

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 KRS 344.010 IS REPEALED AND REENACTED TO READ  
4 AS FOLLOWS:

5 *As used in this chapter, unless the context otherwise requires;*

6 *(1) "Commission" means the Kentucky Commission on Human Rights;*

7 *(2) "Commissioner" means a member of the commission;*

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

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

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

21 *(b) A record of such an impairment; or*

22 *(c) Being regarded as having such an impairment.*

23 *Persons with current or past controlled substances abuse or alcohol abuse*

24 *problems and persons excluded from coverage by the Americans with Disabilities*

25 *Act of 1990, Pub. L. No. 101-336, as amended, shall not be considered*

26 *individuals with a disability;*

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

1 distinction, restriction, segregation, limitation, refusal, denial, or any other act or  
2 practice of differentiation or preference in the treatment of a person or persons,  
3 or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful  
4 under this chapter;

5 (6) "Discriminatory housing practice" means an act that is unlawful under Section  
6 18, 19, 20, 21, or 23 of this Act;

7 (7) (a) "Familial status" means one (1) or more individuals who have not attained  
8 the age of eighteen (18) years and are domiciled with:

9 1. A parent or another person having legal custody of the individual or  
10 individuals; or

11 2. The designee of a parent or other person having custody, with the  
12 written permission of the parent or other person.

13 (b) The protection afforded against discrimination on the basis of familial  
14 status shall apply to any person who is pregnant or is in the process of  
15 securing legal custody of any individual who has not attained the age of  
16 eighteen (18) years;

17 (8) "Family" includes a single individual;

18 (9) "Financial institution" means a bank, banking organization, mortgage company,  
19 insurance company, or other lender to whom application is made for financial  
20 assistance for the purchase, lease, acquisition, construction, rehabilitation,  
21 repair, maintenance, or improvement of real property, or an individual employed  
22 by or acting on behalf of any of these;

23 (10) "Gender identity" means having or being perceived as having a gender identity  
24 or expression, whether or not traditionally associated with the sex assigned to that  
25 person at birth;

26 (11) "Housing accommodations" includes improved and unimproved property and  
27 means any building, structure, lot, or portion thereof which is used or occupied,

1 or is intended, arranged, or designed to be used or occupied, as the home or  
2 residence of one (1) or more families, and any vacant land which is offered for  
3 sale or lease for the construction or location thereon of any such building or  
4 structure;

5 (12) "Licensing agency" means any public or private organization which has as one  
6 (1) of its duties the issuing of licenses or the setting of standards which an  
7 individual must hold or must meet as a condition to practicing a particular trade  
8 or profession or to obtaining certain employment within this Commonwealth or  
9 as a condition to competing effectively with an individual who does hold a license  
10 or meet the standards;

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

13 (14) "Person" includes one (1) or more individuals, labor organizations, joint  
14 apprenticeship committees, partnerships, associations, corporations, legal  
15 representatives, mutual companies, joint stock companies, limited liability  
16 companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy,  
17 fiduciaries, receivers, or other legal or commercial entity, or the Commonwealth  
18 or any of its political or civil subdivisions or agencies;

19 (15) "Real estate broker" or "real estate salesperson" means any individual, whether  
20 licensed or not, who:

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

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

27 (c) Advertises or holds oneself out as engaged in activities described in

1 paragraph (a) of this subsection;

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

4 (e) Is engaged in the business of charging an advance fee or contracting for  
5 collection of a fee in connection with a contract whereby the individual  
6 undertakes to promote the sale, purchase, exchange, rental, or lease of real  
7 estate through its listing in a publication issued primarily for this purpose;

8 or

9 (f) Is employed by or acting on behalf of any person described in paragraphs  
10 (a) to (e) of this subsection;

11 (16) "Real estate operator" means:

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

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

20 or

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

23 (b) An individual employed by or acting on behalf of any individual or entity  
24 described in paragraph (a) of this subsection;

25 (17) "Real estate-related transaction" means:

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

27 1. For purchasing, constructing, improving, repairing, or maintaining a

1 housing accommodation; or

2 2. Secured by real estate; or

3 (b) The selling, brokering, or appraising of real property, except that a person  
4 engaged in the business of furnishing appraisals of real property shall not  
5 take into consideration familial status, race, color, religion, national origin,  
6 sex, sexual orientation, gender identity, age forty (40) and over, or  
7 disability;

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

11 (19) "Sexual orientation" means an individual's actual or imputed heterosexuality,  
12 homosexuality, or bisexuality; and

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

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

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

17 (a) To provide for execution within the Commonwealth<sup>[state]</sup> of the policies  
18 embodied in the~~[Federal]~~ Civil Rights Act of 1964, Pub. L. No. 88-352, as  
19 amended~~[(78 Stat. 241), Title VIII of the Federal Civil Rights Act of 1968~~  
20 ~~(82 Stat. 81)]~~, the Fair Housing Act, Pub. L. No. 90-284, as amended~~[(42~~  
21 ~~U.S.C. 360)]~~, the~~[Federal]~~ Age Discrimination in Employment Act of 1967,  
22 Pub. L. No. 90-202, as amended~~[(81 Stat. 602)]~~, the Americans with  
23 Disabilities Act of 1990, Pub. L. No.~~[(P.L.] 101-336~~<sup>[P.L.]</sup>, as amended, and the  
24 Civil Rights Act of 1991, Pub. L. No. 102-166, as amended~~[(P.L. 102-166,~~  
25 ~~amended by P.L. 102-392)]~~;

