



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF March 19, 2021

Commissioner Borchers called the meeting to order in Omaha, Nebraska at 9:03 a.m. on March 19, 2021. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Patrick Borchers, Chairperson
Eric Drumheller
Arla Jo Meyer

John Arnold, Vice Chair
Kristin Yates
Amber Schuppan

Staff Present

Marna Munn, Executive Director
Shelley Foss, Unit Director (virtual)
Andrea Berry, Investigator III
Cherryll Batty, Staff Assistant II

Paula Gardner, Unit Director (virtual)
Ben Watson, Unit Director
Kim Carrera-Bower, Staff Assistant I

II. NOTICE OF PUBLICATION

Director Munn read the dates of publication for the current Commission meeting.

III. APPROVAL OF MINUTES

Commissioner Borchers approved meeting minutes for January of 2021 and February of 2021.

IV. ADDITIONS OR CORRECTIONS

Addition under VII. Case Dispositions - #16 – NEB 2-19/20-3-51209

This was put on the agenda more than 24 hours before the meeting, but it is being announced to ensure all are aware of its addition to the agenda.

V. PUBLIC INPUT (Non-Case)

Limit of 5 minutes per person for a total of a 30-minute session.

No public input.

NEOC

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VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

The cases, wherein a party to the case was present or provided a written statement, were moved to the front of the agenda under Section VII. CASE DISPOSITIONS.

Section VII. CASE DISPOSITIONS.

- A. EMPLOYMENT (R was present)
NEB 2-19/20-4-51250

Commissioner Arnold moved for no reasonable cause.
Commissioner Borchers seconded the motion.

ROLL CALL: Ayes: Commissioners Borchers, Drumheller, Meyer, Yates, Arnold,
 Schuppan,
 Nays:
 Abstained:
 Motion Carried

Section VII. CASE DISPOSITIONS.

- A. EMPLOYMENT (R was present)
NEB 2-20/21-7-51431

Commissioner Borchers moved for no reasonable cause.
Commissioner Drumheller seconded the motion.

ROLL CALL: Ayes: Commissioners Drumheller, Meyer, Yates, Arnold, Schuppan,
 Borchers
 Nays:
 Abstained:
 Motion Carried

- A. EMPLOYMENT (R was present)
NEB 1-19/20-4-51236

Commissioner Arnold moved for no reasonable cause.
Commissioner Schuppan seconded the motion.

ROLL CALL: Ayes: Commissioners Arnold, Schuppan, Borchers, Drumheller,
 Meyer, Yates
 Nays:
 Abstained:
 Motion Carried

A. EMPLOYMENT (C and R were present)
NEB 2-19/20-11-50912

Commissioner Arnold moved for no reasonable cause.
Commissioner Borchers seconded the motion.

ROLL CALL: Ayes: Commissioners Meyer, Yates, Arnold, Schuppan, Borchers,
 Drumheller
 Nays:
 Abstained:
 Motion Carried

Commissioner Schuppan advised employer to consider training on issues relating to older employees.

A. EMPLOYMENT (C was present)
NEB 1-19/20-6-51400

Commissioner Borchers moved for no reasonable cause.
Commissioner Meyer seconded the motion.

ROLL CALL: Ayes: Commissioners Schuppan, Borchers, Drumheller, Meyer,
 Yates, Arnold
 Nays:
 Abstained:
 Motion Carried

B. PUBLIC ACCOMMODATION (R was present, C provided a written statement,
which was read into the record by staff)
NEB2-20/21-7-3607

Commissioner Drumheller moved for no reasonable cause.
Commissioner Meyer seconded the motion.

ROLL CALL: Ayes: Commissioners Meyer, Yates, Arnold, Schuppan, Borchers,
 Drumheller
 Nays:
 Abstained:
 Motion Carried

C. HOUSING (R was present)
NEB 2-19/20-3-3596

Commissioner Arnold moved for no reasonable cause.
Commissioner Schuppan seconded the motion.

ROLL CALL: Ayes: Commissioners Borchers, Drumheller, Meyer, Yates, Arnold,
 Schuppan
 Nays:
 Abstained:
 Motion Carried

B. PUBLIC ACCOMMODATION (R submitted a written statement, which was read
into the record by staff).
NEB 1-20/21-9-3623

Commissioner Borchers moved for no reasonable cause.
Commissioner Arnold seconded the motion.

ROLL CALL: Ayes: Commissioners Yates, Arnold, Schuppan, Borchers,
 Drumheller, Meyer.
 Nays:
 Abstained:
 Motion Carried

A. EMPLOYMENT
NEB 2-19/20-5-50825

Commissioner Drumheller moved for no reasonable cause.
Commissioner Borchers seconded the motion.

ROLL CALL: Ayes: Commissioners Arnold, Schuppan, Borchers, Drumheller,
 Meyer
 Nays:
 Abstained: Commissioner Yates
 Motion Carried

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B. HOUSING

NEB 2-19/20-4-3598

NEB 1-19/20-10-3557

Commissioner Borchers moved for no reasonable cause on the above cases.
Commissioner Schuppan seconded the motion.

ROLL CALL: Ayes: Commissioners Schuppan, Borchers, Drumheller, Meyer,
 Yates, Arnold
 Nays:
 Abstained:
 Motion Carried

VIII. SUCCESSFUL AGREEMENTS

NEB 2-19/20-6-51395-RD

NEB 1-20/21-7-51462-RD

Commissioner Borchers moved to adopt the agreements.
Commissioner Arnold seconded the motion.

