BEFORE THE STATE OF INDIANA CIVIL RIGHTS COMMISSION

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INDIANA
CIVIL RIGHTS COMMISSION

PUBLIC MEETING OF JUNE 22, 2012



PROCEEDINGS

in the above-captioned matter, before the Indiana Civil Rights Commission, Alpha Blackburn, Chairperson, taken before me, Lindy L. Meyer, Jr., a Notary Public in and for the State of Indiana, County of Shelby, at the Indiana Government Center South, Conference Center, Room A, 402 West Washington Street, Indianapolis, Indiana, on Friday, June 22, 2012 at 11:07 o'clock a.m.

William F. Daniels, RPR/CP CM d/b/a
ACCURATE REPORTING OF INDIANA
12922 Brighton Avenue
Carmel, Indiana 46032
(317) 848-0088

1 APPEARANCES: 2 COMMISSION MEMBERS: 3 Alpha Blackburn, Chairperson David C. Carter 4 John E. Garcia Barry Baynard 5 Tehiji G. Crenshaw Steven A. Ramos 6 7 INDIANA CIVIL RIGHTS COMMISSION By Jamal Smith, Director/Secretary 8 & Joshua Brewster, Dep. Director Indiana Government Center North 9 100 North Senate Avenue, Room N103 Indianapolis, Indiana 46204 10 On behalf of the Commission. 11 OTHER COMMISSION STAFF PRESENT: 12 Robert D. Lange 13 Pamela Cook Debbie Rincones-Chavez 14 ALSO PRESENT: 15 16 Shuqin Gao Gengxin Hu 17 Ruamu Hu 18 19 20 21 22 23

1 11:07 o'clock a.m. June 22, 2012 2 3 CHAIRPERSON BLACKBURN: Good morning. 4 MR. SMITH: Good morning. 5 CHAIRPERSON BLACKBURN: The Indiana б Civil Rights Commission is now in public session, 7 and a quorum convened. I would ask approval on 8 adoption of the minutes as you've been provided. May I have a motion? 9 10 COMM. CARTER: So moved. 11 COMM. CRENSHAW: Second. 12 CHAIRPERSON BLACKBURN: Thank you All in favor? 13 very much. 14 COMM. BAYNARD: Aye. 15 COMM. CRENSHAW: Aye. 16 COMM. CARTER: Aye. 17 COMM. RAMOS: Aye. COMM. GARCIA: Aye. 18 19 CHAIRPERSON BLACKBURN: Anyone opposed? 20 21 (No response.) CHAIRPERSON BLACKBURN: Thank you. 22 23 You've received the financial report in

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your packet. Are there any questions or any
     comments you'd like to make regarding that
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    report?
                 MS. COOK: The only thing I'd like to
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    mention is that, at the release of the report,
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    that we're right on target to meet our
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    three-percent reversion this year.
                                                 Thank
                 CHAIRPERSON BLACKBURN: I see.
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    you.
            Any questions from Commissioners?
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                       (No response.)
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                 CHAIRPERSON BLACKBURN: Hearing none,
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    may I have a motion to accept the financial
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    report?
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                 COMM. RAMOS: So moved.
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                 COMM. CARTER: Second.
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                 CHAIRPERSON BLACKBURN: All favor?
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                 COMM. BAYNARD: Aye.
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                 COMM. CRENSHAW: Aye.
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                 COMM. CARTER: Aye.
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                 COMM. RAMOS: Aye.
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                 COMM. GARCIA: Aye.
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                 CHAIRPERSON BLACKBURN:
                                         Anyone
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1 opposed? 2 (No response.) 3 CHAIRPERSON BLACKBURN: Thank you. Old Business. We'll report on appeals. 4 5 Comm. Crenshaw? COMM. CRENSHAW: On the case of James 6 7 Scales versus Boy Scouts -- I'm sorry -- versus Boys & Girls Club of America, I'd like to make a 8 9 motion that we accept the Deputy Director's finding of no probable cause. 10 11 CHAIRPERSON BLACKBURN: Thank you. 12 May I have a motion to accept that 13 recommendation? 14 COMM. CARTER: So moved. 15 COMM. RAMOS: Second. 16 CHAIRPERSON BLACKBURN: All in favor? 17 COMM. BAYNARD: Aye. 18 COMM. CRENSHAW: Aye. 19 COMM. CARTER: Aye. 20 COMM. RAMOS: Aye. 21 COMM. GARCIA: Aye. 22 CHAIRPERSON BLACKBURN: Anyone 23 opposed?

