



2014 Annual Report

2014 Commissioners

Larry Wardlaw, Chair
Quinton Ellis, Vice Chair
In memory, C. Lockwood Marine
Dorian Maples

Jesus Trevino
Michelle Chambers
Lana Keesling
Kody Tinnel



Dear Residents of Fort Wayne, Fort Wayne City Council, and The Honorable Tom Henry:

The year 2014 was the year of outreach and education for Metro. Not only is Metro responsible for enforcing local and federal civil rights laws, Metro is also responsible for educating the citizens and businesses of Fort Wayne to prevent discrimination. Although at times it may be hard to balance time and resources, we consider each of these responsibilities equally important to our mission of enforcing, educating, and empowering.

A special focus was placed on fair housing outreach in 2014. Metro is very grateful to have been one of the recipients of the Department of Housing and Urban Development's (HUD) Partnership Grant. Because of this grant, Metro was able to partner with Liechty Media in producing an outreach campaign that reached thousands of citizens in Fort Wayne. Metro was able to place outreach on Citi link buses and also various bus huts around the city. And even more exciting, Metro was able to take their outreach to the radio. The outreach provided the citizens of Fort Wayne with information and real life situations that depict how their fair housing rights may be violated.

Media was not the only source used by Metro to conduct outreach. The staff hit the streets of Fort Wayne conducting housing training for Fort Wayne Housing Authority staff and recipients, Upstar Alliance Realtors membership, and the Apartment Association's membership. These partnerships have proved to be a valuable asset in our effort to reach the citizens of Fort Wayne so that they may know and exercise their fair housing rights. Metro also teamed up with El Mexicano Newspaper by contributing an article each month pertaining to civil rights. In addition, Metro was present at many community events providing literature and answering questions.

Although we placed a special focus on outreach this year, the staff remained and continues to remain focused on conducting thorough and unbiased investigations with integrity and respect to complainants, respondents, and the law. Every citizen in Fort Wayne has a right to file a complaint if they feel like they have been discriminated against. Every employer, landlord, business, and school also has a right to defend against these allegations. The staff and I continuously strive to improve the investigative process. In the 2012 and 2013 Annual Report, I spoke about Metro improving the time it takes for a probable cause case to get to a hearing and improving the process leading up to and during the hearing. Thanks to the hard work of Metro's Staff Attorney, Nikki Quintana, our caseload waiting for resolution of probable cause cases has reduced dramatically and current probable cause cases have been resolved within approximately one hundred twenty days.

Metro was fully staffed in 2014. Three new investigators, Andy Ambrose, Sierah Moore, and Joe Flores began their journey with Metro in early 2014. With the knowledgeable leadership of our two lead investigators, the three new investigators have developed into passionate and productive investigators. All three of these "newbies" have contributed a paragraph to this report describing their first year at Metro. Not only did we have three new staff members join the Metro team, Metro also gained two new Commissioners. We are honored to have Lana Keesling and Kody Tinnel join our team.

On August 19, 2014, Metro lost one of its most valuable and treasured members of its team. I would like to take a moment to celebrate the life of C. Lockwood Marine. Commissioner Marine served as a Commissioner of Metro's board for over a decade. Although on paper Commissioner Marine may not have appeared to be a likely ally of Metro, he proved time and time again to "have our back." Metro could always count on Commissioner Marine to stand up for this agency and the work it does. He was very generous with his time and made fair decisions taking into account the allegations of complainants and respondents and the law. We are going to miss Commissioner Marine's lightning speed math calculations, his yearly donation of deer sausage, and his intriguing tales of his fishing and hunting trips. Most of all, we are going to miss his humor, integrity, passion, and devotion to this Commission.

