

Commission on Human Rights

Kentucky Human Rights Commission issues January rulings

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Thursday, January 19, 2012 – LOUISVILLE, KY – The Kentucky Commission on Human Rights Board of Commissioners met today at its headquarters in downtown Louisville to rule on discrimination complaints for the Commonwealth.

The board ruled to accept four conciliation agreements. It ruled to dismiss nine complaints with findings of no probable cause to believe that discrimination occurred. It accepted 10 case withdrawals with private settlements made after the complaints were filed. It ruled to accept eight complaint withdrawals without settlement and giving the complainants the right to file private suits.

Conciliation agreements are similar to settlements and are negotiated by commission discrimination complaint investigators and attorneys. The agreements do not constitute admission by respondents of any violation of the law. All respondents agree to comply with civil rights law.

Conciliation Agreements

Complaint number 6520-E, Charlotte Fernandes v. Acme Construction Company Inc., in Ashland, Ky.: Charlotte Fernandes alleged that Acme Construction Company discriminated against her based on the protected class of sex in the area of employment, a violation of the Kentucky and U.S. Civil Rights acts. Fernandes claimed the company rejected her request for employment because she is a female. After its investigation, the commission prepared to draft a recommendation of probable cause to believe discrimination occurred. After further negotiation, the parties chose to resolve the complaint with a conciliation agreement. Acme Construction agreed to compensate Fernandes in the amount of \$18,000, to actively seek women who can perform the essential functions of any available jobs at the company as job candidates, to bring its policies into civil rights law compliance and to undergo compliance training and monitoring for three years by the commission.

Complaint number 1615-H, Toni Tate v. Edwin Luxon, in Richmond, Ky: Toni Tate alleged that Edwin Luxon discriminated against her based on the protected class of family status in housing, a violation of the Kentucky and U.S. Civil Rights acts including the Kentucky and U.S. Fair Housing acts. Tate claimed that when she called Luxon to inquire about an apartment he

owned, he asked her if she had children, and when he learned she had a son, he told her he did not rent to people with children. The aforementioned laws protect families with children under the age of 18 in the area of housing. Luxon denied any allegation of unlawful discrimination and asserted he did not deny Tate the opportunity to rent a property based on her family status. Before the commission investigation was complete, the parties chose to resolve the complaint with a conciliation agreement. Luxon agreed to compensate Tate in the amount of \$750, to undergo, along with any employees, fair housing compliance training, and to undergo for three years compliance monitoring by the commission.

Complaint number 1618-H, Gloria Pratt v. Longs Trailer Park, in Morehead, Ky.: Gloria Pratt alleged that Longs Trailer Park discriminated against her based on the protected class of disability in the area of housing, a violation of the Kentucky and U.S. Civil Rights acts including the Kentucky and U.S. Fair Housing acts. Pratt claimed that when she called the trailer park to inquire about a rental property, the representative said the company did not allow pets when Pratt said she had a service animal, which is not a pet. The company denied any allegation of unlawful discrimination. Before the commission investigation was complete, the parties chose to resolve the complaint with a conciliation agreement. Longs Trailer Park agreed to pay the Rowan County Dog Pound \$100. The respondent agreed to undergo fair housing compliance training and two years of commission compliance monitoring.

Complaint number 849-PA, Timothy Owens v. Jewish Hospital, in Louisville, Ky.: Timothy Owens alleged that Jewish Hospital discriminated against him based on the protected class of disability in the area of public accommodations, a violation of the Kentucky and U.S. Civil Rights acts. Owens claimed that while he was a patient being seen at Jewish Hospital, he asked for an American Sign Language Interpreter for his first visit. On subsequent visits, he claimed, he was not provided adequate communications while being treated with medicines and other treatment. The hospital denied any allegation of unlawful discrimination and asserted that it attempted to provide Owens with a reasonable accommodation per his request. Before the commission completed its investigation, the parties chose to resolve the complaint with a conciliation agreement. Jewish Hospital agreed to compensate Owens in the amount of \$1,500 and to undergo civil rights compliance training for its employees who interface with the public and compliance monitoring for three years by the commission.

The Kentucky Commission on Human Rights is the state government agency that enforces the Kentucky Civil Rights Act and the U.S. Civil Rights Act. These laws make discrimination illegal. The Kentucky Civil Rights Act protects people from discrimination based on the protected classes of race, color, sex, religion, national origin, age, disability, family status, and tobacco-smoking status. These are protected with varying stipulations in the areas of employment, public accommodations, housing, and financial transactions.

For more information or to ask for help regarding discrimination, contact the Kentucky Commission on Human Rights at 1.800.292.5566. Visit the website at www.kchr.ky.gov to learn more about civil rights. From this web site, access the commission's Facebook and Twitter pages where civil rights news from a wide variety of media is published.

