

**344.230 Orders of commission -- Nature of affirmative action.**

- (1) If the commission determines that the respondent has not engaged in an unlawful practice, the commission shall issue a final order in accordance with the provisions of KRS Chapter 13B dismissing the complaint. A copy of the order shall be delivered to the complainant, the respondent, the Attorney General, and any other public officers and persons that the commission deems proper.
- (2) If the commission determines that the respondent has engaged in an unlawful practice, the commission shall issue a final order requiring the respondent to cease and desist from the unlawful practice and to take affirmative action as in the judgment of the commission will carry out the purposes of this chapter. A copy of the final order shall be delivered to the respondent, the complainant, the Attorney General, and to any other public officers and persons that the commission deems proper.
- (3) Affirmative action ordered under this section may include, but is not limited to:
  - (a) Hiring, reinstatement, or upgrading of employees with or without back pay. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.
  - (b) Admission or restoration of individuals to union membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program, and the utilization of objective criteria in the admission of individuals to such programs.
  - (c) Admission of individuals to a place of public accommodation, resort, or amusement.
  - (d) The extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.
  - (e) Reporting as to the manner of compliance.
  - (f) Posting notices in conspicuous places in the respondent's place of business in form prescribed by the commission.
  - (g) Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.
  - (h) Payment to the complainant of damages for injury caused by an unlawful practice including compensation for humiliation and embarrassment, and expense incurred by the complainant in obtaining alternative housing accommodations and for other costs actually incurred by the complainant as a direct result of an unlawful practice.
- (4) The commission may publish or cause to be published the names of persons who have been determined to have engaged in an unlawful practice.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 319, effective July 15, 1996. -- Amended 1974 Ky. Acts ch. 187, sec. 3. -- Created 1966 Ky. Acts ch. 2, Art. 5, secs. 505 and 506.