

CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS MINUTES
July 31, 2014
CITY COUNCIL CHAMBERS, 555 S. 10TH STREET

The July 31, 2014, meeting of the Commission on Human Rights was called to order at 4:00 p.m. by Bennie Shobe, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Bennie Shobe (Chair), Liz King, Sue Oldfield, Takako Olson, and Micheal Q. Thompson. Quorum present. Mary Reece (Vice-Chair) joined the meeting at 4:02 p.m. Amanda Baron and Jon Rehm joined the meeting at 4:05 p.m.

MEMBERS ABSENT:

Melanie Ways.

STAFF PRESENT:

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

APPROVAL OF JUNE 26, 2014 MINUTES:

A motion was made by Thompson and seconded by King to approve the minutes of the June 26, 2014 meeting as submitted. Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, King, Oldfield, Olson, and Thompson. Motion carried.

APPROVAL OF JULY 31, 2014 AGENDA:

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

CASE DISPOSITIONS:

LCHR #13-1213-038-E-R

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

Oldfield asked if the number of Iraqi applicants that had signed in on August 28, 2014, was known. Lemke replied that based on name only, it appears there was one other besides the Complainant. Reece asked about how national origin was tracked. Lemke said country of origin was not always tracked but there were some details through E-Verify, which was done only if an applicant had an assignment offered.

Shobe asked about the number of people that signed up for work but were never placed being less than 50%. Lemke verified that yes that was the correct percentage. Shobe asked about the sign in sheet and if it could be a cultural problem with not understanding the Respondents placement procedures or if she had found any evidence of that. Lemke said she believed the Complainant did understand his responsibilities in the application process.

Shobe asked about the selection process and how the Respondent selects applicants for placement. Lemke said they look at skills from the applications and the placement people meet daily to go over the different companies' requirements to see who best matches the qualifications.

Reece asked for verification on the number of applicants placed in the construction field and if most of the positions were for clerical personnel. Lemke said it is primarily manufacturing. Rehm asked if the Respondent ever tried to place the Complainant in a factory job. Lemke replied no, they did not. Rehm asked if there was any evidence that the Respondent didn't like the Complainant due to his Nationality. Lemke replied no.

Commissioners asked about the Complainant taking pictures of the sign-in sheet and if Lemke had seen the pictures. Lemke confirmed she had seen the pictures, and said the Complainant believed another temp agency had violated a settlement agreement and he believed that a bad reference was given to the Respondent.

King wondered why the Complainant's skills for machine operator did not qualify him for the manufacturing positions. Lemke discussed the Complainant's online profile and how incomplete it was compared to his 2012 application. Lemke also discussed how the Respondent felt that the Complainant was ultimately responsible to ensure the information on his application was up-to-date and accurate.

Shobe asked about evidence of pretext. Lemke explained that the Complainant needed to show that Respondent's legitimate, non-discriminatory reasons were false.

Rehm asked about the conciliation agreement with the previous employer and if the previous employer was contacted to determine if it had violated the agreement. Lemke replied that the previous employer was not contacted.

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

LCHR #14-0603-014-H

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

Thompson asked for clarification about who was responsible for the gas bill. Nichols said the Complainant was responsible. Shobe asked for an explanation about the gas bill and the responsibility for it. Nichols explained that when the Complainant's boyfriend moved out, he removed his name from the gas and electric bills. The Complainant was to contact them to have the bills placed in her name, but did not, so both bills reverted back to the Respondent's name.

Shobe asked about the prior assault issues in this case and how it would fall under the protected class issue. Nichols referred to a memo by Sara Pratt, assistant secretary at HUD, addressing domestic violence and how statistics show the majority of individuals of domestic violence are women. Nichols stated the theory is that neutral policies could have a disparate impact on an entire class of female victims of domestic violence assault if they are evicted because of the violence. Nichols stated that in this case, evidence showed the Respondent worked with the Complainant for at least six months to keep her as a tenant but that eventually, he evicted her due to non-payment of rent and not because of the domestic violence.

