

1 AN ACT relating to civil rights.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 *As used in this chapter, unless the context otherwise requires:*

5 (1) *"Commission"* means the Kentucky Commission on Human Rights;[Person" includes one (1) or more individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.]

11 (2) *"Commissioner"* means a member of the commission;[Commission" means the Kentucky Commission on Human Rights.]

13 (3) *"Credit transaction"* means any open-end or closed-end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when the credit is extended in the regular course of business of any trade or commerce, including but not limited to transactions by banks, savings and loan associations, or other financial lending institutions of whatever nature, by stockbrokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or services therefrom may be deferred;[Commissioner" means a member of the commission.]

24 (4) "Disability" means, with respect to an individual:

25 (a) A physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual;

27 (b) A record of such an impairment; or

1 (c) Being regarded as having such an impairment.

2 Persons with current or past controlled substances abuse or alcohol abuse problems

3 and persons excluded from coverage by the Americans with Disabilities Act of

4 1990, Pub. L. No. [(P.L.) 101-336, as amended,] shall not be considered

5 individuals with a disability; [excluded from this section.]

6 (5) "Discrimination" means any direct or indirect act or practice of exclusion,

7 distinction, restriction, segregation, limitation, refusal, denial, or any other act or

8 practice of differentiation or preference in the treatment of a person or persons, or

9 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under

10 this chapter; [.]

11 (6) "Discriminatory housing practice" means an act that is unlawful under Section

12 18, 19, 20, 21, or 23 of this Act; [Real property" includes buildings, structures, real

13 estate, lands, tenements, leaseholds, cooperatives, condominiums, and

14 hereditaments, corporeal and incorporeal, or any interest in the above.]

15 (7) (a) "Familial status" means one (1) or more individuals who have not attained

16 the age of eighteen (18) years and are domiciled with:

17 1. A parent or another person having legal custody of the individual or

18 individuals; or

19 2. The designee of a parent or other person having custody, with the

20 written permission of the parent or other person.

21 (b) The protection afforded against discrimination on the basis of familial

22 status shall apply to any person who is pregnant or is in the process of

23 securing legal custody of any individual who has not attained the age of

24 eighteen (18) years; [Housing accommodations" includes improved and

25 unimproved property and means any building, structure, lot or portion thereof,

26 which is used or occupied, or is intended, arranged, or designed to be used or

27 occupied as the home or residence of one (1) or more families, and any vacant

1 ~~land which is offered for sale or lease for the construction or location thereon~~
2 ~~of any such building or structure.]~~

3 (8) "*Family*" *includes a single individual;*~~[Real estate operator]~~ means any individual
4 or combination of individuals, labor organizations, joint apprenticeship committees,
5 partnerships, associations, corporations, legal representatives, mutual companies,
6 joint stock companies, trusts, unincorporated organizations, trustees in bankruptcy,
7 receivers, or other legal or commercial entity, the county, or any of its agencies, that
8 is engaged in the business of selling, purchasing, exchanging, renting, or leasing
9 real estate, or the improvements thereon, including options, or that derives income,
10 in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate;
11 or an individual employed by or acting on behalf of any of these.]

12 (9) "*Financial institution*" means a bank, banking organization, mortgage company,
13 insurance company, or other lender to whom application is made for financial
14 assistance for the purchase, lease, acquisition, construction, rehabilitation,
15 repair, maintenance, or improvement of real property, or an individual employed
16 by or acting on behalf of any of these;~~[Real estate broker]~~ or "real estate salesman"
17 means any individual, whether licensed or not, who, on behalf of others, for a fee,
18 commission, salary, or other valuable consideration, or who with the intention or
19 expectation of receiving or collecting the same, lists, sells, purchases, exchanges,
20 rents, or leases real estate, or the improvements thereon, including options, or who
21 negotiates or attempts to negotiate on behalf of others such an activity; or who
22 advertises or holds himself out as engaged in these activities; or who negotiates or
23 attempts to negotiate on behalf of others a loan secured by mortgage or other
24 encumbrance upon a transfer of real estate, or who is engaged in the business of
25 charging an advance fee or contracting for collection of a fee in connection with a
26 contract whereby he undertakes to promote the sale, purchase, exchange, rental, or
27 lease of real estate through its listing in a publication issued primarily for this

1 purpose; or any person employed by or acting on behalf of any of these.]

2 (10) "Gender identity" means having or being perceived as having a gender identity or
3 expression, whether or not traditionally associated with the sex assigned to that
4 person at birth;[Financial institution" means bank, banking organization, mortgage
5 company, insurance company, or other lender to whom application is made for
6 financial assistance for the purchase, lease, acquisition, construction, rehabilitation,
7 repair, maintenance, or improvement of real property, or an individual employed by
8 or acting on behalf of any of these.]

9 (11) "Housing accommodations" includes improved and unimproved property and
10 means any building, structure, lot, or portion thereof which is used or occupied,
11 or is intended, arranged, or designed to be used or occupied, as the home or
12 residence of one (1) or more families, and any vacant land which is offered for
13 sale or lease for the construction or location thereon of any such building or
14 structure;

15 (12) "Licensing agency" means any public or private organization which has as one (1)
16 of its duties the issuing of licenses or the setting of standards which an individual
17 must hold or must meet as a condition to practicing a particular trade or profession
18 or to obtaining certain employment within this Commonwealth[the state] or as a
19 condition to competing effectively with an individual who does hold a license or
20 meet the standards;[.]

21 {(12) "Credit transaction" shall mean any open or closed end credit transaction whether in
22 the nature of a loan, retail installment transaction, credit card issue or charge, or
23 otherwise, and whether for personal or for business purposes, in which a service,
24 finance, or interest charge is imposed, or which provides for repayment in
25 scheduled payments, when such credit is extended in the course of the regular
26 course of any trade or commerce, including but not limited to transactions by banks,
27 savings and loan associations, or other financial lending institutions of whatever

1 nature, stock brokers, or by a merchant or mercantile establishment which as part of
2 its ordinary business permits or provides that payment for purchases of property or
3 services therefrom may be deferred.]

4 (13) **"Local commission"** means a local human rights commission created pursuant
5 to Section 17 of this Act;

6 (14) **"Person"** includes one (1) or more individuals, labor organizations, joint
7 apprenticeship committees, partnerships, associations, corporations, legal
8 representatives, mutual companies, joint stock companies, limited liability
9 companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy,
10 fiduciaries, receivers, or other legal or commercial entity, or the Commonwealth
11 or any of its political or civil subdivisions or agencies;["To rent" means to lease, to
12 sublease, to let, or otherwise to grant for a consideration the right to occupy
13 premises not owned by the occupant.]

