

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

Thursday, July 30, 2020
555 S 10th Street, 1st Floor
City County Building, Council Chambers

CALL TO ORDER:

The July 30, 2020, meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:03 p.m. by Carlos Garcia, Chair.

ROLL CALL:

The roll was called.

MEMBERS PRESENT:

Commissioners: Carlos Garcia (Chair), Precious Loving-Afuh (Vice Chair), Sheri Blok, Jon Rehm, Terry Werner, Rose Godinez, and Emira Ibrahimasic.

MEMBERS ABSENT:

Commissioners: Rachel Zeng and Jolene McCulley.

STAFF PRESENT:

Margie Nichols, Abigail Littrell, and Shanna Eckman.

APPROVAL OF June 25, 2020 MINUTES:

A motion was made by Garcia and seconded by Ibrahimasic to approve the minutes of the previous meeting.

Hearing no discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Loving-Afuh, Rehm, Godinez, and Ibrahimasic. Abstaining were Blok and Werner. Motion carried.

APPROVAL OF July 30, 2020 AGENDA:

A motion was made by Godinez and seconded by Loving-Afuh to approve the meeting agenda.

Hearing no discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Loving-Afuh, Blok, Rehm, Werner, Godinez, and Ibrahimasic. Motion carried.

CASE DISPOSITIONS:

LCHR #19-0805-020-E-R

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

Godinez thanked Investigator Nichols for providing additional information regarding the questions raised at the previous meeting.

Rehm reasserted that he believes it is still discrimination based on national origin, citing concerns regarding Respondent following a Federal Government memo when there not an executive order.

Attorney Littrell added that there is supreme court case law stating that immigration status discrimination is not covered by Title VII.

Hearing no further discussion, Garcia asked for the roll call. Voting “aye” were Loving-Afuh, Blok, Werner Ibrahimasic. Voting “no” was Rehm. Garcia and Godinez abstained. Motion carried.

LCHR #19-0828-026-E-R

A motion was made by Loving-Afuh and seconded by Werner to recommend a finding of **no reasonable cause** on all allegations.

Commissioners discussed if a coworker was actually a supervisor with hiring/firing authority, because if he was not, Respondent could not be held liable for acts of discrimination not reported to them. Both Ibrahimasic and Godinez were not convinced there was no reasonable cause.

There was discussion as to if Complainant was subjected to material harm or a disadvantage for not taking a lunch break; the consensus was that it was not a disadvantage because Complainant was either compensated for the time worked or allowed to leave early.

Loving-Afuh pointed out that Complainant’s termination was due to his poor attendance, which was well documented. Commissioners discussed that Complainant was warned his attendance needed to improve for him to retain the position, but it did not.

Hearing no further discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Loving-Afuh, Rehm and Werner. Voting “no” were Godinez and Ibrahimasic. Motion carried.

LCHR #20-0303-002-H

A motion was made by Godinez and seconded by Ibrahimasic to recommend a finding of **reasonable cause** on all allegations.

Ibrahimasic expressed concerns that there was discrimination due to Complainant being shown the house when it was not going to be available for several months.

Loving-Afuh questioned if there was any direct evidence of discrimination due to Race or Familial Status, but there was not, so other tenants were reviewed as comparators to see if Respondent discriminated to those in similar situations.

Hearing no further discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Godinez and Ibrahimasic. Voting “no” were Loving-Afuh, Blok, Rehm, and Werner. Motion failed.

A motion was made by Werner and seconded by Loving-Afuh to recommend a finding of **no reasonable cause** on the allegations.

Hearing no further discussion, Garcia asked for the roll call. Voting “aye” were Loving-Afuh, Blok, Rehm, and Werner. Voting “no” were Garcia, Godinez and Ibrahimasic. Motion carried.

*Rehm left the meeting at this point.

PRE-DETERMINATION SETTLEMENT:

LCHR #20-0305-003-E-R

A motion was made by Werner and seconded by Blok to accept and approve the pre-determination settlement.

Hearing no discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Loving-Afuh, Blok, Werner, Godinez and Ibrahimasic. Motion carried.

The meeting was adjourned at 5:11 p.m.

Next Meeting:

Thursday, September 24, 2020, at 4:00 p.m.
Third Floor County/City Building
555 S. 10th Street, Room 303