26 (b) To safeguard all individuals within the Commonwealth<sup>[state]</sup> from  
27 discrimination because of familial status, race, color, religion, national origin,

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

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

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

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

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

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

24 No provision in KRS Chapter 18A shall be construed to preclude any classified or  
 25 unclassified state employee from appealing to the personnel board any action alleged to  
 26 be in violation of laws prohibiting discrimination based on **an individual's familial**  
 27 **status, race, color, religion, national origin,**~~[a person's status as a qualified individual~~

1 ~~with a disability,]~~ sex, sexual orientation, gender identity, age, forty (40) and over, or  
2 disability,~~[religion, or race or national origin]~~, in accordance with this chapter.

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

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

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

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

21 (c) To fail to make reasonable accommodations for any employee with  
22 limitations related to pregnancy, childbirth, or a related medical condition  
23 who requests an accommodation, including but not limited to the need to  
24 express breast milk, unless the employer can demonstrate the accommodation  
25 would impose an undue hardship on the employer's program, enterprise, or  
26 business. The following shall be required as to reasonable accommodations:

27 1. An employee shall not be required to take leave from work if another

- 1 reasonable accommodation can be provided;
- 2 2. The employer and employee shall engage in a timely, good faith, and  
3 interactive process to determine effective reasonable accommodations;  
4 and
- 5 3. If the employer has a policy to provide, would be required to provide, is  
6 currently providing, or has provided a similar accommodation to other  
7 classes of employees, then a rebuttable presumption is created that the  
8 accommodation does not impose an undue hardship on the employer; or
- 9 (d) To require as a condition of employment that any employee or applicant for  
10 employment abstain from smoking or using tobacco products outside the  
11 course of employment, as long as the individual~~person~~ complies with any  
12 workplace policy concerning smoking.
- 13 (2) (a) A difference in employee contribution rates for smokers and nonsmokers in  
14 relation to an employer-sponsored health plan shall not be deemed to be an  
15 unlawful practice in violation of this section.
- 16 (b) The offering of incentives or benefits offered by an employer to employees  
17 who participate in a smoking cessation program shall not be deemed to be an  
18 unlawful practice in violation of this section.
- 19 (3) (a) An employer shall provide written notice of the right to be free from  
20 discrimination in relation to pregnancy, childbirth, and related medical  
21 conditions, including the right to reasonable accommodations, to:
- 22 1. New employees at the commencement of employment; and  
23 2. Existing employees not later than thirty (30) days after June 27, 2019.
- 24 (b) An employer shall conspicuously post a written notice of the right to be free  
25 from discrimination in relation to pregnancy, childbirth, and related medical  
26 conditions, including the right to reasonable accommodations, at the  
27 employer's place of business in an area accessible to employees.

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

2        (1) It is an unlawful practice for an employment agency to fail or refuse to refer for  
3        employment~~[,]~~ or to otherwise~~[to]~~ discriminate against~~[,]~~ an individual because of  
4        ~~his~~**familial status**, race, color, religion, national origin, sex, **sexual orientation,**  
5        **gender identity**,~~[or]~~ age forty (40) and over, or ~~because the person is a qualified~~  
6        ~~individual with a~~ disability, or to classify or refer for employment an individual  
7        **because of**~~on the basis of disability,~~**familial status**, race, color, religion, national  
8        origin, sex, **sexual orientation, gender identity**,~~[or]~~ age ~~between~~ forty (40) and  
9        **over, or disability**~~[seventy (70)]~~.

10        (2) It is an unlawful practice for a licensing agency to refuse to license, or to bar or  
11        terminate from licensing an individual because of **familial status**, race, color,  
12        religion, national origin, sex, **sexual orientation, gender identity**,~~[or]~~ age forty (40)  
13        and over, or ~~because the person is a qualified individual with a~~ disability.

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

15        It is an unlawful practice for a labor organization:

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

21        (2) To limit, segregate, or classify its membership, or to classify or fail to refuse to  
22        refer for employment an individual, in any way which would deprive or tend to  
23        deprive an individual of employment opportunities, or would limit such  
24        employment opportunities or otherwise adversely affect the status as an employee  
25        or as an applicant for employment, because of **familial status**, race, color, religion,  
26        national origin, sex, **sexual orientation, gender identity**,~~[or]~~ age forty (40) and  
27        over, or ~~because the person is a qualified individual with a~~ disability.

