

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

May 28, 2015

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

The May 28, 2015, 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), Amanda Baron, Liz Kennedy-King, Susan Oldfield, Takako Olson, Melanie Ways and Micheal Q. Thompson. Quorum was present.

**MEMBERS ABSENT:**

Commissioners: Mary Reece and Jon Rehm.

**STAFF PRESENT:**

LCHR: Kimberley Taylor-Riley, Abigail Littrell, Loren Roberts, and Peg Dillon.

**STAFF ABSENT:**

Margie Nichols

**APPROVAL OF APRIL 16, 2015, MINUTES:**

A motion was made by Thompson and seconded by Kennedy-King to approve the minutes of the April 16, 2015, meeting as submitted.

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

**APPROVAL OF MAY 28, 2015, AGENDA:**

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

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

**CASE DISPOSITIONS:**

**LCHR #14-0924-022-E-R**

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

Kennedy-King asked about the Complainant's problems with documentation at the agency and whether she had an explanation for her deficiencies. Littrell responded that the Complainant said she was overworked with additional intake duties and she was unable to electronically enter information unless the session was unlocked by the Omaha office. There was discussion about documentation that was required to be in the file in order to bill insurance and other providers for the work done by employees of the agency.

Kennedy-King asked why the Complainant was not provided assistance when volunteers were available for support work. Littrell confirmed that there were Volunteers to help the Complainant and her colleagues, but that there were not resources to staff the Complainant with a personal assistant. There was discussion about the Complainant's evaluations for the prior several years and notations about deficient documentation in Complainant's files. Prior to the termination, the Respondent allowed the Complainant more time to produce the documentation that should have been updated on an ongoing basis and critical addendums that were required to bill insurance.

Shobe inquired how Complainant alleged her termination was related to her protected status. Littrell said that the Complainant did feel that she was required to do more work because of her national origin. The Complainant was replaced by another Spanish speaking individual.

Thompson asked about the Complainant not receiving back pay when her review was received late. Littrell replied that the Respondent never promised Complainant back pay, although that had been the practice.

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

**LCHR #15-0114-001-E-R**

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

Shobe asked about how the Complainant was impaired and whether she made a reasonable accommodation request. Littrell replied that it was unclear whether Complainant made a reasonable accommodation request, but that the Respondent did make accommodations to the Complainant's duties based on her complaints of physical pain. There was discussion about the alleged harassment by the co-worker and if it was discriminatory.

Shobe questioned the policy that an employee could be let go from all locations if one location requested they be fired. Littrell answered that it was customary procedure but not necessarily written policy.

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

**LCHR #15-0213-002-E-R**

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

Kennedy-King commented that Littrell did an excellent job in investigating and documenting this case and then she questioned the Respondent's sexual harassment policy. Littrell said that allegations of sexual assault were investigated by Human Resources.

Kennedy-King said the employer should have conducted a more balanced investigation. Littrell said the Respondent contended that when she called the Complainant into her office for a meeting that was his opportunity to defend himself. There was discussion about this meeting and what was said by Complainant and Respondent. Littrell said the accounts given by each person were different. When the Complainant stopped talking during the meeting, the Respondent believed that was because of his guilt, but the Complainant said he stopped talking because the Respondent mentioned having a witness and he was afraid of criminal allegations.

There was discussion about the witnesses and what was reported by the people that were present during the incident in the cafeteria. Littrell reported that all witnesses gave consistent accounts of the incident. All of the witnesses concurred that the Complainant had harassed the victim. The Complainant, however, stated that he had not heard the specific allegations of his misconduct until meeting with the civil rights investigator. The Complainant's account was consistent, reasonable and explained his actions during the time he was in the cafeteria line with the victim.

There was discussion about the investigation and the differing accounts of what happened. The discrimination claim by the Complainant was more closely tied to the lack of fairness of the investigation.

