

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

September 25, 2014

CITY COUNCIL CHAMBERS, 555 S. 10TH STREET

The September 25, 2014, meeting of the Commission on Human Rights was called to order at 4:06 p.m. by Bennie Shobe, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Bennie Shobe (Chair), Sue Oldfield, Melanie Ways, Jon Rehm, and Micheal Q. Thompson. Quorum present.

MEMBERS ABSENT:

Liz King, Takako Olson, Mary Reece, and Amanda Baron.

STAFF PRESENT:

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Loren Roberts, and Peg Dillon.

APPROVAL OF AUGUST 28, 2014, MINUTES:

A motion was made by Oldfield and seconded by Ways to approve the minutes of the August 28, 2014, meeting as submitted. Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

APPROVAL OF SEPTEMBER 25, 2014, AGENDA:

A motion was made by Thompson and seconded by Rehm to approve the meeting agenda. Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

CASE DISPOSITIONS:

LCHR #14-0603-009-E-R

A motion was made by Ways and seconded by Thompson to recommend a finding of **No Reasonable Cause** on all issues.

Shobe asked about the mistakes made on the Complainant's paycheck. Lemke said the Respondent explained that it was a data entry error and the error was adjusted on subsequent paychecks. Lemke stated the Complainant denied that this was agreed upon between them, however, an email from a payroll person showed that the Complainant understood the issue.

Thompson asked if Lemke was able to validate the Complainant being told not to hire non-English speakers. Lemke said she was unable to verify this. She stated she could confirm that the Complainant and other employees did not get along.

Shobe asked about the Complainant alleging he was unable to take off Fridays for his religious beliefs. Lemke responded that the evidence showed he was only required to work a few Fridays. Shobe asked if there was a standard to determine if the reasonable accommodation requested, based on religious beliefs, was legitimate. Lemke explained that the law states that if a person has a sincerely held belief, then the company needs to accommodate the employee as long as it does not result in an undue hardship for the company. Lemke said the Complainant said he was Christian, but also that he studied the Hindu religion on Friday nights. However, the Complainant took a part time job on Friday nights so the accommodation was no longer required.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

LCHR #14-0609-010-E-R

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

Rehm asked about the difference between the maintenance and crew trainer positions. Nichols explained the duties of these two jobs.

Shobe asked about ownership of different stores and if the policies are all the same. Nichols replied that all the stores with the same owner followed the same policies.

Ways asked about the Complainant's claim that other employees were paid more. Nichols replied there was no evidence that there were similarly situated employees who earned more than the Complainant.

Shobe asked for clarification about the timeframe of the Complainant resigning and if the resignation was rescinded. Discussion continued about the time frame and the appointments that were scheduled with the area supervisor and the supervisor to meet with the Complainant. Nichols confirmed that none of these meetings ever occurred.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

LCHR #14-0626-016-H

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

Shobe asked about the lease addendum. Lemke replied that the Complainant did not remember signing it, but it did say that the renter may be charged for extermination services. Ways asked if other apartments were treated and then not charged for it. Lemke said the property manager claimed that there were a few who were not charged, but the Respondent charged the majority of the tenants.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

LCHR #14-0728-016-E-R

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

Shobe asked about the 90 days retaliation rule. Lemke said that courts are split regarding if three months is too long or not to claim retaliation. Lemke said the Complainant's evaluation showed other issues before the retaliation claim was made. Discussion continued about the evaluation and the difference between the Complainant's and another employee.

Rehm asked if other employees were disciplined as severely for taking a product without paying for it. Lemke said that, yes, another employee was terminated for taking something without paying for it.

There was discussion about the turnover and if it was a result of the Complainant being the supervisor of the night crew. Lemke said the Respondent provided her quarterly numbers that showed a high increase in the percentage of turnovers. Rehm asked if the Complainant was unhappy with the workers he supervised. Lemke said he got along with some and not with others. Some employees complained about his management style and there was dispute over how hard to push to get the work done.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

ADMINISTRATIVE CLOSURE:

LCHR #14-0708-001-PA

A motion was made by Oldfield and seconded by Thompson to approve the administrative closure as a withdrawal.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Rehm, Oldfield, Ways and Thompson. Motion carried.

OLD BUSINESS:

Civil Rights Conference

Roberts discussed planning for the 2015 Civil Rights Conference and that The Holiday Inn Downtown was selected for the location. The conference will be on Wednesday, April 29, 2015. Roberts invited the Commissioners to save the date and to attend. Topics will include the Americans with Disabilities Act, housing and employment legal updates, the relationship between Education and Housing, a panel about successful strategies in recruiting a diverse team and Best Practices in housing, smoke-free housing and how to keep bedbugs away from your housing.

NEW BUSINESS:

Outreach Activities

Roberts talked about Streets Alive. It was very successful. Outreach activities included Rentwise, Equal Employment opportunity presentations at the Center for People in Need, and Cultural Awareness Training at the Lincoln Police Department.

Roberts discussed the updates being made to the LCHR website.

Training and Conference Updates

Taylor-Riley discussed the Conference she attended in Chicago at the John Marshall School of Law entitled "The Metrics of Inequality" and how income effects where a person will live. Commissioners discussed how this issue affects Lincoln residents. Taylor-Riley stated that Lincoln scattered the low income housing throughout the city not into specific areas. So this problem was not codified here.

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Advertising

There was discussion about how to get the word out about the Commission. Taylor-Riley highlighted some of the things we are currently doing to advertise. Suggestions and ideas discussed were: bus advertising, free resources/Kids magazine, KZUM radio ads, Journal Star articles, Twitter, a Facebook post by NeighborWorks, website updates, and T-shirts.

The meeting was adjourned at 5:08 p.m.

Next Meeting:

The next meeting will be Thursday, October 30, 2014, at 4:00 p.m. in City Council Chambers at 555 S. 10th Street, 1st floor.