

# Kentucky Commission on Human Rights

## Commission issues March 2016 Rulings on Discrimination Complaints

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For help with discrimination, contact commission headquarters: 1.800.292.5566

The Kentucky Commission on Human Rights Board of Commissioners at its regular meeting on Thursday, March 17, ruled on discrimination complaints for the people of the Commonwealth of Kentucky. The public meeting was held at commission headquarters in Louisville, Ky.

The commission ruled to approve two conciliation agreements. It accepted one case withdrawal resolved through private settlement and one withdrawal giving the complainant the right to file a private suit. The commission dismissed 32 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. The following agreements were approved at the meeting:

Lexington Fair Housing Council Inc. v. Ann, Clyde, Davis and Mary Jo Smith, in Lexington Kentucky: In July 2015, the Lexington Fair Housing Council alleged to the commission that the respondents discriminated based on familial (family) status in the area of housing. This would be a violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the U.S. Fair Housing Act. The council claimed the Smiths sponsored advertisements for rental property that discriminated against families with children. The law protects families with children under 18-years old and women who are pregnant from housing discrimination including being denied housing rental because there are children in the household. The respondents denied any violation of the law. During the commission investigation of the complaint, it was discovered there was probable cause to believe illegal discrimination may have occurred; however, prior to the commission issuing a formal probable cause determination, the parties agreed to resolve the matter with a conciliation agreement. The Smiths agreed to compensate the council in the amount of \$1,000 and undergo housing civil rights law compliance training. The Lexington Fair Housing Council is an organization that promotes equal housing opportunities in Kentucky. The conciliation 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 the conciliation is a compromise of disputed claims.

Jackie Sanders v. Lake Barkley Marina and ABM Government Services LLC, in Cadiz, Ky.: Jackie Sanders complained to the commission in August 2014 that Lake Barkley Marina and AMB Govt. Services discriminated against her based on age over 40 year-old in the area of employment. This would be a violation of the Kentucky Civil Rights Act (KRS Chapter 344) and the U.S. Age Discrimination in Employment Act. Sanders claimed she had worked as a seasonal employee for the respondents during previous years, that when she reapplied for a seasonal position in 2014 she was not rehired, and that individuals were hired who were under the age of 40. The respondents denied any violation of the law. After an Investigation by commission staff, commission Executive Director John J. Johnson issued a finding of probable cause, determining there was evidence to believe discrimination may have occurred. Before holding a final hearing in the matter, the parties agreed to resolve the complaint with a conciliation agreement. The respondents did not admit to any wrongdoing. ABM Government Services agreed to compensate Sanders in the amount of \$25,000, to undergo employment civil rights law compliance training, and to submit to compliance monitoring by the commission for two years. The conciliation 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 the conciliation is 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 affiliations 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 unlawful 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 help with discrimination or ask the commission to file a discrimination complaint, contact the commission at 1.800.292.5566. For information about the commission and civil rights, visit the website at [www.kchr.ky.gov](http://www.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. Directly link to the sites from the commission website address listed above.