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

**LCHR #15-0213-003-E-R**

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

Olson said this Respondent did not have any involvement in this case. Littrell said she could find no evidence that this Respondent had any authority over the Complainant or his employment.

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

**LCHR #15-0331-005-H**

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

Shobe asked about the photographic exhibit attached to the investigative report. Littrell said this was a picture of the Complainant looking into the apartment of a fellow tenant. The tenants were concerned about this behavior by the Complainant so they took the picture and gave it to the Respondent.

Baron asked about the security deposit and if it was customary for a landlord to deduct costs to fix the unit for another tenant. Littrell replied that because the Complainant smoked indoors, the unit required complete repainting since the Complainant smoked in the apartment. Thompson asked if the lease allowed for these charges. Littrell said yes it was a standard lease. There was discussion about other charges and if they were fair and legitimate.

Shobe asked about the comment made by Respondent that the Complainant was an unsuitable tenant. Littrell said the Respondent denied saying that the Complainant was unsuitable. The Respondent said they did have a conversation about the Complainant being happier at a building with more social interaction.

Thompson asked about the Complainant's allegations of harassment by another tenant. Littrell said the Complainant said the other tenant gave her a \$5.00 bill, but the tenant complained to the Respondent that the money had never been repaid.

Kennedy-King asked about notes written by the Respondent. Littrell replied that she had no reason to not believe that these notes were accurate and done when the Respondent said they were. Ways asked if the Complainant had received the refund she was entitled to. Littrell said that she has not received the entire refund but it did not seem to be discriminatory but instead was an accounting error.

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

#### **ADMINISTRATIVE CLOSURES:**

##### **LCHR #14-0717-013-E-R**

A motion was made by Thompson and seconded by Oldfield to recommend an approval of administrative closure as a Withdrawal.

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

#### **OLD BUSINESS:**

##### **Civil Rights Conference- 2015/2016**

Roberts updated Commissioners on the 2015 Civil Rights Conference. DED (Department of Economic Development) funds had to be returned because we collected enough to cover our expenses without using the allocated funds donated. These will be requested again for next year's conference.

Civil Rights Conference 2016 will be centered on celebrating 50 years since the Commission was formed. EEOC will also be celebrating 50 years.

##### **Outreach Activities**

Roberts updated the Commissioners on outreach activities. We will have new posters to use for outreach. LCHR participated with an informational booth at the Indian Center Human Services Fair. Equity presentations at LPS were completed for this quarter. Upcoming events: Juneteenth and Streets Alive.

#### **NEW BUSINESS:**

##### **HUD Onsite Review**

Taylor-Riley talked about an onsite review on May 18<sup>th</sup>, from HUD. They were able to review all of the necessary files and procedures in one day at our office. Nichols gathered the required documentation for the review.

##### **Training Schedule**

Taylor-Riley said the Director and the Investigators are attending several different training opportunities in June. Littrell and Taylor-Riley will attend HUD regional training in Kansas City. Nichols will be attending Fair Housing Training the week of June 8<sup>th</sup>. Taylor-Riley will be in

Buffalo, NY to attend the National Consortium on Racial and Ethnic Fairness in the Courts Conference for a 3 days mid-June.

Shobe asked about funds for Commissioner training. Taylor-Riley said she was not aware of any training currently scheduled, but since there is usually short notice for the training, she will forward it to the Commissioners by email when an opportunity comes up.

**New Partnerships**

Taylor-Riley said the Mayor's office has asked for new ways to develop relationships with other departments that might share work information across departments and refer people to our office when needed. There was a discussion about getting the word out to the community about what we do and how we can assist people. Nebraska Lawyer is another avenue that is being investigated and will be used to get more information out to people locally.

**PUBLIC COMMENT:** Mary Brown addressed the Commissioners regarding concerns related to a housing situation.

The meeting was adjourned at 5:30 p.m.

**Next Meeting:**

Thursday, June 25, 2015, at 4:00 p.m.  
555 S. 10<sup>th</sup> Street, 1st floor, City Council Chambers.