

City of Murray

Human Rights Commission

This guide was developed for those who have questions about the City of Murray's Human Rights Commission's proposed revision of the Murray Human Rights Ordinance

A Brief History

- 1966 - The *Kentucky Civil Rights Act* is adopted
- 1970 - The City of Murray Human Rights Commission is established
- 2008 - The Kentucky Commission on Human Rights called for an update to the *Kentucky Civil Rights Act* to include protections for LGBT people in employment, house, and public accommodations.

Questions, Comments, Concerns

What exactly does the proposed revision include that is not already included in the current ordinance?

Enumerated categories covered in the *Kentucky Civil Rights Act*, but not explicitly listed in the current ordinance. The current ordinance actually does not specifically list protected classes of people as done in *The Act* (i.e. basis of race, color, religion...). The current ordinance calls for the HRC to secure mutual understanding among "all economic, social, religious, age, ethnic, sexual, and racial groups."

Sexual orientation and gender identity as protected classes in employment, housing, and public accommodations.

Processes not clearly defined in the current ordinance for how discrimination complaints will be handled by the HRC. The current ordinance does not provide direction for the HRC or the public in processes to use in handling complaints, mediation, and investigations.

Why are sexual orientation and gender identity protections needed in Murray's ordinance?

Most minorities and underrepresented populations currently have legal protections from discrimination in the areas of employment, housing, and public accommodations. Yet, some people can and, sadly, do still experience forms of discrimination based on their perceived or actual sexual orientation and gender identity. The proposed revision aims to curb someone from being fired from their job, denied housing, or kicked out of public venue (i.e. restaurant or park) based on who they love or how they identify with their gender.

Have instances of discrimination based on sexual orientation and gender identity occurred in Murray?

The current human rights ordinance does not provide a mechanism for complaints to be filed under these two categories. Anecdotally, the HRC has heard of instances where individuals express hardships they have faced due to a lack of these protections. For example, a first-hand account was shared with the HRC regarding discrimination in housing at the December 8, 2014 town hall on the proposed revisions.



Background

Over the past several years, the City of Murray Human Rights Commission has undertaken a comprehensive and methodical review of the City's forty-plus year old ordinance. This review has involved numerous discussions with stakeholders and a significant amount of research as to how other municipalities have approached efforts to revise outdated and often, antiquated, human rights ordinances. In November, 2014, the HRC came to the conclusion that it was in the best interest of the citizens of Murray to propose revising the ordinance that recognized fundamental freedoms to human dignity omitted in the ordinance of 1970 and to include detailed processes for the implementation of such revisions. A copy of the proposed revision is available at:

http://www.murrayky.gov/_docs/HRCProposedOrdinance.pdf

Sexual Orientation and Gender Identity

Sexual orientation – an individual’s actual or perceived heterosexuality, homosexuality, or bisexuality.

Gender identity – the gender-related identity appearance, or mannerisms or other gender-related characteristics of a person with or without regard to the person’s designated sex at birth.

Would this ordinance infringe on my religious freedom guaranteed to me by the U.S. Constitution?

No. The HRC recognizes and supports such freedoms guaranteed to all citizens and would not propose anything that infringes upon that right. Beyond the *U.S. Constitution*, the HRC recognizes that through Kentucky Revised Statute 446.350, the City cannot substantially burden a person’s religious freedom. The HRC recognizes that some religious entities have strongly held views regarding the LGBT community and thus exemptions have been included for religious institutions, associations, and organizations operated for charitable or education purposes that are owned or operated by a religious entity.

Will the proposed revision hurt business in Murray?

No. Research does not suggest that this will happen; however, there is data that shows how many employers now look at inclusive diversity policies as being good for business. Many businesses operating in the City of Murray have inclusive policies on this matter, included to name a few: Murray State University, Walmart, Kroger, Cracker Barrel, Dollar General, Big Lots, and Office Depot - and the soon to open Panera Bread.

Would the City be overwhelmed by complaints by adding these categories as protected classes in employment, housing, and public accommodations?

No. Given the population of Murray, the City could expect approximately one complaint based on sexual orientation or gender identity every two years. Of those complaints, only one in ten on average would likely not be resolved through mediation, meaning that the City could expect around one complaint that requires a full hearing/investigation every 20 years.

Under the proposed revision, what would the process be for discrimination complaints in the City of Murray?

- The proposed revision stipulates that individual complaints would be filed through the City Clerk’s office.
- Upon submission, the City Clerk would route the complaint to the Human Rights Officer; an individual appointed by the Mayor whose duty would be to serve as a mediator.
- The Human Rights Officer would determine whether the complaint was based on a category covered by the *Kentucky Civil Rights Act*.
- If so, the Human Rights Officer would submit the complaint to the Kentucky Commission on Human Rights and the City’s role in the case would be over.
- If the Human Rights Officer determined the complaint was based on sexual orientation or gender identity, mediation would begin.
- If the complaint could be resolved through mediation, the complaint would be closed.
- If mediation could not reach a mutual agreement, the plaintiff could then request a formal hearing of the complaint with a Hearing Officer.
 - A Hearing Officer would be an individual appointed by the Mayor to conduct such hearings pursuant to Kentucky Law.
 - This individual would be certified by the Kentucky Attorney General’s office to serve in such a role pursuant to Kentucky Revised Statute 13B.
- At the conclusion of the hearing, if either parties involved were not satisfied with the outcome, they would then be able to file an appeal with the Calloway Circuit Court.

This process is similar to other municipal governments in Kentucky that have addressed similar revisions.

What would the penalty be if a violation of the City of Murray’s human rights ordinance were found?

If a person or entity were found to have violated the ordinance, civil penalties of not less than \$100, but not greater than \$500, plus all costs incurred by the City of Murray for the Hearing would be assessed. Again, note that any party of such could then opt to file a case with Calloway Circuit Court.

Business and Community Training

The HRC has decided to provide such a training opportunity free to the community in May. On **May 27, 2015**, a training will be provided at **3:00 p.m.** in **City Hall**. In addition to a training on the need and rationale for the proposed revision, an **attorney with expertise in handling discrimination investigations at the Kentucky Commission on Human Rights will be present** to answer questions. While this training opportunity is being provided to attendees **free of charge**, advance registration is required. Registration requests may be submitted electronically to humanrightscommission@murrayky.gov or by calling the City Clerk at 270.762.0350, ext. 1116 by May 22, 2015.

Your Questions and Input

The HRC meets on the second Monday of every month at 4:00 p.m. in City Hall (104 N 5th St) and all meetings are open to the public. Additionally, questions and/or comments may be submitted electronically to:

humanrightscommission@murrayky.gov