



Commonwealth of Kentucky

Kentucky Commission on Human Rights

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Press Release

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Commission rules Terrace Nursing and Rehabilitation Facility in Berea, Ky. unlawfully discriminated against pregnant employee

LOUISVILLE, KY – The Kentucky Commission on Human Rights Board of Commissioners at its meeting on Jan. 19 ruled that Terrace Nursing and Rehabilitation Facility in Berea, Ky., committed unlawful discrimination against an employee because of her pregnancy and pregnancy related disability.

The commission ordered the company to pay a total of \$69,131.40 to complainant Lacy M. Clements. Terrace was found to have unlawfully discriminated against Clements when it terminated her employment on the basis of her sex (pregnancy) and pregnancy related disability in violation of the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) and the U.S. Civil Rights Act.

State and federal laws prohibit an employer from discharging or otherwise discriminating against an individual with respect to compensation, terms, conditions, privileges of employment, because of the individual's sex (pregnancy) and pregnancy related disability. The hearing officer found that, notwithstanding her pregnancy and related disability, Clements was nevertheless capable of performing the essential functions of the job, with a reasonable accommodation, which Terrace refused to provide.

Clements complained to the commission in 2014 that her employer asked her to take an unpaid 30-day leave after Clements submitted a physician's note saying that she was pregnant. According to the final order, the note stipulated a weight-lifting limit and said the complainant should not work with or be in the same area as harsh cleaning chemicals. According to the final ruling, Clements did not desire the leave, and her physician said she could perform the essential duties of her job while being pregnant. Nevertheless, Terrace refused to allow Clements to continue working because of her pregnancy and pregnancy related disability.

The commission awarded Clements in the amount of \$40,333.20 in back pay, \$13,798.20 in front pay, and \$15,000 in damages for emotional injury including embarrassment and humiliation, the final order said.

The commission's final order may be appealed to the appropriate circuit court.

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 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.