

## **BLOOMINGTON HUMAN RIGHTS COMMISSION**

### **DIRECTOR'S QUARTERLY REPORT**

**April-June 2020**

#### **I. Discrimination complaints**

##### A. Pending from previous quarters

1. Commissioner Haughton-Motley's case
  - a. Case alleging race discrimination in public accommodations filed in July, 2019
  - b. No probable cause decision issued in May, 2020; not appealed.
2. Commissioner Jackson's case
  - a. Case alleging race discrimination in public accommodations filed in December, 2020
  - b. No probable cause decision issued in April, 2020; complaint appealed; Chair Shadday upheld the no probable cause finding in June, 2020
3. Commissioner Williams' case
  - a. Case alleging race discrimination in employment filed in March, 2020
  - b. Transferred to EEOC in June, 2020 because of possible conflict

##### B. New cases

1. Commissioner Calloway-Thomas' case
  - a. Case alleging race discrimination in employment filed in June, 2020
  - b. Investigation pending

##### C. Intakes/discussions that have not yet led to formal complaint being filed - None

##### D. Complaints filed with another agency when BHRC did not have jurisdiction or had a conflict - none

#### **II. Miscellaneous inquiries**

- A. Email writer said his daughter's landlord was not letting her out of her lease, when it was letting other tenants who contracted through IU out of their leases. He called this housing status discrimination, but this does not meet the BHRC's definition of housing status. Referred student to Indiana Legal Services.
- B. Girl Scout interested in obtaining a Citizenship in the Community badge interviewed McKinney about the BHRC.
- C. Caller said her employer had shut down at least temporarily because of COVID-19, and she wanted to file a discrimination complaint. She felt she had been laid off due to her race and sex, but employer, a restaurant, had laid off all of its employees. Explained that didn't sound like basis for discrimination lawsuit, but she had a right to file for unemployment and that additional benefits are available if she lost her job due to COVID-19. She said she knew she could not receive unemployment because she had not been fired; assured her she could, and she should do so soon.
- D. Caller, who helped present a webinar on Asians and COVID-19, asked McKinney questions about hate crimes in urban and rural answers. Answered best we could and made referrals.
- E. Caller said that landlord was threatening to evict her from her commercial rental and was demanding extra charges for not presenting him with a copy of her bank statements. Explained that she needed to consult a private lawyer.
- F. Caller said her place of employment had been closed since the shutdown, but is re-opening soon. She thinks she could do her job from home but they seem unwilling to make that work. She is over 70 and has an underlying condition. Advised she try to work with employer, and if she can't, to apply for unemployment and to call back if she thinks they are not providing her with reasonable accommodations. She respects her employer and would prefer not to file a formal complaint, but may be interested in mediation.
- G. Caller said her Bloomington United sign was battered and asked for a new one; delivered to her house given COVID-19

and her reluctance to leave the house.

- H. Email writer said her employer had closed because of COVID-19 and she can't pay rent. Not a BHRC matter; referred to workforce development and township trustee.
- I. Caller said she worked at a restaurant not in Bloomington. She quit recently because the owner's wife treated everyone badly, calling them stupid, saying she wished someone would kill herself, etc. No evidence of illegal discrimination because she treated everyone badly without regard to protected classification. Referred to workforce development to apply for unemployment, advising her it's hard to win if you quit your job.
- J. Email writer urged City to petition state to join lawsuit against China for spreading COVID-19.
- K. Caller said that she was trying to get an apartment. Landlord wanted her to sign a release letting them check her references for 15 years. She said she knew that was illegal and thought they were discriminating against her on the basis of her age and/or disability. Explained we knew of no law prohibiting such a long-term release. She said she had no reason to think that they were requiring only her to sign the release. Agreed to sign release and to call back if she encountered any problems.
- L. Caller, a city attorney, had questions about how Bloomington handles bias incidents and hate crimes. Discussed Bloomington's history and local ordinance and referred him to city's web page for ordinance language and bias incident reports.
- M. Caller said that she had been bullied while staying at a shelter. She believes she is eligible for an apartment for homeless people and believes people who are getting apartments are less qualified than she is. Not a BHRC matter; referred to Indiana Legal Services.
- N. Caller said she had worked for employer for more than a year. She took medical leave when she tested positive for COVID-19. She said she has been cleared to return to work, but her

employer has not yet called her back to work. At the same time, they are hiring new people. Employer is in Tippecanoe County; referred to local human rights commission.

- O. Caller said her daughter, a person with disabilities, wants to move to Bloomington. She has a housing assistance voucher but so far has not been able to find an apartment. Prospective landlords did not typically know the daughter has disabilities. Her voucher is about to run out. Explained how to get an extension and gave her the number of a contact at the housing office.
- P. Email writer said she knew of a tenant who is being threatened with eviction for making negative comments about landlord online. Explained not a BHRC matter and referred to private attorney.
- Q. Caller thought titles of upcoming presentations, Do Black Lives Matter and Black Skin and a Blue Uniform, were racially and culturally inappropriate. By the time BHRC returned call, titles had been changed to Yes, Black Lives Matter and Brown/Black Skin and Blue Uniform. Explained BHRC did not regulate content or title of presentations. Referred to people at entity presentations and to ACLU of Indiana.
- R. Caller left a message saying that he had applied for an apartment but didn't hear back. When he called asking if he had been approved, he was told he had been denied, but didn't say what basis. We in turn left a message saying that if he felt he had been denied because of his membership in a protected class, he should call BHRC back or send an email. No reply.
- S. Caller left a message saying her employer is requiring her to wear a mask, which she says she can't, as she has asthma. Employer is also requiring gloves; employee says she "can't function" with gloves on. In turn left her a message.
- T. Caller said that she had a client with a disability. Landlord was remodeling client's apartment to have a roll-in shower. Client had to move out during remodeling and landlord said client could not move back in. By the time BHRC returned call, caller

had talked to upper management and resolved the issue.

- U. Caller said she had been off work for more than three months under doctor's orders because of COVID-19 and an underlying health condition. She returned to work for less than a week and was fired without explanation. She called EEOC, which told her that the BHRC was the closest human rights commission and to call the BHRC. Caller had worked in another county that has a human rights commission; referred to that commission for possible discrimination in employment case on the basis of disability or perceived disability.

### **III. Publicity**

- A. Emailed monthly newsletter, Rights Stuff, to 100+ individuals and organizations
- B. BHRC issued statement in response to George Floyd murder and related events

### **IV. Networking/education**

- A. McKinney attended webinars on emergency paid leave under COVID-19, unemployment benefits under the CARES Act, ADA issues related to COVID-19, GLBT issues and senior citizens, revised FMLA, COVID-19, discrimination against Asian Americans during COVID-19 and fair housing during COVID-19
- B. DeCriscio Bowe and McKinney attended webinars on Davis Bacon compliance

### **V. Affirmative action/common wage/living wage/drug testing policies**

- A. McKinney reviewed and approved 36 affirmative action plans
- B. McKinney updated living wage files
- C. DeCriscio Bowe and McKinney reviewed contractors' wage payments for Davis Bacon compliance; McKinney negotiated back pay for one employee

D. McKinney reviewed two contractors' drug testing policies

**VI. ADA issues**

A. Michael Shermis and McKinney surveyed city-owned properties for ADA compliance

B. McKinney attended CCA meetings

C. McKinney answered several emails about whether people could refuse to wear masks due to a disability