

Kentucky Commission on Human Rights

Essential For Kentucky's Future



2006

annual report



Kentucky Commission on Human Rights

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To

*The Honorable Governor Ernie Fletcher,
The Esteemed Members of the Kentucky General Assembly, and
The Excellent Citizens of the Commonwealth of Kentucky:*

On behalf of the Board of Commissioners of the Kentucky Commission on Human Rights, it is with great pride that I commend to you our 2006 Annual Report. This document covers the activity period of July 1, 2005 to June 30, 2006.

This was a year of creativity and innovation for the Kentucky Commission on Human Rights. Our achievements reflect this agency's commitment to helping provide the best quality of life for the people in this wonderful Commonwealth.

In order for Kentucky to reach its high goals in economic development, to attract new jobs, to master new industry growth, and to make the University of Kentucky one of the top 20 research universities in the nation, for example, the Kentucky Commission on Human Rights is an essential state agency.



The work of the commission creates a positive climate in Kentucky, and it must be supported and utilized. Our work is conducive to attracting foreign investors, diverse peoples, and a wide range of professionals and experts. These are vital components in order for Kentucky to produce progressive opportunities, exciting ideas and burgeoning businesses that culminate in a robust and healthy economy.

Our aims of eradicating discrimination from Kentucky's midst and of promoting equality, opportunity, and diversity are most certainly aims that assist in ensuring that Kentucky is a place where people want to live, work and raise their families.

We remain at the service of the people of Kentucky.

Priscilla Johnson
Chair
Kentucky Commission on Human Rights

The Board of Commissioners

Chair Priscilla Johnson, Lexington
Representing the State-at-Large

Robert Asseo, Florence
Representing the 6th Supreme Court District

Richard Brown, Owensboro
Representing the 2nd Supreme Court District

Thurmond Coleman Sr., Louisville
Representing the State-at-Large

Henry Curtis, Frankfort
Representing the 5th Supreme Court District

Ann Darragh, Bardstown
Representing the 3rd Supreme Court District

Todd Hollenbach IV, Louisville
Representing the State-at-Large

Deborah Kent, Louisville
Representing the State-at-Large

Anita Simmons, Hopkinsville
Representing the 1st Supreme Court District

Regena Triplett, Pikeville
Representing the 7th Supreme Court District

Y. Denise Payne Wade, Louisville
Representing the 4th Supreme Court District

The 11-member Board of Commissioners is appointed by the Kentucky Governor. The members represent the state-wide population by Supreme Court districts.

The quasi-judicial board hears and rules on all discrimination complaints with the authority of a court of law.

On behalf of the incredible staff and management team at the Kentucky Commission on Human Rights, I am pleased to present the Annual Report for 2006.

This year was marked, in large measure, with the winds of change. My first year as the Executive Director focused on reallocating our limited resources to ensure that our services to the community met all of the statutory charges we have and to ensure that our staff is the best trained and most efficient in state government.

We also spent a great deal of effort this year in educating and informing members of the Kentucky Legislature about the work we do, and the chronic shortfalls in funding this important agency has experienced. The chronic shortfall in funding doesn't come only from our agency's assessment of its funding, but rather is supported by two outside entities appointed by the Governor's Office to look into the agency's effectiveness and efficiency.

The Governor's Blue Ribbon Panel, appointed in March 2005, issued its draft report in May, 2006, and we anticipate its release shortly. That report identified chronic underfunding and recommended increases in funding and staffing consistent with the challenging and difficult work we do day in and day out.

Additionally, an audit, performed by the Finance and Administration Cabinet, jointly at my request and the request of the Blue Ribbon Panel, identified needed staffing and funding increases.

Unfortunately, neither of these reports was able to be presented fully before the Legislature while it was in its budget session, and though we thought we would see a modest increase in our funding, we actually suffered a small cut in the budget from last year.

Despite these budgetary constraints, the creative talent and passionate commitment of the staff of the Kentucky Commission on Human Rights has led our agency to have a year marked by achievement.

As we have been able to re-build our staff from significant shortages that had culminated before my service began in January 2005, we have also increased the agency's output in numbers of cases, made improvements in the time it takes to investigate cases, and made increases in amounts in settlements achieved.

Among the significant improvements we have made, we initiated an Intake



Unit which now handles all incoming complaints of discrimination. Whether the complaint arrives by phone, mail, fax or walk-in, a trained intake professional greets the complainant and obtains the information to enable us to assist them in filing their complaint.

This unit has three full-time employees. They are exceptionally well qualified and compassionate people with strengths in listening to the concerns of individuals who believe they have been the victims of discrimination.

By standing up this three-person unit, we have increased the time our investigators have available to investigate cases by more than 200 hours per month. Prior to the creation of this unit, we relied upon our investigators to pull intake and back up for intake. Now, they are able to devote more time to investigating cases.

We have already begun to see the benefit of this new unit, as cases are investigated more quickly and as our aged-case inventory is reduced.

This year also brought the opportunity to present two Color of Justice programs, allowing us to encourage young students to consider the profession of law, particularly encouraging minorities and those underrepresented in the legal community to do so.

Our agency could not have achieved those things you will see in this report without the important assistance of our many partners, including our Local Commissions. They are invaluable to us in ensuring the mission of the Commission on Human Rights is accomplished. Our other partners, in fair housing, equal opportunity in employment and public accommodations, in the disability community, the NAACP and other formal and informal support organizations are essential parts of the Commission on Human Rights, and we thank them.

We enjoyed a new partnership this year with Spalding University's Occupational Therapy Master's Degree program. Through the efforts of this partnership, we have presented two studies in a series that will be titled "Disability Justice." These papers focus on the unmet needs of those in our communities who are entitled to accommodations or modifications under the Americans with Disabilities Act. We thank Dr. Christine Wright at Spalding University for her willingness to partner with us in this endeavor.

It has been an important year of progress, and I am honored to present the achievements of the 36 people at the Commission on Human Rights who serve as the Commonwealth's front line in the fight to eradicate discrimination in Kentucky.

The Foundation

Our Mandate by The Kentucky Civil Rights Act

“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 Mission

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

Our Vision

A Commonwealth united against discrimination. A Commonwealth united for equality.

For a Prosperous Kentucky

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

However, in 1966, the commission role expanded with the passage of The Kentucky Civil Rights Act (Kentucky Revised Statute [KRS] 344). This law made discrimination illegal on a state level, and it made the Kentucky Commission on Human Rights the statutory authority to enforce the law for the Commonwealth. Kentucky became the first state south of the Mason Dixon Line to make discrimination illegal.

With the 11-member board of commissioners, the executive director and 36 staff members, the agency receives, initiates, investigates, conciliates and rules upon jurisdictional complaints alleging violations of the Kentucky Civil Rights Act. Certified with substantial equivalency to the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights also enforces the policies set forth in The U.S. Civil Rights Act, The U.S. Fair Housing Act, The U.S. Americans with Disabilities Act and other federal civil rights laws.

KCHR is mandated by KRS 344 to educate members of the public about their rights under the law to live free from discrimination in Kentucky. The agency conducts a comprehensive program of education, training, outreach, partnerships, and public awareness initiatives to vigorously carry out this task.

We are proud of our achievements in human rights, which stretch over the last 46 years. With headquarters in Louisville and the Northern Kentucky office in Covington, the KCHR has opened doors of opportunity for thousands of people.

