

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

THURSDAY, AUGUST 26, 2010
City Council Chambers - 555 So. 10th Street

CALL TO ORDER/ROLL CALL

The August 26, 2010 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Wendy Francis.

Roll Call was documented as follows:

MEMBERS PRESENT:

Gene Crump, Jose Quintero, Hazell Rodriguez, Anitra Warrior, and Wendy Francis.
Quorum present.

MEMBERS ABSENT:

Karla Cooper, Takako Olson, Dick Noble, and Mary Reece.

STAFF PRESENT:

Angela Lemke, Margie Nichols, Rod Confer, Terri Storer, Connie Guillaume, Janice Folkner, and Sue Burgason.

APPROVAL OF JULY 29, 2010 MINUTES

A motion was made by Commissioner Crump and seconded by Commissioner Quintero to approve the Minutes of July 29, 2010 as presented.

Voting Aye: Quintero, Warrior, Crump, Francis.

Abstaining: Rodriguez

Motion carried 4-1.

APPROVAL OF AUGUST 26, 2010 AGENDA

Chairperson Francis read into the record the addition of LCHR case number 10-0408-015-E-R to be added as a Pre-Determination Settlement Agreement. A motion to approve the amended August 26, 2010 Agenda was made by Commissioner Crump and seconded by Commissioner Warrior.

Voting Aye: Rodriguez, Warrior Crump, Quintero, Francis.
Motion carried 5-0.

CASE DISPOSITIONS

LCHR No.: 09-1211-064-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Francis.

Discussion ensued. Rodriguez inquired as to how well this Complainant, as well as the other four Complainants, actually understood English. Lemke indicated that several members of the group had a better understanding than the others. There was a question about the difference in pay which Lemke indicated there has been a \$.20 cost of living increase since the Complainant left employment, and explained that the newly hired employee was hired at a lower rate, but was promoted shortly after being hired. Rodriguez also asked about holiday pay to which Lemke indicated that the employee needed to be in full pay status the day before and the day after the holiday to be paid for the holiday. Rodriguez inquired as to whether these employees were fired or sent home. Lemke indicated the supervisor told them to go back to work or leave, and the Complainant opted to leave. There was also a question of a bonus, and Lemke explained Respondent's policy on bonuses. She states that the Complainant was upset about two Vietnamese employees not losing their bonus when they left their workstation and were preparing to clock out prior to the end of their shift. Lemke points out, however, that the Hispanic employees' who chose to return to work the day of the meeting, also did not lose their bonus.

Quintero inquired about the comment that Hispanics were given more work. Warrior also noted that comment and also inquired if there was a policy in place on times worked and amount of hours. Lemke indicated that Respondent does not have such a policy, and a discussion ensued about the Hispanic employees working faster thus having more work placed on them.

Voting Aye: Warrior, Crump, Quintero, Rodriguez, Francis.
Motion carried 5-0.

LCHR No.: 09-1211-065-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Francis and seconded by Commissioner Crump.

Discussion ensued. Rodriguez inquired as to whether these Complainants really

understood they could go back to work. Lemke indicated she thought they did.

Voting Aye: Warrior, Crump, Quintero, Rodriguez, Francis.
Motion carried 5-0.

LCHR No.: 09-1214-066-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Rodriguez.

Discussion ensued. Quintero commented that it appeared the Complainants understood the situation with the bonus and use of the time clock which would indicate they understood that if they left their job then they were terminated.

Voting Aye: Quintero, Rodriguez, Warrior, Crump, Francis.
Motion carried 5-0.

LCHR No.: 09-1214-067-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Francis and seconded by Commissioner Crump.

Rodriguez noted that there was additional allegation noted in this complaint. Lemke indicated that there was no evidence to show this Complainant was struck by another employee. Lemke also noted that this Complainant failed to cooperate in the investigation.

Voting Aye: Rodriguez, Warrior, Crump, Quintero, Francis.
Motion carried 5-0.

LCHR No.: 09-1214-068-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Warrior.

Hearing no discussion, Chairperson Francis asked for roll call.

Voting Aye: Warrior, Crump, Rodriguez, Quintero, Francis.
Motion carried 5-0.

LCHR No.: 10-0223-007-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Rodriguez and seconded by Commissioner Quintero.

Hearing no discussion, Chairperson Francis asked for roll call.

Voting Aye: Crump, Quintero, Rodriguez, Warrior, Francis.
Motion carried 5-0.

LCHR No.: 10-0326-011-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Warrior.

Rodriguez inquired as to whether the Respondent had a policy regarding calling in sick. Nichols indicated they did not have a policy about use of sick time, but that the issue was that the Complainant had called in sick 75% of the time on Mondays.

Voting Aye: Quintero, Rodriguez, Warrior, Crump, Francis.
Motion carried 5-0.

LCHR No.: 10-0406-014-E-R

A motion for a finding of **No Reasonable Cause** was made by Commissioner Crump and seconded by Commissioner Francis.

Hearing no discussion, Chairperson Francis asked for roll call.

Voting Aye: Rodriguez, Warrior, Crump, Quintero, Francis.
Motion carried 5-0.

LCHR No.: 10-0610-010-H

A motion for a finding of **No Reasonable Cause** was made by Commissioner Francis and seconded by Commissioner Crump.

There was a short discussion about the fact that the Respondent was to provide an air conditioner to all tenants according to the lease agreement.

Voting Aye: Warrior, Crump, Quintero, Rodriguez, Francis.
Motion carried 5-0.

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

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

LCHR No.: 10-0615-011-H

LCHR No.: 10-0408-015-E-R

Hearing no discussion, Francis asked for roll call.

Voting Aye: Crump, Quintero, Rodriguez, Warrior, Francis.
Motion carried 5-0.

OLD BUSINESS:

Rod Confer gave an update on availability of space in the County/City Building for moving the Human Rights Division. The space is immediately adjacent to the west of the City Attorney's office on the 3rd floor. There will be a separate entrance and signage. Crump thanked Confer for the email sent to all the Commissioners and requested emails be sent as appropriate to all Commissioners to keep them up to date on issues. Confer also indicated that interviews were being conducted for an Americorps volunteer to help with the education and outreach for the Commission.

NEW BUSINESS:

EEOC Contract

Angela Lemke gave an update on the EEOC grant contract. The next contract starting October 1, 2010, will be based on 64 cases at \$550.00 per case with additional money for training. The current contract that ends September 30th was for 63 cases, but an upward modification has been requested for 73 cases.

HUD Contract

Margie Nichols gave an update on the HUD grant contract which will be based on 15 cases. She indicated that HUD is investigating a case that they approved but did not include in the number, which would bring it to 16 cases. As it stands, the case reimbursement will be \$37,700 with \$16,500 for training and \$4,000 for administrative costs.

Crump inquired as to the use of funds set aside for the Executive Director position and asked for an explanation of where those funds are being used.

Internship

Lemke updated the Commissioners on the retention of an unpaid intern, Jessica Sanchez, from the University of Nebraska. Her internship will run through May 2011.

Title 11 of the Lincoln Municipal Code

Jocelyn Golden, Assistant City Attorney, notified the Commission that she was in the process of updating Title 11. Francis asked what was being updated and if sexual orientation was going to be included as a protected class. Golden said that it was being updated to ensure it is substantially equivalent to Federal law.

Next Meeting:

The next meeting will be held on Thursday, September 16, 2010 at 4:00 p.m. at the K Street Conference Room, 440 South 8th Street.

ADJOURNED:

Meeting was adjourned.