



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

May 13, 1975

Opinion No. 75 - 212

Anthony D. Lopez
Executive Director
Commission on Civil Rights
535 Kansas Avenue
Topeka, Kansas 66603

Dear Mr. Lopez:

You inquire whether:

"current or past commission employees and members of the protected groups; black, Mexican Americans, female or physically handicapped, are precluded from filing complaints in employment, public accommodation and housing to seek redress under the provisions of the Kansas Act Against Discrimination."

You inquire, secondly, whether:

"there is any statutory constraints on the remedies available to this complainant and commission employee such as reinstatement, promotion, backpay awards and compensatory damages for the pain and humiliation due to the act of discrimination."

K.S.A. 44-1001 is the controlling statute as relates to the declaration of state policy and purpose and in part provides the following:

"... It is hereby declared to be the policy of the State of Kansas, to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation, or separation in all places of public accommodations covered by this act, and to eliminate and prevent discrimination, segregation or separation in housing.

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It is also declared to be the policy of this state to assure equal opportunities and encouragement to every citizen regardless of race, religion, color, sex, physical handicap, national origin or ancestry . . . It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations as covered by this and the opportunity for full and equal housing are civil rights of every citizen. . . ." (Emphasis added)

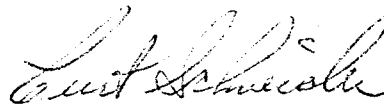
K.S.A. 44-1001 is an all encompassing statute and as such contains no provision that prohibits any class, group or individual from filing a complaint with the commission. K.S.A. 44-1001 provides that equal opportunity in employment, public accommodations and housing are civil rights of every citizen.

Accordingly, it is our opinion that current and past commission employees are not statutorily precluded from the filing of a complaint with the Kansas Commission on Civil Rights.

It must therefore of necessity, follow that if a past or present commission employee files a complaint, the remedies provided by statute are part and parcel of the right conferred by statute.

Accordingly, it is our opinion that the only statutory constraints on the remedies available to a past or present commission employee who is a complainant are those provided by K.S.A. 44-1005.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:EJY:gw