

# Kentucky Commission On Human Rights

Working to eradicate discrimination

## Significant Religion/Public Accommodations Case

### Amish must serve shunned customer

The Kentucky Commission on Human Rights (KCHR) Board of Commissioners issued a final order April 21 in the case of *Garrett v Troyer d/b/a Rocky Top Salvage*. The commission ruled in favor of Ruth Irene Garrett, a former member of the Amish faith.

On October 15, 2003, Ms. Garrett attempted to purchase groceries at an Amish-owned business in Hart County, Ky., and was refused.

Erma Troyer, owner of Rocky Top Salvage, refused the customer's money, saying Ms. Garrett had left the religion and was shunned by the Amish community.

Claiming Ms. Troyer embarrassed her in front of other customers, Ms. Garrett brought a discrimination complaint under the Kentucky Civil Rights Act on grounds that she was discriminated against in a place of public accommodation because of her religion.

Ms. Troyer claimed she was entitled to refuse Ms. Garrett's money as this was exercising religious freedom.

A hearing was held in October 2006 in Glasgow, Ky., and the hearing officer issued a Recommended Order in favor of Ms. Garrett.

The KCHR board voted to accept the hearing officer's recommendation. It ordered

Ms. Troyer to cease and desist from the unlawful practice of religious discrimination and to compensate Ms. Garrett in the sum of \$100 for the injury of humiliation and embarrassment caused by Ms. Troyer's unlawful practices.

In a November 2005 Fox News Network Heartland show, John Kasich interviewed Ms. Garrett and KCHR attorney Emily Riggs Hartlage about the unusual case.

Ms. Riggs Hartlage said the human rights commission was not seeking to impose upon Ms. Troyer's religion, but to protect the right of any person in Kentucky to buy groceries without fear of discrimination based on any protected class.

Ms. Garrett said although she left the Amish faith, she still cooks Amish-style food and likes to shop at Amish stores to buy ingredients she can't find elsewhere.

In an April 25 interview with the Associated Press, Attorney Riggs Hartlage said the order could have a ripple effect for other people excommunicated from the Amish faith who are denied service at Amish shops.



### Diversity makeup in KY police agencies

KCHR released a survey in January that examined diversity in law enforcement agencies in Kentucky. *Promoting Law Enforcement Diversity – A Demographic Survey of Police and Sheriff Departments* – asked agencies about their officer workforce composition, their foreign language training, and their

## HUMAN RIGHTS REPORT

interactions with the public. The survey began in September 2005. (See it at [www.kchr.ky.gov](http://www.kchr.ky.gov).)

Out of 344 agencies invited to participate, 148 (43 percent) responded. Participants were local, county and state police and sheriff departments. The total number of officers accounted for in the survey is 5,331.

### Some Highlights

- 46 agencies have black officers
- 15 agencies have Hispanic officers
- 7.3 percent of all KY officers are black
- .75 percent of all KY officers are Hispanic
- Less than 1 percent of all KY minority officers are other than black or Hispanic
- 9 percent of all KY officers are women
- 22 officers in KY have a known disability
- Proportionate hiring of 185 black and 52 Hispanic officers would curb under-representation of KY's two largest minorities.
- 80 agencies asked for more information about diversity and cultural competency training.

KCHR will tie the results of the survey into a new program to promote law enforcement careers to interested minority students. The first Color of Justice Law Enforcement will be held for high school students on the campus of Eastern Kentucky University, home of one of the top law enforcement schools in the nation. ●

## Blue Ribbon Update

# Audit report highlights

An audit report on KCHR by the Kentucky Finance and Administration Cabinet was released in January.

KCHR Exec. Dir. Linda Strite Murnane requested the audit soon after her arrival to the agency in February 2005, and Gov. Ernie Fletcher issued an executive order to conduct the audit as a tool to help his Blue Ribbon Panel assist KCHR in enhancing and improving services.

