

Commission on Human Rights

KY Human Rights Commission issues October 2013 rulings on discrimination complaints

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The Kentucky Commission on Human Rights Board of Commissioners met Thursday, Oct. 17, at Louisville headquarters to rule on discrimination complaints for the Commonwealth of Kentucky.

The commission ruled to approve two conciliation agreements. Both cases had been determined by the agency to warrant probable cause issuances, indicating there was evidence to believe illegal discrimination may have occurred. The commission also approved two case withdrawals giving complainants the right to file private suits, approved one case withdrawal resolved with a private settlement, and dismissed 27 complaints with findings of no probable cause to evidence that discrimination occurred. The commission successfully mediated one complaint with an undisclosed settlement.

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 conciliation agreements at the October meeting:

Anita Dowd v. Chakeres Theatres Inc., in Frankfort, Ky.: On July 26, 2011, Anita Dowd alleged to the commission that she was the victim of unlawful discrimination based on disability in the area of public accommodations. This would be a violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the United States Civil Rights Act. Dowd claimed that Chakeres Theatre in Frankfort failed to provide her with auxiliary aids or captioning services so that she could watch one of its movies. After an investigation by commission staff, Executive Director John J. Johnson issued a finding of probable cause, indicating there was evidence to believe discrimination occurred. Prior to holding a final hearing, the parties chose to resolve the matter with a conciliation agreement, which staff negotiated for the complainant. The theatre company denied any violation of the law and affirmed that it does and shall comply with civil rights law. The company agreed to compensate Dowd in the amount of \$5,000. The company informed the commission that it plans to cease doing business in the Franklin Square Theater in Frankfort in January 2014. If the company does begin operations in

Kentucky it is required to provide auxiliary aids and services as necessary to deaf and hard-of-hearing individuals and to comply with all civil rights law and undergo commission compliance monitoring for a period of time.

Jessica Morris v. Lakeway Tobacco Shop et. al., in Tompkinsville, Ky.: On March 15, 2012, Jessica Morris alleged to the commission that she was the victim of unlawful discrimination based on sex (pregnancy) in the area of employment. This would be a violation of the Kentucky Civil Rights Act and the U.S. Civil Rights Act. Morris claimed that while employed at the Lakeway Tobacco Shop as a cashier, the store manager expressed concern about whether she would be able to do her job due to the fact that she was pregnant; she claimed that when she later took leave due to an unrelated illness, she was terminated. She claimed other employees had been able to take leave due to illness without being terminated. After an investigation by commission staff, Executive Director Johnson issued a finding of probable cause to believe discrimination had occurred. Prior to holding a final hearing, the parties chose to resolve the matter with a conciliation agreement. The respondent denied any violation of the law. Shop owner Joe Glass reported to the commission that he no longer owns or operates any business with employees. If, within the next three years he should come to do so with eight or more employees, he will be required to comply with civil rights law as it pertains to employment and undergo compliance training and commission compliance monitoring for a period of time. He agreed to compensate Morris in the amount of \$4,000.

The Kentucky Civil Rights Act makes it illegal to discriminate against people in the areas of employment, financial transactions, housing and public accommodations. Discrimination is prohibited based on race, color, religion, national origin, gender, and disability. In employment, discrimination is further prohibited on the basis of age (40-years and over) and tobacco-smoking status. In housing, discrimination is further prohibited based on familial status, which protects people with children in the household under the age of 18-years old and protects women who are pregnant.

For more information, contact the commission at 1.800.292.5566. For details about civil rights and commission activities, visit the website at kchr.ky.gov. For news about civil rights and information pertaining to protected classes, visit the Kentucky Commission on Human Rights Facebook and Twitter sites.