

CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS MINUTES
January 29, 2015

555 S. 10TH STREET, City Council Chambers

The January 29, 2015, meeting of the Commission on Human Rights was called to order at 4:05 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), Amanda Baron, Liz Kennedy-King, Sue Oldfield, Jon Rehm, and Melanie Ways. Quorum present.

MEMBERS ABSENT:

Micheal Thompson and Takako Olson.

STAFF PRESENT:

Kimberley Taylor-Riley, Margie Nichols, Loren Roberts, and Peg Dillon.

APPROVAL OF DECEMBER 11, 2014, MINUTES:

A motion was made by Reece and seconded by Ways to approve the minutes of the December 11, 2014, meeting as submitted.

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

APPROVAL OF JANUARY 29, 2015, AGENDA:

A motion was made by Ways and seconded Oldfield to approve the agenda.

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

CASE DISPOSITIONS:

LCHR #14-0801-017-E-R

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

Kennedy-King asked about the Complainant's disability and if she had an advocate or needed to do shots throughout the work day. Nichols replied that the Complainant did not provide a doctor's note stating her need for a reasonable accommodation because of having a disability even though it was requested by the Respondent. Nichols also asked for the doctor's note or authorization for LCHR to contact the doctor, but neither was provided by the Complainant.

Shobe asked if the Complainant's request for a Sharps container at work could be considered a notification of a disability. Nichols replied that it would, but there was never any evidence that the container was requested, and again, no evidence of a doctor's note prescribing the need for the container.

Reece asked about the text sent by the Complainant to the Manager. Nichols replied that the Respondent's procedures required a form completed by employees to request changes in hours which had to be completed prior to the work schedule being posted.

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

LCHR #14-0902-020-E

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

Shobe asked about the Complainant's performance reviews, if there was written notes about the review and if they were provided to the investigator. Nichols replied that, yes, the reviews were provided and even though the Complainant's performance was satisfactory at the 6 month timeframe, she was also given a list of responsibilities to complete before her 1 year anniversary. During the second 6-month timeframe, the Complainant's performance did not improve, so she was moved to a different position by the Respondent to see if that was a better fit. Nichols stated the Respondent determined that the Complainant was still not performing as expected in the new position, and that she did not seem to understand what was required of her.

There was discussion on the recording made by the Complainant and why she felt she had to record the meetings with the Respondent.

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

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

LCHR #14-1023-025-H

A motion was made by Reece and seconded by Ways to approve the pre-determination settlement agreement.

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

LCHR #14-1119-026-H

A motion was made by Kennedy-King and seconded by Shobe to approve the pre-determination settlement agreement.

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

ADMINISTRATIVE CLOSURE:

LCHR #14-1119-027-H

A motion was made by Reece and seconded by Oldfield to approve the administrative closure as a withdrawal.

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

OLD BUSINESS:

Taylor-Riley presented an update on the hiring of a new investigator for the Commission. We are still in the process of getting a list from Personnel. The goal is to have the investigator in place before the Civil Rights Conference to allow the new person to meet regional representatives at this event.

NEW BUSINESS:

Outreach Activities

Roberts thanked Commissioner Shobe for promoting the Gerald Henderson Award nominations at local events. The speakers are all confirmed for the Civil Rights Conference and Roberts asked for any Commissioners that are interested to either introduce speakers or moderate panels at the event. She will email all Commissioners with a formal invite to assist at the Conference.

Roberts talked about the website being updated with some new information and pictures.

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

PUBLIC COMMENT:

Taylor-Riley talked about her participation in the Legislative Team to review, make recommendations and follow-up on three current Legislative Bills. She is currently reviewing a bill that would add sexual orientation as a protected class with regard to employment. One other bill is to allow adoption of children by two adults that would not be gender specific or require them to be married. Another bill Taylor-Riley is reviewing is to allow foster children to go into homes regardless of gender identity or sexual orientation of the potential foster parents.

The meeting was adjourned at 4:30 p.m.

Next Meeting:

Thursday, February 26, 2015, at 4:00 p.m.
City Council Chambers, at 555 S. 10th Street, 1st floor.