The report covered 2000-2005, and noted that a lack of training and ongoing staff shortages caused a backlog in cases, particularly in the jurisdictions of employment and public accommodations.

These two account for the highest volume of discrimination complaints brought by people in Kentucky.

Policy and procedure changes under Ms. Murnane have resulted in improvements, according to the report.

By the second week of April this year, KCHR had closed 31 more Equal Employment Opportunity Commission (EEOC) contract cases than at the same time last year. Overall, case ages consistently decreased by April.

Among its recommendations, the audit recommended a continued increase in staffing and sufficient training for

employees.

Fully staffed, the agency has 38 positions. Budget and hiring freezes that began in 2001, as well as other factors, caused the agency to be operating with a staff of 24 by January 2005. As of April, the staff was numbered at 33 people.

The executive director has said she hopes the audit gives the Blue Ribbon Panel the support it needs to recommend increased funding for KCHR in order to provide training, full staff, and a new mediation unit.

A mediation unit was another recommendation made by Finance Secretary Robbie Rudolph's audit team. A new mediation unit has been included in the commission's budget requests the last two bienniums.

The Blue Ribbon Panel plans to make its recommendations to Gov. Fletcher on May 31. •

## 1<sup>st</sup> International Open House

KCHR and the Louisville Metro Office for International Affairs (OIA) held its first International Open House to celebrate Kentucky Human Rights International Day in February.

Fifty participants met officials from both organizations and other partners like the Kentucky Housing Corporation, U.S. Housing and Urban Development (HUD)

Kentucky Office, U.S. Equal Employment Opportunity Commission (EEOC) Kentucky Field Office, Governor's Office of Minority Empowerment, and the Kentucky Commerce Cabinet's Deputy Secretary Derrick Ramsey.

The celebration of human rights is part of KCHR and OIA ongoing efforts to promote inclusion and equality.

"It's vital to ensure that Kentucky immigrants have a voice in their state human rights commission's work and are made aware of the services, provided by their commission," said KCHR Executive Director Murnane.

Kentucky has the 10<sup>th</sup> fastest growing immigrant population in the nation.

During the past four years, KCHR has conducted more than 85 outreach activities targeted to Hispanics, Vietnamese, Somalis, Bosnians and Russians. KCHR has held 10 immigrant workshops and booths since January.

The commission staff includes a supervisor whose full-time job is to work with Kentucky immigrants, a bilingual investigator to work with complainants who only speak Spanish, and a public affairs representative who is fluent in French, a language spoken by some Vietnamese residents in the state. •

## Kentucky Commission on Human Rights

Linda Strite Murnane, Executive Director

332 W Broadway, Suite 700, Louisville, Kentucky 40202 . Phone: 502.595.4024 . Toll-free: 800.292.5566 . TDD: 502.595.4084 . Fax: 502.595.4801

E-mail: [kchr.mail@ky.gov](mailto:kchr.mail@ky.gov)

VISIT US ONLINE AT [www.kchr.ky.gov](http://www.kchr.ky.gov)

# Fair Housing Month

Gov. Ernie Fletcher signed the April Fair Housing Month Proclamation on April 4 in the Capitol Rotunda.

April marks the 38<sup>th</sup> anniversaries of the U.S. and Kentucky Fair Housing acts, which make it illegal to discriminate against people renting or buying housing.



*KCHR and Fair Housing partner officials witnessed Gov. Ernie Fletcher sign the Fair Housing Proclamation on April 4 in the Capitol.*

KCHR was joined by Fair Housing initiative partners such as Kentucky Housing Corporation, U.S. Department for Housing and Urban Development, Lexington Housing Authority, Homeless and Housing Coalition of Kentucky, and Lexington Fair Housing Council.

KCHR provided funding for Fair Housing awareness and training events conducted by 10 of our local human rights commission partners throughout April.

