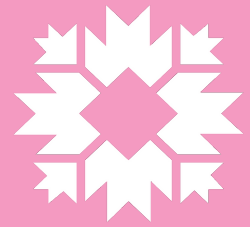


# RIGHTS STUFF

A Publication of The City Of Bloomington Human Rights Commission



CITY OF BLOOMINGTON

## Sandra Keller Wins 2022 Human Rights Award

**T**he Bloomington Human Rights Commission selected Sandy Keller as the recipient of its 2022 Human Rights Award.

Keller is the founder and executive director of My Sister's Closet. As the people who nominated Keller for the award said, Keller continually asks herself and her team of volunteers, staff and interns, "Who else can we help?"

The nominators said that one of Keller's mottos is "We move women forward through fashion." Her personal goal is to make sure that people feel better when they leave My Sister's Closet than when they entered. She aims to make each customer feel welcome, to feel part of the community and to feel she or he is in a safe place.

Through Keller's efforts, My Sister's Closet has partnered with the Exodus Refugee program to help Afghanistan refugees as they settle in Bloomington. She works with refugees to provide them with new clothing, shoes, toiletries and other essential items. She and her staff created labels for each item, written in the refugees' native language.

Keller goes out of the way to help women who feel bad about themselves and their bodies, perhaps because of body changes due to health problems or domestic abuse. She and her staff also work closely with transgender women to help with the adjustments they may be facing.

As the nominators said, "Sandy Keller embodies what a neighbor is all about. For decades, she has gone above and beyond to promote the lives of citizens in and around Bloomington – especially women and their children. She deserves the Human Rights Award for her dedication to Bloomington and its citizens."

Ryne Shadday, chair of the Bloomington Human Rights Commission, will present the award to Keller during the June 1 meeting of the Bloomington Common Council. The meeting begins at 6:30 at Showers City Hall, and can be viewed on Zoom as well.

**Don't forget to  
vote on May 3!**

### **BHRC Staff**

*Barbara E. McKinney,  
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*Nicole DeCriscio Bowe,  
Assistant*

### **Commission Members**

*Ryne Shadday, Chair*

*Erin McAlister, Vice Chair*

*Carolyn Calloway-Thomas,  
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*Valeri Haughton-Motley*

*Byron Bangert*

*Pamela Jackson*

*Latosha Williams*

### **Mayor**

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# Heart of CarDon Pay \$115,000 to Settle Disability Discrimination Lawsuit

**H**eat of CarDon is a senior living community based in Bloomington. A woman who worked for CarDon as a certified nursing assistant (CNA) was injured on her job. With her lifting restrictions, she could no longer work as a CNA. She expressed interest in several other jobs at CarDon which she could do. She said CarDon refused to accommodate her disability by transferring her to a vacate position for which she was qualified.

The former employee filed a complaint with the Equal Employment Opportunity Commission, alleging discrimination in employment on the basis of disability in violation of the Americans with Disabilities Act (ADA). The EEOC sued CarDon on her behalf. In April, the EEOC announced that CarDon agreed to settle the matter.

Under the terms of the settlement, CarDon will pay the woman \$115,000. It will also assign a human resources manager to work with employees who can no longer perform their job duties because of a disability to evaluate whether they can be transferred to a vacant position as a reasonable accommodation. In addition, CarDon will train its employees on the ADA, post notices about the settlement and report any requests for accommodations it receives to the EEOC.

Kenneth Bird is the regional attorney for the EEOC's Indianapolis District Office. He said, "This resolution reflects the EEOC's commitment to ensuring qualified employees are provided the reasonable accommodations which they are entitled to receive under the ADA – including situations such as this, where the reasonable accommodation may be transfer to a vacant position."

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## Woman Wins Right to Proceed with Disability Claim

**K**eisha Clark worked for Evergreen Living and Rehab Center as a nurse. In May, 2019, she let her supervisor know that she needed surgery for uterine fibroids. She asked to begin her medical leave on July 9. On July 10, the day of her surgery, Evergreen fired her. She sued, alleging discrimination in employment on the basis of disability in violation of the Americans with Disabilities Act (ADA).

Evergreen argued that uterine fibroids do not qualify as a disability unless they cause infertility. The court disagreed, noting the Clark claimed that the fibroids cause her to be "substantially limited [in her] daily life activities such as standing and walking."

Evergreen also argued that since Clark needed to take medical leave for four to six weeks, she was not qualified to do her job. The court noted that the 7th Circuit, which includes Indiana, has repeatedly said that a brief medical leave may well be a reasonable accommodation under the ADA.

