

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

Thursday, December 14, 2023
555 S 10th Street, 1st Floor
City County Building, Council Chambers

CALL TO ORDER:

The December 14, 2023 meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:10 p.m. by Emira Ibrahimasic, Chair.

ROLL CALL:

The roll was called.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Commissioners: Alyssa Martin (Vice Chair).

STAFF PRESENT:

Jamie Reyes, Rob Rowan, Chassidy Jackson-Goodwin, Marna Munn, Francisca Beltran, Thuyhong Le and Shanna Eckman.

APPROVAL OF October 26, 2023 MINUTES:

A motion was made by Goldrich and seconded by Cohen Walker to approve the minutes of the October 26, 2023 meeting. Hearing no discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

APPROVAL OF December 14, 2023 AGENDA:

A correction was noted: item 6a4 should have read LCHR Case No.: 23-0406-004-E-R. A motion was made by Cohen Walker and seconded by Blok to approve the agenda. Hearing no discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Blok, Cohen Walker, Goldrich and Kelly. Motion carried.

OLD BUSINESS:

Public Hearing Update: The City Attorney filed a civil action for the case Encalada Cruz v. Village Square Apartments LLC., as the Respondent chose that route in lieu of the Public Hearing.

Wiltfang v. Lake Park Condos has a prehearing conference scheduled for January 26th.

Bylaws: The language is in the works for the update regarding attendance; the goal is to present it to everyone ahead of the January meeting so that it can be an item of discussion that includes the new coming Commissioners.

NEW BUSINESS:

Outreach: MCA graduation is complete; the next cohort will begin on September 11, 2024.

The LCHR Show is beginning again; Tom Randa will be talking about the Culture Coalition. The following episodes will feature the directors of different cultural centers.

Rentwise will be picking up again.

CRC2024 preconference will be on April 30th at the Marriot Courtyard, the conference on May 1st at innovation campus. Commissioners are encouraged to attend.

Director Report: Three new Commissioners will start in January: Kewan Asaad, a DOJ accredited representative with CLIA, Dr. Rob McEntarffer, an assessment and evaluation supervisor with LPS, and Prof. Catherine Wilson, who is an associate professor of Law at UNL.

Officer Elections are coming up in January if there are any Commissioners interested in a position. If there are any questions, let Jamie know.

CASE DISPOSITIONS:

LCHR No.: 22-0602-015-H

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

Cohen Walker noted that there was a lack of evidence that anything occurred. Cohen Walker questioned what the protocol was for an ESA causing issues for other tenants. Investigator Jackson-Goodwin noted that the Respondent said if the animal continued to be written up, they would as the animal to be removed not the tenant. Munn added that if the ESA is causing issues for other tenants it effects the reasonableness of the accommodation.

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

LCHR No.: 23-0106-001-E-R

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

Ibrahimasic pointed out that a majority of the Respondent's employees are over 40 and that Complainant wasn't replaced by someone younger so there didn't seem to be discrimination based on age. Kelly added that there appeared to be several performance issues and asked if the Complainant had an expectation that the job would be full time. Investigator Rowan clarified that it was not but after Complainant was moved to a different locations they were given more hours in hopes that performance would improve.

Cohen Walker asked if the general termination reason of poor work performance was satisfactory enough to encompass the minor issues that Respondent noted about Complainant. Investigator Rowan clarified that other comparable employees had been terminated for the same issues that arose with Complainant, but that Respondent attempted to move Complainant to different locations to see if the issues improved.

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

LCHR No.: 23-0314-006-H

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

Cohen Walker asked if the Complainant had any evidence that they submitted repair requests, Investigator Jackson-Goodwin noted there was no evidence submitted by the Complainant. Ibrahimasic noted that the Complainant was assigned a parking spot but used the spot that was considered to be a non-parking spot. Cohen Walker pointed out that the Complainant appeared to be habitually behind in paying rent. Blok asked if Complainant had received rental assistance; there was no documentation if they were or were not, but Munn noted that regardless the Complainant would have had to ask for a reasonable accommodation in order for one to be made, either for rental terms or parking spots.

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

LCHR No.: 23-0406-004-E-R

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

Ibrahimasic asked for clarification as to why the Respondent offered a permanent position to Complainant only to fire them afterwards. Investigator Jackson-Goodwin stated that Respondent had said they were trying to work with the Complainant and try to move him to different areas to see if that improved the issues they were having. Munn noted that there are certain industries and departments that have a tendency to coach through issues that other industries won't. Investigator Rowan interjected that it is rather common for an employee initially placed by a staffing agency to be hired on full time by a company, only to shortly leave the company afterwards.

Goodrich asked for clarification about the Complainant's job position as Complainant said they were hired on as a Manufacturing Support Associate ("MSA") temporary staff hired through staffing agency, Advance Services Inc., (ASI), as a temporary employee. Investigator Jackson-Goodwin said that the Respondent hired him as a temporary associate.

Ibrahimasic asked about the complaint that the Complainant said the Respondent changed; Investigator Jackson-Goodwin said the Complainant said that his information was changed but did not specify what was changed about it.

Kelly asked if there is a timeframe from when an employee is terminated to when they are replaced with someone outside of their protected class. Munn said that it really depends on the other facts of the individual case.

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

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 5:00 p.m.

Next Meeting:

Thursday, January 25, 2024, at 4:00 p.m.
555 S. 10th Street, 1st Floor, Council Chambers