Enforcement and the Law

When The Kentucky Civil Rights Act was passed in 1966, it prohibited discrimination in the jurisdictions of employment and public accommodations against people based on the protected classes of race, national origin, color, and religion. In following years until, most recently in 1992, the General Assembly passed amendments that expanded the protected classes and jurisdictions under the law. As of today, The Kentucky Civil Rights Act protects people from discrimination based on the following:

Protected Classes

It is against the law to discriminate against people because of:

- Race
- Color
- Religion
- National Origin
- Sex
- Familial Status
- Disability
- Age (40 or over)
- Tobacco Smoker or Non-Smoker Status

Jurisdictions

People in Kentucky are protected from discrimination in the jurisdictions of:

- Employment
- Public Accommodations
- Housing
- Financial Transactions
- Retaliation

Discrimination is defined in The Kentucky Civil Rights Act (KRS 344) as 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.

Employment

It is illegal for employers to discriminate based on race, color, religion, national origin, sex, disability, retaliation and age (40 and over). This applies in hiring, discharging, work conditions, union membership and advertising. Discrimination by employers against smokers or non-smokers is also illegal. The law applies to employers of eight or more people (15 in a disability claim), in employment agencies, labor organizations, licensing agencies, and the Commonwealth of Kentucky and its political subdivisions, including public schools.

Public Accommodations

It is illegal for public accommodations providers to refuse or deny the full and equal enjoyment of goods, facilities and accommodations based on race, color, religion, national origin, sex or disability. The law covers places that supply goods or services to the general public, such as restaurants and retailers; places that solicit or accept the patronage of the public; or places that are supported directly or indirectly by government funds.

Housing

Discrimination is illegal in the sale, rental, or financing of housing because of race, color, religion, national origin, sex, disability or familial status. The law covers financial institutions, real estate brokers, builders, operators, developers, insurance agents, owners or managers of rental units, and individual owners who place their property on the real estate market by advertising or displaying a notice.

Financial Transactions

The denial of credit or financing by a financial institution or person offering credit is illegal when based on race, color, religion, national origin, sex or disability.

Retaliation

It is illegal to coerce or retaliate against any individual who files a complaint with the Kentucky Commission on Human Rights.

The Enforcement Process

Filing a Complaint

A person who believes he or she has been illegally discriminated against may contact our office by phone, mail, e-mail, via our website or in person. This begins the complaint process. An intake or 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 enforcement officers work 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 may 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 Hearings

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 authority 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.

Case Information

There were 383 discrimination complaints filed this year by the Kentucky Commission on Human Rights, the highest number of new complaints in the agency's 46-year history. Staff processed 2,507 intakes, communicating with people who were often distraught and upset, concerned that they may have been victims of illegal discrimination in Kentucky, either in the jurisdictions of employment, housing or public accommodations. Public accommodations are places like businesses or retail stores or restaurants, as examples.

During the last half of the year, the executive director stood up a new Intake Unit to conduct taking these new complaints full-time. During the previous years, investigators have shared this time-intensive task with one another, while also managing their individual investigative caseloads.

Roughly one in every six and one-half of this year's intakes resulted in a new discrimination complaint being filed by our state agency. The board of commissioners met monthly to hear and rule on complaints.

KCHR investigators processed 696 cases during the reporting period. The average case age remained the same as in 2005 in the jurisdictions of employment and public accommodations, about 204 days. In the jurisdiction of housing, there was a significant 46 percent case age reduction, from an average of 78 days in 2005, to 44 days in 2006.

Enforcement and legal staff negotiated 45 conciliation agreements, which resulted in \$72,430 compensation for complainants as well as agreements by respondents to comply with the laws against discrimination, to undergo compliance training in many cases, and to undergo commission compliance monitoring. Ten of the conciliation agreements totaling \$39,450 were reached after the commission determined that there was probable cause to believe that discrimination had occurred, and the parties decided to conciliate for settlement rather than continue with litigation.

The commission found probable cause in a total of 28 cases, resulting in a transfer of these cases from the Enforcement Unit to the Legal Unit for litigation. These post-probable-cause cases are tried by KCHR attorneys before an administrative hearing officer or a Kentucky circuit court judge.

The agency maintains a successful federal government affiliation through partnerships with the U.S. Equal Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). KCHR staff this year completed 12, one-week sessions at the U.S. HUD National Fair Housing Training Academy in Washington D.C., using HUD funds, in order to meet its HUD requirements as Fair Housing law enforcement staff.

NUMBER OF COMPLAINTS FILED
July 1, 2005 to June 30, 2006

Type	Last Year 2005	This Year 2006
Employment	246	297
Housing	52	30
Public Accommodations	45	56
Total	343	383

BASIS OF CASES FILED
July 1, 2005 to June 30, 2006

Basis	Employment	Housing	Public Accom.	Financial Trans.	Totals
Race & Color	134	9	21	0	164
Sex	87	1	2	0	90
Age (40+)	56	0	0	0	56
Religion	7	0	0	0	7
Disability	41	15	29	0	85
National Origin	19	1	10	0	30
Retaliation	27	0	0	0	27
Familial Status	0	5	0	0	5
Smoking	0	0	0	0	0
Totals	371	31	62	0	464

*Some complaints allege more than one basis of discrimination. Therefore, the total number of complaints filed does not equal the total number of basis for complaints filed.

NUMBER OF COMPLAINTS CLOSED
July 1, 2005 to June 30, 2006

Type	Last Year 2005	This Year 2006
No Probable Cause	257	209
Conciliation	26	45
Withdrawal	20	38
Withdrawal w/Settlement	8	25
Finding of Discrimination	0	2
PC Conciliation	8	10
Total	319	329

Significant Religion/Public Accommodations Case

Amish must serve shunned customer

The Kentucky Commission on Human Rights (KCHR) Board of Commissioners issued a final order April 21, 2006, in the case of Garrett v. Troyer d/b/a Rocky Top Salvage. The commission ruled in favor of Ruth Irene Garrett, a former member of the Amish faith.

On October 15, 2003, Ms. Garrett attempted to purchase groceries at an Amish-owned business in Hart County, Ky., and was refused.

Erma Troyer, owner of Rocky Top Salvage, refused the customer's money, saying Ms. Garrett had left the religion and was, therefore, shunned by the Amish community.

Claiming Ms. Troyer embarrassed her in front of other customers, Ms. Garrett brought a discrimination complaint under the Kentucky Civil Rights Act on grounds that she was discriminated against in a place of public accommodations because of her religion.

Ms. Troyer claimed she was entitled to refuse Ms. Garrett's money as this was exercising her religious freedom.

A hearing was held in October 2005 in Glasgow, Ky., and the hearing officer issued a Recommended Order in favor of Ms. Garrett.

The KCHR board voted to accept the hearing officer's recommendation. It ordered Ms. Troyer to cease and desist from the unlawful practice of religious discrimination and to compensate Ms. Garrett in the sum of \$100 for the injury of humiliation and embarrassment caused by Ms. Troyer's unlawful practices.

In a November 2005 Fox News Network Heartland show, John Kasich interviewed Ms. Garrett and KCHR attorney Emily Riggs Hartlage about the unusual case.

Ms. Riggs Hartlage said the Human Rights Commission was not seeking to impose upon Ms. Troyer's religion, but to protect the right of any person in Kentucky to buy groceries without fear of discrimination based on any protected class.

Ms. Garrett said although she left the Amish faith, she still cooks Amish-style food and likes to shop at Amish stores to buy ingredients she can't find elsewhere.

In an April 25, 2006 interview with the Associated Press, Attorney Riggs Hartlage said the order could have a ripple effect for other people excommunicated from the Amish faith who are denied service at Amish shops.

Employment Disability Case

Hearing loss not grounds for dismissal

The Kentucky Commission on Human Rights (KCHR) Board of Commissioners on June 20, 2006, found that a Laurel County Kentucky business discriminated against a local man, withdrawing a job offer upon learning he had a hearing impairment.

