

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
THURSDAY, JULY 29, 2010 MINUTES
City Council Chamber – 555 S. 10th Street**

The July 29, 2010 meeting of the Commission on Human Rights was called to order at 4:00 p.m. by Wendy Francis, Chair.

The roll was called and documented as follows:

MEMBERS PRESENT:

Karla Cooper, Gene Crump, Dick Noble, Takako Olson, and Wendy Francis.
Anitra Warrior arrived at 4:28 p.m.

MEMBERS ABSENT:

Hazell Rodriguez, Jose Quintero, and Mary Reece.

STAFF PRESENT:

Larry Williams, Angela Lemke, Margie Nichols, Connie Guillaume and Crystal Scholl.

APPROVAL OF JUNE 24, 2010 MINUTES:

A motion was made by Crump and seconded by Noble to approve the minutes of June 24, 2010 as presented.

Hearing no discussion, Francis asked for the roll call. Voting Aye: Crump, Noble, Olson, Cooper and Francis. Motion carried 5-0.

APPROVAL OF JULY 29, 2010 AGENDA:

A motion was made by Cooper and seconded by Olson to approve the July 29, 2010 meeting agenda as presented.

Hearing no discussion, Francis asked for roll call. Voting Aye: Noble, Olson, Cooper, Crump and Francis. Motion carried 5-0.

Director Larry Williams Resigns

Director Larry Williams addressed the Commissioners and publically thanked them for their service and dedication. Williams announced his resignation due to personal obligations. The Commissioners in turn expressed their thanks to Williams for his 10 years of service with the City, and for his dedication to civil and human rights.

CASE DISPOSITIONS:

LCHR # 09-1116-058-E-R

Hostile Work Environment based on Race:

A motion was made by Crump and seconded by Noble to recommend a finding of **No Reasonable Cause**.

Discussion ensued. Francis asked if there was any documentation about the Complainant being a no call/no show. Lemke stated that there was documentation of the Complainant's no call/no shows. Cooper asked if there are specific criteria to be allowed to lock up the building. Lemke stated that the only people that had keys were the supervisors, and that other employees were told to wait outside the gate if they had to wait for a ride.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Cooper, Crump, Noble, Olson and Francis. Motion carried 5-0.

Termination based on Race:

A motion was made by Crump and seconded by Noble to recommend a finding of **No Reasonable Cause**.

Hearing no discussion, Francis asked for roll call. Voting Aye: Crump, Noble, Olson, Cooper and Francis. Motion carried 5-0.

Termination based on Retaliation:

A motion was made by Crump and seconded by Noble to recommend a finding of **Reasonable Cause**.

Francis asked for clarification about the Complainants' complaints of race discrimination and his termination. Lemke stated that the Complainant was terminated within minutes of the Complainant bringing up a complaint about racial discrimination, and notes from the Respondent stated that the Complainant "played the black card" during the meeting. A discussion was held about the Complainant's supervisor referring the Complainant to another member of management with his concerns, and the fact that the Complainant and another employee had two different supervisors.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Noble, Olson, Cooper, Crump and Francis. Motion carried 5-0.

LCHR # 09-1221-069-E-R

Hostile Work Environment based on Sex:

A motion was made by Cooper and seconded by Olson to recommend a finding of **No Reasonable Cause**.

Discussion ensued. Francis asked if there was any evidence of other complaints against a certain employee that the Complainant had a problem with. Nichols stated that there were no other complaints made against this employee.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Olson, Cooper, Crump, Noble and Francis. Motion carried 5-0.

Failure to Provide a Reasonable Accommodation based on Disability:

A motion was made by Crump and seconded by Cooper to recommend a finding of **No Reasonable Cause**.

Discussion ensued. Francis asked for more specific detail about the Complainant's disabilities. Nichols stated that the Respondent said that they were only told that the Complainant could not lift objects above shoulder level, which they accommodated. The Complainant alleged that she told the Respondent that she had a psychological disability.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Cooper, Crump, Noble, Olson and Francis. Motion carried 5-0.

Termination based on Retaliation:

A motion was made by Noble and seconded by Crump to recommend a finding of **No Reasonable Cause**.

Discussion ensued. Francis asked how long it had been between the Complainant complaining about an employee and her termination. Nichols stated that there was approximately six months between incidents.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Crump, Noble, Olson, Cooper and Francis. Motion carried 5-0.

LCHR # 09-1229-070-E-R

Hostile Work Environment based on Disability and Sex:

A motion was made by Cooper and seconded by Crump to recommend a finding of **No Reasonable Cause**.

Francis stated that in the report everyone had nicknames. Nichols confirmed that almost everyone had a nickname.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Noble, Olson, Warrior, Cooper Crump and Francis. Motion carried 6-0.

LCHR # 10-0303-001-PA

Denial of Services based on Race

A motion was made by Crump and seconded by Cooper to recommend a finding of **No Reasonable Cause**.

Francis noted that the Complainant missed appointments and not following the directions set by the Respondent.

Hearing no further discussion, Francis asked for roll call. Voting Aye: Cooper, Crump, Noble, Olson Warrior and Francis. Motion carried 6-0.

