

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

Thursday, October 29, 2015  
City Council Chambers

**CALL TO ORDER:**

The October 29, 2015, meeting of the Commission on Human Rights was called to order at 4:10 p.m. by Bennie Shobe, Chair.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Bennie Shobe (Chair), Mary Reece (Vice-chair), Amanda Baron, Liz Kennedy-King, Susan Oldfield, Jon Rehm, Micheal Q. Thompson, and Melanie Ways. Quorum present.

**MEMBERS ABSENT:**

Commissioners: Takako Olson.

**STAFF PRESENT:**

LCHR: Kimberley Taylor-Riley, Margie Nichols, Abigail Littrell and Peg Dillon.

**APPROVAL OF SEPTEMBER 24, 2015, MINUTES:**

A motion was made by Kennedy-King and seconded by Thompson to approve the minutes of the previous meeting.

Hearing no discussion, Chairperson Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Kennedy-King, Oldfield, Rehm, Thompson and Ways. Motion carried.

**APPROVAL OF OCTOBER 29, 2015, AGENDA:**

Shobe amended the agenda to remove cases 15-0312-002-H and 15-0312-003-H.

A motion was made by Reece and seconded Kennedy-King to approve the amended meeting agenda.

Chairperson Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Kennedy-King, Oldfield, Rehm, Thompson and Ways. Motion carried.

**CASE DISPOSITIONS:**  
**LCHR #15-0611-002-PA**

Shobe excused himself due to conflict of interest and left the meeting room.

A motion was made by Ways and seconded by Thompson to recommend a finding of **no reasonable cause** on both issues.

There was discussion about the behavior of the Complainant's children and how many times the Respondent asked the Complainant to control his children in the restaurant.

Hearing no further discussion, Shobe was called back into the room and Vice-Chair Reece asked for the roll call. Voting "aye" was: Reece, Baron, Kennedy-King, Oldfield, Rehm, Thompson and Ways. Abstaining was Shobe. Motion carried.

**LCHR #15-0707-020-E-R**

A motion was made by Oldfield and seconded by Ways to recommend a finding of **no reasonable cause** on all issues.

Thompson asked about the Complainant's attendance record and commented that the Respondent tried to work with the Complainant to keep him at the company. Littrell said yes they did think he was competent and showed potential for growth within the company.

Shobe asked about the Complainant's poor attitude and how that affected the Respondent's business. Littrell said the Respondent reported that the Complainant was, at times, obstinate, insubordinate and failed to follow direct instructions.

There was discussion about how Complainant's absenteeism affected the Respondent's commitment to complete projects on time. There was evidence that the Respondent hired employees with criminal histories due to its staffing needs.

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

**LCHR #15-0713-015-H**

A motion was made by Oldfield and seconded by Kennedy-King to recommend a finding of **reasonable cause** on both issues.

Shobe expressed concern about the Respondent's repeated assertions to the Complainant that the apartment was not available. Littrell said the property manager had not rejected an application in several years and she wanted to avoid confrontation with the Complainant over her criminal history. Littrell discussed Respondent's written criminal conviction policy and how the

Respondent did not strictly adhere to its own policy when evaluating Complainant's criminal history. Baron asked if Complainant's misdemeanors convictions occurred when the Complainant was a minor. Littrell said that one conviction occurred when Complainant was under the age of 21 and another arrest discovered by the Respondent did not result in a conviction.

There was discussion about evidence that other applicants were subjected to similar searches. Littrell stated that the evidence showed that other tenants were subjected to similar searches but none of those searches resulted in the rejection of any other applicant. The Commissioners questioned if the Respondent admitted recognizing that Complainant is Hispanic. Littrell stated that, in its written response, Respondent could neither admit nor deny that the Complainant is Hispanic and did not deny knowledge of Complainant's national origin until directly questioned by the investigator.

Hearing no further discussion, Chairperson Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Kennedy-King, Oldfield, Rehm, Thompson and Ways. Motion carried for **reasonable cause**.

**PRE-DETERMINATION AGREEMENTS:**

**LCHR #15-0403-0006-H**

A motion was made by Reece and seconded by Oldfield to recommend approval of the pre-determination settlement agreement.

Reece questioned the timing on the settlement as the case had originally appeared on the agenda prior to amendment. Nichols replied that the case was initially set to go before the commission for determination of cause/ no cause, but when additional evidence was discovered late in the investigation, the parties opted to settle.

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

**LCHR #15-0819-025-E-R**

A motion was made by Reece and seconded by Kennedy-King to recommend approval of the pre-determination settlement agreement.

Hearing no discussion, Chairperson Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Kennedy-King, Oldfield, Thompson and Ways. Abstaining was Rehm. Motion carried.

**LCHR #15-0924-032-E-R**

A motion was made by Kennedy-King and seconded by Baron to recommend approval of the pre-determination settlement.

Hearing no discussion, Chairperson Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Kennedy-King, Oldfield, Rehm, Thompson and Ways. Motion carried.

**ADMINISTRATIVE CLOSURES:**

**LCHR NO.: 15-0625-018-E-R**

A motion was made by Ways and seconded by Thompson to recommend approval of the administrative closure due to a notice of right to sue.

Shobe asked for further explanation about the closure. Littrell said that because the Complainant has a related case in the Federal District Court on which the Commission made a reasonable cause finding, the Complainant opted to amend her pleadings to include the additional allegations and the requested EEOC issue a right-to-sue letter.

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

**OLD BUSINESS:**

**Outreach Activities**

Taylor-Riley updated the Commission on the search for a replacement for Loren Roberts, Outreach Coordinator for LCHR. Many outreach activities are presently conducted by LCHR staff until a replacement can be hired.

Taylor-Riley was a keynote speaker at the American Association of University Women at UNL. The subject was Women and Civil Rights. Taylor-Riley presented at the Civics Academy sponsored by the Mayor's Commission on Women. Her topic was Government structure within the City of Lincoln and the role of LCHR.

**Simeus Case Update**

Taylor-Riley updated the Commissioners on *Simeus v. RGR Company LLC* and that the Complainant has died. The appeal of the District Court's order is on the docket for the Nebraska Supreme Court. If the award of monetary damages is upheld, the LCHR and City Attorney will attempt to locate Simeus' heirs.

**Revisit Case # 15-0529-015-E-R**

Taylor-Riley discussed an employment case that was brought before the Commission in September. After robust discussion, the Commission made a no reasonable cause recommendation on all allegations. The EEOC, after reviewing the case, inquired why a determination of “no reasonable cause” was made on the facts of the case. Nichols was asked to send the approved September meeting minutes to the LCHR’s EEOC monitor for the monitor’s review of the discussion.

**NEW BUSINESS:**

**2016 Civil Rights Conference**

Taylor-Riley updated the Commissioners on the planning for the 2016 Conference. The location and date has been confirmed. It will be at the Cornhusker Hotel on April 19, 2016. The LCHR staff continues to finalize the agenda and speakers. Save the date cards and emails will be sent by the end of the year.

**Updates on Training**

Taylor-Riley reported on the IOHRA Conference in Alabama and shared pictures of some of the historically important sites they visited during the conference.

**PUBLIC COMMENT:**

No Public Comment

The meeting was adjourned at 5:12 p.m.

**Next Meeting:**

Thursday, December 10, 2015, at 4:00 p.m.  
555 S. 10<sup>th</sup> Street, 1st floor, City Council Chambers.