

Lexington-Fayette Urban County
Human Rights Commission

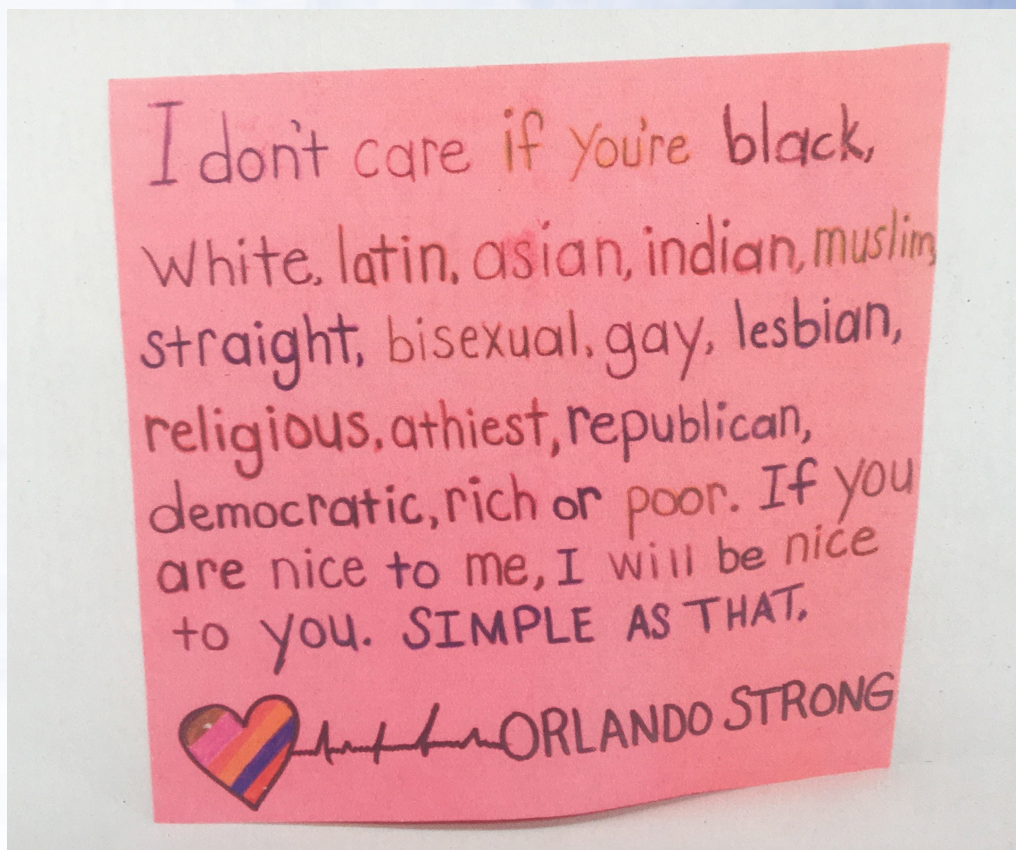
FY2019 Annual Report



A Time For Unity

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This note was left at the memorial of the Pulse Nightclub shooting in Orlando, FL. It's statement is one all should adhere to.

Message from Chair



Vibert Forsythe
Commission Chair

In Fiscal Year 2019, the Lexington-Fayette Urban County Human Rights Commission continued its statutory work in safeguarding all individuals within Lexington-Fayette County from discrimination because of race, color, religion, sex, age, national origin, disability, familial status or sexual orientation/gender identity in connection with housing, employment and public accommodations. Faced with staffing and budgetary constraints, the Commission displayed exemplary performance which was evidenced by many accolades, both documented and verbal, communicated by public and private parties in a variety of settings.

Highlights of the Commission's activities in 2019 included the Commission's attorney presenting to the Kentucky Supreme Court, the hotly debated *Hands on Originals* case, the first major legal challenge under Lexington's Fairness Ordinance. Though as of this writing, we are still awaiting the Supreme Court's decision on this issue, this achievement is an example of the commitment of the Commission to exhaust all avenues to remain true to its mission of safeguarding the rights of the citizens of this community. The Commission continued its "Coffee with the Chief" sessions, allowing the opportunity for small groups of the community to meet with Chief Weathers and discuss concerns and exchange ideas. The Commission also held its second Picnic with the Police to bring together members of various police departments and the community they serve, to enjoy some time together in a non-confrontational, social environment.

