

PADUCAH HUMAN RIGHTS COMMISSION

SECTION 58 CODE OF ORDINANCES

POLICY STATEMENT

It is the purpose and policy of the City of Paducah to safeguard all individuals within the City and McCracken County from discrimination in public facilities, housing, education, and employment in areas of Race, Color, ADA, Age, Religion, Sex, and National Origin. The Paducah Human Rights Commission is sworn to protect the interest of all the people's personal dignity and freedom from humiliation. The Commission will make their full productive capabilities available to the community in securing the area against strife and unrest which would menace its democratic processes in preserving the public safety, health, and general welfare in furthering the interests, rights, and privileges of all individuals.

Chapter 58

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ARTICLE I. IN GENERAL

Sec. 58-1. Purpose and general policy.

It is the purpose and policy of the city to safeguard all individuals within the city from discrimination because of race, color, religion, familial status, handicap, sex or national origin in connection with employment, places of public accommodation and housing, thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the city their full productive capacities, to secure the city against strife and unrest which would menace its democratic institutions, and to further the interests, rights and privileges of all individuals within the city.

(Code 1968, § 10 $\frac{1}{2}$ -1; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.01)

Sec. 58-2. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Commission. The city Human Rights Commission.

Commissioner. A member of the Commission.

Discrimination. Any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, familial status, handicap, sex or national origin, or the aiding, abetting, inciting, coercing or compelling thereof.

Employee. An individual employed by an employer, but does not include an individual employed by his parents, spouse or child, or an individual employed to render services as a domestic in the home of the employer.

Employer. A person who has eight or more employees within the state in each of 20 or more calendar weeks in the current or preceding calendar year and an agent of such a person.

Employment agency. A person regularly undertaking with or without compensation to procure

employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such person.

Financial institution. A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed or acting on behalf of any of these.

Housing accommodation. Includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

Labor organization. A labor organization and an agent of such an organization, including an organization of any kind, an agency or an employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

Person. Includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity.

Place of public accommodation, resort or amusement. Includes any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds, except that:

- (1) A private club is not a place of public accommodation, resort or amusement if its policies are determined by its mem-

bers and its facilities or services are available only to its members and their bona fide guests; and

- (2) "Place of public accommodation, resort or amusement" does not include beauty shops or barber shops as defined in KRS 317.410 nor a rooming or boarding house containing not more than five rooms for rent or hire and which is within a building occupied by the proprietor as his residence, nor establishments catering exclusively to men or women only which do not otherwise violate a state or federal law prohibiting such discrimination.

Real estate broker or real estate sales-person. An individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance, upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Real estate operator. Any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

Real property. Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above. (Code 1968, § 10½-2; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.02)

Cross reference—Definitions generally, § 1-2.

Sec. 58-3. Penalty.

Whoever violates any provision of this chapter shall, in addition to any and all other remedies set forth herein, be subject to the maximum fine and/or imprisonment amounts permitted to be imposed by this city under all applicable state and/or federal law. (Code 1996, § 94.99)

Secs. 58-4—58-30. Reserved.

ARTICLE II. HUMAN RIGHTS COMMISSION*

Sec. 58-31. Established.

(a) As used in this article, the word "Commission" shall mean the Human Rights Commission established by this article. (Code 1968, § 2-283)

(b) There is hereby established a city Human Rights Commission. (Ord. of 5-26-64; Code 1968, § 2-284) (Code 1996, § 33.125)

Sec. 58-32. Composition; appointment, term and compensation of members.

(a) The Commission shall be composed of nine members. The members shall be appointed by the Mayor, subject to the approval of the Board of Commissioners, who shall select persons who are as nearly as possible representative of the several social, economic, religious, cultural, ethnic and racial groups which comprise the population of the Greater Paducah Area. In addition, each member shall be a resident of the Greater Paducah Area. (Code 1968, § 2-285)

*Cross references—Administration, ch. 2; city administrative bodies, § 2-341 et seq.

