

CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS MINUTES
October 30, 2014

CITY COUNCIL CHAMBERS, 555 S. 10TH STREET

The October 30, 2014, meeting of the Commission on Human Rights was called to order at 4:02 p.m. by Bennie Shobe, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Bennie Shobe (Chair), Takako Olson, Mary Reece, Amanda Baron, Sue Oldfield, Melanie Ways, and Micheal Q. Thompson. Quorum present.

MEMBERS ABSENT:

Liz King, and Jon Rehm.

STAFF PRESENT:

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

APPROVAL OF SEPTEMBER 25, 2014, MINUTES:

A motion was made by Reece and seconded by Thompson to approve the minutes of the September 25, 2014, meeting as submitted. Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Ways and Thompson. Motion carried.

APPROVAL OF OCTOBER 30, 2014, AGENDA:

A motion was made by Ways and seconded by Thompson to approve the agenda, as amended. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, Ways and Thompson. Motion carried.

CASE DISPOSITIONS:

LCHR #14-0721-014-E-R

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

Thompson asked if the shirt worn by the Complainant was a company shirt. Nichols responded yes, that it had a company logo on it and the Complainant had written on it. Thompson asked if this incident occurred in 2010. Nichols replied no, that the shirt incident occurred this year. Reece asked for a more detailed explanation about the timeline in this case, which Nichols provided. She also clarified that the Complainant said he went to the Respondent about the second incident, but the Respondent said he was told about it by other employees.

There was also discussion about the various incidents with the Complainant, and the Respondent's response to them.

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

LCHR #14-0725-015-E-R

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

Reece asked if the memo that was given to the Complainant about the new rules regarding days off without pay was given to all employees. Nichols responded no, that the Respondent gave the memo only to the employee because it viewed her past use of days off without pay as "excessive". Nichols stated that all other employees were notified about the change by receiving a new employee handbook and then signing off on it.

Shobe asked Nichols to clarify what constitutes a hostile work environment. Nichols discussed U.S. Supreme Court cases and an 8th Circuit case which clearly defined harassment and what constituted severe and pervasive establishing a hostile environment. Nichols added that the Complainant acknowledged that she did not complain to the Respondent about harassment.

Baron asked if any documentation was provided to compare other employee's work performances. Nichols replied that there were no formal reviews, but the Respondent did provide the number of days taken off without pay for all employees and how they compared to the number taken by the Complainant.

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

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

LCHR #14-0703-012-E-R

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, Baron, Oldfield, Olson, Ways and Thompson. Motion carried.

LCHR #14-0829-020-H

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

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

LCHR #14-0910-021-E

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

Baron asked about how the Respondent's requirement to complete the online course in Equal Opportunity is fulfilled and monitored. Nichols said that after the Respondent has completed the course, she must send the completion certificate to our office. If the requirement is not met within the established time frame, then the time frame could be extended to complete the course, the case could be reopened, or the City Attorney could file a case against the Respondent. Nichols added that the Complainant would also be consulted as to what they would like to see happen.

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

LCHR #14-0923-021-H

This case was pulled from the agenda.

LCHR #14-1008-023-E

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

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

ADMINISTRATIVE CLOSURE:

LCHR #14-0826-019-E-R

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

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Olson, 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, disability cases and violations, and Best Practices in housing, smoke-free housing and how to keep bedbugs under control.

NEW BUSINESS:

Outreach Activities

Roberts talked about 'The Day of the Death', The Nebraska Mission of Mercy, the November 12 Career Fair, and Cultural Awareness Training. The video for the LCHR is almost done.

PUBLIC COMMENT:

Taylor-Riley announced the possible resignation of Lemke as the Senior Civil Rights Investigator. There was discussion about replacing her and how long it might take to hire another investigator.

The meeting was adjourned at 4:51 p.m.

Next Meeting:

The next meeting will be Thursday, December 11, 2014, at 4:00 p.m. in Room 303, at 555 S. 10th Street, 1st floor.