

South Bend Human Rights Commission

South Bend Human Rights Commission

April 2014

Board of Commissioners

GlendaRae Hernandez

Chairperson

Karen Brandy-Comer

Vice Chairperson

Muhammad Shabazz II

Secretary

William Eagan

Bernice Freeman

Ed Henry

Penny Hughes

Felix Marquez

Raphael Thomas

Aladean DeRose

Commission Attorney

Sparks Restaurant to Pay \$56,000 and Provide Injunctive Relief in EEOC Retaliation Lawsuit

A federal district court has ruled that Sparx Restaurant of Menomonie, Wis., must pay back pay and interest to a former employee who was fired in retaliation for complaining about a racist display in the workplace, the Equal Employment Opportunity Commission (EEOC) announced. Added to damages already awarded by the jury in the case, the EEOC will have recovered an aggregate of more than \$56,000 for the former employee. The court also enjoined Sparx from engaging in similar conduct and required training of Sparx's owner and other managers.

Staff

Lonnie L. Douglas

Executive Director

Danya Hardin

Crystal F. McCain

Diana Moya

Nancy O'Brien

Investigators

Fred Harris, Jr.

Housing Investigator

Neil Weisman

Staff Attorney

In its lawsuit, the EEOC had charged that Sparx fired an employee because he complained about an offensive display in the restaurant, which included a dollar bill with a noose around George Washington's neck, and drawings of a man on horseback and a hooded figure with "KKK" written on his hood. The employee, who was a cook in the restaurant, was fired three weeks after he complained about the figure.

Following the EEOC initiating this action, Sparx Restaurant (which was incorporated as Northern Star Hospitality) closed, and subsequently, a Denny's franchise, which was incorporated as North Broadway Holdings, began operating in the same space. The EEOC amended its suit to allege that the action was against Northern Star Hospitality, North Broadway Holdings, Inc., and Northern Star Properties, LLC (which owned the property in which the restaurants operated), which were a single employer for purposes of liability and relief in this case. After an evidentiary hearing, the district court ruled for the EEOC on this issue.

319 N. Niles Ave

Suite 150 A

South Bend, IN 46617

574.235.9355

A jury found in September 2013 that the defendants fired the employee in retaliation for his complaint, and that his firing had been done with reckless disregard of his federally protected rights. The jury awarded the employee \$15,000 in damages for emotional distress.

Continued on back page



RACE-RACISM

Do we still have a problem?

By GlendaRae Hernandez, Commissioner

For fourteen years the Commission has offered people the opportunity to join a discussion, in a small circle of participants from different backgrounds, of this very issue. With the help of two trained facilitators for two hours a week over six weeks, those who sign up are given a safe space to explore the nature of the problem today and steps that can be taken to make a difference.

This year during February/March, thirty people have been a part of one of three Study Circles offered. Some have returned from previous years as they enjoy interacting with new people. Many are new to the experience. Several of these were recruited through the kickoff event which is called "The Little Taste of Peace". In connection with the Martin Luther King Holiday on the Saturday evening before, people come together for a short discussion similar to the one they would encounter in a Study Circle, also with facilitators. Then they enjoy the desserts and the finger foods brought in by the participants and join in an informal conversation with the new people they have just met. Having experienced just a taste of what a conversation on race could involve, they are offered the opportunity to sign up for one of the discussion groups. This year was the best attendance so far with one hundred twenty-four persons coming together on January 18 at the First United Methodist Church in downtown South Bend.

Human Rights Awareness Day Recognition Luncheon and Fair Housing Workshop

The South Bend Human Rights Commission and the administrations of the Cities of South Bend and Mishawaka will once again sponsor a Human Rights Luncheon and Workshop on Friday, April 25th at the Century Center. This year's speaker is Todd Schurz, President and CEO, Schurz Communications, Inc. This year's theme is *Coming Together: How Has the Media Helped to Advance Human Rights Issues?*

This event will once again attempt to educate all interested participants concerning human and civil rights issues in our communities with a workshop prior to the luncheon. The workshop will include fair housing education conducted by Merlyn Brown and Claudia Nichols of the U.S. Department of Housing and Urban Development. We will recognize individuals and organizations during the luncheon that have demonstrated a commitment to the field of human rights/relations in our communities with awards in Housing, Employment, Education and regarding the Americans with Disabilities Act. The workshop is from 8:30 a.m. – 11:15 a.m. and is free and open to the public. Three scholarships will be awarded to high school students residing in South Bend or Mishawaka who were winners of an essay contest.

For more information, please contact Fred Harris at 574.235.9356

Continued from front page

In an order dated January 27, 2014, the defendants' motion to set aside the verdict was rejected, and back pay and interest was awarded of more than \$41,000. Under the court's order, the back pay and interest will be increased by 15 percent to account for increased tax liability to Miller by receiving his wage loss in a lump sum. Further information about the EEOC is available on its website at www.eeoc.gov.