

**“KNOW YOUR RIGHTS”
Training on the Legal Rights and Responsibilities of
People with Alcohol and Drug Problems**

**Kentucky Laws Regarding Discrimination
(June 2008)**

I. The Basics

Q1. Does Kentucky have a State law, like the Federal laws in the “**Know Your Rights**” brochure, which protects people from discrimination because they have a history of alcohol or drug problems, or are in treatment or in recovery from those problems?

A1. No: The **Kentucky Civil Rights Act**, K.R.S. § 344 *et seq.*, excludes persons with current or past drug or alcohol problems as well as persons currently engaging in the illegal use of drugs.

However, some cities and counties have local ordinances that do not exclude persons with past drug and alcohol problems. See “Employment Discrimination Claims Under Local Ordinances,” below. For a list of local human rights commissions visit <http://kchr.ky.gov/localcomm.htm>.

Q2. Are people with **alcohol or drug problems** considered individuals with a “disability” protected from discrimination under Kentucky laws?

A2. No. The Kentucky Civil Rights Act, K.R.S. § 344.010, states that persons with current or past controlled substances abuse or alcohol abuse problems or are currently engaging in the illegal use of drugs are excluded from the definition of “disability.” Also see local human rights ordinances, below.

Q3. Do Kentucky’s laws define “**disability**” the same way as the Federal non-discrimination laws?

A3. No. Kentucky’s Civil Rights Act specifically excludes past or current illegal drug abuse or alcohol abuse from its definition of “disability.” K.R.S. § 344.010.

II. Remedies and Resources for Addressing Discrimination

- Q4.** What can I do if I think I have been discriminated against because of an alcohol or drug problem?
- A4.** Because Kentucky state law does not provide protection for individuals with alcohol or drug problems, you will need to use either federal remedies described at the end of the *Know Your Rights* brochure or local ordinances in order to address discrimination based on an alcohol or drug problem.

Employment discrimination claims under Federal law:

- If you intend to file an employment discrimination lawsuit under the ADA or Rehabilitation Act, you must first file a complaint with the U.S. Equal Employment Opportunity Commission (“EEOC”) within 180 days of the alleged discrimination.
- There are EEOC offices in Indianapolis, Cincinnati, and Louisville. The Indianapolis District Office is located at 33 101 West Ohio St, Ste 1900, Indianapolis, IN 46204, phone (800)669-4000, and is open Monday – Friday from 8:00 a.m. through 4:30 p.m. You can only file a lawsuit after receiving a “right to sue” letter from the EEOC. You may wish to check the EEOC website, www.eeoc.gov, for more information.

Employment discrimination claims under local ordinances:

- Some cities and counties, such as the City of Covington and Louisville County, have local ordinances that provide more protections for people recovering from drug and alcohol problems.

Louisville County’s “Discriminatory Practices; Fair Housing Ordinance” protects individuals who are not currently engaged in the use of illegal drugs and whose substance use disorders substantially limits their major life activities, similar to the federal non-discrimination laws. Louisville-Jefferson County Metro Government Code of Ordinances §92.02.

For employment discrimination claims against an employer in Louisville County you must mail a complaint (see below) within 180 days to the **Louisville Metro Human Relations Commission** at the address below.

Location: 410 W. Chestnut Street
Suite 300A,
Louisville, KY 40202
Phone: 502-574-3631
Fax: 502-574-3190

TDD: 502-574-4332
Web: <http://www.louisvilleky.gov/HumanRelations/>

The Complaint is available at:
<http://www.louisvilleky.gov/HumanRelations/IWantTo/discrimination+complaint+form.htm>

The City of Covington’s “Human Rights Commission Ordinance” protects individuals who are not currently engaged in the use of illegal drugs and whose substance use disorders substantially limits their major life activities, similar to the federal non-discrimination laws. City of Covington, Kentucky Code of Ordinances §37.02.

For employment discrimination claims against an employer in Covington you must file a complaint within 90 days to the **Covington Human Rights Commission** at the address below.

Location: City Manager’s Office
636 Madison Avenue, 4th Floor
Covington, KY 41011
Phone: 859-491-3608

For a list of more local human rights commissions and their contact information visit <http://kchr.ky.gov/localcomm.htm>. Contact your local commission to see if people recovering from drug and alcohol problems are protected by the commission’s ordinances.