

# Commission on Human Rights

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## **KY Human Rights Commission makes April 2013 Rulings on Discrimination Complaints**

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The Kentucky Commission on Human Rights Board of Commissioners met today at Louisville headquarters to rule on discrimination complaints for the Commonwealth of Kentucky.

The commission ruled to accept three conciliation agreements, accept six case withdrawals giving complainants the right to file a private suit, accept three case withdrawals with private settlements, and dismiss 13 complaints with findings of no probable cause to evidence that discrimination occurred.

The commission during the last month conducted four mediations for complainants. People who make a discrimination complaint to the Kentucky Commission on Human Rights have the option of asking for mediation. Mediation gives complainants the option of having face-to-face discussions with their respondents to seek quick resolution. Mediation sessions are private and take place under the guidance and with the attendance of a commission mediation attorney. Mediations can bring quick closure to a complaint and may result in private settlements, changes in policy or treatment, and conciliation agreements.

If a complainant or respondent chooses not to mediate, the commission investigates the complaint to find if there is evidence of unlawful discrimination. Conciliation agreements are similar to settlements and are negotiated by commission investigative and legal staff. The agreements resolve the discrimination complaints. The following are summaries of the three conciliation agreements accepted at today's meeting:

George Stinson v. the City of Greensburg, Ky.: Kentucky Commission on Human Rights Chair George Stinson alleged the City of Greensburg discriminated based on the protected class of disability in the area of employment. This would be a violation of the Kentucky Civil Rights Act and the U.S. Americans with Disabilities Act. Stinson claimed the Greensburg city pre-employment questions and job descriptions had a disparate impact on persons with disabilities who might seek employment with the city. The City of Greensburg denied any violation of the law and asserted that it did not discriminate against potential employment candidates with

disabilities. Before the investigation was complete, the parties chose to resolve the matter with a conciliation agreement. Greensburg agreed it does and shall comply with civil rights law and that it will not make any medical inquiries, written or oral, to candidates for employment unless and until after a conditional job offer is made to the candidate. With regard to employees or prospective employees for whom driving is not a bona fide occupational qualification, the city affirms it shall not require or ask such individuals to provide a driver's license. The city may request valid state identification. In lieu of monetary compensation, the city modified its employment application and job description practices to comply with civil rights law. The city agreed to undergo civil rights compliance training and submit to compliance monitoring by the commission for three years.

Shawna Jones v. Rob Feldman in Coldwater, Ky.: Shawna Jones alleged Rob Feldman discriminated against her based on sex in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Jones complained that in August 2011, Feldman denied her the opportunity to apply for his rental property because he learned she had a domestic violence protection order against an individual, and she claimed Feldman said this could bring danger in his neighborhood. On June 7, 2012, the commission issued a finding of probable cause to believe discrimination occurred. Prior to a final hearing, the parties chose to resolve the matter with a conciliation agreement. Feldman denied any violation of the law. He affirmed he does and shall comply with civil rights including fair housing law. He agreed to compensate Jones in the amount of \$5,000, to undergo fair housing compliance training and submit to compliance monitoring by the commission for three years.

Angela Burnett v. the National College of Business and Technology, in Louisville, Ky.: Angela Burnett alleged that the National College of Business and Technology discriminated against her based on disability in a public accommodation. This would be a violation of the Kentucky and U.S. Civil Rights acts. She claimed the college refused to allow her to undergo its medical assistant program as it did not believe she could be successful because she is deaf. On Sept. 14, 2011, the commission issued a finding of probable cause to believe discrimination occurred. Prior to the matter proceeding to a final hearing, the parties chose to conciliate the matter with a conciliation agreement. The respondent denied any violation of the law. It agreed to compensate Burnett in the amount of \$20,000, to change its policies to comply with civil rights law, to undergo training, and to submit to compliance monitoring by the commission for one year.

The Kentucky Commission on Human Rights is the state authority that enforces the Kentucky and United States Civil Rights acts, which make discrimination illegal. The Kentucky Civil Rights Act protects people from discrimination in the areas of employment, public accommodations, housing, and financial transactions. It prohibits discrimination on the bases of race, color, religion, national origin, disability and gender in all the above areas. It additionally protects people on the basis of familial status in the area of housing, which covers families with children in the household under age 18-years old and covers women who are pregnant. The bases of age, 40-years old and over, and tobacco-smoking status, are additionally protected in the area

of employment. It is against the law to retaliate against any person who complains of discrimination to the Kentucky Commission on Human Rights.

For help with discrimination, contact the commission at [1.800.292.5566](tel:18002925566). The TDD telephone number is [502.595.4084](tel:5025954084). Visit the website at [kchr.ky.gov](http://kchr.ky.gov).