The KCHR ruled in favor of Walter Combs after its investigation discovered that hearing is not an essential function to the job at the factory. Moreover, employees on the factory floor are required to wear ear plugs.

The Laurel Cookie Factory had just offered temporary employee Walter Combs a permanent position on the factory floor, but when the company physical exam revealed a hearing loss, management withdrew the offer and terminated Mr. Combs' temporary job.

In the case of Combs v. The Laurel Cookie Factory, KCHR No. 5449-E, Mr. Combs was awarded \$3,000 for humiliation and embarrassment and \$1,200 for lost wages and benefits.

Mr. Combs was initially sent to work at the cookie company in March 2004 by an employment agency called the Job Shop. He worked as a cookie packer for about four weeks, and his work was continually evaluated as satisfactory.

When the company learned of his hearing disability, and the permanent job offer was withdrawn, Mr. Combs brought a complaint against the factory under the Kentucky Civil Rights Act (KRS 344.040) on grounds that he was discriminated against in employment because of his disability. Disability is one of the protected classes in the law against discrimination and enforced by the state human rights commission.

The commission held a hearing on Oct. 4, 2005, in Laurel County . The hearing officer issued Findings of Fact, Conclusions of Law, and a Recommendation Order on May 24, 2006, in favor of Mr. Combs.

The commission board ruled to accept the hearing officer's recommendations and ordered the factory to pay the damages, lost wages and benefits for the unlawful practice of disability discrimination.

KCHR Cooperates With the EEOC in Prescription Equity Investigation Impacting Over 90,000 Teamster Employees

The Kentucky Commission on Human Rights (KCHR) is cooperating with the Louisville Area Office of the Equal Employment Opportunity Commission (EEOC) in regard to an investigation of sex discrimination complaints filed with KCHR against UPS, the Teamsters' union, and Central States Southeast and Southwest Areas Health and Welfare Fund.

The respondents exclude contraceptive medication from the comprehensive pharmacy coverage provided to Teamster employees and their families.

The Kentucky Commission on Human Rights found probable cause to believe that this policy exclusion constitutes unlawful gender discrimination in violation of the Kentucky Civil Rights Act and Title VII of the Civil Rights Act of 1964. In support of this conclusion, KCHR cited EEOC Enforcement Guidance in which former EEOC Chairwoman Ida L. Castro said, "The selective exclusion of health coverage for prescription contraceptives by the employee health plan violates the law since it covers a number of comparable prescription drugs and other services."

Put simply, the exclusion constitutes prohibited sex discrimination since prescription contraceptives are available only for women.

The KCHR probable cause determination found the unlawful policy exclusion applies to policies in 38 states, covers over 90,000 participants (plus approximately 50,000 dependent beneficiaries of those participants), and applies to the Teamster employees of over 1,000 different employers.

In light of the broad geographical scope of the respondents' unlawful conduct, the Kentucky Commission on Human Rights requested that the EEOC activate the dual-filed federal charges in accordance with the work-sharing agreement between KCHR and the EEOC. This occurred, and the EEOC subsequently issued letters of determination finding reasonable cause to believe that the respondents' policy exclusion to be unlawful.

KCHR is currently participating in conciliation efforts coordinated by the Louisville Area Office of the EEOC.

Unusual case involves alleged retaliation against white man who reported alleged discrimination against black coworker

Claude Able Jr. and Donald Craft v. Alpha Machine and Tool Inc., in Louisville:

In two separate complaints, Mr. Able and Mr. Craft alleged discrimination based on retaliation and race in employment, respectively. Both are violations of the Kentucky Civil Rights Act and the U.S. Civil Rights Act.

Claude Able, who is white, alleged a supervisor made racist comments in his and other white employees' presence. Mr. Able said that less than 10 days afterward, his coworker, Mr. Craft, who is black, was fired for what the employer asserted was a breach of workplace policy.

Donald Craft protested being fired, and the company owner investigated. Mr. Able was interviewed in that investigation. When asked by management, Mr. Able says he admitted to hearing the supervisor's racist comments 10 days before Mr. Craft was fired.

Three days after this investigation interview, Mr. Able said that he, himself, was then fired for what employers asserted was a lack of work.

Both men filed discrimination complaints with the Kentucky Commission on Human Rights. During the course of its investigation, the commission found probable cause to believe that discrimination had occurred.

The respondent denied all allegations of violations of the law. Prior to further litigation, the parties agreed to conciliate the matter, and the respondent agreed to compensate the complainants in the amount of \$10,000 (\$5,000 each), undergo civil rights compliance training, and undergo compliance monitoring by KCHR for three years.

What is conciliation?

A conciliation is an agreement reached through KCHR negotiations between complainants and respondents in consideration for the full and complete resolution of all claims of alleged discrimination. The agreements do not represent an admission by any of the respondents of violations of the law. Furthermore, the respondents denied any violations of the law.

Conciliations This Year

Laura Herman v. The Young Men's Christian Association of Greater Louisville: The complaint alleged discrimination based on disability in a public accommodations, a violation of the Kentucky Civil Rights Act (KRS 344.120) and the U.S. Americans with Disabilities Act. The complainant who is deaf alleged that after she signed up for a running class at the YMCA, she asked for a sign language interpreter, but was denied this reasonable accommodation for her disability. The respondent denied any violation of the law and asserted it had attempted to provide the accommodation. The parties agreed to conciliate the matter before the investigation was complete. The respondent agreed to provide licensed interpreters for any deaf or hard-of-hearing client in its 12 branches when necessary to provide effective communication as required by law. The respondent agreed to designate an employee whose duties will include accepting and complying with reasonable accommodations requests for clients with disabilities. The respondent agreed to undergo civil rights compliance training and to report to the commission when the training is complete.

Abeer Bateh v. The Cabinet for Families and Children, in Lexington: The complaint alleged discrimination based on national origin in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. The complainant alleged she was subjected to harassment and was discharged due to her national origin. She is Arabic. The respondent denied any violation of the law and asserted its actions were based on a legitimate business decision. The parties agreed to conciliate the matter before the investigation was complete. The respondent agreed to compensate the complainant in the amount of \$5,000, provide a neutral job reference, and include in the reference that the complainant is eligible for rehire by the Commonwealth of Kentucky. The respondent agreed to undergo civil rights law compliance training and report to the commission with regard to compliance for three years.

KCHR Commissioner Richard Brown v. One Force Staffing, in Covington; KCHR Commissioner Richard Brown v. Accu –Tech Inc., in Louisville; KCHR Commissioner Richard Brown v. General Shale Products, in Louisville; KCHR Commissioner Richard Brown v. Grindmaster Corporation, in Louisville; KCHR Commissioner

Richard Brown v. Great Northern Holding LLC, in Louisville; KCHR Commissioner Richard Brown v. Aztec Flooring Inc., in Louisville; KCHR Commissioner Richard Brown v. River City Metals, in St. Matthews; KCHR Commissioner Richard Brown v. Derek Engineering, in Louisville; KCHR Richard Brown v. United Graphics, in Louisville; KCHR Richard Brown v. Carter's Worldwide Moving, in Louisville; KCHR Richard Brown v. Marksbury Cornett, in Louisville; KCHR Commissioner Richard Brown v. Haverty's Furniture Company Inc., in Louisville; KCHR Commissioner Richard Brown v. Neff Packaging Solutions, in Louisville; KCHR Commissioner Richard Brown v. Berger Transfer and Storage Inc., in Louisville; KCHR Commissioner Richard Brown v. The City of Shively; and KCHR Commissioner Richard Brown v. The American Council of the Blind Enterprises and Services Inc., in Okolona: Each of these separate complaints was based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.020 and KRS 344.040) and the U.S. Civil Rights Act. The complainant alleged the respondents recruited, procured or employed gender-specific employees through staffing agencies. The respondents denied all allegations. The parties agreed to conciliate these matters, and the respondents agreed to comply with civil rights laws, adopt policies or enforce existing policies prohibiting discrimination, and to disseminate the policies to employees. The respondents agreed to report for one year to the commission for compliance monitoring and agreed to attend civil rights compliance training.

