

Kentucky Commission On Human Rights

Protector of Civil Rights. Voice for Equality. Catalyst for Positive Change.

Human Rights Report

Disability conciliation reached with Wal-Mart

In August, the Kentucky Commission on Human Rights negotiated a conciliation agreement involving the nation's largest retail chain.

In the case of Lisa Graas v. Wal-Mart Superstore in Leitchfield, Ky., the complainant alleged the public accommodations provider discriminated against her based on her disability. This would be a violation of the Kentucky Civil Rights Act (KRS 344.120) and the U.S. Americans with Disabilities Act.

Graas, a native of Clarkson, Ky., claimed that in February 2008, Wal-Mart employees stopped her inside the front entrance when she attempted to bring her service animal into the store. Service animals are dogs and other animals individually trained to work or perform tasks for persons with disabilities.

Graas said the employees asked her about the animal and detained her for several minutes before finally letting her proceed into the store. Afterward, she claimed, while she attempted to shop, several other employees along the way continued to question her and comment about the dog's presence.

Graas said the store denied her

the full and equal enjoyment of the facility based on her disability concerning the presence of her service animal. She alleged her presence was unwelcome and that store employees harassed her.

Wal-Mart denied the allegations and any violation of the law. While the commission investigation was still underway, the parties agreed to conciliate the matter.

Wal-Mart agreed to compensate Graas with \$3,250 and to undergo training for employees on how to comply with civil rights laws. The Wal-Mart branch agreed to undergo commission monitoring for civil rights law compliance for one year.

This complaint was similar in some aspects to recent federal complaints against the Wal-Mart national chain and investigated by the U.S. Department of Justice Civil Rights Division. The settlement in January of this year resolved an investigation by the department based on several complaints alleging Wal-Mart refused to make reasonable modifications to its rules, policies and practices for customers with disabilities, according to the U.S. Department of Justice website.

"Many of the complaints alleged that persons with disabilities were denied access to Wal-Mart stores or were denied an equal opportunity to shop, free of repeated challenges by Wal-Mart staff, because the shoppers were accompanied by service animals," the Department of Justice website said. •

Summit kicks off National Hispanic Heritage Month

The Kentucky Commission on Human Rights held its fifth annual Kentucky Hispanic and Immigrant Networking Summit on October 9 at the UK Cooperative Extension in Shelbyville, Ky.

The Networking Summit kicked off a statewide celebration of National Hispanic Heritage Month (September 15 to October 15). The Kentucky Commission on Human Rights organized this unique event to foster mutual understanding and increased communication and collaboration between the federal, state and local governments and Kentucky's immigrant communities.

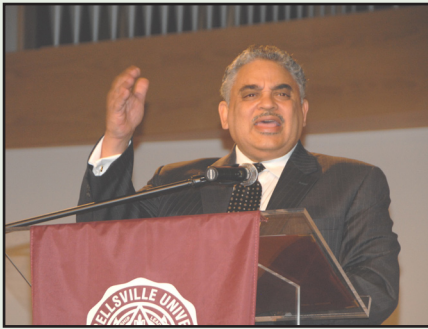
Executive Director John J. Johnson was one of the speakers at the event. "News reports reveal that national, state and local immigration policies are causing a disturbing pattern of abuses that threaten the livelihood and safety of entire families in their communities," he told attendees.

"Kentuckians who believe in equality should join forces to ensure that civil rights and constitutional protections are not trampled upon by those who would violate others' human rights simply because of people's national origins," he said.

"The Kentucky Commission on Human Rights uses events like the summit to expose and end discriminatory barriers that prevent the full participation of Hispanic and all foreign born Kentuckians in the building of our state's bright future," Johnson said.

During the summit, partner government institutions met with Hispanic educators and entrepreneurs, directors of Kentucky Latino centers and refugee agencies, and members of the Hispanic media from across the commonwealth, immigrant community contacts built the last eight years through intensive outreach efforts by the state human rights commission. •

Executive Director Johnson receives award for work in equality



Kentucky Commission on Human Rights Executive Director John J. Johnson in July was the recipient of the 2009 Charles Anderson Laureate Award, the Personnel Cabinet's recognition for outstanding achievement in justice and equality. Before he joined the commission in 2007, he was for 20 years an official of the National Association for the Advancement of Colored People in Baltimore, Md. The Kentucky native has worked for civil rights for 50 years. In the above photograph, he is seen speaking at Campbellsville (Kentucky) University in February 2009. •

Human Rights Commissioner appointments

Chair George W. Stinson in August swore in a new commissioner from the Northern Kentucky region. Governor Steven Beshear appointed Mildred "Milly" Hudson Diehl, a resident of Fort Mitchell in Kenton County. She represents the state at large and replaced Robert Peters of Lexington who resigned.



