Justice Redux

Redone, Restored, Revisited

Fall 2009 — Employment Issue

Economic Heroes

Carolyn Miller-Cooper
Executive Director

At the Human Relations Commission, we get to be the good guys. Together, the HRC and the thousands of employers in Louisville Metro are working toward a fair and just economy. While many do willingly, a few are reluctant heroes. However, we all, eventually, understand the importance of economic justice—every person is guaranteed the equal human right to make a productive contribution to the economy through his or her labor and capital. Take a moment to read what Metro Government, along with its vendor partners, are doing as we travel the high road to justice.

Metro Vendor* All-Stars

✪MVP✪ **WT Cox Subscriptions** (52 employees) met all female and minority employment goals .

- ✪ **Catholic Charities of Louisville, Inc.** (86 employees) met all minority employment goals.
- ✪ **Jewish Physician Group, Inc.** (852 employees) met all female employment goals.
- ✪ **Timmy's Auto Wash Inc.** (31 employees) met all female employment goals
- ✪ **Lanier Parking Solutions** (81 employees) met all minority employment goals.
- ✪ **Presbyterian Community Center** (21 employees) met all minority employment goals.
- ✪ **Riverside Parking, Inc.** (146 employees) met all female employment goals.

*Metro Vendors are companies that are prequalified with Metro Government. Vendors seeking Metro contracts which exceed $10,000 are required to be prequalified. (Metro Code of Ordnances §37.27)

***Inside*:**
Information on the 2010 Race and Relations Conference

Metro Louisville

Human Relations Commission

www.louisvilleky.gov/HumanRelations

When It Comes to Age Discrimination ➡ We've Got Your Number

By **Martha A. Lawfer**
HRC Compliance Officer

One of the major responsibilities of the HRC is to investigate complaints of employment discrimination filed by citizens. The discrimination must be based on a Protected Class. Everyone is a member of a Protected Class. **The Protected Classes are, specifically, race, color, sex (gender), disability, religion, national origin, sexual orientation, gender identity or age 40 and over.**

The Human Relations Commission found probable cause of age discrimination in a case involving a large national employer and a 55-year-old employee. She was terminated, along with an older co-worker, after being employed for more than three years.

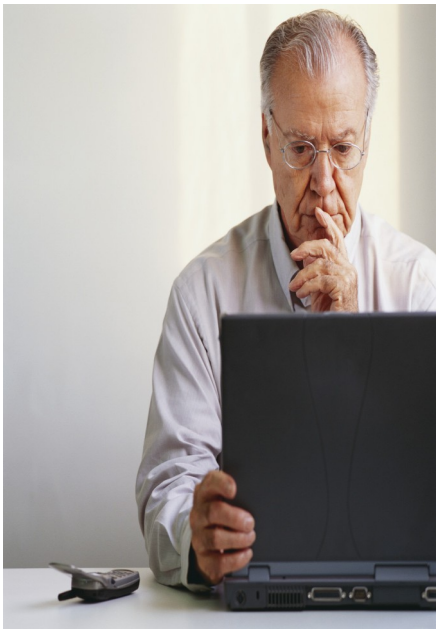
What is Age Discrimination? Age discrimination is prohibited by the **Age Discrimination in Employment Act of 1967 (ADEA)**, a federal law substantially adopted by Kentucky statute and Louisville Metro ordinance. The ADEA was passed to prohibit older employees from being moved out of their jobs or denied the benefits of their employment purely because of their ages. The act affects all aspects of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments and training. Further, employees may not be retaliated against for opposing discriminatory employment practices.

What is Probable Cause? Probable Cause may be found in a discrimination case when it is more likely than not that discrimination did occur.

What Happens Next? In a case where HRC finds Probable Cause, the case goes forward through an administrative law process. This process is an alternative to the court system. The attorney representing the HRC may attempt to settle the case with the employer or take it to a hearing before a hearing officer. If, after all these steps, the finding of discrimination is upheld , the case may be appealed in court.

