

KENTUCKY COMMISSION ON HUMAN RIGHTS

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Service is the key.



2004
ANNUAL REPORT
JULY 1, 2003 TO JUNE 30, 2004

To our Governor, the People of Kentucky, and Human Rights Allies Everywhere



Beverly Watts
Executive Director

The Kentucky Commission on Human Rights has from its beginning helped lead the fight to stamp out discrimination and unfair treatment, forces that left unchecked would destroy society. As Kentucky's civil rights enforcement authority, the services we provide are essential, and our strides continue to be marked by expansion and accomplishment. In the last decade, we have seen the number of discrimination complaints approximately triple, while the amount of time it takes to resolve cases for complainants has dramatically decreased from as high as 800 days, 12 years ago, down to this year's new average range of 78 to 184 days. Our highly developed education and outreach program is another key service. This year we spoke to more people and more diverse audiences than ever before about the rights and benefits of equality. Our far-reaching public awareness initiatives have brought Kentucky to the forefront as a state that is committed to equality and as having one of the country's premier human rights agencies. It is therefore with great pride that we commend to you the Kentucky Commission on Human Rights 2004 Annual Report, which covers the period of July 1, 2003, through June 30, 2004. Thank you for the opportunity to serve.



Priscilla Johnson
Chair

About Us.

The Kentucky Commission on Human Rights is a state government agency that was created in 1960 to encourage fair treatment, foster mutual understanding and respect, and discourage discrimination against any racial or ethnic group or its members.

The Kentucky Civil Rights Act (Kentucky Revised Statute [KRS] 344) prohibits discrimination in Kentucky. This law was passed in 1966 and grants the commission statutory authority to enforce it. With 11 commissioners and 35 staff members, the agency receives, initiates, investigates, conciliates and rules upon jurisdictional complaints alleging violations of the law. The commission has jurisdiction in housing, employment, public accommodations and financial transactions.

The Kentucky Civil Rights Act prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status in housing, disability, age (40 or over) in employment, and smoking in employment. It is also illegal to retaliate against a person who files a

discrimination complaint.

Complaints not dismissed, settled or conciliated go to administrative hearing where commission decisions have the authority of a court of law.

Discrimination is defined in KRS 344 as meaning any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law.

We are proud of our achievements in human rights, which stretch over the last four decades. With headquarters in Louisville and the Northern Kentucky office in Covington, KCHR has opened doors of opportunity for thousands of people.

In addition to enforcement, we vigorously carry out the task of helping people in Kentucky understand the rights to equality through a variety of education, training and outreach programs.

The Commissioners

Priscilla Johnson, Chair
Lexington

Thurmond Coleman Sr.
Louisville

Todd Hollenbach IV
Louisville

Ann Darragh
Bardstown

Henry Curtis
Frankfort

Anita Simmons
Hopkinsville

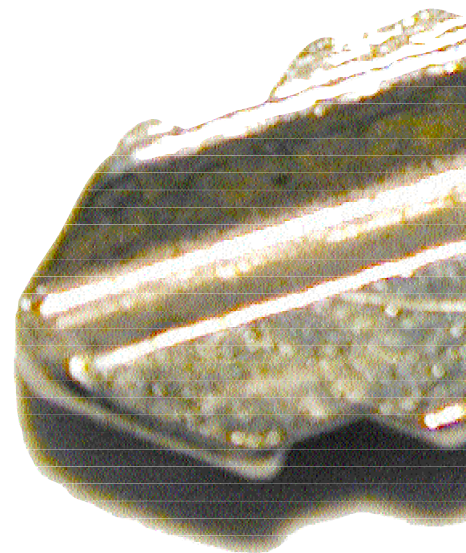
Richard E. Brown
Owensboro

Sue Dowdy
Russell

Y. Denise Payne Wade
Louisville

William Cleves
Covington

Deborah Kent
Louisville



Service is the key.

Some Year Highlights

Achieved double the average conciliation dollars per complainant over last year.

