-Offender Program Beneficiaries**, was afforded adequate time, on the job, to read the same, and was informed by my supervisor that I could ask any questions of said supervisor, the appointing authority, or the human resources manager, necessary to understand the policy. I further hereby agree that I understand and agree to fully abide by the policy.

Date

Signature of Employee

Date

Signature of Supervisor

AFTER THIS FORM HAS BEEN SIGNED BY THE EMPLOYEE AND SUPERVISOR, IT SHALL BE FORWARDED TO THE HUMAN RESOURCES OFFICE OF THE FACILITY OR OFFICE WHERE THE EMPLOYEE WORKS, AND SHALL BE MADE A PERMANENT PART OF THE OFFICIAL PERSONNEL FILE OF THE EMPLOYEE.

KANSAS DEPARTMENT OF CORRECTIONS
Discrimination Complaint Form for Non-Offender Program Beneficiaries

1. Name of Person Reporting or filing complaint: _____
Position: _____ Facility/Office: _____
At what phone number should we call you? _____

2. Name(s) of Person(s) Alleged to have committed the actions:

Name	Position Title/Rank
Name	Position Title/Rank
Name	Position Title/Rank

Facility/Office _____

3. Date(s) of incident(s): _____

Use additional pages if necessary and attach to this form

- 4. Describe the incident(s) in detail. Include names, dates, locations, approximate time of day, etc.

- 5. State the name and phone number or work location of any person(s) who witnessed any of the alleged discrimination. Briefly explain what you think they know about this complaint and how they were involved or observed the alleged incident.

- 6. Have you discussed this alleged incident with any other person(s) within the Department of Corrections? If so, provide their name(s), and phone number(s) or work location(s), the dates on which such discussions occurred and what, if anything, happened as a result of your discussion.

- 7. How would you like to see this complaint resolved? What action would you like to see take place?

Signature of Complainant/Reporter

Date of Filing

Name of Person Receiving Complaint (print)

Signature of Person Receiving Complaint

Date Received

=====

FOR OFFICE USE ONLY

Resolution:

Date of Resolution: _____

KDOC Acknowledgement of Confidentiality of Discrimination Investigation

I, _____ an employee of _____
(Print Name) (Facility or Office)
hereby affirm that the Kansas Department of Corrections policy on maintaining confidentiality related to discrimination investigations has been made available to me. I further acknowledge that I have read and fully understand the policy as it applies to any involvement I may have in a discrimination investigation. I understand that I am not to discuss or divulge any information I have obtained or will obtain in the course of a discrimination investigation with anyone other than the KDOC Civil Rights Liaison, KDOC legal counsel, investigators from outside enforcement entities, or the Appointing Authority unless directed to do so by the KDOC Civil Rights Liaison and that a breach of confidentiality can result in disciplinary action up to and including termination.

Employee's Signature

Date

Witness Signature

Date

Policy Memorandum¹

This Policy Memorandum Issuance #18-03-001

Effective Date: Upon Issuance

Expiration Date Upon Reissuance of IMPP² (required)

_____ Addresses subject matter for which an IMPP will be forthcoming and assigned to Chapter(s) _____ of the IMPP manual.

X Amends or modifies existing IMPP(s) **#02-118D HUMAN RESOURCES: Employee and Volunteer Rules of Conduct and Undue Familiarity**

_____ Elaborates on the contents of IMPP(s) # _____

_____ Is for Staff Only

X Is for Both Staff and Offenders

This policy memorandum is being issued to revise the disciplinary action for possession of personal cell phones and possession of tobacco products.

Revisions are being made to Section IV.W.3.a.(1) through (4) and adding a new (5) as follows:

IV. Rules of Conduct

W. Possession of Personal Cell Phones.

3. Violation of this policy shall be subject to the following disciplinary actions except as provided by the provisions in Section IV.W.5.

a. Any employee found to be in possession of personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices within any area of a correctional facility outside the confines of the employee's locked vehicle, while attempting to enter a correctional facility, or while on duty and in direct contact with an offender or offenders away from facility grounds as provided herein shall be subject to disciplinary action as follows:

(1) ~~One (1) day suspension without pay~~ A Letter of Counseling for the first offense;

(2) ~~Three (3) day suspension without pay~~ A Letter of Reprimand for the second offense;

¹ Note: To keep your IMPP Manual current, please place this Policy Memorandum in your manual at the appropriate location. If the memorandum addresses subject matter for which an IMPP will be forthcoming, place this issuance before the first IMPP in the Chapter indicated. If the memorandum addresses an existing IMPP, the issuance should be placed in front of the existing policy. If this memorandum is for both staff and offenders, it shall be immediately posted.

² Unless another Policy Memorandum or IMPP on this subject is issued, the requirements contained herein have no force and effect after the indicated expiration date.

- (3) ~~Five (5) day suspension without pay~~ A one (1) day suspension for the third offense; and
- (4) ~~Termination~~ A three (3) day suspension for the fourth offense; and
- (5) Termination for the fifth offense.

Revisions are being made to Section IV.X.1.a. through f. as follows:


X. Possession of Tobacco Products.

- 1. Employees violating the provisions of IMPP 09-107D with regard to the possession and/or use of tobacco products shall be subject to the following disciplinary sanctions:
 - a. A Letter of Counseling Reprimand for the first offense;
 - b. A Letter of Reprimand ~~one (1) day-suspension~~ for the second offense;
 - c. A one (1) three (3) day suspension for the third offense;
 - d. A three (3) five (5) day suspension for the fourth offense; and,
 - e. Termination for upon the fifth offense.

Secretary of Corrections

Date: _____

KANSAS DEPARTMENT OF CORRECTIONS

 Department of Corrections	I NTERNAL M ANAGEMENT P OLICY AND P ROCEDURE	SECTION NUMBER	PAGE NUMBER
		02-118D	1 of 17
		SUBJECT: HUMAN RESOURCES: Employee and Volunteer Rules of Conduct and Undue Familiarity	
Approved By: <div style="text-align: right;">Secretary of Corrections</div>		Original Date Issued:	07-01-15
		Replaces Version Issued:	N/A
		CURRENT VERSION EFFECTIVE:	07-01-15

APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
----------------	--	---	---

POLICY STATEMENT

Every contact with offenders should be viewed as an opportunity to set a positive example and to emphasize positive behavior and individual accountability. All employees of the Kansas Department of Corrections shall adhere to the Department's Code of Ethics, as well as all other applicable statutes, regulations, performance, conduct, and/or physical and mental fitness expectations as established herein. (ACI 3-4067; 3-APPFS-3C-02) The Department is committed to providing a productive and efficient work environment free of behaviors that are violent, threatening, disruptive, harassing, dishonest, unethical, or that violate any of the provisions of this document. (3-APPFS-3C-02) Violation of any statute, regulation, rule of conduct, or condition of employment may subject the employee to criminal charges or disciplinary action, up to and including dismissal. (ACO 2-1C-04)

The Kansas Department of Corrections absolutely forbids acts of undue familiarity with offenders. The Department shall fully investigate, and take all necessary corrective and disciplinary action, per provisions in IMPP 02-120D, concerning any person who engages in undue familiarity.

DEFINITIONS

Appointing Authority: The person designated pursuant to IMPP 02-109D for each respective division or facility of the department.

Contraband: Any item that has not been approved for introduction into a correctional facility by law, regulation, policy, or otherwise specifically authorized by the warden, per K.A.R. 44-2-103 or the superintendent, per K.A.R. 123-2-111.

Employee: Any person employed full time, part time, or on a temporary appointment to the Kansas Department of Corrections. For purposes of this IMPP, this definition shall include any person employed by a public or private entity under contract to provide services to the Kansas Department of Corrections; including supervision services for persons on parole, conditional release, and post-release supervision.

Facility: Includes KDOC adult and juvenile correctional facilities, parole offices, Central Office, and Correctional Industries offices or work sites.

Gross Negligence: Conduct indicating a reckless disregard and complete indifference for the possible consequences of the person's action.

Horseplay: Any rough, boisterous, or rowdy play; or light hearted recreational activity pursued for the purpose of diversion or amusement.

Offender: For the purposes of this IMPP, this term refers to any individual in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; any individual who during the prior two (2) years has been in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; or any offender from another jurisdiction who is subject to a sanction for violation of criminal law, including those on supervised or non-supervised release status, whom the employee knows or should reasonably know to be in that status.

Restricted Access Areas: In a correctional facility, this would include areas that require passage through a security check point, within the secure perimeter and are in locked areas requiring a key, keycard, passcodes, or similar device to allow entry.

Smoking Paraphernalia: Items that would facilitate in the use of tobacco products to include, but not limited to lighters, matches, altered batteries, cigarette papers, rolling machine, and electronic cigarette related devices.

Tobacco Products: Includes cigarettes; pipes; pipe tobacco; loose-leaf tobacco; tobacco substitutes; chewing tobacco; smokeless tobacco; cigars; matches; cigarette lighters; smoking paraphernalia; electronic cigarettes (also known as e-cigarettes, personal vaporizers or PVs); and all items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco-based products. Tobacco products do not include pharmacological aids for smoking cessation approved by the Food and Drug Administration (FDA).

Tobacco Substitutes: Any substance ingested by smoking or herbal/leaf-based substitutes for chewing tobacco.

Undue Familiarity: Conversation, contact, personal or business dealing between an employee and offender or offender's family which is unnecessary, not a part of the employee's duties, and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes horseplay, betting, trading, dealing, socializing, family contact unrelated to the employee's duties, sharing or giving food, delivering or intending to deliver contraband, personal conversation, exchanging correspondence, including social networking via the intranet/internet or in any other manner developing a relationship with an offender which is anything other than an employee/offender relationship.

Valid Driver's License: A license to operate a motor vehicle, issued by the employee's state of residence, which is free of currently active revocations, suspensions, and/or restrictions that would prohibit the employee from operating a motor vehicle in a manner required of his or her position.

Volunteer: Any person, including interns, who provides, through his/her own volition, a service to a facility or field services office, and has completed an orientation and basic volunteer program.

Work Area: Any KDOC facility or satellite unit, parole office, Central Office division, or any location where offender work crews are assigned.

PROCEDURES

I. Responsibility of Appointing Authority

- A. Each appointing authority shall make accessible to employees:
 - 1. Kansas Statutes Annotated (K.S.A.).
 - 2. Kansas Administrative Regulations (K.A.R.).
 - 3. Internal Management Policies and Procedures (IMPP).
- B. In addition to those items listed in Section I.A., each warden, superintendent, and regional parole director shall make field, general and post orders accessible to employees.
- C. Each appointing authority shall be responsible for providing training to employees on the documents identified in Sections I.A. and B. and the time spent in this pursuit shall be documented in the employee's training file.

II. Employee Responsibility

- A. It is the responsibility of all employees to familiarize themselves with and to comply with requirements and conditions stated in the documents identified in Sections I. A. and B.
 - 1. Each employee shall be given time on duty or in training to familiarize themselves with the documents.
 - 2. During orientation, all new employees will be provided an overview of and shall sign a statement acknowledging access to and awareness of personnel policies and regulations.
 - 3. All new employees, contract personnel, volunteers, and all promoted and/or transferred employees shall be required to acknowledge the Department's Code of Ethics in writing on Attachment A, Employee Acknowledgements in writing on Attachment B, and State of Kansas Social Media Understanding & Acceptance of Policy in writing on Attachment C. (ACI 3-3067; 3-APPFS-3C-02)
- B. Violation of any rule of conduct may be grounds for disciplinary action up to and including dismissal. (ACO 2-1C-04)
- C. Employees and volunteers are required to report known or suspected violations of this policy to a supervisor or manager in a timely manner.

III. Use of Deadly Force by an Employee

- A. The ability and willingness to utilize deadly force in situations where the application of this degree of force is authorized and appropriate is a condition of employment for all corrections officers and corrections specialists.
- B. All corrections officers, corrections specialists, and special agents who are trained and qualified in the use of weapons and the application of deadly force pursuant to IMPP 03-106D and IMPP 12-111 are subject to assignment to any post or duty where the application of deadly force may be authorized or necessary.
 - 1. Any employee who refuses such an assignment or refuses or fails to apply deadly force under circumstances warranting the use of this degree of force shall be subject to disciplinary action up to and including dismissal. (ACO 2-1C-04)
 - 2. Any employee who applies deadly force under circumstances not warranting the use of this degree of force shall be subject to disciplinary action up to and including dismissal.

IV. Rules of Conduct (ACO 2-1C-04)

- A. Following Orders
 - 1. Employees shall promptly obey lawful orders given them by proper authority.
 - 2. In the event of conflicting orders, the last order shall be obeyed.
- B. Conduct and Demeanor
 - 1. While on duty, employees and volunteers shall at all times maintain a courteous, respectful and professional demeanor in their dealings with, and in the presence of, offenders, employees, visitors, and the public.
 - 2. Employees or volunteers shall not use indecent, abusive or profane language while on duty, including racial or ethnic slurs or jokes, or sexually suggestive comments or jokes.
 - 3. Employees or volunteers shall neither encourage nor participate in any behaviors that would create a hostile or fearful work environment, including but not limited to:

- a. Violent confrontations;
 - b. Assaultive acts or threats of any kind;
 - c. Any battering behavior, including any shoving, pushing, or any other rude application of force to the person of another;
 - d. Any telephone harassment or abuse of other modes of communication; or,
 - e. Any other behaviors that could create a hostile or fearful work environment.
4. Employees and volunteers shall, whether on duty or off duty, avoid conduct, which would be likely to bring criticism upon themselves or the Department.

C. Undue Familiarity

1. No employee or volunteer shall indulge in undue familiarity with any offender nor shall they permit undue familiarity on the part of any offender toward themselves.
2. No employee or volunteer shall engage in inappropriate conversations or discuss his or her personal affairs with any offender to include:
 - a. Discussion of personal matters about himself/herself, or any other employee, volunteer or contract personnel, sexual matters, relationship issues, family matters, or other similar issues, unless specifically required in the performance of their duties.
3. No employee or volunteer shall engage in any unauthorized game, contest or sport with any offender in the custody of the Secretary of Corrections.
 - a. No employee or volunteer shall engage in horseplay with any offender in the custody of the Secretary of Corrections.
4. No employee or volunteer shall establish a personal relationship with an offender or an offender's family or friends, including a friendship, a romantic relationship, a nurturing relationship, or a sexual relationship, unless the employee is related to the offender by blood or marriage and has reported the relationship to his or her immediate supervisor or appointing authority via "Notice of Offender Relationship", Attachment D.
5. No employee shall contact or correspond with any offender, member of an offender's family, or correspondent or visitor of an offender unless assigned duties require it or permission has been granted by the appointing authority.
 - a. Should an employee be contacted by any person listed in Section IV.C.5., while off duty, he or she shall report this fact to the appointing authority as soon as possible and no later than the beginning of the employee's next scheduled shift.
6. No volunteer shall contact or correspond with any offender, member of an offender's family, or correspondent or visitor of an offender unless assigned duties require it.
 - a. Should a volunteer be contacted by any offender, member of an offender's family, or correspondent or visitor of an offender while off duty, he or she shall report this fact to the appointing authority as soon as possible and no later than the beginning of the volunteer's next scheduled shift.
7. No employee or volunteer shall, under any circumstances, engage in trading, trafficking, or any business transaction with offenders or the families or visitors of offenders.
 - a. Employees or volunteers shall not, directly or indirectly, give to or accept from any

offender, or any offender's family member, anything in the nature of a gift or the promise of a gift.

