



Meeting Minutes

First Floor Conference Room, City Hall

April 20, 2016

3:00pm

Commission members present:, , Sarah Jo Jorgensen, Sheila Sandness, Walter Schaefer, Deb Aden, Kevin Horner, Joyce Heiser

Commission members absent: Kendra Gottsleben, Lori Lewison, Tana Zwart

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

Guest(s) present:

Call to Order

Co-Chair Walter Schaefer called the meeting to order at 3:07 p.m.

Welcome Guest(s)

No guests present.

Approval of Minutes

Jorgensen moved to approve the meeting minutes from March 16, 2016. Sandness seconded. The minutes were unanimously approved.

Disability Rights Updates

The first update involved a manufacturer of various types of premium paper, Neenah Paper, who has been ordered to pay \$33,000 to settle a discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

EEOC's lawsuit charged that Neenah Paper, Inc. violated federal law by refusing to allow Kristoffer Gauthier to return to his job on the production floor for seven months because of his disability, a seizure disorder. The agency also alleged that, as a condition to return to work, Neenah Paper required Gauthier to take his anti-epileptic medication under observation during his shifts.

According to EEOC's lawsuit, in May 2005, Gauthier was hired as a fourth hand laborer. In November 2012, he had a seizure at work and was placed on a medical leave of absence. On Dec. 11, he was cleared by his neurologist to return to work. Despite the medical clearance, Neenah Paper told Gauthier that it would not allow him to return to his position until a physician could

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confirm that he no longer had his condition. It wasn't until July 2013 that the company allowed Gauthier to return to his job, provided that he take his medication at work under observation - either in the presence of the plant nurse or designated co-workers who served as witnesses.

The consent decree settling the suit, in addition to providing for the award of monetary relief to Gauthier, prohibits any similar discrimination in the future and requires Neenah Paper to post a notice about the lawsuit and employee rights under the ADA. In addition, Neenah Paper must train its managers at the Munising plant on disability discrimination and reasonable accommodations under the ADA.

The second update involved Bank of America, N.A. who will pay \$30,000 and furnish other relief to settle a disability discrimination lawsuit.

According to EEOC's suit, Bank of America unlawfully denied a reasonable accommodation to a more than 12-year, deaf employee, who worked at a Bank of America vault location in Las Vegas. Rather than communicate with the employee using a sign language interpreter, the employee's managers and supervisors used other ineffective communication methods, such as writing notes, which were not understandable to him.

In addition to monetary relief, Bank of America also agreed to injunctive relief to ensure a dedicated accommodations team properly engages in the interactive process and effectively provides reasonable accommodations to deaf employees. Bank of America agreed to train its accommodations team on the requirements of the ADA as it pertains to deaf employees. The company also agreed that its training would address issues involving the specific communication needs of deaf employees on the job and that each deaf employee will have different communication abilities and methods available to them.

Human Relations Commission Report

Schaefer provided an update from the April Human Relations Commission meeting.

Schaefer discussed Everyone Matter's Day which was Tuesday, April 12. In addition, Schaefer reported on Compassionate Sioux Falls. He informed the group that Compassionate Sioux Falls intends to complete quarterly projects with the next project being the listening library. Additionally, the Human Relations Commission continues to discuss upcoming events (Cinco de Mayo, Pride Festival, and the Festival of Cultures) and ways to best impact the community.

Continuing Business

Artability 2016 – The artist reception took place on April 8th 2016, from 6-8 P.M. Lemieux reported there was a good turnout from the public and participating artists. Heiser stated she was impressed with the event. Jorgensen suggested an email blast prior to next year's event to garner a larger audience. It was also reported that quite a few pieces of art were sold during the event.

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New Business

- Commission members were reminded that officer elections will take place in May.
- Commissioners discussed the DAC's participation in the following events: ARTability, White Cane Law Day, Spread the Word to End the Word, ADA Celebration, Disability Mentoring Day, Disability Friendly Sticker Program, and Citizens on Parking Patrol (COPP).

The group unanimously decided to continue to support the above events; however, in varying capacities. Lemieux will email Vicki Kerkvliet, Business Resource Network, to discuss how the DAC can best support the Disability Friendly Sticker Program.

Roundtable/Public Comment

No public comment.

Adjournment

Having no further business, Aden moved to adjourn; Horner seconded. The meeting adjourned at 3:59 p.m.

The next DAC meeting is scheduled for May 18, 2016, 3 p.m. in the First Floor Conference Room, City Hall.

These minutes submitted by Tina Lemieux