Dramatically shortened average case resolution times in the areas of housing by 270 days and employment by 22 days.

Managed 7,000 intakes from the public.

Released two important equality research reports - on the achievement gap in Kentucky schools and on the status of female and minority employment in state government.

Collaborated with partners for a study on predatory lending in Jefferson County, one of the first of its kind in the U.S.

Helped establish a new local human rights commission in Lebanon.

Reached more than 1 million people through media coverage of programs and activities.

Led 200 people in the state commemoration of the 1964 Civil Rights March on Frankfort.

Presented the 2003 Kentucky Civil Rights Hall of Fame program with 14 new inductees to an audience of 400.

Expanded outreach and education initiatives for people who speak Spanish and Vietnamese, reaching 5,800 people.

Developed a new civil rights education video and dramatic presentation seen by 1,000 students.

Our Commitment *Kentucky Revised Statute 344.020*

To safeguard all individuals within the state from discrimination because of familial status, race, color, religion, national origin, sex, age 40 and over, or because of the person's status as a qualified individual with a disability as defined in KRS 344.010 and KRS 344.030; Thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the state.

Our Vision

*A commonwealth united against discrimination.
A commonwealth united for equality.*

Our Mission

To eradicate discrimination in the commonwealth through enforcement of the Kentucky Civil Rights Act.





To Unlock Doors

The state human rights commission provides the process for legal remedy for victims of discrimination and requires those in its jurisdiction to comply with The Kentucky Civil Rights Act. Our staff takes complaints and conducts thorough and impartial investigations of allegations. The agency works to negotiate conciliation agreements for a satisfactory resolution of claims. When agreements cannot be reached, the attorneys represent the complainants during litigation. The body of 11 commissioners meets monthly to hear and rule on all complaints. This includes the review of any conciliation, withdrawal and finding of no probable cause. As impartial adjudicators, commissioners are prohibited from contact with involved parties in a complaint or from directly participating in the investigatory phase.

In a case where probable cause is found, a hearing officer is appointed to conduct the hearing and make recommendations to the commission body. The commission issues all final orders. (See back cover to learn more about the complaint process.) This year,

another of our commissioners earned KRS Chapter 13B certification to act as a hearing officer in cases of probable cause. This provides hearing officers in Kentucky with expertise in civil rights, saves the higher cost of hiring an outside hearing officer and enhances commissioners' expertise as they act in their adjudicative roles.

Staff handled 7,000 intakes from the public. Of that number, 3,484 were inquiries that required either further research, follow-up, referral or filing a complaint. The agency filed 338 complaints of alleged discrimination, a 13 percent increase from 298 complaints filed in 2003. We closed 346 cases, cutting average case age in housing by 270 days, from 348 to 78 days, and in employment, from 201 to 179 days. The public accommodations average case age rose from 182 to 184 days.

KCHR negotiated 40 conciliation agreements with a total of \$205,850 in compensation for complainants. This is up from the 2003 total conciliation compensation of \$131,732, and represents a per conciliation average of \$5,146 compared to \$2,533 in 2003. Six of the cases were conciliated for a total

of \$90,000, after our investigations resulted in probable cause determinations.

In March 2004, the commission issued a finding of discrimination, ordering a Pineville taxi company to pay \$1,500 to a man for unlawful discrimination. The ruling found that Donald R. Miller doing business as A-One Cab Company discriminated against Larry B. Edmonson by denying him service on the basis of a disability, which required Mr. Edmonson to use a wheelchair.

The agency held two hearings this year, conducted 15 depositions, interviewed more than 350 witnesses, issued 43 subpoenas, responded to 57 open records requests, and wrote 21 legal briefs.

The case review panel met 19 times and assessed 11 cases. The panel was formed in 2003 as a result of our quality initiative strategy, which assessed all aspects of our services for best quality.

The agency maintains a successful federal government affiliation through certification with the U.S. Equal Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD).