8. No employee or volunteer shall knowingly sell to, buy from, receive from, or deliver to any offender an article or commodity of any description, except through duly authorized channels.
 - a. No employee or volunteer shall, without proper authorization, introduce into or upon the grounds of any Department of Corrections facility any item intended to be received by offenders.
 - b. No employee shall, without proper authorization, take out of the facility any correspondence or other written or taped material, personal property, or other item(s) from an offender of a facility.
 - c. No volunteer shall take out of the facility any correspondence or other written or taped material, personal property, or other item(s) from an offender of a facility.
 - d. Questions involving possible contraband items shall be answered through a review of IMPP 12-121 or by the appointing authority.
 - e. Any employee or volunteer violating this rule shall be subject to disciplinary action and criminal prosecution pursuant to K.S.A. 2014 Supp. 21-5914.
9. No employees or volunteers shall take or send either to or from any offender any message (verbal or written) or any literature or reading matter except such as is necessary in transacting the business of the facility or work area.
10. Each employee and volunteer within a correctional facility, in a field office within Parole Services, or in Kansas Correctional Industries shall receive training regarding undue familiarity during his or her initial basic training. Persons employed by DOC Central Office shall receive such training during the initial one-week orientation period.
 - a. Refresher training relative to undue familiarity shall be provided during annual training or more often if the appointing authority determines that a need for such training exists.
11. Employees and volunteers may receive approval, on a case by case basis, for contacts with offenders in other jurisdictions where there is a low probability of the offender being either incarcerated within KDOC facilities or supervised by KDOC personnel subsequent to release.
 - a. In such cases where an employee or volunteer is of the opinion that contact with an offender in another jurisdiction should be approved, the employee shall, in writing, notify his or her appointing authority of the offender's identity, location, correctional status, and any other facts pertinent to the request.
 - b. The appointing authority, or designee, shall verify the particulars of the request, and shall advise the employee/volunteer in writing as to whether or not the request is approved.
 - c. The decisions of appointing authorities in these matters are final, and not grievable under the provisions of IMPP 02-115D.
 - d. In cases where the employee's request is approved, the appointing authority shall ensure the notification of appropriate Enforcement, Apprehensions, and Investigations staff.
12. For purposes of advancing the principles of risk reduction, the Secretary of Corrections may grant an employee or volunteer an exception to the prohibitions against contact with

certain offenders.

- a. Exceptions shall not be granted where the offender involved has been under post release supervision at any time during the last year immediately preceding the date of the staff member's request.
- b. The Secretary shall only consider granting such an exception upon the receipt of a favorable recommendation from the requesting staff member's appointing authority.
- c. In determining whether or not to recommend that a staff member's request for an exception be favorably acted upon by the Secretary, the Appointing Authority shall take into consideration, but shall not be restricted to, the following points:
 - (1) Objective indications of law abiding behavior on the part of the offender;
 - (2) The existence of a plan to ensure that the offender neither supervises the staff member, nor is supervised by the staff member;
 - (3) The existence of objective information showing good pro-social behavior and skill-fit in employment; and,
 - (4) The absence of any negative information regarding the suitability of the exception as may be gained via an investigation process.
- d. Upon receiving a recommendation from the staff member's Appointing Authority, the Secretary of Corrections shall consider all factors involved, and shall make a decision to approve or disapprove the exception request.
 - (1) The decision of the Secretary shall be communicated to the staff member through the submitting Appointing Authority, and such decision shall be final, and not subject to grievance or appeal.
 - (2) Any exception request approved by the Secretary shall be subject to rescission at any time based upon any additional information of which the Secretary may become aware.
 - (3) Any employee/volunteer granted an exception under the above provisions shall have primary responsibility with regard to advising the Secretary, through the staff member's Appointing Authority, of any new circumstances or changes in the offender's status that would affect the suitability or propriety of the relationship established under the aegis of the exception.

D. Appearance and Attire of Non-Security Staff

1. All appearance and attire standards and expectations shall be explained at the time of hiring. This shall apply to instances of promotion as well as new hires.
2. Supervisory staff shall be responsible for enforcement of established standards and expectations on a consistent basis.
3. Non-security staff who are issued uniforms shall be responsible for the care and maintenance of issued items, including making a request for replacement items when necessary due to normal wear and tear.
 - a. Supervisory staff shall be responsive to requests for normal wear and tear replacement. Requests for uniform replacement shall not be unreasonably denied.

4. All employees, while on duty or otherwise representing the Department in an official capacity, shall dress in neat, clean and conservative attire, free of holes, tears and stains, and appropriate to the assignment.
5. Standards for the appearance and attire of security staff within the facilities are specified in IMPP 12-123.
6. All employees shall observe good habits of grooming and personal hygiene and be free of odors generally offensive or unpleasant to others.

E. Punctuality and Time Reporting

1. Employees shall be at their assigned work/duty station at their scheduled time. A pattern of failure to report at the scheduled time may be grounds for disciplinary action.
2. Unless exempted by the appointing authority, an employee who will be late for or absent from work due to an emergency or to the illness of the employee or of a member of the employee's family, shall notify the immediate supervisor at least one (1) hour before the beginning of the employee's scheduled work day. Persons employed in parole offices, Central Office, KCI, or any other location where a one (1)-hour reporting requirement may not be possible shall notify the immediate supervisor as soon as possible prior to the beginning of the scheduled workday.
3. An employee whose position is non-exempt from overtime standards under the provisions of the FLSA shall submit time and leave documents that accurately report his or her work and leave hours each pay period.
4. Every employee shall accurately report all of his or her use of leave time in the manner described in IMPP 02-114D. Falsifying or deliberately reporting an inaccurate accounting of leave usages or balances may subject the employee to formal disciplinary action.

F. Reading or Other Diversions

1. While on duty, uniformed employees shall not read personal material, use personal radios, televisions, tape/CD/DVD players, or other electronic equipment, or engage in distracting amusements or activities except to read such rules as described in Sections I.A. and B. or other work-related material unless otherwise approved in advance by the appointing authority.
2. While on duty, non-uniformed employees shall not read for personal entertainment or engage in other distracting amusements or activities, except while on an authorized break or lunch hour. If approved by the supervisor/manager, non-uniformed employees may use personal radios, tape/CD players and other electronic equipment as long as it does not distract the employees or others from their assigned duties.

G. Sleeping or Being Inattentive While on Duty

1. Employees shall be alert and in full possession of their faculties while on duty.
2. Sleeping while on duty is prohibited.

H. Leaving Post

1. Employees shall not leave their assigned security post or duty station for any reason, unless properly relieved or otherwise granted the permission of competent authority.

I. Information Reporting

1. Each employee, unless otherwise approved by the appointing authority, shall be required to have a personal telephone or to provide to the appointing authority or designee a telephone number, which would allow telephone contact with the employee on a 24 hour a

day basis.

- a. Employees shall ensure that they have a working answering machine or functional voicemail box in order to receive work-related messages.
2. Each employee shall report any change in his or her address and/or telephone number to the facility/office human resources office, in writing, the first day of business after the change is effective.
3. Appointing authorities shall maintain a current list of all employees assigned to their facility or office with their addresses and telephone numbers.

J. Employee's Duty in Emergency Situations

1. In the event of an emergency, or when ordered, each employee of a facility or work area, regardless of the class of service routinely assigned, shall perform any service of which the qualified employee may be deemed capable and trained, including security related duties.
2. All staff, unless otherwise authorized by the warden or superintendent, shall respond to a call during times of emergency within one (1) hour.
 - a. **ADULT:** Those persons employed by the Department of Corrections prior to 11-21-91, shall be exempt from this provision.

K. Visiting of Employees

1. When off duty, employees shall not visit a Kansas correctional facility/office, or the grounds of a Kansas correctional facility without the authorization of the appointing authority of that facility/office.
2. When on duty, employees shall not visit any area of a facility, work area, or section to which they are not assigned except as necessary in the performance of their duties.
3. While on duty, employees shall not receive unofficial visits without permission of the appointing authority.

L. Use and Maintenance of Official Records and Files

1. An employee who is responsible for entering or contributing information to be entered into any official record shall make every effort to ensure that such information is accurate and true. Falsifying or deliberately entering inaccurate information into any official record may subject an employee to formal disciplinary action.
2. Access to offender records and files shall be subject to proper authorization and supervision.
3. Information in official files shall be treated as confidential and shall not be disclosed to any person not specifically authorized to receive it without prior written approval by the appointing authority and/or as permitted by IMPPs 02-101, 02-119D, 02-124, 05-101 and/or 05-107.

M. Department Grounds, Buildings, and Bulletin Boards

1. No person shall post any notices, petitions, or other personal material upon department grounds, buildings, or bulletin boards without the approval of the appointing authority.
 - a. Material to be posted on official bulletin boards will be limited to legally mandated bulletins, posters, informational material, official facility announcements, office communiqués, and items outlined by memoranda of agreement.

- b. Bulletin boards in break rooms, mail rooms, offices, or other common areas that are generally considered to be openly accessible to employees may include postings of work-related information, position vacancy announcements, and promotional opportunities. Personal, non-work-related solicitations shall be allowed on agency bulletin boards only with the approval of the appointing authority.
2. No person shall conduct any meeting, demonstration, or solicitation on any property owned or occupied by the department without prior approval from the appointing authority.
 - a. Approval for the use of conference rooms, meeting rooms, parking lots, and common areas shall be limited to individuals or groups conducting official state business and activities sponsored by the facility or office. Use of such property for other activities may be allowed with the approval of the appointing authority.

N. State Owned Property, Services, and/or Supplies

1. Use of State owned property and/or services for personal purposes are strictly prohibited, except where a specific legal authorization exists. Such property and/or services include but are not limited to:
 - a. Telephone long distance or toll services;
 - b. Department issued cellular phones and radios;
 - c. Tools and equipment;
 - d. Food or supplies purchased or produced for offender or facility/office use;
 - e. Chemicals of any kind;
 - f. Office supplies; and
 - g. Postage.

O. Possession of a Valid Driver's License

1. As a condition of employment, all Corrections Officers, Juvenile Corrections Officers, and Parole Officers shall have a valid driver's license issued by their State of residence during the period of their employment. When duties require the operation of a state owned, leased or rented vehicle, individually designated positions in other classifications may require possession of a valid driver's license when such a requirement has been approved by the Director, KDOC Human Resource Division.
 - a. Each person employed by the Department as a Corrections Officer, Juvenile Corrections Officer or Parole Officer or in a designated position approved by the Human Resources Director shall immediately report to his or her supervisor any revocations, suspensions, or restrictions placed on his or her driver's license.
 - b. The appointing authority may grant a grace period of up to 90 days to a Corrections Officer, Juvenile Corrections Officer or Parole Officer or an employee in a designated maintenance or trade position who loses or fails to maintain a valid driver's license.
2. **ADULT:** The appointing authority may require individual employees to possess a commercial driver's license in order to provide adequate coverage for all posts.
 - a. Designated security posts/positions, which require a commercial driver's license,

will be identified and only employees possessing such a license shall be assigned to those specialized posts.

- b. Staff hired after 01-01-91 who, according to their position description, are required to possess a commercial driver's license shall be required to complete licensing requirements within three (3) months of their employment date.
 - (1) Completion of such licensing requirements shall be necessary in order to achieve permanent civil service status for the positions in which they are employed.
 - (2) Under no circumstances shall an employee, while on duty with the Department, operate a vehicle requiring a commercial driver's license until he or she has obtained such license.

P. Use of State Vehicles

- 1. While operating a state vehicle or state authorized rental vehicle, drivers shall have in their possession a valid operator's license bearing all necessary endorsements appropriate to their respective duties.
- 2. State vehicles shall be used for official use and only those employees authorized by the appointing authority shall drive state vehicles.
 - a. Authorized employees operating a state vehicle shall abide by all laws, rules, and regulations governing their use.
 - (1) The driver and passengers shall at all times wear all safety belts while driving or riding in a state vehicle.
- 3. All vehicles shall be locked and the keys removed when the vehicle is not in use.
- 4. Vehicles shall be parked in the location provided in accordance with the appointing authority's orders.
- 5. In the event of an accident involving damage to state owned or other vehicles, the employee, unless prevented by injury, shall:
 - a. Not move the vehicle until an investigation has been completed by the proper law enforcement agency.
 - b. Secure the name and address of the operator of the other vehicle(s) involved.
 - c. Obtain the make, model, and license number of the other vehicle(s).
 - d. Gather information concerning insurance of other driver(s).
 - e. Gather other available information including the name and address of any witnesses, etc.
- 6. All accidents shall be reported to the individual's supervisor at the earliest practical opportunity.
- 7. Employees shall make certain that vehicles assigned to or operated by them are in good mechanical condition at all times.
- 8. Any defect in mechanical condition shall be reported to the appropriate authority so that necessary repairs can be made.
- 9. No state owned vehicles shall be used in connection with any political activity.

10. No state owned vehicles shall be used for personal purposes.
11. Employees may be personally liable for any damages sustained by a state owned vehicle assigned to or operated by an employee if the damages are the result of intentional or grossly negligent acts of the employee or were sustained when the vehicle was being driven on other than official state business.
12. No employee shall be held personally responsible for his/her non-intentional acts that lead to the damage of the state owned vehicle.
13. No state vehicles shall be used to transport non-state employees unless approved in advance by an appointing authority.
14. The use of tobacco products or tobacco substitutes by the driver and/or passengers in any state owned or leased vehicle is prohibited.
15. No employees shall use state-issued or personal cellular phones while operating a state-owned vehicle.

Q. Introducing Intoxicants or Drugs on Department of Corrections' Grounds

1. The presence of any kind of alcoholic beverage or substance of any alcoholic content in any Department of Corrections facility, unless specifically authorized by the appointing authority in accordance with provisions of IMPPs 02-110D, 02-127, and 10-110 shall be strictly prohibited. Such authorization shall be given for the manifested transporting of official supplies or shipments, or for medical or religious sacramental purpose(s) only.
2. Any employee or volunteer determined to be procuring or delivering to any offender (unless on order of the health authority) alcoholic preparations of any kind or a drug of any type or to be in possession of such substances while on duty or at any time while on Department premises without the approval of the appointing authority, shall be subject to disciplinary action. The appointing authority shall refer the matter for the possible prosecution of any such individual.
3. Employees reporting for duty under the effect of intoxicants or drugs is covered within the policy and procedures of IMPP 02-110D.

R. Reporting Dereliction of Duty, all Arrests, and all Dispositions Surrounding such Arrests

1. An employee shall report to his or her supervisor any instance of failure to follow statutes, regulations, Internal Management Policies and Procedures (IMPPs), general orders, and/or post orders whether that failure be on his or her own part or on the part of another employee.
 - a. If the supervisor is the subject of the failure, or the employee has a reasonable belief that the supervisor is not being responsive to the reported failure, the employee shall report the matter to the next level in the chain of command, and shall continue to report it up the chain of command until a decision is made regarding the matter.
2. An employee shall neither harass nor take any retaliatory action against an employee who reports an instance of failure as set forth in Section IV.S.1.
3. An employee or volunteer shall promptly report the following to his or her supervisor, appointing authority or, if neither is available, an Enforcement Apprehensions and Investigations Officer:
 - a. Any felony or misdemeanor arrest;
 - b. Any arrest or citation for driving or boating under the influence;
 - c. Open container violation;

- d. Driving with a suspended driver's license;
 - e. Any application for diversion, and/or
 - f. Any lapse, suspension or revocation of the employee's motor vehicle operator's license.
4. Employees and volunteers shall also advise the appropriate parties, as outlined above, of all final dispositions of such cases, including convictions, acquittals, and or dismissal of charges both with and without prejudice.
 5. Employees or volunteers are not required to report routine traffic violations identified by K.S.A. 8-1401, *et seq.* and K.S.A. 8-1501, *et seq.*
- S. All employees of the Department have a responsibility to cooperate in internal investigations concerning any aspect of Department operations.
1. Failure to cooperate or otherwise obstructing the investigative process, including providing false or misleading information, may result in disciplinary action up to and including dismissal.
- T. Political Activity (3-JTS-1A-29)
1. Employees shall not use their authority or influence to cause employees in classified service to join organizations or participate in political activity.
 2. Any officer or employee in the state classified service shall resign from the service prior to taking the oath of office for a state elective office. Elective office shall not mean or include the office of precinct committeeman or precinct committeewoman.
 3. Employees shall not use their state position, time at their state job, or state property or facilities in connection with a political campaign.
 4. Supervisors or members of their immediate family shall not solicit for political contributions or participation in political activities from their employees under their supervision.
 5. Employees shall not solicit for political contributions or political activities while on state property or during regular hours of employment.
 6. To the extent solicitations for funds or activities are lawful or appropriate, employees shall not make expressed or implied offers of special favors or threats of penalty.
 7. Employees shall not bring upon state property or transport in or display on state vehicles any campaign literature or other paraphernalia.
- U. Governmental Standards and Conduct
1. State employees are prohibited from accepting discounts and gifts provided to them by a state agency (including their own) because of the employee's official position. Therefore, state employees may not accept gifts, discounts or access to entertainment and sporting events from anyone, including state agencies, unless one of the exceptions applies:
 - a. A gift having an aggregate value of less than \$40 given at a ceremony or function;
 - b. Gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official capacity;
 - c. Anything of value received by the person on behalf of the state that inures to the benefit of the state;

- d. Contributions solicited on behalf of a nonprofit organization which is exempt from taxation;
- e. Discounts available to employees under the STAR Discount Program; or
- f. Prizes given in truly random drawings.

