

S P E C T R U M

JAMES BUTLER: A KANSAS HUMAN RIGHTS COMMISSIONER TALKS ABOUT CIVIL RIGHTS

By Maureen Carroll

James Butler, a native of Kansas and graduate of Kansas State University, was appointed by Governor Graves to serve on the Kansas Human Rights Commission as Commissioner At Large in 1994. Mr. Butler has been asked to serve as a KHRC Commissioner by four Governors: Hayden, Carlin, Finney, and Graves.

Mr. Butler served thirty-two years in the U.S. Army, from 1942 - 1974, where he earned the Bronze Star, the Meritorious Service Medal, Joint Services Commendation Medal, and many other honors.

Commissioner Butler's involvement in civil rights began in the early part of this century, "I remember in 1924 and '25 - there was so much lynching going on, and discrimination, and no agency to address the issue."

Civil rights law enforcement did not begin in Kansas until 1961, when the Kansas Human Rights Commission was empowered with enforcement provisions by the state legislature. From its creation in 1953 until 1961 the purpose of KHRC was education and outreach exclusively.

Commenting on the beginnings of civil rights law enforcement, Commissioner Butler remarked, "I had a friend who was the first committee member to investigate black employment issues in the state." For the first time, individuals in Kansas who had been discriminated against because of their race, color, national origin or ancestry had somewhere to go to address the discrimination.

Commissioner Butler recalled the addition of women's issues, disability, and housing. "Testing was first utilized during those years; where you send in a black couple, and the landlord says, 'Oh, we don't have any vacancy.' Then you send in a white couple, and the story is quite different, suddenly there's something available."

When asked about the greatest challenge he'd faced as a Human Rights Commissioner, Mr. Butler replied: "The greatest challenge, not for me but for the Commission, has been the backlog. We've fought valiantly to overcome the backlog, but of course, we've never got it down to zero." A tight budget, staffing cuts required by the 1995

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FAIR HOUSING LAWS AND DISABILITY DISCRIMINATION WHAT YOU SHOULD KNOW

The Federal Fair Housing Amendments Act of 1988 prohibits discrimination in housing on the basis of race, color, religion, national origin, ancestry, sex, disability, and familial status. The Kansas Act Against Discrimination (K.A.A.D) is substantially equivalent to the federal law, and requires many public and private owners, developers, and operators of housing to modify any of their policies and practices that may exclude people with disabilities.

Fair housing laws apply to property owners, landlords, housing managers, real estate agents, brokerage agencies, and banks, and covers both private and public housing. The K.A.A.D. does *not* apply to individual owners who sell their homes without advertising and without a realtor, as long as the owner does not own or have an interest in more than three single family dwellings at a time.

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KHRC COMMISSIONERS:

Robert A. Wesley
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Real Estate, Independence

Corbin R. Benham
Vice-Chairperson
Labor, Mulvane

Phillip E. DeLaTorre
Law, Lawrence

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900 S.W. Jackson, Suite 851-S
Topeka, Kansas 66612-1258
(913)296-3206 - Voice
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KHRC:

Finney State Office Building
130 S. Market Street, Suite 7050
Wichita, Kansas 67218-3202
(316)337-6270 - Voice
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Commission meeting

The Kansas Human Rights Commission meets monthly, usually at the Topeka office. Commission meetings are open to the public; individuals interested in attending may obtain more information by contacting the Commission's main office in the Landon State Office Building, 900 S.W. Jackson, suite 851 -S, Topeka, Kansas. (913)296-3206 - (voice), (913)296-0245 - (TTY), (913)296-0589 - (Fax).

The *SPECTRUM* is a publication of the Kansas Human Rights Commission. The *Spectrum* was created to inform Kansans of current civil rights issues and keep interested persons up-to-date on issues pertinent to KHRC. Topics to be addressed in this and future issues of the *SPECTRUM* include current legal decisions, commentaries, upcoming events of interest, educational updates on issues such as age discrimination, sexual harassment, wage discrimination, unfair housing practices, and more.

Free subscriptions are available. If you would like to be placed on our mailing list, please call our main office or write us at the above address. All comments, suggestions, and submissions are appreciated.

Commissioner Butler

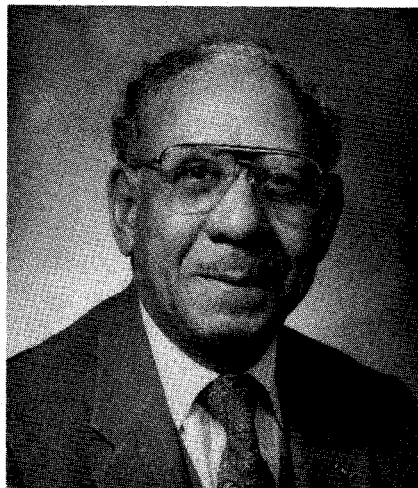
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Legislature and an ever-increasing number of complaints have contributed to this backlog.