14 (15){(14)} **"Real estate broker"** or **"real estate salesperson"** means any individual,
15 whether licensed or not, who:

16 (a) **On behalf of others, for a fee, commission, salary, or other valuable**
17 **consideration, or who with the intention or expectation of receiving or**
18 **collecting the same, lists, sells, purchases, exchanges, rents, or leases real**
19 **estate, or the improvements thereon, including options;**

20 (b) **Negotiates or attempts to negotiate on behalf of others an activity described**
21 **in paragraph (a) of this subsection;**

22 (c) **Advertises or holds oneself out as engaged in activities described in**
23 **paragraph (a) of this subsection;**

24 (d) **Negotiates or attempts to negotiate on behalf of others a loan secured by a**
25 **mortgage or other encumbrance upon a transfer of real estate;**

26 (e) **Is engaged in the business of charging an advance fee or contracting for**
27 **collection of a fee in connection with a contract whereby the individual**

1 undertakes to promote the sale, purchase, exchange, rental, or lease of real
2 estate through its listing in a publication issued primarily for this purpose;
3 or

4 (f) Is employed by or acting on behalf of any person described in paragraphs
5 (a) to (e) of this subsection;[Family" includes a single individual.]

6 (16)[(15) (a)] "Real estate operator" means:

7 (a) Any individual or combination of individuals, labor organizations, joint
8 apprenticeship committees, partnerships, associations, corporations, legal
9 representatives, mutual companies, joint stock companies, limited liability
10 companies, trusts, unincorporated organizations, trustees in bankruptcy,
11 receivers, or other legal or commercial entities, the county, or any of its
12 agencies, that:

13 1. Is engaged in the business of selling, purchasing, exchanging, renting,
14 or leasing real estate, or the improvements thereon, including options;
15 or

16 2. Derives income, in whole or in part, from the sale, purchase,
17 exchange, rental, or lease of real estate; or

18 (b) An individual employed by or acting on behalf of any individual or entity
19 described in paragraph (a) of this subsection;[Familial status" means one
20 (1) or more individuals who have not attained the age of eighteen (18) years
21 and are domiciled with:

22 1. A parent or another person having legal custody of the individual or
23 individuals; or
24 2. The designee of a parent or other person having custody, with the
25 written permission of the parent or other person.

26 (b) The protection afforded against discrimination on the basis of familial status
27 shall apply to any person who is pregnant or is in the process of securing legal

1 custody of any individual who has not attained the age of eighteen (18) years.]

2 (17)[(16)] "Real estate-related transaction" means:

3 (a) The making or purchasing of loans or providing other financial assistance:

4 1. For purchasing, constructing, improving, repairing, or maintaining a
5 *housing accommodation; or*

6 2. *Secured by real estate; or*

(b) The selling, brokering, or appraising of real property, except that a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or familial status;[Discriminatory housing practice" means an act that is unlawful under KRS 344.360, 344.367, 344.370, 344.380, or 344.680.]

13 (18) "Real property" includes buildings, structures, real estate, lands, tenements,
14 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and
15 incorporeal, or any interest in them;

18 (20) "To rent" means to lease, sublease, let, or otherwise grant for a consideration the
19 right to occupy premises not owned by the occupant.

20 ➔ Section 2. KRS 344.020 is amended to read as follows:

21 (1) The general purposes of this chapter are:

22 (a) To provide for execution within the Commonwealth[state] of the policies
23 embodied in the[Federal] Civil Rights Act of 1964, Pub. L. No. 88-352, as
24 amended[(78 Stat. 241), Title VIII of the Federal Civil Rights Act of 1968
25 (82 Stat. 81)], the Fair Housing Act, Pub. L. No. 90-284, as amended[(42
26 U.S.C. 360)], the[Federal] Age Discrimination in Employment Act of 1967,
27 Pub. L. No. 90-202, as amended[(81 Stat. 602)], the Americans with

1 Disabilities Act of 1990, Pub. L. No. [(P.L.) 101-336]), as amended, and the
2 Civil Rights Act of 1991, Pub. L. No. 102-166, as amended[(P.L. 102-166,
3 amended by P.L. 102-392)];

4 (b) To safeguard all individuals within the Commonwealth[state] from
5 discrimination because of familial status, race, color, religion, national origin,
6 sex, sexual orientation, gender identity, age forty (40) and over, or because
7 of the person's status as a qualified individual with a disability as defined in
8 ~~KRS 344.010 and~~ KRS 344.030; thereby to protect their interest in personal
9 dignity and freedom from humiliation, to make available to the
10 Commonwealth[state] their full productive capacities, to secure the
11 Commonwealth[state] against domestic strife and unrest which would menace
12 its democratic institutions, to preserve the public safety, health, and general
13 welfare, and to further the interest, rights, and privileges of individuals within
14 the Commonwealth[state]; and

15 (c) To establish as the policy of the Commonwealth the safeguarding of the rights
16 of an individual selling or leasing the individual's[his] primary residence
17 through private sale without the aid of any real estate operator, broker, or
18 salesperson[salesman] and without advertising or public display.

19 (2) This chapter shall be construed to further the general purposes stated in this section
20 and the special purposes of the particular provision involved.

21 (3) Nothing in this chapter shall be construed as indicating an intent to exclude local
22 laws on the same subject matter not inconsistent with this chapter.

23 (4) Nothing contained in this chapter shall be deemed to repeal any other law of this
24 Commonwealth[state] relating to discrimination because of familial status, race,
25 color, religion, national origin, sex, sexual orientation, gender identity, age forty
26 (40) and over, or because of the person's status as a qualified individual with a
27 disability as defined in KRS 344.030.

1 ➔Section 3. KRS 344.025 is amended to read as follows:

2 No provision in KRS Chapter 18A shall be construed to preclude any classified or
3 unclassified state employee from appealing to the personnel board any action alleged to
4 be in violation of laws prohibiting discrimination based on an individual's~~a person's~~
5 ~~status as a qualified individual with a disability,]~~ sex, sexual orientation, gender identity,
6 age, religion, ~~or~~ race, ~~or~~ national origin, or because the person is a qualified
7 individual with a disability as defined in KRS 344.030, in accordance with this chapter.

