

EXECUTIVE CABINET
Kentucky Commission on Human Rights
(Amendment)

104 KAR 1:010. Posting, distribution and availability of notices and pamphlets.

RELATES TO: KRS 344.190

STATUTORY AUTHORITY: KRS 13A.100, 344.190(14)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to establish requirements for persons defined in KRS 344.010, 344.030, 344.130 and 344.367, to post, distribute and make available notices and pamphlets.

Section 1. Equal Employment Opportunity Notices.

- (1) An employer, employment agency, licensing agency and labor organization, shall post and maintain at its establishment equal employment opportunity notices such as the Equal Employment Opportunity Poster.
- (2) Equal employment opportunity notices shall be posted and shall be readily apparent to an employee and applicant for employment. They shall be posted:
 - (a) In easily-accessible and well-lighted places; and
 - (b) At or near each location where the employee's services are performed.
- (3) A Labor organization shall post "equal employment opportunity" notices in easily-accessible and well-lighted places. The notices shall be readily apparent to member and an applicant for membership.

Section 2. Public Accommodations Welcome Notice.

- (1) An owner, lessee, proprietor, or manager of a place of public accommodation, resort, or amusement, shall post and maintain at a place of public accommodation, resort or amusement welcome notices such as the Public Accommodations Poster.
- (2) Public accommodation welcome notices shall be posted where they may be readily observed by those seeking or granting any of the accommodations, advantages, facilities, or privileges of places of public accommodations, resort or amusement.

Section 3. Equal Housing Opportunity Notices.

- (1) A person or business entity engaged in a real estate or real estate-related transaction shall post and maintain at each location where services are regularly performed, the equal housing opportunity notices such as the Fair Housing Poster.
- (2) Equal housing opportunity notices shall be posted at each location where services are regularly performed, in an easily-accessible and well-lighted place. The notice shall be readily apparent to a person seeking services.

Section 4. Fair Housing Law ~~Brochure~~[~~Pamphlets~~]. A person or entity engaged in real estate or real estate-related transactions shall provide to owners and customers at the time of sale, purchase, rental, insuring or financing of real property, a copy of the Fair Housing Brochure. [~~pamphlet "What Kentucky's Fair Housing Law Means".~~]

Section 5. Incorporation by Reference. [~~Material Incorporated by Reference.~~]

- (1) The following material is incorporated by reference:
 - (a) "Equal Employment Opportunity Poster" [~~Notice~~, February, 1993];
 - (b) "Public Accommodations Poster" [~~Welcome Notice~~, February, 1993];
 - (c) "Fair Housing Poster" [~~Equal Housing Opportunity Notice~~ February, 1993];
 - (d) "Fair Housing Brochure" [~~Pamphlet: "What Kentucky's Fair Housing Law Means", February, 1993~~].
- (2) This material may be inspected, copied, or obtained, [~~+~~] subject to applicable copyright law, [

~~[(a)] at [At] the Office of the Kentucky Commission on Human Rights, [The Heyburn Building, Suite 700,]332 West Broadway, Suite 1400, Louisville, Kentucky 40202, Monday through Friday, 8:00 a.m. to 4:30 p.m.; or from the Kentucky Commission on Human Rights Web site at <https://kchr.ky.gov/Resources/Pages/Brochures-and-Posters.aspx>.~~

~~[(b)] [By calling:]~~

~~[1.] [(502) 595-4024,]~~

~~[2.] [(800) 292-5566,]~~

~~[3.] [(502) 595-4084 (TDD), for the hearing impaired,]~~

~~[4.] [Kentucky Relay Service (800) 648-6056 (TTY/TDD).]~~

RAYMOND BURSE, Commission Chair

CYNTHIA FOX, Executive Director

APPROVED BY AGENCY: May 24, 2023

FILED WITH LRC: June 14, 2023 at 1:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 21, 2023, at 10 a.m. Eastern Time at the office of the Kentucky Commission on Human Rights, 332 W. Broadway, Louisville, Kentucky 40202. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: L. Joe Dunman, Staff Attorney Manager/Assistant General Counsel, Kentucky Commission on Human Rights, 332 W. Broadway, Louisville, Kentucky 40202, phone (502) 595-4024, email joe.dunman@ky.gov; Colt Sells, Staff Attorney II, Kentucky Commission on Human Rights, 332 W. Broadway, Louisville, Kentucky 40202, phone (502) 595-4024, email colt.sells@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: L. Joe Dunman, Staff Attorney Manager/Asst. General Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation requires employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities as required by KRS 344.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because, pursuant to KRS 344.190, it establishes notice standards and procedures enforced by the Kentucky Commission on Human Rights.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation currently assists in the administration of KRS 344 by requiring employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities in compliance with KRS 344.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment updates the names of material incorporated by reference to the most recent names given them by the Kentucky Commission on Human Rights. It also conforms the regulation to the format requirements of KRS 13A.2251 and updates the Commission's contact information.

(b) The necessity of the amendment to this administrative regulation:

The amendment to this administrative regulation is necessary to ensure employers, labor organizations, public accommodations, real estate operators, and real estate brokers can find and post the correct notices as required under KRS 344.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment to this administrative regulation is necessary to ensure employers, labor organizations, public accommodations, and housing providers can find and post the correct notices as required under KRS 344.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Regulated entities must post notices stating their compliance with the provisions of KRS 344.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No costs are imposed by this amendment. The notices are provided for free by the Kentucky Commission on Human Rights, as stated in the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance with this regulation will ensure fair and equal treatment for all Kentuckians in employment, as already required by KRS 344.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

The expected cost to implement this administrative regulation initially is nominal.

(b) On a continuing basis:

The expected cost to implement this administrative regulation on a continuing basis is nominal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Funds from the budget of the Kentucky Commission on Human Rights will be used for the implementation and enforcement of this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding is not anticipated to be necessary by the change this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees are associated with this administrative regulation.

(9) TIERING: Is tiering applied?

Tiering is not used in this administrative regulation, as this regulation will apply to all those subject to KRS 344 throughout all of the counties of the Commonwealth.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Any units, parts, or divisions of state or local governments that qualify as "employers," "labor organizations," "public accommodations," "real estate operators," or "real estate brokers" as defined by KRS 344 will be impacted by this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

This regulation is authorized by KRS 344.190.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This regulation will not generate any revenue for any state or local government in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This regulation will not generate any revenue for any state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year?

This regulation will not impose any additional costs.

(d) How much will it cost to administer this program for subsequent years?

This regulation will not impose any additional costs. Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):Not applicable.

Expenditures (+/-):Not applicable.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

(c) How much will it cost the regulated entities for the first year?

(d) How much will it cost the regulated entities for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):Not applicable.

Expenditures (+/-):Not applicable.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS13A.010(13)]. This regulation will not have a major economic impact.