V. Possession of Firearms While on Duty

1. Possession of unauthorized firearms, firearm magazines, and/or ammunition by KDOC employees while on duty, including while in state vehicles, is strictly prohibited.
2. Department of Corrections employees may carry a concealed firearm while on duty subject to the following:
 - a. Any possession of a concealed firearm is for personal safety and self-defense purposes and is not based on the status as a KDOC employee.
 - (1) Any possession of a concealed firearm shall not be allowed within the restricted access areas of any KDOC correctional facility.
 - b. For Parole Officers, the possession of a firearm is not related to the statutory designation as a law enforcement officer and does not imply an authority to arrest or detain offenders beyond what KDOC policy allows.
3. Security and Storage
 - a. Firearms shall remain secure and concealed at all times.
 - (1) Firearms shall be carried/worn and concealed by clothing or stored in a closed pouch on a waist belt or fanny pack.
 - (2) If not secured on the carrier, the firearm shall be stored in a secure personal vehicle or a gun safe.
 - (a) No other type of firearm may be stored within personal vehicles.
 - (b) A personal gun safe with a secure lock may be utilized to store a weapon at the employee/licensee's expense.
 - (c) Gun safes shall be kept in a secure location of the office and be visible only to KDOC employees.
 - (3) The improper handling or display of a firearm shall not be tolerated and may result in disciplinary action.
4. Employees who have been authorized by the Secretary to possess firearms in the execution of their duties shall be restricted to the possession of only state issued firearms, firearm magazines, holsters, and/or ammunition while on duty, including while in state vehicles.
 - a. No personal firearms, firearm magazines, holsters, and/or ammunition shall be carried on duty, including while in state vehicles, at any time.
5. Notifications
 - a. Employees who will carry a concealed firearm while on duty shall advise the appointing authority of their intent to do so.

(1) To ensure that the employee is aware of the responsibilities and limitations related to carrying a firearm in accordance with this policy, the appointing authority shall provide each employee with the Concealed Carry Information Acknowledgment form (Attachment E) to read and sign.

(a) By signing the Concealed Carry Information Acknowledgment form, the employee acknowledges that he/she has read and understands KDOC's policy on this issue and has had the opportunity to ask his/her appointing authority any questions.

(2) The employee's appointing authority shall maintain the original of the Concealed Carry Information Acknowledgment form and a copy shall be provided to the employee.

b. Employees who carry a firearm while on duty shall notify the appointing authority of any change in status regarding the carrying of a firearm during work hours no later than the next business day.

c. Any intentional display or use of a firearm during the course of work with the Kansas Department of Corrections shall be reported to the appointing authority in accordance with IMPP 01-113.

6. Documentation

a. The appointing authority or designee shall maintain a listing of employees who have indicated that they plan to carry a firearm while working for KDOC.

(1) The identify of those employees who have notified their appointing authority that they will be carrying a firearm during work hours is considered confidential and access to that information shall be limited to management and supervisory staff who have a legitimate need to know.

(2) In emergency circumstances, additional disclosure may be made to law enforcement personnel, first responders, or others who are involved in the situation and would benefit from being aware of the presence of firearms.

7. Violation of this section shall be the basis for disciplinary action up to and including termination.

W. Possession of Personal Cell Phones

1. Employees or volunteers shall not possess personal cell phones, cell phone chargers, cell phone batteries, Subscriber Identity Module (SIM) cards, portable storage devices, and/or any blue tooth devices within any area of a correctional facility.

2. An employee whose duty assignment places that employee in direct contact with an offender while away from facility grounds, including during the supervision of work details, while providing transportation, and during hospital supervision, shall not be in possession of personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices.

3. Violation of this policy shall be subject to the following disciplinary actions except as provided by the provisions in Section IV.W.5.

a. Any employee found to be in possession of personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices within any area of a correctional facility outside the confines of the employee's locked vehicle, while attempting to enter a correctional facility, or while on duty and in direct contact with an offender or offenders away from facility grounds as provided herein shall be subject to disciplinary action as follows:

- (1) One (1) day suspension without pay for the first offense;
 - (2) Three (3) day suspension without pay for the second offense,
 - (3) Five (5) day suspension without pay for the third offense; and
 - (4) Termination for the fourth offense.
 - b. In the event that one (1) or more years have passed since the most recent disciplinary action for possession of a cell phone, a next violation shall be considered as the first violation.
4. The Warden or Superintendent shall establish a location outside of the secure perimeter of the facility where employees may store their personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices during work hours. This storage area shall be clearly marked and it shall be outside of the area where employees begin the security check to enter the facility.
5. Employees may register personal cell phones, cell phone chargers, and/or any blue tooth devices by presenting them for entry by description of the device, including its make, model and serial numbers, into a log maintained by the Warden's or Superintendent's designee.
- a. Central office employees may likewise so register such devices in a log maintained by the Division of Human Resources. Thereafter, employees may possess and carry a device duly registered for their possession including any battery or batteries contained within a device, up to, but not past a point designated as the security perimeter by the Warden or Superintendent, and, whether on the employee's own initiative or after being duly warned or challenged by any employee assigned to the security perimeter entry point, shall be permitted, subsequent to verification of the item's valid registration, to return the device to the confines of the employee's locked vehicle, or a storage area established pursuant to Section IV.W.4., and shall not be subject to formal disciplinary action.
 - b. The intent of this provision is limited solely to relieving employees from imposition of formal discipline in instances of inadvertent or forgetful possession of such duly registered devices when they are either about to cross the security perimeter or during the normal discharge of their duties exterior to the security perimeter.
 - c. In no way is this provision intended to alter the general rule forbidding possession of such devices set forth in Section IV.W.1., above, or to in any fashion permit or authorize possession of such devices in any area of a correctional facility, whether within or without the security perimeter of the correctional facility.
 - d. Notwithstanding any provision in this policy, any person believed to be intentionally attempting to introduce a cell phone, cell phone charger, cell phone batteries, and/or any blue tooth device in violation of statutes or regulations pertaining to the Introduction of contraband may be subject to dismissal and/or prosecution.

X. Possession of tobacco products

1. Employees violating the provisions of IMPP 09-107 with regard to the possession and/or use of tobacco products shall be subject to the following disciplinary sanctions:
 - a. A Letter of Reprimand for the first offense;
 - b. A one (1) day suspension for the second offense;
 - c. A three (3) day suspension for the third offense;

- d. A five (5) day suspension for the fourth offense; and,
 - e. Termination upon the fifth offense.
 - f. In the event that one (1) or more years have passed since the most recent disciplinary action for possession and/or use of tobacco products, a next violation shall be considered as the first violation.
- 2. Volunteers violating the provisions of IMPP 09-107 shall be suspended pursuant to provisions included in IMPP 02-124.
- Y. Social Media Policy
- 1. All employees, contract personnel, and volunteers shall comply with the provisions of the State of Kansas Social Media Policy, as set forth in Attachment C.
- Z. Credits for Airline Ticket Purchases
- 1. Any employee who receives "frequent flyer miles" for airline travel while on official duty status which was purchased with state funds shall be required to promptly report receipt of the credits to his/her respective facility business manager or central office Fiscal Services.
 - a. Documentation of the credits received from the vendor shall be turned in to the appropriate facility business manager or central office Fiscal Services.
 - b. The business manager or central office Fiscal Services or their respective designee shall be responsible for tracking and applied only toward the purchase of airline tickets for official travel.
 - 2. Frequent flyer credits shall not, in any event, be used for any employee's personal use.
 - 3. Any employee who fails to report "frequent flyer miles" received may be subject to disciplinary actions.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 8-1401, *et seq.*; 8-1501, *et seq.*; K.S.A. 46-237a, 75-7c01, 75-2953; K.S.A. 2014 Supp. 21-5914
 K.A.R. 1-6-32, 1-6-33, 1-9-5, 1-9-25, 1-49-10, 44-2-103, 123-2-111
 IMPP 01-113, 02-101, 02-109D, 02-110D, 02-114D, 02-115D, 02-119D, 02-124, 02-127, 03-106A, 05-101, 05-107,
 09-107, 10-103D, 10-110, 12-111, 12-121, 12-123, 14-149
 ACO 2-1C-04
 ACI 3-4067
 3-APPFS-3C-02
 3-JTS-1A-29

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Code of Ethics	1 page
B	Acknowledgments	1 page
C	State of Kansas Social Media Policy and Understanding and Acceptance of Policy Form	3 pages
D	Notice of Offender Relationship	1 page
E	Concealed Carry Information	1 page

KANSAS DEPARTMENT OF CORRECTIONS

CODE OF ETHICS

As an employee, contract personnel or volunteer of the Kansas Department of Corrections, I will value and maintain the highest ideals of professionalism and public service in carrying out my duties and responsibilities.

I will respect the dignity of individuals, the rights of all members of society and the potential for human growth, development and behavioral change. I accept that it is my fundamental duty to serve the public; to safeguard lives and property; and to maintain an environment free of deception, oppression or intimidation, violence or disorder. I will exercise power and authority prudently and within the limits of the law.

I will recognize the fact that I have power over the lives of offenders, and will not abuse that power in any way, including by attempting to establish any form of personal relationship with an offender, or take any other action toward or concerning an offender which advances a personal interest or cause of my own.

I will not sexually abuse or engage in undue familiarity of an offender or an offender on post-incarceration supervision.

I will be constantly mindful of the welfare of others. To the best of my ability, I will remain calm in the face of danger and maintain self-restraint in the face of provocation.

I will treat all persons with respect and dignity, and will not mistreat any person based on that person's race, ethnicity, gender, nationality or religious beliefs. I will not engage in any conduct that results in hostility or offence on the basis of sex, nor in any way improperly introduce any sexual material or activity into the workplace.

I will be honest and truthful. I will be exemplary in obeying the law and following the rules and regulations of the Department. I will promote honesty and ethical behavior over loyalty to individuals. I will immediately report dishonest or unethical conduct or any violation or apparent violation of the Department's rules and regulations.

I will use public funds in a fiscally responsible manner. I acknowledge that I have been selected for a position of public trust. I will constantly strive to be worthy of that trust and to be true to the mission and values of the Department of Corrections.

Signature: _____ Date: _____

Printed Name: _____

Witness: _____

Employee: _____

**KANSAS DEPARTMENT OF CORRECTIONS
Acknowledgements**

Initial

I. Rules of Conduct (Employees, Contract Personnel and Volunteer)

A. I acknowledge that I have read IMPP 02-118D, Employee Rules of Conduct and Undue Familiarity. I understand that, with the exceptions noted in the following paragraphs, a violation of any rule of conduct shall be grounds for disciplinary action, up to and including dismissal. I have had the opportunity to ask questions regarding any portion of the IMPP.

B. I acknowledge that I have read and understand K.S.A. 2014 Supp. 21-5914 and K.A.R. 44-2-103, Trafficking in Contraband. I understand that a violation of the Statute and/or Regulation shall be grounds for discipline, up to and including dismissal and may also result in prosecution for a severity level 5 non-person felony for state employees or a level 6 non-person felony for persons providing contracted services to offenders under the supervision of the Secretary of Corrections.

C. I understand, as an employee of the Department of Corrections as defined in IMPP 02-118D, that violation of the Statute shall be grounds for dismissal and may also result in prosecution for a felony offense. I understand that violation of the Statute by an employee, contract employee, or volunteer of the Department of Corrections is a severity level 5 felony offense, and violation of the Statute by an employee or contract employee of a juvenile correctional facility is a severity level 4 felony offense.

D. I acknowledge that I have read and understand IMPP 10-103D, Coordinated Response to Sexual Abuse and Harassment. I understand that a violation of IMPP 10-103D, including engaging in sexual abuse or sexual harassment of an offender, shall be grounds for disciplinary action, up to and including dismissal. I also understand that termination shall be the presumptive disciplinary sanction for employees who engage in sexual abuse of an offender. I have had the opportunity to ask questions regarding any portion of the IMPP.

Signature

Date

Signature of Human Resources Witness

Date

II. Awarding of Compensatory Time (Employees ONLY)

I understand that, in accordance with IMPP 02-113D, the Kansas Department of Corrections, in lieu of payment for overtime, reserves the right to compensate hourly employees by granting compensatory time off at the rate of one and one half hours for each hour worked in excess of the length set for my position by IMPP 02-113D. I have had the opportunity to discuss this with a Human Resources staff member.

Signature

Date

Signature of Human Resources Witness

Date

III. Rights and Responsibilities Under the Family Medical Leave Act (FMLA) (Employees ONLY)

I, undersigned hereby state that I have been notified of my rights and responsibilities as an employee of the Kansas Department of Corrections under the Family and Medical Leave Act, by being provided with the following items, which I have read, and by being provided with the opportunity to ask any questions I may have regarding the FMLA.

1. KDOC Policy Regarding FMLA (IMPP 02-114D)
2. Employee Rights and Responsibilities Under FMLA (Attachment B of IMPP 02-114D)

Signature

Date

Position (Job Title)

Signature of Witness

Date

**State of Kansas
Social Media Policy
February 18, 2013**

1. Purpose

The purpose of this policy is to establish standards for the use of social media for agencies of the State of Kansas and for employees of the Executive Branch of state government. The use of social media by State agencies and their employees for business purposes can facilitate information sharing and serve outreach and communication goals. Social networking can improve interactivity between State agencies and the public, and reach populations that favor social media over traditional media.

2. Definition

Social media is defined as internet sites where individuals and organizations may share information and/or engage in conversations with others in a public setting which include, but are not limited to, sites such as Facebook, Flickr, Twitter, YouTube, blogs, podcasts and RSS.

3. Policy

Official State Use

State of Kansas agencies that choose to enhance their communications strategies by utilizing social media in carrying out their functions/missions must do so in ways that maintain good order and discipline, network security, comply with public records retention legal requirements and ensure consistency with State and agency media standards. Agency public information officers and communications directors are charged with administering the use of social media by the State agencies in which they are employed.

Material that is inappropriate for public release shall not be posted nor shall personal opinions or editorial comment. Responses shall not be made to hate speech, non-sequiturs (i.e., sarcastic comments) or issues that do not deal with agency missions. Information should not be released via social media unless it has been verified as factual and been approved for release following agency protocol.

Information will be posted on each social media site regarding under what circumstances a post may be removed from the site as follows:

- (1) Comments not topically related to the site;
- (2) Profane or inappropriate language;
- (3) Sexual content or links to sexual content;
- (4) Solicitations of commerce;
- (5) Conduct or encouragement of illegal activity;
- (6) Information that may compromise the safety or security of the public, public systems, the State of Kansas, its agencies, officers, employees or public officials;
- (7) Content that violates legal ownership interest of any party;
- (8) Content that holds the State of Kansas, its agencies, officers, employees, or public officials in false light; or
- (9) Information that violates operational security or is protected by law.

The above list shall not be deemed to be all-inclusive and the State of Kansas reserves the right to add additional criterion.

Updating or posting to State agency social media sites by employees as part of the employee's official duties must be done with the knowledge and approval of the employee's supervisor and with adherence to agency policies, codes of conduct, directives, rules, regulations and statutes.

Any social media account created for official use by the State of Kansas, its agencies, officers, employees, or public officials shall be the property of the State of Kansas, and not the intellectual or personal property of the officer, employee or public official who creates, administers or maintains said account. Any user identification and password information for social media accounts must be provided to the agency appointing authority upon the

creation and/or modification of said information and passwords used for social media accounts must comply with State Information Technology Executive Council (ITEC) requirements to the extent they are enabled by the social media company in question.

Use by Employees

Employees may have personal social media sites, but these may not be represented as official State agency sites, and may not be used during work hours unless approved by the employee's supervisor and agency appointing authority. In all cases, employee use of social media during work hours shall not interfere with work duties.

All employees are personally responsible for the information they communicate online. Employees should ensure that their social media activities do not interfere or conflict with their job or commitments to the State of Kansas, the agency in which they are employed, or the customers of the agency. To the extent permissible by law, employees waive their right of privacy for any information stored or transmitted on State-owned or -leased equipment.

When an employee's non-work related social media activities include any information related to their employment with the State of Kansas or the specific agency in which the employee works, the employee must make it clear that the views expressed are the employee's alone and do not reflect the views of the State of Kansas or the agency in which the employee is employed, by stating, for example, *"The views expressed in this post are my own. They have not been reviewed or approved by (insert agency) or the State of Kansas."*

The application of this rule should not be construed to infringe on any person's rights of expression which are guaranteed by law, each case will be given careful review prior to having any personnel actions taken.