The rewards of being a Commissioner, however, have more than offset the challenge of the backlog for Mr. Butler: "I'd go back to my community, I'd say to people that if you have a complaint that involves unlawful discrimination all you have to do is call 296-3206. I was able to help." That was enough for Mr. Butler.

The future of civil rights, according to Commissioner Butler, is still undetermined: "If progress continues, I see a future that will be, if not bright, at least acceptable." Commenting on such modern leaders as Colin Powell, and the addition of greater numbers of African Americans in local, state, and federal government, the Commissioner acknowledged, "We've made some dramatic progress." Mr. Butler believes, however, that this progress has been limited: "To the remarkable few who have not only taken advantage of opportunity, but have improved themselves to the *n*th degree. I think the U.S. is to be commended, but I often wonder where we are going."

When asked if he could see a future where agencies like the KHRC would no longer be needed, Commissioner Butler replied: "The admonition to do unto others as you would have them do unto you, if people did that, then there wouldn't be a need for the Kansas Human Rights Commission."



JAMES BUTLER, KHRC
COMMISSIONER AT LARGE

Fair housing

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Additionally, the K.A.A.D. does *not* cover landlords who live in their own buildings if the building has four or fewer apartments.

Fair housing laws protect applicants, tenants, and buyers with disabilities from unlawful discrimination. A disabled person is one who: 1. Has a physical or mental impairment which substantially limits a major life activity. 2. Has a record of such impairment. 3. Is regarded as having such impairment. In addition to other disabilities, AIDS or H.I.V., mental retardation or mental illness, and alcoholism are covered. The law excludes from protection those individuals who use drugs illegally. Individuals who use walkers or wheel chairs, or who need service animals or personal attendants are protected against housing discrimination.

It is the tenant's responsibility to request accommodation when it is needed. Fair housing laws require housing providers to make such

reasonable accommodations in their rules, policies, practices, or services in order to insure that individuals with disabilities have equal opportunity to use and enjoy a dwelling and common space. The law requires that individuals with a disability be permitted to make accessibility modifications to an existing rental unit at the tenant's expense.

Individuals who believe they have been the victim of discrimination in housing because of disability may file a complaint with the Kansas Human Rights Commission. Complaints on any basis in the area of housing must be filed within one year from the last alleged discriminatory act.

April Is Fair Housing Month

Governor Graves has declared April as Fair Housing Month. In an effort to educate people in Kansas about their rights and responsibilities under fair housing laws, KHRC is displaying fair housing information booths across the state.

Fair housing information booths provide information about the KHRC and explain federal and state fair housing laws. These laws protect individuals from unlawful discrimination based on race, color, religion, national origin, ancestry, sex, disability, and familial status in the area of housing.

Call KHRC for the location of the fair housing booth nearest you!

Employment Discrimination conference To Be Held In Dodge City

The Kansas Human Rights Commission will hold an employment discrimination conference in Dodge City, Kansas, on Wednesday, April 30, 1997. The Conference will take place at the Dodge City Community College and is free and open to the general public.

Anyone interested in learning more about KHRC and unlawful employment discrimination is encouraged to attend one of the sessions offered during the all-day conference.

Spanish language interpretation and American Sign Language (ASL) interpreters will be available throughout the day. In addition to the availability of Spanish language translation, there will be bilingual KHRC personnel available on site to answer questions.

The purpose of the conference is to communicate the mission and goal of the Kansas Human Rights Commission to the communities of Dodge City and surrounding areas. In addition, KHRC will provide pertinent information regarding employment discrimination law in Kansas.

KHRC is planning to open a satellite office in Dodge City in July of 1997, and hopes to let individuals and businesses know how to file a complaint based on unlawful discrimination, and what educational services are available to the public.

For more information about the Dodge City conference, contact KHRC at: (913)296-3206.

BASIS OF UNLAWFUL EMPLOYMENT DISCRIMINATION:

Race	Ancestry
Religion	National Origin
Color	Sex (Gender)
Disability	Age (over 18)
	Retaliation

Equal Employment Practices: Preventing Discrimination In Hiring

The Kansas Act Against Discrimination (K.A.A.D.), and the Kansas Age Discrimination In Employment Act provide the state of Kansas with laws against discrimination in employment based on: race, color, religion, national origin, ancestry, sex, age, disability, and retaliation. KHRC enforces these state civil rights laws in written and unwritten policies and practices including job advertisements, benefits, demotion, discharge, discipline, harassment, hiring, layoff, maternity, promotion, recall, references, unfavorable reinstatement, involuntary retirement, suspension, terms, training, union representation, and wages.