The Commission's record of excellence in service to the public was exemplified by its recognition and receipt of the Senator Georgia Davis Powers Legacy Award presented by the Kentucky Commission on Human Rights at the Kentucky Civil Rights Hall of Fame festivity held in Lexington. The Commissioners are extremely proud of the outstanding and stellar work carried out by our small, but dedicated staff. However, we cannot let our successes lead to complacency. Rather, since success breeds success, we must strive to build on the firm foundation we have built over the years and continue to place this community in the forefront to end discrimination of any and all kind.

I encourage the Commissioners to continue to dedicated their efforts, working together with our partners in the community, the government, law enforcement and all other agencies engaged in providing outreach to our community to affect the guarantee of equal rights to all citizens, rights that are assured by our local ordinances, state statutes of the Commonwealth and the Constitution of the United States of America.

PURPOSE

It is the purpose of the Lexington-Fayette Urban County Human Rights Commission to safeguard all individuals within Lexington-Fayette Urban County from discrimination because of race, color, religion, national origin, sex, age, disability, familial status and sexual orientation/gender identity in connection with housing, employment and public accommodations and to effect the provisions and purposes of the Kentucky Civil Rights Act (K.R.S. Chapter 344), Urban County Ordinance 199-94 and 201-99, provision 7.17 of the Lexington Fayette Merger Charter of 1974, and any other laws enacted by the Lexington-Fayette Urban County relating to the Lexington-Fayette Urban County Human Rights Commission.

The Lexington-Fayette Urban County Human Rights Commission shall act to encourage and effect the guarantee of equal rights to all citizens, which rights are assured by the Constitution and the Laws of the United States, of Kentucky, and of Lexington-Fayette Urban County and to serve as an investigative, consultative, educational, persuasive, and enforcement agency in order to guarantee equal opportunity for all people of the City of Lexington and Fayette County.

UNIQUENESS

The Lexington-Fayette Urban County Human Rights Commission is an independent chartered agency of the Lexington-Fayette Urban County Government, with three (3) specific functions: (1) to receive complaints, conduct investigations, hold hearings and have such studies made as will enable the Lexington-Fayette Urban County Human Rights Commission to carry out the purpose of the Ordinance; (2) to promote and secure a mutual understanding and respect among all ethnic groups in Fayette County; and (3) to act as conciliator in controversies involving inter-group and inter-racial relations.

VALUES

The Lexington-Fayette Urban County Human Rights Commission stands for equal rights, equal opportunity, justice and fair enforcement of the ideals. To carry out this belief, we must strive to follow through on our commitments, maintain objectivity and fairness and provide prompt, responsive and patient attention to all those who seek our assistance. We must respect differences in values and behaviors, support one another, and seek alternatives to divisive conflict. We must commit to meet and exceed contractual, service, and mission related requirements by setting clear expectations and maintaining measurable standards. In addition, we must serve all people in an impartial and fair manner. Equality for all - it's a right, not a privilege.

Letter from Executive Director



LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

Raymond A. Sexton, Executive Director
rsexton@lfuchrc.org

The Honorable Mayor Linda Gorton
Urban County Council Members
200 East Main Street
Lexington, KY 40507

Re: FY 2019 Annual Report

Dear Mayor Gorton and Council Members:

On behalf of the Commission, I proudly submit the FY 2019 annual report of the Lexington-Fayette Urban County Human Rights Commission. This report highlights many of the achievements in compliance and community relations that the Commission has undertaken this fiscal year.

Unity is defined as the state, property, or product of being united, physically, socially or morally. If this fiscal year has taught us anything, unity is needed not only locally, but nationally and internationally. The call for unity can be seen through the investigations settled or litigated, as well as our work throughout Lexington with our various community partners.

We have remained vigilant in our enforcement efforts and in our dedication to achieving our mandated mission to prevent and eliminate unlawful discrimination and to promote harmonious relationships among the citizens in this community. The information in this annual report highlights the Commission's achievements in carrying out this mandate.

We thank you, Mayor Gorton and councilmembers for your continued support. Without the necessary funding for our organization, a majority of the great work that is highlighted in this report would not be possible.