8 ➔Section 4. KRS 344.040 is amended to read as follows:

9 (1) It is an unlawful practice for an employer:

10 (a) To fail or refuse to hire, or to discharge any individual, or otherwise to
11 discriminate against an individual with respect to compensation, terms,
12 conditions, or privileges of employment, because of the individual's race,
13 color, religion, national origin, sex, sexual orientation, gender identity, age
14 forty (40) and over, because the person is a qualified individual with a
15 disability, or because the individual is a smoker or nonsmoker, as long as the
16 individual~~person~~ complies with any workplace policy concerning smoking;

17 (b) To limit, segregate, or classify employees in any way which would deprive or
18 tend to deprive an individual of employment opportunities or otherwise
19 adversely affect status as an employee, because of the individual's race, color,
20 religion, national origin, sex, sexual orientation, gender identity,~~or~~ age
21 forty (40) and over, because the person is a qualified individual with a
22 disability, or because the individual is a smoker or nonsmoker, as long as the
23 individual~~person~~ complies with any workplace policy concerning smoking;

24 (c) To fail to make reasonable accommodations for any employee with
25 limitations related to pregnancy, childbirth, or a related medical condition
26 who requests an accommodation, including but not limited to the need to
27 express breast milk, unless the employer can demonstrate the accommodation

would impose an undue hardship on the employer's program, enterprise, or business. The following shall be required as to reasonable accommodations:

1. An employee shall not be required to take leave from work if another reasonable accommodation can be provided;
2. The employer and employee shall engage in a timely, good faith, and interactive process to determine effective reasonable accommodations; and
3. If the employer has a policy to provide, would be required to provide, is currently providing, or has provided a similar accommodation to other classes of employees, then a rebuttable presumption is created that the accommodation does not impose an undue hardship on the employer; or

(d) To require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products outside the course of employment, as long as the individual[person] complies with any workplace policy concerning smoking.

(2) (a) A difference in employee contribution rates for smokers and nonsmokers in relation to an employer-sponsored health plan shall not be deemed to be an unlawful practice in violation of this section.

(b) The offering of incentives or benefits offered by an employer to employees who participate in a smoking cessation program shall not be deemed to be an unlawful practice in violation of this section.

(3) (a) An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth, and related medical conditions, including the right to reasonable accommodations, to:

1. New employees at the commencement of employment; and
2. Existing employees[not later than thirty (30) days after June 27, 2019].

(b) An employer shall conspicuously post a written notice of the right to be free

from discrimination in relation to pregnancy, childbirth, and related medical conditions, including the right to reasonable accommodations, at the employer's place of business in an area accessible to employees.

4 ➔Section 5. KRS 344.050 is amended to read as follows:

5 (1) It is an unlawful practice for an employment agency to fail or refuse to refer for
6 employment[,] or to otherwise~~to~~ discriminate against[,] an individual because of
7 his] race, color, religion, national origin, sex, sexual orientation, gender identity,
8 or] age forty (40) and over, or because the person is a qualified individual with a
9 disability, or to classify or refer for employment an individual because of~~on the~~
10 ~~basis of disability,~~] race, color, religion, national origin, sex, sexual orientation,
11 gender identity,~~or~~ age~~between~~] forty (40) and over, or because the person is a
12 qualified individual with a disability~~seventy (70)~~.
13 (2) It is an unlawful practice for a licensing agency to refuse to license, or to bar or
14 terminate from licensing an individual because of race, color, religion, national
15 origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and over, or
16 because the person is a qualified individual with a disability.

17 ➔Section 6. KRS 344.060 is amended to read as follows:

18 It is an unlawful practice for a labor organization:

19 (1) To exclude or to expel from its membership[,] or to otherwise~~to~~ discriminate
20 against~~,~~ a member~~,~~ or applicant for membership~~,~~ because of race, color, religion,
21 national origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and
22 over, or because the person is a qualified individual with a disability.

23 (2) To limit, segregate, or classify its membership, or to classify or fail to refuse to
24 refer for employment an individual, in any way which would deprive or tend to
25 deprive an individual of employment opportunities, or would limit such
26 employment opportunities or otherwise adversely affect the status as an employee
27 or as an applicant for employment, because of race, color, religion, national origin,

1 sex, sexual orientation, gender identity,~~or~~ age forty (40) and over, or because the
2 person is a qualified individual with a disability.

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

5 ➔Section 7. KRS 344.070 is amended to read as follows:

6 It is an unlawful practice for an employer, labor organization, or joint labor-management
7 committee controlling apprenticeship or other training or retraining, including on-the-job
8 training programs, to discriminate against an individual because of race, color, religion,
9 national origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and over, or
10 because the person is a qualified individual with a disability in admission to or
11 employment in, any program established to provide apprenticeship or other training.

12 ➔Section 8. KRS 344.080 is amended to read as follows:

13 It is an unlawful practice for an employer, labor organization, licensing agency, or
14 employment agency to print or publish or cause to be printed or published a notice or
15 advertisement relating to employment by such an employer or membership in or any
16 classification or referral for employment by the employment or licensing agency,
17 indicating any preference, limitation, specification, or discrimination, based on race,
18 color, religion, national origin, sex, sexual orientation, gender identity,~~or~~ age forty
19 (40) and over, or because the person is a qualified individual with a disability, except that
20 such a notice or advertisement may indicate a preference, limitation, or specification
21 based on religion, national origin, sex, sexual orientation, gender identity,~~or~~ age forty
22 (40) and over, or because the person is a qualified individual with a disability, when
23 religion, national origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and
24 over, or because the person is a qualified individual with a disability, is a bona fide
25 occupational qualification for employment.

26 ➔Section 9. KRS 344.100 is amended to read as follows:

27 [~~Notwithstanding~~] Any~~other~~ provision of this chapter to the contrary notwithstanding,

1 it is not an unlawful practice for an employer to apply different standards of
2 compensation, or different terms, conditions, or privileges of employment pursuant to a
3 bona fide seniority or merit system, or a system which measures earnings by quantity or
4 quality of production or to employees who work in different locations, if the differences
5 are not the result of an intention to discriminate because of race, color, religion, national
6 origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and over, or because
7 the person is a qualified individual with a disability, nor is it an unlawful practice for an
8 employer to give and to act upon the results of any professionally developed ability test
9 provided that the test, its administration, or action upon the results thereof is not
10 designed, intended, or used to discriminate because of race, color, religion, national
11 origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and over, or because
12 the person is a qualified individual with a disability.

13 ➤Section 10. KRS 344.110 is amended to read as follows:

14 (1) Nothing~~contained~~ in this chapter requires an employer, employment agency,
15 labor organization, or joint labor-management committee subject to this chapter to
16 grant preferential treatment to an individual or to a group because of the race, color,
17 religion, national origin, sex, sexual orientation, gender identity,~~or~~ age forty (40)
18 and over, or because the person is a qualified individual with a disability, of the
19 individual or group on account of an imbalance which may exist with respect to the
20 total number or percentage of individuals~~persons~~ of any race, color, religion,
21 national origin, sex, sexual orientation, gender identity,~~or~~ age forty (40) and
22 over, or because the person is a qualified individual with a disability, employed by
23 an employer, referred or classified for employment by an employment agency or
24 labor organization, admitted to membership or classified by a labor organization, or
25 admitted to, or employed in, an apprenticeship or other training program, in
26 comparison with the total number or percentage of individuals~~persons~~ of race,
27 color, religion, national origin, sex, sexual orientation, gender identity,~~or~~ age

1 forty (40) and over, or because the person is a qualified individual with a disability,
2 in the Commonwealth~~state~~ or a community, section, or other area, or in the
3 available workforce in the Commonwealth~~state~~ or a community, section, or other
4 area.