In addition to the Fair Housing training KCHR conducts to real estate agents, newspapers, and community groups throughout the year, we conducted Fair Housing training as part of the April promotion in the Somerset community, the Franklin

community, the Hispanic community of Hopkinsville, for the Heartland Board of Realtors in Elizabethtown, and at the Hopkinsville Human Relations Commission Fair Housing and Covington Human Rights Commission Fair Housing events.



## Color of Justice

The Color of Justice program was held in April at the University of Kentucky in Lexington. This is the second time KCHR has conducted the national initiative to introduce interested minority high school students to careers in the legal profession. It is a program of the National Association of Women Judges (NAWJ) for which KCHR Executive Director Linda Strite Murnane serves as membership outreach chair.

Approximately 50 students from high schools such as Henry Clay, P.L. Dunbar, Lafayette, Tates Creek, and Hardin County participated.

Valorie Smith, a UK law student, was the winner of the \$1,000 NAWJ Equal Justice Scholarship. UK law students were eligible to apply for the scholarship in conjunction with the program.

Instructors and panelists at the day-long event included Black Law Student Association (BLSA) members, UK Law School faculty, attorneys from Lexington, Louisville, Frankfort and Hardin County, the Honorable Pamela

Goodwine of Lexington, and the Honorable Lawrence Smith of Radcliff.

Kentucky's first Color of Justice program was presented by KCHR in October 2005 at the University of Louisville Brandeis School of Law. The third program is planned for the Northern Kentucky University Chase College of Law in Fall 2006.

## NKU Exhibits Hall of Fame

In March, we re-dedicated a section of the Kentucky Civil Rights Hall of Fame in the third floor lobby of the Lucas Administrative Center at Northern Kentucky University (NKU) in Highland Heights, Ky. The sculpture has been on display at the Kentucky State University campus in Frankfort for the past three years.

The section housed at NKU includes such heroic civil rights leaders as the late Anne Braden of Louisville, who also served on the faculty at NKU. Ms. Braden, 81, died on March 6.

Dr. Prince Brown Jr., director of the NKU Institute for Freedom Studies, gave the keynote address to about 100 faculty and students at the unveiling ceremony.

Dr. James C. Votruba, president of NKU, brought energy to the movement to bring a portion of the sculpture to the campus, symbolizing the university's commitment to diversity and inclusion and NKU's connection with the human rights commission, he said.

The exhibit serves as a memorial to the 66 people who have been inducted into the Kentucky Civil Rights Hall of Fame since 2000.

## Board of Commissioners

Chair Priscilla Johnson, Lexington . Robert Asseo, Florence . Richard Brown, Owensboro . Thurmond Coleman Sr., Louisville  
Henry Curtis, Frankfort . Ann Darragh, Bardstown . Todd Hollenbach IV, Louisville . Deborah Kent, Louisville . Anita Simmons, Hopkinsville  
Regena Triplett, Pikeville . Y. Denise Payne Wade, Louisville

# Local Commission Partners

The Ashland Human Rights Commission held its April Fair Housing Month program on April 27 in Ashland. More than 15 people attended the first session for residents and property owners. Real estate agents, landlords and city officials attended the second session. Both sessions were led by Vicki Ray, Fair Housing and Equal Opportunity Center director for the U.S. Department of Housing and Urban Development (HUD) office in Louisville. Carol Jackson, chair of the AHRC, helped secure a federal grant through KCHR to sponsor the program, which informed residents and property owners about their rights and responsibilities in housing.

Ashland is working with KCHR to help create a human rights commission in Boyd County. Ms. Jackson and KCHR officials met with Boyd County Judge Executive Bill Scott in Catlettsburg in April to discuss forming a Boyd County Human Rights Commission. The first reading of an ordinance to create the board could come as early as May.

The Covington Human Rights Commission has changed its format for its April Fair Housing program. For the past three years, it worked with public and private schools to teach children about their fair housing rights through an education and poster contest that was presented by KCHR. But this year, Covington decided to present to a group of housing providers, homeless shelters, non-profit agencies and others in May.