Outcomes of Complaints Closed

COMPLAINT OUTCOME	LAST YEAR		THIS YEAR	
NO PROBABLE CAUSE	294	78.7%	263	75.7%
CONCILIATION	52	13%	40	12%
WITHDRAWAL	17	5%	27	8%
WITHDRAWAL/SETTLEMENT	11	3%	15	4%
FINDING OF DISCRIMINATION	1	.3%	1	.3%
TOTAL	375	100%	346	100%

Distribution of New Complaints

COMPLAINT AREA	LAST YEAR		THIS YEAR	
EMPLOYMENT	230	77%	274	81%
HOUSING	43	15%	34	10%
PUBLIC ACCOMMODATION	25	8%	30	9%
FINANCIAL TRANSACTION	0	0%	0	0%
TOTAL	298	100%	338	100%

Basis of New Complaints

Basis	Employment	Housing	Public Accom.	Financial Trans.	Totals
Race	110	18	13	0	141
Sex	95	3	0	0	98
Age (40+)	26	0	0	0	26
Color	110	18	13	0	141
Religion	6	0	1	0	7
Disability	39	6	16	0	61
National Origin	18	1	1	0	20
Retaliation	54	1	0	0	55
Familial Status	0	11	0	0	11
Smoking	1	0	0	0	0
Totals	459	58	44	0	560

Conciliation



Agreements

July 2003

Franklin v. Craycroft, Frankfort, familial status/housing: \$2,500.

Runner v. Ky. Cabinet for Families & Children, Frankfort, race (African American) & retaliation/employment: \$20,000.

Ali v. Parker-Hannifin Corp. & PACE Union, Local #5-0943 in Springfield, national origin & religion/employment: \$11,000.

Cummings v. Waste Management in Russellville, age/employment: \$13,840.

August 2003

Hebbeler v. Friend in Covington, familial status/housing: \$1,700.

September 2003

Housing Opportunities Made Equal (HOME) v. Barth in Florence, familial status/housing: \$200.

Green v. Wendy's Restaurant in Harlan, religion/employment: \$2,500.

Hudson v. Pilot Travel Centers LLC in Georgetown, race/employment: \$2,000 & a neutral job reference.

Blanton v. Paintsville City Utilities in Paintsville, sex/employment: \$10,000.

Roby v. Thybar Corp. in Louisville, disability/employment: \$2,500, corrected personnel record & a neutral job reference.

October 2003

17 complaints dismissed with findings of no probable cause.

November 2003

No meeting

Conciliation agreements are reached through KCHR negotiations between the complainants and respondents in consideration for the full and complete resolution of all claims of alleged discrimination. Conciliations do not represent any admission by respondents of violation of the law. Dollar amounts listed represent compensation received by complainants from respondents. In the large majority of agreements listed below, respondents also agreed to other stipulations. These included the respondents' notifying potentially affected parties such as their employees, clients or customers of civil rights laws through literature or wall postings, respondent participation in civil rights compliance training & compliance monitoring by the commission for specified periods of time. All respondents agreed to comply with federal and state civil rights laws.

December 2003

Colson v. Muldoon in Fort Wright, familial status/housing: \$3,500.

Housing Opportunities Made Equal of Greater Cincinnati v. Ahrens Properties LLC in Fort Thomas, familial status/housing: \$8,000.

Armstrong v. City of Flatwoods, sex/employment: \$5,000.

Keeton v. City of Flatwoods, sex/employment: \$5,000.

Lemaster v. City of Flatwoods sex/employment: \$18,000.

Dailey v. Bloodstock Research Information services Inc. in Lexington, religion, age and retaliation/employment: Involved no monetary compensation.

Taylor v. L.A. Weight Loss Centers in Louisville, race & age/employment: \$5,000 & a neutral job reference.

Courtney v. Field Packing Company LLC in Owensboro, sex & retaliation/employment: \$20,000 & a neutral job reference.

January 2004

The Fair Housing Council v. The Ledger Independent in Maysville, familial status/housing: \$2,500 fund to compensate future victims of discrimination, and if no discrimination claims are made after 1 year, \$1,250 is donated to advocacy agencies and \$1,250 reverts back to respondent.

