

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

**Thursday, September 17, 2009  
K Street Complex, Conference Room**

**CALL TO ORDER:**

The September 17, 2009 meeting of the Commission on Human Rights was called to order at 4:00 P.M. by Chairperson Wendy Francis.

**ROLL CALL:**

The roll was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners David Fikar, Wendy Francis, Sitaram Jaswal, Dick Noble, Jose Quintero, and Hazell Rodriguez [arrived at 4:20 p.m.]

**MEMBERS ABSENT:**

Commissioners Karla Cooper, Gene Crump, and Lori Lopez-Urdiales.

**STAFF PRESENT:**

Director Larry Williams, Senior Civil Rights Investigator Angela Wortman, Youth Assistant Keri Anderson, Office Assistant Connie Guillaume, and AmeriCorp volunteer Lisa Bickert.

**APPROVAL OF AUGUST 27, 2009 MINUTES:**

A motion was made by Commissioners Jaswal and seconded by Commissioner Fikar to approve the minutes of the August 27<sup>th</sup> meeting. Chairperson Francis then asked for the roll.

Voting "aye": Commissioners Fikar, Jaswal, Quintero, and Francis.

Nays: none

Abstaining: Commissioner Noble

Motion carried 4-0-1

**APPROVAL OF SEPTEMBER 17, 2009 AGENDA:**

A motion was made by Commissioner Quintero and seconded by Commissioner Fikar to approve the August 27, 2009 meeting agenda.

Voting "aye": Commissioners Fikar, Jaswal, Noble, Quintero, and Francis.

Nays: none

Motion carried 5-0

**CASE DISPOSITIONS:**

**LCHR No.: 09-0302-008-E-R**

Motion: A finding of **No Reasonable Cause**

By: *Commissioner Noble*

Second: *Commissioner Jaswal*

Commissioner Fikar started the discussion by commenting that it was clear that the Complainant was a “no call-no show” for an extended period of time. Commissioner Quintero asked if it was determined if the Complainant could read. Investigator Wortman confirmed that the Complainant could read.

Hearing no further discussion, Chairperson Francis asked for the roll call.

Ayes: *Commissioners Fikar, Jaswal, Noble, Quintero and Francis.*

Nays: *none*

Motion: Finding of **No Reasonable Cause** carried 5-0

**LCHR No.: 09-0324-011-E-R**

Motion: A finding of **No Reasonable Cause**

By: *Commissioner Fikar*

Second: *Commissioner Jaswal*

Chairperson Francis opened this case discussion by pointing out that there had been several offers that had been rescinded, and that the Respondent received negative references regarding previous employment performance. Investigator Wortman replied that this case (LCHR.: 09-0324-011-E-R) was Investigator Margie Nichols’ case. Wortman continued that she could not remember whether of there had been several offers that had been rescinded, but Chairperson Francis may be correct. Commissioner Jaswal stated that he had already talked to Investigator Nichols about this particular case, and thought it was unusual for establishments to accumulate references after hiring an individual. Investigator Wortman explained that Investigator Nichols had been concerned that the Respondent did not follow up on any information that was given to him. Wortman stated that the Respondent was approached by two people who knew the Complainant and they volunteered negative information about the Complainant. Commissioner Fikar commented that this has occurred more than once in the past for this establishment, and added that the Respondents should check individual’s past employment, and history before offering employment.

Hearing no further discussion, Chairperson Francis then asked for the roll call.

Ayes: *Commissioners Fikar, Jaswal, Noble, Quintero and Francis.*

Nays: *none*

Motion: Finding of **No Reasonable Cause** carried 5-0

**LCHR No.: 09-0415-014-E-R**

Motion: A finding of **No Reasonable Cause**

By: *Commissioner Fikar*

Second: *Commissioner Jaswal*

Commissioner Fikar started the discussion on this case, and added that he was aware that this was Investigator Nichols case. (LCHR.:09-0415-014-E-R) and noted that there was a witness to the threat. Investigator Wortman agreed.

Hearing no further discussion, Chairperson Francis then asked for the roll call.

Ayes: *Fikar, Jaswal, Noble, Quintero, and Francis.*

Nays: *none*

Motion: Finding of **No Reasonable Cause** carried 5-0

**LCHR No.:09-0416-016-E**

Motion: A finding of **No Reasonable Cause**

By: *Chairperson Francis*

Second: *Commissioner Noble*

Commissioner Jaswal asked if the Respondent had a policy relating to why the Complainant was terminated. Investigator Wortman replied that it does not clearly state that, but states that the policy is to have a "respectful environment". Chairperson Francis discussed the comparable employee being terminated for similar reasons.