Sincerely,



Raymond A. Sexton
Executive Director

Executive Committee



Vibert Forsythe
Chair



Brenda Mannino
Vice Chair



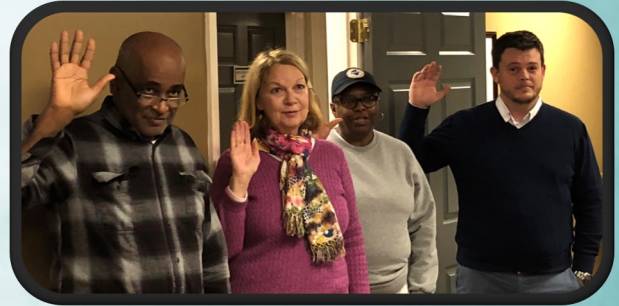
Theresa Parks
Secretary



Josh Mers
Treasurer
(July–February)



Jim Dickinson
Treasurer
(March–June)



Commissioners Vibert Forsythe, Brenda Mannino, Theresa Parks and Josh Mers were sworn in as Chair, Vice Chair, Secretary, and Treasurer at the December 17, 2018 Commission meeting.

Mission Statement

It is the mission of the Lexington-Fayette Urban County Human Rights Commission to safeguard the legal rights of individuals regarding discrimination and to promote mutual understanding and respect among the people of Lexington-Fayette County, Kentucky.



Commissioner Jim Dickinson was sworn in as Treasurer on March 18, 2019 after Josh Mers resigned as Treasurer

Commissioners



Barbara Ellerbrook
Appointed 11/2017



Dr. Jamil Farooqui
Appointed 11/2017



Courtney Han
Appointed 07/2016



Jason Hope
Appointed 12/2017



Lance Poston
Appointed 06/2017



Marlana Sanchez
Appointed 03/2018



Christine Stanley
Appointed 09/2015



Melanie Tyner-Wilson
Appointed 02/2016



Cristina Violet
Appointed 02/2016

The Commission has three (3) statutory functions:

To promote and secure mutual understanding and respect among all ethnic groups in Fayette County and act as conciliator in controversies involving inter-group and inter-racial relations;

Cooperate with Federal, State, and other local agencies in the efforts to develop harmonious inter-group and inter-racial relations and shall endeavor to enlist support of civic, religious, laborer, and commercial groups and leaders dedicated the improvement of human relations and the elimination of discriminatory practices; and

Receive complaints, conduct investigations, hold hearings and make studies as will able the Commission to carry out the purposes of the Kentucky Civil Rights Act.

Staff



Raymond A. Sexton
Executive Director



Tami J. Reed
Senior Office Manager



Marissa Webb
Investigator I



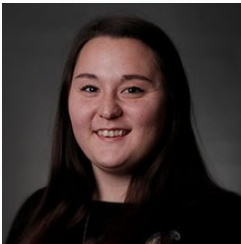
Carrie Salter
Investigator I



Edward Dove
Commission Attorney



Goodbye and Good Luck!



Mieko Smith joined the Commission in May of 2017 as an Investigator. She resigned from her position in February of 2019 to pursue other interests. We wish her well and good luck!



Summer Intern

Beginning in June of 2019, the Commission participated in the Mayor's Summer Youth Employment Program. Michelle Gonzalez was placed with our agency and we were fortunate to have her. An eager and fast learner, Michelle was able to assist the staff in many ways. We wish her well and good luck in high school and all that she does. We hope to have her back again next summer!

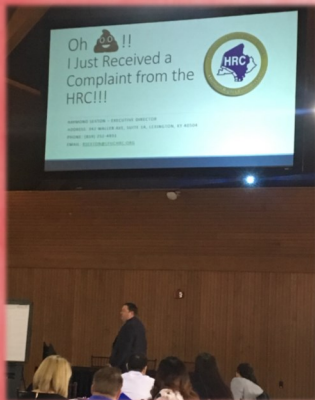


Working Together



Every year, the Commission works with other agencies to educate and inform the public. This year was no different. We worked with the Lexington Fair Housing Council, Equal Employment Opportunity Commission, Kentucky Commission on Human Rights and other local human rights agencies across the state to help achieve our goals.