Understanding employment law is crucial, both for the employer and the employee or applicant. Information is available from KHRC regarding pre-employment inquiries and testing. For a free brochure, contact KHRC.

Understanding Terms

- **EMPLOYER** Anyone who does business within the state and employs four or more persons.
- **BUSINESS NECESSITY** A job requirement that is necessary for the safe and efficient operation of the business or organization.
- **BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ)** A job requirement that can only be met by applicants of a particular, sex, religion, or national origin or ancestry.
- **REASONABLE ACCOMMODATION** Accommodation to the Known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the business.
- **UNDUE HARDSHIP** Reasonable accommodation for an applicant's disability or religion cannot be made without compromising the safe and efficient operation of the business or organization.

BOB MIKESIC OF INDEPENDENCE, INC. TALKS ABOUT HOUSING ACCESSIBILITY

Housing discrimination is an increasingly serious issue in the state of Kansas. Often housing discrimination is blatant and intentional. Sometimes, however, a housing provider excludes people with disabilities without intending to discriminate.

Educating housing providers and tenants about reasonable accommodation in housing is the goal and profession of Bob Mikesic, Residential Services Specialist for the Accessible Housing Program developed by Independence, Inc. of Lawrence, Kansas.

Bob Mikesic has been with Independence Inc. since 1984, spending much of the last 13 years doing education and outreach. According to Mr. Mikesic, with education a housing provider may come to understand that "reasonable accommodation" is simply a reasonable modification of rules, policies, practices or services that allow equal opportunity for disabled persons.

For example, a housing provider with a "first come, first serve" parking policy can make an exception and create a reserved parking space for a tenant who has difficulty walking. Another example of reasonable accommodation might be an exception made to a building's "no pets" rule for people with a disability who use guide dogs or other service animals.

The Accessible Housing Program uses funds from a Lawrence Community Development Block Grant to enable people with disabilities to achieve improved access to rental housing. This may be in the form of financial assistance.

The Accessible Housing Program helps anyone. According to Bob Mikesic, "A fairly broad spectrum of people that are looking for a house, or that want to modify their home due to an injury or change in physical condition", contact AHP.

Assistance provided by AHP includes such basics as: Building ramps, widening doorways, installing visual signal systems for telephones and doorbells, installing lever type handles on doors or faucets, modifying door thresholds, and installing grab bars in bathrooms.

Assistance provided is often simple referral, "Someone may need a carpenter. They may have their own resources, but they don't know how to get qualified help. We have a list of six or more people they can contact." Sometimes people need only technical assistance, building specifications, etc. Materials are available, and Mr. Mikesic assists individuals in accessing current publications relevant to housing accessibility. Additionally, Independence, Inc. has an on-site information library available to the public.

Materials available to help builders and landlords are also available. The intention of AHP is to, "Let everyone know we're here to help them, to try to work problems out, to mediate," Mr. Mikesic assured.

AHP is not limited to Lawrence, although, according to Mr. Mikesic, "In Lawrence we're pretty well known. We also do outreach in rural areas." AHP serves all of Douglas County, including Baldwin and Eudora, and various parts of Franklin and Jefferson Counties.

Thanks to AHP and Mr. Mikesic, greater housing accessibility has been achieved for many individuals in Kansas. Mr. Mikesic hopes that in the future many more can be served, "We are a work in progress."

For More Information about
The Accessible Housing Program
contact:

Bob Mikesic
Residential Services Specialist
Independence, Inc.
1910 Haskell
Lawrence, Kansas 66046
(913)841-0333 (voice)
(913)841-1046 (TTY)

UPCOMING EVENTS:

Networking About Deafness
An Afternoon of Discussion Groups

Sunday, April 20, 1997
Johnson county Community College

Women Of Color Conference

Saturday, April 19, 1997
Holiday Inn Holidome, Topeka

KHRC's Dodge City Employment
Discrimination Conference

Wednesday, April 30, 1997
Dodge City Community College

SRS Diversity Conference

Tuesday, May 13, 1997
Kaw Area Technical School

EEOC Technical Assistance Seminars

Saturday, June 5, 1997
Harley Hotel of St. Louis

Eternal vigilance is the price of freedom!

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