

Commission on Human Rights

Kentucky Human Rights Commission makes March 2015 discrimination complaint rulings

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The Kentucky Commission on Human Rights Board of Commissioners at its recent March meeting ruled on discrimination complaints for the people of the Commonwealth of Kentucky.

The commission ruled to accept three conciliation agreements; it accepted five case withdrawals that were resolved with private settlements; it accepted eight case withdrawals giving complainants the right to file private suits; and, it ruled to dismiss 23 complaints with findings of no probable cause to evidence discrimination may have occurred.

Conciliation agreements are similar to settlements and are negotiated by commission officials. All respondents of the conciliation agreements deny any violation of law. The following are the three conciliation agreements ruled upon at the meeting:

George Young v. Saratoga Apartments and Brighton Properties in Newport, Ky.: George Young complained in June 2014 to the Kentucky Commission on Human Rights, alleging that his landlord discriminated against him based on the protected class of disability in the area of housing. This would be a violation of both the Kentucky Civil Rights Act (KRS Chapter 344) and the U.S. Fair Housing Act. Young alleged that he was treated differently because of visual impairments and that his landlord reported to him violations concerning Young's domicile in writing and that Young was unable to read the written notices. The respondents denied any violation of the law and asserted that Young was in violation of the housekeeping provisions of the lease. Prior to a commission determination, the parties chose to resolve the complaint with a conciliation agreement. The respondents agreed to pay Young in the amount of \$2,000 and waived filing a suit against the complainant for damages to the rental unit. The company agreed to attend fair housing training and to be subject to commission monitoring and reporting requirements about compliance with civil rights law. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

David Lynn v. Community Alternatives Kentucky Inc. and Res-Care Inc. in Frankfort, Ky.: Davin Lynn complained in November 2012 to the Kentucky Commission on Human Rights, alleging that his employer discriminated against him 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. Lynn alleged that his employers terminated him from his position because of his disability. After investigating, the commission determined there was probable cause to believe discrimination may have occurred. Prior to holding a final hearing in the matter, the parties chose to resolve the complaint with a conciliation agreement. The respondents agreed to compensate Lynn in the amount of \$60,000. They agreed to immediately remove from their records any statements or determinations or actions against the complainant. They agreed to recognize his separation from them as a voluntary resignation and to provide a neutral job reference including a reference letter. They agreed to undergo civil rights compliance training and submit to commission compliance monitoring for two years. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

Karmee Puckett v. Paris Pike Limited Partnership doing business as Hopewell Apartments in Paris, Ky.: Karmee Puckett complained in December 2013 to the Kentucky Commission on Human Rights, alleging that her landlord discriminated against her on the protected class of race in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She claimed the on-site apartment manager at Hopewell Apartments harassed her and her minor son by directing racial slurs against them and commenting on negative racial stereotypes in their presence. She claimed the landlord retaliated against her after she opposed these practices by taking actions to evict her. The case was transferred to the commission legal unit on a finding of probable cause. However, prior to the issuance of a formal charge of discrimination, the complainant and respondents chose to resolve the complaint with a conciliation agreement. The respondents denied that they discriminated against the complainant; they agreed they will not commit unlawful discrimination in future. They agreed to compensate Puckett in the amount of \$17,000, to undergo fair housing compliance training and submit to compliance monitoring by the commission for three years. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

The Kentucky Commission on Human Rights is the state government authority that enforces the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344), and, through its affiliation with the U.S. Equal Employment Opportunity Commission and the U.S. Dept. of Housing and Urban Development, enforces federal civil rights laws.

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 in the aforementioned areas 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 on the basis of 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 it protects women who are pregnant. It is also a violation of the law to retaliate against a person for complaining of discrimination to the commission.

For more information, contact the commission at 1.800.292.5566. For information about the commission and civil rights, visit the website at www.kchr.ky.gov. Also, visit the Kentucky Commission on Human Rights Facebook and Twitter sites. Directly link to the sites from the commission website address listed above.