As part of Fair Housing Month, the Commission partnered with the Lexington Fair Housing Council to give a statewide housing training for people who work in the housing industry. The training covered customer service, how to speak with people who may have a mental disability, and general fair housing information such as emotional support animals and how to handle accommodation requests. The training was held at the Bluegrass Stockyards and had almost 200 attendees.



Every year the Commission staff assist the Equal Employment Opportunity Commission (EEOC) with their Technical Assistance Program Seminar (TAPS) held at Keeneland. This year Executive Director Ray Sexton was one of the presenters. He spoke about what an employer's responsibility is when they receive a complaint of discrimination. His presentation was both entertaining and informative.



This year the Kentucky Commission on Human Rights held a roundtable discussion with all the local human rights commissions around the state. Topics of discussion included issues each agency faces in their community and ways to effectively do our work with the decreasing budgets we are all facing. We also talked about ways of using social media to inform people of events, etc.

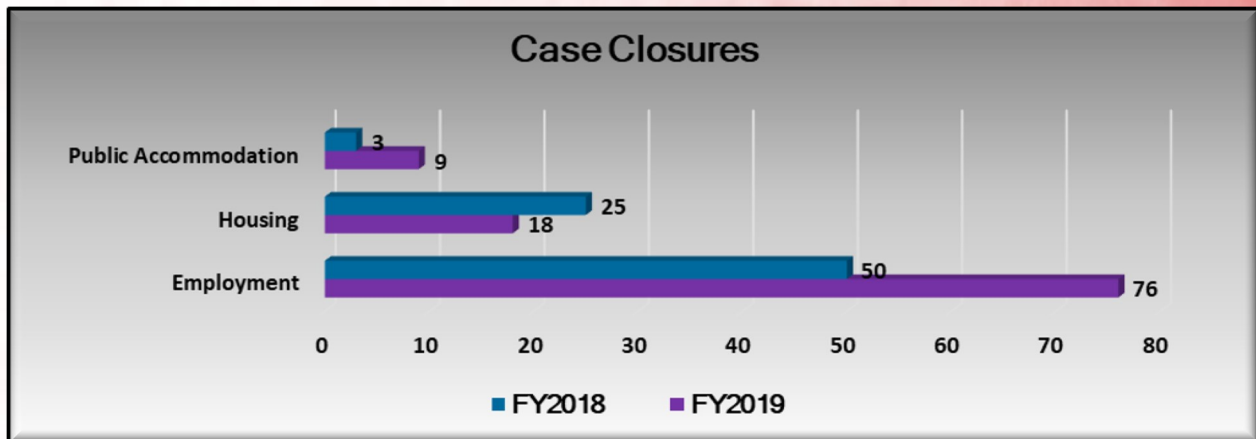
Commission employees constantly receive training to stay on top of changes in law, investigating cases, and changes in procedures with our Federal agencies such as Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). This year, a couple of HRC staff members and staff from other agencies in Kentucky were in Washington, DC for HUD training and were lucky enough to go to the Christmas tree lighting at our nation's capital.



Compliance

The Commission employs two (2) Investigators to conduct its investigations. To ensure the investigators stay up to date on federal procedures and case law updates, they attend training throughout the year.