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

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

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

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

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

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

26 ~~[Notwithstanding]~~ Any ~~other~~ provision of this chapter **to the contrary notwithstanding**,  
27 it is not an unlawful practice for an employer to apply different standards of

1 compensation, or different terms, conditions, or privileges of employment pursuant to a  
2 bona fide seniority or merit system, or a system which measures earnings by quantity or  
3 quality of production or to employees who work in different locations, if the differences  
4 are not the result of an intention to discriminate because of familial status, race, color,  
5 religion, national origin, sex, sexual orientation, gender identity, ~~or~~ age forty (40) and  
6 over, or ~~because the person is a qualified individual with a~~ disability, nor is it an  
7 unlawful practice for an employer to give and to act upon the results of any  
8 professionally developed ability test provided that the test, its administration, or action  
9 upon the results thereof is not designed, intended, or used to discriminate because of  
10 familial status, race, color, religion, national origin, sex, sexual orientation, gender  
11 identity, ~~or~~ age forty (40) and over, or ~~because the person is a qualified individual with~~  
12 ~~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 familial  
17 status, race, color, religion, national origin, sex, sexual orientation, gender  
18 identity, ~~or~~ age forty (40) and over, or ~~because the person is a qualified individual~~  
19 ~~with a~~ disability, of the individual or group on account of an imbalance which may  
20 exist with respect to the total number or percentage of individuals~~persons~~ of any  
21 familial status, race, color, religion, national origin, sex, sexual orientation, gender  
22 identity, ~~or~~ age forty (40) and over, or ~~because the person is a qualified individual~~  
23 ~~with a~~ disability, employed by an employer, referred or classified for employment  
24 by an employment agency or labor organization, admitted to membership or  
25 classified by a labor organization, or admitted to, or employed in, an apprenticeship  
26 or other training program, in comparison with the total number or percentage of  
27 individuals~~persons~~ of familial status, race, color, religion, national origin, sex,

1 *sexual orientation, gender identity,*~~[or]~~ age forty (40) and over, or~~[because the~~  
 2 ~~person is a qualified individual with a]~~ disability, in the *Commonwealth*~~[state]~~ or a  
 3 community, section, or other area, or in the available workforce in the  
 4 *Commonwealth*~~[state]~~ or a community, section, or other 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 (e) An employer, labor organization, or employment agency from observing the  
 14 terms of a bona fide seniority system or any bona fide employee benefit plan  
 15 such as a retirement, pension, or insurance plan which is not a subterfuge to  
 16 evade the purposes of this chapter, except that no such employee benefit plan  
 17 shall excuse the failure to hire any individual.

18 ➔Section 11. KRS 344.120 is amended to read as follows:

19 Except as otherwise provided in KRS 344.140 and 344.145, it is an unlawful practice for  
 20 a person to deny an individual the full and equal enjoyment of the goods, services,  
 21 facilities, privileges, advantages, and accommodations of a place of public  
 22 accommodation, resort, or amusement *because*~~[, as defined in KRS 344.130, on the~~  
 23 ~~ground]~~ of *the individual's familial status*~~[disability]~~, race, color, religion,~~[or]~~ national  
 24 origin, *sex, sexual orientation, gender identity, age forty (40) and over, or disability.*

25 ➔Section 12. KRS 344.140 is amended to read as follows:

26 It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue,  
 27 display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a

1 written, printed, oral, or visual communication, notice, or advertisement, which indicates  
 2 that the goods, services, facilities, privileges, advantages, and accommodations of a place  
 3 of public accommodation, resort, or amusement will be refused, withheld from, or denied  
 4 an individual because~~[on account]~~ of familial status~~[disability]~~, race, color, religion,~~[or]~~  
 5 national origin, sex, sexual orientation, gender identity, age forty (40) and over, or  
 6 disability, or that the patronage of, or presence at, a place of public accommodation,  
 7 resort, or amusement, of an individual, on account of familial status~~[disability]~~, race,  
 8 color, religion,~~[or]~~ national origin, sex, sexual orientation, gender identity, age forty  
 9 (40) or over, or disability 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 familial status, race, color, religion, national origin, sex, sexual  
 14 orientation, gender identity, age forty (40) and over, or disability~~[any racial or ethnic~~  
 15 ~~group or its members]~~.

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

17 The powers and duties of the commission shall be:

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

1 religion, national origin, sex, sexual orientation, gender identity, age forty (40)  
2 and over, or disability~~[national ancestry]~~; and

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

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

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

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

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

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

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

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

27 (6) To accept gifts or bequests, grants, or other payments, public or private, to help

- 1 finance its activities;[-]
- 2 (7) To accept reimbursement pursuant to Section 709(b) of the Civil Rights Act of  
3 1964, Pub. L. No. 88-352, [- (78 Stat. 241)] for services rendered to assist the [-  
4 Federal] Equal Employment Opportunity Commission;[-]
- 5 (8) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon  
6 complaints alleging violations of this chapter;[-]
- 7 (9) At any time after a complaint is filed, to require answers to interrogatories, compel  
8 the attendance of witnesses, examine witnesses under oath or affirmation in person  
9 or by deposition, and require the production of documents relevant to the complaint.  
10 The commission may make rules authorizing any member or individual designated  
11 to exercise these powers in the performance of official duties;[-]
- 12 (10) To furnish technical assistance requested by persons subject to this chapter to  
13 further their compliance with this chapter or an order issued thereunder;[-]
- 14 (11) To make studies appropriate to effectuate the purposes and policies of this chapter  
15 and to make the results thereof available to the public;[-]
- 16 (12) To render annual written reports to the Governor and the General  
17 Assembly[-Legislature]. The reports may contain recommendations of the  
18 commission for legislative or other action to effectuate the purposes and policies of  
19 this chapter;[-]
- 20 (13) To create local or statewide advisory agencies that in its judgment will aid in  
21 effectuating the purpose of this chapter. The commission may empower these  
22 agencies:
- 23 (a) To study and report on problems of discrimination because of familial status,  
24 race, color, religion, [-or] national origin, sex, sexual orientation, gender  
25 identity, age forty (40) and over, or disability;[-]
- 26 (b) To foster, through community effort or otherwise, goodwill among the groups  
27 and elements of the population of the Commonwealth;[-state,] and