Commissioner Diehl is a community activist. She graduated from the University of Kentucky with a bachelor's degree in History and Political Science. She has served on the Board of Directors of Kenton County CASA (Court Appointed Special Assistants), the Greater Cincinnati and Northern Kentucky Film Commission, the NAACP Northern Kentucky Branch, the Kentucky Democratic Party State Central Executive Committee, and the Kentucky Women's Network. She served as a Fort Mitchell Councilwoman from 1994 to 1997 and on the Kentucky Commission on Women under Governor Martha Layne Collins from 1984 to 1988.



In September, the governor reappointed for a second term Alma Randolph Patton of Owensboro, Ky. She represents the 2nd Supreme Court District. Former Governor Ernie Fletcher appointed her in 2008. Her new term will expire Sept. 12, 2012.

Commissioner Randolph Patton is

a human resources and community relations specialist for the City of Owensboro. She is a gospel singer and the founder of the Alma Randolph Charitable Foundation. The ARCF was established in 1993, and 1,000 disadvantaged children now participate in the annual back-to-school shopping event. To date, approximately 11,400 children have received new clothing and shoes, and were able to return to school with dignity.

She is past president of Leadership Owensboro and a former member of the United Way of the Ohio Valley Board of Directors. She is a member of the Owensboro Rotary Club and was one of the first three women admitted to the club, and the first African American to join. In 1997, the Owensboro Rotary inducted her as a Paul Harris Fellow. In 1981, she served on the Beaver Dam City Council, becoming the first African American in Ohio County elected to public office and the first woman elected to the council.



Also in September, Governor Beshear reappointed Duane Bonifer of Greensburg, Ky. Commissioner Bonifer represents the 3rd Supreme Court District. Former Governor Fletcher appointed him in 2008. Bonifer's second term will expire Sept. 12, 2012.

Commissioner Bonifer is director of public relations for Lindsey Wilson College in Columbia, Ky. He has a bachelor's degree in journalism and political science from the University of Kentucky. He is married to Kelli Bonifer.

The Board of Commissioners rules on discrimination complaints for the people of Kentucky and acts with the authority of a court of law. •

Kentucky Commission on Human Rights

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Complaint Statistics

The commission will release in October the 2009 annual report, which covers accomplishments during the fiscal period of July 1, 2008, to June 30, 2009.

As has been the case, historically, the agency received the most discrimination complaints in the area of race in employment. See the chart below for the numbers of cases filed. The agency closed 406 cases this year.

Employment	228
Housing	47
Public Accommodations	47
Total	322

Commission travels to Pineville

The Kentucky Commission on Human Rights on Sept. 17 held its regular meeting in Pineville, Ky.



Local students came to the Pineville meeting.

The Board of Commissioners usually meets at headquarters in Louisville, Ky. A few times during the year as budget allows, the body meets

in other regions to raise awareness to Kentuckians about the functions of their state human rights commission and about people's rights to equality.



Staples and Coleman greeted attendees.

The meeting in Pineville was near the residences of two human rights commissioners, Commissioner George Staples of Pineville, and Commissioner Samuel Coleman Jr. of Middlesboro.

Earlier this year, the commission met in Owensboro, Nicholasville and Richmond. •

Fair Housing education for foreign-born and people with disabilities

During the year, we completed our education and outreach efforts under the U.S. HUD Fair Housing Initiative Program. The \$100,000, one-year grant allowed us to intensify our ongoing efforts to raise awareness of Fair Housing rights.

HUD asked us to focus our efforts on people with disabilities, housing providers, and foreign-born populations in the regions of northern, south central and eastern Kentucky, protected classes and regions where a need was identified.

The grant allowed us to give 74 workshops in English and Spanish and produce two brochures in English plus six languages that local translation experts recommended as having significant populations in the state: Bosnian,

Karen, Russian, Somali, Spanish, and Vietnamese. We aired 394 radio commercials through Clear Channel Network and individual stations reaching 80,000 immigrants and refugees, and we published 43 Fair Housing ads in several newspapers reaching 100,000 readers. •

Citizen Advocacy Hearings

The commission held Citizen Advocacy Hearings throughout the season. The hearings present discussion panels designed to assist people who are members of protected classes or who are interested in becoming protected classes of the U.S. and Kentucky Civil Rights acts.

