

**12.461 Employment in state agency decision-making positions and participation in programs consistent with the Federal Americans with Disabilities Act -- Disability awareness program.**

To ensure that Kentuckians with disabilities and their families enjoy full partnership in all programs, services, and activities throughout the Commonwealth:

- (1) Consistent with this subsection, consideration shall be given to persons with one (1) or more disabilities for employment in decision-making positions in every program, cabinet, department, and agency of state government. Persons with one (1) or more disabilities shall not be discriminated against and shall be given an equal opportunity to be employed in decision-making positions in every program, cabinet, department, and agency of state government consistent with and to the extent required by the Federal Americans with Disabilities Act;
- (2) Individuals with disabilities shall be given equal opportunity to participate in the programs, services, and activities of state government consistent with and to the extent required by the Federal Americans with Disabilities Act;
- (3) If not already a part of staff development training for state government, a program shall be developed within the Personnel Cabinet containing a disability awareness component;
- (4) Consistent with this subsection, consideration shall be given to persons with one (1) or more disabilities for employment in decision-making positions in any community-based agency that receives funds from any executive cabinet or any of its subdivisions. Persons with one (1) or more disabilities shall not be discriminated against and shall be given an equal opportunity to be employed in decision-making positions in any community-based agency that receives funds from any executive cabinet or any of its subdivisions consistent with and to the extent required by the Federal Americans with Disabilities Act;
- (5) If program evaluation criteria is utilized by any community-based agency that receives funds from any executive cabinet or any of its subdivisions for its programs, services, and activities, the criteria may include in the measures of performance, the number of individuals served by the program, service, or activity;
- (6) Individuals with disabilities shall be given equal opportunity to participate in the programs, services, and activities of community-based agencies that receive funds from any executive cabinet or any of its subdivisions consistent with and to the extent required by the Federal Americans with Disabilities Act;
- (7) If a community-based agency that receives funds from any executive cabinet or any of its subdivisions engages in staff development and training, that community-based agency shall include a program with a disability awareness component;
- (8) If a community-based agency that receives funds from any executive cabinet or any of its subdivisions utilizes program evaluation criteria, those criteria may include in any measures of performance, the number of individuals served by the program, service, or activity.

**Effective:** June 21, 2001

**History:** Created 2001 Ky. Acts ch. 164, sec. 12, effective June 21, 2001.