Darrell Keown v. Joe and Christy Branstetter, in Bowling Green: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.280) and the U.S. Fair Housing Act. The complainant alleged he was initially denied his accommodation request for his disability by the respondents – a disability parking sign on the property to prevent neighbors from blocking his access – and that the respondents eventually agreed to the sign, but only after he had endured extreme embarrassment and humiliation. The respondents denied any unlawful discrimination and asserted they agreed to honor the complainant's request, then encountered difficulties as to the type of sign the complainant required as he wanted an illuminated sign that said, "Violators will be towed," and that they erected the sign once it was acquired. The two parties agreed to conciliate the complaint and the commission confirmed the accommodation request for a sign was met. Respondents did agree to attend Fair Housing training, post Fair Housing information for renters, and report to the commission with regard to civil rights law compliance for one year.

Jessica Lindsay v. Tommy Darnell, in Paducah: The complaint alleged discrimination based on sex and retaliation in housing, violations of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280, respectively) and the U.S. Fair Housing Act. The complainant alleged that while she was renting a house from the respondent, he sexually harassed her. She further alleged

that when she refused unwanted attention, she received a notice from the man to vacate the premises. The respondent denied these allegations and any violation of the law. He further asserted he gave her the notice to vacate for violating her lease agreement by not paying a full deposit. He also asserted he planned to make the house that she had been renting into an office. After a determination of probable cause by the commission, the two parties agreed to conciliate the matter. Tragically, the respondent died of natural causes before the two parties had signed the agreement. The unsigned agreement included compensation by the respondent to the complainant of \$5,000, his compliance with civil rights law, and his participation in Fair Housing compliance training.

Angela Rainey v. B & P Apartments Inc., in Winchester: The complaint alleged discrimination based on sex and retaliation in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040 and KRS 344.280, respectively) and the U.S. Civil Rights Act. The complainant alleged she was subjected to repeated sexual advances in the workplace, and that in retaliation for reporting the matter, she was terminated by her employer. The commission made a determination of probable cause, and the two parties agreed to conciliate the matter. The respondent agreed to comply with civil rights laws and to compensate the complainant in the amount of \$4,000. The respondent agreed to undergo sexual harassment training by the KCHR. The respondent agreed to post notices to employees about the right to equal employment opportunity.

Mary Ferrell v. Latisha Floyd d/b/a Plum Tree Apartments and Somerset West Inc., in Somerset: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360) and the U.S. Civil Rights Act. The complainant alleged she was denied a disability parking space at her residence to accommodate her disability. The respondent denied the allegation, asserting the apartment complex has three parking spaces for people with disabilities, at this property with 24 units. The commission made a determination of probable cause, and the two parties agreed to conciliate the matter. The respondent agreed to comply with civil rights laws, undergo Fair Housing training, post Fair Housing notices on its property and distribute Fair Housing literature to residents and potential renters.

Melissa May v. Shoney's Ewers Family Restaurants Inc., in Morehead: The complaint alleged discrimination based on disability in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and The Americans with Disabilities Act. The complainant alleged she was terminated from employment after her employer learned she had a disability. She said her work performance was satisfactory to her knowledge. The respondent denied the allegations. The parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$15,000, undergo civil rights compliance training, and post Equal Employment Opportunity notices at its property in a prominent place.

Oriselma Mendez v. Rio Grande Restaurant Corporation, in Florence:

The complaint alleged discrimination based on religion and sex in employment, violations of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. The complainant alleged she was subjected to a hostile work environment based on her sex, female, and her religion, Jehovah Witness. The respondent denied all allegations and asserted the complainant was not on its payroll for failure to complete an employment application. The two parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$5,000, comply with civil rights laws, undergo civil rights compliance training, and report to the commission for three years with regard to compliance.

Bobby Morrow v. Joyce Spain and Brenda Powell d/b/a/ Housing Authority of Hopkinsville: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360) and the U.S. Civil Rights Act. The complainant alleged he was denied his request to live with his parents so they could assist him with his disability and that the respondent stated it was against policy to pay public aid to a family member. The respondent denied the allegation, asserting that based on the complainant's disability, a reasonable accommodation would be granted, allowing the funding payments to go to the complainant's parents. The parties agreed to conciliate the matter. The respondent agreed to grant the accommodation upon proof of the complainant's eligibility for public money, comply with civil rights laws, and undergo Fair Housing training.

Michael Wright v. Summit Polymers Inc., in Elizabethtown: The complaint alleged discrimination based on race in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. The complainant alleged his employer failed to promote him because of his race, black, and that all persons hired outside the company to supervisory positions he temporarily held were white. During its investigation, the commission found probable cause to support the complaint. The parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$5,000, comply with civil rights laws, and report to the commission with regard to civil rights compliance for three years.

Carol Theiss v. Billy and Virginia Ratliff, in Flemingsburg: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280) and the U.S. Fair Housing Act. The complainant, who has a child under 18, alleged the respondent placed a newspaper advertisement stating, "Mature adults preferred." The respondent denied the allegations, asserting the ad was intended to state a preference, not a requirement. The parties agreed to conciliate the matter, and the respondent agreed to compensate the complainant in the amount of \$500, and post and distribute fair housing information for potential clients.

Edmund Robinson v. Leander's on Oak, in Louisville: The complaint alleged discrimination based on race and age in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Age Discrimination in Employment Act. The complainant alleged he was terminated based on his race, African American, and his age, over 40. The respondent denied the allegations and asserted the termination was based on performance issues. The complaint was dismissed with findings of no probable cause. After the complainant's request for reconsideration, the parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$1,200, undergo civil rights compliance training, and adhere to compliance policies.

Fair Housing Council v. Thompson Investments Ltd. d/b/a Woodland Hills Apartments, in Louisville: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280), and the U.S. Civil Rights Act. The complainant alleged Woodland's occupancy standards prevented two-parent households with more than one child from renting the respondent's property. The respondent denied the allegations, but acknowledged a policy of renting to only three persons per two-bedroom unit. Prior to the conclusion of the investigation, the parties decided to conciliate the matter. The respondent agreed to eliminate its "bedroom plus one policy" and replace it with written policy based on the Louisville Metro housing code. The respondent agreed to provide the new policies to current and potential renters, post and distribute Fair Housing information to clients, place an advertisement in local newspapers promoting fair housing law, and to reimburse the complainant in the amount of \$1,000.

Carol Theiss v. The Messenger newspaper, in Flemingsburg: The complaint alleged discrimination based on familial status in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360 and KRS 344.280) and the U.S. Fair Housing Act. The complainant, who has a child under 18, alleged that the respondent published a newspaper advertisement stating, "Mature adults preferred." The respondent denied the allegations, but admitted to publishing the ad. The parties agreed to conciliate the matter, and the respondent agreed to compensate the complainant in the amount of \$600, undergo civil rights compliance training, publish no-cost ads for the Lexington Fair Housing Council on a monthly basis for the next year, and provide subscriptions for compliance monitoring by the Lexington council and KCHR for two years.

James Artwell v. Jeannette Oakley d/b/a Creational Consignment World, in Cadiz: The complaint alleged discrimination based on disability in housing, a violation of the Kentucky Civil Rights Act (KRS 344.120) and the U.S. Americans with Disabilities Act. The complainant, who has a medical condition, alleged that the respondent informed him she would not provide her tanning bed services to him due to his disability. The investigation determined probable cause to support the complaint. Prior

to litigation, the parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$4,250 and to undergo civil rights compliance training.