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

7 (14) To ~~adopt,~~ promulgate administrative ~~[, amend, and rescind]~~ regulations pursuant  
 8 to KRS Chapter 13A to effectuate the purposes and provisions of this chapter,  
 9 including regulations requiring the posting of notices prepared or approved by the  
 10 commission; and~~[-]~~

11 (15) To purchase liability insurance for the protection of all members of the commission  
 12 to protect them from liability arising in the course of pursuing their duties as  
 13 members of the commission and for all full-time employees to protect them from  
 14 liability arising in the course or scope of their employment. This insurance shall be  
 15 purchased with money contained in the agency appropriated budget.

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

17 (1) City, county, urban-county, consolidated local, unified local, and charter county  
 18 governments~~[Cities and counties]~~ are authorized to adopt and enforce ordinances,  
 19 orders, and resolutions prohibiting all forms of discrimination, including  
 20 discrimination on the basis of familial status, race, color, religion,~~[- disability,~~  
 21 ~~familial status, or]~~ national origin, sex, sexual orientation, gender identity,~~[- or]~~ age  
 22 forty (40) and over, or disability and to prescribe penalties for violations thereof,  
 23 such penalties being in addition to the remedial orders and enforcement herein  
 24 authorized.

25 (2) City, county, urban-county, consolidated local, unified local, and charter county  
 26 governments~~[Cities and counties]~~ may adopt and enforce ordinances, orders, and  
 27 resolutions prohibiting discrimination; no ordinance, order, or resolution shall

1 attempt to exempt more transactions from its coverage than are exempted by KRS  
2 344.362 and 344.365.

3 ➔Section 17. KRS 344.310 is amended to read as follows:

4 Any city,~~[or]~~ county, urban-county, consolidated local, unified local, or charter county  
5 government, or one (1) or more of those local governments~~[cities and counties]~~ acting  
6 jointly, may create a local~~[human rights]~~ commission~~[(hereinafter a "local~~  
7 ~~commission")]~~:

8 (1) To provide for execution within its jurisdiction of the policies embodied in this  
9 chapter and the~~[Federal]~~ Civil Rights Act of 1964, Pub. L. No. 88-352, as  
10 amended~~[(78 Stat. 241)]~~; and

11 (2) To safeguard all individuals within its jurisdiction from discrimination because of  
12 familial status, race, color, religion,~~[or]~~ national origin, sex, sexual orientation,  
13 gender identity,~~[or]~~ age forty (40) and over, or disability.

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

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

18 (a)~~[(1)]~~ To refuse to sell, exchange, rent, or lease, or otherwise deny to or  
19 withhold, real property from any person because of familial status, race,  
20 color, religion, national origin, sex, sexual orientation, gender identity~~[~~  
21 ~~familial status]~~, age forty (40) and over, or disability~~[, or national origin]~~;

22 (b)~~[(2)]~~ To discriminate against any person because of familial status, race,  
23 color, religion, national origin, sex, sexual orientation, gender identity~~[~~  
24 ~~familial status]~~, age forty (40) and over, or disability~~[, or national origin]~~ in  
25 the terms, conditions, or privileges of the sale, exchange, rental, or lease of  
26 real property or in the furnishing of facilities or services in connection  
27 therewith;

1        ~~(c)~~~~(3)~~ To refuse to receive or transmit a bona fide offer to purchase, rent, or  
2        lease real property from any person because of *familial status*, race, color,  
3        religion, *national origin*, sex, *sexual orientation, gender identity, age forty*  
4        *(40) and over*~~[familial status]~~, *or* disability~~[, or national origin]~~;

5        ~~(d)~~~~(4)~~ To refuse to negotiate for the sale, rental, or lease of real property to any  
6        person because of *familial status*, race, color, religion, *national origin*, sex,  
7        *sexual orientation, gender identity, age forty (40) and over*~~[familial status]~~,  
8        *or* disability~~[, or national origin]~~;

9        ~~(e)~~~~(5)~~ To represent to any person that real property is not available for  
10       inspection, sale, rental, or lease when it is so available, or to refuse to permit  
11       any person to inspect real property because of ~~[his]~~ *familial status*, race,  
12       color, religion, *national origin*, sex, *sexual orientation, gender identity, age*  
13       *forty (40) and over*~~[familial status]~~, *or* disability~~[, or national origin]~~;

14       ~~(f)~~~~(6)~~ To make, print, circulate, post, or mail or cause to be printed, circulated,  
15       posted, or mailed an advertisement or sign, or to use a form of application for  
16       the purchase, rental, or lease of real property, or to make a record of inquiry in  
17       connection with the prospective purchase, rental, or lease of real property,  
18       which indicates, directly or indirectly, a limitation, specification, or  
19       discrimination as to *familial status*, race, color, religion, *national origin*, sex,  
20       *sexual orientation, gender identity, age forty (40) and over, or*~~[familial~~  
21       ~~status,]~~ disability~~[, or national origin]~~ or an intent to make such a limitation,  
22       specification, or discrimination;