5 (2) Nothing~~contained~~ in this chapter shall prohibit:

6 (a) Minimum hiring ages otherwise provided by law;~~•~~

7 (b) State compliance with federal regulations;~~•~~

8 (c) Termination of the employment of any person who is unable to perform the
9 essential functions of the job, with or without reasonable accommodation;~~•~~

10 (d) Any post-job-offer physical or medical examinations of applicants or
11 employees which an employer requires to determine their ability to perform
12 the essential functions of the job, with or without reasonable accommodation;
13 or~~•~~

14 (e) An employer, labor organization, or employment agency from observing the
15 terms of a bona fide seniority system or any bona fide employee benefit plan
16 such as a retirement, pension, or insurance plan which is not a subterfuge to
17 evade the purposes of this chapter, except that no such employee benefit plan
18 shall excuse the failure to hire any individual.

19 ➔Section 11. KRS 344.120 is amended to read as follows:
20 Except as otherwise provided in KRS 344.140 and 344.145, it is an unlawful practice for
21 a person to deny an individual the full and equal enjoyment of the goods, services,
22 facilities, privileges, advantages, and accommodations of a place of public
23 accommodation, resort, or amusement because~~•, as defined in KRS 344.130, on the~~
24 ~~ground~~ of the individual's disability, race, color, religion,~~• or~~ national origin, sexual
25 orientation, or gender identity.

26 ➔Section 12. KRS 344.140 is amended to read as follows:
27 It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue,

1 display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a
2 written, printed, oral, or visual communication, notice, or advertisement, which indicates
3 that the goods, services, facilities, privileges, advantages, and accommodations of a place
4 of public accommodation, resort, or amusement will be refused, withheld from, or denied
5 an individual because[on account] of disability, race, color, religion,[or] national origin,
6 sexual orientation, or gender identity, or that the patronage of, or presence at, a place of
7 public accommodation, resort, or amusement, of an individual, because[on account] of
8 disability, race, color, religion,[or] national origin, sexual orientation, or gender identity
9 is objectionable, unwelcome, unacceptable, or undesirable.

10 ➔Section 13. KRS 344.170 is amended to read as follows:

11 The function of the commission shall be to encourage fair treatment for, to foster mutual
12 understanding and respect among, and to discourage discrimination against individuals
13 on the basis of disability, race, color, religion, national origin, sex, sexual orientation,
14 gender identity, or age forty (40) and over[any racial or ethnic group or its members].

15 ➔Section 14. KRS 344.180 is amended to read as follows:

16 The powers and duties of the commission shall be:

- 17 (1) To employ an executive director and other necessary personnel within the limits of
18 funds made available;
- 19 (2) To conduct research projects or make studies into and publish reports on
20 discrimination in Kentucky;
- 21 (3) To receive and investigate complaints of discrimination and to recommend ways of
22 eliminating any injustices occasioned thereby;
- 23 (4) To hold public hearings and request the attendance of witnesses;
- 24 (5) To cooperate with other organizations, public and private, to discourage
25 discrimination;
- 26 (6) To encourage fair treatment for all persons regardless of disability, race, color,
27 religion, national origin, sex, sexual orientation, gender identity, or age forty (40)

1 and over[national ancestry]; and

2 (7) To make an annual report to the Governor and the General Assembly of its
3 activities under this chapter.

4 ➔Section 15. KRS 344.190 is amended to read as follows:

5 In the enforcement of this chapter, the commission~~on Human Rights~~ shall have the
6 following powers and duties:

7 (1) To maintain an office in the city of Louisville and other offices within the
8 Commonwealth~~state~~ as may be deemed necessary;[.]

9 (2) To meet and exercise its powers at any place within the Commonwealth;[.]

10 (3) Within the limitations provided by law, to appoint an executive director, attorneys,
11 hearing examiners, clerks, and other employees and agents as it may deem
12 necessary. At the direction of the commission, attorneys appointed under this
13 section may appear for and represent the commission in any court. The commission
14 may, by written order, delegate the authority given by this subsection to its
15 executive director, except as that authority relates to the appointment of its
16 executive director;[.]

17 (4) To promote the creation of local commissions on human rights, to cooperate with
18 state, local, and other agencies, both public and private, and individuals, and to
19 obtain upon request and utilize the services of all governmental departments and
20 agencies;[.]

21 (5) To cooperate with the~~United States~~ Equal Employment Opportunity Commission,
22 created by~~Section 705 of~~ the Civil Rights Act of 1964, Pub. L. No. 88-352[(78
23 Stat. 241)],~~in order to achieve the purposes of that act,~~ and with other federal and
24 local agencies in order to achieve the purposes of that act, and with other federal
25 and local agencies in order to achieve the purposes of this chapter;[.]

26 (6) To accept gifts or bequests, grants, or other payments, public or private, to help
27 finance its activities;[.]

1 (7) To accept reimbursement pursuant to Section 709(b) of the Civil Rights Act of
2 1964, Pub. L. No. 88-352, ~~(78 Stat. 241)~~ for services rendered to assist the~~Federal~~ Equal Employment Opportunity Commission;~~;~~

4 (8) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon
5 complaints alleging violations of this chapter;~~;~~

6 (9) At any time after a complaint is filed, to require answers to interrogatories, compel
7 the attendance of witnesses, examine witnesses under oath or affirmation in person
8 or by deposition, and require the production of documents relevant to the complaint.
9 The commission may make rules authorizing any member or individual designated
10 to exercise these powers in the performance of official duties;~~;~~

11 (10) To furnish technical assistance requested by persons subject to this chapter to
12 further their compliance with this chapter or an order issued thereunder;~~;~~

13 (11) To make studies appropriate to effectuate the purposes and policies of this chapter
14 and to make the results thereof available to the public;~~;~~

15 (12) To render annual written reports to the Governor and the General
16 Assembly~~Legislature~~. The reports may contain recommendations of the
17 commission for legislative or other action to effectuate the purposes and policies of
18 this chapter;~~;~~

19 (13) To create local or statewide advisory agencies that in its judgment will aid in
20 effectuating the purpose of this chapter. The commission may empower these
21 agencies:
22 (a) To study and report on problems of discrimination because of disability, race,
23 color, religion,~~or~~ national origin, sex, sexual orientation, gender identity,
24 or age forty (40) and over;~~;~~
25 (b) To foster, through community effort or otherwise, goodwill among the groups
26 and elements of the population of the Commonwealth;~~;~~ and
27 (c) To make recommendations to the commission for the development of policies

1 and practices that will aid in carrying out the purposes of this chapter.
2 Members of these agencies~~such committees~~ shall serve without pay but
3 shall be reimbursed for expenses incurred in~~such~~ service. The commission
4 may make provision for technical and clerical assistance to the
5 agencies~~committees~~.