PRE-DETERMINATION SETTLEMENT AGREEMENT:

A motion was made by Noble and seconded by Crump to accept the Pre-Determination Settlement Agreement as presented.

LCHR # 09-1231-071-E-R

Hearing no discussion, Francis asked for the roll call. Voting Aye: Cooper, Crump, Noble, Olson, Warrior and Francis. Motion carried 6-0.

OLD BUSINESS:

Investigator Lemke introduced City Attorney Rod Confer; Assistant City Attorney Jocelyn Golden; and Terri Storer Executive Assistant; to the Commissioners.

Confer told the Commissioners that the Mayor's Office asked for the Commission to be moved under the Law Department, and that he presented the future budget on behalf of the Commission to the City Council. He informed the Commissioners that under the proposed budget the Director position will not be filled, and the Commission's budget has been reduced in the amount of Williams' salary and benefits. He added that the two investigators will remain employed with the Commission, and these budget changes will be reevaluated next fiscal year. Confer went on to state that work is being done to find office space for the two investigators within the City/County Building, and believes the Law Department can provide the needed administrative support. Confer stated that he is also investigating options to ensure the Commission's outreach programs continue, and was hopeful that the Commission would obtain an AmeriCorps volunteer to assume some of those outreach duties.

Commissioner Cooper spoke of major concerns with the elimination of the Director position within the Commission. She added that without the position of Director the Commission in a way loses their identity, and felt that a person would be less likely to file a complaint with the City Attorney's Office. Cooper was also concerned that the Commission was set in place by a vote and yet the City is taking the Commission away without another vote.

Confer responded by saying that there was a vote by the people to install the Commission, but the Commission is not being taken away. The Commission is being transferred from the Mayor's Office to the Law Department.

Cooper wondered who would now be the key contact for the Commission.

Confer stated that the people will still be able to contact the Commission on Human Rights with discrimination issues, but they will hopefully be coming to the City/County Building to do so. Confer agreed that some people may be intimidated to come to the City Attorney's Office and that is being considered during this transition.

Francis asked who would be the main visible contact person for the community, and Confer responded that he is not completely sure, but it will most likely be himself.

Crump stated that by adding the responsibilities of the Commission under the City Attorney it would be a disservice to the community, and there needed to be a great deal of thought when considering the amount of work to be conducted within the community.

Confer stated that he has little control over the situation, but could not hire another person to replace the Director position if he does not have the monetary resources to do so. He agreed that there needed to be analysis of the position, but added that at some point "something has to give."

Crump stated that in the City of Lincoln created the Commission on Human Rights to serve a purpose, and human rights is an issue that should not just "have to give."

Cooper was glad that the Law Department would be giving the investigators administrative help; but that the position of Director was needed to maintain a certain identity for the Commission. Noble agreed that there needs to be a main person of contact in order to maintain an identity within the community, and there needs to be an exceptional effort made -- not an average effort.

Olson stated that she knows from experience that it might be very intimidating for a person to visit the City Attorney to lodge a complaint. Noble stated that the City will unintentionally muzzle people that are not as outgoing to speak their mind.

Confer pointed out that many people come into the City Attorney Office every day, and many are not afraid to come into the office.

After the Commissioners' questions and concerns were expressed, Investigator Lemke added that for the last couple of weeks the Law Department has been very accommodating and welcoming. She indicated that the minutes would be forwarded to the Mayor's Office, and Chair Francis requested that they also be forwarded to each individual City Council Member.

NEW BUSINESS:

None.

PUBLIC COMMENTS:

NAACP President of the Lincoln Branch, Leroy Stokes, thanked Larry Williams for the work that he has done over the past 10 years. He then made the statement that the Commission needed to remain as it is with a Director and contact person for the Commission. Stokes stated that it needed to be someone involved in civil rights, who could serve as the face of the Commission. He was concerned about individuals being intimidated by the City Attorney's Office. Stokes went on to state that the Commission needed to be visible in the community and continue an outreach program, and he did not see the City Attorney position fulfilling that role. Stokes reiterated that the structure of the Commission needed to remain; the budget needed to be kept open to create a contact person and Director, and the Commission needed a representative to stand up for the people that have been discriminated against. Stokes added that it was not only a race issue, but involves many people protected by law which includes religion, age and disability.

John Krejci, retired sociology/social work teacher and civil rights activist, questioned the ability of an AmeriCorps volunteer to assume some of the responsibilities of the Director, and indicated that this proposal was insulting. He added that the Mayor's reputation with human rights has been very good in the past; however, did not feel that the Mayor consulted or considered other options before the changes were made. Krejci stated that the Commission needed to push the Mayor and protest that the changes were unacceptable, and without an outreach or education program, it was a "slap in the face" to minorities and people of color.

Leola Bullock introduced herself as a Lincoln citizen that aided the City in creating the policies under which the Commission operates. She added that the thought of eliminating a Commission that the City of Lincoln surely needed was very upsetting. She acknowledged that there are budgets that need to be revised; however, she stated that there needed to be a visible Director.

Next Meeting

The next meeting will be held on Thursday, August 26, 2010 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10th Street.

ADJOURNED:

The meeting adjourned at 5:09 p.m.