

ADMINISTRATIVE PROCEDURES
City of Paducah Human Rights Commission

The PHRC functions pursuant to Kentucky Revised Statutes Chapter 344 (KRS 344) and the Code of Ordinances City of Paducah, Kentucky Chapter 58 (Chapter 58) to investigate and document bona fide complaints regarding race, color, religion, age, familial status, disability, gender identify, sexual orientation, public accommodation and housing, discrimination, employment, and sex. The PHRC will forward to the to the Kentucky Commission on Human Rights (hereinafter referred to as the KCHR) complaints which have been validated and require legal defense regarding race, color, religion, familial status, and disability. The PHRC will forward to the Kentucky Housing Cabinet (KHC) complaints which have been validated and require legal defense regarding housing. The PHRC will retain complaints which have been validated and require legal defense regarding gender identify, sexual orientation and age. The Commission functions pursuant to Chapter 58 to investigate, document and remediate complaints regarding gender identity or sexual orientation.

Any persons wishing to file a complaint alleging discrimination in one of the areas listed above must file the complaint within 180 days of the alleged unlawful incident in cases of discrimination by employer or place of public accommodation, or within one year of the alleged unlawful incident, in the case of unlawful housing practices.

If you feel that you are a victim of discrimination, you can contact the PHRC at:

City Hall, 300 South 5th Street, Paducah, KY 42002 (walk-in)
(270) 444-8643 (by phone) or (270) 444-8643 (by fax)
HRSecretary@paducahky.gov (by email)

Once we are contacted—

1. Our office will receive your initial complaint
2. The PHRC Secretary will forward complaint to PHRC board members
3. The PHRC Chair or his/her designee will have 30 days to contact complainant to determine validity of complaint
4. The PHRC will document the investigation
5. If it is determined that your complaint appears to be a valid complaint and falls under the enforcement authority of KRS 344 or some other agency, we will assist you in completing documentation required by the KHRC or other agency and forward that documentation to respective agency. We will serve as facilitator on your behalf and will work with you to make sure your complaint is processed in a timely fashion. Upon request, the City Manager's Office will assist the PHRC expedite valid complaints through the respective agency.

The PHRC wants to make sure that we refer cases to the KHRC, KHC or some other agency that are not frivolous complaints.

If it is determined from the initial interview process that your complaint is a frivolous complaint and your complaint falls under KRS 344 or some other agency, we will notify you of our findings and advise you of how you can proceed on your own if you want to pursue filing your complaint with the KHRC.

If your complaint falls under Chapter 58, we will proceed with a full investigation of your complaint. Mediation will follow the process which follows.

For any complaint filed with the PHRC we will provide a summary of the complaint to the City Manager's office. The summary does not disclose any "phi" information.

What to Expect During the Investigation of a Complaint by the Paducah Human Rights Commission under Chapter 58

Once we determine your complaint is valid and within our enforcement authority, we can help you in one of two ways:

1. If you do not want to participate in mediation, we will neutrally investigate your complaint and work to conciliate or settle the complaint.
2. The second option is that we can help you mediate the complaint in meetings with you and the persons(s) or entities you are charging with unlawful discrimination.

Our process is as follows::

1. The PHRC will interview you and complete the complaint form.
2. The completed form will be mailed to you via certified mail within 5 business days of the interview with you.
3. You will be required to review the complaint form, work through any modifications with the PHRC, sign the complaint in the presence of a notary and return the complaint. This process from start to finish must occur within 10 business days of receiving the complaint.

It is important to note that once the PHRC receives a fully executed complaint, you become the Complainant and the person(s) or entities against whom the allegations are made are the Respondent. Hereafter, both parties will be referred to as Complainant and Respondent.

Also note that the PHRC focuses on fairness and does not serve and should not be seen as an advocate for either party to the action but is a neutral fact finder who will conduct a fair and impartial investigation. Both parties should keep the PHRC apprised of any developments such as a change of address or telephone number. If contact with the Complainant is lost, the PHRC will make every reasonable attempt to find him or her, but if this is not possible, it could result in the investigation being stopped and the complaint dismissed.

4. The PHRC focuses on mediation. The PHRC will contact the Respondent first by phone to notify the Respondent of the complaint; the process the Respondent needs to follow in order to respond to the complaint; and to inform the Respondent that a copy of the complaint will be sent via certified mail.
5. The Respondent will have 20 days from receipt of the certified mail to file an answer to the allegations in the complaint. The more details and supporting documentation the Respondent can provide on this matter in its initial response to the complaint and accompanying request for information, the less additional follow-up investigation the PHRC will need to conduct. The Respondent can contact the investigator at any time after notification to discuss the Respondent's options.
6. Upon receipt of the Respondent's initial response to the allegations set forward in the complaint, the PHRC will analyze the information submitted and contact the Complainant to review the information with him or her. This is the Complainant's opportunity to tell his or her side of the story. The Complainant should be prepared at this time to discuss with the PHRC any evidence he or she has to support the allegations and to provide the names (as well as the telephone numbers and addresses if known) of any witnesses the Complainant feels have relevant information.
7. At any time during the course of the investigation, the PHRC may encourage both the Complainant and Respondent to entertain the notion of conciliating the case to the mutual satisfaction of both parties. A Conciliation is similar to a settlement out of court. A Conciliation may take the form of affirmative remedies or monetary form based on actual loss the Complainant incurred due to issues in the alleged illegal action. A conciliation is never forced but is an alternative method to resolving the issues at hand.
8. If Conciliation is unsuccessful, the investigation will continue until sufficient factual information has been gathered for the investigator to make a recommendation to the City Attorney and Paducah City Manager.
9. If, at the conclusion of the investigation, the PHRC has found that sufficient evidence exists to believe illegal discrimination probably occurred, the PHRC will make that recommendation to Paducah's City Attorney and Paducah's City Manager. Under the direction of the Paducah City Manager, the City Attorney's office will conduct a legal analysis of the PHRC's findings in light of the current law. If the City Attorney's office agrees with the PHRC's findings in light of the current law, the City Attorney's office will issue a Probable Cause letter, and if the parties are not able to agree to a conciliation, the matter will go to an administrative hearing, which is similar to a civil trial. The City Attorney's office will represent the Complainant at that hearing.
10. If, on the other hand, the PHRC determines that there is insufficient evidence to support the Complainant's allegations, the PHRC will write a No Probable Cause recommendation and dismiss the complaint.
11. If the PHRC dismisses the complaint on a finding of No Probable Cause, dismissal orders will be mailed to all parties involved. The Complainant has the right under Chapter 58 to request a one-time reconsideration of any Employment/Public Accommodation dismissal within ten days of receiving notice of the dismissal.