Hearing no further discussion, Chairperson Francis then asked for the roll call.

Ayes: *Fikar, Jaswal, Noble, Quintero, and Francis*

Nays: *none*

Motion: Finding of **No Reasonable Cause** carried 5-0

**LCHR No.:09-0508-021-E-R**

Motion: A finding of **No Reasonable Cause**

By: *Commissioner Fikar*

Second: *Commissioner Jaswal*

Commissioner Fikar commented that the Complainant was replaced by an individual that was also protected.

Hearing no further discussion, Chairperson Francis then asked for the roll call.

Ayes: *Commissioner Fikar, Jaswal, Noble, Quintero, and Francis.*

Nays: *none*

Motion: Finding of **No Reasonable Cause** carried 5-0

**LCHR No.:09-0707-007-H**

Motion: A finding of **No Reasonable Cause**

By: *Commissioner Fikar*

Second: *Commissioner Jaswal*

[Commissioner Hazell Rodriquez arrived at 4:20p.m.]

Commissioner Jaswal asked if there were similar individuals that lived at the place in question, if they had similar disabilities, used motorized wheel chairs or had the need to use a wheel chair. Investigator Wortman replied that there was one other resident who uses a wheelchair, however, does not get out as much as the Complainants do. Commissioner Jaswal asked if the Respondents have caused any difficulties for the one resident who uses a wheel chair. Investigator Wortman replied that she believes that there have been no problems. Chairperson Francis asked if it seems more like a safety issue, and commented that it obviously seems it would be safer on a sidewalk than in the street. Investigator Wortman replied that is the Respondent's position. Chairperson Francis asked when the Complainant was on the sidewalk, if the wheelchair tipped over. Investigator Wortman responded that it was a couple days after the Complainant was asked to go on the sidewalk by the Respondent that the Complainant overturned her wheelchair. The Complainant feels much safer on the street, rather than the sidewalk. Chairperson Francis asked if the sidewalks were maintained by the homeowner's association or the City of Lincoln. Chairperson Francis continued to ask Investigator Wortman if she had made a visit to the area (regarding the sidewalk). Investigator Wortman responded that she had been there and they seemed to be in good condition, but did not physically get out of the vehicle to look. Investigator Wortman states that she has made it very clear to the Respondent that she has no right to tell an individual that she cannot be on a public street. Commissioner Fikar asked Investigator Wortman if the incident happened on, or off the Respondent's property. Investigator Wortman responded that the incident happened off property. Discussion ensued about the language that was used. Chairperson Francis asked if the street in question had high or low traffic. Investigator Wortman explained the routes of the street, and surrounding streets to explain traffic flow, which seems to be low. Commissioner Noble asked if it was legal for a motorized wheel chair to be operated on a public street. Investigator Wortman explained that it's against the law to operate a motorized wheelchair on a public street, but the police do not enforce this unless it is causing a traffic concern. Investigator Wortman stated that the Respondent has no authority to tell the Complainant where she can operate her motorized wheel chair, unless it's in the private driveway of the homeowners association.

Hearing no further discussion, Chairperson Francis then asked for the roll call.

Ayes: *Commissioners Fikar, Jaswal, Noble, Quintero, Rodriquez and Francis.*

Nays: *none*

Abstain: *none*

Motion: Finding of **No Reasonable Cause** carried 6-0

**ADMINISTRATIVE CLOSURES:**

**LCHR No.:09-0818-010-H**

Motion: To accept the **Withdrawal with Settlement as an Administrative Closure**

By: *Commissioner Jaswal*

Second: *Commissioner Noble*

Chairperson Francis asked for the roll call.

Ayes: *Commissioners Fikar, Jaswal, Noble, Quintero, Rodriquez and Francis.*

Nays: *none*

Abstain: *none*

Motion: To accept the **Withdrawal with Settlement as an Administrative Closure** carried 6-0.

**NEW BUSINESS:**

A. Civil Rights Conference

Civil Rights Conference will be held April 20-21 2010 at the Cornhusker Marriott.

**PUBLIC COMMENTS:**

None

**ADJOURNMENT:**

The meeting was adjourned at 4:25 P.M.

**NEXT MEETING:**

The next meeting will be held Thursday October 29, 2009 in the City Council Chambers at 4:00P.M.