(b) No elected or appointed official of the city or of the county may be a member of the Commission. (Code 1968, § 2-286)

(c) Effective immediately, three of the members of the Commission appointed to office in 1979 shall serve for a term of one year, three of the members of the Commission appointed to office in 1979 shall serve for terms of two years, and three of the members of the Commission appointed to office in 1979 shall serve for terms of three years. Upon expiration of the aforesaid appointments, each member appointed thereafter shall serve for a term of three years. Upon a vacancy occurring, the Mayor, subject to the approval of the Board of Commissioners, shall appoint a member to complete the unexpired term. (Code 1968, § 2-287)

(d) Members of the Commission shall serve without compensation, but, subject to the approval of the Commission and within the limits imposed by the budget, they shall be allowed their necessary expenses attendant upon their duties. (Code 1968, § 2-288)
(Ord. of 5-26-64; Ord. No. 79-7-1767, 7-24-79; Ord. No. 79-12-1833, 12-26-79; Code 1996, § 33.126)

Sec. 58-33. Officers.

(a) The Mayor shall designate one of the members of the Human Rights Commission as Chairperson, who shall serve as Chairperson at the pleasure of the Mayor. (Code 1968, § 2-289)

(b) The Commission shall elect a Secretary, a Treasurer, and such other officers, except the Chairperson designated by the Mayor, as it shall deem necessary. (Code 1968, § 2-290)
(Ord. of 5-26-64; Code 1996, § 33.127)

Sec. 58-34. Committees.

The Chairperson of the Human Rights Commission shall appoint such committees as the rules of the Commission shall provide and such other special committees from time to time as the Commission may deem necessary in order to carry out the purposes of this article.
(Ord. of 5-26-64; Code 1968, § 2-291; Code 1996, § 33.128)

Sec. 58-35. Office space and other facilities.

The Mayor is authorized to allocate adequate office space and to provide the necessary facilities in the City Hall for the Human Rights Commission, if such office space and facilities are available.

(Ord. of 5-26-64; Code 1968, § 2-292; Code 1996, § 33.129)

Sec. 58-36. Meetings; quorum.

(a) The Human Rights Commission shall meet as often as it deems necessary, but it shall meet not less than once each month. (Code 1968, § 2-293)

(b) The Commission shall have the power to adopt rules to govern its proceedings. The meetings of the commission shall be opened or closed to the public as it may deem best in its discretion. (Code 1968, § 2-294)

(c) A quorum of the Commission shall consist of a majority of the members appointed to the Commission. (Code 1968, § 2-295)
(Ord. of 5-26-64; Code 1996, § 33.130)

Sec. 58-37. Powers and duties.

(a) *General duties.* The Human Rights Commission shall endeavor to promote and secure mutual understanding and respect among all economic, social, ethnic, religious, and racial groups in the city, and shall act as conciliator in controversies involving intergroup and interracial relations. The Commission shall cooperate with federal and state agencies and other city agencies in an effort to develop harmonious intergroup and interracial relations and shall endeavor to enlist the support of civic, religious, labor, industrial, and commercial groups and civic leaders dedicated to the improvement of intergroup and interracial relations and the elimination of discriminatory practices. (Code 1968, § 2-296)

(b) *Receipt of complaints; investigations; hearings.*

(1) The Commission shall receive complaints, conduct investigations, hold hearings, make studies and have such studies made as will enable the Commission to carry out the purposes of this article.

(2) The Commission shall have the following powers in addition to those otherwise enumerated in this article:

- a. Receive, initiate, investigate, hear, and determine charges of violation of ordinances, orders, or resolutions forbidding discrimination adopted by the Board of Commissioners of the city.
- b. Compel the attendance of witnesses and production of evidence before it by subpoena issued by the Circuit Court of McCracken County.
- c. Issue remedial orders, after notice and hearing, requiring cessation of violation.
- d. Upon the approval of the Board of Commissioners of the city, it may employ an executive director, attorneys, hearing examiners, clerks and other employees and agents as are required to carry out the duties and powers of the Commission. (Code 1968, § 2-297)

