

**CITY OF LINCOLN, NEBRASKA**  
**COMMISSION ON HUMAN RIGHTS MINUTES**  
March 26, 2015

555 S. 10<sup>TH</sup> STREET, City Council Chambers

The March 26, 2015, meeting of the Commission on Human Rights was called to order at 4:03 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), Liz Kennedy-King, Jon Rehm, Amanda Baron, Micheal Q. Thompson and Melanie Ways. Quorum present.

**MEMBERS ABSENT:**

Sue Oldfield and Takako Olson.

**STAFF PRESENT:**

Kimberley Taylor-Riley, Margie Nichols, Abigail Littrell, Loren Roberts, Jocelyn Golden and Peg Dillon.

**APPROVAL OF FEBRUARY 26, 2015, MINUTES:**

A motion was made by Thompson and seconded by Reece to approve the minutes of the February 26, 2015, meeting as submitted.

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

**APPROVAL OF MARCH 26, 2015, AGENDA:**

A motion was made by Kennedy-King and seconded by Ways to approve the agenda.

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

**CASE DISPOSITIONS:**

**LCHR #14-0811-019-H**

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

Reece asked about the Complainant's request for a reasonable accommodation with the number of people she wanted to have live in the apartment. Nichols replied that it would depend on the number of bedrooms and a review by and approval of the Lincoln Housing Authority. There was discussion about how the Complainant made the request and what was reasonable in this case. Thompson asked about the companion animal that was living in the apartment. Nichols confirmed that it was the other occupant's companion animal, not the Complainant's. Thompson also questioned the timing of the deposit and asked for clarification about the rent that was owed by the Complainant.

Reece asked about the Complainant trying to pay rent and alleging that the Respondent refused to accept it. Reece asked if Landlords can refuse to accept the rent. Nichols replied that she has seen it happen in cases where the Landlord does this and then claims the rent was not paid.

There was discussion about the Complainant's care takers and if the proof was ever provided that the Complainant required a care taker and the nature of the Complainant's disability.

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

**LCHR #14-1217-025-E-R**

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

Rehm asked about the summary of the Complainant's hours. Nichols confirmed that the lowest weekly hours were 21. There was discussion on the hours worked by the Complainant over the 28 week timeframe and the average being 20 hours. Rehm asked about the written statement by a witness and the alleged racist comment made by the co-worker. Nichols replied that the Respondent had another witness who was a customer and said there were no racist terms said.

There was discussion about the witnesses, one direct witness and one indirect that gave different stories about the incident. Nichols discussed the absence of an Employee Handbook and that the Respondent's attorney has suggested the Respondent develop guidelines to help with any further issues between employees.

Commissioners discussed the written complaint and how it was delivered to the Respondent. The timeline of the incidents was discussed. Kennedy-King discussed the issue of the severity of the racist environment and if the fact pattern satisfied the severe and pervasive hostile environment standard.

The Commissioners discussed the Employer's liability and whether they took prompt remedial action for the alleged racist language. Thompson asked if the work environment had improved since the Complainant is still working for the Respondent. Nichols replied that the employee who made the alleged racist comment no longer works there; however, the Complainant had stated it was still an uncomfortable atmosphere to work in.

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

#### **OLD BUSINESS:**

##### **New investigator**

Taylor-Riley introduced Abigail Littrell as the new Senior Civil Rights Investigator for the Lincoln Commission on Human Rights. Littrell made a short introduction to the Commissioners and the Commissioners welcomed her to LCHR.

##### **Case Update**

Commissioners asked for an update on LCHR NO.: 14-0717-013-E-R with a finding of reasonable cause at the February 2015 meeting. Nichols replied that conciliation was declined by the Complainant and the Complainant requested the case be Administratively Closed in order to receive the Notice of Right to Sue.

#### **NEW BUSINESS:**

##### **Gerald Henderson Award Selection**

Six nominations were presented to the Commissioners for them to consider. Voting determined that Wendy Francis will be the 2015 recipient of the Gerald Henderson Award at the Civil Rights Conference on April 29<sup>th</sup>.

##### **Outreach Activities**

Roberts updated the Commissioners on the following outreach activities: Hero to Hire Fair on April 1<sup>st</sup>, Union College/ Social Justice event, Health and Human Services Fair hosted by Salvation Army, we sponsored a booth for Cinco de Mayo at Lincoln High School, Health and Human Services Fair at the Indian Center on May 2<sup>nd</sup> and Center for People in Need/ Social Adjustment Class.

Commission on Human Rights  
March 26, 2015  
Page 4

Roberts continues to work with Lincoln Public Schools, the Center for People in Need, RentWise, Lincoln Housing Authority and the Community Action Program.

Taylor-Riley updated the Commissioners on her work with the Urban League of Nebraska and that she will be speaking on Equity in the Workplace on March 27<sup>th</sup>.

**PUBLIC COMMENT:**

Commissioners highlighted the Interfaith Peace Making Workshop at First United Methodist Church on April 12<sup>th</sup>, and the Mayor's Prayer Breakfast will be April 30<sup>th</sup>.

The meeting was adjourned at 5:03 p.m.

**Next Meeting:**

Thursday, April 16, 2015, at 4:00 p.m.  
Conference Room, 555 S. 10<sup>th</sup> Street, 3<sup>rd</sup> floor, Room 303