(No response.) 2 CHAIRPERSON BLACKBURN: Thank you. 3 Comm. Carter? 4 COMM. CARTER: Yes, Madam Chair. the matter of -- excuse me. In the matter of 5 Michael Adkins versus Nick's Junction, I 6 recommend that we uphold the no probable cause 7 8 finding. 9 CHAIRPERSON BLACKBURN: May I have a 10 motion to accept that recommendation? 11 COMM. CRENSHAW: So moved. COMM. BAYNARD: Second. 12 13 CHAIRPERSON BLACKBURN: All in favor? 14 COMM. BAYNARD: Aye. 15 COMM. CRENSHAW: Aye. 16 COMM. CARTER: Aye. 17 COMM. RAMOS: Aye. 18 COMM. GARCIA: Aye. 19 CHAIRPERSON BLACKBURN: Thank you 20 very much. 21 Comm. Ramos? 22 COMM. RAMOS: Madam Chairman, in the case of Karey Coleman versus CVS Pharmacy, I 23

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recommend that we uphold the decision of no
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     probable cause.
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                  CHAIRPERSON BLACKBURN: May I have a
  4
     motion to accept that recommendation?
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                  COMM. BAYNARD: So moved.
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                  COMM. CARTER: Second.
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                  CHAIRPERSON BLACKBURN: All in favor?
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                  COMM. BAYNARD: Aye.
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                  COMM. CRENSHAW: Aye.
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                 COMM. CARTER: Aye.
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                 COMM. RAMOS: Aye.
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                 COMM. GARCIA: Aye.
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                 CHAIRPERSON BLACKBURN:
                                          Anyone
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     opposed?
15
                        (No response.)
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                 CHAIRPERSON BLACKBURN: Thank you
    very much.
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            Comm. Garcia?
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                 COMM. GARCIA: In the case of Corena
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    Swain versus Edgewater Woods, I concur with the
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    Deputy Director's recommendation of no probable
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    cause and recommend as such to the Commission.
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                 CHAIRPERSON BLACKBURN: May I have a
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motion to accept that recommendation?
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                  COMM. CARTER: So moved.
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                 COMM. CRENSHAW:
                                   Second.
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                 CHAIRPERSON BLACKBURN: All in favor?
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                 COMM. BAYNARD: Aye.
                 COMM. CRENSHAW: Aye.
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                 COMM. CARTER: Aye.
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                 COMM. RAMOS:
                                Aye.
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                 COMM. GARCIA: Aye.
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                 CHAIRPERSON BLACKBURN: Anyone
     opposed?
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                        (No response.)
                CHAIRPERSON BLACKBURN: Thank you.
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            Comm. Baynard?
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                 COMM. BAYNARD: Yes, Madam Chair.
     the case of Dorian Anderson versus Charleston
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     East Apartments, I would recommend to the
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     Commission that we uphold the Deputy Director's
    finding of no probable cause.
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                 CHAIRPERSON BLACKBURN: May I have a
    motion to accept?
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                 COMM. CRENSHAW: So moved.
                 COMM. RAMOS: Second.
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CHAIRPERSON BLACKBURN: All in favor? 1 COMM. BAYNARD: Aye. 2 COMM. CRENSHAW: Aye. 3 COMM. CARTER: Aye. 4 COMM. RAMOS: Aye. 5 COMM. GARCIA: Aye. 6 CHAIRPERSON BLACKBURN: Anyone 7 opposed? 8 (No response.) 9 CHAIRPERSON BLACKBURN: Okay. Thank 10 11 you. In the case of Beth Spooner versus 12 Deardorf Property Management, and in the case of 13 Larry Faucett versus Patricia Helms, I recommend 14 that we uphold the findings of no probable cause, 15 and I'd ask for a motion to accept. 16 COMM. RAMOS: So moved. 17 COMM. CRENSHAW: Second. 18 CHAIRPERSON BLACKBURN: All in favor? 19 COMM. BAYNARD: Aye. 20 COMM. CRENSHAW: Aye. 21 COMM. CARTER: Aye. 22 COMM. RAMOS: Aye. 23

COMM. GARCIA: Aye. 1 CHAIRPERSON BLACKBURN: Anyone 2 3 opposed? (No response.) 4 CHAIRPERSON BLACKBURN: Thank you. 5 New Business. I'd like to assign cases 6 for appeal. Before we do that, we do have 7 speakers in attendance who would like to address 8 one of the cases, and if you would come to the 9 podium and introduce yourselves for the record. 10 MS. HU: So, I need to bring her; 11 right? It's her case. 12 CHAIRPERSON BLACKBURN: Yes. If 13 you'd speak loudly. 14 MS. HU: Sure. 15 MR. LANGE: We could move the podium, 16 if you'd like. 17 Huh? MS. HU: 18 MR. LANGE: You could move the 19 podium, if you'd like. 20 MS. RINCONES-CHAVEZ: Do you want to 21 bring it closer? 22 MS. HU: Bring it closer? 23

(Pause in proceedings.)

MS. HU: So, thank you so much for spending the time in seeing us today. This is my mother's case. Her name is Shuqin Gao. I drove from Michigan last night to help her out because her English is very limited, and we believe, due to her limited English due to her national origin, I think her termination process from Meijer's is definitely, you know, discriminative in many natures.

