



Meeting Minutes

First Floor Conference Room, City Hall

May 18, 2016

3:00pm

Commission members present: Sarah Jo Jorgensen, Sheila Sandness, Lori Lewison, Joyce Heiser, Tana Zwart

Commission members absent: Kendra Gottsleben, Walter Schaefer, Kevin Horner, Deb Aden

Staff present: Colleen Moran, Human Relations Manager; Brooke Pape, Human Relations Paraprofessional

Guest(s) present:

Call to Order

Co-Chair Lori Lewison called the meeting to order at 3:24 p.m.

Welcome Guest(s)

No guests present.

Approval of Minutes

Sandness moved to approve the meeting minutes from April 20, 2016. Jorgensen seconded. The minutes were unanimously approved.

Disability Rights Updates

A nursing home, Landis Communities, was ordered to pay \$132,000 to settle a discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

An employee who worked at the nursing home for eight years requested to lift no more than 25 pounds following a surgical procedure related to her disability, a reproductive system impairment. The nursing home failed to accommodate the employee and placed her on indefinite leave because of her pregnancy and disability and told her to re-apply after she gave birth and no longer had any restrictions. However, when the complainant sought rehire after having her baby, Landis refused to rehire her and engaged in an unlawful medical inquiry.

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

In addition to the monetary relief, Landis will provide training on Title VII and the ADA, with an emphasis on the prohibitions against pregnancy discrimination and an employer's reasonable accommodation obligations.

Human Relations Commission Report

Lewison provided an update from the May Human Relations Commission meeting.

Lewison discussed the Justice Department recent finding that South Dakota unnecessarily relies on nursing facilities to provide services to people with disabilities, in violation of the community integration mandate of the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.* The report indicated South Dakotans with disabilities do not have a meaningful choice to receive the services they need in their own homes and communities. The ADA and the *Olmstead* ruling require states to make services available to people with disabilities in the most integrated setting appropriate to their needs, regardless of age or type of disability. The department's findings, detailed in a letter to South Dakota Governor Dennis Daugaard, follow an investigation into the state's system of care for people who receive services and supports in nursing facilities. The department found that thousands of people who rely on South Dakota for needed services must live in nursing facilities to receive those services, isolated from their communities. With access to adequate home- and community-based services, these individuals could instead live in their homes and communities.

Continuing Business

No continuing business.

New Business

A. Election of Officer – May 2016

- a. Election will be held at June meeting.

B. Communications & Outreach Committee breakouts

- a. Heiser will be joining the communications committee. Heiser will be creating a disability newsletter; the newsletter will be once a month, starting in August. The newsletter will highlight what's available in Sioux Falls, information regarding different disabilities, and highlight individuals and organizations.
- b. Jorgenson reported the Cinco de Mayo booth did not attract a large number of people, but did have good conversation with the people who did stop. The commission talked about doing more targeted marketing and reaching out to business to have some DAC members speak on what the commission does.

Roundtable/Public Comment

Jorgensen announced that Independent Living Choices is looking for a new Independent Living Specialist in Brookings, SD.

Lewison reported Lifescape will be hosting Jeffrey Hayzlett, author of “Think Big, Act Bigger” at Hilton Garden Inn, Sioux Falls on May 31.

Adjournment

Having no further business, Jorgenson moved to adjourn; Zwart seconded. The meeting adjourned at 4:05 p.m.

The next DAC meeting is scheduled for June 15, 2016, 3 p.m. in the First Floor Conference Room, City Hall.

These minutes submitted by Brooke Pape.