6 (14) To~~adopt~~ promulgate administrative~~amend, and rescind~~ regulations to
7 effectuate the purposes and provisions of this chapter, including regulations
8 requiring the posting of notices prepared or approved by the commission; and~~.~~
9 (15) To purchase liability insurance for the protection of all members of the commission
10 to protect them from liability arising in the course of pursuing their duties as
11 members of the commission and for all full-time employees to protect them from
12 liability arising in the course or scope of their employment. This insurance shall be
13 purchased with money contained in the agency-appropriated~~agency appropriated~~
14 budget.

15 ➔Section 16. KRS 344.300 is amended to read as follows:

16 (1) City, county, urban-county, consolidated local, unified local, and charter county
17 governments~~Cities and counties~~ are authorized to adopt and enforce ordinances,
18 orders, and resolutions prohibiting all forms of discrimination, including
19 discrimination on the basis of race, color, religion, disability, familial status,~~or~~
20 national origin, sex, sexual orientation, gender identity, or age, and to prescribe
21 penalties for violations thereof, such penalties being in addition to the remedial
22 orders and enforcement herein authorized.

23 (2) City, county, urban-county, consolidated local, unified local, and charter county
24 governments~~Cities and counties~~ may adopt and enforce ordinances, orders, and
25 resolutions prohibiting discrimination.~~;~~ An~~no~~ ordinance, order, or resolution
26 shall not attempt to exempt more transactions from its coverage than are exempted
27 by KRS 344.362 and 344.365.

1 ➔Section 17. KRS 344.310 is amended to read as follows:
2 Any city, ~~or~~ county, urban-county, consolidated local, unified local, or charter county
3 government, or one (1) or more of those local governments~~cities and counties~~ acting
4 jointly, may create a local ~~human rights~~ commission~~(hereinafter a "local~~
5 ~~commission")~~to:

6 (1) ~~To~~ Provide for execution within its jurisdiction of the policies embodied in this
7 chapter and the~~Federal~~ Civil Rights Act of 1964, Pub. L. No. 88-352, as
8 amended~~(78 Stat. 241)~~; and
9 (2) ~~To~~ Safeguard all individuals within its jurisdiction from discrimination because of
10 race, color, religion, ~~or~~ national origin, sex, sexual orientation, gender identity, or
11 age.

12 ➔Section 18. KRS 344.360 is amended to read as follows:

13 (1) It is an unlawful housing practice for a real estate operator, ~~or for a~~ real estate
14 broker, real estate salesperson~~salesman~~, or any person employed by or acting on
15 behalf of any of these:

16 (a)~~(1)~~ To refuse to sell, exchange, rent, or lease, or otherwise deny to or
17 withhold, real property from any person because of race, color, religion, sex,
18 sexual orientation, gender identity, familial status, disability, or national
19 origin;

20 (b)~~(2)~~ To discriminate against any person because of race, color, religion, sex,
21 sexual orientation, gender identity, familial status, disability, or national
22 origin in the terms, conditions, or privileges of the sale, exchange, rental, or
23 lease of real property or in the furnishing of facilities or services in connection
24 therewith;

25 (c)~~(3)~~ To refuse to receive or transmit a bona fide offer to purchase, rent, or
26 lease real property from any person because of race, color, religion, sex,
27 sexual orientation, gender identity, familial status, disability, or national

1 origin;

10 **(f)(6)** To make, print, circulate, post, or mail or cause to be printed, circulated,
11 posted, or mailed an advertisement or sign, or to use a form of application for
12 the purchase, rental, or lease of real property, or to make a record of inquiry in
13 connection with the prospective purchase, rental, or lease of real property,
14 which indicates, directly or indirectly, a limitation, specification, or
15 discrimination as to race, color, religion, sex, **sexual orientation, gender**
16 **identity**, familial status, disability, or national origin or an intent to make such
17 a limitation, specification, or discrimination;

24 **(h){8}** To otherwise deny to or withhold real property from any person because
25 of [his] race, color, religion, sex, **sexual orientation, gender identity**, familial
26 status, disability, or national origin;

27 (i) [9] To discriminate in the sale or rental, or to otherwise make unavailable or

1 deny, a housing accommodation to any buyer or renter because of a disability
2 of:

3 1. [(a)] That buyer or renter;

4 2. [(b)] A person residing in or intending to reside in that housing
5 accommodation after it is~~so~~ sold, rented, or made available; or

6 3. [(c)] Any person associated with that buyer or renter; or

7 (i) [(10)] To discriminate against any person in the terms, conditions, or privileges
8 of sale or rental of a dwelling, or in the provision of services or facilities in
9 connection with ~~a~~such housing accommodation, because of a disability of:

10 1. [(a)] That person;~~or~~

11 2. [(b)] A person residing in or intending to reside in that housing
12 accommodation after it is sold, rented, or made available; or

13 3. [(c)] Any person associated with that person.

14 (2) [(11)] For purposes of this section, discrimination includes:

15 (a) A refusal to permit, at the expense of the disabled person, reasonable
16 modifications of existing premises occupied or to be occupied by a person, if
17 the modifications may be necessary to afford the person full enjoyment of the
18 premises; except that, in the case of a rental, the landlord may, where it is
19 reasonable to do so, condition permission for a modification on the renter
20 agreeing to restore the interior of the premises to the condition that existed
21 before the modification, reasonable wear and tear excepted;~~or~~

22 (b) A refusal to make reasonable accommodations in rules, policies, practices, or
23 services, when the accommodations may be necessary to afford the person
24 equal opportunity to use and enjoy a housing accommodation; or

25 (c) In connection with the design and construction of covered multifamily
26 housing accommodations for first occupancy after January 1, 1993, a failure
27 to design and construct those housing accommodations in a manner ensuring

1 that they have at least one (1) entrance on an accessible route unless
2 impractical to do so because of the terrain or unusual characteristics of the
3 site. Housing accommodations with a building entrance on an accessible route
4 shall comply with the following requirements:

- 5 1. The public use and common use portions of the housing
6 accommodations shall be readily accessible to and usable by disabled
7 persons;
- 8 2. All the doors designed to allow passage into and within all premises
9 within the housing accommodations shall be sufficiently wide to allow
10 passage by disabled persons in wheelchairs; and
- 11 3. All premises within the housing accommodations shall contain the
12 following features of adaptive design:
 - 13 a. An accessible route into and through the housing accommodation;
 - 14 b. Light switches, electrical outlets, thermostats, and other
15 environmental controls in accessible locations;
 - 16 c. Reinforcements in bathroom walls to allow later installation of
17 grab bars; and
 - 18 d. Usable kitchens and bathrooms so that an individual in a
19 wheelchair can maneuver about the space.

