

RIGHTS STUFF

A Publication of The City Of Bloomington Human Rights Commission



CITY OF BLOOMINGTON

Nominations Sought for Human Rights Award

The Bloomington Human Rights Commission (BHRC) is seeking nominations for its 2022 Human Rights Award, recognizing an individual or group that has made specific, significant contributions to improving civil rights, human relations or civility in our community.

Nomination forms are available at <https://bloomington.in.gov/boards/human-rights>. The deadline for nominations is to Friday, February 11, 2022 at 5 p.m.

The recipient(s) of the BHRC's Human Rights Award will be honored at a public ceremony.

The BHRC especially welcomes nominations demonstrating success in ensuring rights to equal access to housing, employment or education, in ensuring equal access to community life for people with disabilities and nominations of people or organizations who have done exemplary work and advocacy in increasing civility in our community.

"Government and other institutions can and must play a role in protecting and upholding human rights," said Mayor John Hamilton. "As part of its work to

ensure everyone's basic rights and call out discrimination, Bloomington's Human Rights Commission recognizes the individuals and organizations in our community who join them in this mission, working to make Bloomington a more just and equitable place."

Some past recipients of the Human Rights Award include PRIDE, the Bloomington Police Department's Downtown Resource Officers, Bloomington High School North, Bloomington United, New Leaf/New Life, Charlie Dupree and Virginia Hall, Clarence and Frances Gilliam, the Council for Community Accessibility, Congressman Frank McCloskey, WFHB Radio, Doug Bauder, Lillian Casillas, Helen Harrell, Cindy Stone, and the Rev. Bill Breeden.

"Bloomington is the beacon for human rights relations in the State of Indiana. However, it does not mean that we are perfect and have achieved true equality for everyone in our community. Every person deserves fair and equal treatment, and no one deserves to have factors such as race, ethnicity, LGBTQ+ status, disability, those who are

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Failure to Provide American Sign Language Interpreter Costs Employer \$280,000



In October, the Equal Employment Opportunity Commission (EEOC) announced that it had settled a discrimination complaint against Sprouts Farmers Market (SFM) for \$280,000. SFM operates grocery stores in several states, including Colorado.

According to the EEOC, Sprouts' managers contacted three deaf applicants to interview them for available positions. The applicants asked for the assistance of American Sign Language (ASL) interpreters for their interviews. According to the EEOC, SFM denied the request.

The EEOC sued Sprouts, alleging that failure to provide ASL interpreters to applicants violated the Americans with Disabilities Act (ADA). It negotiated a settlement. Under the terms of the settlement, the company will pay \$280,000 to resolve the claims. The settlement also requires the company to do the following:

- Cease discriminating against employees and applicants on the basis of disability;
- Review and revise its ADA policies;
- Adopt written guidance on reasonable accommodations;
- And provide ADA training.

Sprouts also agreed to send a letter of apology to each complainant.

Amy Burkholder, of the EEOC's Denver field office, said, "Deaf and hard-of-hearing people face barriers to employment not encountered by other applicants and employees. This settlement highlights the EEOC's commitment to breaking down those barriers and ensuring deaf and hard-of-hearing individuals are afforded equal employment opportunities."

If you have questions about the ADA, please contact the BHRC.

RIGHTS STUFF'S MISSION

The purpose of Rights Stuff is to provide information about civil rights litigation as a way to encourage adherence to best practices for landlords, providers of public accommodations and employers. We do this by publishing relevant and timely articles from around the country. Please see the reports in this issue to learn more.

Chipotle in Florida to Pay \$70,000 to Settle Sexual Harassment and Retaliation Lawsuit

The Equal Employment Opportunity Commission (EEOC) recently announced in a press release that Chipotle has agreed to pay \$70,000 in damages to settle a discrimination case.

According to the press release, a male crew member working at a Chipotle restaurant in Tampa repeatedly made sexually offensive comments about the body of a female service manager. His conduct escalated to inappropriate touching, including thrusting his genitals toward the woman's face.

The service manager reported the behavior to the store's management. She told the general manager that she was going to report the harassment to corporate headquarters. Within three days, she was fired.