4. Agency-Specific Policies

Any State agency may enact an agency-specific social media policy with provisions more stringent than this statewide policy for law enforcement staff or because of specific public safety or security reasons. Any such agency-specific social media policy must be reviewed and approved by the Department of Administration and the Office of Information Technology Services prior to implementation.

Agencies wishing to implement such agency-specific policies should submit a draft of the policy to Kraig Knowlton, Director of the Office of Human Resources, Department of Administration, by email at Kraig.Knowlton@da.ks.gov.

5. Contact

For information or guidance regarding this policy please contact Anthony Schlinsog, Chief Information Technology Officer, Office of Information Technology Services, by email at Anthony.Schlinsog@ks.gov or by phone at 785-296-3463.

STATE OF KANSAS

Social Media Policy UNDERSTANDING & ACCEPTANCE OF POLICY

I have received/or had an opportunity to review a copy of the State of Kansas Social Media Policy.

I have read the policy in its entirety and have been provided with the opportunity to ask questions about it.

I fully understand this policy and my responsibility to seek clarification from my supervisor or HR staff if at any time I am unclear about the policy's requirements.

I fully understand that failure to comply with this policy could result in disciplinary action, up to and including dismissal.

Printed Name

Signature

Date

Supervisor's Printed Name

Supervisor's Signature

Date

NOTICE OF OFFENDER RELATIONSHIP

Date: _____

Employee/Volunteer Name: _____

Title: _____

Work Station: _____

In accordance with the provisions of IMPP 02-118D, I hereby provide notice to my appointing authority of the following "Offender" relationship:

Offender Name: _____

Relationship: _____

Current Location of Offender: _____

Correctional Status: _____

If incarcerated, where: _____

If under community supervision: Supervising Division (NPR or SPR): _____

Supervising Officer: _____

Supervising Officer: _____

Nature of conviction(s): _____

I hereby request contact with the above listed "Offender" for the following reason(s): _____

Approximate time when the person will no longer meet the definition of "Offender" as established in IMPP 02-118D:

NOTE: "Offender" is defined as any individual in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; any individual who during the prior two (2) years has been in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; or any offender from another jurisdiction who is subject to a sanction for violation of criminal law, including those on supervised or non-supervised release status, whom the employee knows or should reasonably know to be in that status.

Appointing Authority/Designee Response: Approved Denied

Comments: _____

Appointing Authority/Designee

Date

Kansas Department of Corrections

CONCEALED CARRY INFORMATION ACKNOWLEDGMENT

Licensure

- Department of Corrections staff, contract employees and volunteers employed or volunteering on the premises of an adult or juvenile correctional facility may carry firearms and/or ammunition while in a parking lot in a vehicle or while securing same in a vehicle, but firearms and/or ammunition must be stored out of plain view in any unoccupied vehicle, which must be locked. Licensure under the Kansas Family and Personal Protection Act (concealed carry law) is not necessary to so carry and store such items.
- Department of Corrections staff, contract employees, and volunteers employed or volunteering on premises of a KDOC parole office may carry and conceal and store firearms and/or ammunition on the premises, whether or not licensed under the Kansas Family and Personal Protection Act at K.S.A. 75-7c01, *et seq.* (concealed carry law), subject to the restrictions and conditions of IMPP 14-149A, and any applicable restrictions imposed by a private property owner leasing the office space to KDOC.

Purpose

- Any possession of a concealed firearm is not based on the status as a KDOC employee.
- A concealed firearm is for personal safety and self-defense purposes. They are not part of the duties as a Department of Corrections employee.
- For Parole Officers, the possession of a firearm is not related to the statutory designation as a law enforcement officer and does not imply an authority to arrest or detain offenders beyond what KDOC policy allows.

Weapon Security and Storage

- Firearms being carried/ worn must be concealed by clothing or stored in a closed pouch on a waist belt or fanny pack.
- Firearms must remain secure and concealed at all times. If not secured on the carrier, the firearm shall be stored in a secure vehicle or a gun safe.
- Any intentional display or use of a firearm, during the course of work with the Kansas Department of Corrections, shall be reported to the appointing authority via the procedures in IMPP 01-113.
- The improper handling or display of a firearm will not be tolerated and may result in disciplinary action.

Limitations and Notifications

- Weapons may be banned at private property or designated businesses and community agencies. Office space that is leased by the Department of Corrections may be subject to restrictions made by the property owner. It is the responsibility of the licensee to comply with any restrictions regarding the possession of a conceal carry firearm.
- Employees and volunteers shall notify the appointing authority of their intent to carry a concealed weapon on duty.
- Employees and volunteers shall notify the appointing authority of any change in the status of their intent to carry a concealed weapon, no later than the next business day.
- Violation of these rules may result in disciplinary action up to and including termination of employment.

Signature: _____

Date: _____

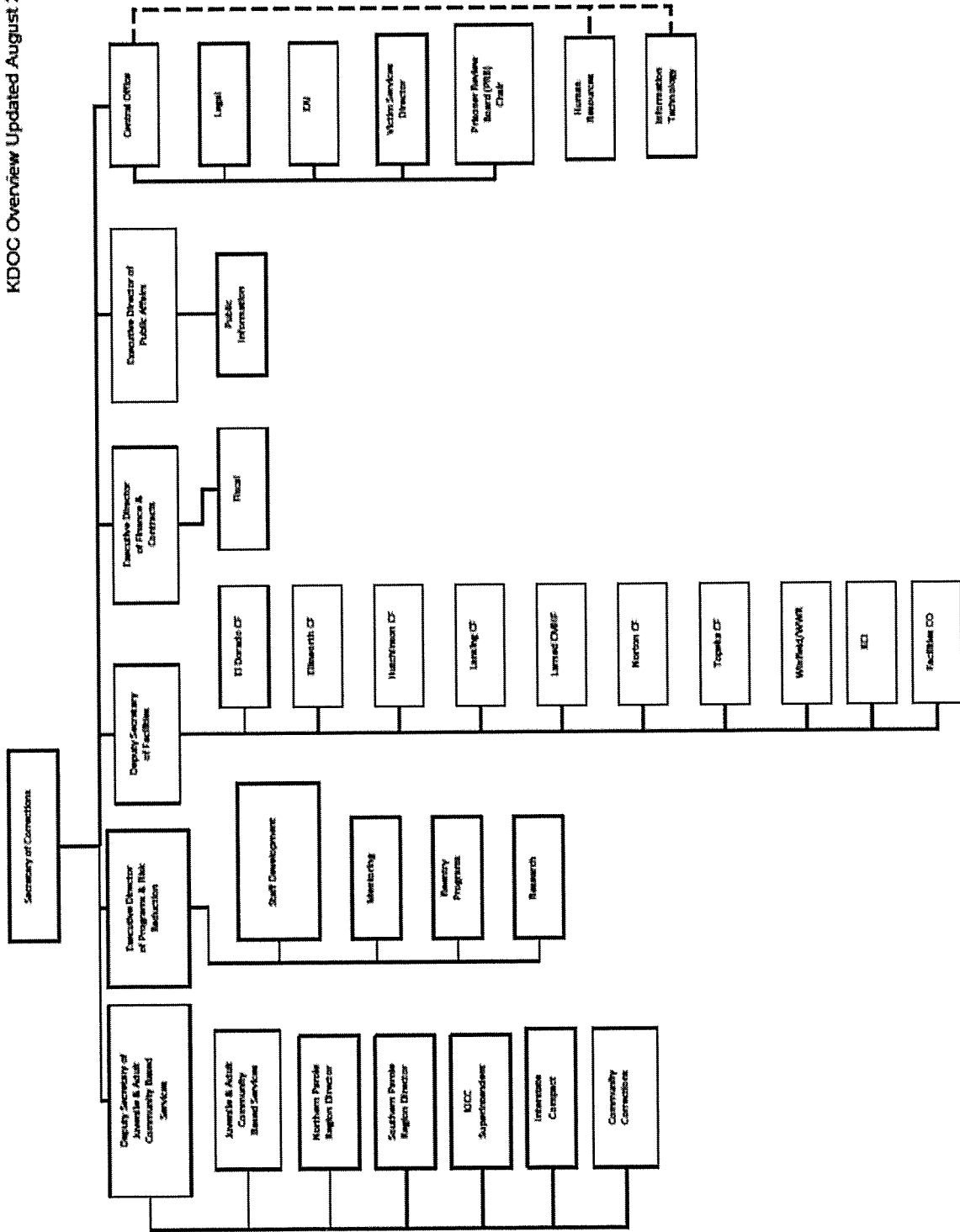
Printed Name: _____

Witness: _____

Original: Employee's Appointing Authority

Copy: Employee

KDOC Overview Updated August 2019



Program Responsibility:

Secretary: The Secretary of Corrections (SOC) is responsible for the overall direction and compliance of the Agency, assuring that the Agency adheres to the non-discrimination requirements of the law and promotes an inclusive work-force.

System Management Team: The System Management Team (SMT) is made up of all appointing authorities that answer to the SOC. They shall proactively promote diversity and inclusion in the work units that report to them and issue decisions with regard to claims of discrimination coming from staff falling under their span of control, when they are not a named party. They further shall provide all information the SOC requires to allow for informed decisions regarding its diversity inclusion program efforts.

Agency Human Resource (HR) Director: The Agency HR Director is HR's SMT member. They provide primary guidance to other SMT members and others, with regard to the Agency's overall compliance. The HR Director may review all the work of those providing diversity program input, and direct the timely completion of any necessary reports, plans and investigations that may be required for compliance. All Agency HR units will maintain and provide source information deemed necessary to carry out the Agency Diversity and non-discrimination program requirements as outlined by the director. Nondiscrimination plans are routed through the HR Director and in the event of a vacancy in the SOC position, the HR Director is granted the authority necessary to respond and meet the program compliance requirements.

Agency Chief Counsel: Agency Chief Counsel is an SMT member who may unilaterally seek any information they deem necessary to review the Agency's diversity and inclusion programs for legal compliance, and complaint investigations for Agency defense.

Agency Manager of EEO/ADA/AA: The Agency Manager of EEO/ADA/AA (EEO Manager) works for the Agency HR Director. The SOC and HR Director granted to EEO Manager latitude to carry out the Agency non-discrimination program requirements as noted in their position description, which includes primary responsibility for all EEO related information gathering and guidance and supplying information for and complaint responses to outside resources. The SOC has granted the EEO Manager the Authority to investigate EEO claims involving SMT members. In the event of it ever being necessary, the EEO Manager shall continue to process those claims through the HR Director and Chief Counsel as appropriate, and any deviation from that requires the advance approval of the SOC.

- Though primary EEO investigation authority rests with the EEO Manager consistent with the Agency policy, when deemed appropriate the SOC can forgo Agency policy and refer any claim for review or investigation by the SMT Director of Enforcement, Apprehension and Investigations, or any others, to include outside resources, that the SOC may deem appropriate.

The EEO Manager is responsible for running the statistical analysis for and drafting any necessary plans to maintain compliance with State or Federal Regulations, and managing the Agency's various non-discrimination processes, with the exception of claims directed elsewhere by the SOC. In addition to the notifying the HR Director, the Agency Manager of EEO/ADA/AA shall be directly responsible for notifying Chief Counsel regarding all allegations of discrimination as well as any potentially legal concerns regarding the Agency's diversity and inclusion programs.

Agency Summary for the FY 2019-2020 AAP

Census data from the Federal 2010 Census is the Civilian Labor Force (CLF) data utilized for the 2019-20 Affirmative Action Plan (AAP).

The Agency continues to see minor fluctuations in minority population within specific work units. Changes will continue to occur from year-to-year based upon the quantity of the various job titles in each unit that were filled on the Plan cut-off date.

Overall data indicates that the Agency had 3073 employees. For 3049 of those the agency had both known both race and gender on the May 1, 2019 data used for this plan. Those figures show that the KDOC was not underutilized for minorities but was short 88 women. There was some underutilization by specific race and gender to include: 8 Asian/Pacific Island males, 57 white females, 20 black females, 3 Asian/Pacific Island females, and 11 native American Females, while other breakdowns showed above CLF utilization.

When looking at the charts on the next several pages the following key shall apply:

Portion of Agency or Job Family Represented						
This row shows the EEO-4 breakdowns - RACE by GENDER						
This line shows THEORETICAL PERCENTAGE based upon statewide census figures*.						
This line shows THEORETICAL NUMBER OF PEOPLE prorated in from statewide census figures						
This line shows ACTUAL PERCENTAGE of employees in the unit examined.						
This line shows ACTUAL NUMBER OF PEOPLE based upon the Number of employees in the unit examined.						
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference	
Minority	Percentage	Percentage	Number	Number	() = Above	
Women	Percentage	Percentage	Number	Number	() = Above	

*Note that one limitation of the current Census data is that the percentages for the combined EEO Grouping that make up a Standard Occupational Classification (SOC) most often do not add up to an even 100%.

- Job titles are used to pull in the corresponding SOC code availability from the US Census Bureau. Each percentage is prorated into the labor pool, whether looking at availability by location, EEO Category, job family, or some other breakdown. The percentages to determine an employers CLF are usually used directly as listed from the census, but while most SOC codes fall within 1% of an even 100%, the ranges for the SOC codes that fall within the KDOC's work units varied from as little as 96.60% (-3.4%) to as much as 105.90% (+5.9%) resulting in too great of error. Information for theoretical figures was re-calculated for each SOC by adding the percentages together and then dividing each percentage by the total to re-obtain a percentage for the theoretical population for each SOC adding up to 100%. The listed percentages for the job title are calculated for each person based upon the SOC code associated with their job title. The percentages for each person in the Agency, or unit examined, are added up by breakdown and divided by the total. But absent the adjusted percentages the figures for the total Agency would have been greater than the actual agency number by several persons, because the largest segment of the Agency (the L1 job family) had an SOC code whose EEO figures added up to a figure of around 105%. Statewide data problems also exist related to the percentages associated with those reporting the two or more races; a breakdown found in the census. Specifically, SHaRP, the state of Kansas Human Resource system, does not contain that reporting option. The only people included in this group at this Agency were those that chose the "not specified" option (NSPEC) for race, based upon the assumption that maybe they chose not to specify because they were not sure which single race to list.

By Location:

Central Office - 266 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
44.07%	1.29%	3.17%	1.03%	0.49%	42.00%	1.99%	2.64%	0.95%	0.52%
117	3	8	3	1	112	5	7	3	1
31.95%	1.88%	1.13%	0.38%	0.75%	60.15%	2.63%	1.13%	0.00%	0.00%
85	5	3	1	2	160	7	3	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	12%	7.89%	32	21	11				
Women	48.11%	63.91%	128	170	(42)				

For the purposes of this breakdown the Central Office figures above neither include northern parole;

Northern Parole – 63 Staff – 1 NONUSM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
29.46%	3.18%	1.67%	0.02%	0.07%	56.39%	8.19%	0.57%	0.12%	0.09%
18	2	1	0	0	35	5	0	0	0
29.03%	4.84%	1.61%	0.00%	1.61%	50.00%	6.45%	4.84%	1.61%	0.00%
18	3	1	0	1	31	4	3	1	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	14%	20.97%	9	13	(4)				
Women	65.37%	62.90%	41	39	2				

Nor southern parole.

