

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

THURSDAY, March 29, 2012
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The March 29, 2012 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Gene Crump.

Liz King was sworn in by Joan Ross, City Clerk, as a new Human Rights Commissioner.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Hazell Rodriguez, Jose Quintero, Bennie Shobe, Takako Olson, Wendy Francis, Sue Oldfield, Liz King and Gene Crump, Chairperson. Quorum present.

MEMBERS ABSENT:

Commissioner: Mary Reece

STAFF PRESENT:

Director Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Nichole Hope-Bauman, Rod Confer and Janice Folkner.

APPROVAL OF FEBRUARY 23, 2012 MINUTES:

A motion was made by Commissioner Francis and seconded by Commissioner Shobe to approve the minutes of the February 23, 2012 meeting as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Quintero, Shobe, Olson, Rodriguez and Crump. Abstaining was Commissioners Francis, Oldfield and King. Motion carried.

APPROVAL OF MARCH 29, 2012 AGENDA:

A motion was made by Commissioner Francis and seconded by Commissioner Quintero to approve the March 29, 2012 amended meeting agenda, removing case LCHR No. 11-1027-018-H for further action.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Shobe, Olson, Francis, Oldfield, King, Rodriguez, Quintero and Crump. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 11-0609-027-E-R

Commissioners Olson and Oldfield excused themselves due to conflict of interest.

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

Discussion ensued. Questions were asked as to whether it is accurate the Complainant had been meeting most of her job expectations, but needs to improve on some of them. Investigator Lemke stated that throughout most of her evaluations most of her job expectations were met, but the ones that needed to be improved continued to increase. Further questions were asked if the Complainant was given a job description in writing of the new position. Lemke stated that she was given a very thorough written explanation of the job, as well as the training that was required. Another question was raised regarding the incident of the wrong medication being given. Lemke explained that a Medication Error Report was completed and the Respondent’s position is that if the Complainant would have followed the five “R’s” the Complainant would have recognized the medication was incorrect.

Hearing no further discussion, Commissioners Olson and Oldfield returned to the Chambers. Voting “aye” was: Commissioners Francis, Rodriguez, Quintero and Crump. Abstaining was: Commissioners Olson, Oldfield and King. Motion carried.

LCHR No.: 11-0627-029-E-R

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

Discussion ensued. Questions were asked regarding the Respondents allegation of the Complainants lack of basic assessment skills. Investigator Nichols explained that the Respondent’s position was that the Complainant lacked the knowledge of skills and tasks that were essential to patient safety. Nichols explained it was difficult to evaluate the situation due to the fact the Respondent failed to document problems. Nichols did state that she brought this to the attention of the Respondent to be sure that any personnel concerns should always be documented.

Hearing no further discussion voting “aye” was: Commissioners Francis, Oldfield, Rodriguez, Quintero, Shobe, Olson and Crump. Abstaining was: Commissioner King. Motion carried.

LCHR No.: 11-0822-031-E-R

A motion for a finding of **Reasonable Cause** that the Complainant was subjected to different terms and conditions based on her sex (having children) was made by Commissioner Francis and seconded by Commissioner Olson.

Discussion ensued. Questions were asked if the Respondent acknowledged that asking applicants questions about their children and ages is inappropriate. Nichols stated the Respondent denied having asked any questions regarding family and described it as a general conversation with the Complainant. Nichols added that the Respondent stated that the Complainant volunteered the information about her children and their ages.

Hearing no further discussion voting “aye” was: Commissioners Oldfield, Rodriguez, Quintero, Shobe, Olson, Francis and Crump. Abstaining was: Commissioner King. Motion carried.

A motion for a finding of **No Reasonable Cause** for termination based on sex was made by Commissioner Rodriguez and seconded by Commissioner Francis.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Rodriguez, Quintero, Shobe, Olson, Francis, Oldfield and Crump. Abstaining was: Commissioner King. Motion carried.

LCHR No.: 11-1014-023-H

Commissioner Rodriguez excused herself due to conflict of interest.

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

Discussion ensued. A question was asked about the Respondent’s record keeping in regard to the rents paid. Lemke confirmed that the Respondent does not keep written documentation of what has been paid. The Respondent further explained to Lemke that when the renter disputes what the Respondent says that is owed, he will allow the renter to pay what they feel they owe. Lemke stated that she feels the Respondent shorts himself more than he shorts his tenants for payment of rent.

