

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

THURSDAY, August 25, 2011
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The August 25, 2011 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Wendy Francis.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Jose Quintero, Dick Noble, Hazel Rodriguez, Karla Cooper, Takako Olson, Sue Oldfield and Wendy Francis, Chairperson. Quorum present.

MEMBERS ABSENT:

Commissioners: Gene Crump and Mary Reece.

STAFF PRESENT:

Margie Nichols, Loren Mestre-Roberts, Rod Confer and Janice Folkner.

APPROVAL OF JULY 28, 2011 MINUTES:

A motion was made by Commissioner Noble and seconded by Commissioner Olson to approve the minutes of the July 28, 2011 meeting as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Quintero, Noble, Rodriguez, Cooper, Olson and Francis. Motion carried.

APPROVAL OF AUGUST 25, 2011 AGENDA:

A motion was made by Commissioner Cooper and seconded by Commissioner Noble to approve the August 25, 2011 meeting agenda as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Rodriguez, Cooper, Olson, Quintero, Noble and Francis. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 11-0126-008-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Rodriguez and seconded by Commissioner Noble.

Chairperson Francis noted for the record Commissioner Oldfield has arrived.

Discussion ensued. Commissioner Rodriguez commented that the timing seemed to be somewhat suspicious. Investigator Nichols stated that it was poor timing but it seemed pretty clear from talking to two other employees that they never had any issues with this. Nichols went on to say that it didn't make much sense that when someone was only working a few hours and planned to reduce her hours that it would have had that major of impact on the company.

Hearing no further discussion, voting "aye" was: Commissioners Rodriguez, Cooper, Olson, Quintero, Noble, Oldfield and Francis. Motion carried.

LCHR No.: 11-0224-011-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Francis and seconded by Commissioner Cooper.

Discussion ensued. Commissioner Francis inquired about the average age of employees in the same position. Investigator Nichols stated the average of these employees was 41. Francis asked about the reasonable accommodations that the Complainant did ask for extra time for doing her work. Nichols stated that the Respondent's final decision for recommending termination wasn't an issue of time, it had to do with the number of errors. Commissioner Noble asked if that meant it wasn't an issue in terms of the Complainant's ability to accomplish the task or it wasn't an issue from their perspective. Nichols explained it wasn't an issue when it came to the decision for termination. Nichols went on to say that this was a matter of quality of performance which had to do with the percentage of errors made based on the number of entries made.

Hearing no discussion, voting "aye" was: Commissioners Cooper, Olson, Quintero, Noble, Oldfield, and Francis. Abstaining was Commissioner Rodriguez. Motion carried.

LCHR No.: 11-0413-010-H

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Noble and seconded by Commissioner Oldfield.

Discussion ensued. Commissioner Rodriguez asked if the Respondent's position was that there wasn't a request for accommodation but a request to follow City Code. Nichols stated that when the Complainant called the Respondent's office his request was that all sidewalks, curb cuts and ramps be cleared regardless of the location. Nichols explained when the Respondents tried to work with him and determine which specific routes he would need, he would not provide a specific route. Nichols further stated that when the first complaint was made, the Respondent did find that the vendor they contract with did not clear the area according to City code and made them go back out to do it correctly, then continued to inspect these areas to be sure they were cleared.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Olson, Quintero, Noble, Oldfield, Rodriguez, Cooper and Francis. Motion carried.

PRE-DETERMINATION SETTLEMENTS

LCHR No.: 11-0504-002-PA

LCHR No.: 11-0603-025-E-R

A motion was made by Commissioner Noble and seconded by Commissioner Cooper to accept the pre-determination settlement agreements as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Quintero, Noble, Oldfield, Rodriguez, Cooper, Olson and Francis. Motion carried.

OLD BUSINESS:

A. Update on Hiring of Human Rights Director

Rod Confer informed the Commissioners that the City Council did approve the budget request which included the addition of a new Director for the Lincoln Commission on Human Rights. They are moving forward with the interview process and will be finalizing the questions that will be included as part of the interview process. He further stated they hope to be complete with the interviews and have someone hired by the first part of October, 2011.

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NEW BUSINESS: Rod Confer announced that this will be Commissioner Noble's last meeting. Commissioner Noble turned in his resignation because of his inability to travel back and forth from Illinois. He has been a member of the Commission on Human Rights for six years and his service has been much appreciated.

PUBLIC COMMENTS: None

Next Meeting: The next meeting will be held on Thursday, September 29, 2011 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10th Street.

ADJOURNED: The meeting adjourned at 4:38 p.m.