

# South Bend Human Rights Commission

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July 2013

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## Human Rights Service Award presented to Jose A. Alvarez

On April 12, 2013, the Human Rights Commission held its 24<sup>th</sup> Annual Scholarships and Awards Luncheon. Jose A. Alvarez received the Human Rights Service Award. Until recently, Mr. Alvarez was the Diversity Officer and Manager of the Multicultural Access Group (Staff Interpreters) for Saint Joseph Regional Medical Center where he had been since 2006. Prior to joining Saint Joseph Regional Medical Center he was a vice president for commercial lending for various local banking institutions. Jose holds a Bachelor of Business from Roosevelt University, Chicago, and an MBA from Indiana University of South Bend.



Throughout his career, Jose has endeavored to give of himself to the community, working to do the things that would improve the condition of those less fortunate, not just to elevate them, but also based on his belief that we are only as good as the least of us. He received many well wishes upon his departure from Saint Joseph Regional Medical Center.  
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319 N. Niles Ave  
Suite 150 A  
South Bend, IN 46617  
574.235.9355

## The Facts About Age Discrimination

Age discrimination involves treating someone (an applicant or employee) less favorably because of his age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states do have laws that protect younger workers from age discrimination.

It is not illegal for an employer or other covered entity to favor an older  
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# **EEOC Update: U.S. Supreme Court Denies United Airlines Petition**

## ***Seventh Circuit Decision that Employees With Disabilities Need Not Compete For Reassignment Stands***

WASHINGTON - In a closely watched case, the U.S. Supreme Court issued a written order denying air transportation giant United Airlines' petition for high court review of a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). This means the Seventh Circuit Court of Appeal's Sept. 7, 2012 decision will stand, holding that "reasonable accommodation" under the Americans with Disabilities Act (ADA) may require employers to provide employees with disabilities with "reassignment to a vacant position" when the employee cannot be accommodated in his or her current position. (*EEOC v. United Airlines*, 1:10-CV-01699, U.S. Dist. Court, No. Dist. of Illinois; *EEOC v. United Airlines*, No. 11-1774. 7th Cir.)

The EEOC's lawsuit charged that United violated the ADA by requiring workers with disabilities to compete for vacant positions for which they were qualified and which they needed in order to continue working. The company's practice frequently prevented employees with disabilities from continuing their employment with the company. The Seventh Circuit reversed the dismissal of the EEOC's disability discrimination lawsuit and found that "the ADA does indeed mandate that an employer appoint employees with disabilities to vacant positions for which they are qualified, provided that such accommodations would be ordinarily reasonable and would not present an undue hardship to the employer."

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### *Human Rights Service Award continued*

Scholarship Awards were presented to Erica Johnson of New Tech High School, Calla Norman of Riley High School and Alaina Myers of Penn High School.

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### *Age Discrimination continued*

worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40.

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

It is unlawful to harass a person because of his or her age. Harassment can include, for example, offensive remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).