

<b>MINUTES</b>	Thursday, February 11, 2020 at 12:00 PM	
Human Relations Commission Meeting	Commission Room 1st Floor—City Hall 224 West Ninth Street Sioux Falls, South Dakota or by teleconference at (605) 367- 8898 Code 325-6469	

**BOARD MEMBERS PRESENT:** Nassir Yemam, Bill Wood, Megan Myers  
**PRESENT BY PHONE:** Megan Grode Wolters, Anny Libengood, Alex Ramirez  
**BOARD MEMBERS ABSENT:** Karen Gourley, Justine Schoolmeester, Ryan Chase, Kassidi Smith  
**STAFF PRESENT:** Sharla Svennes

**CALL TO ORDER**

A quorum being present, the meeting was called to order at 12:04 p.m.

**ADOPT THE AGENDA**

A motion was made by Myers and seconded by Wood to adopt the agenda. Motion passed.

**APPROVAL OF MINUTES**

A motion was made by Libengood and seconded by Yemam to approve the minutes from the January 2021 meeting. Motion passed.

**BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD**

**Update from Board Diversity Recruitment Committee:** Libengood indicated that the committee prepared a proposal, which Anny provided to Liaison to get to the mayor for review and feedback. Liaison updated that proposal was presented to City Attorney who is working on arrangements to meet with mayor to discuss the proposal.

**Discussion regarding Board Communications and Forming a Committee to Improve Communications and Outreach:** Ramirez expressed interest in creating a committee focused on communications and outreach to let people in the community know that the Commission exists and what its mission is, as well as come up with ideas regarding how other Commission-related items could be shared, whether via City website, press releases, or through other means. Ramirez volunteered to be a member of such committee and called on other Commission members to volunteer for the committee as well. Myers volunteered to be on the committee as she was on the marketing committee. Wood indicated that he wanted everyone from the Commission to be invited to these committee meetings, and the Commission discussed state open meetings law requirements that apply if a quorum of the Commission meets. Myers moved to officially form the Communications and Outreach Committee. Wood seconded the motion. The motion was unanimously approved. Ramirez and Myers will communicate with each other and liaison to make further arrangements.

**Discussion on Potential Awards or Community Member Recognition:** Ramirez recalled prior years when they had a Humanitarian Award and suggested that Commission consider some sort of community award or recognition on a smaller scale at this time due to COVID. Libengood suggested the Commission consider piggybacking on existing community recognitions such as the Siouxperhero Program, Kelo recognition program, or something similar. Ramirez agreed that this is an idea to be pursued, as long as the award is looking for similar qualities and achievements as what the Commission aims to promote. Myers also indicated interest in the idea of partnering with the mayor and city council on the Siouxperhero Program, and she also appreciated that this would be a way to be proactive in relationship with the council rather than only going before council when a major societal issue arises. She suggested that the Communications and Outreach Committee could work on determining how to market this idea. Ramirez questioned whether the Commission needs to duplicate something that already exists in the Siouxperhero Program. Communications and Outreach Committee will discuss this matter further.

#### **UPDATE REGARDING HUMAN RELATIONS OFFICE**

Svennes informed Commission that currently the Human Relations Specialist role is vacant but applicants are being interviewed and considered for that position with the goal of filling it as soon as possible. In the meantime, a temporary part time employee is helping out with office phone calls and related work two days per week. Svennes also informed Commission that non-discrimination housing calls are now generally being directed to the Housing Department given the lack of nexus with the purpose of the Human Relations Office. The details of this arrangement are still being worked out, but generally it seems like it will be a more efficient process for both the public and the City. The Human Relations Office continues to take walk-ins and phone calls relating to discrimination issues.

#### **HUMAN RELATIONS DIVISION STATISTICS**

There are currently 45 active discrimination cases, and the top three bases are race, disability, and retaliation. There are twelve incoming cases with complaints pending. In January the Human Relations Office had twelve walk-ins or phone calls regarding housing, which was significant decrease since directing non-discrimination housing calls to the Housing Department; ten walk-ins or phone calls regarding employment; and four walk-ins or phone calls regarding public accommodations.

#### **CIVIL RIGHTS UPDATE**

- December 2, 2020 – DOJ and Amtrak entered into agreement that Amtrak will fix its 78 inaccessible stations and pay \$2.25 million to victims hurt by such inaccessibility
- December 14, 2020 – DOJ announced settlement agreement with State of ND under the ADA, resolving complaints that ND unnecessarily institutionalized individuals with disabilities in nursing facilities rather than providing them the services needed to live in the community. Under agreement, ND will expand services to individuals with physical disabilities, helping them assess their options, decide where they want to live, and arrange for community-based services.
- December 31, 2020 – DOJ announced settlement with North Gibson School Corporation in Princeton, Indiana, to address discriminatory secluding and restraining of students with disabilities in violation of the ADA. The department’s investigation confirmed that students as young as five years old were secluded and restrained improperly and repeatedly, resulting in days or weeks of lost instructional time. Under the settlement agreement, the school district will take proactive steps to ensure that its practices do not discriminate against students with disabilities.
- January 2021 – DOJ reached settlement with two different entities to resolve immigration-related discrimination.
  - National Systems America LP (Texas-based staffing agency) – imposed unlawful citizenship restrictions on applicants for certain positions, and required lawful

permanent resident applicants, but not US citizens, to provide specific work authorization to receive further consideration for a job. Under settlement, National Systems will pay to the US a civil penalty of \$34,200, train its employees about Immigration and Nationality Act requirements, and change its policies to ensure future compliance

- Quantum Integrators Group (New Jersey-based IT consulting and staffing company) – discriminated against a lawful permanent resident by requiring her to provide unnecessary documentation before it would refer her for employment opportunity, and routinely required other work-authorized non-US citizens to present unnecessary documentation to prove work eligibility. Settlement requires Quantum to pay civil penalty to US, revise its policies and procedures, ensure that relevant employees receive proper training on INA requirements, and be subject to departmental monitoring.
- February 3, 2021 – DOJ announced settlement with Old Dominion University in Norfolk, Virginia to resolve complaint of discrimination and retaliation against grad student based on disability and request for reasonable modification of policy. Settlement requires university to develop and disseminate retaliation policy; provide comprehensive ADA training to its employees; and pay \$40,000 monetary damages to the student.

### **PUBLIC INPUT**

No members of the public were present either in person or telephonically.

Myers brought up that there is legislation pending with the state legislature that the Commission should keep its eye on. Specifically, Senate Bill 190 would make changes in state law relating to what constitutes “unfair or discriminatory practices.”

### **NEXT MEETING**

March 11, 2021

### **ADJOURNMENT**

A motion was made by Myers and seconded by Libengood to adjourn the meeting.

Respectfully submitted,

Sharla B. Svennes  
Assistant City Attorney  
Human Relations/ADA Coordinator