20 (3)(12) Compliance with the appropriate requirements of the American National
21 Standard for buildings and facilities providing accessibility and usability for
22 physically disabled persons, [commonly cited as "ANSI A117.1 - 1986,"]
23 suffices to satisfy the requirements of subsection (2)(11)(c)3. of this section.

24 (4)(13) As used in subsection (2)(11) of this section, the term "covered multifamily
25 housing accommodation" means:

- 26 (a) Buildings consisting of four (4) or more units if the buildings have one (1) or
27 more elevators; and

1 (b) Ground floor units in other buildings consisting of two (2) or more units

2 (5)[(14)] Nothing in this section requires that a housing accommodation be made
3 available to an individual whose tenancy would constitute a direct threat to the
4 health or safety of other individuals or whose tenancy would result in substantial
5 physical damage to the property of others.

6 ➔Section 19. KRS 344.367 is amended to read as follows:

7 It is an unlawful practice for a person in the business of insuring against hazards to refuse
8 to enter into, or discriminate in the terms, conditions, or privileges of, a contract of
9 insurance against hazards to a housing accommodation because of the race, color,
10 religion, national origin, familial status, disability, ~~or~~ sex, **sexual orientation, or gender**
11 **identity** of persons owning~~or~~ or residing in or near the housing accommodation.

12 ➔Section 20. KRS 344.370 is amended to read as follows:

13 It is an unlawful practice for a financial institution or for any person or other entity whose
14 business includes engaging in real estate-related transactions:

15 (1) To discriminate against an individual because of the race, color, religion, or
16 national origin, familial status, disability, sex, sexual orientation, gender identity,
17 or age of the individual or the present or prospective owner, tenant, or occupant of
18 the real property or of a member, stockholder, director, officer, employee, or
19 representative of any of these, in the granting, withholding, extending, modifying,
20 or renewing the rates, terms, conditions, privileges, or other provisions of financial
21 assistance or in the extension of services in connection therewith;

22 (2) To use a form of application for financial assistance or to make or keep a record or
23 inquiry in connection with applications for financial assistance which indicate,
24 directly or indirectly, a limitation, specification, or discrimination as to race, color,
25 religion, national origin, familial status, disability, sex, sexual orientation, or
26 gender identity,~~[national origin]~~ or an intent to make such a limitation,
27 specification, or discrimination; or

1 (3) To discriminate by refusing to give full recognition, because of sex, to the income
2 of each spouse or the total income and expenses of both spouses where both
3 spouses become or are prepared to become joint or several obligors in real estate
4 transactions[; or

5 (4) ~~As used in this section, the term "real estate related transaction" means any of the~~
6 ~~following:~~

7 (a) ~~The making or purchasing of loans or providing other financial assistance;~~
8 ~~1. For purchasing, constructing, improving, repairing, or maintaining a~~
9 ~~housing accommodation; or~~
10 ~~2. Secured by real estate.~~

11 (b) ~~The selling, brokering, or appraising of real property except that a person~~
12 ~~engaged in the business of furnishing appraisals of real property may take into~~
13 ~~consideration factors other than race, color, religion, national origin, sex,~~
14 ~~disability, or familial status}.~~

15 ➔Section 21. KRS 344.380 is amended to read as follows:

16 It is an unlawful practice for a real estate operator, a real estate broker, a real estate
17 **salesperson**[salesman], a financial institution, an employee of any of these, or any other
18 person, for the purpose of inducing a real estate transaction from which a person may
19 benefit financially:

20 (1) To represent that a change has occurred or will or may occur in the composition
21 with respect to race, color, religion, sex, **sexual orientation, gender identity,**
22 disability, familial status, or national origin of the owners or occupants in the block,
23 neighborhood, or area in which the real property is located;
24 (2) To represent that this change will or may result in the lowering of property values,
25 an increase in criminal or antisocial behavior, or a decline in the quality of schools
26 in the block, neighborhood, or area in which the real property is located; or
27 (3) To induce or attempt to induce any person to sell or rent any dwelling by

1 representations regarding the entry or prospective entry into the neighborhood of a
2 person or persons of a particular race, color, religion, sex, sexual orientation,
3 gender identity, disability, familial status, or national origin.

4 ➔Section 22. KRS 344.400 is amended to read as follows:

5 (1) It shall be an unlawful practice for any person, whether acting on behalf of
6 oneself or another, in connection with any credit transaction because of
7 race, color, religion, national origin, ~~or~~ sex, sexual orientation, or gender identity
8 to:

9 (a) Deny credit to any person;

10 (b) Increase the charges or fees for or collateral required to secure any credit
11 extended to any person;

12 (c) Restrict the amount or use of credit extended or impose different terms or
13 conditions with respect to the credit extended to any person or any item or
14 service related thereto; or

15 (d) Attempt to do any of the unlawful practices defined in this section.

16 (2) The provisions of this section shall not prohibit any party to a credit transaction
17 from considering the credit history of any individual applicant.

18 (3) The provisions of this section shall not prohibit any party to a credit transaction
19 from considering the application of Kentucky law on dower and, courtesy or,
20 descent and distribution to the particular case or from taking reasonable action
21 thereon.

22 ➔Section 23. KRS 344.680 is amended to read as follows:

23 It shall be unlawful to deny any person access to, or membership or participation in, any
24 multiple listing service, real estate brokers' organization, or other service, organization, or
25 facility relating to the business of selling or renting housing accommodations, or to
26 discriminate against a person in the terms or conditions of access, membership, or
27 participation, on account of race, color, religion, sex, sexual orientation, gender identity,

1 disability, familial status, or national origin.

2 ➔Section 24. KRS 18A.095 is amended to read as follows:

3 (1) A classified employee with status shall not be dismissed, demoted, suspended
4 without pay, ~~for~~ involuntarily transferred, or otherwise penalized except for cause.

5 (2) Prior to dismissal, a classified employee with status shall be notified in writing of
6 the intent to dismiss the employee~~him or her~~. The notice shall also state:

7 (a) The specific reasons for dismissal including:

8 1. The statutory, regulatory, or policy violation;

9 2. The specific action or activity on which the intent to dismiss is based;

10 3. The date, time, and place of such action or activity; and

11 4. The names of the parties involved;

12 (b) That the employee has the right to appear personally, or with counsel if the
13 employee~~he or she~~ has retained counsel, to reply to the appointing authority
14 or the cabinet's or agency's~~his or her~~ designee; and

15 (c) Whether the employee is placed on administrative leave by the appointing
16 authority with pay upon receiving the intent to dismiss letter prior to the
17 agency's final action.

