

What Happens When I File a Complaint of Discrimination?

The Lexington-Fayette Urban County Human Rights Commission is a neutral fact-finding agency. This means LFUCHRC does not advocate for the Charging Party or the Respondent when investigating an allegation of discrimination. The following synopsis of steps is involved in the investigatory process:

- ◆ Speak confidentially with an investigator.
- ◆ File a formal complaint of discrimination.
- ◆ Allow at least 20 days for the Respondent to answer allegations.
- ◆ Discuss the Respondent's position with the Charging Party and allow Charging Party to present evidence to rebut what the Respondent has said.
- ◆ Discuss what the Charging Party wants to settle the charge

Depending on the facts of each individual case, the following may occur:

- ◆ Schedule an on-site visit to the Respondent's site.
- ◆ Interview witnesses and obtain necessary documents.
- ◆ Conduct final interviews with the Charging Party and the Respondent.
- ◆ Investigator makes a recommendation, generally No Cause or Probable Cause, to the Executive Director.
- ◆ The Executive Director issues the final Letter of Determination.

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THE FAIRNESS ORDINANCE



**Lexington-Fayette Urban County
Human Rights Commission**



EMPLOYMENT

The Ordinance applies to all employment practices including but not limited to:

- ◆ Recruitment
- ◆ Hiring
- ◆ Promotion
- ◆ Transfer
- ◆ Training
- ◆ Discipline
- ◆ Reassignment
- ◆ Separation
- ◆ Benefits
- ◆ All other terms and conditions of employment

What is Not Covered?

- ◆ Employers with less than eight (8) employees
- ◆ Religious institutions or organizations which do not receive more than 50% of its annual funding from federal, state, or local government sources
- ◆ Dress Codes
- ◆ Designating gender specific restroom or shower facilities

HOUSING

The Ordinance applies to all housing practices involving property including:

- ◆ Refusal to sell, rent, or lease.
- ◆ Falsely deny housing was available.
- ◆ Engage in blockbusting.
- ◆ Discriminate in broker's services.
- ◆ Discriminate in the conditions or terms of a safe, rental occupancy or in services of fair housing.
- ◆ Advertise in a discriminatory way.
- ◆ Intimidating, interfering, or coercing you to keep you from full benefit of fair housing.
- ◆ Refuse to enter into or discriminate in the terms and conditions or privileges of contract of insurance against hazards to a housing accommodation.
- ◆ Real property appraisals.

What is Not Covered?

- ◆ Units containing housing for two (2) families or less living independently and the owner resides in one unit.
- ◆ Unit of one (1) room or rooming unit and the owner resides in the unit.
- ◆ Religious organizations or non-profit organizations that operate its units strictly for its members
- ◆ Non-bona fide renters or purchasers.

PUBLIC ACCOMMODATIONS

The Ordinance applies to all places of public accommodations including but not limited to:

- ◆ Motels and hotels
- ◆ Public parks
- ◆ Social services
- ◆ Other establishments that supply goods and services to the public

Examples

- ◆ Barbers and hairdressers
- ◆ Stores and restaurants
- ◆ Theaters
- ◆ Taxis and buses

What is Covered?

- ◆ Deny any individual the full and equal enjoyment of goods, services and privileges.
- ◆ Advertising in a discriminatory way.

What is Not Covered?

- ◆ Purely private clubs, resorts or places of amusement.
- ◆ Rooming or boarding houses occupied by the proprietor as his/her residence.

The Lexington-Fayette Urban County Council passed Local Ordinance 201-99, more commonly known as the Fairness Ordinance on July 8, 1999.

The Fairness Ordinance added sexual orientation/gender identity as a protected class against discrimination in employment, housing and public accommodations

Who is Protected Under the Ordinance?

- ◆ **Sexual Orientation:** A person is protected based upon his/her actual or imputed heterosexuality, homosexuality or bisexuality.
- ◆ **Gender Identity:** A person is protected because of having a gender identity because of sex change surgery, or manifesting, for reasons other than dress, an identity not traditionally associated with one's biological maleness or femaleness.