

South Bend Human Rights Commission

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From the Desk of the Executive Director

It's a new year! As we enter into the New Year, the South Bend Human Rights Commission begins with new enthusiasm and effort. Nothing starts the New Year any better than commemorating Dr. Martin Luther King Jr.'s birthday. The struggles and accomplishments of Dr. King should remind us that we can accomplish a great deal if we keep our eyes on our goals or 'prize'.

The Commission recognizes that there is still much work to do in the area of human and civil rights. We also realize that the goal of equal opportunity for everyone cannot be accomplished on our own. Therefore, we are partnering with other agencies, companies, educational institutions, lending institutions and many others to achieve our goals. Strong partnerships build strong communities. So let's all get together and make our community a place where all people can enjoy a standard of living that is free from discrimination, oppression and hostility. Together we can solve any problems and set an example for the other municipalities. A diverse community can accomplish great things.

One of the reasons for our accomplishments is that we are in fact 'a diverse community'. Diversity strengthens our ability to compete in national and global markets. Let us remember that our differences are our strengths. We do not have to love everyone but we should respect everyone. We recognize that what a person thinks is their business, but what they do concerns others. Let's choose to be inclusive and not exclusive. Inclusion empowers everyone to feel valued and allows them to make their contribution to our community.

Let's support our Mayor and City Council in making South Bend a desired and great place to live!

Have a great year!

Lonnie L. Douglas
Executive Director

Dollar General Stores to Pay \$47,500 to Settle EEOC Disability Discrimination Lawsuit

INDIANAPOLIS - Dolgencorp, LLC, d/b/a Dollar General Store in Muncie, will pay \$47,500 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced.

According to the EEOC's lawsuit, Dollar General failed to provide a reasonable accommodation for an employee's disability and demoted him because of his disability, dyslexia. Specifically, the employee was required to take a series of computer based training followed by a written test. The employee asked for help reading the test due to his dyslexia. His request was denied. He was told he could not have any assistance, and that if he did not complete the training and take the test he would be demoted. When he refused to do so without accommodation, he was demoted to a lesser-paid position with reduced hours.

Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit, *EEOC v. Dolgencorp, LLC, d/b/a Dollar General Store*, Civil Action No. 1:11-cv-00755-SEB-DKL, in U.S. District Court for the Southern District of Indiana, Indianapolis Division, after first attempting to reach a voluntary pre-litigation settlement through its conciliation process.

The company agreed to pay the employee \$47,500. Pursuant to the terms of the consent decree settling the suit, of this amount, \$40 was designated as back-pay damages. The remaining amount of \$47,460 was designated as compensatory damages. Dollar General also agreed to provide training to all of its store managers in the district explaining the requirements of the ADA and the interactive accommodation process; to post a notice informing employees that federal law prohibits discrimination; and to report to the EEOC over a two-year period how it has responded to all requests for reasonable accommodations.

Genetic Information Discrimination

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Definition of "Genetic Information"

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

For more information go to eoc.gov