23       ~~(g)~~~~(7)~~ To offer, solicit, accept, use, or retain a listing of real property for sale,  
24       rental, or lease with the understanding that any person may be discriminated  
25       against in the sale, rental, or lease of that real property or in the furnishing of  
26       facilities or services in connection therewith because of ~~[his]~~ *familial status*,  
27       race, color, religion, *national origin*, sex, *sexual orientation, gender identity,*

1 age forty (40) and over, or ~~[familial status,] disability[, or national origin];~~

2 (h)~~(8)~~ To otherwise deny to or withhold real property from any person because  
3 of ~~his~~ familial status, race, color, religion, national origin, sex, sexual  
4 orientation, gender identity, age forty (40) and over ~~[familial status], or~~  
5 disability, or national origin;

6 (i)~~(9)~~ To discriminate in the sale or rental, or to otherwise make unavailable or  
7 deny, a housing accommodation to any buyer or renter because of a disability  
8 of:

9 1. ~~(a)~~ That buyer or renter;

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

12 3. ~~(c)~~ Any person associated with that buyer or renter; or

13 (j)~~(10)~~ To discriminate against any person in the terms, conditions, or privileges  
14 of sale or rental of a dwelling, or in the provision of services or facilities in  
15 connection with such housing accommodation, because of a disability of:

16 1. ~~(a)~~ That person; ~~or~~

17 2. ~~(b)~~ A person residing in or intending to reside in that housing  
18 accommodation after it is sold, rented, or made available; or

19 3. ~~(c)~~ Any person associated with that person.

20 (2)~~(11)~~ For purposes of this section, discrimination includes:

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

- 1 (b) A refusal to make reasonable accommodations in rules, policies, practices, or  
2 services, when the accommodations may be necessary to afford the person  
3 equal opportunity to use and enjoy a housing accommodation; or
- 4 (c) In connection with the design and construction of covered multifamily  
5 housing accommodations for first occupancy after January 1, 1993, a failure  
6 to design and construct those housing accommodations in a manner ensuring  
7 that they have at least one (1) entrance on an accessible route unless  
8 impractical to do so because of the terrain or unusual characteristics of the  
9 site. Housing accommodations with a building entrance on an accessible route  
10 shall comply with the following requirements:
- 11 1. The public use and common use portions of the housing  
12 accommodations shall be readily accessible to and usable by disabled  
13 persons;
  - 14 2. All the doors designed to allow passage into and within all premises  
15 within the housing accommodations shall be sufficiently wide to allow  
16 passage by disabled persons in wheelchairs; and
  - 17 3. All premises within the housing accommodations shall contain the  
18 following features of adaptive design:
    - 19 a. An accessible route into and through the housing accommodation;
    - 20 b. Light switches, electrical outlets, thermostats, and other  
21 environmental controls in accessible locations;
    - 22 c. Reinforcements in bathroom walls to allow later installation of  
23 grab bars; and
    - 24 d. Usable kitchens and bathrooms so that an individual in a  
25 wheelchair can maneuver about the space.
- 26 ~~(3)~~<sup>(12)</sup> Compliance with the appropriate requirements of the American National  
27 Standard for buildings and facilities providing accessibility and usability for

1 physically disabled persons, ~~{(commonly cited as "ANSI A117.1 - 1986.")}~~  
2 suffices to satisfy the requirements of subsection ~~(2)~~~~(11)~~(c)3. of this section.

3 ~~(4)~~~~(13)~~ As used in subsection ~~(2)~~~~(11)~~ of this section, the term "covered multifamily  
4 housing accommodation" means:

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

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

8 ~~(5)~~~~(14)~~ Nothing in this section requires that a housing accommodation be made  
9 available to an individual whose tenancy would constitute a direct threat to the  
10 health or safety of other individuals or whose tenancy would result in substantial  
11 physical damage to the property of others.

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

13 It is an unlawful practice for a person in the business of insuring against hazards to refuse  
14 to enter into, or discriminate in the terms, conditions, or privileges of, a contract of  
15 insurance against hazards to a housing accommodation because of the familial status,  
16 race, color, religion, national origin, ~~familial status, disability, or~~ sex, sexual  
17 orientation, gender identity, age forty (40) and over, or disability of persons owning~~,~~  
18 or residing in or near the housing accommodation.

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

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

22 (1) To discriminate against an individual because of the familial status, race, color,  
23 religion, ~~or~~ national origin, ~~familial status, disability,~~ sex, sexual orientation,  
24 gender identity, or age forty (40) and over, or disability of the individual or the  
25 present or prospective owner, tenant, or occupant of the real property or of a  
26 member, stockholder, director, officer, employee, or representative of any of these,  
27 in the granting, withholding, extending, modifying, or renewing the rates, terms,

1 conditions, privileges, or other provisions of financial assistance or in the extension  
2 of services in connection therewith;

3 (2) To use a form of application for financial assistance or to make or keep a record or  
4 inquiry in connection with applications for financial assistance which indicate,  
5 directly or indirectly, a limitation, specification, or discrimination as to **familial**  
6 **status**, race, color, religion, **national origin**~~[familial status, disability]~~, **sex, sexual**  
7 **orientation**~~[or]~~ **gender identity, age forty (40) and over, or disability**~~[national~~  
8 ~~origin]~~ or an intent to make such a limitation, specification, or discrimination; **or**