Southern Parole – 60 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
30.47%	3.18%	1.83%	0.01%	0.08%	55.12%	8.13%	0.56%	0.13%	0.11%
18	2	1	0	0	33	5	0	0	0
23.33%	3.33%	1.67%	0.00%	0.00%	51.67%	8.33%	8.33%	1.67%	1.67%
14	2	1	0	0	31	5	5	1	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	14%	25.00%	8	15	(7)				
Women	64.06%	71.67%	38	43	(5)				

Examination by Location (Continued):

Ellsworth Correctional Facility – 205 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
54.10%	4.42%	2.45%	0.59%	0.37%	31.34%	2.76%	1.48%	0.33%	0.69%
111	9	5	1	1	64	6	3	1	1
67.80%	0.98%	2.44%	0.49%	1.46%	24.88%	0.49%	0.49%	0.49%	0.49%
139	2	5	1	3	51	1	1	1	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	7.32%	27	15	12				
Women	36.60%	26.83%	75	55	20				

El Dorado Correctional Facility – 409 Staff - 5 Unknown Race									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
55.94%	4.48%	2.55%	0.60%	0.36%	29.49%	3.15%	1.09%	0.22%	0.67%
226	18	10	2	1	119	13	4	1	3
67.33%	2.97%	2.23%	0.50%	0.74%	23.76%	1.49%	0.99%	0.00%	0.00%
272	12	9	2	3	96	6	4	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	8.91%	53	36	17				
Women	34.61%	26.24%	140	106	34				

Hutchinson Correctional Facility – 458 Staff – 1 NSPECF & INONUSM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
56.05%	4.44%	2.52%	0.58%	0.42%	29.44%	2.98%	1.16%	0.25%	0.68%
256	20	11	3	2	134	14	5	1	3
68.20%	3.51%	6.14%	0.44%	1.10%	18.42%	0.88%	1.10%	0.22%	0.00%
311	16	28	2	5	84	4	5	1	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	13.38%	59	61	(2)				
Women	34.51%	20.61%	157	94	63				

Kansas Corrections Industries – 56 staff - 2 NSPECM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
67.02%	2.89%	2.40%	0.85%	0.13%	23.81%	0.55%	0.71%	0.52%	0.05%
36	2	1	0	0	13	0	0	0	0
64.81%	3.70%	5.56%	0.00%	0.00%	24.07%	1.85%	0.00%	0.00%	0.00%
35	2	3	0	0	13	1	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	8%	11.11%	4	6	(2)				
Women	25.64%	25.93%	14	14	(0)				

Examination by Location (Continued):

Kansas Juvenile Correctional Complex - 215 Staff – 1 NONUSM & 1 NSPECM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
55.26%	4.60%	3.23%	0.59%	0.46%	29.26%	2.96%	1.31%	0.27%	0.63%
117	10	7	1	1	62	6	3	1	1
40.57%	11.79%	5.66%	0.00%	0.94%	30.66%	7.08%	2.36%	0.47%	0.47%
86	25	12	0	2	65	15	5	1	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	14%	28.77%	30	61	(31)				
Women	34.43%	41.04%	73	87	(14)				

Lansing Correctional Facility – 500 Staff – 3 UnknownM & 2 UONUSF & 3 NSPECM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
56.29%	4.63%	2.60%	0.58%	0.39%	29.03%	3.03%	1.07%	0.22%	0.72%
277	23	13	3	2	143	15	5	1	4
58.33%	9.76%	2.85%	0.61%	1.22%	22.76%	3.25%	0.81%	0.20%	0.20%
287	48	14	3	6	112	16	4	1	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	18.90%	65	93	(28)				
Women	34.07%	27.24%	168	134	34				

Larned Correctional Mental Health Facility– 164 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
55.06%	4.46%	2.69%	0.59%	0.38%	30.37%	3.03%	1.09%	0.28%	0.65%
90	7	4	1	1	50	5	2	0	1
62.80%	3.66%	5.49%	0.00%	0.61%	25.61%	0.00%	1.83%	0.00%	0.00%
103	6	9	0	1	42	0	3	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	11.59%	22	19	3				
Women	35.41%	27.44%	58	45	13				

Norton Correctional Facility – 243 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
55.37%	4.59%	2.66%	0.60%	0.36%	29.70%	2.96%	1.32%	0.27%	0.70%
135	11	6	1	1	72	7	3	1	2
67.49%	1.23%	1.23%	0.41%	0.41%	28.40%	0.41%	0.00%	0.41%	0.00%
164	3	3	1	1	69	1	0	1	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	4.12%	33	10	23				
Women	34.94%	29.22%	85	71	14				

Examination by Location (Continued):

Topeka Correctional Facility – 239 Staff – 1 NONUSF									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
57.41%	4.48%	2.82%	0.65%	0.39%	27.90%	2.90%	1.05%	0.26%	0.66%
137	11	7	2	1	66	7	2	1	2
46.64%	5.04%	3.78%	0.42%	0.84%	35.71%	4.20%	2.94%	0.00%	0.42%
111	12	9	1	2	85	10	7	0	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	17.65%	31	42	(11)				
Women	32.77%	43.28%	78	103	(25)				

Winfield Correctional Facility – 195 Staff - 1 UnknownM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
56.31%	4.13%	2.66%	0.63%	0.36%	29.40%	3.10%	1.05%	0.26%	0.64%
109	8	5	1	1	57	6	2	1	1
59.79%	4.12%	0.52%	0.00%	1.03%	30.41%	2.58%	1.03%	0.00%	0.52%
116	8	1	0	2	59	5	2	0	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13%	9.79%	25	19	6				
Women	34.44%	34.54%	67	67	(0)				

Job Families

The next few pages show Agency theoretical and actual populations by Job Family. Job families represent related jobs that often fall within a direct line of progression. Most job families are designated for all classifications statewide by the Kansas Department of Administration. For instance the Job Code assigned by the Kansas Department of Administration for an Accountant V position is 4003A1. The last two characters, A1, represent the positions Job family. The US Census dictates which EEO Category a particular job title falls within. The exception would be unclassified positions which do not have Job Codes assigned that contain the letter indicator. Unclassified jobs are combined within the Job Families that most align with the Job Code listed for classified jobs with similar or equivalent actual or working titles or duties. Where job families include unclassified positions, they have been designated in the description following the data.

Examination by Job Family

A1 Job Family – 41 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
26.89%	0.82%	0.72%	0.57%	0.22%	64.30%	1.60%	2.25%	1.59%	0.34%
11	0	0	0	0	26	1	1	1	0
17.07%	0.00%	0.00%	0.00%	0.00%	80.49%	0.00%	2.44%	0.00%	0.00%
7	0	0	0	0	33	0	1	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	8.10%	2.44%	3	1	2				
Women	70.08%	82.93%	29	34	(5)				

The A1 job family is made up of classified and unclassified Agency jobs with official titles that include: Accounting Specialist, Accountant I, Accountant II, Accountant III, Accountant IV, Accountant V, Director of Finance and State Auditor II.

A2 Job Family – 3 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
77.96%	3.11%	2.30%	0.90%	0.10%	15.53%	0.00%	0.00%	0.30%	0.00%
2	0	0	0	0	0	0	0	0	0
66.67%	0.00%	33.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2	0	1	0	0	0	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	6.71%	33.33%	0	1	(1)				
Women	15.83%	0.00%	0	0	0				

The A2 job family is made up of classified and unclassified Agency jobs with official titles that include: Public Information Officer, Publications Editor, Director of Sales, and Manufacturing Manager.

A3 Job Family – 6 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
20.70%	4.30%	2.10%	2.90%	0.00%	52.90%	7.90%	6.40%	0.00%	0.00%
1	0	0	0	0	3	0	0	0	0
100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
6	0	0	0	0	0	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	23.60%	0.00%	1	0	1				
Women	67.20%	0.00%	4	0	4				

The A3 job family is made up of classified Agency jobs with official titles that include Safety and Health Specialists.

Examination by Job Family (Continued)

A4 Job Family – 201 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
50.19%	1.09%	4.75%	0.19%	0.79%	35.39%	1.05%	3.26%	0.71%	0.64%
100	2	9	0	2	71	2	7	1	1
28.20%	4.51%	0.52%	0.00%	0.51%	58.59%	5.01%	1.50%	0.52%	0.66%
56	9	1	0	1	117	10	3	1	1
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	12.48%	13.21%	25	26	(1)				
Women	41.05%	66.27%	82	132	(50)				

The A4 job family is made up of classified and unclassified Agency jobs with official titles that include: Cabinet Secretary, Directors and Division Heads, Deputy or Assistant Director, Manager/Administrators, Assistant State Agency Head, Public Service Executive, Public Service Executive I, Public Service Executive II, Public Service Executive III, Public Service Executive IV, Public Service Administrator, Public Service Administrator I, Public Service Administrator II, Public Service Administrator III, Program Consultant I, Program Consultant II, Coordinator, Chief Information Officer, Program Administrator, Corrections Industry Manager, and Corrections Industry Manager Senior.

A6 Job Family – 32 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
32.77%	1.20%	1.36%	1.55%	0.63%	52.64%	3.33%	2.28%	1.69%	0.38%
10	0	0	0	0	17	1	1	1	0
43.75%	0.00%	3.13%	0.00%	0.00%	53.13%	0.00%	0.00%	0.00%	0.00%
14	0	1	0	0	17	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	12.42%	3.13%	4	1	3				
Women	60.32%	53.13%	19	17	2				

The A6 job family is made up of classified and unclassified Agency jobs with official titles that include: Human Resource Professional, Human Resource Professional I, Human Resource Professional II, Human Resource Professional III, Training Technician, Trainer, Training Program Manager, Staff Development Specialist I, and Staff Development Specialist II.

C1 Job Family – 6 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
58.60%	0.80%	0.90%	2.00%	0.50%	34.20%	0.60%	1.00%	0.50%	0.50%
4	0	0	0	0	2	0	0	0	0
33.33%	0.00%	0.00%	0.00%	0.00%	66.67%	0.00%	0.00%	0.00%	0.00%
2	0	0	0	0	4	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	6.80%	0.00%	0	0	0				
Women	36.80%	66.67%	2	4	(2)				

The C1 job family is made up of classified and unclassified Agency jobs with official titles that include: Management Systems Analyst I, Research Analyst, Research Analyst IV, and Research Analyst V.

Examination by Job Family (Continued)

D1 Job Family – 1 Staff									
25.10%	0.00%	0.00%	0.70%	0.00%	63.50%	3.30%	2.30%	4.00%	0.00%
0	0	0	0	0	1	0	0	0	0
0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%
0	0	0	0	0	1	0	0	0	0
25.10%	0.00%	0.00%	0.70%	0.00%	63.50%	3.30%	2.30%	4.00%	0.00%
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	10.30%	0.00%	0	0	0				
Women	73.10%	100.00%	1	1	(0)				

The D1 job family is made up of classified Agency jobs with official titles that include: Psychologist II.

D2 Job Family – 15 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
32.02%	0.12%	0.53%	0.00%	0.12%	63.13%	0.05%	4.01%	0.00%	0.00%
5	0	0	0	0	9	0	1	0	0
73.33%	0.00%	6.67%	6.67%	6.67%	6.67%	0.00%	0.00%	0.00%	0.00%
11	0	1	1	1	1	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	4.83%	20.00%	1	3	(2)				
Women	67.19%	6.67%	10	1	9				

The D2 job family is made up of classified and unclassified Agency jobs with official titles that include: Counselor, Chaplain, Clinical Chaplain, Chemical Dependency Counselor, and Volunteer Services Coordinator.

D3 Job Family – 11 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
55.57%	0.49%	0.85%	1.30%	0.00%	37.20%	2.03%	0.70%	0.64%	0.00%
6	0	0	0	0	4	0	0	0	0
45.45%	0.00%	0.00%	0.00%	0.00%	54.55%	0.00%	0.00%	0.00%	0.00%
5	0	0	0	0	6	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	6.00%	0.00%	1	0	1				
Women	40.56%	54.55%	4	6	(2)				

The D3 job family is made up of classified and unclassified Agency jobs with official titles that include: Chief Legal Counsel, Attorney, and Legal Assistant.

Examination by Job Family (Continued)

E1 Job Family – 7 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
10.42%	0.00%	1.00%	0.78%	0.00%	81.44%	2.79%	2.15%	0.43%	0.71%
1	0	0	0	0	6	0	0	0	0
42.86%	0.00%	0.00%	14.29%	0.00%	28.57%	14.29%	0.00%	0.00%	0.00%
3	0	0	1	0	2	1	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	7.86%	28.57%	1	2	(1)				
Women	87.52%	42.86%	6	3	3				

The E1 job family is made up of classified Agency jobs with official titles that include: Librarian I, Library Assistant I, and Library Assistant III.

E2 Job Family - 1 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
56.80%	2.50%	7.60%	0.00%	0.00%	28.00%	2.50%	0.70%	2.50%	0.00%
1	0	0	0	0	0	0	0	0	0
100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	0	0	0	0	0	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	15.80%	0.00%	0	0	0				
Women	33.70%	0.00%	0	0	0				

The E2 job family is made up of classified Agency jobs with official titles that include Media Production Director.

F1 Job Family – 32 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
21.64%	9.69%	8.62%	0.00%	0.00%	56.41%	2.20%	1.15%	0.01%	0.06%
7	3	3	0	0	18	1	0	0	0
50.00%	21.88%	9.38%	0.00%	0.00%	12.50%	3.13%	3.13%	0.00%	0.00%
16	7	3	0	0	4	1	1	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	21.73%	37.50%	7	12	(5)				
Women	59.83%	18.75%	19	6	13				

The F1 job family is made up of classified Agency jobs with official titles that include: Rehabilitation Instructor, Activity Therapy Technician, Activity Specialist I, and Activity Specialist II.

Examination by Job Family (Continued)

F2 Job Family – 2 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
4.70%	0.75%	0.40%	0.15%	0.00%	81.80%	5.95%	3.20%	1.55%	0.35%
0	0	0	0	0	2	0	0	0	0
0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%
0	0	0	0	0	2	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	12.35%	0.00%	0	0	0				
Women	92.85%	100.00%	2	2	(0)				

The F2 job family is made up of classified and unclassified Agency jobs with official titles that include: Dentist, Registered Nurse Senior, Registered Nurse Specialist, Licensed Practical Nurse, and Certified Nurse Aid II.

K1 Job Family – 11 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
48.95%	2.20%	5.06%	1.27%	0.22%	34.50%	1.97%	2.53%	1.31%	0.05%
5	0	1	0	0	4	0	0	0	0
45.45%	0.00%	0.00%	0.00%	0.00%	54.55%	0.00%	0.00%	0.00%	0.00%
5	0	0	0	0	6	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	14.61%	0.00%	2	0	2				
Women	40.36%	54.55%	4	6	(2)				

The K1 job family is made up of classified and unclassified Agency jobs with official titles that include: Executive Assistant, Procurement Officer I, Procurement Officer II, and Administrative Officer.

K2 Job Family -231 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
16.77%	1.11%	1.70%	0.35%	0.04%	70.58%	2.73%	3.99%	0.95%	0.30%
39	3	4	1	0	163	6	9	2	1
12.12%	0.43%	2.16%	0.00%	0.43%	77.92%	3.03%	3.46%	0.43%	0.00%
28	1	5	0	1	180	7	8	1	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	11.17%	9.96%	26	23	3				
Women	78.55%	84.85%	181	196	(15)				

The K2 job family is made up of classified and unclassified Agency jobs with official titles that include: Administrative Assistant, Senior Administrative Assistant, Administrative Specialist, Senior Administrative Specialist, Storekeeper Specialist and Supply Specialist III.

Examination by Job Family (Continued)

L1 Job Family - 2252 Staff – 2 UnknownF & 8 UnknownM & 3 NONUSF & 3NONUSM & 1 NSPECF & 4 NSPECM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
57.51%	5.05%	2.52%	0.52%	0.37%	27.45%	3.60%	0.72%	0.17%	0.75%
1283	113	56	12	8	613	80	16	4	17
61.95%	5.60%	3.68%	0.36%	0.99%	23.13%	2.47%	1.34%	0.22%	0.27%
1382	125	82	8	22	516	55	30	5	6
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	13.70%	14.93%	306	333	(27)				
Women	32.69%	27.43%	729	612	117				

The L1 job family and is made up of classified and unclassified Agency jobs with official titles that include: Warden, Warden IV, Superintendent, Corrections Manager III, Corrections Manager II, Corrections Manager I, Unit Team Manager, Corrections Supervisor III, Corrections Supervisor II, Corrections Supervisor I, Corrections Specialist, Correctional Facilities Specialist II, Special Investigator II, Counselor, Corrections Counselor II, Corrections Counselor I, Corrections Officer II, Corrections Officer I(B), Corrections Officer I(A), Corrections Officer, Parole Supervisor, Parole Officer II, Parole Officer I, Juvenile Corrections Officer III, Juvenile Corrections Officer II, and Juvenile Corrections Officer I.

M1 Job Family - 2 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
78.60%	5.70%	8.60%	0.30%	1.10%	4.10%	0.50%	0.00%	0.10%	0.00%
2	0	0	0	0	0	0	0	0	0
100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
2	0	0	0	0	0	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	16.30%	0.00%	0	0	0				
Women	4.70%	0.00%	0	0	0				

The M1 job family is made up of classified Agency jobs with official titles that include Grounds Maintenance Supervisor II.