The Richmond Human Rights Commission has a new chair, Elder John Settles, who served as co-chair for the past four years. He replaces Karen McClain Wright, who was chair since the RHRC was revived four years ago. She relinquished her seat to pursue

a doctorate degree, but says she will remain active in human rights issues. She led the RHRC through a problem involving police/community relations that resulted in a landmark agreement two years ago. RHRC also provides sensitivity training for city workers. Sandra Anez Powell, who has long been active in Hispanic issues in Kentucky, is among the new members of the RHRC.

The Midway-Versailles-Woodford County Human Rights Commission has a new chair, Davina Washington, who works as a paralegal in Versailles. A member of the MVWC commission for more than a year, she follows Rev. Ken Golphin, who had been chair for the past three years. Rev. Golphin will be leaving Versailles to become pastor of a church in Tennessee. During his tenure as chair, he increased ties with KCHR, pushed his cities and county to hire an executive director for the local human rights commission, and called on the local school board to hire more women and minorities. MVWC hosted the April KCHR commission meeting.

The Louisville Jefferson County Metro Human Relations Commission held its 10<sup>th</sup> Annual Race Relations Conference in January at the new Muhammad Ali Center in Louisville.

The Bowling Green Human Rights Commission moved to a new location. The agency purchased a "Habitat for Humanity" home from the Bowling Green Housing Authority to serve as its office. The new address is 491 Double Springs Rd., Bowling Green, Ky. 42101. BGHRC held its Women of Distinction Banquet in March.

The Owensboro Human Rights Commission's longtime executive director, Bill Dixon, resigned in February to become the director of diversity for Henderson Community College. The OHRC's interim executive director is David Kelly, an experienced citizen in human and civil rights in Owensboro. Meanwhile, regarding the placement of a permanent executive director, the city is considering a proposal to have a city employee take on the additional

role of executive director. KCHR has made a number of visits to the city to discourage this.

"My concerns are several," says KCHR Executive Director Linda Strite Murnane:

"In addition to litigation issues arising from likely conflicts of interest, the charter that established the Owensboro commission had very specific reasons for its creation. First, Owensboro is not far from sites of Ku Klux Klan marches, so we know the forces of hatred are nearby, and the community needs a strong opposing presence. A local commission with a full time director focused on educating the public about the importance of diversity and inclusion is also a workforce multiplier and provides incentives for new business growth and new industry. Exclusion and lack of diversity deter business, economic, educational and social growth. Additionally, local commissions offer local solutions to local problems. They are essential partners to KCHR, which has a staff of just under 38, and 120 counties to serve. Local commissions serve as valued support in the field." •

## Come to the Roundtable

KCHR will host its semi-annual Local Human Rights Commission Roundtable in Henderson on June 8, 2006. Members of all local commissions and other interested organizations are invited to attend. Topics will include grant writing and increasing visibility. Call us for details.

## Commission Rulings

KCHR is the state government agency that enforces The Kentucky Civil Rights Act and the policies of federal civil rights laws. The board meets monthly to hear and rule on discrimination complaints. From

January through April, it ruled to approve nine conciliation agreements, dismiss 85 complaints, which, after investigation, or reconsideration, resulted in findings of no probable cause, accept nine complaint withdrawals with private settlement terms and 21 complaint withdrawals without settlement and with a right to sue. The following conciliation agreements were reached through KCHR negotiations between complainants and respondents in consideration for the full and complete resolution of claims of alleged discrimination:

**Bobby Morrow v Joyce Spain and Brenda Powell d/b/a/ Housing Authority of Hopkinsville:** The complaint alleged discrimination based on disability in housing. The complainant alleged he was denied his request to live with his parents so they could assist him with his disability and that the respondent stated it was against policy to pay public aid to a family member. The respondent denied this, asserting that a reasonable accommodation would be granted allowing funding payments to the complainant's parents. The respondent agreed to grant the accommodation upon proof of the complainant's eligibility for public money, comply with civil rights laws, and undergo compliance training.