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

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

15 ~~(a) The making or purchasing of loans or providing other financial assistance;~~

16 ~~1. For purchasing, constructing, improving, repairing, or maintaining a~~  
17 ~~housing accommodation; or~~

18 ~~2. Secured by real estate.~~

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

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

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

- 1 (1) To represent that a change has occurred or will or may occur in the composition  
 2 with respect to *familial status*, race, color, religion, *national origin*, sex, *sexual*  
 3 *orientation, gender identity, age forty (40) and over, or* disability~~[, familial status,~~  
 4 ~~or national origin]~~ of the owners or occupants in the block, neighborhood, or area in  
 5 which the real property is located;
- 6 (2) To represent that this change will or may result in the lowering of property values,  
 7 an increase in criminal or antisocial behavior, or a decline in the quality of schools  
 8 in the block, neighborhood, or area in which the real property is located; or
- 9 (3) To induce or attempt to induce any person to sell or rent any dwelling by  
 10 representations regarding the entry or prospective entry into the neighborhood of a  
 11 person or persons of a particular *familial status*, race, color, religion, *national*  
 12 *origin*, sex, *sexual orientation, gender identity, age forty (40) and over, or*  
 13 disability~~[, familial status, or national origin]~~.

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

- 15 (1) It shall be an unlawful practice for any person, whether acting *on behalf of*  
 16 *oneself*~~[for himself]~~ or another, in connection with any credit transaction because of  
 17 *familial status*, race, color, religion, national origin,~~[or]~~ sex, *sexual orientation,*  
 18 *gender identity, or disability* to:
- 19 (a) Deny credit to any person;
- 20 (b) Increase the charges or fees for or collateral required to secure any credit  
 21 extended to any person;
- 22 (c) Restrict the amount or use of credit extended or impose different terms or  
 23 conditions with respect to the credit extended to any person or any item or  
 24 service related thereto; *or*
- 25 (d) Attempt to do any of the unlawful practices defined in this section.
- 26 (2) The provisions of this section shall not prohibit any party to a credit transaction  
 27 from considering the credit history of any individual applicant.

1 (3) The provisions of this section shall not prohibit any party to a credit transaction  
2 from considering the application of Kentucky law on dower and~~[,]~~ curtesy or~~[,]~~  
3 descent and distribution to the particular case or from taking reasonable action  
4 thereon.

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

6 It shall be unlawful to deny any person access to, or membership or participation in, any  
7 multiple listing service, real estate brokers' organization, or other service, organization, or  
8 facility relating to the business of selling or renting housing accommodations, or to  
9 discriminate against a person in the terms or conditions of access, membership, or  
10 participation, on account of familial status, race, color, religion, national origin, sex,  
11 sexual orientation, gender identity, or disability~~[, familial status, or national origin]~~.

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

13 (1) A classified employee with status shall not be dismissed, demoted, suspended  
14 without pay, or involuntarily transferred except for cause.

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

17 (a) The specific reasons for dismissal including:

- 18 1. The statutory, regulatory, or policy violation;
- 19 2. The specific action or activity on which the intent to dismiss is based;
- 20 3. The date and place of such action or activity; and
- 21 4. The names of the parties involved;

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

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

- 1 (3) The Personnel Cabinet shall prescribe and distribute a pretermination form to be  
2 completed and forwarded by an employee who wishes to appear before the  
3 appointing authority or the cabinet's or agency's~~[his or her]~~ designee. The form  
4 shall be attached to every notice of intent to dismiss and shall contain written  
5 instructions explaining:
- 6 (a) The right granted an employee under the provisions of this section relating to  
7 pretermination hearings; and
- 8 (b) The time limits and procedures to be followed by all parties in pretermination  
9 hearings.
- 10 (4) No later than five (5) working days after receipt of the notice of intent to dismiss,  
11 excluding the day the employee~~[he or she]~~ receives the notice, the employee may  
12 request to appear, personally or with counsel if the employee~~[he or she]~~ has retained  
13 counsel, to reply to the appointing authority or the cabinet's or agency's~~[his or her]~~  
14 designee.
- 15 (5) Unless agreed to by the appointing authority or the cabinet's or agency's~~[his or her]~~  
16 designee and the employee, the appearance shall be scheduled within six (6)  
17 working days after receipt of an employee's request to appear before the appointing  
18 authority or the cabinet's or agency's~~[his or her]~~ designee, excluding the day the  
19 employee's~~[his or her]~~ request is received.
- 20 (6) No later than five (5) working days after the employee appears before the  
21 appointing authority or the cabinet's or agency's~~[his or her]~~ designee, excluding the  
22 day of the appearance, the cabinet head or agency or the cabinet's or agency's~~[his~~  
23 ~~or her]~~ designee shall:
- 24 (a) Determine whether to dismiss the employee or to modify or rescind the intent  
25 to dismiss; and
- 26 (b) Notify the employee in writing of the decision.
- 27 (7) If the appointing authority or the cabinet's or agency's~~[his or her]~~ designee

1 determines that the employee shall be dismissed, the employee shall be notified in  
2 writing of:

- 3 (a) The effective date of the employee's~~[his or her]~~ dismissal;
- 4 (b) The specific reason for the dismissal, including:
- 5 1. The statutory, regulatory, or policy violation;
- 6 2. The specific action or activity on which the dismissal is based;
- 7 3. The date and place of the action or activity; and
- 8 4. The names of the parties involved; and
- 9 (c) That the employee~~[he or she]~~ may appeal the dismissal to the board within  
10 thirty (30) calendar days after receipt of this notification, excluding the day  
11 the employee~~[he or she]~~ receives notice.

