

BLOOMINGTON HUMAN RIGHTS COMMISSION
DIRECTOR'S QUARTERLY REPORT
October-December 2020

I. Discrimination complaints

A. Pending from previous quarters – Calloway-Thomas’s case

1. Case alleging race discrimination in employment filed in June, 2020
2. No probable cause finding issued in December, 2020
3. Not appealed

B. New cases

1. Commissioner Simpson’s case
 - a. Case alleging discrimination in public accommodations on the basis of race and/or disability filed in July, 2020
 - b. No probable cause finding issued in November, 2020
 - c. Not appealed
2. Commissioner Williams’s case
 - a. Case alleging discrimination in public accommodations on the basis of race filed in September, 2020
 - b. Investigation pending

C. Intake/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. Caller said he worked for an entity outside of Monroe County. He has a disability and felt his job assignment was particularly dangerous for him because of his disability. He requested transfers but they were denied. His contract was not renewed and he has not been able to get another job; he thinks his previous employer may be giving him poor references. Referred

to EEOC because of time constraints; he said EEOC had referred him to BHRC; explained we had no jurisdiction and we did not have time to do an intake and prepare a complaint to be filed with the EEOC at this time. Explained on-line intake process EEOC has.

- B. Caller left messages saying that he could no longer live with a relative because he is not on the lease. He said he can't find a job anywhere because of his criminal history. He feels the county is trying to get him to move out. In turn, left him a message explaining what the BHRC does, asking him to call back if he feels he being discriminated against on the basis of a protected category, and making referrals to social services agencies that help with housing and people who have recently been released from jail.
- C. Visitor to office said she believes her rights as a citizen have been denied because she is being denied medical rights and has been denied treatment by her insurance company. Explained that BHRC has no jurisdiction over complaints like this; suggested she appeal the denial as provided for by her insurance policy and referred to the state agency that regulates insurance companies and to Legal Services.
- D. Director of another human rights commission forwarded email to BHRC about an issue that was under the BHRC's jurisdiction, not the other HRC's. Email writer said an employee was implementing its return-to-work policy in a way that disproportionately affected minority employees. Other director suggested the writer contact BHRC, as did McKinney; but writer has not followed up.
- E. Caller said that her nephew was in jail. She said he had been attacked and hospitalized, and now is back in jail. She fears for his safety and believes he has mental health issues. Made referrals.
- F. Email writer forwarded a voice mail message from a woman who felt her daughter and son-in-law had been mistreated by government authorities investigating child abuse. Made referrals.

- G. Caller said that she was a client of a non-profit agency and the agency had some sort of security breach. The agency offered her credit monitoring and reimbursement if her identity or accounts were compromised. She asked the BHRC what her legal rights are. We explained that we are part of the city's legal department and tried to make referrals, but she said we were favoring the nonprofit agency and hung up.
- H. Caller said she had dated and then married her boss; they have been married for four years. Now, he wants a divorce, in part because she became pregnant with another man's child and had an abortion. She wanted to file a sexual harassment complaint against him, saying he never should have dated an employee, and wants to sue him because she had an abortion to save her marriage and thinks she now can't get pregnant again. Explained that "unwelcome" is part of the definition of sexual harassment and that it was not clear his behavior was always unwelcomed; talked about the benefits of counseling; referred to family lawyer.
- I. Email writer asked why agendas for city meetings offer to provide accommodations to people with disabilities upon request; explained ADA requirements. She asked if the language made sense in a time of virtual meetings; explained that we should keep the language, just in case there was something we could do to make virtual meetings more accessible to people with disabilities.
- J. Caller complained about a disturbing Halloween display, including a dark figure hanging from a tree that seemed to represent a Black person as well as a KKK figure. Incident happened in county; referred to county HRC and discussed with MCHRC attorney; no known legal remedy. Suggested talking to neighbor if comfortable to do so and/or displaying more welcoming decorations.
- K. Email writer asked what could be done about a racist sign in a neighbor's yard; no known legal remedy. Suggested talking to neighbor if comfortable to do so and/or displaying a more welcoming sign.
- L. Caller asked for Bloomington United yard signs; provided.

- M. Local attorney asked for copies of last 12 issues of Rights Stuff; provided.
- N. Caller complained about being told that she had to remove her service animal from a public accommodation because it was too large. She didn't want to file a complaint, but just wanted public accommodation to change its policy. Talked to public accommodation about issue; they gave a different version of what had happened. Shared information with public accommodation about law and best practices.
- O. Caller said his town had just created a human relations commission and asked for McKinney to talk to new commissioners and to share BHRC publications. Agreed to do so. Caller has not yet followed up.
- P. Caller said he was arrested several years ago; charges dropped and he got the record expunged. His coworkers found out and began harassing him; he thinks he lost a promotion opportunity because of this. Employer not subject to BHRC's jurisdiction. Made referrals.
- Q. Email writer says she lives in an apartment advertised as no-smoking. Her neighbor smokes and the second-hand smoke causes her problems because of her disability. Discussed options; she will talk to landlord about accommodating her disability by paying for her air cleaners or other options and will contact BHRC if not successful.
- R. Caller said she was on the 11th year of a 15-year mortgage in a program that was facilitated by the City's HAND department. She asked what to expect as she completed the payments. Referred to HAND.
- S. Caller said his landlord is trying to evict him based on the weight of his service animal. Sent landlord a copy of HUD's rules which prohibit banning service animals merely because of their size.
- T. Caller said she had been withholding rent because of problems with her apartment, and now landlord is threatening eviction. Advised tenants not usually permitted to withhold rent; referred to HAND and private attorney.

III. Publicity

- A. Emailed monthly newsletter, Rights Stuff, to 100+ individuals and organizations.
- B. DeCriscio Bowe regularly updated the BHRC Facebook page.

IV. Networking/education

- A. McKinney attended seminars on issues surrounding COVID-19, including employment and housing issues as well as complying both with the ADA and face covering requirements
- B. Shadday spoke to a virtual meeting of Young Professionals Bloomington in November
- C. McKinney attended meetings of Bloomington United subcommittee
- D. McKinney attended webinar for ADA and Title 6 coordinators
- E. McKinney attended webinar on ADA transition plans
- F. McKinney attended webinar on accommodations for returning to work in the age of COVID-19
- G. McKinney attended webinar on upcoming Supreme Court cases
- H. McKinney met with member of the Monroe County HRC and the staff attorney to talk about potential MCHRC/BHRC joint efforts
- I. McKinney attended meetings of planning committee for annual Women's History Month Celebration
- J. McKinney attended fair housing webinars

V. Affirmative action/common wages/living wage/drug testing policies

- A. McKinney reviewed and approved 49 affirmative action plans.

- B. McKinney followed up on living wage compliance
- C. DeCriscio Bowe reviewed contractors' wage payments for Davis Bacon compliance
- D. McKinney reviewed two contractors' drug testing policies

VI. ADA issues

- A. McKinney followed up on possible ADA issues in city buildings
- B. McKinney answered several questions about service animals in rental properties and public accommodations