(c) *Recommendations to Mayor and Board of Commissioners.* The Commission shall recommend to the Mayor and to the Board of Commissioners any legislation necessary to accomplish the purposes of this article. (Code 1968, § 2-298)

(d) *Acceptance of grants and donations.* The Commission, on behalf of the city, may accept grants and donations from foundations and others for the purpose of carrying out its functions. (Code 1968, § 2-299)
(Ord. of 5-26-64; Ord. No. 71-3-442, 3-9-71; Ord. No. 93-6-4965, 6-29-93; Code 1996, § 33.131)

Sec. 58-38. Budget; expenditures.

(a) The Human Rights Commission shall prepare annually a budget for the ensuing fiscal year, and shall submit the budget to the Mayor and the Board of Commissioners for their approval. The Commission shall prepare and submit the budget no later than March 15 of each year. (Code 1968, § 2-300)

(b) All budgetary expenditures shall be authorized by the Commission. The Treasurer shall

approve operational expenditures, and he shall make a semiannual financial report to the Commission. Copies of such semiannual financial report shall be sent to the Mayor and the Board of Commissioners. (Code 1968, § 2-301)
(Ord. of 5-26-64; Code 1996, § 33.132)

Sec. 58-39. Assistance by other departments; requests for information.

(a) The services of all departments of the city shall be made available to the Human Rights Commission upon its request for services. (Code 1968, § 2-302)

(b) Information in the possession of any department, board, or agency of the city shall be furnished to the Commission upon its request, and to the extent permitted by law. Upon the refusal of the director or head of any department, board, or agency of the city to furnish any information which has been requested by the Commission, the matter shall be referred to the Mayor, who shall determine whether such information shall be furnished to the Commission, and the decision of the Mayor shall be final. (Code 1968, § 2-303)
(Ord. of 5-26-64; Code 1996, § 33.133)

Sec. 58-40. Annual report.

The Human Rights Commission shall submit an annual report on March 1 of each year to the Mayor and to the Board of Commissioners. (Ord. of 5-26-64; Code 1968, § 2-304; Code 1996, § 33.134)

Sec. 58-41. Enforcement of orders.

The proceeding for enforcement of a Human Rights Commission order is initiated by filing a complaint in the Circuit Court. Copies of the complaint shall be served upon all parties of record within 30 days after the filing of the complaint by the Commission, or within such further time as the court may allow, and the Commission shall transmit to the Court the original or a certified copy of the entire record upon which the order is based, including the transcript

of testimony or as otherwise may be stipulated by all parties to the proceeding and as established by KRS 344.340 and the rules of civil procedure. (Code 1968, § 2-305; Ord. No. 71-3-442, 3-9-71; Code 1996, § 33.135)

Secs. 58-42—58-60. Reserved.

ARTICLE III. EQUAL EMPLOYMENT OPPORTUNITIES

Sec. 58-61. Unlawful employment practices.

(a) It is an unlawful practice for an employer:

- (1) To fail or refuse to hire, or to discharge, any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, familial status, handicap, sex or national origin; or
- (2) To limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, familial status, handicap, sex or national origin.

(b) It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of race, color, religion, familial status, handicap, sex or national origin, or to classify or refer for employment an individual on the basis of race, color, religion, familial status, handicap, sex or national origin.

(c) It is an unlawful practice for a labor organization:

- (1) To exclude or to expel from its membership, or otherwise to discriminate against, a member or applicant for membership because of his race, color, religion, familial status, handicap, sex or national origin.

(2) To limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of the individual's race, color, religion, familial status, handicap, sex or national origin.

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against an individual because of race, color, religion, familial status, handicap, sex or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It is an unlawful practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination based on race, color, religion, familial status, handicap, sex or national origin, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

(Code 1968, § 10 $\frac{1}{2}$ -3; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.15)

Sec. 58-62. Exceptions.