**Michael Wright v Summit Polymers Inc., in Elizabethtown:** The complaint alleged discrimination based on race in employment. The complainant claimed his employer failed to promote him because of his race, black, and that all persons hired outside the company to supervisory positions he temporarily held were white. Probable cause was recommended. The respondent denied allegations and agreed to compensate the complainant \$5,000, comply with the law, and undergo compliance monitoring by KCHR for three years.

**Carol Theiss v Billy and Virginia Ratcliff, in Flemingsburg:** The complaint alleged discrimination based on familial status in housing. The complainant, who has a child under

18, alleged the respondent placed a newspaper ad that said, "Mature adults preferred." The respondent denied this, asserting the ad was intended to state a preference, not a requirement. The respondent agreed to compensate the complainant \$500, and post and distribute fair housing information for potential renters.

**Edmund Robinson v Leander's on Oak, in Louisville:** The complaint alleged discrimination based on race and age in employment. The complainant alleged he was terminated based on his race, black, and his age, over 40. The respondent denied this and asserted the termination was legitimate. The respondent agreed to compensate the complainant \$1,200 and undergo compliance training.

**Fair Housing Council v Thompson Investments Ltd. d/b/a Woodland Hills Apartments, in Louisville:** The complaint alleged discrimination based on familial status in housing. The complainant alleged that occupancy standards of the respondent prevented two-parent households with more than one child from renting. The respondent denied this, but acknowledged a policy of only three persons per two-bedroom unit. The respondent agreed to compensate the complainant \$1,000, eliminate its policy and replace it with Louisville Metro housing code, and place ads in three newspapers about Fair Housing.

**Carol Theiss v The Messenger newspaper, in Flemingsburg:** The complaint alleged discrimination based on familial status in housing. The complainant, who has a child under 18, alleged the respondent published an ad that said, "Mature adults preferred." The respondent denied discrimination, but admitted to the ad. The respondent agreed to compensate the complainant \$600, undergo compliance training, publish no-cost ads for the Lexington Fair Housing Council on a monthly basis for the next year, and provide subscriptions for compliance monitoring to the Lexington council and KCHR for two years.

**James Artwell v Jeannette Oakley**

**d/b/a Creational Consignment World, in Cadiz:** The complaint alleged discrimination based on disability in housing. The complainant claimed the respondent denied services to him because of a medical condition. Probable cause was recommended. The respondent denied allegations, and agreed to compensate the complainant \$4,250, and undergo compliance training.

**Christina Worthington v Cross Pontiac-Jeep-GMC, in Louisville:** The complaint alleged discrimination based on sex in employment. The complainant alleged the respondent refused to allow her to apply for employment based on her sex, female. The respondent denied this and asserted there was miscommunication in the matter and that it had, afterward, offered to move the application process forward, but the complainant declined to pursue this. The respondent agreed to compensate the complainant \$280, one week's wages for the job position under discussion, to undergo compliance training, and to be monitored for compliance by KCHR for one year.

**Commissioner. Anita Simmons v Cape Publications Inc. d/b/a The Courier-Journal and Career Builder LLC, in Louisville:** The KCHR commissioner-initiated complaint alleged discrimination based on smoking status in employment. The complainant alleged the respondents discriminated in publication, Velocity, against job applicants who are smokers. A classified ad listed "nonsmoking" among the qualities that were desired in potential applicants. The same ad appeared on the Career Builder website. Under the Kentucky Civil Rights Act, it is unlawful for an employer to fail or refuse to hire a person based on whether he or she is a smoker or non-smoker as long as the person complies with workplace policy regarding smoking. Probable cause was recommended. The respondents denied discrimination, but admitted the ad and agreed to undergo compliance training and provide a two year subscription to KCHR for compliance monitoring.

