

BLOOMINGTON HUMAN RIGHTS COMMISSION

Director's Quarterly Report

April -June 2019

I. Discrimination complaints

A. Pending from previous quarters

1. Commissioner Haughton-Motley's case
 - a. Case alleging discrimination in public accommodations on the basis of race filed in December, 2018
 - b. Investigation nearly complete
2. Commissioner Bangert's case
 - a. Case alleging discrimination in employment on basis of race filed in January, 2019; amended to include disability discrimination in March, 2019
 - b. Transferred to EEOC in May, 2019, because of concerns that complaint was not filed within BHRC's statute of limitations
3. Commissioner Micajkova-Otten's case
 - a. Case alleging discrimination in housing based on disability filed in March, 2019
 - b. BHRC approved settlement in June, 2019; landlord agreed to sign contract with towing company and to call company if unauthorized cars were parked in accessible parking space or access aisle
4. Commissioner Shadday's case
 - a. Case alleging discrimination in employment on basis of sexual orientation, race, sex and/or disability filed in March, 2019.
 - b. Investigation pending

B. New cases--no new cases filed this quarter

C. Intakes/discussions that have not yet led to formal complaint being filed

1. Man said he had been banned from a facility several years earlier. He said he didn't know why, but on his own

repeatedly volunteered that he was not a child molester. He said that he believed he might have been banned because of his religion. Agreed to try to go to facility again and see if he was still banned.

2. Woman with a disability said that previous human resources director had granted her several reasonable accommodations. Now employer wants to change those, but she is not sure how. She said employers can't change accommodations once granted; explained that they could. She is working on documentation.
 3. Woman said she had been sexually harassed by a co-worker. She complained and he did not continue the harassment, but continued to be in her space at work without reason. Employer rewarded co-worker with perks, but not necessarily because of harassment. She is considering options.
- D. Complaints filed with another agency when BHRC did not have jurisdiction or had a conflict: one complaint of pregnancy discrimination and one complaint of disability discrimination filed with the EEOC. Four people referred directly to EEOC or ICRC because of time constraints.

II. Miscellaneous inquiries

- A. Caller complained that landlord did not give her notice when maintenance was coming and that maintenance employees had stolen her prescriptions. Not a BHRC issue; referred to BPD and/or private attorney.
- B. Caller said she had a discrimination issue with a Columbus business. Referred to Columbus HRC. Caller said that ICRC had told her that Columbus did not have a HRC, that BHRC was the closest and that BHRC could help. Gave her the number of the CHRC.
- C. Caller said he knew of a person with a disability who was evicted for being "annoying" and will soon be homeless. Referred to Indiana Legal Services.
- D. Caller said he is gay and has a disability. Landlord says his apartment is dirty; he doesn't think it is. He thinks they are treating him differently because inspector found gay materials in bedroom. Not in BHRC jurisdiction; referred to ICRC and/or HUD.
- E. Caller said she wanted to come in to BHRC office to apply for Medicaid. Told her she had the wrong office. Said the library told

her we could help her and asked to schedule an appointment. Told her again that she had the wrong office. Tried to make referrals while she insisted we help her.

- F. Caller said her landlord allowed her to leave her bike and her children's bikes outside for months and then said if they were in the way when she needed to mow, she would cut the locks, toss them and file for eviction. Landlord also said at first that it was acceptable to leave a children's swimming pool in the yard and then said she was paying for the water and pools were not acceptable. She said if the caller continued to use the pool, she would file for eviction. Lease does not address either issue. No evidence of race, sex, etc. discrimination, and property not in city limits. Referred to Indiana Legal Services.
- G. Candidate for city council in southern Indiana had questions about Bloomington's Living Wage, whether Indiana cities may raise minimum wages in their jurisdiction and state common construction wages. Sent her the state law citations prohibiting local governments from raising minimum wages and repealing common construction wage requirements for projects funded with state or local funds.
- H. Caller said he had a client whose landlord won't give her a lease, so she is on a month-to-month lease. Asked what would happen if landlord told her she had to move out; said he would have to give her a month's notice. Referred to Indiana Legal Services for related questions. Also had concerns about condition of apartment; referred to HAND.
- I. Caller left a message saying he had an ADA complaint. We left him a message the same day asking him to call back or to email, as McKinney would be out for a few days. He in turn left a message saying he would email. He didn't send an email, but left a message a week later, late at night, upset that he had not gotten a call back. We called back the next day and learned that his complaint was from southern Indiana; referred him to appropriate human rights agency. He asked McKinney to text him the telephone number for that agency. McKinney said she preferred not to use her own cell phone for work and suggested he google it. He said he was expecting a little help, said McKinney was rude and hung up.
- J. Caller said she lived in an apartment building designed for older residents. She was outside in a common area, sitting on a bench, with her walker close at hand. The landlady told her she could not leave her walker there. Caller said her walker was not

blocking a path. Agreed to write landlady and remind her of the fair housing act and the requirement that property managers provide reasonable accommodations to people with disabilities. Landlady responded to letter; said that the walker had been in the path and far away from the caller; said that the residents frequently left barriers in the pathways, causing problems for other residents.