Notwithstanding any other provision of this chapter, it shall not be an unlawful practice for:

- (1) An employer to hire and employ employees, or an employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employ-

ment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program on the basis of religion, sex or national origin when religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

- (2) A religious corporation, association, or society to employ an individual on the basis of religion to perform work connected with the carrying on by the corporation, association, or society of its religious activity.
- (3) A school, college, university, or other educational institution is in whole or substantial part owned, supported, controlled or managed by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is calculated by such organization to promote the religious principles for which it is established and maintained.
- (4) An employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, familial status, handicap, sex or national origin, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, familial status, handicap, sex or national origin.

(Code 1968, § 10½-2-4; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.16)

Sec. 58-63. Preferential treatment not required.

Nothing contained in this article requires an employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to an individual or to a group because of the race, color, religion, familial status, handicap, sex or national origin of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, familial status, handicap, sex or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, familial status, handicap, sex or national origin in the state or a community, section, or other area, or in the available work force in the state or a community, section or other area.

(Code 1968, § 10½-2-5; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.17)

Secs. 58-64—58-80. Reserved.

ARTICLE IV. PLACES OF PUBLIC ACCOMMODATION

Sec. 58-81. Unlawful discriminatory practices.

(a) Except as otherwise provided in this chapter, it is an 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, resort, or amusement as defined in section 58-2, on the grounds of race, color, religion, familial status, handicap, sex or national origin.

(b) It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or

advertisement, which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement will be refused, withheld, or denied an individual on account of race, color, religion, familial status, handicap, sex or national origin or that the patronage of, or presence at, a place of public accommodation, resort, or amusement of an individual on account of race, color, religion, familial status, handicap, sex or national origin is objectionable, unwelcome, unacceptable, or undesirable.

(Code 1968, § 10½-6; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.30)

Secs. 58-82—58-100. Reserved.

ARTICLE V. FAIR HOUSING

Sec. 58-101. Unlawful housing practices.

It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesperson, or an individual employed by or acting on behalf of any of these, to:

- (1) Refuse to sell, exchange, rent, or lease, or otherwise deny to or withhold real property from an individual because of race, sex, color, religion, familial status, handicap or national origin;
- (2) Discriminate against an individual because of race, sex, color, religion, familial status, handicap or national origin in the terms, conditions, or privileges of the sale, exchange, rental, or lease of real property, or in the furnishing of facilities or services in connection therewith;
- (3) Refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from an individual because of race, sex, color, religion, familial status, handicap or national origin;
- (4) Refuse to negotiate for the sale, rental, or lease of real property to an individual because of race, sex, color, religion, familial status, handicap or national origin;
- (5) Represent to an individual that real property is not available for inspection, sale,

rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect real property because of race, sex, color, religion, familial status, handicap or national origin;

- (6) Print, circulate, post or mail, or cause to be printed, circulated, posted, or mailed, an advertisement or sign, or to use a form of application for the purchase, rental, or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, sex, color, religion, familial status, handicap or national origin or an intent to make such a limitation, specification, or discrimination;
- (7) Offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of that real property or in the furnishing of facilities or services in connection therewith because of race, sex, color, religion, familial status, handicap or national origin; or
- (8) Otherwise deny to or withhold real property from an individual because of race, sex, color, religion, familial status, handicap or national origin.

(Code 1968, § 10½-7(a); Ord. No. 71-3-441, 3-9-71; Ord. No. 74-10-1034, 10-15-74; Code 1996, § 94.40)

Sec. 58-102. Exceptions.

- (a) Nothing in section 58-101 shall apply to:
 - (1) The rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations;
 - (2) The rental of one room or one rooming unit in a (portion of a) housing accommodation by an individual (the occupant of the housing accommodation or by the owner of the housing accommodation) if he or a member of his family resides therein; or

- (3) A religious institution, or an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society, to the extent that the religious corporation, association, or society limits or gives preference in the sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or sublessees, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained.

(b) Nothing in this chapter shall be construed to affect the legal rights of a private individual homeowner to dispose of his property through private sale without the aid of any real estate operator, broker or salesperson, and without advertising or public display.