Fair Housing Council v. Bogucki in Maysville, familial status/housing: \$3,000.

Congleton v. Kentucky Cabinet for Health Services d/b/a Oakwood Training Facility, sex/employment: Involved no monetary compensation.

February 2004

French v. Two M Co. Inc. d/b/a Montgomery on Preston and Universal Underwriters Acceptance Corp. in Louisville, disability/public accommodations: \$2,750.

March 2004

Moss v. Elliott in Mayfield, race/housing: \$1,000.

Dickenson and Lewis v. Ware & Kegley in Nicholasville, race/housing: \$15,000.

April 2004

Roar v. Laurel Run Management Group in Salt Lick, disability/housing: \$2,000.

Ratliff and Ky. Commission on Human Rights Commissioner William Cleves v. Shaw American Financial Corp. in Louisville, smoking status, race & disability/employment: \$10,000 to Ratliff.

Hutchison v. Lightfoot Software Co. d/b/a Tenmast Software in Lexington, sex, disability & retaliation/employment: \$11,000.

Elkins v. Southeastern Ky. Rehabilitation in Cumberland, sex/employment: \$15,000.

May 2004

Bennett et al. v. Palmarini & Aines in Louisville, familial status/housing: \$3,000.

Crosby v. Lark & Wurzer in Lexington, familial status/housing: \$3,500.

DeLuna v. University Medical Center in Louisville, disability/public accommodations: \$5,000.

Pence v. Dollar General Partners in Leitchfield, sex in employment: \$1,000 & a neutral job reference.

June 2004

Stephanie Youngblood v. David Norsworthy in Mayfield, familial status/housing: \$360.



To Open Minds

An important key to eradicating discrimination is sharing information. KCHR has designed a comprehensive education and outreach program. Our team of educators and public affairs specialists speak to people all over the state about the rights and benefits of equality, diversity and opportunity. These efforts are led by Executive Director Beverly Watts. She is also immediate past president of the International Association of Official Human Rights Agencies and was named recipient of the Martha Layne Collins Leadership Award in September 2003. We participated in 200 human and civil rights meetings and events this year.

Partnership Projects

LOCAL HUMAN RIGHTS COMMISSIONS

Kentucky has a network of 18 local human rights commissions. These partners help enforce civil rights laws in their localities and work with KCHR to provide education and awareness throughout Kentucky. We made 320 contacts with local commissions this year including visits to each commission, and participation and presentations at local commission meetings and education events. We helped with the establishment of a new local commission in the city of Lebanon and initiated ongoing talks with three other communities about establishing commissions. We conducted training for all local commissions at two joint roundtables and conducted six commissioner orientation and other training sessions for individual commissions.

VOLUNTEERS OF THE COMMUNITY ENGAGEMENT TASK FORCE

The group was formed in 2004 under the auspices of the U.S. Justice Dept. Acting as a member, the executive director helped organize and facilitate the first of a series of public forums designed to improve relations between Louisville police and the community. Held in May 2004, KCHR conducted the media campaign to publicize the event that featured Louisville Mayor Jerry Abramson and Police Chief Robert White with 50 citizens attending.

PREDATORY LENDING STUDY

The Kentucky Housing Corporation, Louisville-Jefferson County Metro Human Relations Commission, Home Ownership Partners, Louisville Metro Department of Housing and KCHR partnered with the Louisville Urban League to produce a study on the occurrence of predatory lending in Jefferson County. The analysis, conducted by the University of Louisville, was based on foreclosure statistics. The report was presented at a joint press conference in December 2003. Carolyn Peoples, assistant secretary of the U.S. Dept. of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity, traveled from Washington D.C. to help release the study, which she said was one of the first of its kind in the nation. KCHR also worked with these partners in April 2004 to promote fair housing rights, beginning with the governor's signing of the Fair Housing Month proclamation in Frankfort.