Christina Worthington v. Cross Pontiac-Jeep-GMC, in Louisville: The complaint alleged discrimination based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. The complainant alleged the respondent refused to allow her to apply for employment based on her sex, female. The respondent denied the allegations and asserted there was miscommunication in the matter and that it had, afterward, offered to move the application process forward, but the complainant declined to pursue this. The parties agreed to conciliate the matter. The respondent agreed to compensate the complainant in the amount of \$280, one week's wages for the job position under discussion, to undergo civil rights compliance training, and to be monitored by KCHR for one year regarding compliance.

Commissioner Anita Simmons v. Cape Publications Inc. d/b/a The Courier-Journal and Career Builder LLC., in Louisville: The KCHR commissioner-initiated complaint alleged discrimination based on smoking status in employment. The complainant alleged the respondents discriminated in the publication, Velocity, against job applicants who are smokers. A classified ad listed "nonsmoking" among the qualities that were desired in potential applicants. The same ad appeared on the Career Builder website. Under the Kentucky Civil Rights Act, it is unlawful for an employer to fail or refuse to hire a person based on whether he or she is a smoker or non-smoker as long as the person complies with workplace policy regarding smoking. Probable cause was recommended. The respondents denied discrimination, but admitted the ad and agreed to undergo compliance training and provide a two year subscription to KCHR for compliance monitoring.

Shirley Lyles v. The Kentucky Center, in Louisville: The complaint alleged discrimination based on disability in a public accommodations facility, a violation of the Kentucky Civil Rights Act (KRS 344.120) and the Americans with Disabilities Act. Ms. Lyles, who uses a walker, claimed accessible seating was not available to her at a February 2004 performance at the center, and that she requested accessible seating when she purchased her ticket in advance. During the course of investigation, the commission found probable cause to support the complaint. The respondent denied all allegations of unlawful discrimination. The parties agreed to conciliate the matter. The respondent compensated the complainant in the amount of \$3,000, agreed to comply with civil rights laws, undergo compliance training, and undergo compliance monitoring for three years.

Carol Jecker v. Durbin Super Bowl LLC., in Erlanger: The complaint alleged discrimination based on disability in a public accommodations facility, a violation of the Kentucky Civil Rights Act (KRS 344.120) and the Americans with Disabilities Act. The complainant, who uses a wheelchair, claimed the bowling facility lacked adequate disability parking spaces and provided no disability access to its second floor or restrooms. Ms. Jecker said she was therefore unable to watch her daughter participate in a bowling tournament held at Durbin Super Bowl. During the course of investigation, the commission found probable cause to support the complaint. The respondent denied all allegations of unlawful discrimination. The parties agreed to conciliate the matter, and the respondent agreed to compensate Ms. Jecker in the amount of \$7,500, and modify its premises over the next three years to correct violations identified by the state Americans with Disabilities Act coordinator.

Melanie Rogers-Watkins v. Kroger, in Stanton: The complaint alleged discrimination based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. Ms. Rogers-Watkins claimed she was denied a promotion based on her sex, a pregnant female. The respondent denied all allegations of unlawful discrimination and asserted the complainant was not the most qualified candidate for the position. The parties agreed to conciliate the matter, and the respondent agreed to compensate Ms. Rogers-Watkins in the amount of \$1,000, and comply with civil rights laws.

Lisa Grubbs v. Extendicare Homes Inc., in Cadiz: The complaint alleged discrimination based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. The complainant claimed she was fired because she was a pregnant female. The respondent denied all allegations of discrimination and asserted the complainant was terminated for work-related reasons. During the course of investigation, the parties agreed to conciliate the matter, and the respondent agreed to compensate Ms. Grubbs in the amount of \$3,000, undergo compliance training, and post for employees legal information about the right to equal opportunity in employment.

Lindsay Miracle v. Shelton and Susan Bailey d/b/a Crossroads Market, in Liberty: The complaint alleged discrimination based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040) and the U.S. Civil Rights Act. Ms. Miracle alleged her employers told her they were terminating her because she was pregnant. During the investigation, KCHR found probable cause to believe discrimination occurred. The respondents denied all allegations of discrimination. Prior to further litigation, the parties agreed to conciliate the matter, and the respondents agreed to compensate Ms. Miracle in the amount of \$3,200, undergo civil rights compliance training, and undergo KCHR compliance monitoring for two years.

Education and Outreach

Sharing information and raising awareness are essential to eradicating discrimination. To accomplish these objectives, the Kentucky Commission on Human Rights uses the tools of education, outreach and partnership networking. We work to reach people on a statewide basis about their civil rights, the responsibility of every citizen to comply with civil rights laws, and the benefits to all of equality and opportunity.

This year, we distributed over 22,000 pieces of educational literature and participated in approximately 200 meetings that affect citizens' civil rights. We reached people with important information through state and national coverage of our legal and educational activities at least 80 times.

Fair Housing

Governor Ernie Fletcher signed the April is Fair Housing Month Proclamation on April 4, 2006, in the Capitol Rotunda. This marked the 38th anniversaries of the U.S. and Kentucky Fair Housing acts, which make it illegal to discriminate against people renting or buying housing. KCHR was joined by Fair Housing initiative partners such as the Kentucky Housing Corporation, U.S. Department for Housing and Urban Development, Lexington Housing Authority, Homeless and Housing Coalition of Kentucky, and Lexington Fair Housing Council.

We provided funding for Fair Housing awareness and training events conducted by 10 of our local human rights commission partners throughout April. We conducted training as part of the April promotion in the Somerset community, the Franklin community, the Hispanic community of Hopkinsville, for the Heartland Board of Realtors in Elizabethtown, the Hopkinsville Human Relations Commission Fair Housing event, and the Covington Human Rights Commission Fair Housing event.

We conduct realtor board certified Fair Housing sessions throughout the year. Among the participants this year were real estate agents from A-Pass Weikel in Louisville, the Murray Calloway Board of Realtors in Murray, and the Floyd Management Company in Somerset. Agents receive continuing education credits for taking our course.

We held training at the Kentucky Press Association Annual Conference for media interested in learning about compliance as advertisers. We spoke to first time home buyers for the "Yes, You Can" program, sponsored by the Kentucky Housing Corporation, and we gave training to private landlords on compliance.

Fair Housing Month Proclamation



KCHR with other local, state and national Fair Housing partners joined Governor Ernie Fletcher as he signed the annual Fair Housing Proclamation on April 4, 2006 in the Capitol Rotunda in Frankfort.

Don't Borrow Trouble Anti-Predatory Lending Campaign

The Kentucky Commission on Human Rights presented a check for \$10,000 on July 13, 2005, in Louisville to the Housing Partnership Inc., Don't Borrow Trouble program.

Don't Borrow Trouble Louisville is a two-pronged educational campaign to get rid of predatory lending in the region. It combines public education with counseling services to help families avoid scams and resolve financial difficulties in an informed manner.

Don't Borrow Trouble was launched in April 2004 by U.S. officials, Freddie Mac and the Metro Louisville Coalition.

KCHR in December 2003 partnered with the Louisville Urban League, University of Louisville and other agencies to produce a large study on predatory lending in Jefferson County, one of the first of its kind in the nation, according to U.S. HUD officials. The study showed that one-third of Jefferson residents who lost their homes to foreclosures in recent years may have been victims of predatory lending. The majority were residents in the low-income, largely African American West End of Louisville.

Predatory lending is a crime in the U.S. and is prosecuted based on fraud. The two largest areas of this type recurrent discrimination are race and disability, say U.S. officials.

