

Commission on Human Rights

Kentucky Human Rights Commission rules on \$52,000 conciliation agreement among other discrimination complaints and addresses alleged Richmond, Kentucky park discrimination incident

Press Release Date: Tuesday, August 21, 2012

Contact Information: Victoria Stephens
502.641.0760-Mobile
1.800.292.5566-Commission Headquarters

August 3, 2012 – Bowling Green, KY – The Kentucky Commission on Human Rights (KCHR) Board of Commissioners met Friday in Bowling Green, Ky., to rule on discrimination complaints on behalf of the people of the Commonwealth of Kentucky. The public meeting was held at the Bowling Green Housing Authority Oldham Center at Fort Webb Manor located at 247 Double Springs Road.

Since the Commission's June 21, 2012 meeting, the Executive Director of the Commission has issued three determinations of probable cause to believe discrimination occurred, in the matters of *Shawna Jones v. Rob Feldman*, KCHR No. 1626-H; *Jerry W. Roberts v. Pike County Board of Education*, KCHR No. 7237-E; and *Jennifer Vermillion v. Process Equipment Co.*, KCHR No. 7245-E. Additionally, six complaints have been forwarded to the Commission's legal unit from the investigative unit for processing of probable cause determinations.

The commission ruled Friday to accept one conciliation, accept eight case withdrawals giving complainants the right to file a private suit, accept five case withdrawals with private settlements, and dismiss 66 complaints with findings of no probable cause to evidence that discrimination had occurred. Since the beginning of the current fiscal year, which began on July 1, the agency has thus far received seven cases for mediation. The agency successfully mediated two cases for a total settlement amount of \$7,500 and a non-monetary settlement-rehire.

Mediation is an option offered to any interested complainant in order to seek a quick resolution to a discrimination complaint. The commission provides a neutral mediation attorney to assist the complainant and respondent in face-to-face negotiations to resolve a complaint.

The following is a summary of the conciliation agreement approved by the commissioners:

Cathy Rhoden v. Knox County Board of Education, in Barbourville, Ky.: Cathy Rhoden alleged Knox County Board of Education discriminated against her based on the protected class of disability in the area of employment, a violation of the Kentucky Civil Rights Act and the Americans with Disabilities Act (ADA). Ms. Rhoden claimed she was harassed, denied a promotion, and denied reasonable accommodations by the Board. Based on its investigation, the commission issued notice to the parties that probable cause existed to believe discrimination had occurred. Before the commission held a final hearing in the case, the parties chose to resolve the matter with a conciliation agreement. Knox County Board of Education agreed to compensate Rhoden in the amount of \$52,000 for resolution of the complaint and all other claims. The Board also agreed to provide training on employment discrimination to its superintendent, school principals, and ADA/Section 504 Coordinator and to submit to compliance monitoring for one year by the commission.

Executive Director John J. Johnson congratulated Commission staff attorney Alysia Robben for the resolution of the complaint between Ms. Rhoden and the Knox County Board of Education. “Along with a number of our staff members who worked diligently on this case, I commend Ms. Robben for working tirelessly to resolve this matter in a manner mutually beneficial to both parties,” said Johnson.

Regarding the ousting of a Lesbian couple from a Richmond, Kentucky park:

Also at the meeting, the commission agreed to issue a statement to the Richmond City mayor and the Richmond Human Rights Commission regarding an alleged incident of discrimination at the E. C. Million Park in Richmond, Ky. Over the July Fourth weekend, Cheri Chenault and Destiny Keith were having professional photographs taken. When posing with a kiss for a photo, the park gatekeeper made derogatory remarks about the couple’s sexual orientation and ousted the couple and the photographer from the park, according to news reports.

The commission statement says: “This incident, as alleged, serves as a sad reminder to us all of the need to protect all persons from the individual and societal harms of insidious acts of discrimination, including discrimination based on sexual orientation and gender identity.”

Following the governor's executive order in 2008 that, "It shall be the policy of the Commonwealth of Kentucky to provide equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, religion, sex, national origin, sexual orientation or gender identity, ancestry, age, disability or veteran status," the commission the same year then ruled to urge the Commonwealth of Kentucky to add sexual orientation and gender identity as protected classes in the Kentucky Civil Rights Act, KRS Chapter 344, in order to protect more people from discrimination within Kentucky borders.

The commission statement continues, ". . . in the interest of common decency and fundamental justice, the KCHR joins with the people of Richmond in condemning, in the strongest possible terms, the brutal assault on the personal dignity of each of the victims in the E. C. Million Park incident. We encourage the citizens of Richmond to continue the vital struggle to ensure simple fairness, justice and equality for all of their citizens."

* * * * *

The board routinely meets at its headquarters in Louisville, Ky. As budget allows, the commission meets in other regions of the state to give constituents the opportunity to learn about their civil rights and about the work of their state human rights commission that enforces laws prohibiting discrimination.

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act. As an affiliate of federal government entities such as the U.S. Dept. of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission, the Kentucky Commission on Human Rights enforces federal civil rights laws such as the Federal Civil Rights Act, the Federal Fair Housing Act, the Federal Americans with Disabilities Act, and the Federal Age Discrimination in Employment Act.

The Kentucky Civil Rights Act, Kentucky Revised Statutes Chapter 344, prohibits discrimination in the areas of housing, employment, public accommodations, and financial transactions. Protected classes include race, color, religion, national origin, disability, sex, age (40 years-old and over in employment), tobacco-smoking status in employment, and familial status, which protects in the area of housing pregnant women and families with children under 18 years-old. It is illegal to retaliate against any person who has made a discrimination complaint to the Kentucky Commission on Human Rights.

For help with discrimination or to ask for free literature about civil rights, contact the Kentucky Commission on Human Rights at [1.800.292.5566](tel:18002925566). Or, visit the website at www.kchr.ky.gov. From there, visit the commission Facebook and Twitter pages for news and announcements regarding protected classes and commission activities.