

ANDY BESHEAR
GOVERNOR




GERINA D. WHETHERS
SECRETARY

501 HIGH STREET, 3RD FLOOR
FRANKFORT, KENTUCKY 40601
PHONE: (502) 564-7430
FAX (502) 564-7603
[HTTPS://PERSONNEL.KY.GOV](https://PERSONNEL.KY.GOV)

MEMORANDUM

PERSONNEL MEMO 20-11

To: Constitutional Officers
Cabinet Secretaries
Agency Heads
Human Resource (HR) Administrators
All Executive Branch Employees

From: Gerina D. Whethers, Secretary 

Date: June 30, 2020

Re: Civil Rights Protection Extends to Sexual Orientation and Gender Identity

Governor Andy Beshear celebrates the recent landmark decision of the United States Supreme Court that reaffirms the Commonwealth of Kentucky's commitment to provide equal employment opportunity for all Kentuckians. The Supreme Court's landmark decision in *Bostock v. Clayton County* makes the law of the land for all employers what has been the Commonwealth's policy for state government since 2008. Executive Order 2008-473, signed by former Governor Steve Beshear, ensured equal employment opportunity for all persons seeking employment in the Executive Branch, regardless of their sexual orientation or gender identity.

Last week, the Supreme Court clarified the scope of protection from discrimination in employment in relation to sexual orientation and gender identity. The Supreme Court held that federal civil rights laws include protection from discrimination on the basis of sexual orientation and gender identity. Specifically, the Court held that Title VII of the Civil Rights Act of 1964, which explicitly prohibits discrimination on the basis of sex (among other categories), must also protect employees from discrimination based on their sexual orientation or gender identity. Executive Order 2008-473 is the basis for the current Equal Employment Opportunity Policy found in the Employee Handbook, which also guarantees equal opportunity and provides anti-discrimination protections for employees regardless of their sexual orientation or gender identity.

The Commonwealth of Kentucky will continue to protect these important civil rights for its employees. Any employee who has been subject to any form of discrimination or who has witnessed such discrimination based on sex, sexual orientation, gender identity, or any other protected class, should immediately contact their Human Resources office or the Personnel Cabinet.