And I think their first claim when they came in -- my father and my mother both came in, and I think, due to their limited English communication with the investigator at the time, there was probably some misunderstanding, and so that's why that we find that, you know, there's some major points we'd like to bring out to your attention, address here, for the notice of finding.

And then hopefully, you know, with the Commissioner assigned to this, we can have -- look into more details and maybe interview more witness, to hopefully either decide to further

investigate or have a more appropriate, I guess, determination of this case. 2 I don't know how much time you guys have 3 this morning to go through all of the details, or 4 can I just bring a few major points up here, or 5 what do you --6 CHAIRPERSON BLACKBURN: 7 You -- in 8 that this is not really a hearing --Yeah. 9 MS. HU: CHAIRPERSON BLACKBURN: -- if you 10 would merely make the key points that you would 11 like to address --12 13 MS. HU: Okay. CHAIRPERSON BLACKBURN: -- that would 14 15 be fine. You did not say who you are. MS. HU: Oh, I'm sorry. My name is 16 I'm the daughter of my mother. 17 Ruamu Hu. CHAIRPERSON BLACKBURN: All right. 1.8 MS. HU: Yes, and I'm here to help 19 out with language barrier a little bit, too, and, 20 of course, as my mother, I want to help them to 21 seek for justification obviously, so --22 CHAIRPERSON BLACKBURN: 23 Right.

MS. HU: So, you know, there's a few major points, and I don't know if you guys have a copy of the letter that we wrote, which is Appeal on Notice of Finding, in front of you or not. If not, maybe I can just maybe address a few key points here verbally. Maybe -- should I maybe go forward with the process of her termination so that we understand that first?

COMM. CARTER: (Nodded head yes.)

MS. HU: Yeah?

CHAIRPERSON BLACKBURN: I think that would be included in the appeal that the Commission will review, so points not made in that appeal would be what you would want to address -- I mean in the finding, what's not already in the finding.

MS. HU: Okay. So, I guess a few things in the finding that we find that maybe is due to misinterpretation and we'd like to maybe, you know, bring it to attention again. Maybe I can --

CHAIRPERSON BLACKBURN: Yes.

MS. HU: -- make mention of it here.

So, basically what happened is that my mother has been working for Meijer's for 17 years as a part-time employee. She's probably worked once a week, sometimes even once a month. She really enjoys working there as well as communicating with American society, and then --

(Discussion off the record.)

MS. HU: So, anyways, so she's been there for 17 years, and I think what happened is that she was taking out a coupon from the trash can right next to the checkout lane, and that she used the coupon, and then Meijer used that to terminate her employment; and they're saying because there's a policy that you're -- the employees are not allowed to use customer coupons.

So, my mom said she didn't know about that policy, and they said, "Well, everybody is trained on it." She said, "Well, maybe because I'm part-time, maybe because my English is not bad [sic], but I was never trained on it. Please verify that with my team leader," because he can testify that she's never been trained. This

could be a warning.

They said. "Okay. You know, that's a job for the store manager. He's not here today. He definitely will look into it, and we'll get back with you." And then what we find out later is that she ended up gotten fired the next day; they did not do any further investigation.

So, she went back and tried to talk to the store manager, tried to explain the situation to him again, and he basically says that, "Well, you already signed the papers admitting that you knew the policy." She said, "I never did." So, he looked into the paperwork again, realized that yeah, she refused to sign, then he called her team leader to verify whether or not she was notified of the policy.

And we believe that, you know, that he seemed -- her team leader told this manager that she was never notified of the policy, so instead of reversing the decision, the store manager decided to proceed forward, and then he looked in the paperwork and said, "You know, picking up anything from the trash is wrong."

question." He says, "You only need to answer yes 2 or no," and he came out pressuring her to answer 3 yes or no until -- she was like, "I don't know 4 what you mean, but let me bring an interpreter." 5

So, she brought one of her co-workers that speaks б Chinese to come in to talk to him, and he says, 7 "I only needed her to say yes or no, picking 8 stuff out from the trash is wrong, yes or no."

And she said, "I don't understand the

And she said, "Well, I don't think so, because other people leave, you know, trash in front of yard, we would pick up. Wal-Mart has a bin For people to share coupons with. I don't think so." He says, "Well, that is not right." He said, "Over here, there's a policy, so you're fired." And when she asked for the paperwork for her termination, he says, "You don't need that."

So, this is the simplified version of what happened. And then so, when we came in to claim for this case, we basically said that basically store manager is supposed to follow this inner process to investigate, to make sure she was notified of the policy before they make the

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termination process. He didn't do that. He didn't do the work at all.