In closing, the Staff Attorney, Nikki Quintana, and I would like to thank our Commissioners and especially our entire staff from the Admin who keep things running smoothly; to the Lead Investigators who were instrumental in training our new investigators; to the seasoned investigators who we can count on to get the work done when we are busy handling other things; and to the new investigators for being so eager to learn. My knowledgeable, competent, and very witty staff makes me eager to come to work every day and makes this job interesting; yet, I will have to say challenging. The Metro Commissioners, staff, and I are dedicated to continuing to serve Fort Wayne with a local civil rights agency that is reputable, productive, and competent whether we are enforcing the law or doing outreach. We will continue to devote our time, knowledge, and passion to Metro to ensure that civil rights laws are enforced and that we as a city are educated so that one day we are all judged by our integrity, talent, and ability and not by our differences in race, color, gender, national origin, religion, disability, ancestry, place of birth, or sexual orientation.

Sincerely,

Dawn D. Cummings,
Executive Director

A WORD FROM METRO'S NEWEST INVESTIGATORS

Investigator Joe Flores

Accepting this position last year marked a major shift in my career plan. To say I was nervous would be an understatement. Looking back, however, I know I made the right decision. I am honored to work for an organization tasked with preserving the legacy of the civil rights movement and I know the people I work with feel the same way. Beyond the great personal satisfaction I get from my work, I was impressed by the onboarding process and the entire staff's commitment to training. Having done a little research during the application process, I was concerned about the leadership situation at Metro. Executive Director Cummings, Staff Attorney Quintana, and Lead Investigators Norris and Wyatt have repeatedly demonstrated that they share a clear vision for the organization and are focused on executing the mission with the highest level of integrity. A personal highlight from this past year was meeting Jesse Jackson at the annual human rights consortium. I am thankful for the opportunity to work for Metro and I am focused on my development so that I can contribute at a higher level this coming year.

Investigator Sierah Moore

My first year at the Metropolitan Human Relations Commission has been rewarding. I thoroughly enjoy the work our Commission does and feel it is vital to a healthy community. Being able to openly communicate with our Director, Staff Attorney, and tenured employees has been vital to my success here. In this short time, I have been provided with opportunities to take classes to further my fair housing knowledge and assist in conducting trainings in our community. These things are not only essential to my personal success but to the success of our city. Because of these things, I look forward to being with the Commission for years to come and furthering equal opportunities for the citizens of our city.

Investigator Andy Ambrose

My first year at Metro was more challenging than I was expecting. Coming from a profession that dealt with enforcing laws and dealing with difficult situations, I thought the transition would be easy. I quickly learned that this opportunity that I was given was more difficult. Luckily for me, I am supported by wonderful people who care greatly about the work they do. It is infectious and makes this one of the best jobs I have had. Although this has been a difficult year, I am proud of what I have learned and accomplished. I am excited to see what the next year brings.

LEGAL UPDATE

By Sara Quintana, Staff Attorney

Who is a Supervisor?

In *Vance v. Ball State University*, a catering assistant at Ball State University complained that her co-worker a catering specialist had been harassing her. The plaintiff's argument was that the alleged harasser was acting as her supervisor and therefore the employer could be held strictly or vicariously liable for the harasser's actions. **In this case, the Supreme Court held that an employee qualifies as a supervisor only if the employer has authorized him or her to take tangible employment actions against whom the harassment was targeted.** A tangible employment action is considered a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change of benefits. The Court decided not to defer to the EEOC's standard, which defines an employee as a supervisor if he or she has the authority to take tangible employment actions or to control the complainant's daily work activities. Because the alleged harasser in this case was not able to take a tangible employment action as defined by the Court, the Court stated that employer could not be strictly or vicariously liable for the harasser's actions. The Court's decision in this case created a bright line rule on who would be considered a supervisor.

Are Temporary Impairments covered under the ADAAA?