(c) Nothing in this article shall require a real estate operator to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.
(Code 1968, § 10½-7(b); Ord. No. 71-3-441, 3-9-71; Ord. No. 74-10-1034, 10-15-74; Code 1996, § 94.41)

Sec. 58-103. Unlawful financial practices.

It is an unlawful practice for a financial institution or an individual employed by or acting on behalf of a financial institution:

- (1) To discriminate against an individual because of the race, color, religion, sex, familial status, handicap or national origin of the individual or the present or prospective owner, tenant or occupant of the real property, or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting, withholding, extending, modifying or renewing the rates, terms, conditions, privileges or other provisions of financial assistance or in the extension of services in connection therewith; or
- (2) To use a form of application for financial assistance or to make or keep a record or

inquiry in connection with applications for financial assistance which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, sex, familial status, handicap or national origin or an intent to make such a limitation, specification, or discrimination as to race, color, religion, sex, familial status, handicap or national origin or an intent to make such a limitation, specification or discrimination.

(Code 1968, § 10½-7(c); Ord. No. 71-3-441, 3-9-71; Ord. No. 74-10-1034, 10-15-74; Code 1996, § 94.42)

Sec. 58-104. Violations committed as agent for another.

It shall be no defense to a violation of this article by a real estate operator, real estate broker, real estate salesperson, financial institution, or other person subject to the provisions of this article that the violation was requested, sought or otherwise procured by a person not subject to the provisions of this article.

(Code 1968, § 10½-7(d); Ord. No. 71-3-441, 3-9-71; Ord. No. 74-10-1034, 10-15-74; Code 1996, § 94.43)

Secs. 58-105—58-130. Reserved.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT*

Sec. 58-131. Conspiracy to violate chapter.

It shall be an unlawful practice for a person, or for two or more persons, to conspire:

- (1) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under this chapter; or
- (2) To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter; or

*Cross reference—Administration, ch. 2.

- (3) To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder; or
- (4) To resist, prevent, impede, or interfere with the city Human Rights Commission, or any of its members or representatives, in the lawful performance of duty pursuant to the Code of Ordinances of the city. (Code 1968, § 10 $\frac{1}{2}$ -8; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.55)

Sec. 58-132. Complaint procedure.

(a) The city Human Rights Commission shall have the power and duty to enforce the provisions of this chapter.

(b) An individual claiming to be aggrieved by an unlawful practice, or a member of the Commission, may file with the Commission a written (sworn) complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth the facts sufficient to enable the Commission to identify the person(s) charged (respondent(s)). The complaint must be filed within six months after the alleged unlawful practice occurred.

(c) The Commission, or its designated committee, shall make a prompt and full investigation of each complaint.

(d) If it is determined that there is no probable cause to believe that the respondent is engaged in an unlawful practice, the Commission shall issue an order dismissing the complaint.

(e) If it is determined, after investigation, that there is probable cause to believe the respondent has engaged in an unlawful practice, the Commission shall endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion. The terms of the conciliation agreement reached with the respondent may require him to refrain from the Commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the Commission and the respondent. Except for the terms of the conciliation agreement, neither the Commission nor any officer or employee thereof shall make public, without the

written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion, whether or not there is a determination of probable cause or a conciliation agreement.

(f) In any case of failure to eliminate the alleged unlawful practice by means of conference, conciliation, and persuasion, the Commission shall hold a public hearing to determine whether or not an unlawful practice has been committed. The Commission shall serve upon the respondent a statement of the charges made in the complaint and a notice of the time and place of hearing. The hearing shall be held not less than ten days after the service of the statement of charges. The respondent shall have the right to file an answer, to appear at the hearing in person or be represented by an attorney, and to examine and cross-examine witnesses. A determination of probable cause shall in no way create a presumption of a violation.

(g) If three-fourths of the Commissioners attending a duly constituted hearing determine that the respondent has engaged in an unlawful practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the unlawful practice. If the Commission fails to determine that the respondent has engaged in an unlawful practice, the Commission shall so state and shall issue an order dismissing the complaint.