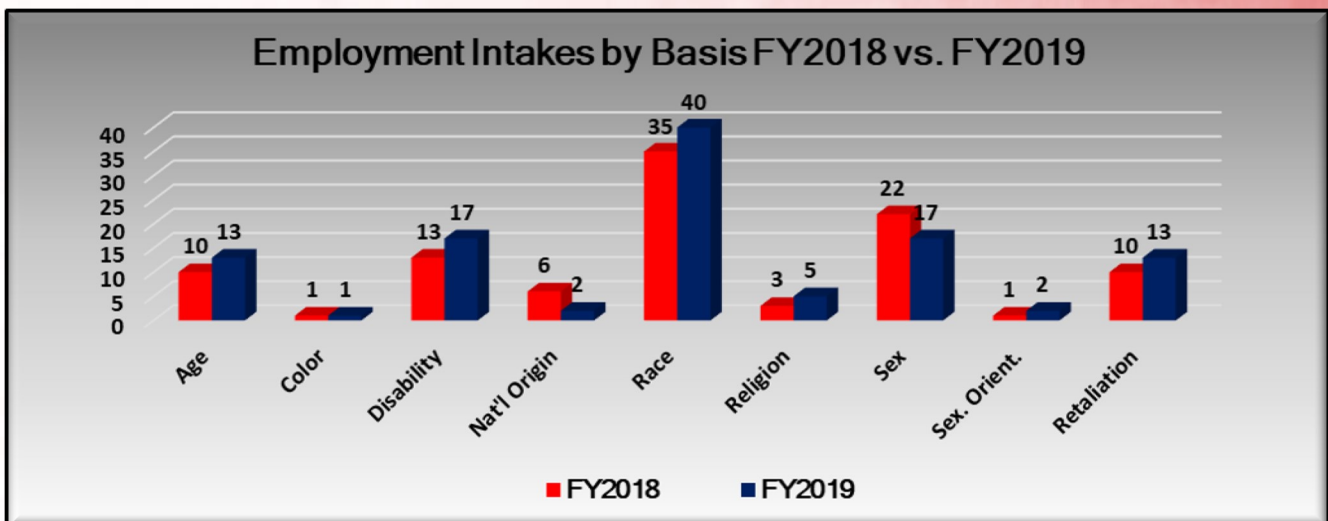
Whenever possible, our investigators will take a case from beginning (intake) to end. When an investigator has completed their investigation, they will recommend a final determination to the Executive Director. After reviewing the investigative file, the Executive Director will issue a final staff determination. During FY2019, the Commission closed 103 cases—25 more than FY2018.



Employment

The Commission has a Workshare Agreement with the Equal Employment Opportunity Commission (EEOC) to conduct employment discrimination investigations in Lexington-Fayette County. When all jurisdictional requirements have been met, a case will be dual-filed with the EEOC. If a complaint is jurisdictional with Local Ordinances 199-94 and 201-99, the Commission will investigate a complaint even if it is not jurisdictional with the EEOC.

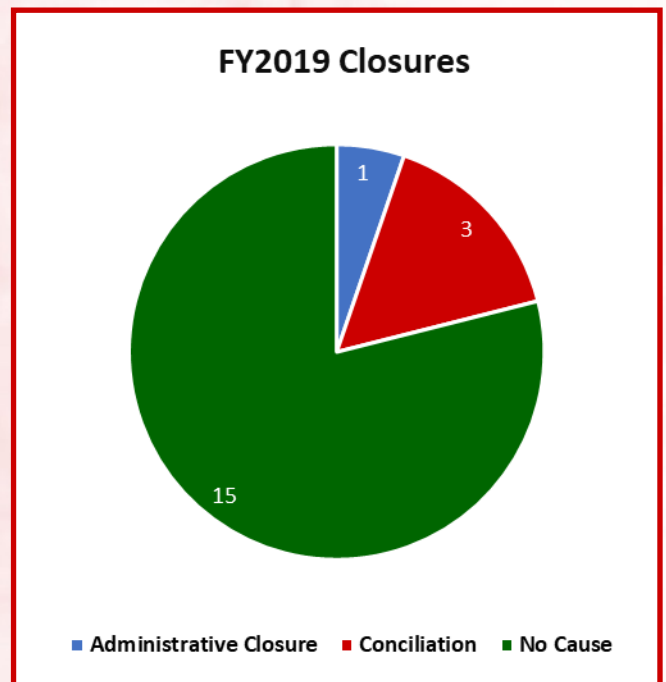
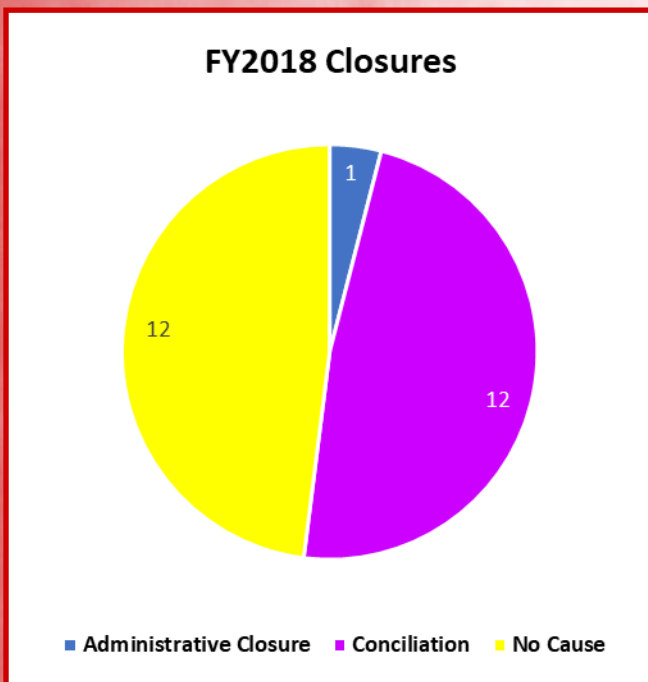
During the fiscal year, the Commission received 55 new employment cases and closed 76. A case is considered received after it goes through the intake process and the case is formally filed. During the intake process, the investigator will determine if the case is jurisdictional with the Commission. If the case is jurisdictional, then a charging party may file a formal complaint which is notarized. The full investigative process can be seen on the Investigative Flow Chart on page 11.