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

- 14 (a) The demotion, suspension, or involuntary transfer;
- 15 (b) The effective date of the demotion, suspension, or involuntary transfer;
- 16 (c) The specific reason for the demotion, suspension, or involuntary transfer,  
17 including:
- 18 1. The statutory, regulatory, or policy violation;
- 19 2. The specific action or activity on which the demotion, suspension, or  
20 involuntary transfer is based;
- 21 3. The date and place of the action or activity; and
- 22 4. The names of the parties involved; and
- 23 (d) That the employee~~[he or she]~~ has the right to appeal to the board within thirty  
24 (30) calendar days, excluding the day that the employee~~[he or she]~~ received  
25 notification of the personnel action.

26 (9) Any unclassified employee who is dismissed, demoted, suspended without pay, or  
27 involuntarily transferred for cause may, within thirty (30) calendar days after the

1 dismissal, demotion, suspension, or involuntary transfer, appeal to the board for  
2 review thereof.

3 (10) (a) An employee whose position is reallocated shall be notified in writing by the  
4 appointing authority of:  
5 1. The reallocation or reclassification; and  
6 2. If the reallocation or reclassification is to a lower grade, ***the***  
7 ***employee's***~~[his or her]~~ right to request reconsideration by the secretary  
8 within ten (10) working days of receipt of the notice, excluding the day  
9 ***the employee***~~[he or she]~~ receives notification.

10 (b) The employee shall file a written request for reconsideration of the  
11 reallocation or reclassification to a lower grade with the secretary in a manner  
12 and form prescribed by the secretary and shall be given a reasonable  
13 opportunity to be heard by the secretary. The secretary shall make a  
14 determination within sixty (60) calendar days after the request has been filed  
15 by an employee. The secretary's determination shall be final and shall not be  
16 appealable to the Personnel Board.

17 (11) (a) Any applicant, classified employee, or federally funded time-limited  
18 employee may appeal to the board an action alleged to be based on  
19 discrimination due to ***familial status***, race, color, religion, national origin, sex,  
20 ***sexual orientation, gender identity***~~[disability]~~, age forty (40) and above,  
21 ***disability*** or any other category protected under state or federal civil rights  
22 laws. Nothing in this section shall be construed to preclude any applicant,  
23 classified employee, or unclassified employee from filing with the Kentucky  
24 Commission on Human Rights a complaint alleging discrimination on the  
25 basis of ***familial status***, race, color, religion, national origin, sex, ***sexual***  
26 ***orientation, gender identity, age forty (40) and over, or*** ~~disability~~~~[, or age in~~  
27 ~~accordance with KRS Chapter 344].~~

- 1 (b) Appeals alleging discrimination shall be filed within thirty (30) calendar days  
2 after the alleged discriminatory action occurred.
- 3 (12) (a) Any applicant for classified employment under KRS Chapter 18A who has  
4 been notified by the Personnel Cabinet that he or she did not meet the  
5 minimum qualifications for a position may request reconsideration from the  
6 secretary not more than ten (10) calendar days after the notification was sent.  
7 The secretary's review and determination of the reconsideration shall be  
8 completed within ten (10) calendar days from the receipt of the request for  
9 reconsideration. The secretary's determination shall be final and shall not be  
10 appealable to the Personnel Board.
- 11 (b) Any applicant for employment in a classified position under KRS Chapter  
12 18A may appeal the hiring agency's nonselection based on an alleged  
13 violation of appointment and promotion provisions contained in this chapter  
14 or administrative regulations promulgated under this chapter to the board. The  
15 appeal shall be filed not later than thirty (30) calendar days after the notice of  
16 nonselection was mailed or sent electronically.
- 17 (13) When an employee who qualifies for a position has the employee's~~[his or her]~~ name  
18 removed from the register, the employee may petition the secretary for the  
19 opportunity to be heard by the secretary or the cabinet's or agency's~~[his or her]~~  
20 designee. The petition shall be delivered to the secretary in writing or electronically  
21 no later than ten (10) calendar days after the removal notification has been sent. The  
22 secretary's decision shall be final and not appealable to the Personnel Board.
- 23 (14) (a) Appeals to the board shall be in writing on an appeal form prescribed by the  
24 board. The Personnel Board shall be responsible for the distribution of these  
25 forms.
- 26 (b) The appeal form shall be attached to any notice of dismissal, demotion,  
27 suspension, or involuntary transfer. The appeal form shall instruct the

1 employee to state whether the employee~~[he or she]~~ is a classified or  
2 unclassified employee, the employee's~~[his or her]~~ full name, the  
3 employee's~~[his or her]~~ appointing authority, work station address and  
4 telephone number, home address and personal telephone number, personal  
5 email address, and, if the employee~~[he or she]~~ has retained counsel at the time  
6 an appeal is filed~~[he or she files an appeal]~~, the name, address, and telephone  
7 number of the employee's~~[his or her]~~ attorney.

