



Meeting Minutes

First Floor Conference Room, City Hall

February 17, 2016

3:00pm

Commission members present:, Kendra Gottsleben, Kevin Horner, Sarah Jo Jorgensen, Sheila Sandness, Walter Schaefer, Tana Zwart

Commission members absent: Deb Aden, Lori Lewison, and Joyce Heiser

Staff present: Colleen Moran, Human Relations Manager; Tina Lemieux, Human Relations Coordinator

Guest(s) present: Brooke Pape, Intern

Call to Order

Co-Chair Walter Schaefer called the meeting to order at 3:06 P.M.

Welcome Guest(s)

The Commission welcomed Brooke Pape, Intern with the Human Relations Office

Approval of Minutes

Horner moved to approve the meeting minutes from January 20, 2016. Gottsleben seconded. The minutes were unanimously approved.

Disability Rights Updates

The first update involved a temporary labor agency in Baltimore, Randstad, US, LP. Randstad will pay \$50,000 and furnish significant equitable relief to settle a federal disability discrimination lawsuit.

U.S. Equal Employment Opportunity Commission (EEOC) said that after April Cox applied with Randstad, for a vacant production laborer position at one of the staffing agency's clients, Randstad deemed her qualified to advance to the next part of the hiring process. When Randstad's site manager asked Cox to provide a urine sample for a pre-employment drug test, Cox disclosed that she was in a medically supervised methadone treatment program. The site manager told Cox, "I'm sure we don't hire people on methadone, but I will contact my supervisor," according to the suit. EEOC charged that even though Cox repeatedly called back and informed the site manager that she did not

Co-Chairs: Walter Schaefer & Lori Lewison | **3rd Chair:** Deb Aden

have any medical restrictions from performing the laborer job, Randstad told Cox it would not hire her because she used methadone.

In addition to the \$50,000 in monetary relief to Cox, the 18-month consent decree resolving the lawsuit enjoins Randstad from violating the ADA in the future. Randstad will advise all employees responsible for conducting pre-employment drug screenings that applicants shall not be rejected for hire because of a lawful prescribed medication (including methadone) or participation in a treatment program. The company will regularly report to EEOC on its compliance with the consent decree. Randstad will also provide training on the ADA and its protections regarding the use of lawfully prescribed medications and will post a notice about the laws EEOC enforces and the settlement.

The second update involved a licensed nursing center, NHC Healthcare/Clinton, LLC, located in Greenville, South Carolina. NHC has agreed to pay \$50,000 and provide substantial injunctive relief to settle a pregnancy and disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the lawsuit, around Feb. 21, 2002, NHC Healthcare hired Tonya Aria as a full-time licensed practical nurse at its nursing center facility in Clinton, S.C. Aria suffers from paroxysmal supraventricular tachycardia (PSVT), which, without medication, can cause rapid heart rate, numbness in the extremities, tunnel vision and occasional blackouts. Aria's PSVT is controlled by medication. NHC was aware of Aria's medical condition.

In mid-December 2012, Aria learned she was pregnant and stopped taking her PSVT medicine due to possible side effects to her unborn child. As a result, Aria's PSVT symptoms became uncontrolled. Additionally, Aria's normal pregnancy symptoms, such as fatigue and nausea, were exacerbated by her PSVT. Due to her medical condition and pregnancy, Aria was placed on bed rest and was out for three work days in early January 2013. On Jan. 15, Aria was fired by the director of nursing because of absences related to her pregnancy and PSVT. EEOC said NHC Healthcare refused to accommodate Aria by allowing her medical leave and subsequently firing her because of her disability and pregnancy.

In addition to providing monetary relief to Aria, the company agreed to a two-year consent decree requiring it to adopt a policy prohibiting the company from taking any future adverse personnel actions against employees based on their disability or pregnancy status. The company also agreed to provide annual training to its managers, supervisors, HR specialists and employees on Title VII and the ADA and to make periodic reports to EEOC

New Business

The Commission had no new business to discuss.

Continuing Business

Artability 2016 – The Commission has accepted 108 pieces of art from 87 individuals. The art will be displayed throughout March and April; the artist reception will take place April 8th 2016, from 6-8 P.M.

Human Relations Commission Report

Schaefer provided an update from the February Human Relations Commission meeting. Schafer reported that the next Compassionate Sioux Falls meeting is scheduled for Monday, February 22 at noon. The Compassionate SF Committee welcomes businesses to join the movement. If a business wants to get involved and donate meeting space and volunteers, a business is encouraged to contact the Human Relations Office. Schaefer also reported that the monthly spotlights for March and April have been filmed.

Individuals are encouraged to “like” the Human Relations Facebook page and affirm Compassionate Sioux Falls on the Human Relations website.

Schaefer reported that the Human Relations Office is currently accepting donations for the Bishop Dudley House. Toiletries, new and used, can be dropped off at the Human Relations Office or the Bishop Dudley House.

Schaefer discussed upcoming events including: Cindo de Mayo, Pride Festival, and the Festival of Cultures. The group was encouraged to volunteer for these events.

Roundtable/Public Comment

Horner reported the Sanford Wellness/Great Bear ski event is February 20, 2016. The event will begin at 8:30 a.m.

Schaefer reported LifeScape’s annual fundraiser, MallWalk, was a success and raised over \$100,000. On April 3, LifeScape will host its annual pancake breakfast at the Convention Center.

Adjournment

Having no further business, Jorgensen moved to adjourn; Gottsleben seconded. The meeting adjourned at 3:53 p.m.

The next DAC meeting is scheduled for March 16, 2016, 3 p.m. in the First Floor Conference Room, City Hall.

These minutes submitted by Tina Lemieux