

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

Thursday, August 31, 2023
555 S 10th Street, 1st Floor
City County Building, Council Chambers

CALL TO ORDER:

The August 31, 2023 meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:05 p.m. by Emira Ibrahimasic, Chair.

ROLL CALL:

The roll was called.

MEMBERS PRESENT:

Commissioners: Emira Ibrahimasic (Chair), Alyssa Martin (Vice Chair), Sheri Blok, Sarah Cohen Walker, John Goldrich and Ryan Kelly.

MEMBERS ABSENT:

None.

STAFF PRESENT:

Chassidy Jackson-Goodwin, Marna Munn, Francisca Beltran, Thuyhong Le and Shanna Eckman.

APPROVAL OF July 27, 2023 MINUTES:

A motion was made by Goldrich and seconded by Martin to approve the minutes of the July 27, 2023 meeting. Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Cohen Walker, Goldrich and Kelly. Blok abstained. Motion carried.

APPROVAL OF August 31, 2023 AGENDA:

A motion was made by Blok and seconded by Kelly to approve the agenda. Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

OLD BUSINESS:

Outreach: Welcoming Week is still going on and LCHR is participating in it. On September 8th, there will be a citizenship ceremony followed by Lincoln Unites at the Auld pavilion.

Seth Mach will be displaying African art on the 3rd floor outside of the LCHR office, September 14th, 5-7 p.m.

CRC2024 is in the works and LCHR is looking at keynote speaker options.

September 27th LCHR is hosting a training for hospitality employers and employees to educate them about discriminatory treatment.

MyCity Academy is going to start its 5th cohort, recruitment is still on going.

NEW BUSINESS:

Director Report: Jamie Reyes and Rob Rowan were out of town for a conference.

Bylaws: Marna Munn suggested that the bylaws discussion be postponed until next meeting, but that it remain on the agenda as an ongoing item for discussion so that they can be clarified and updated.

CASE DISPOSITIONS:

LCHR No.: 22-0812-005-E-R

Before a motion was made, Munn offered some clarification on timeline details; there were several allegations listed in 2020 that the Complainant had made. When the Respondent conducted an unrelated investigation in 2021, either the Complainant would have had to mention those allegations to Respondent, resulting in additional information that they would have submitted with their response, or if the Complainant didn't make those allegations known to the Respondent they would not have had knowledge of them to investigate it.

The Complainant alleges they had a workplace fall in April but provides no evidence of that occurring, however the Respondent provides evidence of a fall occurring in February shortly before their investigation. Investigator Jackson Goodwin added that the evidence the Complainant provided was a picture of the location of the fall, nothing else.

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

Blok questioned what the investigation was about if the Complainant had never filed a complaint with the Respondent. Investigator Jackson Goodwin clarified that the investigation the Respondent conducted was due to an allegation made by someone who was not the Complainant.

Ibrahimpasic pointed out that there was a large gap between the alleged harassment and the filing of the complaint. Goldrich asked if the complaint and the investigation were about the same person; Investigator Jackson Goodwin clarified that yes, it was all regarding one supervisor. Complainant alleges harassment from that supervisor but did not report it to the Respondent; the investigation the Respondent conducted was due to a complaint from a different employee.

Hearing no further discussion, Ibrahimpasic asked for the roll call. Voting "aye" were Ibrahimpasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-1021-009-E-R

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

Ibrahimpasic asked for clarification as to the Respondent's claim that the coworker wasn't employed by them. Munn clarified that regardless of if the Respondent said the coworker was or was not employed by them, it is the Respondent's responsibility as an employer because they are putting their employee in contact with them.

Cohen Walker asked where the Complainant got the phone number for the ethics hotline; Investigator Jackson-Goodwin clarified that the hotline was not for that specific location but also that the number did not work.

Martin expressed frustration that the Respondent wouldn't give up the requested materials. Investigator Jackson-Goodwin stated that she contacted the Respondent attorney multiple times and they never produced the requested materials or to schedule a time for a site visit. Munn noted that the Commission has the power to subpoena the requested records if desired. Blok and Goldrich expressed a desire to table the case in order to subpoena the records and compel the Respondent to reply; the other Commissioners agreed. Kelly questioned if the coworker was a friend of the Respondent, and why the Respondent would take the word of a friend who they claimed was not an employee over the word of their actual employee. Ibrahimpasic and Blok noted that Respondent didn't take any steps to seriously investigate the harassment claim.

Kelly withdrew the motion and Goldrich withdrew the second.

A new motion was made by Cohen Walker and seconded by Goldrich to table the case until a later date in order to collect more information from the Respondent.

Hearing no further discussion, Ibrahimpasic asked for the roll call. Voting "aye" were Ibrahimpasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 23-0123-002-PA

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

Cohen Walker noted that the occurrence was right around the holiday time and it didn't seem that the Respondent intentionally skipped the Complainant but was rather just incidentally rude. Martin stated that it seemed to just be an occurrence of poor customer service.

Hearing no further discussion, Ibrahimpasic asked for the roll call. Voting "aye" were Ibrahimpasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 23-0508-005-E-R

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

Blok asked if the Complainant requested an accommodation and Munn noted that the Complainant said he requested more frequent meal breaks. Cohen Walker noted that it seemed Complainant wasn't able to satisfy the basic requirements of the job and that seemed to be the reason for his termination.

Munn clarified that the calculation of a reasonableness for an accommodation can vary per the job position and that an employer doesn't necessarily have to grant what is requested but can offer an alternative, but if that doesn't work then they are able to terminate an employee because they are unable to perform the job requested.

Blok questioned what the disability was that required a reasonable accommodation; Munn noted that the Complainant never provided clarification or proof of a disability. Martin noted that the Respondent and witness provided more evidence than the Complainant.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 23-0508-003-PA

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

Cohen Walker how the gun came into the situation; Ibrahimasic clarified that the Complainant claimed that is what the Respondent said, but didn't provide proof of that statement and the witness didn't corroborate that accusation.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

LCHR No.: 22-0617-017-H

A motion was made by Goldrich and seconded by Martin to recommend approval of the Facts of Findings and approval of the award for the Complainant.

Ibrahimasic questioned how the award was calculated, as it seemed that the charges for the damages should also have been awarded back. Munn clarified that the award was calculated based on the amount of time that the Respondent knew the animal was a service animal versus a pet, that the charges for the damages were outside of the purview of the case and that the Complainant would have to pursue that independently under the landlord-tenant law.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 5:22 p.m.

Next Meeting:

Thursday, September 28, 2023, at 4:00 p.m.
555 S. 10th Street, 1st Floor, Council Chambers