KCHR was able to present the funds to Don't Borrow Trouble from a portion of its federal HUD funds that are designated as "partnership initiative funds." KCHR partners in the Don't Borrow Trouble program as an agency member of the Metro Louisville Coalition. Other member agencies include the Louisville Urban League, Freddie Mac, Louisville Metro Department of Housing and Community Development, HUD, Kentucky Housing Corporation and Louisville Metro Human Relations Commission.

Predatory Lending Task Force

KCHR was an active member this year on a statewide, collaborative Predatory Lending Task Force. Headed by the Kentucky Housing Corporation in Frankfort, the task force addresses ways to confront this hard-to-prove discrimination. Predatory lenders also target people with low incomes, charging them high interest rates, for example, or adding in balloon payments or hidden fees and costs to their mortgages, which sets them up for foreclosure down the line.

Immigration Outreach

First International Open House

KCHR and the Louisville Metro Office for International Affairs (OIA) held its first International Open House on Feb. 21, 2006, to celebrate Kentucky Human Rights International Day.

Fifty participants met officials from both organizations and other partners like the Kentucky Housing Corporation, U.S. Housing and Urban Development (HUD) Kentucky Office, U.S. Equal Employment Opportunity Commission (EEOC) Kentucky Field Office, Governor's Office of Minority Empowerment, and the Kentucky Commerce Cabinet's Deputy Secretary Derrick Ramsey.

The celebration of human rights is part of KCHR and OIA ongoing efforts to promote inclusion and equality.

"It's vital to ensure that Kentucky immigrants have a voice in their state human rights commission's work and are made aware of the services provided by their commission," KCHR Executive Director Murnane told participants.

Kentucky has the 10th fastest growing immigrant population in the nation.



Executive Director Linda Strite Murnane speaks to visiting participants of the First International Open House. At right, is Immigration Outreach Supervisor Juan Peña.

First Kentucky Hispanic Networking Summit

On Sept. 29, 2005, KCHR held the first Kentucky Hispanic Networking Summit to celebrate Hispanic Heritage Month. Over 100 people attended the program at the Holiday Inn on Hurstbourne Parkway in Louisville. The summit allowed federal, state and local officials, as well as private and nonprofit agencies, to learn more about Kentucky's growing Hispanic populations.

Speakers and representatives from a variety of Hispanic/Latino community centers, non-profit groups, businesses and media outlets participated. They discussed issues related to housing, employment, education and business, and how to meet the needs of the Kentucky Hispanic community.

Kentucky's Vital Investment for the Prosperous Future

This is the fifth year for our comprehensive education and outreach program for immigrants. Our efforts were actualized in 2002 with a nine month grant from the U.S. Department of Housing and Urban Development (HUD) to educate the Hispanic population about Fair Housing laws, and this became the genesis for what is one of our strongest successes.

During the past five years, KCHR has conducted more than 120 outreach activities targeted to Hispanics, Vietnamese, Somalis, Bosnians and Russians. Our staff includes a supervisor whose full-time job is to work with Kentucky immigrants and a bilingual investigator to work with complainants who only speak Spanish.

This year, we held 28 civil rights workshops and booths for Kentucky immigrants. The workshops educated immigrants about their rights and responsibilities under the Kentucky civil rights laws. Our staff worked to help guide Kentucky immigrants to other public or non-profit resources to assist them in becoming full members as employees, homeowners, and participants in Kentucky communities.

KCHR works closely with Hispanic media outlets across the state to ensure that Spanish residents receive important news to improve their quality of life as Kentucky residents. There are now approximately 18 Spanish media outlets in Kentucky. Please contact Juan Peña in our office if you would like this list or more information.

We participated in 62 meetings and trainings as part of the immigrant outreach. KCHR has joined with other state agencies and local organizations to plan educational events. Through these activities, KCHR reached out during the year to 2,377 immigrants across Kentucky and distributed to them over 15,000 pieces of educational materials. We continue to develop and publish our list of interpreters and translators for the public.

Please visit our website at www.kchr.ky.gov.

The Color of Justice

With U.S. Census projections showing soaring minority growth in Kentucky and on national levels, it's paramount that Kentucky prepares its next generation for a successful, bright future. KCHR is proud of The Color of Justice as an important contribution to the education of our young people.

For the past year, KCHR has been holding The Color of Justice program for middle and high school students of all minorities, young Kentucky people from many walks of life, who want to be lawyers and judges one day, and some, who have been discovered by Color of Justice faculty to believe careers like these might be beyond their grasps.

The Color of Justice program was one of the first education and outreach innovations conceived by Executive Director Linda Strite Murnane after she joined KCHR in February 2005. The first program was held at the University of Louisville Brandeis School of Law in October 2005 with 75 Louisville students in attendance. The second was held in April 2006 at the University of Kentucky in Lexington for minority students from schools like Henry Clay, P.L. Dunbar, Lafayette, Tates Creek, and Hardin County. At the time of this report publishing, the third program was planned for Northern Kentucky University in Highland Heights, and a fourth, a Color of Justice and Safety for Legal Enforcement and First-Responders, is planned for November and is tailored by the Eastern Kentucky University in Richmond.

The one day program brings in minority Kentucky lawyers, judges, law professors and law students to talk to the Color of Justice students and to mentor them one-on-one and in small groups, at no charge. The professionals inspire the young people, offer them hope, and provide them with attainable goals.

In 2001, Kentucky had fewer than 200 out of 12,000 lawyers who were minorities (roughly 1.7 percent), according to a report by The Kentucky Supreme Court Task Force on Racial/Ethnic Fairness.

The Color of Justice is a partnership with the National Association of Women Judges, which helped KCHR fund the multi-project program with grants. The association gives accompanying Color of Justice scholarships to law-school-faculty-selected minority law students at selected KCHR Color of Justice programs.



At left, Kentucky Senator and Louisville attorney Gerald Neal (a Color of Justice faculty member). Next to him is Central High School Teacher Joe Guttman and his Color of Justice students.



At center-left, KCHR Commissioner and Louisville Metropolitan Sewer District attorney Deborah Kent (a Color of Justice faculty member) speaks with students at the brown bag lunch mentoring session.

Gallery of Great Black Kentuckians

The state human rights commission introduced the Gallery poster and bookmark series in 1970, to recognize the achievements of African Americans neglected in traditional histories of the state and to introduce Kentucky black history into classrooms. The series helps the commission in its task to raise awareness of civil rights and opportunity in the Commonwealth. Educators and libraries use the colorful, biographical-style pieces as teaching tools. Free posters and bookmarks are available to the public.

40th Great Black Kentuckian invented the traffic signal

The man who invented the traffic light is now the 40th member of the Gallery of Great Black Kentuckians.

The poster of the late Garrett Augustus Morgan was unveiled at a public ceremony in his hometown of Paris , Ky. , on Oct. 26, 2005, at the Hopewell Museum .



“Garrett Augustus Morgan was an American whose curiosity and innovation led him to reject the obstacles of his era and to achieve great prosperity,” said Linda Strite Murnane, KCHR executive director. “His accomplishments include inventions we still rely upon today,” she said.

The son of former slaves, Morgan was born in Paris, Ky. on March 4, 1877. His early childhood was spent attending school and working with his brothers and sisters on the family farm. His formal education ended after elementary school. While still a teenager, he left Kentucky, moving north to Cincinnati, Ohio, in search of employment.

When he was 37, Morgan invented the gas mask, which was patented in 1914, and used by the United States Army during World War I. In 1920, he started the Cleveland Call newspaper. He became a successful and widely respected businessman. This prosperity enabled him to purchase a home and an automobile. His experiences driving through the streets of Cleveland are what led him to invent the nation’s first patented three-position traffic signal.