And secondly, once he verified that she did not know -- she was not noticed of the policy from her team leader, he still proceeded forward with the different reasoning and keep on, I think, taking advantage of her limited English to pressure her yes or no. And without - and he refused to give her the paperwork to explain to her why she was fired.

In the end, this whole process definitely is unfair, and I think it's a lot to do with because of her national origin and limited English. That's why he was -- he felt like he could treat her that way.

So, therefore we're requesting, you know, for the Justice Department here to help us out to seek proper justice and be able to investigate and then to see it from our point of view, and then to request Meijer's to revert [sic] their decision and apologize for the way that she was treated.

So, from the notice of finding, I think a

few misunderstanding here. One was on Notice of Finding, page one, paragraph 5, line 6, it says, "[The] Complainant did not deny that supervision told her of the policy, but contended that, even if they did, it was more than likely that she could not...[understand] what they told her because of her limited...English language."

That's not true, because she had denied through the entire process with Meijer's as well as with -- during her claim that she was not ever notified of the policy. But during the Meijer's investigation, when they pulled her in to start questioning her, one of her co-worker -- she asked her interpreter to come in and she just -- they said, "Well, unless some cashier overheard in the past," and she said, "I don't want to comment on this conversation."

The interpreter did say that you -- when you said -- if you did say something verbally to her, it's more than likely she wouldn't understand it because can't understand language, and one of the investigator felt, "Okay. Write that down on a piece of paper, and then we can

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give it to HR Department to review. Maybe they can treat this case specially because of limited -- " he knew of the language.

So, that's why they put that statement in there, only in the Meijer's investigation for that. It's really her interpreter adding on top of reasoning why she was never notified of the policy. That's one of the major points.

The second major point right here, it says, on paragraph 5, line 5, "It was reasonable for Respondent to conclude that Complainant knew about the policy." That's not true, because they verified that she was never notified of the policy.

The team leader can testify for that, and actually the team leader's -- his witness statement stated that he never trained her on this policy, and the store manager called him on the spot and was notified that, and then so it was not reasonable for them to assume that. knew that she did not know the policy.

No. 3, that's on page 1, paragraph 5, line 9, the Finding states, "...she also told the store manager that she saw nothing wrong with the practice of picking up coupon from trash, because in Chinese culture, items thrown into the trash are free [for] anyone who wants them." First of all, I think this is irrelevant to her case, because she didn't get fired for picking out something out of the trash to begin with.

I think it's the store manager knowing -after finding out that she didn't know about
policy with coupon, looking for something else to
fire her on and then trying to pressure her into
saying yes or no, and then she was trying to
say -- so, her opinion of picking up things, you
know, from trash, wrong or right, is irrelevant
to this case completely. And I think you further
really showcase the way that she was treated is
totally unfair due to her national origin and
limited English language.

No. 4 point, on page 1, paragraph 5, line 14, the Finding states, "It is probabl[y] that she gets more discounts this way before a co-worker informed Respondent [that] was going on. For these reasons, evidence is insufficient

to show that Complainant was meeting Respondent's legitimate performance expectations."

so, from her team leader's statement and as well as her 17-year performance at Meijer's, she has always been viewed as a highly productive performance employee that has provided excellent work, and also her employee handbook, at the time when she was hired in, did not have this policy in, and she had older policy that they have introduced new since then, had been communicated to her either via a translator or a hard copy, which she can bring home for me or my dad to translate for her.

So, she -- you know, because of that, and especially the statement provided by her team leader to show that she's a really good employee in the past, you know, effective communication has been done through an interpreter or on her copy, and she has never violated none of those policies, and she has always provided, you knew, above, beyond the expectation of the workmanship, you know, this statement is not true; that she definitely has met all of the legitimate

performance expectations from Meijer's in the past.

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No. 5, on page 2, paragraph 6, line 3, the Finding states, "Respondent has documented the fact that it did discharge four other store employees for this offense during the two years before Complainant's dismissal, and all four of them were identified as American [descendent].

Based upon the above findings probably cause does not [exist] to believe...an unlawful discriminat[ion] practice [has] occurred."

On this particular point, you know, we asked actually further copy of the file, of the entire investigation file, and we looked into the files of the four other employees that was terminated. They were old cashiers, and they were all, you know, newer employees.

And then also, we also looked into the policy about the coupon. The policy in particular said the team leaders are to -- for the coupons that the customer does not want at the checkout lane, the team members are supposed to write "void" letter on the coupon and throw it

away, and you cannot keep that.

So, really, if you read through the language of the policy, we believe it definitely stressed to the cashiers, because they're the ones that interface with the customers, getting ahold of the coupon, and they're required to write "void" on the coupon and throw them away instead of keeping them.

So, these four cashiers for sure definitely has been trained on the policy, because their job is to write "void" on the coupons. So, these four employees were terminated due to using the coupons, very well known only that this is not allowed to do, and they're supposed into write "void" on those coupons instead of using them.