# HUMAN RIGHTS REPORT

PRESORTED STD.  
U.S. POSTAGE  
PAID  
Louisville, KY  
Permit No. 1013

*Kentucky Commission on Human Rights*  
332 W Broadway, Suite 700  
Louisville, Kentucky 40202

## Two new Great Black Kentuckian Posters

*Garret Augustus Morgan:* The son of former slaves, he was born in Paris, Ky. on March 4, 1877. While still a teenager, he left Kentucky, moving north to Cincinnati, Ohio, in search of employment. When he was 37, he invented the gas mask, which was patented in 1914, and used by the U.S. Army during World War I. In 1920, he started the Cleveland Call newspaper and was a successful and widely respected businessman. He invented the nation's first patented three-position traffic signal for which he got a patent on Nov. 20, 1923. Later, he had it patented in Great Britain and Canada. His invention was the basis for the modern-day traffic signal and was a significant contribution to the development of what we now know as Intelligent Transportation Systems. His technology was used throughout North America until it was replaced by the red, yellow and green light traffic signals currently used around the world. He eventually sold the rights for his traffic signal to the General Electric Corporation for \$40,000. He is considered one of America's most prominent inventors. In 2005, he was inducted into the National Inventors Hall of Fame. Shortly before his death, in 1963, he was awarded a citation for the traffic signal by the national government. His Gallery of Great Black Kentuckians poster was unveiled at the Paris Hopewell Museum in a special public ceremony presented by the Kentucky Commission on Human Rights (KCHR).

*Robert Todd Duncan:* Born on Feb. 12, 1903, in Danville, Ky., he created the renowned role of "Porgy" in George and Ira Gershwin's classic opera, *Porgy and Bess*, which opened on Broadway on Oct. 10, 1935. He performed in the role more than 1,800 times. He created the role of "Stephen Kumalo" in Kurt Weill's, *Lost in the Stars* (1949–50), which won him the Donaldson and New York Drama Critics awards in 1950. He made two films, *Syncopation* (1942) and *Unchained* (1955). In *Unchained*, he introduced "Unchained Melody," the song which earned him an Academy Award nomination, and later became a rock and roll standard. In 1933, he debuted in Mascagni's *Cavalleria Rusticana* at the Mecca Temple in New York with the Aeolian Opera, a black company. In 1945, he became the first African American to sing with a major opera company, performing the role of "Tonio" in Leoncavallo's *I Pagliacci* with the New York City Opera Company. During the Washington, D.C. run of *Porgy and Bess*, he led the cast in a strike to protest the National Theatre's segregation policy, which resulted in the theatre's first integrated audience. He continued his demands for desegregated audiences wherever he performed including his return trips home to Kentucky. With a master of arts degree from Columbia University, he taught at Howard University for over 50 years during which time he continued to tour as a soloist. He performed 2,000 performances in 56 countries. In 1978, the Washington Performing Arts Society presented his 75<sup>th</sup> birthday gala. In 1984, he was awarded the George Peabody Medal of Music from the Peabody Conservatory of Music of Johns Hopkins University. Other awards include the New York Drama Critics' Award. After retiring from Howard University, he opened his own voice studio, teaching privately and giving periodic recitals. He inspired other black vocal artists to walk through the doors that he had helped open to them. Today, many of the black stars of American opera list themselves as first, second or third generation vocalists taught by Robert Todd Duncan. He died at age 95 at his Washington D.C. home on Feb. 28, 1998. His Great Black Kentuckians poster was unveiled at Somerset College in a special public ceremony presented by KCHR.

*KCHR introduced the poster and bookmark series in 1970, to recognize the achievements of African Americans neglected in traditional histories of the state and to introduce Kentucky African American history into classrooms. The series helps the commission in its task to raise awareness of human and civil rights in the commonwealth. Educators and libraries use the colorful, biographical-style pieces as teaching tools. Call us today for your free poster or bookmark.*