GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 47

MONDAY, MARCH 2, 2015

The following bill was reported to the House from the Senate and ordered to be printed.

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DATE March 20, 2015
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to persons with disabilities.

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

3 ➔Section 1. KRS 344.200 is amended to read as follows:

4 (1) An individual claiming to be aggrieved by an unlawful practice other than a
5 discriminatory housing practice, a member of the commission, or the Attorney
6 General may file with the commission a written sworn complaint stating that an
7 unlawful practice has been committed, setting forth the facts upon which the
8 complaint is based, and setting forth facts sufficient to enable the commission to
9 identify the persons charged (referred to as the respondent in this section, KRS
10 344.210, 344.230, and 344.240). ***The commission shall make reasonable***
11 ***accommodations to assist persons with disabilities in filing a written sworn***
12 ***complaint.*** The commission staff or a person designated pursuant to its
13 administrative regulations shall promptly investigate the allegations of unlawful
14 practice set forth in the complaint and shall within five (5) days furnish the
15 respondent with a copy of the complaint. The complaint must be filed within one
16 hundred eighty (180) days after the alleged unlawful practice occurs.

17 (2) The commission or an individual designated pursuant to its administrative
18 regulations shall determine within thirty (30) days after the complaint has been filed
19 whether there is probable cause to believe the respondent has engaged in an
20 unlawful practice. If it is determined that there is no probable cause to believe that
21 the respondent has engaged in an unlawful practice, the commission shall issue an
22 order dismissing the complaint and shall furnish a copy of the order to the
23 complainant, the respondent, the Attorney General, and any other public officers
24 and persons that the commission deems proper.

25 (3) The complainant, within ten (10) days after receiving a copy of the order dismissing
26 the complaint, may file with the commission an application for reconsideration of
27 the order. Upon receiving a reconsideration application, the commission or an

1 individual designated pursuant to administrative regulation shall make a new
2 determination within ten (10) days whether there is probable cause to believe that
3 the respondent has engaged in an unlawful practice. If it is determined that there is
4 no probable cause to believe that the respondent has engaged in an unlawful
5 practice, the commission shall issue an order dismissing the complaint and
6 furnishing a copy of the order to the complainant, the respondent, the Attorney
7 General, and any other public officers and persons that the commission deems
8 proper.
9 (4) If the staff determines, after investigation, or if the commission determines after the
10 review provided for in subsection (3) of this section that there is probable cause to
11 believe that the respondent has engaged in an unlawful practice, the commission
12 staff shall endeavor to eliminate the alleged unlawful practice by conference,
13 conciliation, and persuasion. The terms of a conciliation agreement reached with a
14 respondent may require him to refrain from the commission of unlawful
15 discriminatory practices in the future and make any further provisions as may be
16 agreed upon between the commission or its staff and the respondent. If a
17 conciliation agreement is entered into, the commission shall issue and serve on the
18 complainant an order stating its terms. A copy of the order shall be delivered to the
19 respondent, the Attorney General, and any other public officers and persons that the
20 commission deems proper. Except for the terms of the conciliation agreement,
21 neither the commission nor any officer or employee thereof shall make public,
22 without the written consent of the complainant and the respondent, information
23 concerning efforts in a particular case to eliminate an unlawful practice by
24 conference, conciliation, or persuasion whether or not there is a determination of
25 probable cause or a conciliation agreement.
26 (5) At the expiration of one (1) year from the date of a conciliation agreement, and at
27 other times in its reasonable discretion, the commission staff may investigate

1 whether the terms of the agreement have been and are being complied with by the
2 respondent. Upon a finding that the terms of the agreement are not being complied
3 with by the respondent, the commission shall take whatever action it deems
4 appropriate to assure compliance.
5 (6) At any time after a complaint is filed, the commission may file an action in the
6 Circuit Court in a county in which the subject of the complaint occurs, or in a
7 county in which a respondent resides or has his principal place of business, seeking
8 appropriate temporary relief against the respondent, pending final determination of
9 proceedings including an order or decree restraining him from doing or procuring
10 any act tending to render ineffectual any order the commission may enter with
11 respect to the complaint. The court shall have power to grant temporary relief or a
12 restraining order as it deems just and proper.
13 (7) Nothing in this section shall apply to any discriminatory housing practice.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 3/20/15