So, I request for the Commissioner to further investigate to make sure that if Meijer's can prove these four employer -- that these four employees that had been fired before did not know the policy, which I believe they cannot produce the evidence, where my mother had produced the evidence that she did not know the policy during

and after the termination process, when we were 2 trying to reason with Meijer's. So, therefore, 3 it is definitely a different situation than what 4 we're talking about here. 5 Okay. And then actually that's it. So, 6 those are the four major points. So, all of the 7 details are written on here, so therefore we just request for your help really to help out my mom. 8 9 Her limited English and her voice is based on 10 your hands, so --11 CHAIRPERSON BLACKBURN: Thank you 12 very much. Is there something your mom would 13 like to say, in that she came to the podium? 14 MS. HU: Okay. Maybe I can translate 15 for her if she want to say something. 16 CHAIRPERSON BLACKBURN: Well, as she 17 would communicate at the store. 18 I'm sorry? MS. HU: 19 CHAIRPERSON BLACKBURN: As she would, 20 in her voice --21 MS. HU: Okay. 22 (Communication in Chinese.) MS. HU: She just felt that this is a 23

big dramatic impact on her, for her emotions and feelings, and that she hope this process can increase her faith in our legal system to help her, because she felt this whole policy really is geared towards cashier to begin with, and they use that as an excuse to try to fire her.

And then even in Meijer's own document, they stated due to language barrier asking the store manager to investigate before making a decision, they did not do that, and then especially after the fact that she brought to the attention to try to prove certain points, they still proceed forward, treating her the way they did, and that she felt she was definitely discriminated towards -- you know, because this is not fair. She would never treat an American descendent employee the same way that they did her, so she's really asking for your help to bring justice for her.

CHAIRPERSON BLACKBURN: Thank you so much.

(Communication in Chinese.)

MS. HU: She says she had --

(Communication in Chinese.)

MS. HU: She says that she's worked for Meijer's for 17 years, and she's worked very hard, all of the shift nobody wants, all of the holiday days and all of the weekend Sundays nobody wants. She's always worked for them, always produced double the performance of what they expected.

This is so not fair to end her basically, you know, second family life, because she was working at Meijer's seeking for that second American Family, to end her life like that with 17 years of her service for Meijer's. So, she's felt very unfairly, inside of her heart, and we really want to ask you guys to help her to really voice her -- you know, justice for her, really.

CHAIRPERSON BLACKBURN: Thank you very much.

COMM. RAMOS: I have a question.

MS. HU: Yes.

COMM. RAMOS: Did you appeal to the headquarters of Meijer in your communications?

MS. HU: We -- we don't even know

what the appeal process really is, because the guy -- the store manager would not even give her any paperwork, so our only understanding of the appealing process is go and talk to the store manager, or the store director, who is responsible for the whole thing.

And then the way that she was treated in the office was definitely hostile, forcing her yes or no about trash, which is unrelated. When she asked for paperwork to explain how she was terminated, he would not even give it to her. He told her, "You don't need it." So, at that point we didn't even know what the right process is at that point, and that's why we turned towards you guys to help.

COMM. RAMOS: I would just suggest you go and look at the Meijer headquarters main Web page and just go -- I mean that's another avenue for you --

MS. HU: Okay.

COMM. RAMOS: -- for consideration, because you certainly have that opportunity, any large corporation, to go up that ladder as well.

MS. HU: Okay. Okay.

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COMM. CRENSHAW: I have a -- has she ever received a company policy or handbook about their practices and procedures since she's been there that 17 years?

(Communication in Chinese.)

MS. HU: No.

COMM. CRENSHAW: In the 17 years,

never received --

(Communication in Chinese.)

MS. HU: She says, you know, she doesn't remember, but it's possible for her first time being employed 17 years ago they must have given her a handbook of everything else as a new employee, but ever since then, all of the new policy has been communicated either by hard copy to her, which she goes home to communicate with my dad. The necessary policies she has to sign, which it has to be done with the interpreter, but there's no new handbooks been given her, ever, yeah.

(Communication in Chinese.)

MS. HU: Okay. So, she has also, at

the point that -- during the day when they brought her into the -- you know, after they saw her pick up the coupon and use it, they brought her in for investigation. The acting store manager at the time, he knew my mother personally. He knew her English if not good.

So, that's why he asked her to "write down your limited English barrier as a statement in here, and we're going to talk to HR, we're going to ask the store manager to investigate, " because they feel there definitely is a -- you know, could be a warning or something that can be done to it.

And that's why they kind of -- you know, and this was throughout in their own investigation reports, they never wrote it that way, but, you know, the store managers chose to go another way, I guess.

CHAIRPERSON BLACKBURN: Okay. Thank you very much.

> MS. HU: Thank you so much. CHAIRPERSON BLACKBURN: And thank

your mom.

