

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

Thursday, July 28, 2016  
City County Building, 555 S 10<sup>th</sup>, 1<sup>st</sup> Floor, Council Chambers

**CALL TO ORDER:**

The July 28, 2016, 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), Elizabeth Kennedy-King (Vice-Chair), Amanda Baron, Tom Beckius, Carlos Garcia, Susan Oldfield, Jon Rehm, and Melanie Ways. Quorum was present. Micheal Q. Thompson joined the meeting at 4:10 p.m.

**MEMBERS ABSENT:**

Commissioners: No board members were absent.

**STAFF PRESENT:**

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

**APPROVAL OF JUNE 30, 2016, MINUTES:**

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

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

**APPROVAL OF JULY 28, 2016, AGENDA:**

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

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

## **CASE DISPOSITIONS:**

### **LCHR #16-0309-003-H**

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

Shobe asked about the Complainant's Section 8 housing voucher. Littrell advised the Complainant's obtained a Section 8 voucher after signing the lease with Respondent and never used the voucher at the subject property.

Kennedy-King asked whether the number of police calls to the Complainants' address was excessive. Littrell said the landlord was contacted by the Police because of the large number of police contacts with the property due to the conduct of Complainants and other tenants. Other tenant's in the building received warnings about excessive police calls when the Complainants received their warning. Landlords can be cited for maintaining a nuisance property.

Ways asked why Respondent issued a three-day notice to the Complainants before the rent was due. Littrell agreed that it was unusual to issue a late rent notice before the rent was due and the notice likely would not be sufficient for an eviction. There was discussion regarding the Respondent's desire to encourage the Complainants to vacate because they were unhappy at the property.

There was discussion about Complainants' multiple calls to the Respondent concerning repairs and whether that was related to the Complainant's disability. Littrell said that the Respondent contended it did not know about the Complainant's disability.

Baron asked why the Respondent did not know when the Complainants moved out of the apartment. Littrell responded the Complainants had difficulty paying March's rent and the parties did not have a clear agreement about when the Complainants would move out.

Beckius asked if Respondent was cited for code violations by the Department of Building and Safety. Littrell said the City did not take any formal actions against the Respondent.

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

### **LCHR #16-0310-009-E-R**

A motion was made by Baron and seconded by Kennedy-King to recommend a finding of **no reasonable cause** on all allegations.

Rehm and Shobe asked whether the evidence supported a finding Complainant was discriminated against. Littrell said she was unable to substantiate any of Complainant's allegations. Complainant said that there was a witness to the allegedly discriminatory conduct, but that witness denied she had witnessed any discriminatory treatment.

Complainant was unhappy when her hours were reduced, but all employees suffered a reduction in hours.

There was discussion about the owner of the business and how he could address the conflict between Complainant and her supervisor. Garcia asked about the national origin of the Supervisor and whether that caused the conflict. Baron asked whether there was a language barrier between the Complainant and her supervisor and Littrell stated there was not.

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

**LCHR #16-0329-011-E-R**

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

Ways asked about time records and about the Complainant's response to the lack of evidence supporting her allegations. Littrell said the Complainant first alleged she was not paid for all of the hours she worked. The Complainant had no response when confronted with evidence she was paid for all of her hours and was working more hours than most other employees.

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

**LCHR #16-0407-015-E-R**

A motion was made by Rehm and seconded by Baron to recommend a finding of **no reasonable cause** on all allegations.

Garcia recused himself and exited the room during the discussion of this case.

Kennedy-King asked why the Complainant wanted to be included in a meeting regarding a change to another employee's job duties. Nichols said it was because the Complainant believed he was part of management and should be included in the meeting. Oldfield asked why there was confusion about the nature of the Complainant's position. Nichols said Respondent asserted that Complainant was a manager only in the kitchen and not part of the management team for the organization.

Nichols said the Complainant misunderstood his standing in the company but Respondent stated the limits of his authority were in his written job description.

Shobe asked about the events leading to the sexual harassment allegations against the Complainant. Nichols said the Complainant's account of the events and his firing, were different from the Respondent's accounts. The supervisor indicated that he first investigated the

allegations including interviewing witnesses, and then asked to meet with the Complainant to give him an opportunity to defend himself against the allegations. The Respondent said the discharge was because the Complainant's response to the allegations changed several times.

There was discussion about the organization's sexual harassment policy and whether it was followed. Nichols said the investigation showed Respondent did follow the policy. The supervisor learned that the sexual harassment allegations were substantiated through the investigation. The next step was to talk to the Complainant. He was given a chance to respond to the allegations and first denied he engaged in any inappropriate behavior, then he said the flirtation was mutual, then he said that the women he worked with should expect that conduct in his area. After discussion between management, they decided to terminate his employment.

Garcia returned to the meeting room.

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

#### **ADMINISTRATIVE CLOSURES:**

##### **LCHR #16-0418-016-E**

A motion was made by Ways and seconded by Kennedy-King to recommend approval of the Administrative Closure due to lack of jurisdiction.

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

#### **OLD BUSINESS:**

##### **Outreach**

Beltran has started to reach out to agencies for Women and children to begin work using the additional HUD outreach funds. The YWCA, Salvation Army and Voices of Hope and Beltran is looking for more suggestions.

Beltran visited with the Latino Commission to begin planning for Hispanic Heritage Month. She is still working on pamphlet translations to Karen and Nuer.

LCHR will have a booth at the Back to School Jam at the Malone Center on August 7<sup>th</sup>.

Nichols updated the Commissioners on the recent Pride Event and thanked Commissioners for their help. Many people were interested in LCHR and what services the agency can provide. Shobe mentioned the Nelson Mandela Celebration and the Native American Pow Wow event. There was discussion about how to have a presence at the three-day event.

Rehm noted he appreciates being notified of open positions with the City and County.

**Travel**

Nichols discussed the EEOC FEPA conference she attended in New Orleans. She highlighted a presentation on a significant disability discrimination case in Iowa and a book written about the case.

Taylor-Riley will be going to Philadelphia in August to the IAOHRA annual conference.

**NEW BUSINESS:**

**HUD Outreach Funds**

Nichols discussed the additional HUD outreach funds. The agency will use these outreach dollars to reach low-income women and women in substance abuse recovery.

**Meeting between Taylor-Riley and Tom Warren**

Taylor-Riley talked about recent discussions with the Urban League of Nebraska. They are preparing to work on Police/Community relations. They highlighted using local Civil Rights agencies and involving these agencies in those efforts. There were suggestions about creating a collaboration of people in these agencies to share information and resources. Commissioner Thompson asked to be included in the discussion because he is a member of the Police advisory board in Lincoln.

There was discussion about The Black Lives Do Matter group and various organizations and rallies that are taking place. Thompson talked with the Police Chief about solutions and changes and what he thinks is happening locally regarding police relations.

**Meeting between Taylor-Riley and Stan Odenthal**

Taylor-Riley advised the Commission she met with Mr. Odenthal, the new Executive Director of the NEOC. They discussed the Police/Community relations issues. He suggested that there could be meetings with his office, LCHR and the Omaha Human Rights and Relations. There was discussion about assisting the NEOC with aged cases.

Odenthal may also help with providing speakers for the April 2017 Civil Rights Conference. Taylor-Riley also asked that Commissioners suggest topics or speakers for the Conference.

**PUBLIC COMMENT:**

No public comment.

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

**Next Meeting:**

Thursday, August 25, 2016, at 4:00 p.m.  
555 S. 10<sup>th</sup> Street, 1<sup>st</sup> Floor, Council Chambers