N2 Job Family – 155 Staff – 1 NSPECM									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
85.74%	1.01%	2.91%	1.17%	0.82%	5.25%	0.27%	0.23%	0.05%	0.01%
132	2	4	2	1	8	0	0	0	0
96.10%	0.00%	1.30%	0.00%	0.65%	1.95%	0.00%	0.00%	0.00%	0.00%
148	0	2	0	1	3	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	6.48%	1.95%	10	3	7				
Women	5.81%	1.95%	9	3	6				

The N2 job family is made up of classified and unclassified Agency jobs with official titles that include: General Maintenance and Repair Technician, General Maintenance and Repair Technician Senior, Facilities Maintenance Supervisor, Facilities Specialist, Carpenter Senior, Electrician Senior, Plumber Senior, Lock System Specialist Senior, Physical Plant Supervisor Specialist, Physical Plant Supervisor Senior, Physical Plant Supervisor, Electronics, Technologist, Electronics Technician Senior, Electronics Technician, Welder, and Utility Worker.

Examination by Job Family (Continued)

N3 Job Family – 10 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
90.94%	0.51%	4.12%	0.27%	0.37%	0.89%	0.00%	0.00%	0.00%	0.00%
9	0	0	0	0	0	0	0	0	0
90.00%	0.00%	10.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
9	0	1	0	0	0	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	5.27%	10.00%	1	1	(0)				
Women	0.89%	0.00%	0	0	0				

The N3 job family is made up of classified and unclassified Agency jobs with official titles that include: Driver, Mechanic, Mechanic Senior, Equipment Mechanic, Equipment Mechanic Senior, and Automotive Driver.

P1 Job Family – 35 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
57.79%	4.95%	2.53%	4.08%	0.10%	25.60%	1.26%	1.07%	0.39%	0.00%
20	2	1	1	0	9	0	0	0	0
71.43%	8.57%	2.86%	0.00%	5.71%	11.43%	0.00%	0.00%	0.00%	0.00%
25	3	1	0	2	4	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	14.38%	17.14%	5	6	(1)				
Women	28.32%	11.43%	10	4	6				

The P1 job family is made up of classified and unclassified Agency jobs with official titles that include: Information Systems Manager, Technology Support Technician II, Technology Support Supervisor, Technology Support Consultant, Technology Support Consultant II, Technology Support Consultant III, and Information Technology Coordinator.

P2 Job Family									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
60.53%	1.43%	1.49%	10.63%	0.26%	18.38%	1.18%	0.60%	3.89%	0.16%
7	0	0	1	0	2	0	0	0	0
63.64%	0.00%	0.00%	9.09%	0.00%	27.27%	0.00%	0.00%	0.00%	0.00%
7	0	0	1	0	3	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	19.65%	9.09%	2	1	1				
Women	24.22%	27.27%	3	3	(0)				

The P2 job family is made up of classified and unclassified Agency jobs with official titles that include: Applications Developer II, Applications Developer III, Database Administrator III, Systems Analyst, Security Systems Senior Technician, and System Software Staff Consultant.

Examination by Job Family (Continued)

R2 Job Family - 8 Staff									
WhiteM	BlackM	HispaM	AsianPacIM	NatAmM	WhiteF	BlackF	HispaF	AsianPacIF	NatAmF
17.30%	3.20%	7.30%	1.40%	0.00%	39.00%	3.50%	26.10%	0.60%	0.90%
1	0	1	0	0	3	0	2	0	0
75.00%	0.00%	0.00%	0.00%	0.00%	25.00%	0.00%	0.00%	0.00%	0.00%
6	0	0	0	0	2	0	0	0	0
	Theoretical%	Actual%	Theoretical#	Actual#	#Difference				
Minority	43.00%	0.00%	3	0	3				
Women	70.10%	25.00%	6	2	4				

The R2 job family is made up of classified Agency jobs with official titles that include Custodial Specialist, Laundry Supervisor, and Laundry Manager.

Terms and Conditions (recorded from last plan to current plan)

Hiring Data

	WhiteM	BlackM	HispaM	APIM	NatAmM	WhiteF	BlackF	HispaF	APIF	NatAmF
Agency Percentage	56.90%	4.76%	3.21%	0.36%	0.92%	29.58%	2.43%	1.41%	0.23%	0.20%
No Code	331	34	24	7	1	178	25	24	3	1
Internal Trans., Prom., Demot.	52.71%	5.41%	3.82%	1.11%	0.16%	28.34%	3.98%	3.82%	0.48%	0.16%
New Hire	59.80%	2.70%	2.53%	0.00%	0.51%	29.39%	2.36%	2.36%	0.17%	0.17%
Rehire (Former State Employee)	49.24%	6.59%	4.66%	0.51%	1.11%	29.58%	4.76%	2.43%	0.41%	0.71%
KDOC, Prom., Demo., Trans.	126	11	8	1	0	84	11	5	1	0
Non-KDOC, Prom., Demo., Trans.	51.01%	4.45%	3.24%	0.40%	0.00%	34.01%	4.45%	2.02%	0.40%	0.00%
Total Agency	48	6	4	0	2	42	3	2	0	0
	44.86%	5.61%	3.74%	0.00%	1.87%	39.25%	2.80%	1.87%	0.00%	0.00%
	50	3	3	1	1	14	3	4	1	0
	62.50%	3.75%	3.75%	1.25%	1.25%	17.50%	3.75%	5.00%	1.25%	0.00%
	1395	135	100	14	18	784	103	73	10	9
	52.82%	5.11%	3.79%	0.53%	0.68%	29.69%	3.90%	2.76%	0.38%	0.34%

Grievances:

	WhiteM	BlackM	HispaM	AsianM	AmindM	WhiteF	BlackF	HispaF	AsianF	AmindF
Agency Percentage	56.90%	4.76%	3.21%	0.36%	0.92%	29.58%	2.43%	1.41%	0.23%	0.20%
Grievances	8	0	0	0	0	4	0	0	0	1
	61.54%	0.00%	0.00%	0.00%	0.00%	30.77%	0.00%	0.00%	0.00%	7.69%

Discipline

	WhiteM	BlackM	HispaM	AsianM	AmindM	WhiteF	BlackF	HispaF	AsianF	AmindF
Agency Percentage	56.90%	4.76%	3.21%	0.36%	0.92%	29.58%	2.43%	1.41%	0.23%	0.20%
Demotion	10	0	0	0	1	1	1	0	0	0
	76.92%	0.00%	0.00%	0.00%	7.69%	7.69%	7.69%	0.00%	0.00%	0.00%
Dismissal	60	9	6	0	0	44	8	2	0	0
	46.51%	6.98%	4.65%	0.00%	0.00%	34.11%	6.20%	1.55%	0.00%	0.00%
LOR	79	7	5	0	1	20	2	2	0	0
	68.10%	6.03%	4.31%	0.00%	0.86%	17.24%	1.72%	1.72%	0.00%	0.00%
Other	9	1	1	0	1	3	1	0	0	0
	56.25%	6.25%	6.25%	0.00%	6.25%	18.75%	6.25%	0.00%	0.00%	0.00%
Suspension	99	21	5	0	1	32	6	3	0	0
	59.28%	12.57%	2.99%	0.00%	0.60%	19.16%	3.59%	1.80%	0.00%	0.00%
Total Agency Dis	257	38	17	0	4	100	18	7	0	0
	58.28%	8.62%	3.85%	0.00%	0.91%	22.68%	4.08%	1.59%	0.00%	0.00%

Examples of Program Outreach

El Dorado Correctional Facility & Oswego Correctional Facility reported that they used: NexTech Classifieds, Craig's List, Facebook, and the Workforce Centers (KansasWorks, etc.). They also used 360El Dorado, the Chamber of Commerce ad attended those job fairs that have shown to be cost effective and contacted all area high school counselors and sent flyers and e-mail to them (in April). They also send e-mails out to current staff. Due to extreme hiring issues they used media job sites; state, community, and social. They have attended Job fairs/events in Wichita, Augusta, and El Dorado and held open houses at the facility. Went out to local high schools and retail parking lots with different uniformed officers and passed out flyers all over the community and have a rolling advertisement at the local movie theater. This is a location that tries to onboard any available applicant that meets the MQ's and can pass the UA and background check.

Ellsworth Correctional Facility continues to utilize a variety of recruitment methods, to include the following:

- Collaborating recruiting efforts with KansasWorks via the Salina office;
- Placing recruitment advertisements with the following media outlets: KSN-TV Station out of Wichita (these advertisements run in conjunction with the following prime time segments KSN Today, Today Show, KSN News at Noon, KSN5 News, KSN 6 News, Wheel of Fortune, KSN News at 10 p.m., as well as bonus rotator spots); Rocking M. Radio, Inc.; Ad Astra Per Aspera Broadcasting, Inc.; Kanopolis Drive-In Movie Theatre; Ellsworth County Independent/Reporter; Great Bend Tribune; Salina, Journal; Lyons Daily News; Russell County News, Sterling Bulletin; and Lincoln Sentinel-Republican;
- Participating in the annual JobFest at the Best Western Angus Inn in Great Bend (in conjunction with the Ellsworth/Kanopolis Chamber of Commerce and other Ellsworth County businesses);
- Recruitment in Ellsworth County Independent/Reporter in support of Criminal Justice month each March;
- Provide numerous facility tours and speaking engagements for various high schools, colleges, and universities.

FREE advertising used by ECF includes:

- State of Kansas website;
- Facebook, Twitter, and social media outlets;
- KansasWorks;
- Ellsworth/Kanopolis Chamber of Commerce website;
- Hire Kansas Talent (posts vacancies to the following Kansas universities - Kansas State University, University of Kansas, Fort Hays State University, Emporia State University, Pittsburg State University, Washburn University, and Wichita State University);
- Barton Community College;
- Fort Riley;
- Kansas Wesleyan University;
- USA Jobs On Line;
- NexTech Classifieds;
- Craig's List;
- Jobspider.com;
- Corrections.com

ECF also:

- Attends monthly Employer Showcase at Fort Riley to recruit soldiers who are out-processing with the military;
- Placed recruitment billboard along I-70 near the Chapman exit;
- Utilize printed recruitment cards, which list benefits, application, and contact information;
- Provide tour, test, and interview opportunities weekly.

Hutchinson Correctional Facility continues to use the State job posting site, Indeed, the Chamber of Commerce, the Workforce Center, local newspapers to include the Hutchinson news and their website, a billboard on Highway 61, Radio spots, Ziprecruiter, local job fairs and Facebook. The Human Resources office has also gone to area high schools and attended college job fairs. They have used advertisements on Channel 12, radio advertisements on Ad Astra radio, and posted on Indeed and the State of Kansas Jobs.KS web-site.

Kansas Juvenile Corrections Complex reports that in addition to posting on the state's website they have posted on Corrections.com, Indeed, Washburn Tech, and Washburn University. They have also participated in local job fairs and send emails to current staff about vacancies and have been very successful at obtaining and retaining a diverse work staff in part due to a desire to work with the age of the offender population served. The diverse work force allows them to make good use of word of mouth advertising.

Lansing Correctional Facility in addition to the state website, Indeed and other previously listed items this year outreach included a radio spot on 103 Hot JAMZ in KCK, participating in the Kansas City Kansas Community College sponsors Get Hired KC at the Reardon Center in KC, Kansas which draws a number of minorities. The Fort Leavenworth Job Fair also results in contacts with a number of the female military personnel as well as military in general. Other job Fairs included UMKC, Missouri Western in St. Joe, MO, and the Leavenworth Workforce Center. Other high schools visited were Piper and Pleasant Ridge at Easton. They have also had a number of new hires/candidates that have come from other countries They have made contacts at Washington High School in KCK, and spoke with a District 500 Representative and provided contact information with the thought that going forward that would open up some additional graduating high school populations (Washington, Wyandotte, Sumner, Schlagle, and Harmon). All have an increased number of minorities and Harmon is located near Argentine and Armourdale and accordingly would have increased Hispanic representation.

Larned Correctional Mental Health Facility uses interview boards comprised of at least one male staff member and one female staff member and whenever possible, one minority staff member. In the past they said they had two signs on LCMHF property that said, "Now hiring Corrections Officers". They have also used The National Minority Update. They further reported going to the Barton Community College and to have spoken to middle school students to build interest for the future. They claim to have sent flyers to every high school within an hour driving distance letting the guidance counselors know that we now hire 18 year olds and posted on numerous free websites. Additionally they advertise in local newspapers and notify the local job service centers of their vacancies. They have also posted tear away flyers in communities within an hour of the facility, sent flyers to Fort Riley and to the closing Kit Carson Prison in Burlington Colorado, and they have attended a job fair in Great Bend. Each month a different department is responsible for providing a diversity event for staff and inmates and posting information on a diversity bulletin board relating to the cultural events for the month and they have a list of topics they try to cover each month. When they participate in job fairs, they send male and female officers, and try to also use at least one minority officer as scheduling allows. Their recruitment brochure pictures several staff representing both genders, a mixture of age ranges, and ethnicities. While they don't have a large minority population in their community, they say that they have been able to maintain a diverse candidate pool.

Norton has used movie advertisements featuring pictures that show the versatility of their staff. Human Resources attends job fairs and visits college campuses, and sends job postings to the Chamber of Commerce who post them on the western Kansas site as well as national sites. Job postings are also sent to area colleges and the Chamber of Commerce in surrounding Nebraska communities and specifically to those that have a high Hispanic population. They created a job flyer for staff distribute in their communities and advertise on Nex Tech classifieds and for hard to fill positions, and they occasionally place advertisements in the newspapers. They forward all internal and open to the public postings agency- wide. They hired people from the Kit Carson Correctional Facility in Burlington Colorado that is closing and placed an ad in the newspaper there. They have also sent letters and information out to all local high schools and have attended a job fair at the Norton High School and

attended job fairs at the University of Nebraska at Kearney and Fort Hays State. They continue to grow their 5K run/walk at the facility and placed recruitment information into the runners and walkers bags. They queried incoming staff and have learned that word of mouth is an effective tool because many reported having heard about the job from our staff and they make good use of internal advertisements, the State of Kansas Web-site and Indeed.

Topeka Correctional Facility has posted jobs on Indeed.com and Craigslist, as well as the state website. They have also attended job fairs at the Expo Center, KU, and Washburn, and plan to do so again this year. They make personal contact with each and every application for COI that we receive, even if they find that they decide not to attend their testing events. They host testing every two weeks and orientation every two weeks in order to get new hires into the pipeline faster and reduce the opportunity to have potential hires go somewhere else while they're waiting for a testing event or orientation to start. They have an active Facebook page for recruiting and created business cards for people to hand out to refer people and friends. Finally, they ask new hires to recommend family or friends (and continue to see good success with that approach.

Winfield Correctional Facility & Wichita Work Release reported having a booth at the Cowley County Fair to educate people about the Kansas Department of Corrections and what types of jobs they have available. They have also gone to a local high school, the State Fair and have put out flyers at the colleges in the area but primarily they depend upon Indeed, word of mouth and KDOC notifications and the State of Kansas Web-site.

Northern Parole Region is primarily run out of central office and utilizes the regular State of Kansas posting resources to include the State Website, internal postings and the use of Indeed.

Southern Parole Region posts vacancies on hirekansastalent.com. They also attend career fairs at Wichita State University and local community colleges. In regard to retention, they offer flex schedules for the parole staff allowing many to have 3-day weekends saving them money on daycare costs and allowing many to work second jobs during their 3 day weekend. Further 2 times per year in 2017, 2018 and 2019 that attend career fairs at Fort Hays university where and majority of the students at that event that both are majoring in Criminal Justice and come to the parole services booth, are female.

Central Office Human Resources has attended recruitment efforts in Manhattan at KSU campus and the Ag Hall which did have a couple folks recruited for IT. They have attended and worked a booth at the Kansas State fair in Hutchinson and have started partnering with Armypays.com. Further they make extensive use of the State of Kansas Web-site, Indeed and internal posting notices. Since the last AAP the Agency has hired and trained new HR Managers at KJCC, TCF and the SPR.

