



Commonwealth of Kentucky

Kentucky Commission on Human Rights

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Press Release

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KY Human Rights Commission Issues Discrimination Complaint Rulings for March 2017

LOUISVILLE – The Kentucky Commission on Human Rights Board of Commissioners at its regular meeting on Thursday, March 16, 2017, 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 four conciliation agreements. Such agreements are similar to settlements and are negotiated by commission officials. Four cases were withdrawn to be resolved through private settlements. The commission approved eight withdrawals giving complainants the right to file private suits. The commission dismissed 15 complaints with findings of no probable cause to evidence discrimination may have occurred.

The following conciliation agreements were approved at the meeting:

Monica McClain v. Saints Mary and Elizabeth Hospital, in Louisville, Ky.: In March 2014, Monica McClain complained to the commission, alleging that Saints Mary and Elizabeth Hospital discriminated against her on the basis of disability in the area of public accommodations (includes stores, restaurants, hotels, businesses, service providers, as examples) She claimed the hospital refused to let her enter the emergency room with her service animal when she took her daughter for emergency services. This would be a violation of the Kentucky Civil Rights Act. (Kentucky Revised Statutes Chapter 344). The hospital denied any allegation of violation of the law. On August, 30, 2016, the commission issued a finding of probable cause, which indicates evidence exists to believe discrimination may have occurred. Rather than proceed with a hearing or further litigation, the parties chose to resolve the matter with a conciliation agreement. The hospital confirmed it does and shall comply with the Kentucky Civil Rights Act and the U.S. Americans with Disabilities Act and that it has not nor will it retaliate against anyone who participated in this matter. The hospital agreed to compensate McClain in the amount of \$10,000; the hospital agreed to develop and implement a revised written policy that complies with the law regarding the use of service animals in its facility and to provide the policy to the commission and the complainant. The hospital agreed to undergo civil rights compliance training, to post a public accommodations welcome notice prepared by the commission for visitors to see, and to submit to commission compliance monitoring for three years.

Fair Housing Advocates v. KDC Georgetown Wyndemere I, LLC, in Louisville, Ky.: Fair Housing Advocates in February 2017 complained to the commission, alleging that KDC Georgetown Wyndemere I discriminated against it based on disability in the area of housing. Fair Housing Advocates claimed the landlord refused to waive the pet fee for a service animal. This would be a

violation of the Kentucky Civil Rights Act and the U.S. Americans with Disabilities Act. KDC denied any violation of the law and asserted the complainant was not denied a reasonable accommodation due to a disability. Prior to a commission determination, the parties chose to resolve the matter with a conciliation agreement. The respondent agreed to compensate Fair Housing Advocates in the amount of \$1,000. The respondent no longer owns any property in Kentucky and therefore was not required to undergo fair housing compliance training. The respondent shall undergo training should it within six months take ownership of a rental property in the state. 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.

Hallie Wilson v. 911 Billing and Consultant Inc., in Madisonville, Ky.: Hallie Wilson in May 2016 complained to the commission, alleging that 911Billing and Consultant discriminated against her based on sex in the area of employment. This would be a violation of the Kentucky Civil Rights Act and the U.S. Pregnancy Discrimination Act. Wilson claimed she applied for employment and the company offered her a position and after learning she was pregnant said her visiting a doctor once a month regarding the pregnancy would be against its attendance rules. She claimed the respondent told her its policy was to not allow any absence during the first six months of employment, and with doctor appoints for her pregnancy, she would not be able to comply with the policy. She claimed she then declined the offer of employment. The company, 911 Billing Services and Consultant Inc., denies all allegations in the charge and any violations of the law, the commission did not issue a final order with respect to the merits of the allegations in the charge, and the allegations in the charge were never adjudicated by the commission or a court. Prior to completion of the commission investigation, the parties chose to resolve the matter with a conciliation agreement. 911 Billing and Consultant agreed to compensate Wilson in the amount of \$15,000; The company affirms it does and shall comply with civil rights laws; it agreed it will continue to interview and hire employees without regard to race, color, religion national origin six (including pregnancy), age (40 or above), disability, or because the individual is a smoker or nonsmoker as long as the person complies with the respondent workplace policies concerning smoking. The respondent agreed to create written policies or amend its current polies to comply with laws on pregnancy and pregnancy discrimination. The company will undergo civil rights compliance training.

Nina Marchese v. Bardstown Village Apartments, in Bardstown, Ky.: Nina Marchese in January 2017 complained to the commission, alleging that she was discriminated against by her landlord based on disability in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Marchese claimed that she has requested a first floor rental unit since 2015 due to her disability and, though other non-disabled tenants have been rented first floor units, she has not received this accommodation. She claimed that in November 2015 she was asked to vacate the premises. Bardstown Village Apartments denied any violation of the law and asserted the complainant was not denied a reasonable accommodation or evicted due to her disability. Prior to the issuance of a determination by the commission, the parties chose to resolve the matter with a conciliation agreement. The respondent agreed to dismiss the pending eviction and allow Marchese to continue living in the unit located at 906 Harding Street in Bardstown. The landlord agreed to place her back on the reasonable accommodation transfer list. Marchese agreed to bring her rent current and agreed to treat the apartment for pests. She agreed to pay the respondent \$25 a month for treatment. The company will undergo civil rights compliance training and submit to compliance monitoring by the commission. 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 Civil Rights Act makes it unlawful to discriminate against people in the areas of employment, financial credit transactions, housing and public accommodations. Discrimination is prohibited in these 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 reporting or alleging discrimination.

For help with discrimination or to make 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

For news about civil rights and information pertaining to protected classes, visit the Kentucky Commission on Human Rights Facebook and Twitter sites.