

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

Thursday, January 28, 2021  
555 S 10<sup>th</sup> Street, 1<sup>st</sup> Floor  
City County Building, Council Chambers

**CALL TO ORDER:**

The January 28, 2021 meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:00 p.m. by Carlos Garcia, Chair.

**ROLL CALL:**

The roll was called.

**MEMBERS PRESENT:**

Commissioners: Carlos Garcia (Chair), Sheri Blok, Rose Godinez, Jolene McCulley and Emira Ibrahimasic.

**MEMBERS ABSENT:**

Commissioners: Precious Loving-Afuh (Vice Chair) and Terry Werner.

**STAFF PRESENT:**

Mindy Rush Chipman, Abigail Littrell, Haefaa Hasan, Rob Rowan, and Sally Casillas.

**APPROVAL OF October 29, 2020 MINUTES:**

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

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

**APPROVAL OF January 28, 2021 AGENDA:**

A motion was made by Ibrahimasic and seconded by Blok to approve the meeting agenda.

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

**CASE DISPOSITIONS:**

**LCHR #20-0604-008-E-R**

A motion was made by McCulley and seconded by Ibrahimasic to recommend a finding of **no reasonable cause** on all allegations. Godinez asked for clarification as to whether Complainant continued to wear a mask at work, why Respondent did not accept Complainant’s doctor note, and

if Complainant's driver's license was reinstated before she was terminated. Investigator Rowan explained that Complainant did not wear a mask after she directed not to, that Respondent did not require doctors' notes for employee mask usage due to the changes to the CDC's guidance by the time Complainant offered a doctor's note, and that Complainant's driver's license had not been reinstated at the time of termination.

Ibrahimasic asked for clarification regarding why Complainant was terminated. Investigator Rowan explained the timeline for the CDC guidance changes regarding masks and the local mask mandates during the pandemic, as well as the suspension of driver's license. Ibrahimasic noted that Complainant did not wear a mask upon her return even after she was informed she could wear a mask.

Godinez asked Attorney Littrell if Complainant's attempt to give Respondent a doctor's note and Respondent's subsequent refusal to accept the note would meet the required prima facie elements. Littrell responded that had Complainant notified Respondent of Complainant's disability and need for reasonable accommodation and failed to provide an effective accommodation, prima facie elements would have been met; however, if there was no need for a reasonable accommodation at the time Complainant's note was provided, a refusal to accept the note would not meet the required elements. Littrell explained that the Respondent had a duty to engage in the interactive process when a request for accommodation was made, but not necessarily a duty to immediately make the accommodation.

Hearing no further discussion, Garcia asked for the roll call. Voting "aye" were Garcia, Blok, McCulley and Ibrahimasic. Motion carried.

#### **LCHR #20-0707-012-E-R**

A motion was made by McCulley and seconded by Ibrahimasic for **no reasonable cause** on the allegation of age discrimination. Hearing no discussion, Garcia asked for the roll call. Voting "aye" were Garcia, Blok, Godinez, McCulley and Ibrahimasic. Motion carried

A motion was made by Godinez and seconded by McCulley for **no reasonable cause** on the allegation of disability discrimination. Hearing no discussion, Garcia asked for the roll call. Voting "aye" were Garcia, Blok, Godinez, McCulley and Ibrahimasic. Motion carried

A motion was made by McCulley and seconded by Ibrahimasic for **reasonable cause** on the allegations of sexual harassment and retaliation. Ibrahimasic requested more information regarding witnesses to the comments allegedly made by Respondent, the positioning of the desks in Respondent's office, and if Complainant had a conversation with team lead regarding the sexual harassment allegations.

McCulley withdrew her motion for reasonable cause on both allegations. A motion was then made by Ibrahimasic and seconded by McCulley **to table the case** pending further investigation on the allegations of sexual harassment and retaliation. Hearing no further discussion, Garcia asked for

the roll call. Voting “aye” were Garcia, Blok, Godinez, McCulley and Ibrahimasic. Motion carried.

**PRE-DETERMINATION SETTLEMENT AGREEMENT:**

**LCHR #20-0924-017-E-R**

A motion was made by Ibrahimasic and seconded by Godinez.

Hearing no discussion, Garcia asked for the roll call. Voting “aye” were Garcia, Blok, McCulley and Ibrahimasic. Motion carried.

\*Godinez left meeting at 4:45 p.m.

**OLD BUSINESS:**

**Outreach**

Director Rush Chipman updated Commissioners on the Tenant Assistance Project (TAP) webinar training and additional outreach efforts.

**NEW BUSINESS:**

**Director Update**

Rush Chipman updated Commissioners of the new investigative report formats and asked Commissioners for feedback.

Rush Chipman informed Commissioners of legislative bills being introduced to the Nebraska legislature related to civil rights and the work of LCHR, including bills relating to protected classification, housing justice, and Nebraska’s Open Meetings Act. Additionally, Rush Chipman provided and update on the proposed ordinance by City Councilmember Bowers to ban conversion therapy for minors by a licensed medical provider within the city of Lincoln.

Rush Chipman updated Commissioners on LCHR’s annual Civil Rights Conference and asked for feedback on potential postponed fall dates. Rush Chipman also indicated that LCHR’s annual Commissioner training and new Commissioner training will be combined this year after new Commissioners are appointed.

Rowan informed Commissioners of the Redlining Project he is currently working on and will provide updates and invitations when the public exhibit is completed and available to view online and on the third floor of City Hall.

**PUBLIC COMMENT:**

No public comments.

The meeting was adjourned at 5:10 p.m.

**Next Meeting:**

Thursday, February 25, 2021 at 4:00 p.m.

Commission on Human Rights  
June 25, 2020  
Page 4

555 S. 10<sup>th</sup> Street, 1<sup>st</sup> Floor, Council Chambers