On Aug. 19, the topic was "Religion and Economic Justice, Practicing Faith through Stimulus Dollars, and Livable Wages in the Commonwealth." The event was held at the Fourth Avenue United Methodist Church in downtown Louisville, Ky. Panelists were: Dr. Jerry Cappel of Louisville, president of the Kentuckiana Interfaith Community and vice chair of the Christian Formation Committee of the Diocese of Kentucky; Dr. Behrooz Sabet, member of the Baha'i Faith in Louisville; Jan Arnow, associate director of the International Interfaith Education at Interfaith Paths to Peace in Louisville; and, Paul Whalen of Fort Thomas, Ky., president of the Northern Kentucky Interfaith Commission. The moderator was Rev. Anthony Everett of Lexington, Ky., associate director of New Church and Congregational Development for African American Ministries at the Kentucky Annual Conference of the United Methodist Church.

On Sept. 16, a panel discussed "Equality and Human Rights in the Kentucky Mining Industry: the Energy that Keeps Kentucky Moving." The event was held at Union College in Barbourville, Ky. Panelists were Dave Cooper, Mountaintop

Board of Commissioners

Chair George W. Stinson, Louisville . Henry Curtis, Frankfort . Robert Asseo, Florence . Timothy W. Thomas, Madisonville
Virginia L. Burton , Lexington . Samuel R. Coleman Jr., Middlesboro . George McDade Staples, Pineville . Mildred Hudson Diehl , Fort Mitchell
Alma L. Randolph Patton, Owensboro . Duane Bonifer, Greensburg . Ann Newman, Ashland

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Removal Road Show, Tony Oppgaard, attorney from Lexington, and, Dr. William Turner of Berea College.

“Navigating the Maze: Overcoming Discriminatory Barriers to Employment, Public Accommodations and Housing with Mental Illness,” was the topic on Oct. 14, at the Spalding University Auditorium in downtown Louisville. The discussion was held in recognition of National Disability Awareness Week, which was Oct. 5 – 11, and World Mental Health Day on Oct. 10. Panelists were Jan Powe, Kentucky Protection and Advocacy, Claudette Perkins, Service Consumer and Client Advocate, and Sherita Davis, Enforcement Unit manager of the Kentucky Commission on Human Rights. •

The mediation process

The commission recently produced a new brochure to help complainants learn how to participate in the mediation program, an alternative to the traditional investigative and litigation process to resolve discrimination complaints. This is the second year the commission has offered the program to any person who brings a discrimination complaint to the agency. Mediation is an informal process by which opposing parties negotiate a voluntary resolution of their dispute with the help of a neutral third party, a commission mediator. Mediation can bring complaints to a speedy close and can result in a voluntary settlement agreement that is satisfactory to all parties. Information disclosed during mediation sessions is not revealed to anyone outside the private discussions. Conversations are not recorded or transcribed, and notes the mediator takes during the sessions are discarded. •



Shelby County Commission making progress

On September 12, the new Shelby County Human Rights Commission had a booth at the Simpsonville Fall Festival. Commission Chair Gary Walls said attendance at the Fall Festival provided the Shelby County Commission an excellent opportunity to introduce itself to the community. Visitors received information on their rights under the Kentucky Civil Rights Act, how to fill out a compliant form, and material highlighting the services provided by the Shelby County Commission. Chair Walls is pleased to announce that Pamela Murphy of Simpsonville, Ky., joined the Shelby County Human Rights Commission in October as legal counsel. She will provide pro bono legal services. •

Mercy County considering local commission

The Kentucky Commission on Human Rights on September 10 met with Mercer County Magistrate Alvis Johnson, Mercer County Judge Executive Milward Dedman and Burgin Kentucky Mayor Terry Pitman. The meeting also included several other city and county elected officials. The meeting was requested after commission representatives Glenda Green and Mary Ann Taylor provided local commission presentations for both the city and county earlier in July. The purpose of the September meeting was to present additional information on how to establish a combined local human rights commission in Mercer County. The commission's proposed name would be the Mercer County Human Rights Commission serving the cities of Harrodsburg, Burin and Mercer County. Attendees were to take back the information presented and share with their respective boards to make recommendations during their October and November board meetings. •