Who Won? The employer argued that it was downsizing its staff and getting rid of all its General Utility workers. The proof showed, however, that the two General Utility workers performed exactly the same job duties as Food Service workers, who were all younger. Further, when the employee was terminated, a much younger person was hired as a Food Service worker to perform her duties.

An examination of the job descriptions for General Utility and Food Service workers as well as the day to day duties of the employees involved showed that there was no practical difference. They did the same things. By calling one group a different name allowed the employer, or so they thought, to terminate the older General Utility workers. The HRC found that the classifications amounted to a 'pretext,' or less than straightforward way to deal with otherwise good employees.



The law does not allow an employer to use pretext classifications to hide a discriminatory action. There must be a legitimate reason for such terminations and in this case, there was none. Thus, the HRC found Probable Cause of discrimination and the case was ultimately settled for a monetary award to the terminated employee of $25,000.00.

Seeking nominations for the Rev. Louis Coleman Youth Service Award and the Eleanor Young-Love Award (to be presented at the 2010 Race and Relations Conference). Go to www.louisvilleky.gov/humanrelations.

HRC FAIR SHAKE RECOGNITION IN SUBCONTRACTING (2008—2009)

PRIME CONTRACTOR	PROJECT	TOTAL MFHBE PAYMENTS*
Arnold Dugan & Meyers LLC	Improvements Waverly Park	$4,917.64
BORNSTEIN BUILDING COMPANY	Animal Services Adoptation Center	$7,200.00
BORNSTEIN BUILDING COMPANY	Cherokee Park and Cochran Hill Dog Run	$60.00
BORNSTEIN BUILDING COMPANY	Finance Remodel and Relocation	$117,548.67
BORNSTEIN BUILDING COMPANY	Metro Health & Wellness/3rd Fl Renov.	$19,340.77
BORNSTEIN BUILDING COMPANY	Shawnee Park Rest Stop Restoration	$6,790.00
BORNSTEIN BUILDING COMPANY	Training Facility for LMPD	$12,968.97
CORBETT CONSTRUCTION	Metro Safe Renovation	$236,760.50
DAVID ENGINEERING & CONSTRUCTION	Muhammad Ali Plaza Construction	$2,916.00
E-Z CONSTRUCTION CO	300 Block W. Main Street	$11,336.95
E-Z CONSTRUCTION CO	Hall of Justice Streetscape	$23,692.74
E-Z CONSTRUCTION CO	Hounz Lane Park	$18,553.58
E-Z CONSTRUCTION CO	Jefferson Street Sidewalks	$7,248.19
E-Z CONSTRUCTION CO	Willow Ave. Restroration	$996.40
FLYNN BROTHER CONTRACTING INC	Johnsontown Rd. Widening	$391,586.06
FLYNN BROTHER CONTRACTING INC	Road Improvements 2008	$443,566.55
FLYNN BROTHER CONTRACTING INC	Trevilian Way Improvements	$8,881.36
HANKA BUILDERS, LLC	District 4 Brick & Concrete Sidewalk	$320.00
HANKA BUILDERS, LLC	Scottsdale Sidewalk Design/Build	$4,024.78
J-TOWN CONTRACTORS	Algonquin Park Spray Ground	$36,900.00
J-TOWN CONTRACTORS	Hays Kennedy Park-Path Renovation Project	$4,053.00
KABAR CONSTRUCTION INC	Sun Valley Community Center	$38,921.88
LAWRENCE & ASSOCIATES	Annual Contract 2007-08	$5,200.00
LAWRENCE & ASSOCIATES	Taylorsville Rd. Sidewalk	$5,200.00
LOUISVILLE PAVING CO	Blue Lick Park	$21,807.37
LOUISVILLE PAVING CO	Safety Road Improvements	$255,553.14
MAC CONSTRUCTION & EXCAVATING	6th Street/3rd Street Granite Curbs and Sidewalk	$16,992.13
MAC CONSTRUCTION & EXCAVATING	Shelbyville Road Safety Beautification	$232,663.66
MAC CONSTRUCTION & EXCAVATING	St. Matthews Streetscape	$29,130.34
MAC CONSTRUCTION & EXCAVATING	Whipps Mill Rd. Bicycle Pedestrian Improvement	$35,508.69
PACE CONTRACTING	Seneca Park Bike Loop	$14,139.92
RADEMAKER CORPORATION	Replacement Flood Damaged Electrical System	$56.57
ST CLAIR CONSTRUCTION	LMFD Engine # 6	$196,154.02
SULLIVAN & COZART INC	African American Heritage Center	$1,061,640.88
SULLIVAN & COZART INC	Newburg Branch Library	$269,437.06
TEAM CONTRACTING	Ohio River Levee, Phase 3	$14,364.50
TP MECHANICAL CONTRACTORS	Louisville Zoo Admin	$7,500.00
UNITED CONSTRUCTION & DESIGN, LLC	Belvedere Structural Slab Project	$6,009.02
WOODBINE CONSTRUCTION CO	Fire Station #21	$248,206.09