Housing

The Commission has a Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) to investigate housing discrimination complaints in Lexington-Fayette County. If a complaint is jurisdictional with HUD, we will file a dual filed complaint. As with employment, if a complaint is jurisdictional with Local Ordinances 199-94 and 201-99, the Commission will investigate a complaint even if it is not jurisdictional with HUD.

During the fiscal year, the Commission received 14 new housing complaints and closed 18. The intake process is the same for housing complaints as employment complaints. For the fourth straight year, disability is the leading basis of cases filed, unlike employment whose leading basis in cases filed is race.



Public Accommodations

The most underused complaint type is public accommodations. A place of public accommodation includes any place, store or other establishment which supplies goods or services to the general public. It is unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation on the basis of race, color, religion, national origin, disability, sexual orientation and/or gender identity. During FY2019, the Commission received five (5) and closed seven (7) complaints of public accommodations.

Case Reviews

In April of 2017, the Charging Party, a black female, alleged that she was denied a promotion for a Team Leader position despite having met the qualifications of the position. Charging Party alleged that Respondent, an insurance claims processor, failed to promote black women and her situation was not any different than other black women denied promotion in the past. Charging Party filed a complaint with the Human Rights Commission.

The Commission's investigation substantiated the Charging Party's allegation that she was not promoted due to her race. The Commission issued a Probable Cause Determination on September 4, 2018. Prior to case moving on to a public hearing, both parties entered into conciliation discussions in December of 2018. The case was conciliated with the Respondent agreeing to pay Charging Party a total of \$66,397.44



When is a case closed as a Conciliation?