*The case, Clark v. Evergreen Living and Rehab Center, 2021 WL 2915131 (N.D. Illinois 2021), will now go to a jury unless it is settled. 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.*

# Department of Justice sues Clarksville, Indiana

In April, the U.S. Department of Justice (DOJ) announced that it had sued the Town of Clarksville, Indiana, for disability discrimination in employment, in violation of the Americans with Disabilities Act (ADA).

According to the lawsuit, Clarksville gave the plaintiff a conditional offer of employment as a police officer in 2015. The plaintiff has HIV, but it's well-controlled with medication and his viral load was fully suppressed at the time of the job offer. He had been working for the police department as a volunteer reserve officer for more than a year.

Clarksville's job offer was contingent upon the plaintiff passing a state-mandated medical exam. He told the medical examiner that he was under a physician's care for treatment of his HIV and he was taking prescribed antiretroviral medications. The medical examiner said he had "no long-term evidence of active disease" and no other notable health issues. But, the medical examiner told the police chief that he did not think the plaintiff met the statewide medical standards because his HIV was a "communicable disease" that posed a "significant risk of substantial harm to the health and safety" to his colleagues and the public.

According to the DOJ, the medical examiner cited no objective scientific or medical evidence in support of his opinion, and he made no



individualized findings about how the plaintiff's HIV status affected his ability to serve as a police officer.

The police chief recommended to Clarksville's board of fire, police and safety commissioners that it withdraw the town's offer of employment and terminate him as a reserve officer. The board followed his recommendations. The plaintiff appealed, and months later, Clarksville acknowledged that he was qualified to be a police officer by adding him back to its police hiring list. But it never rehired him, and he eventually secured employment as a police officer with a different police department.

According to the lawsuit, Clarksville's delay of the start of

the plaintiff's career in law enforcement caused him significant emotional distress, including humiliation, depression and anxiety, as well as monetary and dignitary harm.

The DOJ is asking the court to enjoin Clarksville from engaging in violations of the Americans with Disabilities Act, to require the town to change its policies and provide training, to reinstate the plaintiff to the position of police officer with benefits as if his employment offer had never been withdrawn and to pay him compensatory damages.

Lawsuits give only one side of the story.

*If you have questions about the Americans with Disabilities Act, please contact the BHRC.*

# 30th Annual BHRC Essay/Arts Contest Winners Announced

**T**he Bloomington Human Rights Commission announced the winners of its annual essay/art contest for area students.

The theme for this year's contest was "My Rights. Your Rights. Our Rights."

This year's judges were Carolyn Calloway-Thomas, Pamela Jackson, Valeri Haughton-Motley and Byron Bangert, all members of the BHRC.

The essay winners were first place, Cameron Christie, Templeton; second place, Robert Cole, Childs; and tied for third place, Jo Fitzpatrick, University and Cora Hall, Childs.

The art winners were first place, Phoebe Mendota, Templeton; second place, Carter Bailey, Lakeview; and third place, Reese Korte, Lakeview.

"One of the most beautiful things about reading the essays is to see how well young people think," Calloway-Thomas said. "The essays are thoughtful and so full of kindness and goodwill toward others. Sharing knowledge of this level and with this community is enriching for all."

The BHRC is hosting an awards ceremony for the winners at 5:30 p.m. on Tuesday, May 17, in the Council Chambers of City Hall,

401 N. Morton St. Mayor John Hamilton will present the awards to the deserving students.

The Bloomington Human Rights Commission congratulates all of this year's winners and thanks all of the students who participated in the contest and the teachers who encouraged them.

For more information, please contact Bloomington Human Rights Commission Director Barbara E. McKinney at 812-349-3429 or email the commission at [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).



**ARE YOU A TENANT IN BLOOMINGTON OR MONROE COUNTY?**

*Tenant Resource Fair*  
*Save the date*

Saturday, May 21, 2022,  
9:00 a.m. to 1:00 p.m.

City Hall, Council Chambers (room 115)  
401 N Morton St, Bloomington, Indiana

- Do you know your rights and responsibilities as a tenant?
- Do you need assistance paying your rent or utility bills?
- Are you at risk for eviction?

Representatives from Government agencies, Community organizations, and Indiana University will be available to answer questions and provide information.

 **CITY OF BLOOMINGTON**  
HOUSING AND NEIGHBORHOOD DEVELOPMENT

 **HOUSING & EVICTION PREVENTION PROJECT**

Hosted by City of Bloomington Housing and Neighborhood Development (HAND) and the Housing & Eviction Prevention Project (HEPP)

The next BHRC meeting will take place at 5:30 p.m. May 23, 2022, in McCloskey Room 135, in Shower's City Hall and online.

Visit our website or Facebook page for the most up-to-date meeting information.