- K. Human resources generalist from Hamilton, OH sent survey wanting to know about City's diversity and inclusion efforts. Answered survey.
- L. Email writer had questions about fair housing posters and Violence Against Women Act; answered questions about posters and explained that the VAWA is currently expired.
- M. Woman left letter at City Legal's door; cover said Commission on Aging but also included McKinney's name and title. Letter complained about bus services in community outside of Bloomington city limits and possibly other issues; handwriting was difficult to decipher. Wrote her a letter with possible referrals and suggested she contact her elected representatives if she was not happy with state-funded transportation. She called back, said she knew McKinney could not help her, that elected representatives are useless and corrupt, that McKinney should know that, that she didn't understand why McKinney responded since the letter was for the Commission on Aging and that she needed help getting a health aide to show up as scheduled. Sent her letter to staff liaison with the Commission on Aging.
- N. Department of Interior sent BHRC an email thanking the BHRC for its feedback. Apparently someone submitted a complaint to the DOI, using the BHRC's email address, complaining that after he reported Hillary Clinton's email issues to the FBI, she ordered that he be assassinated. He wanted the US to open an international trial to stop all crimes and subversive activities against Algeria and him. We let DOI know that we did not submit this feedback.
- O. Caller said Department of Justice had told her to call BHRC concerning alleged mistreatment at local non-profit. Explained that McKinney was a financial supporter of the non-profit and could not ethically investigate it. Caller said she would waive conflict; explained that was not her decision and referred her to Indiana Legal Services and/or the ICRC.

- P. Caller said he had been working for new business for three weeks, for more than forty hours a week, but his first paycheck was for only twenty hours. Referred to Wage & Hour Division of the Indiana Department of Labor.
- Q. Caller said he had been discriminated against by his Indianapolis employer. EEOC referred him to BHRC. Explained that the BHRC was without jurisdiction and referred him to ICRC or Indianapolis Commission.
- R. Caller said child was being threatened with suspension for something posted on a private web page. Referred to ACLU of Indiana.
- S. Caller, who worked for a company outside of Monroe County, said a co-worker had spread proven lies about his sexual activities. Someone had written offensive comments on the men's room wall. Employer had done little, if anything, to address the matter. Referred to EEOC and/or ICRC.

III. Publicity

- A. Emailed 100 copies of newsletter, Rights Stuff, to individuals, organizations and businesses and distributed copies at library and coffee houses, along with fair housing brochures
- B. Journalism student interviewed McKinney about BHRC and hate crimes
- C. IDS and WFIU interviewed McKinney about independent contractor protections; HT also ran an article on issue
- D. IDS interviewed McKinney about 20th anniversary of the murder of Won-Joon Yoon.

IV. Networking/education

- A. BHRC and Mayor Hamilton honored winners of BHRC's annual essay/art contest
- B. McKinney attended National Employment Law Institute's annual conference on ADA and FMLA developments in San Francisco
- C. McKinney attended wrap-up meeting for 2019 Women of the Year luncheon
- D. McKinney gave a talk on fair housing to new realtors
- E. McKinney attended training on equity and inclusion
- F. McKinney attended Breaking Down the Barriers celebration dinner sponsored by Council for Community Accessibility

- G. McKinney attended Disability Round Table discussion in Indianapolis
- H. Michael Shermis from CFRD and McKinney gave presentation on Bloomington's accessibility efforts to the U.S. ADA Access Board at its town hall meeting in Indianapolis
- I. McKinney participated in Human Rights Campaign's webinar on the Municipal Equality Index
- J. McKinney attended Bloomington United meetings
- K. McKinney attended Indiana Native American Indian Affairs Commission's listening session in Bloomington
- L. Oswalt designed sympathy card for City employees to send to Virginia Beach City employees
- M. McKinney gave talk on fair housing to Monroe County Apartment Association
- N. McKinney attended South Central Indiana Housing Opportunities advisory board meeting

V. Affirmative action/living wage/common wages

- A. McKinney reviewed and approved twenty-seven affirmative action plans
- B. McKinney attended one pre-bid meeting
- C. McKinney updated bidder packet to include independent contractor requirements

VI. ADA issues

- A. McKinney attended CCA meetings
- B. McKinney worked with Michael Shermis on letters to businesses with accessibility issues