18 (3) The Personnel Cabinet shall prescribe and distribute a pretermination form to be
19 completed and forwarded by an employee who wishes to appear before the
20 appointing authority or the cabinet's or agency's~~his or her~~ designee. The form
21 shall be attached to every notice of intent to dismiss and shall contain written
22 instructions explaining:

23 (a) The right granted an employee under the provisions of this section relating to
24 pretermination hearings; and

25 (b) The time limits and procedures to be followed by all parties in pretermination
26 hearings.

27 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,

1 excluding the day the employee~~he or she~~ receives the notice, the employee may
2 request to appear, personally or with counsel if the employee~~he or she~~ has retained
3 counsel, to reply to the appointing authority or the cabinet's or agency's~~his or her~~
4 designee.

5 (5) Unless agreed to by the appointing authority or the cabinet's or agency's~~his or her~~
6 designee and the employee, the appearance shall be scheduled within six (6)
7 working days after receipt of an employee's request to appear before the appointing
8 authority or the cabinet's or agency's~~his or her~~ designee, excluding the day the
9 employee's~~his or her~~ request is received.

10 (6) No later than five (5) working days after the employee appears before the
11 appointing authority or the cabinet's or agency's~~his or her~~ designee, excluding the
12 day of the appearance, the cabinet head or agency or the cabinet's or agency's~~his~~
13 ~~or her~~ designee shall:

14 (a) Determine whether to dismiss the employee or to modify or rescind the intent
15 to dismiss; and

16 (b) Notify the employee in writing of the decision.

17 (7) If the appointing authority or the cabinet's or agency's~~his or her~~ designee
18 determines that the employee shall be dismissed, the employee shall be notified in
19 writing of:

20 (a) The effective date of the employee's~~his or her~~ dismissal;

21 (b) The specific reason for the dismissal, including:

22 1. The statutory, regulatory, or policy violation;

23 2. The specific action or activity on which the dismissal is based;

24 3. The date, time, and place of the action or activity; and

25 4. The names of the parties involved; and

26 (c) That the employee~~he or she~~ may appeal the dismissal to the board within
27 thirty (30) calendar days after receipt of this notification, excluding the day

1 *the employee*~~he or she~~ receives notice.

2 (8) A classified employee with status who is demoted, suspended without pay, or
3 involuntarily transferred shall be notified in writing of:

4 (a) The demotion, suspension, or involuntary transfer;

5 (b) The effective date of the demotion, suspension, or involuntary transfer;

6 (c) The specific reason for the demotion, suspension, or involuntary transfer,
7 including:

8 1. The statutory, regulatory, or policy violation;

9 2. The specific action or activity on which the demotion, suspension, or
10 involuntary transfer is based;

11 3. The date, *time*, and place of the action or activity; and

12 4. The names of the parties involved; and

13 (d) That *the employee*~~he or she~~ has the right to appeal to the board within *sixty*
14 ~~(60)~~*thirty (30)* calendar days, excluding the day that *the employee*~~he or she~~
15 received notification of the personnel action.

16 (9) Any unclassified employee who is dismissed, demoted, suspended without pay, or
17 involuntarily transferred for cause may, within *sixty (60)*~~(thirty (30))~~ calendar days
18 after the dismissal, demotion, suspension, or involuntary transfer, appeal to the
19 board for review thereof.

20 (10) (a) An employee whose position is reallocated shall be notified in writing by the
21 appointing authority of:

22 1. The reallocation or reclassification; and

23 2. If the reallocation or reclassification is to a lower grade, *the*
24 *employee's*~~his or her~~ right to request reconsideration by the secretary
25 within ten (10) working days of receipt of the notice, excluding the day
26 *the employee*~~he or she~~ receives notification.

27 (b) The employee shall file a written request for reconsideration of the

1 reallocation or reclassification to a lower grade with the secretary in a manner
2 and form prescribed by the secretary and shall be given a reasonable
3 opportunity to be heard by the secretary. The secretary shall make a
4 determination within sixty (60) calendar days after the request has been filed
5 by an employee. The secretary's determination shall be final and shall not be
6 appealable to the Personnel Board.

7 (11) (a) Any applicant, classified employee, or federally funded time-limited
8 employee may appeal to the board an action alleged to be based on
9 discrimination due to race, color, religion, national origin, sex, sexual
10 orientation, gender identity, disability, age forty (40) and over{above}, or any
11 other category protected under state or federal civil rights laws. Nothing in
12 this section shall be construed to preclude any applicant, classified employee,
13 or unclassified employee from filing with the Kentucky Commission on
14 Human Rights a complaint alleging discrimination on the basis of race, color,
15 religion, national origin, sex, sexual orientation, gender identity, disability,
16 or age in accordance with KRS Chapter 344.

17 (b) Appeals alleging discrimination shall be filed within sixty (60){thirty (30)}
18 calendar days after the alleged discriminatory action occurred.

19 (12) (a) Any applicant for classified employment under KRS Chapter 18A who has
20 been notified by the Personnel Cabinet that the applicant{he or she} did not
21 meet the minimum qualifications for a position may request reconsideration
22 from the secretary not more than ten (10) calendar days after the notification
23 was sent. The secretary's review and determination of the reconsideration
24 shall be completed within ten (10) calendar days from the receipt of the
25 request for reconsideration. The secretary's determination shall be final and
26 shall not be appealable to the Personnel Board.

27 (b) Any applicant for employment in a classified position under KRS Chapter

1 18A may appeal the hiring agency's nonselection based on an alleged
2 violation of appointment and promotion provisions contained in this chapter
3 or administrative regulations promulgated under this chapter to the board. The
4 appeal shall be filed not later than thirty (30) calendar days after the notice of
5 nonselection was mailed or sent electronically.

6 (13) When the name of an employee who qualifies for a position is~~has his or her name~~
7 removed from the register, the employee may petition the secretary for the
8 opportunity to be heard by the secretary or the secretary's~~his or her~~ designee. The
9 petition shall be delivered to the secretary in writing or electronically no later than
10 ten (10) calendar days after the removal notification has been sent. The secretary's
11 decision shall be final and not appealable to the Personnel Board.

12 (14) (a) Appeals to the board shall be in writing on an appeal form prescribed by the
13 board. The Personnel Board shall be responsible for the distribution of these
14 forms.

15 (b) The appeal form shall be attached to any notice of dismissal, demotion,
16 suspension, or involuntary transfer. The appeal form shall instruct the
17 employee to state:

18 1. Whether the employee~~he or she~~ is a classified or unclassified
19 employee;~~,~~

20 2. The employee's:~~his or her~~

21 a. Full name;~~, his or her~~

22 b. Appointing authority;~~,~~

23 c. Work station address and telephone number; and~~,~~

24 d. Home address; ~~and~~ personal telephone number, and personal
25 email address;~~,~~ and~~,~~

26 3. If the employee~~he or she~~ has retained counsel at the time ~~he or she~~
27 files an appeal is filed, the name, address, and telephone number of the

employee's [his or her] attorney.