The Kansas Department of Corrections takes its Equal Employment Opportunity, non-discrimination and sexual harassment responsibilities seriously. An employee's failure to report discrimination concerns represents a violation of IMPP 02-101D; failure to report sexual harassment concerns represents a violation of IMPP 02-124D; and, failure to report complaints based upon disability violate IMPP 02-129D. Contract staffs are encouraged to report discrimination in any program service or activity, of the Department consistent with IMPP 01-128 to the contacts listed below. In addition, contract staff and employees working in any KDOC location who fail to report a violations under the policies above also violate the KDOC code of conduct found in IMPP 02-118. All personnel may contact or seek guidance from the people listed below:

Questions and concerns regarding EEO, Sexual Harassment or Disabilities can be directed to the Agency EEO/ADA/AA Coordinator:

Mike Smith, Manager of EEO/ADA/AA
Email: mike.smith@ks.gov
Agency Telephone (785) 296-4273
Agency Cell Phone (785) 213-3450
Toll Free 1-844-522-1956

And questions and concerns regarding ADA may be directed to the Statewide ADA Coordinator:

Anthony A. Fadale, State ADA Coordinator
555 S. Kansas, 1st floor
Topeka, Kansas 66603
Phone:(785) 296-1389
Fax:(785) 296-2173
Email: anthony.fadale@ks.gov

Concerns regarding other forms of Discrimination or Sexual Harassment may also be reported to any facility Manager or Supervisor to include the facility Human Resource Manager or an EEO Representative from your work locations found on the following list:

2019 EEO Representatives by Location

Printed Name	Location	Job Title
Jon Long	Topeka Correctional Facility	Corrections Supervisor II
Gregory Perez	Topeka Correctional Facility	Staff Development Specialist
Meghan Davis	Topeka Correctional Facility	Unit Team Manager
Kylee Hodges	Southern Parole Region	Parole Officer II
Michael Lentz	Southern Parole Region	Parole Officer II
Aaron Browning	Southern Parole Region	Parole Supervisor
Tia Brungardt	Southern Parole Region	Program Consultant I
Shawna Currie	Southern Parole Region	Program Consultant II
Morgan Nutting	Southern Parole Region	Parole Officer II
Katherine Herzberg	Southern Parole Region	Parole Supervisor
Victoria Bargdill	Southern Parole Region	Director
Dawn Shepler	Southern Parole Region	Parole Supervisor/Staff Development
Miranda Schmidt	Larned Correctional Mental Health Facility	Administrative Assistant
Jeff Byrum	Larned Correctional Mental Health Facility	Corrections Counsellor II
Travis Kultgen,	Larned Correctional Mental Health Facility	Corrections Supervisor III
Anthony Lemuz	Larned Correctional Mental Health Facility	Corrections Supervisor I
Paul Runnels	Larned Correctional Mental Health Facility	Corrections Counselor II
Carla Lile	Larned Correctional Mental Health Facility	Administrative Specialist
Jennifer Wyman	Larned Correctional Mental Health Facility	Corrections Supervisor I
Tina Schmidt	Larned Correctional Mental Health Facility	Corrections Supervisor III
Kelly Miller	Larned Correctional Mental Health Facility	Human Resource Manager
Bryan Woodward	Oswego Correctional Facility	Corrections Supervisor II
Dale Call	El Dorado Correctional Facility	Human Resource Manager
David King	Release and Reentry	Program Consultant I
Tina Jehner	El Dorado Correctional Facility	Administrative Assistant
Jarris Perkins	El Dorado Correctional Facility	Corrections Counselor II
Marsha Moses	Oswego Correctional Facility	Administrative Assistant
Jay Johnson	El Dorado Correctional Facility	Health And Safety Specialist
Patrick Mansfield	El Dorado Correctional Facility	Corrections Supervisor II
Debra Garrison	El Dorado Correctional Facility	Corrections Counselor I

2019 EEO Representatives by Location (Continued)

Printed Name	Location	Job Title
Robert Spien	El Dorado Correctional Facility	Compliance Officer
Pattie Goodman	Lansing Correctional Facility	Corrections Supervisor II
Jorge Hernandez	Lansing Correctional Facility	Unit Team Supervisor
Eli Hafner	Lansing Correctional Facility - KCI	Administrative Specialist
Chris B Ross	Lansing Correctional Facility	Corrections Supervisor I- Grievance Spec.
Cathy Higley	Lansing Correctional Facility	Human Resource Manager
Renda L Craft	Lansing Correctional Facility	Volunteer Services Coordinator
Cris McKown	Northern Parole Region- Olathe Parole Office	Parole Officer II
Joshua Peery	Northern Parole Region	Assistant Director & Human Resource Manager
Julie St Peter	Winfield Correctional Facility	Human Resource Manager
Calvin Reams	Winfield Correctional Facility	Unit Team Manager
Randall Foust	Winfield Correctional Facility	Corrections Officer II
Grady Osborn	Winfield Correctional Facility	Chaplain
Monica C Stricklin	Wichita Work Release Facility	Corrections Counselor II
Patrick Firebaugh	Winfield Correctional Facility	Staff Development Supervisor
Jamie Huston	Winfield Correctional Facility	Administrative Specialist
Richard Booher	Ellsworth Correctional Facility	Unit Team Manager
Francis Devadason	Ellsworth Correctional Facility	Librarian I
Gwendolyn "Wendy" Stroede	Ellsworth Correctional Facility	Administrative Assistant
Jina Murrell	Ellsworth Correctional Facility	Human Resource Manager
Andy Brown	Hutchison Correctional Facility	Corrections Supervisor II
Michael Lamb	Hutchison Correctional Facility	Unit Team Supervisor
Joel Andrews	Hutchison Correctional Facility	Corrections Officer II
Max Canady	Hutchison Correctional Facility	Facility Maintenance Supervisor
Jason Cunningham	Hutchison Correctional Facility	Corrections Supervisor I
Matt Wagner	Hutchison Correctional Facility	Corrections Supervisor I
Leo Duran	Hutchison Correctional Facility - East	Unit Team Supervisor
Robert Hurt	Hutchison Correctional Facility	Unit Team Supervisor
Meagan Lancaster	Hutchison Correctional Facility - East	Administrative Assistant

2019 EEO Representatives by Location (Continued)

Printed Name	Location	Job Title
Michael Marshal	Hutchison Correctional Facility	Corrections Supervisor I
Jay Sedore	Hutchison Correctional Facility	Corrections Supervisor I
Christina Peach	Hutchison Correctional Facility	Human Resource Manager
Marcia Diaz	Norton Correctional Facility	Senior Administrative Assistant
Dale Whitson	Norton Correctional Facility	Corrections Supervisor I
Gerald Rightnar	Norton Correctional Facility	Corrections Supervisor I
Barbara Ard	Norton Correctional Facility	Corrections Counselor II
MaryLou Atkisson	Norton Correctional Facility	Corrections Officer II
Kelley Grabast	Norton Correctional Facility	Corrections Supervisor II
Philip Myer	Norton Correctional Facility	Human Resource Manager
Marlene Dugan	Norton Correctional Facility	Corrections Counselor I
Earl Barkley	Kansas Juvenile Correctional Center	Human Resource Manager
Angie Kraugh	Kansas Juvenile Correctional Center	Administrative Specialist - HR
Daniel Cline	Kansas Juvenile Correctional Center	Juvenile Corrections Officer I
Rebecca Laubengayer	Kansas Juvenile Correctional Center	Juvenile Corrections Officer I
Jeff Buttrick	KDOC Central Office	Public Service Executive II

Basis for the EEO/AA Plan

Affirmative Action Plan

Requirement:

KDOC is required by State regulations to prepare an Affirmative Action Plan (AAP). That plan must state the "positive action steps the state highway agency will take to assure equal employment opportunity." Additionally, Kansas Administrative Regulation 1-9-18 (b) (1) provides:

Each agency shall implement a plan of affirmative action in order to identify areas of underutilization, initiate programs designed to address underutilization and implement programs and policies designed to promote equal employment opportunity.

Relationship of Affirmative Action to Equal Employment Opportunity:

Equal Employment Opportunity (EEO) is a legal obligation and an ongoing effort to provide all individuals the opportunity to compete equally and to provide equality of access to all terms and conditions of employment within the Agency. It also requires the Agency to avoid discrimination.

Affirmative Action (AA) is the Agency's legal obligation to make a good faith effort to obtain appropriate representation within its labor force. KDOC has a goal of parity with the Civilian Labor Force (CLF) based upon the most current available census. That labor force is generally made up of people performing similar lines of work to that performed by the Agency in its various demographic areas.

EEO/AA involves analysis to determine whether certain protected groups are adequately represented in the organization's labor force and programs. An AA program that relies heavily on race and gender-neutral methods to achieve parity is not contradictory to the principles of EEO where qualifications and merit are noted to be the primary determining factors for employment decisions.

AA that gives preference to members of protected groups may be warranted on a limited basis if certain requirements are met. In addition to a state preference for qualified veterans, those basic requirements include:

Narrowly tailored actions to address known discrimination, and shortfalls or problems within a specific work unit where protected group neutral methods have not been able to remedy the problem. The purpose of those actions must be to eliminate discriminatory practices that may have resulted in inadequate representation, or other known discrimination, or actions taken when statistical analysis identifies and confirms that the previous practices had themselves led to discrimination.

Any action must not disparately harm or create an absolute barrier to individuals who are not members of the protected group for which the action was undertaken.

Assessment of Work Force Statistics

Important:

All statistics used for evaluation purposes contain some inherent flaws but should represent the best-known data available at the time of their use. EEO/AA statistics are an important element in the KDOC Equal Employment Opportunity and Affirmative Action Plan for two reasons:

1. EEO/AA statistics provide objective information concerning whether the KDOC work force has an appropriate representation of protected group individuals. The statistics provide an objective perspective of the progress made toward achieving appropriate representation.
2. The analyses of EEO/AA statistics provide an indication of the success or failure of actions undertaken to achieve parity and indicate a good faith effort showing.

**Data
Limitations:**

Despite efforts to establish a reliable statistical data, any data must be used with caution. When analysis of the data is performed it must be recognized that no hiring data is precise. Sometimes different data sources result in different figures being provided. Short-term fluctuations almost always appear in data and when unintentional errors or omissions are identified, they are noted in a follow-up AAP. The data provided is entirely adequate for the analysis of significant deviations from standards. To maintain consistency, the current census is extrapolated by the Kansas Department of Corrections and is derived from the Payroll (SHaRP) System utilizing an March 31, 2016 cut-off date.

SHaRP does not include statistical data related to the employment of disabled individuals. This omission is due to the difficulty in obtaining ongoing raw data both due to federal restrictions on requiring information that is protected by the ADA as well as the reluctance of people to provide the information voluntarily.

There is a difference in what can be recorded in SHaRP and what the CLF shows in that CLF figures include a breakdown to include categories for 2 or more races and other. For the purposes of this plan Asian include both Asians and Native Hawaiian/other Pacific Islanders to group them back into the single breakdown needed to produce the EEO4. Further while SHaRP does not have 2 or more races or Other if instead records Non-Specified race showing as NSPEC, Non-US citizen instead of race showing as NONUS, and a blank. For the purposes of the federal EEO, NSPEC data is used for 2 or more races to be inclusive of people who intentionally did not report race where they might not have known which race to report. NONUS are included as other because we do not know what race they consider themselves. Due to an extreme number of unknowns being recorded a visual observation was done to assign race to prevent the appearance of the Agency claiming someone was unknown to mask underutilization due to facilities simply not recording another racial breakdown. The 10 unknowns remaining in our Agency labor force data had no picture in the directory to make a visual determination with.

Parity

The Affirmative Action Plan defines parity as "the employment of protected group persons in various job categories at rates approximating those employed in those job categories performing similar lines of work within the applicable Civilian Labor Force (CLF) derived from the State and position titled based applicable SOC codes found in the American Factfinder data provided by the US Census Bureau.

With regard to parity this plan utilizes the CLF and the data is obtained directly from a SHaRP data snapshot and utilized the May 1, 2019 cut-off for this plan.

Agency Population By EEO Category

The following designation of EEO categories was made by Census 2010. Category breakdowns are driven by position title. These breakdowns help to eliminate error masked in the gross aggregation of EEO/AA statistics. For example, an organization that reported only total employment might appear to have appropriate representation while having many women and minority employees in low-paying jobs or falling within only a few employment categories. EEO/AA statistics are presented by race and sex by EEO Category.

The Eight federal Equal Employment Opportunity Commission (EEOC) job categories facilitate analysis and comparisons. The 24 employee difference, between the data total (3073 staff) show below and the data total found on the EEO4 (3049 staff) is due to having: 8 staff listed as unknown race male, 2 as unknown race female, 7 as non-specified male, 1 as non-specified female, 3 non-US males and 3 non-US females.

EEO CATEGORIES	FILLED POSITIONS AS OF July 1, 2018	PERCENT
A-1 Officials & Managers	415	13.50%
B-2 Professional	447	14.55%
C-3 Technicians	13	0.42%
D-4 Protective Service	1762	57.34%
E-5 Para-Professionals	0	0.00%
F-6 Administrative Support	254	8.27%
G-7 Skilled Craft	146	4.75%
H-8 Service Maintenance	36	1.17%
Total	3073	100.00%

Methods Utilized For Statistical Analysis

- Workforce data:** The first item examined for the in-depth analysis was the appropriate percentages utilized for the Civilian Labor Force (CLF). Agency data is derived from a May 1, 2019 SHaRP data snapshot and the Civilian labor Force is calculated using the US Census Bureau using State of Kansas percentages, for the appropriate SOC codes for job titles found within the Agency workforce. Specifically the state uses the EEO-ALL01R provided for each SOC code. That data is carried over onto a spreadsheet for the Agency and each facility. To correlate Census 2010 data to the five major racial breakdowns, groups with combinations of races are factored in by combining the multiple race data into whatever included minority group contains the largest individual population.
- EEO-4:** This breakdown and salary information was derived from the same May 1, 2019 SHaRP data snapshot used to produce the overall Agency Affirmative Action Plan and federal EEOP.

ENTER NAME OF STATE HERE: **Kansas - Department of Corrections**

JOB CATEGORIES	ANNUAL SALARY (in thousands 000)	TOTAL (COLUMN B-K)	MALE					FEMALE				
			NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE	NON-HISPANIC ORIGIN		HISPANIC	ASIAN OR PACIFIC ISLANDER	AMERICAN INDIAN OR ALASKAN NATIVE
			A	WHITE B	BLACK C	D	E	F	WHITE G	BLACK H	I	J
OFFICIALS AND ADMINISTRATOR												
	1. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	2. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	3. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	4. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	5. 33.0-42.9	79	22	2	1	0	0	47	7	0	0	0
	6. 43.0-54.9	175	78	7	2	0	1	76	6	4	1	0
	7. 55.0-69.9	105	60	1	2	1	2	38	0	1	0	0
	8. 70.0 +	48	26	2	1	0	0	19	0	0	0	0
TOTAL		407	186	12	6	1	3	180	13	5	1	0
PROFESSIONALS												
	9. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	10. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	11. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	12. 25.0-32.9	3	2	0	0	0	0	1	0	0	0	0
	13. 33.0-42.9	260	91	13	9	2	3	119	14	7	1	1
	14. 43.0-54.9	148	75	8	7	0	3	54	0	1	0	0
	15. 55.0-69.9	21	11	0	0	0	0	8	0	2	0	0
	16. 70.0 +	10	6	0	0	0	0	4	0	0	0	0
TOTAL		442	185	21	16	2	6	186	14	10	1	1
TECHNICIANS												
	17. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	18. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	19. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	20. 25.0-32.9	0	0	0	0	0	0	0	0	0	0	0
	21. 33.0-42.9	5	4	0	0	0	0	1	0	0	0	0
	22. 43.0-54.9	6	4	0	0	1	0	1	0	0	0	0
	23. 55.0-69.9	1	0	0	0	0	0	1	0	0	0	0
	24. 70.0 +	0	0	0	0	0	0	0	0	0	0	0
TOTAL		12	8	0	0	1	0	3	0	0	0	0
PROTECTIVE SERVICE												
	25. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	26. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	27. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	28. 25.0-32.9	338	197	24	17	5	3	75	9	7	1	0
	29. 33.0-42.9	982	639	64	38	1	10	182	29	13	1	5
	30. 43.0-54.9	410	304	21	13	1	4	62	3	0	2	0
	31. 55.0-69.9	15	14	1	0	0	0	0	0	0	0	0
	32. 70.0 +	0	0	0	0	0	0	0	0	0	0	0
TOTAL		1745	1154	110	68	7	17	319	41	20	4	5
PARA-PROFESSIONALS												
	33. \$0.1-15.9											
	34. 16.0-19.9											
	35. 20.0-24.9				None							
	36. 25.0-32.9											
	37. 33.0-42.9											
	38. 43.0-54.9											
	39. 55.0-69.9											
	40. 70.0 +											
TOTAL		0	0	0	0	0	0	0	0	0	0	0