Education Program Events

1964 CIVIL RIGHTS MARCH ON FRANKFORT 40TH ANNIVERSARY

KCHR's commemorative march up Capital Avenue and celebration in the state Capitol rotunda in Frankfort was held in March 2004, with 200 attending. Gov. Ernie Fletcher, former Ky. Sen. Georgia Davis Powers, Ky. Sen. Gerald Neal, former U.S. Rep. Mike Ward, and Linda Breathitt, daughter of the late former Gov. Edward Breathitt, were guest speakers. The 1964 march helped end segregation in Kentucky and led to the passage of the Kentucky Civil Rights Act.

KENTUCKY CIVIL RIGHTS HALL OF FAME 2003

This important education event was held in July 2003 at the historic Union Station in Louisville with 400 attending. KCHR inducted 14 new members, people who have furthered civil rights in the state. The program was aired eight times on Insight television. The event featured our new video production about state civil rights history, *Looking back in honor; Looking Ahead in Commitment*. This is the third inductions since KCHR established the Hall of Fame in 2000. There are so far 52

Kentucky 1964 Civil Rights March on Frankfort 40th Anniversary



inductees. The commission signed a memorandum of agreement during this reporting period with Kentucky State University to establish a permanent home for the Hall of Fame program. In October 2003, KSU and KCHR unveiled the giant Hall of Fame sculpture at the university Founder's Day Celebration with 300 attending.

2003 TOWN FORUM

The ninth annual forum was held in December 2003, and presented a panel discussion, *The Affirmative Action Debate: Where do we go from Here?* Seventy-five people attended the event at the Hyatt Regency hotel in Louisville. The forum was aired seven times on Insight television. Panelists were Charles Whitehead, former president of Ashland Inc. Foundation, Janet Givens, administrative officer of Lexington-Fayette Urban County, Debra Vance, equity and diversity officer for Covington Independent Public Schools, Beth Wilson, executive director of the American Civil Liberties Union of Kentucky, and Cedric Powell, associate dean for Academic Affairs and professor at the University of Louisville Brandeis School of Law. The forums provide the public opportunities to learn about and discuss a wide range of current equality topics.

2004 MARTIN LUTHER KING JR. LEGACY CELEBRATION

The 11th annual King celebration was held in January 2004 at Central High School in Louisville with more than 1,000 students attending. Guest speakers were U.S. EEOC Vice-Chair Naomi Earp, Kentucky Secretary of State Trey Grayson and Kentucky Treasurer Jonathan Miller. KCHR's King Youth Leadership awards were presented to Jamarl Bryant, Kevin Lee, Brook Pearson and Rasean Crawley. The adult King awards went to Louisville journalists Dawne Gee and Chris Parente. The Executive Director's Community Service Award went to the Louisville Urban League.

EACH OF US IS DIFFERENT. ALL OF US ARE EQUAL.

We produced this new civil rights education video for teens in November 2003. It was first presented to 1,000 students at the Festival of Faiths social justice workshop in Louisville, along with our new dramatic skit series, *Discrimination: This is what it looks like*.

KCHR Training and Outreach

- J 15 certified Fair Housing sessions to the real estate industry with 700 attending.
- J 40 training sessions for the public to include sexual harassment, cultural diversity, and KRS 344 (The Kentucky Civil Rights Act) with 600 attending.
- J 50 total Fair Housing workshops, exhibits, symposiums and/or training sessions in Spanish and English, designed to reach Hispanic communities. Produced one new workshop designed for Asian residents in Kentucky. These combined efforts had 5,800 in attendance. The commission also hosted a meeting in December 2003 for Hispanic media and education partners to talk about reaching the more than 60,000 Kentucky Hispanics with civil rights information. Twenty people attended.
- J 36 educational booths and exhibits at events like the Lexington Roots and Heritage Festival, the Kentucky State Fair, and the Hopkinsville commemoration of the 1964 Civil Rights March on Washington D.C. These combined efforts reached thousands of people.