*TOTAL MFHBE PAYMENTS are the total payments reported as paid to certified minority-owned, female-owned and handicapped-owned businesses by the Prime Contractor. (Metro Code of Ordinances §37.67)

The mission of the Louisville Metro Human Relations Commission is to promote unity, understanding and equal opportunity among all people of Metro Louisville and to eliminate all forms of bigotry, bias and hatred from the community.

COMMISSIONERS' CORNER

Meet Commissioner George

Jessica George
Development Director for Kentuckians for the Commonwealth (kftc.org)

"In addition to the Human Relations Commission, I serve on the Braden Center Board, based out of the Carl Braden Memorial Center at 3208 W. Broadway. I also work closely with Southerners on New Ground, a regional southern queer organization that focuses on the intersections of race, class, culture, gender identity and sexual orientation. "

Why did you choose to volunteer as a commissioner with the Human Relations Commission?

I first became interested in the Human Relations Commission in high school, while volunteering for the Fairness Campaign. The time I spent at Fairness helped me to understand the role of engaged Louisvillians in passing the Fairness ordinance, but I also knew that there were other forces that helped. One of those forces was the Human Relations Commission. When I moved back to Louisville after living away, I began working at Kentuckians For The Commonwealth. As I was organizing there, I got the perspective of engaging folks in Louisville around different issues. When the opportunity arose for me to join the Commission, I was excited because it was an opportunity to gain a more rounded perspective about making change and supporting diversity in Louisville.

How has your views on race and intergroup relations been impacted by your experience as a commissioner?

As a commissioner, I know that a fair and just community requires the work of a healthy grassroots movement, elected officials who are committed to the mission and a strong Commission that enforces the law, educates community members and acts as a resource.

What has been the most interesting, challenging or surprising experience as a commissioner?

In 2007 the Jefferson County Board of Education was discussing extending employment protections to teachers based on their sexual orientation. Among the speakers at that school board meeting, in favor of these protections, was a representative of the Human Relations Commission. It was a late night with what seemed like an endless number of speakers for and against the protections. The role that the Commission was able to play was one with a wider perspective about discrimination across our city; across race, class, gender, disability, sexual orientation and gender identity. What the Commission knows is that the extension of these protections for teachers is not just important for the schools of Jefferson County, but important for Jefferson County as a whole. The affects of discrimination are not limited to one particular class of people, it disrupts the very fabric and safety of our entire community.

HRC Commissioners: Jessica George (District 10), Ira Grupper (District 8), Aida Juric (District 3), Andrea Koven (District 16), Miguel Lagunas (District 26), Shameka Parish-Wright (District 1), Prafula Sheth (District 26), Mellissa Allen (District 8), Jeffrey Been (District 8), Alfonso Lanceta (District 12), Oneita Phillips (District 1) and Joan Stringer (District 5)

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