ADMINISTRATIVE SUPPORT	41. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	42. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	43. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	44. 25.0-32.9	171	21	1	2	0	1	133	5	7	1	0
	45. 33.0-42.9	71	11	0	3	0	0	54	2	1	0	0
	46. 43.0-54.9	2	1	0	0	0	0	1	0	0	0	0
	47. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	48. 70.0 +	0	0	0	0	0	0	0	0	0	0	0
TOTAL		244	33	1	5	0	1	188	7	8	1	0
SKILLED CRAFT	49. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	50. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	51. 20.0-24.9	0	0	0	0	0	0	0	0	0	0	0
	52. 25.0-32.9	10	9	0	0	0	0	1	0	0	0	0
	53. 33.0-42.9	116	111	0	3	0	1	1	0	0	0	0
	54. 43.0-54.9	16	16	0	0	0	0	0	0	0	0	0
	55. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	56. 70.0 +	0	0	0	0	0	0	0	0	0	0	0
TOTAL		142	136	0	3	0	1	2	0	0	0	0
SERVICE MAINTENANCE	57. \$0.1-15.9	0	0	0	0	0	0	0	0	0	0	0
	58. 16.0-19.9	0	0	0	0	0	0	0	0	0	0	0
	59. 20.0-24.9	4	2	0	0	0	0	2	0	0	0	0
	60. 25.0-32.9	2	1	0	0	0	0	1	0	0	0	0
	61. 33.0-42.9	14	14	0	0	0	0	0	0	0	0	0
	62. 43.0-54.9	15	15	0	0	0	0	0	0	0	0	0
	63. 55.0-69.9	0	0	0	0	0	0	0	0	0	0	0
	64. 70.0 +	0	0	0	0	0	0	0	0	0	0	0
TOTAL		35	32	0	0	0	0	3	0	0	0	0
65. TOTAL FULL TIME (LINES 1-64)		3027	1734	144	98	11	28	881	75	43	7	6
2. OTHER THAN FULL-TIME EMPLOYEES (Including temporary employees)												
66. OFFICIALS/ADMIN		5	1	0	0	0	0	4	0	0	0	0
67. PROFESSIONALS		1	1	0	0	0	0	0	0	0	0	0
68. TECHNICIANS		1	1	0	0	0	0	0	0	0	0	0
69. PROTECTIVE SERVICE		1	1	0	0	0	0	0	0	0	0	0
70. PARA-PROF					None							
71. ADMIN. SUPPORT		10	2	0	0	0	0	8	0	0	0	0
72. SKILLED CRAFT		3	2	0	0	0	0	1	0	0	0	0
73. SERVICE/MAINTENANCE		1	1	0	0	0	0	0	0	0	0	0
74. TOTAL OTHER THAN FULL TIME (Lines 66-73)		22	9	0	0	0	0	13	0	0	0	0
3. NEW HIRES DURING FISCAL YEAR (Permanent full time only)												
75. OFFICIALS/ADMIN		25	7	0	0	0	0	15	3	0	0	0
76. PROFESSIONALS		41	11	5	0	1	0	21	3	0	0	0
77. TECHNICIANS		2	2	0	0	0	0	0	0	0	0	0
78. PROTECTIVE SERVICE		293	172	22	15	4	3	63	9	4	1	0
79. PARA-PROF					None							
80. ADMIN. SUPPORT		54	7	1	0	0	0	41	1	3	1	0
81. SKILLED CRAFT		13	12	0	0	0	0	1	0	0	0	0
82. SERVICE/MAINTENANCE		0	0	0	0	0	0	0	0	0	0	0
83. TOTAL NEW HIRES(Lines 75-82)		428	211	28	15	5	3	141	16	7	2	0

The following analysis is taken directly from the Federal EEO data analysis and is related to availability figures that used statewide working age population by EEO category as its basis, as opposed to computing theoretical availability utilizing prorated SOC codes:

The KDOC continues to prorate in the appropriate Civilian Labor Force by position title/Standard Occupational Classification (SOC) for each Agency position, and this results in most of the variation between the Agency AAP data and the Federal EEO data. The Agency data is necessary to assess underutilization for specific hiring decisions as they related to jobs and job family lines of progression. As an example - If the Agency was hiring an attorney, they would need to examine where they were in relation to available people with the necessary credentials to be an attorney, while the broader EEO data would reflect based upon all the SOC's incorporated within that broader EEO Category, to include things like doctors and retail store managers, who would not be minimally qualified to be an attorney. Policy continues to require placement of any underutilized candidate based upon that analysis if they represent the top choice for a position by the initial interview board. Specifically, unless appropriate justification is received, even the appointing authority cannot choose to hold second interviews.

Another error in EEO data has to do with assigning security staff above the rank of patrol officers as Officials and Managers. Typically, job family lines of progression wouldn't cross EEO Category boundaries and the EEO Category is actually assigned by the applicable SOC. While the EEO lists all sworn positions above entry, specifically using sergeant as the first example, to an Officials & Managers EEO category, most remain in the sworn security EEO Category 4. While appropriate to separate by rank, using SOC to look for disparity, many of those positions are not Officials & Managers. Agency data places regular sergeants in with other line staff because they truly are not considered supervisors by even state policy because, though often acting as lead workers, they do not evaluate others or make hiring decisions. The Agency understands that the pay difference could reflect a place where some disparity might be found. It considers First Sergeants and Lieutenants in the SOC designated as first line supervisors of sworn officers (SOC 33-1011 because they have more general supervisory duties). The Agency push only those to Officials & Managers (SOC 11-1021) when they achieve a position of broader responsibility, at a rank of Captain and above, because they at times represent the on-site authority at the prison and accordingly make decisions at an administrative and program level. THE KDOC prorates availability based upon the applicable SOC code for each position within the Agency to allow for examination on a classification and job-family lines of progression basis.

- The EEO data indicates an under-utilization of white males in the Officials & Managers EEO Category.

While EEO and Agency data indicates a under-representation in white males in this group and an over-representation of white females in this group, there is no indication that white males are discriminated against (many of highest level positions are filled by white males). The Agency data indicates that anything regarding white male shortfall may be on the hiring end as well as retention. To that end we will publicize this shortfall to its recruitment staff, so that they can seek out applicants and encourage members of the groups to apply and further undertake recruitment based upon the EEO figures as noted in item 5.

- The Agency has examined the EEO data, which indicates that white females in the Professionals EEO category are under-represented.

Data continues to show that women move out of security and even counseling positions to other Agency positions, often moving to positions where they are less likely to encounter violence from our primarily male offender population. They often promote to positions falling in the Officials & Managers categories where an overrepresentation is present. Many women choosing work in the corrections field have degrees or hours toward them, which results in them being screened into the applicant pool for the next group up, at higher rates. Often women leaving this group represent the group that supervise many of the classifications found in the professional's group. As example, Women, primarily white, make up over 43% of those found in the Unit Team Supervisory group managing the corrections counselors. The Agency will continue to target recruitment efforts toward women in under-utilized areas and hiring data supports they apply and are hired at rates that exceed availability in most job families - Advancement out of some categories will likely continue to represent barriers to retention in other Agency categories.

- The Agency has examined EEO data for the sworn officer EEO category which shows an underutilization of Hispanics of both genders and White females.

The Agency's own data shows no under-utilization of Hispanic's of either gender due to the over-generalization of data discussed elsewhere in this plan. White females are underutilized, but Agency data shows that females are selected into the Agency at rates above civilian labor force availability. Agency figures support that they often move

out of these classifications as noted elsewhere in this plan, and the Agency anticipates that movement will likely continue to represent a barrier toward retention in the entry security classes. The Agency will continue to undertake recruitment based upon the EEOP data as noted in item 5 though retention appears the greater issue. While not indicated on the EEOP, Agency data indicates an underutilization of Native American females that appears most likely retention based. The Agency data also shows an underutilization of Black females and to address this we will more closely monitor both recruitment and retention of black females. Critical in both recruitment and retention is a lack of applicants of any gender or race, currently the Agency has attempted numerous fixes to maintain even minimum staffing levels - The state has just approved salary increases for all levels of KDOC security, that are coming on line as this plan is being pushed up, to try to alleviate ongoing staffing problems which should help on both the recruitment and retention ends. But the sworn officer (patrol level) is the one classification where the KDOC has a recent history of literally trying to onboard every minimally qualified applicant and data shows diversity in its hiring decisions – But data shows that many quit quickly, once they learn of or experience the amount of overtime necessary to work to merely maintain minimum staffing levels.

- The Agency has reviewed the EEOP data that indicates that white males are under-utilized in the Administrative support EEO category.

Some of these positions are not opened because when officers and others can no longer perform essential functions due to an ADA covered event, these classifications sometimes represent the only available classifications the Agency could reassign staff to, as an accommodation of last resort. When positions are opened, data indicates that a lack of applicants is likely at issue and word of mouth can be a better utilized to help fill these positions. Agency data also suggest an underutilization of Black males and Hispanic females within this specific category. This is one classification that still contains large applicant pools for posted positions, which are often screened based upon experience, and longer experience is often held by female applicants. The Agency will encourage staff to refer interested applicants for these positions and undertake recruitment efforts as noted under item 5.

- The Agency has reviewed the EEOP data that notes an underutilization of Hispanic males in the Skilled Craft EEO category and Hispanics of both genders and white females in the Service Maintenance category.

The classifications and pay rates represented in both of these EEO categories make recruitment and retention an ongoing issue. The Agency moved some of the positions listed under these EEO categories out of the classified service to allow greater salary flexibility to obtain a better applicant pool. Often these positions require a license or oversee an inmate workforce that can create a concern for some applicants. The Agency goes for long periods with posted openings. Even in small towns, classifications like mechanics and facilities maintenance staff can make more money privately or as a contractor. Our current hiring data shows the positions are often filled by people who have retired from the private sector but desire to maintain paid insurance. People will seldom commute far for the pay represented by these positions. That said, the prorated Agency data does not indicate an underutilization of Hispanic males in the skilled craft Category. The Agency will continue to monitor this to assess the impact of the unclassified service changes and undertake recruitment based upon appropriate EEOP and Agency figures as noted in item 5. The Agency notes an overall improvement in the data from the previous plan, which indicates that its current actions are effective when it comes to eliminating underutilization.

1. The Agency has reviewed the EEOP data which indicates an underutilization of white males in the Officials & Managers, Administrative Support Categories and white females in the Professional Protective Services Sworn and Service Maintenance categories.

- a. The KDOC will continue to review its recruitment, screening, testing, background check, hiring, disciplinary, and retention practices working to ensure that no barriers exist.
- b. The KDOC will continue to collect and analyze data from position postings with the goal of attaining a diverse pool of applicants.
- c. The KDOC currently conducts exit interviews and maintains various other termination and disciplinary records systems to seek trends or factors that might show a practice is impacting groups at differential rates to try to assure equal opportunity.

2. The Agency has reviewed EEOP data which shows and underutilization of Hispanic Males in both Protective Services groups and skilled maintenance, and Hispanic Females in the entry Protective Services Patrol category.

- a. The Agency will examine whether the salary changes will impact retention of staff in the protective services group, which is where data indicates the barrier exists.
- b. The Agency will continue to closely monitor terminations to assure that discipline is consistent.
- c. The Agency will increase its recruitment in locations which have higher percentages of Hispanic populations to include Garden City, Wichita and the Kansas City metropolitan area. They will further utilize one or more of the following recruitment resources when posting positions in the listed EEO categories: ASPIRA Association, Latin Business Association, League of United Latin American Citizens, Mexican American Unity Council, National Association of Latin Elected & Appointed Officials, National Association of Puerto Rican/Hispanic Social Workers Inc, National Coalition of Hispanic Health & Human Services Organization, National Council La Raza, Hispanic Employment Program Managers, National Society of Hispanic Professionals, Hispanic Business.com, Hispanic Online, LatPro.com, saludos.com, hispanic-jobs.com, LatCareers Career Fairs, Emploeooscb.com, and Liberty's Promise.
- d. Data indicates effective response related to other current efforts such as billboards, local recruiting to include door to door delivery of fliers, open-houses and career day events, the use of Indeed and the state posting website and the KDOC is looking to try an ArmyPays recruitment resource because people exiting the military are often a good fit for agency positions and the military has a diverse population.
- e. The KDOC will continue to review its recruitment, screening, testing, background check, hiring, disciplinary, and retention practices working to ensure that no barriers exist.
- f. The KDOC will continue to collect and analyze data from position postings with the goal of attaining a diverse pool of applicants.
- g. The KDOC currently conducts exit interviews and maintains various other termination and disciplinary records systems to seek trends or factors that might show a practice is impacting groups at differential rates to ensure equal opportunity.

3. The Agency has reviewed the EEOP data which indicates that Black females are underutilized in the Supervisory Protective Services group.

- a. The Agency will examine whether the salary changes will impact retention of staff in the protective services group, which is where data indicates the barrier exists.
- b. There may be a comfort level with inmates talking to staff that may result in a disparate level of communications violations of the Agency undue familiarity policies. To address that potential, KDOC it will both monitor all black terminations from central office, and place added emphasis on undue familiarity training with regard to its security forces.
- c. The Agency will encourage black females to apply for all positions where an under-utilization exists and whenever possible recruit from institutions with higher levels of the underrepresented populations to include KCKCC, Washburn, Wichita State and the University of Kansas. It will further attempt to recruit by way of the Kansas Commission of African American Affairs, Blacks in Government, National Association for the Advancement of Colored People, Nation Association of Black Accountants, National Forum for Black Administrators, National Black MBA Association, National Urban League, Black Enterprise, Black Voices, Black Collegian online - career site for students of color, and HBCU-Careers.net - online career resource for historically Black colleges and universities.
- d. Data indicates effective response related to other current efforts such as billboards, local recruiting to include door to door delivery of fliers, open-houses and career day events, the use of Indeed and the state posting website and the KDOC is looking to try an ArmyPays recruitment resource because people exiting the military are often a good fit for agency positions and the military has a diverse population.
- e. The KDOC will continue to review its recruitment, screening, testing, background check, hiring, disciplinary, and retention practices working to ensure that no barriers exist.
- f. The KDOC currently conducts exit interviews and maintains various other termination and disciplinary records systems to seek trends or factors that might show a practice is impacting groups at differential rates to ensure equal opportunity.

4. The Agency has reviewed the EEOP data which notes an underutilization of Asian males in the Professional category and Asian males and females in Professional and Protective Services Patrol group.

- a. The Agency will examine whether the salary changes will impact retention of staff in the protective services group, which is where data indicates the barrier exists.
- b. Data indicates effective response related to other current efforts such as billboards, local recruiting to include door to door delivery of fliers, open-houses and career day events, the use of Indeed and the

state posting website and the KDOC is looking to try an ArmyPays recruitment resource because people exiting the military are often a good fit for agency positions and the military has a diverse population.

- c. The KDOC already sends recruitment teams comprised of diverse staff to local High Schools, Colleges, to various community outreach activities and fairs, the State fair, and to Military bases targeting the under-utilized groups. The KDOC may also use one or more of the following additional resources as hiring opportunities arise in an under-utilized EEO category: Asian Women in Business, Japanese American Citizens League, Korean Women's Association, the National Asian Pacific American Bar Association, National Association of Asian Professionals, the US Pan Asian American Chamber of Commerce and the Asian Professionals Network.

5. The Agency has reviewed the EEOP data indicates an underutilization in the two or more race EEO Category.

- a. This is one location where a change to stateside data is necessary. Early on during the current census the federal government had not made changes to its reporting systems and continued to require that reports be provided using the standard EEO categories and race breakdowns which necessitated assignment of staff to the groups listed in the civil rights act of 1964. Two or more races was not an option and to date does not appear in the data maintained in the Statewide Human Resource Data System. The only people listed in this group are those who chose not to specify a race, under the assumption that maybe they were not sure which race to list.

Internal Dissemination

The Agency previously notified its staff by pushing up a copy of its "Affirmative Action Plan" to the Agency's Internet site, and then sent an "Agency all" email confirming that the plan had been updated and was posted and available for review. Going forward the Agency will switch from posting its own Affirmative Action Plan to this EEOP, consistent with the federal requirement and will do so once this plan is approved. And while staff are provided a link that takes them to the internet site, the Agency will now additionally post the plan on its intranet and the internal bulletin boards within the offices. The Agency will forward a copy of the emails doing this when the plan is approved.

External Dissemination

The Agency maintains a list of its sub-recipients, vendors, and others and had previously distributed the plan by way of the same Agency email that notified the employees, indicating that the Agency Affirmative Action had been updated, posted and was available for review on the Agency's intranet website. While the Agency believes that in an age of technology, electronic distribution is the best way to make it available to the broadest audience, it will switch from posting its own Affirmative Action Plan to this EEOP, consistent with the current federal requirement. The Agency will also now take copies of this plan to recruitment events so that it can be reviewed by any interested parties and will continue to make hard-copies available to anyone, upon request.