(h) In connection with an investigation of a complaint filed under this section, the Commission or its designated representatives at any reasonable time may request access to premises, records and documents relevant to the complaint and the right to examine, photograph and copy evidence, but all such evidence not otherwise presented at a public hearing shall be of a confidential nature.

(i) Where a real estate broker or a real estate salesperson has failed to comply with any order issued by the Commission or has been found to have committed an unfair housing practice in violation of this chapter, the Commission shall

notify in writing the president of the local real estate board of the failure to comply or of the violation.

(Code 1968, § 10½-9; Ord. No. 71-3-441, 3-9-71; Code 1996, § 94.56)

Secs. 58-133—58-150. Reserved.

ARTICLE VII. GRIEVANCE PROCEDURES

Sec. 58-151. Administration.

The administration of these procedures and related federal and state regulations shall be the responsibility of the Section 504/ADA Administrator of Paducah.

(Code 1968, § 2-33.1(c); Ord. No. 84-8-2558, 8-14-84; Ord. No. 92-9-4841, 9-22-92; Code 1996, § 94.65)

Sec. 58-152. Grievance procedures for discrimination based on disability status.

(a) Any person (employee or citizen) who believes that he has been subjected to discrimination as prohibited by the Federal Revenue Sharing program regulations and Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, may personally, or by a representative, file a complaint with the office of the Mayor. A person who has not personally been subjected to discrimination may also file a complaint.

(b) When any person, (citizen, applicant, or employee) believes he or she has been adversely affected by an act or decision by the city, and that such act or decision was based on disability status, he or she shall have the right to process a complaint or grievance in accordance with the following procedure.

(1) *Step 1.* An aggrieved person must submit a written statement to the Section 504/ADA Administrator setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

(2) *Step 2.*

a. The Section 504/ADA Administrator shall contact the complainant no later

than 15 days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five days nor more than 45 days after receiving the written statement.

b. There shall be prepared a written documentary of the discussions at the informal meeting which shall be preserved in the records of the city.

(3) *Step 3.* Within 15 days of the informal meeting, if no decision has been made by the city or the decision of the city does not satisfy the complainant, he or she may request a hearing with the Board of Commissioners by submitting a written request to the city.

(4) *Step 4.*

a. In thus discussing the grievance, the complainant may designate any person of his choice to appear with him and participate in the discussion. The Board of Commissioners shall require the Section 504/ADA Administrator to participate in the discussion of the grievance when it is brought before the Board of Commissioners. The Board of Commissioners shall issue a written decision on the matter within 15 days, and the decision shall be the final procedure for the complainant at the local level.

b. There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the city.

(Code 1968, § 2-33.1(a), (b); Ord. No. 84-8-2558, 8-14-84; Ord. No. 91-11-4699, 11-26-91; Ord. No. 92-9-4841, 9-22-92; Code 1996, § 94.66)

Secs. 58-153—58-170. Reserved.

ARTICLE VIII. AFFIRMATIVE ACTION

Sec. 58-171. Affirmative action plan adopted.

(a) The city adopts Ordinance No. 90-7-4477, which is the affirmative action plan for equal opportunity for the city, as if fully set forth herein. (Ord. No. 90-7-4477, 3-13-90)

(b) The city adopts section 3 of the affirmative action plan for equal employment opportunity for the city. (Ord. No. 91-6-4621, 6-11-91)
(Code 1996, § 94.75)

Paducah Human Rights Commission

Paducah City Hall, P.O. Box 247, Paducah, Kentucky 42002-0247-ext. 270- 444-8643, FAX # 270-443-8680.

Lloyd Fortune, Chairman; Commissioners Loraine Mathis, Dennis Jackson, Charles Turok,

Andrew Coiner, Bernice Belt, Charles Simpson, Charlotte Scott and Debbie Pea.

Stanley L. Beauchamp, Director; Brenda Anderson, Secretary

January 2002