

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
MINUTES**

THURSDAY, June 30, 2011
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The June 30, 2011 meeting of the Commission on Human Rights was called to order at 4 p.m. by Vice-Chairperson Gene Crump.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Mary Reece, Jose Quintero, Dick Noble, Sue Oldfield, Hazel Rodriguez and Gene Crump, Vice-Chairperson. Quorum present.

MEMBERS ABSENT:

Commissioners: Karla Cooper, Takako Olson and Wendy Francis.

STAFF PRESENT:

Angela Lemke, Margie Nichols, Regina Grant, Rod Confer and Janice Folkner.

APPROVAL OF MAY 26, 2011 MINUTES:

A motion was made by Commissioner Noble and seconded by Commissioner Reece to approve the minutes of the May 26, 2011 meeting as presented.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Quintero, Noble, Rodriguez and Reece. Abstaining was Commissioner Oldfield and Crump. Motion carried.

APPROVAL OF JUNE 30, 2011 AGENDA:

Vice-Chairperson Crump stated there will be one change to the June 30th Agenda. Item #7 has been removed from the agenda, Successful Conciliation LCHR No.: 11-0709-029-E-R. With that change, a motion was made by Commissioner Reece and seconded by Commissioner Noble to approve the June 30, 2011 meeting agenda as presented.

Hearing no discussion regarding the Agenda, Vice-Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Noble, Oldfield, Rodriguez, Reece, Quintero and Crump. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 10-0914-043-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Noble and seconded by Commissioner Oldfield.

Discussion ensued. Commissioner Rodriguez asked if there was a clear meaning as to what the variety of reasons were as to why the Complainant was not able to work. Investigator Lemke stated she knew three of the absences were for hospitalization, but was unable to confirm what the other reasons may have been. Rodriguez inquired whether the Investigator felt any of suspensions or warnings were related to her disability. Lemke said she did not find that they had anything to do with her disability and most of the warnings were prior to her being hospitalized. Lemke further stated she questioned the Complainant about her tardiness. The Complainant's explanation was that she was in the store, but had her child with her, waiting for someone to pick-up the child and she was not able to clock in.

Commissioner Reece then asked if one of the Supervisors had been aware of her medical condition. Lemke confirmed that at least one of the Supervisors did know about it. Reece further asked if the Complainant ever asked for any accommodation or tolerance for her circumstance. Lemke said that only on the days she was hospitalized and the Supervisor made sure her shifts were covered. Lemke added there wasn't any further request for additional assistance.

Hearing no further discussion, voting "aye" was: Commissioners Oldfield, Rodriguez, Reece, Quintero, Noble and Crump. Motion carried.

LCHR No.: 10-0929-047-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Oldfield.

Hearing no discussion, voting "aye" was: Commissioners Rodriguez, Reece, Quintero, Noble, Oldfield and Crump. Motion carried.

LCHR No.: 10-1110-054-E

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Rodriguez and seconded by Commissioner Noble.

Hearing no discussion, voting “aye” was: Commissioners Reece, Quintero, Noble, Oldfield, Rodriguez and Crump. Motion carried.

LCHR No.: 11-0114-002-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Quintero and seconded by Commissioner Reece.

Discussion ensued. Commissioner Crump asked if the Respondent had similar complaints regarding this same customer previously. Lemke replied that there had been two previous complaints, giving them a total of five complaints against this customer. Once they received the complaint from Human Rights, the Respondent then banned the customer from all their locations in Lincoln. Lemke further stated that two of the incidences occurred at one of their other locations.

Hearing no further discussion, Vice-Chairperson Crump asked for the roll call. Voting “aye” on No Reasonable Cause was: Commissioners Quintero, Noble, Oldfield, Rodriguez, Reece, and Crump. Motion carried.

LCHR No.: 11-0318-009-H

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Noble.

Discussion ensued. Commissioner Rodriguez asked if the Respondent ever checked to see if the thermostat was working correctly before shutting off the heat as he claimed the Complainant requested. Lemke replied the Respondent stated the Complainant did not want him in her apartment. Commissioner Rodriguez inquired as to why the Complainant waited for two weeks before filing a complaint against the Respondent. Lemke stated she believed that it was true the Complainant did not want the landlord in her apartment. Lemke added that the Respondent’s position is that the heat was only off for a day or two before he turned the heat back on. Commissioner Rodriguez stated she felt there was no evidence showing that it was related to the Complainant being a female and Commissioner Rodriguez asked Lemke to make recommendations to the landlord regarding certain building codes. Commissioner Crump asked that a copy of the letter be put in the file advising the landlord regarding the codes. Lemke stated she wasn’t sure what authority she would have talking about housing code violations. Commissioner Rodriguez suggested she use the common sense approach rather than referencing housing code violations.

Hearing no further questions, Vice-Chairperson Crump asked for the roll call. Voting “aye” on No Reasonable Cause was: Commissioners Noble, Oldfield, Rodriguez, Reece, Quintero and Crump. Motion carried.

PRE-DETERMINATION SETTLEMENT AGREEMENT:

LCHR No.: 11-0425-015-E-R

A motion was made by Commissioner Reece and seconded by Commissioner Noble to accept the pre-determination settlement agreements as presented.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Oldfield, Rodriguez, Reece, Quintero, Noble and Crump. Motion carried.

ADMINISTRATIVE CLOSURES

Notice of Right to Sue

LCHR No.: 10-0209-004-E-R

A motion was made by Commissioner Oldfield and seconded by Commissioner Reece to accept the Administrative Closure, Notice of Right to Sue.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Rodriguez, Reece, Quintero, Noble, Oldfield and Crump. Motion carried.

Failure to Cooperate

LCHR No.: 10-1103-051-E-R

A motion was made by Commissioner Noble and seconded by Commissioner Reece to accept the Administrative Closure, Failure to Cooperate.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Reece, Quintero, Oldfield, Noble and Crump. Abstaining was: Rodriguez. Motion carried.

LCHR No.: 10-1103-052-E-R

A motion was made by Commissioner Oldfield and seconded by Commissioner Noble to accept the Administrative Closure, Failure to Cooperate.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Quintero, Noble, Oldfield, Reece and Crump. Abstaining was: Rodriguez. Motion carried.

LCHR No.: 10-1116-006-PA

A motion was made by Commissioner Reece and seconded by Commissioner Noble to accept the Administrative Closure, Failure to Cooperate.

Hearing no discussion, Vice-Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Noble, Oldfield, Rodriguez, Reece, Quintero and Crump. Motion carried.

OLD BUSINESS:

A. Update on Hiring of Human Rights Director

Rod Confer relayed to the Commissioners that Mayor Beutler believes this position should be under the unclassified service, which means it would be subject to appointment by the Mayor with the ability to discharge the person if they do not perform adequately. This would be the same as Directors City Departments. Confer further said the current plan is to hire someone on a temporary basis around September, until the Mayor's new plan goes into effect and a permanent position in unclassified service is created.

Commissioner Crump asked for the Mayor to give the Commission an explanation in writing the pros and cons for this significant change facing the Commission.

NEW BUSINESS: None

PUBLIC COMMENTS: None

Next Meeting: The next meeting will be held on Thursday, July 28, 2011 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 4:41 p.m.