Morgan was the first to apply for and acquire a U. S. patent for his three-position traffic signal despite other inventors who were experimenting with and marketing their own devices. The patent was granted on November 20, 1923. Morgan later had the technology patented in Great Britain and Canada. This technology was the basis for the modern-day traffic signal and was a significant contribution to the development of what we now know as Intelligent Transportation Systems. Morgan’s traffic management technology was used throughout North America until it was replaced by the red, yellow and green light traffic signals currently used around the world. Morgan eventually sold the rights for his traffic signal to the General Electric Corporation for \$40,000. He was considered one of America’s most prominent inventors.

In 2005, Morgan was inducted into the National Inventors Hall of Fame in Akron, Ohio . Shortly before his death, in 1963, Morgan was awarded a citation for the traffic signal by the United States Government.

Famous actor and baritone became 41st Great Black Kentuckian

Robert Todd Duncan was an actor, opera and Broadway singer who broke the color barrier in theatre at a time when blacks had to use side entrances and sit in the balcony. He was born on Feb. 12, 1903, in Danville, Ky., and grew up in the town of Somerset. The late star's poster was unveiled at a public ceremony on Feb. 22, 2006, at the Somerset Community College.

Duncan created the renowned role of "Porgy" in George and Ira Gershwin's classic opera, *Porgy and Bess*, which opened on Broadway on Oct. 10, 1935. He performed in the role more than 1,800 times. He was also the first performer in the role of "Stephen Kumalo" in Kurt Weill's, *Lost in the Stars* (1949–50), which won him the Donaldson and New York Drama Critics awards in 1950.

He made two films, *Syncopation* (1942) and *Unchained* (1955). In *Unchained*, Duncan introduced "Unchained Melody," the song that earned him an Academy Award nomination, and later became the still popular classic rock and roll standard.

With a master's of arts from Columbia University in New York, he made his operatic debut in 1933, in Mascagni's *Cavalleria Rusticana*, at the Mecca Temple in New York with the Aeolian Opera, a black company. In 1945, he became the first African American to sing with a major company, performing the role of "Tonio" in Leo Cavallo's *I Pagliacci* with the New York City Opera Company.

During the Washington D.C. run of *Porgy and Bess*, he led the cast in a strike to protest the National Theatre's segregation policy. The actors held out against offers by the theatre to permit African Americans to attend a "blacks only" performance. As spokesman for the cast, Duncan said he would never play in a theatre that barred him from purchasing tickets because of his race. Theatre management gave in to this demand, and for the first time, an integrated audience attended the National Theatre. He continued desegregation efforts including during his returns to Kentucky for performances in the 1950s, where he refused to perform to segregated audiences in his home state.

Duncan taught at Howard University for 50 years during which time he continued to tour as a soloist, giving more than 2,000 performances in 56 countries. In 1978, the Washington Performing Arts Society presented his 75th birthday gala. In 1984, he received the George Peabody Medal of Music from the Peabody Conservatory of Music of Johns Hopkins University.

After retiring from Howard, he opened his own voice studio, teaching privately and giving periodic recitals. He inspired other black vocal artists to walk through the doors that he had helped open to them. Today, many of the black stars of American opera list themselves as among the first, second or third generation vocalists taught by Robert Todd Duncan.

Reportedly, there was a student downstairs waiting for a lesson when Duncan, age 95, died upstairs at his Washington D.C. home on Feb. 28, 1998, of a heart ailment.



14 inductees to 2005 Kentucky Civil Rights Hall of Fame

The Kentucky Commission on Human Rights inducted 14 members to the Kentucky Civil Rights Hall of Fame. Over 300 people attended the July 29, 2005 induction celebration, which was held at the Kentucky State University in Frankfort. Independent judges selected the inductees from a pool of 60 candidates nominated by people throughout Kentucky. The inductees were:

Sister Lupe Arciniega of Nerinx. She is an educator and an advocate on behalf of migrant farm workers and new immigrants. She works for Fair Housing, health care and better living conditions.

Norbert Blume of Louisville. As a Kentucky state representative, he supported adoption of the Kentucky Civil Rights Act in 1966. This is the law that prohibits discrimination and gives the Kentucky Commission on Human Rights enforcement powers.

Robert Coleman of Paducah. He is the longest serving city commissioner (28 years) in Paducah history. He helped establish a full-time executive director position for the Paducah Human Rights Commission. He is a longtime member of the Paducah NAACP.

The late **Robert Todd Duncan** of Danville. He broke racial barriers as a pioneering actor and singer. He created the role of Porgy in the famous musical, *Porgy and Bess*. He was the first African American to perform in the New York City Opera in 1946. He worked to desegregate American theaters and encouraged other blacks to pursue opera as a career.

The late **John Fee** of Berea. He founded Berea College in 1859 as one of the very first institutions that would teach both black and white students. He was an abolitionist who said slavery and racism were sinful. He overcame incredible opposition to carry out the mission of his integrated college.

Former U.S. **Senator Walter “Dee” Huddleston** of Elizabethtown. He served in the senate from 1973 to 1985, and spent his career championing rights for minorities, women and the disabled. He urged restaurants to serve all races during the 1960s and asked churches to admit people of different races as members. He cosponsored an Open Housing law as a state senator and led efforts in Kentucky to pass the Equal Rights Amendment.

Cass Irvin of Louisville. As a disability rights advocate, she helped the 1984 General Assembly create the personal care attendant program for people with disabilities.



John Johnson of Baltimore, Md., formerly of Louisville. He is the chief programs officer for the National NAACP. He is a past president of the Franklin-Simpson County NAACP. He previously worked for the Kentucky Commission on Human Rights and the Louisville/Jefferson County Human Relations Commission.



Dr. Joseph McMillan of Louisville. He is a former board member of the Kentucky Commission on Human Rights. He is past president of the Louisville Urban League, a former chair of the Louisville/Jefferson County Human Relations Commission and former chair of the Kentucky Rainbow Coalition.



The late **Dr. Maurice Rabb** of Louisville. He was the first black physician accepted for membership into the Jefferson County Medical Society. He was vice president of the NAACP in Louisville. He fought against segregation and for the hiring and promotion of African Americans. He was a member of the Louisville/Jefferson County Human Relations Commission.



The late **Gov. Augustus Stanley** of Shelbyville. He was elected governor of Kentucky in 1915. He was an advocate for women's rights and the Workers Compensation Act. During his tenure as governor, he increased funding for Negro Schools and opposed the Ku Klux Klan. He once came to the rescue of an African American man who was pursued by a lynch mob in 1917.



Harry Sykes of Lexington. In 1963, he became the first African American elected to the Lexington City Council where he served four terms and was mayor pro tem in 1967. He was acting chief administrative officer of Lexington from 1974 to 1975.



Beverly Watts of Louisville. She was a former executive director of the Kentucky Commission on Human Rights from 1992 to 2004. She established the Kentucky Civil Rights Hall of Fame and other civil rights education and outreach programs. She pushed for the expansion of local human rights commissions in Kentucky to help stop discrimination.



The late **Carter Woodson** of Berea. He is known as the father of Black History Month in the United States. He lived from 1875 to 1950 and was an author, educator and human rights activist. He was a graduate of Berea College who campaigned for Negro History Week as a way to instill pride in African Americans. He chose February because Abraham Lincoln and Frederick Douglass both had birthdays during the month. Dr. Woodson's idea became popular and was expanded to become the U.S. Black History Month and to include the entire month of February.



KCHR conducted 59 training sessions for groups, businesses, organizations and the general public with approximately 750 participants.