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(Communication in Chinese.) 2 MS. HU: Thank you so much, guys. 3 know this is a lot of talking myself. So, thank 4 you so much. 5 CHAIRPERSON BLACKBURN: Thank you. 6 (Communication in Chinese.) 7 MS. HU: And then she says thank you 8 very much and sorry to bring so much trouble to 9 you. (Communication in Chinese.) 10 11 MS. HU: So, your suggestion about 12 Meijer's headquarter, would that be in parallel with your investigation as well, or you just put 13 14 this on hold as we talk to Meijer's, or --15 COMM. RAMOS: They're different. 16 There's --17 MS. HU: Two different things; right? 18 COMM. RAMOS: Yeah. 19 MS. HU: Okay. We'll definitely look 20 into that. 21 COMM. RAMOS: As opposed to looking at the discrimination aspects in your claim, 22 23 that's another vehicle that you always have

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access to, which --
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                 MS. HU: Sure.
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                 COMM. RAMOS: -- you can consider.
                 MS. HU: Sure. Sure.
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                 (Communication in Chinese.)
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                 MS. HU: She brought coupons from
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     Meijer's, just like -- these coupons are printed
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     on paper, as all of the --
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                 MS. GAO: I did not mean to use the
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     coupon.
              I did -- because of these coupon -- I
     only use -- this -- everybody can use it.
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                 MS. HU: Okay. Okay.
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                 MS. GAO: I never did steal.
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                 COMM. CRENSHAW: Can I see one of the
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    coupons?
              I'm just curious.
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                 MS. HU: I really think the policy is
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    addressing to the cashier. They're supposed to
    write "void" on it.
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               (Discussion off the record.)
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                 MS. HU: She's very emotional about
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    it, obviously.
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                (Communication in Chinese.)
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                 MS. HU: What she's trying to say is
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that really the policy is addressing for the cashiers, obviously, because instead of giving to 2 the customer, they keep to themselves, so the 3 policy is really made for the cashier. 4 why she was never trained on this policy, and 5 that's why she felt they're really picking on her 6 7 by finding something that is not related to her, try to use that to fire her, even after she's 8 proven that she was never trained on that, and 9 then four other examples that Meijer has provided 10 are all cashiers. They're all cashiers. 11 12 COMM. CRENSHAW: So, what were her job de -- what was her job description? 13 14 MS. HU: Making food trays. 1.5 COMM. CRENSHAW: I see. So, she was 16 never --17 MS. HU: No. 18 COMM. CRENSHAW: -- involved with the 19 customers? 20 (Communication in Chinese.) 21 MS. HU: She says her policy is -her leader told her that she can't leave the 22 produce that she cut. That's the one that --23

they made her --1 2 (Communication in Chinese.) 3 MS. HU: And that they can't mark the 4 price of things. She is very emotional. 5 (Communication in Chinese.) 6 MS. HU: She says she's seen many 7 people, other noncashier employees, pick up coupon from trash all of the time. 8 9 (Communication in Chinese.) 10 MS. HU: And she thought that -sometimes she knows someone else have a baby, she 11 12 pick up a diaper coupon and she give to her. 13 MS. GAO: Yeah. 14 MS. HU: In her opinion, she's trying to help people. 15. 16 MS. GAO: I don't know. I don't 17 know. 18 MS. HU: Thank you so much. 19 CHAIRPERSON BLACKBURN: Thank you. 20 MR. HU: I just -- one thing. You 21 know, the -- I think the -- trying to help her, 22 the interpreter speak -- really, you know, chang 23 is -- the girl is actually interpreting her, then

The

told my wife she very afraid of lose her job. 2 COMM. CRENSHAW: I see. 3 MR. HU: So, when she -- you know, 4 she was dependent on -- you know, ask they just say -- you know, don't have any reason to believe 5 that Respondent terminated Complainant because of 6 7 her national origin. Actually, this question, put it there, really is -- you think racial. 8 know, this -- her boss and -- employing her, and 9 because of her --10 11 CHAIRPERSON BLACKBURN: Thank you for your statement. 12 13 MR. HU: Yeah. CHAIRPERSON BLACKBURN: The 14 information --15 MR. HU: So, this question --16 CHAIRPERSON BLACKBURN: Right. 17 information you are now providing is in the 18 record for the Commissioners to review in the 19 appeal, so I'm going to ask that you terminate 20 your statements before us at this --21 MR. HU: Okay. 22 CHAIRPERSON BLACKBURN: -- time and 23