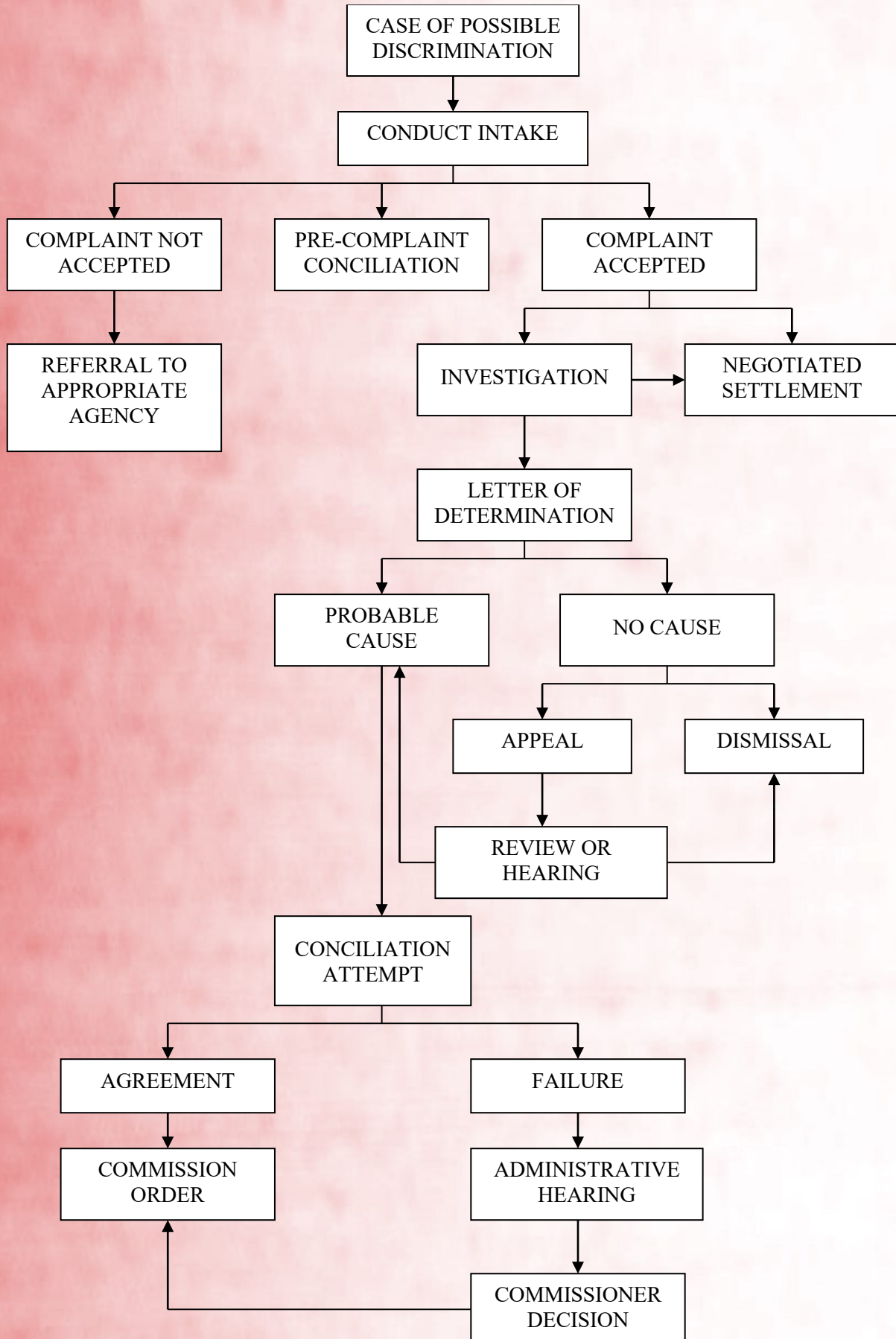
Both parties and the Commission have reached a mutually satisfactory agreement. (Settlements do not necessarily mean an admission of guilt on the part of the Respondent.)

In September 2017, the Charging Party filed a housing complaint with the Human Rights Commission, saying that she had been discriminated against by the property manager, the Respondent, based on her son's disability, Autism. The Charging Party claimed that the Respondent had sent her multiple notices of noise violations. The Charging Party alleged that upon moving into the property, she informed the Respondent that her son's disability and specifically requested a third-floor apartment due to his sensitivity to noise. Charging Party alleged that the Respondent informed her that several people made complaints and soon the neighbor below her started banging on the ceiling. The Charging Party states that she was informed by the Respondent that "it was the neighbor's way of telling the Charging Party that they were making too much noise." Charging Party states that shortly after, the police were called to her apartment concerning a noise complaint. During the investigation, conciliation was attempted by the investigator. The Respondent agreed to terminate the lease before the end of the lease term without penalty or cost of the remainder of her rent (\$7,000), refund Charging Party's security deposit (\$550), to ensure all policies were compliant with Fair Housing and local law, and to make fair housing posters visible in all offices of the Respondent. This case was closed as a Satisfactory-Resolution.



