

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

JANUARY 31, 2013
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The January 31, 2013, meeting of the Commission on Human Rights was called to order at 4:00 p.m. by Gene Crump, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Wendy Francis, Sue Oldfield, Takako Olson, Mary Reece (arrived at 4:05 p.m.), Hazell Rodriguez (arrived at 4:11 p.m.), Bennie Shobe, and Gene Crump.

MEMBERS ABSENT:

Liz King and Micheal Thompson.

STAFF PRESENT:

Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Peg Dillon and Cindy Wallman.

APPROVAL OF DECEMBER 13, 2012, MINUTES:

A motion was made by Francis and seconded by Shobe to approve the minutes of the December 13, 2012, meeting as presented.

Hearing no discussion, Crump asked for the roll call. Voting "aye" was: Shobe, Francis, Oldfield, Olson and Crump. Motion carried.

APPROVAL OF JANUARY 16, 2013, TRAINING SESSION MEETING MINUTES:

A motion was made by Francis and seconded by Oldfield to approve the minutes of the January 16, 2013 Commissioner Training as presented.

Hearing no discussion, Crump asked for the roll call. Voting "aye" was: Shobe, Francis, Oldfield, and Crump. Abstaining was: Olson. Motion carried.

APPROVAL OF JANUARY 31, 2013, AGENDA:

A motion was made by Francis and seconded by Reece to approve the January 31, 2013, meeting agenda as presented.

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

CASE DISPOSITIONS:

LCHR #12-0524-025-E-R

Reece excused herself due to a conflict of interest and left the Chambers.

A motion for a finding of **No Reasonable Cause** on all charges was made by Francis and seconded by Olson.

Nichols was asked why the Respondent waited so long to terminate the Complainant. She replied that while the Complainant's supervisor stated he had made the decision to terminate the Complainant months before he actually did, the date wasn't set until a new person expressed interest in working for the Respondent and was hired. Nichols stated the Respondent provided documentation showing evidence of this. She added that the Complainant's position had not been advertised, and that a temporary employee had suggested to a friend that he apply, which he did. The fact that the Respondent does not have a progressive discipline policy was also discussed, and Nichols stated she stressed to the Respondent how important creating a paper trail is. Shobe also discussed the Complainant's disability and noted the Respondent had accommodated him by hiring a temporary employee to assist with the work.

Hearing no further discussion, Reece was called back to Chambers. Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Shobe, and Crump. Abstaining was: Reece. Motion carried.

LCHR #12-0614-026-E-R

Reece excused herself due to a conflict of interest and left the Chambers.

A motion for a finding of **No Reasonable Cause** was made by Francis and seconded by Oldfield.

Hearing no discussion, Reece was called back to Chambers. Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Rodriguez, Shobe, and Crump. Abstaining was: Reece. Motion carried.

LCHR #12-0626-027-E-R

A motion for a finding of **No Reasonable Cause** for all charges was made by Francis and seconded by Reece.

Rodriguez asked Nichols if she conducted an independent investigation and talked to other employees to see if any of them felt a specific female employee was making mistakes and not receiving disciplinary warnings. Nichols responded that she did not but did receive the disciplinary actions received by other employees. Rodriguez also asked about the Respondent not being able to locate a copy of the Complainant's evaluation. Nichols explained the route employee documents take to end up at the corporate headquarters located in another state. She stated while the evaluation could not be located, the Respondent's supervisor recalled it and the manager also remembered it. Nichols said the Complainant gave two conflicting answers regarding the evaluation, stating at first she did remember it and later on that she did not remember one being completed.

Rodriguez asked if the log books were in English or Spanish, and if that could have caused the problems with them. Nichols stated she did not know if they were, but added that the Complainant knew what information she was supposed to be writing in them, and that this was not an issue for other employees. Reece asked about there being two final disciplinary actions before the Complainant was actually terminated. Nichols said it was not clear why the Respondent did this; however, the evidence showed the Respondent was trying to give the Complainant every possible chance to improve.

Hearing no further discussion, Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

LCHR #12-0803-031-E-R

A motion for a finding of **No Reasonable Cause** was made by Francis and seconded by Rodriguez.

Rodriguez asked if procedures were in place to complain about sexual harassment in the work place and if the Complainant was informed of the procedures. Lemke said there was no receipt page and she was not sure if she addressed that with the Complainant. Rodriguez thinks the Respondent should be cautioned to have a procedure in place. Lemke responded that the District Manager was terminated, and the General Manager was demoted, and that the Respondent acknowledged that they should address these issues better.

Hearing no further discussion, Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

LCHR #12-0817-036-E-R

A motion for a finding of **No Reasonable Cause** was made by Oldfield and seconded by Francis.

Rodriguez discussed the response given by the Complainant's former supervisor. She questioned if that was really all he said to the hiring manager regarding the Complainant's prior work history. Nichols stated that was what the former supervisor told her, and that he said it had been a brief conversation.

Hearing no further discussion, Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

LCHR #12-0822-020-H

A motion for a finding of **No Reasonable Cause** was made by Francis and seconded by Reece.

Rodriguez stated that this landlord needs to have policies in place. Lemke indicated that this person did attend Fair Housing Training recently and that she discussed the advantages of having clear policies.

Hearing no further discussion, Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

PRE-DETERMINATION SETTLEMENT AGREEMENT:

LCHR #12-0411-015-E-R

A motion was made by Francis and seconded by Oldfield to accept the pre-determination settlement agreement as presented.

Hearing no further discussion, Crump asked for the roll call. Voting "aye" was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

SUCCESSFUL CONCILIATION:

LCHR #12-0224-007-E-R

A motion was made by Francis and seconded by Shobe to accept the successful conciliation as presented.

Hearing no discussion, Crump asked for the roll call. Voting “aye” was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

ADMINISTRATIVE CLOSURES:

Failure to Cooperate:

LCHR #12-0814-035-E-R

A motion was made by Francis and seconded by Reece to accept the administrative closure as presented.

Hearing no discussion, Crump asked for the roll call. Voting “aye” was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

Withdrawal with Benefits:

LCHR #12-0224-006-E-R

A motion was made by Francis and seconded by Olson to accept the administrative closure as presented.

Hearing no discussion, Crump asked for the roll call. Voting “aye” was: Francis, Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Motion carried.

LCHR #12-1204-029-H

A motion was made by Reece and seconded by Oldfield to accept the administrative closure as presented.

Hearing no discussion, Crump asked for the roll call. Voting “aye” was: Oldfield, Olson, Reece, Rodriguez, Shobe, and Crump. Abstaining was: Francis. Motion carried.

OLD BUSINESS:

Crump thanked the LCHR staff for the training meeting.

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Civil Rights Conference April 23-24, 2013

Taylor-Riley gave an update on the conference planning. She reminded the Commission that nominations are being solicited for the awards. Crump asked about the cost of the conference and Taylor-Riley responded that a final cost had not been determined.

NEW BUSINESS:

Francis asked about the Mayor's position on Legislative bill 485 which adds sexual orientation as a protected class. Taylor-Riley clarified that this bill only addresses sexual orientation in employment and not housing. Taylor-Riley said no official position has been taken at this point.

Shobe asked about the minutes being posted on the website. Nichols responded they have been added, but it had been behind for a few months.

Next Meeting:

The next meeting will be Thursday, February 28, 2013, 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 4:45 p.m.