Hearing no further discussion, Chairperson Crump asked for the roll call. Commissioner Rodriguez returned to the chambers. Voting “aye” was: Commissioners Quintero, Shobe, Olson, Francis, Oldfield and Crump. Abstaining was: Commissioners Rodriguez and King. Motion carried.

LCHR No.: 11-1109-019-H

A motion for a finding of **Reasonable Cause** on the basis of race was made by Commissioner Oldfield and seconded by Commissioner Francis.

Discussion ensued. Questions were asked regarding the non-payment of rent and why the Complainant felt she was discriminated against based on her race. Lemke stated that it is clear the Respondent accepts partial rent payments and other tenants in the building have been behind on rent without being asked to leave. Lemke also explained that the notice Respondent placed on the Complainant's door was within a week's time of her moving in and it was shortly after Respondent became aware of African-American visitors to the Complainant's unit. Lemke also states that it is undisputed the Complainant attempted to pay rent to Respondent on November 3, 2011, but the Respondent informed the Complainant that she needed to move. Lemke also added that three witnesses allege the Respondent made disparaging comments about the race of the Complainant's company. Lemke acknowledges that the Complainant was allowed to remain in the property for several months without paying rent.

Hearing no further discussion, Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Quintero, Shobe, Olson, Francis, Oldfield and Crump. Voting "nay" was: Commissioner Rodriguez. Abstaining was: Commissioner King. Motion carried.

A motion for a finding of **No Reasonable Cause** on the basis of familial status was made by Commissioner Oldfield and seconded by Commissioner Francis.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting "aye" was: Commissioners Shobe, Olson, Francis, Oldfield, Rodriguez, Quintero and Crump. Abstaining was: Commissioner King. Motion carried.

PRE-DETERMINATION SETTLEMENTS

LCHR No.: 12-0221-002-H

A motion was made by Commissioner Francis and seconded by Commissioner Olson to accept the pre-determination settlement agreement as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting "aye" was Commissioners Olson, Francis, Oldfield, Rodriguez, Quintero, Shobe and Crump. Abstaining was Commissioner King. Motion carried.

LCHR No.: 12-0221-003-H

A motion was made by Commissioner Francis and seconded by Commissioner Shobe to accept the pre-determination settlement agreement as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Francis, Oldfield, Rodriguez, Quintero, Shobe, Olson and Crump. Abstaining was Commissioner King. Motion carried.

ADMINISTRATIVE CLOSURES

LACK OF JURISDICTION

LCHR No.: 12-0124-003-E-R

A motion was made by Commissioner Francis and seconded by Commissioner Rodriguez to accept the Administrative Closure/Lack of Jurisdiction as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Oldfield, Rodriguez, Quintero, Shobe, Olson, Francis and Crump. Abstaining was Commissioner King. Motion carried.

NOTICE OF RIGHT TO SUE

LCHR No.: 10-1110-055-E-R

A motion was made by Commissioner Francis and seconded by Commissioner Olson to accept the Administrative Closure/Notice of Right to Sue as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Rodriguez, Quintero, Shobe, Olson, Francis, Oldfield and Crump. Abstaining was Commissioner King. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

A. Proposed Amendments to Commission Initiated Complaint Procedure

Director Kimberley Taylor-Riley stated that Complaints will now be initiated through the Director. She explained this will help speed up the process. The proposed changes were handed out to the Commissioners so they could be reviewed and will be voted on at April’s meeting.

B. Award Selections

Director Taylor-Riley announced there were two people nominated for the Gerald Henderson Award and one person nominated for the Fair Housing Award.

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A motion was made by Commissioner Francis and seconded by Commissioner Shobe to close the nominees for the Gerald Henderson and Fair Housing Awards.

Hearing no discussion, voting “aye” was: Commissioners Quintero, Shobe, Francis, Oldfield, Rodriguez and Crump. Abstaining was: Commissioner King.

The Commissioners voted on the Gerald Henderson Award nominees.

The winner of the Gerald Henderson Human Rights Award goes to Linda Willard.

The winner of the Fair Housing Award goes to CenterPointe Housing.

PUBLIC COMMENTS: None

Next Meeting: The next meeting will be held on Thursday, April 12, 2012 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 5:12 p.m.