2 (c) The form shall also instruct a classified employee to state the action being
3 appealed~~he or she is appealing~~ in a short, plain, concise statement of the
4 facts. The form shall instruct an unclassified employee to make a short, plain,
5 concise statement of the reason for the appeal and the cause given for the
6 employee's~~his or her~~ dismissal, demotion, suspension, or involuntary
7 transfer.

8 (d) Any appeal form filed by a classified or unclassified employee shall identify
9 the statute, administrative regulation, or policy that was allegedly violated.

10 (e) Upon receipt of the appeal by the board, the appointing authority and the
11 Personnel Cabinet shall be notified and the board shall schedule a hearing.

12 (15) All administrative hearings conducted by the board shall be conducted in
13 accordance with KRS Chapter 13B.

14 (16) (a) 1. The board shall deny a hearing to an:
15 a. Employee who has failed to file an appeal within the time
16 prescribed by this section; and~~to an~~
17 b. Unclassified employee who has failed to state the reasons for the
18 appeal and the cause for which the employee~~he or she~~ has been
19 dismissed, demoted, suspended without pay, or involuntarily
20 transferred.
21 2. The board shall deny any appeal after a preliminary hearing if it lacks
22 jurisdiction to grant relief.
23 3. The board shall notify the employee of its denial in writing and shall
24 inform the employee of the~~his or her~~ right to appeal the denial under
25 the provisions of KRS 18A.100.

26 (b) Any investigation by the board of any matter related to an appeal filed by an
27 employee shall be conducted only upon notice to the employee, the

1 employee's counsel, and the appointing authority. All parties to the appeal
2 shall have access to information produced by the investigations and the
3 information shall be presented at the hearing.

4 (17) Each appeal shall be decided individually, unless otherwise agreed by the parties
5 and the board. The board shall not:

6 (a) Employ class action procedures; or
7 (b) Conduct test representative cases.

8 (18) Board members shall abstain from public comment about a pending or impending
9 proceeding before the board. This shall not prohibit board members from making
10 public statements in the course of their official duties or from explaining for public
11 information the procedures of the board.

12 (19) An appeal to the board may be heard by the full board or one (1) or more of the
13 following: its[Its] executive director, its general counsel, any nonelected member of
14 the board, or any hearing officer secured by the board pursuant to KRS 13B.030.

15 (20) (a) If the board finds that the action complained of was taken by the appointing
16 authority in violation of laws prohibiting favor for, ~~or~~ discrimination against,
17 or bias with respect to, the employee's[his or her] political or religious
18 opinions or affiliations or ethnic origin, or in violation of laws prohibiting
19 discrimination because of such individual's sex or age or disability, the
20 appointing authority shall immediately reinstate the employee to the
21 employee's[his or her] former position or a position of like status and pay,
22 without loss of pay for the period of time at issue, or otherwise make the
23 employee whole unless the order is stayed by the board or the court on appeal.

24 (b) If the board finds that the action complained of was taken without just cause,
25 the board shall order the immediate reinstatement of the employee to the
26 employee's[his or her] former position or a position of like status and pay,
27 without loss of pay for the period of time at issue, or otherwise make the

1 employee whole unless the order is stayed by the board or the court on appeal.

2 (c) If the board finds that the action taken by the appointing authority was

3 excessive or erroneous in view of all the surrounding circumstances, the board

4 shall direct the appointing authority to modify or rescind the action at issue.

5 (d) In all other cases, the board shall direct the appointing authority to rescind the

6 action taken or otherwise grant specific relief or dismiss the appeal.

7 (21) If a final order of the board is appealed, a court may award reasonable attorney fees

8 to an employee who prevails by a final adjudication on the merits as provided by

9 KRS 453.260. This award shall not include attorney fees attributable to the hearing

10 before the board.

11 (22) When any employee is dismissed and not ordered reinstated after the appeal, the

12 board in its discretion may direct that the employee's~~his or her~~ name be placed on

13 an appropriate reemployment list for employment in any similar position other than

14 the one from which the employee~~he or she~~ had been removed.

15 (23) After a final decision has been rendered by the board or court, an employee who

16 prevails in an~~his or her~~ appeal may be credited with the amount of leave time

17 used for time spent at the~~his or her~~ hearing before the board or court. Employees

18 who had an insufficient amount of leave time shall be credited with leave time

19 equal to the amount of time spent at their hearings before the board or court.

20 (24) If the appointing authority appeals the final order of the board, unless the board

21 rules otherwise, the reinstated employee shall remain in the employee's~~his or her~~

22 former position, or a position of like status or pay, until the conclusion of the

23 appeals process, at which time the appointing authority shall take action in

24 accordance with the court order.

25 (25) After a final decision in a contested case has been rendered by the last

26 administrative or judicial body to which the case has been appealed, the board shall

27 make the decision available to the public in electronic format on its website and

1 shall organize the decisions according to the statutory basis ~~on~~~~for~~ which the
2 appeal was based.

3 (26) Appeals concerning dismissals of classified employees with status shall take
4 precedence for hearings before the board over all other appeals.

5 (27) Any classified or unclassified employee as defined in KRS 18A.005 who is not
6 restored to a position pursuant to KRS 61.371 to 61.377, or who is dismissed
7 without cause within one (1) year after reinstatement, may appeal to the Personnel
8 Board. The appeal shall be filed in writing with the executive director of the board
9 not later than thirty (30) days after the notification of the action in question has
10 been mailed or sent electronically.

11 (28) If an individual received a notice that does not comply with subsection (7)(c),
12 (8)(d), or (14)(b) of this section, or received no written or electronic notification of
13 his or her dismissal, demotion, suspension, or involuntary transfer pursuant to
14 subsection (7) or (8) of this section, the individual~~he or she~~ shall file an~~this or~~
15 ~~her~~ appeal to the board within one hundred eighty (180) days of:
16 (a) Receipt of the written notice, if the individual~~he or she~~ received a written
17 notice that does not comply with subsection (7)(c), (8)(d), or (14)(b) of this
18 section; or
19 (b) The alleged act, if the individual~~he or she~~ did not receive written or
20 electronic notification of the alleged act in question.

21 (29) If a classified or unclassified employee refuses or fails to cooperate as a witness in
22 an agency, Personnel Cabinet, or board investigation, hearing, proceeding, or
23 inquiry, the employee may be subject to disciplinary action.

24 (30) Unless otherwise provided by this chapter, the board shall not have jurisdiction over
25 any appeal except as authorized by this section.