Training

Fair Housing

Sessions designed for housing providers, realtors, financial lenders, advertisers, media, community groups and the public to outline Fair Housing rights and how to comply with the law.

Cultural diversity

This training is designed to share information with employers and employees or community groups about the benefits and challenges of cultural diversity. Topics discussed include “Why diversity is important,” “How our views are formed” and “Fostering open communication.” Participants are encouraged to participate in open discussion. The course is aimed at increasing work productivity and a positive work environment or enhancing and improving community relations.

Building Culturally Sensitive Teams

This workshop uses the principles of the Cultural Diversity training to encourage building work teams that are positive and productive. It provides skills to help members fully utilize one another’s abilities and talents for group success.

Sexual Harassment

This workshop teaches participants how to comply with sexual harassment law and demonstrates how they are protected by the law. It is designed to protect employers and employees. It provides tips on how to foster and ensure sexual harassment-free environments in the workplace.

The Kentucky Civil Rights Act (KRS 344)

This workshop teaches participants how to comply with and how they are protected by Kentucky’s law against discrimination. It tackles general topics about the commission, how we enforce the law, how to file a complaint, what to do if you are served with a complaint, and other information found in our state statute, KRS 344, also known as the Kentucky Civil Rights Act.

Custom Training

Education sessions or workshops can be created to fit the needs of any community, business or group. They can include any of the above topics, as well as other civil rights issues, such as how to start a local commission in a city, county or region. Those requesting training may call our agency with a “wish list,” and we will work with them to create the perfect workshop for their needs.

New Commissioner Orientation and New Commissioner Training

Orientation sessions introduce new local commissions to the Kentucky Commission on Human Rights partnership and discuss the roles of local commissions along with education and outreach options for their communities. New commissioner training provides KRS 344 and intake instruction.

Research

Diversity makeup in KY police agencies

KCHR released a survey in January 2006 that examined diversity in Kentucky law enforcement agencies in Kentucky. "Promoting Law Enforcement Diversity: A Demographic Survey of Police and Sheriff Departments," asked agencies about their officer workforce composition, their foreign language training, and their interactions with the public. The survey began in September 2005. (See it at www.kchr.ky.gov.)

Out of 344 agencies invited to participate, 148 (43 percent) responded. Participants were local, county and state police and sheriff departments. The total number of officers accounted for in the survey is 5,331.

Some Highlights

- 46 agencies have black officers
- 15 agencies have Hispanic officers
- 7.3 percent of all KY officers are black
- .75 percent of all KY officers are Hispanic
- Less than 1 percent of all KY minority officers are other than black or Hispanic
- 9 percent of all KY officers are women
- 22 officers in KY have a known disability
- Proportionate hiring of 185 black and 52 Hispanic officers would curb under-representation of KY's two largest minorities.
- 80 agencies asked for more information about diversity and cultural competency training.

KCHR was able to tie the results of this survey into interest in its Color of Justice program in order to offer a special version of the program planned for the 2007 year for minority high school students interested in careers in law enforcement and first response on the campus of Eastern Kentucky University, one of the top law enforcement schools in the nation.

To see the survey, visit our website at www.kchr.ky.gov

Disability Justice Research Project

KCHR began a collaboration in the last half of the reporting period with Spalding University in Louisville to develop valuable information for the state concerning obstacles to employment and lack of services for the deaf and hard of hearing in Western Kentucky. A group of Spalding occupational therapy interns performed a study and conducted interviews with research participants in the Western region. The final report is near completion. Watch for it at www.kchr.ky.gov.

Local Human Rights Commission Partnerships

Kentucky has a growing network of 19 local human rights commissions. These partners promote peace, mutual respect, understanding, and quality of life in their regions. When necessary they forward complaints to our agency.

These local commissions are vital to Kentucky and to its agency, The Kentucky Commission on Human Rights. Because of budget constraints and our limited resources, their assistance in giving KCHR a community presence in Kentucky's 120 counties is important.

They provide this local presence and the face-to-face contact so necessary to our citizens out across the state in order to uphold security in an increasingly diverse and growing Commonwealth.

Local commissions conduct important education activities to ground Kentucky for a peaceful, secure present and a burgeoning economic future.

From July 1, 2005 to June 30, 2006, KCHR made 551 contacts with our local commission partners, including visits and phone calls, and participation or presentations at their meetings and education events.

We conducted four commissioner orientation and KRS 344 training sessions.

Maysville Commission Revived

Early in the summer 2006, The Maysville City Commission revived the Maysville Human Rights Commission, which was dormant for many years.

Maysville Mayor David Cartmell appointed five new members to the city Human Rights Commission, which agreed to meet the third Thursday of each month at Maysville City Hall, 216 Bridge Street, Maysville.

Terry Cunningham, the president of the Maysville-Mason County NAACP, noted earlier this year that the Maysville Human Rights Commission hadn't met in years. He asked KCHR Field Supervisor John C.K. Fisher to attend a Maysville City Commission meeting and speak about the benefits of local human rights commissions.

Fisher attended a meeting this spring and informed the board that local human rights commissions are vital in promoting communities free from discrimination. And whether the issues involve race, color, sex, age, religion, disability, families or national origin, everyone has protection under state law, Fisher told the board.

Maysville officials told Fisher that its Human Rights Commission hadn't met because the city hadn't had any discrimination complaints in recent years.

But Fisher said that most local human rights commissions in Kentucky refer complaints to KCHR, which has a full-time staff to investigate such matters. He said that many local commissions promote equality and have community educational programs. He asked the board to revive its local commission.

The Maysville Human Rights Commission will take a training session from KCHR early in the next reporting period.

The Semi-Annual Local Human Rights Commission Roundtable

KCHR hosted its semi-annual Local Human Rights Commission Roundtable in Henderson on June 8, 2006. Representatives from most of Kentucky's 19 local commissions participated. The program was a full day, longer than previous years' half-day programs. The change was based on feedback from participants who asked for the longer agenda because of the value of the roundtables, they told KCHR officials. Topics this summer included grant-writing and increasing visibility within the local community.

Kentucky Local Commission Partners

- Ashland Human Rights Commission
- Bardstown - Nelson County Human Rights Commission
- Bowling Green Human Rights Commission
- Covington Human Rights Commission
- Danville-Boyle County Human Rights Commission
- Franklin-Simpson County Human Rights Commission
- Henderson-Henderson County Human Rights Commission
- Hopkinsville Human Relations Commission
- Lebanon Human Rights Commission
- Lexington-Fayette Urban County Human Rights Commission
- Louisville-Jefferson County Metro Human Relations Commission
- Mayfield Human Rights Commission
- Maysville Human Rights Commission
- Midway-Versailles-Woodford County Human Rights Commission
- Murray Human Rights Commission
- Owensboro Human Relations Commission
- Paducah Human Rights Commission
- Russellville-Logan County Human Rights Commission
- Richmond Human Rights Commission

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Linda Thompson	Executive Secretary
Cynthia Fox	Executive Staff Advisor
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Karl Moore Jr.	Network Analyst
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Michael Foree	Human Rights Compliance Officer
LiAndrea Goatley	Administrative Specialist
Patricia Nipper	Administrative Specialist
Kim Wiley	Administrative Specialist
Mary Ann Taylor	Employment/Public Accommodations Supervisor
Sherita Davis	Human Rights Compliance Officer
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Peter Lendh	Human Rights Compliance Officer
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Wanda Melvin	Human Rights Compliance Officer
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John C. K. Fisher	Human Rights Field Supervisor
Glenda Green	Program Coordinator
Caitlin Swain-McSurely	Human Rights Field Representative
Victoria Dempsey	Communications Director and Legislative Affairs Officer

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Emily Hartlage	Staff Attorney
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