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let us conclude our meeting. Thank you so much
  1
  2
     for being here.
 3
                  MS. HU:
                           Thank you so much.
 4
                  MR. HU:
                           Yeah, I just want to protect
 5
     the -- otherwise, the -- her mother tells the
 6
     truth.
 7
                 MS. HU: Okay. Thank you so much.
 8
     Thank you.
                 Thank you.
 9
                 CHAIRPERSON BLACKBURN: All right.
     Comm. Crenshaw, if you would please review Sherry
10
     Ogden versus Patriot Municipal Utilities.
11
12
            Comm. Carter, Shuqin Gao versus Meijer.
13
                 COMM. CARTER: Okay.
14
                 CHAIRPERSON BLACKBURN: And
15
     Comm. Baynard, Sherry Ogden versus Patriot
16
     Municipal Utilities.
17
                 COMM. RAMOS: Do we have two of them?
18
                 CHAIRPERSON BLACKBURN: There must be
19
    two of those cases.
20
                 MS. RINCONES-CHAVEZ:
                                        They're
21
    separate.
22
                 COMM. CRENSHAW:
                                  There's three.
23
                 CHAIRPERSON BLACKBURN: Three?
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1 COMM. RAMOS: One for everybody. 2 CHAIRPERSON BLACKBURN: Okay. So, 3 Comm. Garcia, you will review the other case of Sherry Ogden versus Patriot Municipal. 4 5 Comm. Ramos, Janet Clark versus the City of Crawfordsville, and I'll take the last case, 6 7 Christina Belanger versus Container Port Group, 8 and that's all of the cases up for appeal review. 9 And now I ask that in the Findings of Fact, Conclusions of Law and Order that is in 10 11 your agenda, there are eight of them. May I ask 12 a motion to accept the findings? 13 COMM. GARCIA: So moved. 14 COMM. RAMOS: Second. CHAIRPERSON BLACKBURN: All in favor? 15 16 COMM. BAYNARD: Aye. 17 COMM. CRENSHAW: Aye. 18 COMM. CARTER: Aye. 19 COMM. RAMOS: Aye. 20 COMM. GARCIA: Aye. CHAIRPERSON BLACKBURN: 21 Anyone opposed? 22 23 (No response.)

CHAIRPERSON BLACKBURN: Thank you.

2 3

There being no Consent Agreements before us, we'll go now to the Administrative Update.

4

MR. SMITH: I'll be extremely quick

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here. I wanted to make note that --

6

MS. HU: We'll see you all.

7

you.

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MR. SMITH: -- in light of our strategic plan that we talked about, getting out throughout the state, we wanted to establish some partnerships with organizations that would help us with our outreach. That is going exceptionally well. We have set agreements and MOU's in place with -- for a variety of different reasons -- with various Human Rights Commissions, including Terre Haute's, Bloomington's, Lafayette's, Valparaiso's Tippecanoe's.

In talks with a few others, Michigan City's, for example, non-Human Rights organizations, but community advocate organizations like Indiana Parenting Institute in Gary, as well as the Fair Housing Training Center here in Indianapolis, and for a variety of

different reasons, but the primary purpose is obviously to help us extend our outreach.

So, those are going very well. I wanted to convey that piece. The focus now is to go more south. I think the majority of the organizations we do have agreements with seem to be from Indianapolis up north. We have Bloomington, but I think that's as -- and Columbus, but I think that's as far south as we go. So, we've got to get back down to Evansville and some other areas down south, Jeffersonville, et cetera, to do more there.

The other thing is we've got a myriad of different outreach events planned. I think one of note that is relatively exciting, we're going to partner with the Indianapolis Indians, which is the minor league baseball team here in town, and have Civil Rights Day in the park, and it will be in August. They are going to have like the throwback with the Negro League jerseys, where the teams are going to put those on; they're going to have our logo, the ICRC patch, on the uniforms.

And we'll get to throw out the first pitch of the game, and they're going to give us a block of tickets, and we want to be able to use those to kind of incentivize not only our current partners, but some other folks that are kind of teetering, to bring them on board and help us kind of promote civil rights and a lot of our staple things, equitable education, access to a quality education, fair housing, equal employment, so on and so forth.

The Indianapolis Indians have been great.

We'll be able to set up a booth and a few other things and promote that. So, we're doing a lot of fun things, trying to think outside of the box and, you know, get people more aware of the agency as we move forward, so that's a good note.

We also did, I'll just mention, just recently we had family and fun day with Disney. There's a local Disney component in town, and they had it out at the park. We had a dunk tank a lot of the employees took part in. A few thousand people were in attendance, very, very diverse crowd, we had Asian couples, white

couples, black couples, Latinos, you name it, and we dunked away discrimination, and so folks would come up --

(Laughter.)

MR. SMITH: But a part of what we're doing, remember our base line metric for our strategic plan were the surveys that we took out, that kind of anecdotally measure discrimination and the feel discrimination, the presence of ICRC and how people felt that they knew that we even existed or that they understood what we did, and we'll take that survey, which is why we struck a lot of the agreements that we have, and then we'll do kind of a follow-up after the fact.

That turned out well, so you could come and dunk away discrimination by filling out the survey, so we had over 200 surveys signed away, and a lot of our employees got dunked in the water, so it was --

(Laughter.)