In *Summers v. Altarum Inst., Corp.*, the plaintiff was hired as an analyst and soon after was injured while on the job. The plaintiff had fallen and hit his knees on a train platform and both of his legs were injured. His doctors said he would not be able to walk normally for several months and without treatment he would not be able to walk for more than a year. The plaintiff had to undergo surgery and physical therapy, and remain on bedrest. The plaintiff requested that he be accommodated by being allowed to work remotely from home part-time and gradually work himself back to full-time. The plaintiff alleges that the employer never responded to his request. He alleges he was terminated shortly afterward so that he could be replaced by another analyst. A Federal District Court dismissed the plaintiff's claim stating his injuries were temporary and therefore it would not be considered a covered disability under the American with Disabilities Act Amendments Act ("ADAAA").

The plaintiff appealed to the Fourth Circuit and the Fourth Circuit Court held that a temporary impairment may be a covered disability under ADAAA. However, the Court stated that the injury must be sufficiently severe to limit a major life activity. And in plaintiff's case the court stated his injuries were sufficiently severe. The Court also stated it makes no difference if impairment is due to temporary injury versus a permanent condition. Further, the court stated mitigating measures are irrelevant to determination of disability and the disability should be considered without regard to mitigating measures such as medication, mobility devices, and physical therapy. The Court's decision in this case allowed for a case by case analysis on whether or not a temporary disability would be covered under the ADAAA.

WORKSHARING AGREEMENT CONTRACT NUMBERS

Employment

Metro has a contract with the United States Equal Employment Opportunity Commission (“EEOC”) to enforce certain federal employment civil rights statutes on behalf of the federal government. The Contract has two major performance requirements: 1) Intake of cases that fall outside of Metro’s jurisdiction (territorial jurisdiction, timeliness jurisdiction, and statutory jurisdiction); and 2) Case Closures (cases that implicate Title VII and Title VII related statutes).

EMPLOYMENT INTAKES: 451

| EEOC Only (Outside Jurisdiction) | | Dual Filed (Local and Federal) | | City Ordinance Only | |
|--|----|-----------------------------------|----|------------------------|----|
| Race (Black) | 33 | Race (Black) | 72 | Race (Black) | 18 |
| Race (Other) | 2 | Race (Other) | 6 | Race (Other) | 1 |
| National Origin | 1 | National Origin | 51 | National Origin | 1 |
| Race + Gender | 4 | Race + Gender | 3 | Race + Gender | 3 |
| Race + Retal | 14 | Race + Retal | 22 | Race + Retal | 0 |
| Gender (Female) | 2 | Gender (Female) | 14 | Gender (Female) | 0 |
| Gender (Male) | 4 | Gender (Male) | 10 | Gender (Male) | 0 |
| Gender (Preg) | 2 | Gender (Preg) | 4 | Gender (Preg) | 0 |
| Gender + Retal | 12 | Gender + Retal | 8 | Gender + Retal | 0 |
| Religion | 0 | Religion | 1 | Religion | 1 |
| Retaliation | 4 | Retaliation | 21 | Retaliation | 5 |
| Disability | 21 | Disability | 18 | Disability | 0 |
| Age | 22 | Age | 0 | Age | 1 |
| Gender Stereotype | 0 | Gender Stereotype | 3 | Gender Stereotype | 0 |
| Age + Other | 18 | Age + Other | 0 | Age + Other | 0 |
| Other Combos | 20 | Other Combos | 27 | Other Combos | 2 |

SUMMARY

| | |
|-------------------------------|--------------|
| Total Number of cases closed: | 262 |
| No Probable Cause: | 159 |
| Withdrawals: | 12 |
| Administrative Closures: | 27 |
| Education Cases: | 6 |
| Public Accommodation: | 21 |
| Employment: | 235 |
| Total Settlements(64): | \$212,300.00 |

**Numbers provided by Lead Investigator Delinda Wyatt

Housing

Metro has a cooperative agreement with the United States Department of Housing and Urban Development (“HUD”) to enforce the federal fair housing act on behalf of the federal government. One of the criteria for this Agreement is that the City of Fort Wayne’s fair housing laws be substantially equivalent to the federal fair housing laws.