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

LCHR #14-0610-015-H

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

King asked why the Complainant wasn't offered the other apartment and Nichols replied that the Complainant had requested a first-floor 1-bedroom apartment while the other apartment, in another location, was a third-floor apartment

Shobe asked for clarification on the Respondent's 1st come/ 1st serve policy. Nichols explained that it was determined by who fulfilled the qualifications including completing all the paperwork and undergoing a background check, as well as having paid the deposit.

Reece questioned why the Complainant did not request an earlier appointment. Nichols said she asked the Complainant about why, but he only responded that he received the latest appointment available. The Respondent stated the Complainant informed them he had to find transportation and requested the later appointment.

There was discussion about the Respondent questioning the race of the Complainant. Nichols said other tenants were interviewed and they all denied being asked what their race was. She noted that even if he was asked about his race, the Respondent still scheduled an appointment for him to see the apartment and provided evidence the appointment was made.

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

PRE-DETERMINATION SETTLEMENT AGREEMENT:

LCHR #14-0512-010-H

A motion was made by Reece and seconded by Thompson to approve the pre-determination settlement agreement.

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

SUCCESSFUL CONCILIATIONS:

LCHR #13-0905-028-E-R

A motion was made by Oldfield and seconded by King to approve the successful conciliation.

Rehm asked about the general provisions and how would the Commission confirm compliance of the provisions. Taylor-Riley replied that compliance measures are included in the Agreements. She noted that investigators will also follow up with Respondents if asked to do so by the Complainant. Regarding training, Taylor-Riley stated that the Commission Staff are typically the ones that provide the training to ensure compliance.

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

LCHR #13-0911-030-E-R

A motion was made by Reece and seconded by Olson to approve the successful conciliation.

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

OLD BUSINESS:

Training Conferences

Nichols attended the National ADA Symposium in June in Denver, CO. She stated this included topics relating to fair housing, and served as an excellent update and review of laws, among other topics. She noted one presentation of special interest was called "What were they Thinking?" where several case studies were presented highlighting actions taken against individuals with various disabilities.

Taylor-Riley attended a conference at the National Consortium on Racial and Ethnic Fairness in Washington D.C. last year and this year at Cody Wyoming, Heart Mountain near an internment camp. They were able to tour the monument and learn how the Japanese survived during this time with a garden and growing fresh vegetables.

Taylor-Riley asked that all Commissioners receive the information about the September 12 & 13, 2014 conference on the Metrics of Inequality at the John Marshall Law School, Chicago, IL.

Outreach

Roberts participated in the video created by Housing Developers Association with the Nebraska Equal Opportunity Commission, the Omaha Human Rights and Relations Department, Lincoln Commission on Human Rights and Lincoln Housing Authority. This video highlighted Fair Housing and will be used at the Kearney training session, August 12, 2014.

Roberts has been approved to assist with employment workshops at the Center for People in Need scheduled every third Wednesday of the month.

The Lincoln Public Schools calendar has been finalized and equity presentations will be presented to all high school periods for all four quarters. The Kids Magazine contained a new article for the Lincoln Commission on Human Rights.

City 5 TV is still working on a video with Commissioner Thompson and Margie Nichols.

NEW BUSINESS:

Civil Rights Conference

Roberts talked about the conference planning for April 2015, speakers and locations are being firmed up. Roberts asked Commissioners for any suggestions about speakers and topics for this year's conference. Taylor-Riley added that she attended an Omaha conference and met a speaker that can talk about the Leadership topic at the Conference.

Award Nominations – Civil Rights Conference

Roberts began discussion about the awards that are presented at the Civil Rights Conference. There was a question about combining the Fair Housing and Gerald Henderson Human Rights Award into one award. Commissioners will think about how they would like to proceed and discuss at the next meeting.

Olson asked about the Cultural Competency Training. Taylor-Riley said they have created the presentation and will go into each division and present as time allows. Olson asked for resources and documentation about the presentation.

The meeting was adjourned at 5:00 p.m.

Next Meeting:

The next meeting will be Thursday, August 28, 2014, at 4:00 p.m. in City Council Chambers at 555 S. 10th Street.