Research

ENSURING EDUCATION EQUALITY: UNDERSTANDING THE ACHIEVEMENT GAP IN KY'S PUBLIC SCHOOL SYSTEM

Released in September 2003, this report was based on an analysis of 12 state school districts and provided achievement gap statistics. It also gave recommendations by the commission to help close the gaps.

STATUS OF WOMEN & MINORITIES IN KY. STATE AGENCIES; ANALYSIS OF EMPLOYMENT, JOB LEVELS & SALARIES

In February 2004, this periodic commission report was released with updated statistics from the 18 month period of January 2002 to June 2003. KCHR is authorized by KRS 344.180 to conduct studies and publish reports about equality issues.

Media and Publications

Legal findings, research, and education programs and activities appeared in the media 200 times including television, radio and newspapers around the state, allowing us to reach well over 1 million people. KCHR issued 40 press releases and published 20 print advertisements. The Courier-Journal in Louisville published two guest columns about civil rights by the executive director. Staff distributed 23,000 literature pieces. The quarterly newsletter, *The Human Rights Report*, served a readership of 1,500, and began conversion to an email readership to cut print costs. To enhance our literature line that includes several brochures, the *Fair Housing Handbook*, and the *Gallery of Great Black Kentuckians* posters and bookmarks, we published a new bi-lingual Fair Housing brochure in Spanish and English. This is the second Spanish language brochure. We also began development of a brochure for the Kentucky Vietnamese community. News, information & literature are maintained on the KCHR website.



1. March on Frankfort event in the Capitol rotunda with Gov. Ernie Fletcher, former state Sen. Georgia Davis Powers and Linda Breathitt. 2. Inductees and officials at The Ky. Civil Rights Hall of Fame 2003.
3. Louisville Police Chief Robert White speaks to the commission about police policy. 4. Fair Housing Proclamation signing with Gov. Ernie Fletcher and fair housing partners. 5. State civil rights for students video.

How the Discrimination Complaint Process Works

Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact our office by phone, email, via our website or in person. This begins the complaint process. An enforcement officer takes the complaint and asks questions.

Complaints must be filed on a timely basis. Complaints in public accommodations, employment, financial transactions and retaliation must be filed within 180 days of the incident. Housing complaints must be filed within 365 days of the incident. All complaints must be signed and notarized.

Conciliation

Our agency works to conciliate the complaint. Conciliation involves negotiating between the parties that have been charged with discrimination and the person(s) who made the complaint. Conciliation talks can lead to a settlement, which can include a monetary award.

Investigation

Once the complaint is filed, we undertake a thorough and impartial investigation. We conduct interviews

and gather facts from the person making the complaint and those who have been charged with discrimination.

Findings

If after investigating the complaint, the Commission does not find evidence to support the complaint, the enforcement officer makes a *no-probable-cause recommendation*. The Commission may dismiss the complaint.

The person who filed the complaint and those who have been charged with discrimination are notified.

When the evidence is strong enough to believe that illegal discrimination has probably occurred, a finding of *probable-cause* is recommended.

Litigation and Administrative Hearing

If investigation leads to a *probable-cause* recommendation, the complaint moves to the litigation phase.

Our staff attorneys work on behalf of the complainant to conciliate, persuade or litigate in matters

concerning the discrimination complaint.

In the event that no conciliation settlement can be reached, the Commission conducts a hearing. Attorneys in our office represent the person who is making the discrimination complaint and the agency at the hearing. Hearings are similar to civil trials.

The evidence and testimony are presented at the hearing. Commissioners make a final determination.

Enforcement

When the Commission determines that discrimination has occurred, the parties charged with discrimination may be ordered to cease and desist from any further discrimination and to remedy past discrimination. A remedy can include a monetary award, policy change, employment reinstatement or an accommodation in housing.

Commission final orders have the effect of those by a court of law. The Commission may ask a circuit court to enforce the order. A Commission decision may be appealed to a circuit court within 30 days of the order.

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