HOUSING INTAKES: 48

| | |
|--|----|
| Dual Filed (Local and Federal) | |
| Race ONLY | 12 |
| Race + Sex | 1 |
| Race + Disability | 2 |
| Race + Familial Status | 1 |
| Race + National Origin – Nigerian | 1 |
| National Origin ONLY | 4 |
| Sex ONLY | 1 |
| Sex + Familial Status | 2 |
| Harassment –Sexual | 1 |
| Disability ONLY | 16 |
| Familial Status ONLY | 3 |
| Retaliation ONLY | 4 |

SUMMARY

| | |
|-------------------------------|------------|
| Total Number of cases closed: | 46 |
| No Probable Cause: | 27 |
| Probable Cause | 3 |
| Administrative Closures: | 4 |
| Metro Only (closed): | 1 |
| Total Settlements (11) | \$2,094.00 |

**Numbers provided by Lead Investigator Shannon Norris

Budget

As part of the cooperative agreement between HUD, EEOC and the City of Fort Wayne, Metro operates by utilizing funding from all three sources. Below is a breakdown on the budgets utilized for the 2014 calendar year.

City: \$660,659.00
EEOC: \$167,106.00
HUD: \$160,043.00

COMMISSION OUTREACH REPORT

The Commission provides education seminars to the general public, through the year, which are open to everyone. The commission outreach report also includes training provided to businesses and their employees as well as participation in various community events or committees which encourage diversity.

| | |
|-----------|--|
| January | Anti-Harassment Training for Employer (2 sessions) |
| February | Fair Housing Training per settlement agreement |
| | Fair Housing Training per request |
| | Presence at the Martin Luther King Jr. breakfast/event |
| | Fair Housing Training at Dawson Creek per request |
| | Metro booth at Black History Month celebration at Ivy Tech |
| March | Quarterly Fair Housing training with Upstar (Realtor Orientation) |
| | Fair Housing Training American Management per request |
| | IPFW LGBT Panel Discussion |
| | Training conducted at the League for the Blind & Disabled |
| April | Metro's Annual Fair Housing Event |
| | Fair Housing event at the League for the Blind and Disabled |
| | Diversity training with Catholic Charities |
| | Stand Against Racism – YWCA |
| May | Disabilities Expo presenting (booth) |
| | Article in El Mexicano newspaper |
| June | Metro booth at Southside Festival |
| | Quarterly Fair Housing Training with Upstar (Realtor Orientation) |
| | Article in El Mexicano newspaper |
| July | Landlord Fair Housing Training at the Fort Wayne Housing Authority |
| | Fair Housing Training per settlement agreement |
| | Article in El Mexicano newspaper |
| August | Fair Housing Training per settlement agreement |
| | Fair Housing Training per settlement agreement |
| | Fair Housing Training per settlement agreement |
| | Article in El Mexicano newspaper |
| | Participate in round table discussion regarding race |
| September | Quarterly Fair Housing training with Upstar (Realtor Orientation) |
| | Article in El Mexicano newspaper |
| October | Fair Housing Training at the Apartment Association |
| | Article in El Mexicano newspaper |
| | Apartment Association Annual meeting |
| | Hispanic Education Fair (Booth) |
| | Diversity Training IPFW |
| | Diversity Training at Ivy Tech |
| | Commissioner Training |
| November | Fort Wayne Housing Authority Staff Training |
| | Fort Wayne Housing Authority Training (2 sessions) |
| | Fair Housing Training at Indiana Tech Law School |
| | Trine University Diversity Training and Metro Process |
| | Article in El Mexicano newspaper |
| December | Quarterly Fair Housing Training with Upstar (Realtor Orientation) |
| | Participate in round table discussion concerning race |
| | Training conducted during mediation course |
| | Article in El Mexicano newspaper |

**The Commission goes to the Urban League every Thursday for off-site complaint in-take **

PLEASE DIRECT ANY QUESTIONS OR COMMENTS REGARDING THIS REPORT TO:

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2310 PARNELL AVENUE
FORT WAYNE, IN 46805

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