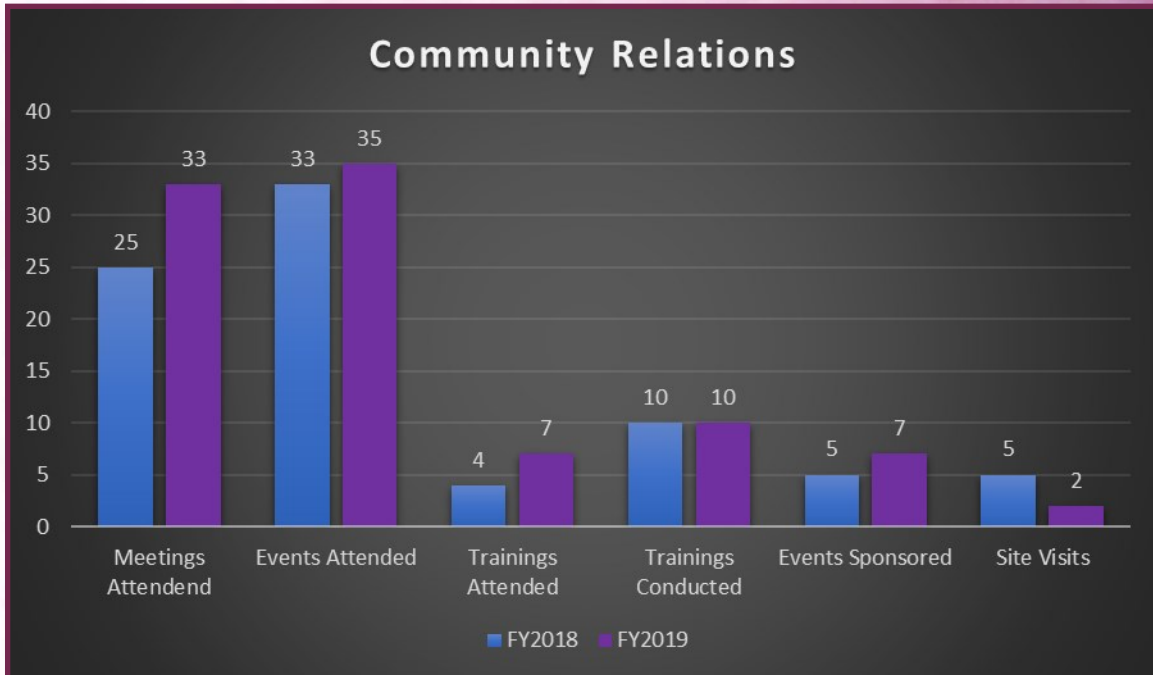
Cases filed with the Commission are confidential, unless the case goes to a Public Hearing. Therefore, the names of a Charging Party and/or Respondent are not provided.

Process of a Complaint Investigation



Community Relations

The Commission staff provides presentations and training sessions on a variety of topics tailored to meet the needs of the audience. Trainings and presentations are conducted on a variety of topics including, but not limited to, sexual harassment, fair housing and harassment-free work environments. The trainings and presentations are provided without a fee.



In the Community

Adopt a Park—Douglass Park



Lexington Legends—Hispanic Heritage Night



Picnic with the Police—May 18, 2019



Sponsors

Gold Sponsors

Ball Homes, LLC
Commonwealth Credit Union
Gainesway Farm
Hicks & Funfsinn, PLLC
Lexington Habitat for Humanity
NAI Isaac
Nancy Barron & Associates
St. Michael the Archangel Episcopal Church

Silver Sponsors

ARC Administrators
Autism Society of the Bluegrass
Bank of the Bluegrass
Bluegrass Bracing, Inc.
Bluegrass.org
Collision Care
DrugFreeLex
Haynes Trucking Co.
Healthfirst Bluegrass
Judge Julie M. Goodman for Circuit Court Judge
Kentucky Bank
Lexington History Museum
Lexington Quarry Company
Lexington Rescue Mission
Linda Carroll & John Morgan
Members Heritage Credit Union
MetroNet
Morning Pointe
Murray State University
Traditional Bank
Triple Crown Chiropractic & Wellness
WLEX-TV

Donation of Door Prizes for Kids

Adrenaline
Get Air
Kids Place
Malibu Jacks

Bronze Sponsors

Alliance Medical & Home Care
BC Wood Properties
David Carter Fine Arts
Fleet Doc
Heritage Insurance Agency, Inc.
Hurst Office Suppliers
Justice Real Estate
Landrum & Shouse LLP
Landscapers Corner, Inc.
Lexington Lions Club
Lextran
Metro Employees Credit Union
Simpson Optical
SMX/Staff Management
South Central Bank
Southeast Printing and Mailing Services
Sullivan University
U.S. Bank
Cliff and Barbara Ellerbrook

Donations

Critchfield Meats
Crossroads Church
Doodles
Good Foods
Kona Ice
Lexington Philharmonic
Taylor Made Farms

Thank you to Selma's Catering for providing catering services for the picnic!

Also thank you to Doodle's and Kona Ice for handing out goodies as well!



LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

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