The EEOC said that Chipotle's actions violated Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex and also prohibits retaliation against employees for reporting such discrimination.

The EEOC sued and negotiated a settlement. Chipotle agreed to pay \$70,000 in damages. It will also institute policies and practices to help prevent



sexual harassment in its workplace, conduct training on nondiscrimination and post a notice about the lawsuit.

Robert E. Weisberg, regional attorney for the EEOC, said "The EEOC commends Chipotle for quickly reaching a resolution that both compensates the harmed employee and provides for policy changes designed to protect other employees from sexual harassment."

If you have questions about fair employment practices, please contact the BHRC.

Prohibiting Mask Requirements May Violate ADA

The governor of Texas issued an executive order prohibiting school districts from imposing mask requirements in their programs or facilities. Some parents of children with disabilities are suing, and the Department of Justice (DOJ) recently filed a statement of interest in the case.

In the statement, the DOJ argues that the executive order impacts

students with certain disabilities who are at heightened risk of COVID-19 infection and severe illness from the disease. DOJ says that the governor's order requires these students to choose between returning to in-person classes, despite the heightened health risks, and leaving the public school system. Having to make this decision could deprive students with disabilities from enjoying a full and equal opportunity to

participate in, and benefit from, all that public education can offer. It could also unnecessarily segregate them from their peers who do not have disabilities.

For more information, go to www.ada.gov or call the DOJ's ADA information line at 1-800-514-0301 or 1-800-514-0383 (TDD).

Section 8 Status Not a Protected Category

At the BHRC, we often receive calls from individuals saying that they tried to rent an apartment using Section 8 benefits, but the landlord said he does not accept Section 8. The callers feel that this is discrimination. It may well be discrimination, but it is not illegal discrimination under federal or local fair housing laws.

Alexy Dejesus wanted to rent an apartment from Arbor Village in Allentown, Pennsylvania. He asked a property manager if she

had any one-bedroom apartments available, and she said they would have two one-bedroom apartments available in two weeks. He then asked if he could use his Section 8 housing voucher to help pay for rent, and she told him Arbor Village does not accept those vouchers. He sued, and lost.

The court noted that Dejesus's status as a Section 8 voucher holder does not constitute "membership in a statutorily protected class." As the court noted, "a private property owner

is not required to participate in the voucher program," as the program "is a voluntary program through which the federal government provides rent subsidiaries to eligible low-income families who rent from participating landlords."

The case is Dejesus v. Arbor Village, 2021 WL 1546228 (E.D. PA 2021). If you have questions about your rights and responsibilities under fair housing laws, please contact the BHRC.

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unhoused, or familiar status determine their treatment. As we strive to become a more just community, we are proud of those who have long championed these causes and wish to reward those who have made such an impact in Bloomington, the state, and our nation."

Bloomington's human rights record has received national recognition. For the last six years, Bloomington has been awarded a perfect score by the Human Rights Campaign on its Municipal Equality Index (MEI), the only city in Indiana to do so. The index evaluates how well a city supports the LGBTQ+ people who live and work there through its laws, policies and services.

The mission of the BHRC is to protect human rights in Bloomington. The HRC is designed to enforce Bloomington's Human Rights Ordinance in a fair and timely manner, to educate community members about their rights and responsibilities under various civil rights laws, to raise awareness on all human rights issues, to ensure that

contractors and subcontractors on city jobs pay employees applicable common wages, to ensure that the City, as an employer, governmental entity and provider of public accommodations, complies with the Americans with Disabilities Act (ADA), and to provide the community with information about the ADA.

The BHRC investigates allegations of discrimination in employment, housing, public accommodations, or education on the basis of race, sex, religion, color, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or veteran status. It also investigates complaints of familial status discrimination in housing.

More information about the BHRC is available at <https://bloomington.in.gov/boards/human-rights>. Nomination forms for the Human Rights Award are available at the website or from the Bloomington Human Rights Commission, at human.rights@bloomington.in.gov or 812 349-3429.

Join us at our next meeting

The next BHRC meeting will take place at 5:30 p.m. on November 22.
For more info, visit bloomington.in.gov/boards/human-rights.