MR. SMITH: -- it was a fun time.

So, we're moving forward, doing a lot of creative and fun things, and hopefully the word is getting

out.

Last note, as mentioned I think in the previous meeting, we were awarded the grant from HUD for about a quarter of a million dollars, which is to do kind of a -- we'll ultimately do an ad campaign to promote it. We're going to toss it all into advertising. We're going to do a lot of print ads, specifically in the local or public transportation arena, so we're going to do a lot of that.

And we're going to do some more of the radio, and hopefully we'll be able to team some of it to do a lot of the TV ads as well, because we've got the PSA's made. Remember, we struck the deal with Ball State where they did our PSA's, our TV PSA's, as well as Butler University to do our radio PSA's, so we're going to put those to use as well.

So, that's it. I'm done.

Any questions?

COMM. RAMOS: When is the August

date?

MR. SMITH: The August date is -- you

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1
      asked me too fast. I'll have that send out to --
  2
                  MR. LANGE:
                               25th.
  3
                  MR. SMITH: I think that was in there
  4
      already.
  5
                  MR. LANGE:
                              25th.
                  MR. SMITH: 25th, August 25th.
  6
  7
      August 25th be out at the park, Civil Rights Day,
  8
      throwback jerseys and uniforms. It should be a
      fun day. It should be a great day.
  9
 10
                  COMM. RAMOS: You have to use your
 11
      old gloves, too.
 12
                  MR. SMITH: Bring out the old gloves.
      So, yeah, we invite everybody to come out.
13
 14
                  MR. LANGE: As long as they haven't
 1.5
     all disintegrated.
 16
                  MR. SMITH: If it goes well, we --
 17
                  CHAIRPERSON BLACKBURN: Will you send
     out a reminder?
 18
19
                  MR. SMITH:
                              Yes, ma'am.
20
                  CHAIRPERSON BLACKBURN:
                                          E-mail or any
21
     other way.
22
                  MR. SMITH: We will certainly do
23
     so --
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-3/20

CHAIRPERSON BLACKBURN: Okay

MR. SMITH: -- to all of the Commissioners, and we encourage all of you to come out, obviously, and if you need some tickets, let us know. We've been able to negotiate a good number of tickets for folks to come out and attend.

So, there are go. And if it goes well, there's a few other minor league teams in various other cities, Fort Wayne and Gary, that hopefully we'll be able to pilot this and do some things elsewhere.

Is there one Evansville.

COMM. CRENSHAW: Evansville, yeah, it's the Evansville Otters.

MR. SMITH: Evansville, too.

COMM. CRENSHAW: Uh-huh.

MR. SMITH: So, we're -- hopefully we pilot it here, if it goes well, we'll just spread out and do some of the similar things in other cities.

COMM. CRENSHAW: We have a hockey team as well.

MR. SMITH: We're actually doing the same thing with the Indianapolis Ice, so we'll -it's somewhat similar.

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COMM. CRENSHAW: Uh-huh.

MR. SMITH: So, we'll pilot that and look to branch out as well. Of course, my background is in sports, so this is fun for me to kind of dabble back into what my forte is in, so --

COMM. RAMOS: One of the -- well, I can go into other business as soon as we get there.

MR. SMITH: So; that concludes the Executive Director's Report unless there are any other questions.

(No response.)

CHAIRPERSON BLACKBURN: Thank you for a glowing report.

Are there any announcements, any additional announcements?

COMM. RAMOS: Well, like more of a comment, I guess, or new business. Last Friday President Obama made a major speech as far as

immigration is concerned --

MR. SMITH: You're right.

COMM. RAMOS: -- and how that affects the young Latinos that are not documented, and while we're still trying to figure out what all of that means --

MR. SMITH: Uh-huh.

COMM. RAMOS: -- my guess is there will undoubtedly be some areas that are -- cased around education, that may pop up. So, just to anticipate it, properly understand it. We have Danny Lopez, of course, on your group here, so I anticipate that he's jumping into that.

MR. SMITH: Uh-huh.

COMM. RAMOS: But a great opportunity for the Latinos in the country as well as in the barrios, but it's something that could also potentially increase the workload.

MR. SMITH: Yes, sir. We -- Danny -you're correct, we are keeping our eyes and ears
on it, and anticipating some kind of an influx
for the agency, so very well.

CHAIRPERSON BLACKBURN: Okay. There

_	
1	being no further business, the meeting is
2	adjourned.
3	
4	Thereupon, the proceedings of June 22, 2012 were concluded
5	at 11:44 o'clock a.m.
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CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned Court Reporter and Notary Public residing in the City of Shelbyville, Shelby County, Indiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me on Friday, June 22, 2012 in this matter and transcribed by me.

Lindy L. Meyer, Jr.

Notary Public in and for the State of Indiana.

My Commission expires October 27, 2016.

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