8 (c) The form shall also instruct a classified employee to state the action the  
9 employee~~[he or she]~~ is appealing in a short, plain, concise statement of the  
10 facts. The form shall instruct an unclassified employee to make a short, plain,  
11 concise statement of the reason for the appeal and the cause given for the~~[his~~  
12 ~~or her]~~ dismissal, demotion, suspension, or involuntary transfer.

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

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

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

19 (16) (a) The board shall deny a hearing to an employee who has failed to file an  
20 appeal within the time prescribed by this section; and to an unclassified  
21 employee who has failed to state the reasons for the appeal and the cause for  
22 the dismissal, demotion, suspension without pay, or involuntary  
23 transfer~~[which he or she has been dismissed, demoted, suspended without~~  
24 ~~pay, or involuntarily transferred]~~. The board shall deny any appeal after a  
25 preliminary hearing if it lacks jurisdiction to grant relief. The board shall  
26 notify the employee of its denial in writing and shall inform the employee of  
27 the~~[his or her]~~ right to appeal the denial under the provisions of KRS

1 18A.100.

2 (b) Any investigation by the board of any matter related to an appeal filed by an  
3 employee shall be conducted only upon notice to the employee, the  
4 employee's counsel, and the appointing authority. All parties to the appeal  
5 shall have access to information produced by the investigations and the  
6 information shall be presented at the hearing.

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

9 (a) Employ class action procedures; or

10 (b) Conduct test representative cases.

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

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

18 (20) (a) If the board finds that the action complained of was taken by the appointing  
19 authority in violation of laws prohibiting favor for, or discrimination against,  
20 or bias with respect to, the employee's~~[his or her]~~ political or religious  
21 opinions or affiliations or ethnic origin, or in violation of laws prohibiting  
22 discrimination because of such individual's familial status, race, color,  
23 religion, national origin, sex, sexual orientation, gender identity,~~[ or ]~~ age  
24 forty (40) and over, or disability, the appointing authority shall immediately  
25 reinstate the employee to the employee's~~[his or her]~~ former position or a  
26 position of like status and pay, without loss of pay for the period of time at  
27 issue, or otherwise make the employee whole unless the order is stayed by the

- 1 board or the court on appeal.
- 2 (b) If the board finds that the action complained of was taken without just cause,  
3 the board shall order the immediate reinstatement of the employee to the~~his~~  
4 ~~or her~~ former position or a position of like status and pay, without loss of pay  
5 for the period of time at issue, or otherwise make the employee whole unless  
6 the order is stayed by the board or the court on appeal.
- 7 (c) If the board finds that the action taken by the appointing authority was  
8 excessive or erroneous in view of all the surrounding circumstances, the board  
9 shall direct the appointing authority to modify or rescind the action at issue.
- 10 (d) In all other cases, the board shall direct the appointing authority to rescind the  
11 action taken or otherwise grant specific relief or dismiss the appeal.
- 12 (21) If a final order of the board is appealed, a court may award reasonable attorney fees  
13 to an employee who prevails by a final adjudication on the merits as provided by  
14 KRS 453.260. This award shall not include attorney fees attributable to the hearing  
15 before the board.
- 16 (22) When any employee is dismissed and not ordered reinstated after the appeal, the  
17 board in its discretion may direct that the employee's~~his or her~~ name be placed on  
18 an appropriate reemployment list for employment in any similar position other than  
19 the one from which the employee~~he or she~~ had been removed.
- 20 (23) After a final decision has been rendered by the board or court, an employee who  
21 prevails in an~~his or her~~ appeal may be credited with the amount of leave time  
22 used for time spent at the~~his or her~~ hearing before the board or court. Employees  
23 who had an insufficient amount of leave time shall be credited with leave time  
24 equal to the amount of time spent at their hearings before the board or court.
- 25 (24) If the appointing authority appeals the final order of the board, unless the board  
26 rules otherwise, the reinstated employee shall remain in the~~his or her~~ former  
27 position, or a position of like status or pay, until the conclusion of the appeals

1 process, at which time the appointing authority shall take action in accordance with  
2 the court order.

3 (25) After a final decision in a contested case has been rendered by the last  
4 administrative or judicial body to which the case has been appealed, the board shall  
5 make the decision available to the public in electronic format on its website and  
6 shall organize the decisions according to the statutory basis for which the appeal  
7 was based.

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

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

16 (28) If an individual received a notice that does not comply with subsection (7)(c),  
17 (8)(d), or (14)(b) of this section, or received no written or electronic notification of  
18 ~~the~~<sub>[his or her]</sub> dismissal, demotion, suspension, or involuntary transfer pursuant to  
19 subsection (7) or (8) of this section, the employee~~[he or she]~~ shall file an~~[his or her]~~  
20 appeal to the board within one hundred eighty (180) days of:

21 (a) Receipt of the written notice, if he or she received a written notice that does  
22 not comply with subsection (7)(c), (8)(d), or (14)(b) of this section; or

23 (b) The alleged act, if he or she did not receive written or electronic notification  
24 of the alleged act in question.

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

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