ROLL CALL: Ayes: Commissioners Schuppan, Borchers, Drumheller, Meyer,
 Yates, Arnold
 Nays:
 Abstained:
 Motion Carried

IX. ADMINISTRATIVE ACTIONS

A. FILING IN COURT

NEB 1-19/20-4-51277-RS

NEB 1-19/20-5-51341-RS

Cases were filed under incorrect action during the January Commission Meeting. Commission rescinded previous order to close based on filed in court.

Commissioner Borchers moved to rescind Commission's January 15, 2021 action to close based on no reasonable cause.

Commissioner Meyer seconded the motion.

ROLL CALL: Ayes: Commissioners Arnold, Meyer, Drumheller,
 Borchers, Schuppan,
 Nays:
 Abstained: Commissioner Yates
 Motion Carried

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B. EEOC

1. NEB 1-19/20-4-51277-RS*
2. NEB 1-19/20-5-51341-RS*
3. NEB 1-20/21-10-51626-RD
4. NEB 1-19/20-11-50956-RD

Commissioner Borchers moved to adopt the findings of the EEOC.

Commissioner Schuppan seconded the motion.

ROLL CALL: Ayes: Commissioners Drumheller, Meyer, Arnold, Schuppan,
Borchers.

Nays:

Abstained: Commissioner Yates

Motion Carried

C. Withdrawal

1. NEB 1-19/20-8-50712-RD
2. NEB 1-19/20-8-50713-RD
3. NEB 1-19/20-8-50714-RD
4. NEB 2-20/21-1-51811-RD
5. NEB 1-19/20-6-51403-RD

Commissioner Borchers moved to close the cases based on withdrawal.

Commissioner Arnold seconded the motion.

ROLL CALL: Ayes: Commissioners Meyer, Yates, Arnold, Schuppan,
Borchers, Drumheller.

Nays:

Abstained:

Motion Carried

X. CONCILIATION

None at this time.

XI. CONCILIATION CASES TO BE CONSIDERED FOR PUBLIC HEARING

None at this time.

XII. PUBLIC HEARING

None at this time.

XIII. CIVIL ACTION

None at this time

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XIV. BUSINESS

1. Previous Month's General Ledger Report
2. Meeting Calendar for 2021
3. Outreach Report
4. Legislative Update
5. Director's Report

Commissioner Drumheller moved to approve and accept the previous General Ledger report. Commissioner Arnold seconded the motion.

ROLL CALL: Ayes: Commissioners Yates, Arnold, Schuppan, Borchers,
 Drumheller
 Nays:
 Abstained:
 Motion Carried

Meeting Calendar for 2021

Commission set meeting dates for the upcoming year, discussed the possibility of locating in Omaha while social distancing recommendations remain in place. Logistical and scheduling issues restrict use of alternative locations in Lincoln. Alternating meeting locations will be revisited at the June Meeting. Generally, the Commission will hold meetings on the third Friday of each month, though the Commission will not hold a meeting in April, and the October meeting will be on the fourth Friday of the month. The next meeting will be May 21st in Omaha.

Outreach Report

Ben Watson announced that the Commission will be running public service ads for Fair Housing Month on four stations around the state. The Agency will be running employment ads in May.

Commissioner Schuppan invited the Agency to speak before the Grand Island Board of Realtors regarding updates on housing and service animal policies.

The Agency is working on a 30-minute documentary show discussing housing issues to be produced by and aired on Nebraska Public Television.

Legislative Update

Director Munn provided an update on the legislation the Commission is tracking during the current legislative session.

- LB 120 – FEPA: Sexual Orientation & Gender Identity
 - Hearing 2/26 – Proponent due to Bostock – no activity to update
- LB 196 – FHA: Income Sources
 - Hearing 2/4 – Neutral – no activity to update
- LB 230 – FHA/PA: Sexual Orientation & Gender Identity
 - Hearing 2/26 – Neutral – no activity to update

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- LB 249 – FEPA: Wage Rate History
 - Hearing 1/25 – Neutral – no activity to update
- LB 309 – Assistance Animal Integrity in Housing Act
 - Hearing 2/4 – Opponent - contrary to FHA – no activity to update
- LB 440 – FEPA “clean up” – 10 bus days to serve
 - Hearing 2/8 – Proponent – on 3/12 advanced to General File
- LB 451 – FEPA Crown Act/Hair Bill –
 - Hearing 2/8 – Neutral – on 3/17 advanced to General File
 - *** But Amendment just introduced includes some possible concerning language – the Director is currently vetting that.
- LB 540 – FHA/PA – disability language “clean up”
 - Hearing 3/4 – Proponent – on 3/10 advanced to General File

Director's Report

New address is 1526 K Street, Suite 310 building in Lincoln.

The agency is moving to finalize the decision on a new logo and will share the final two for consideration with the Commissioners.

HUD update: We are working on a TV show/PSA/Documentary with NET to educate people on Fair Housing issues. The show will be filmed over the summer and involve stories from the community. The focus will be showing what discrimination looks like in our communities in the present era.

On February 11, HUD issued new guidance base on the Supreme Court's *Bostock* decision and the President's New Executive Order indicating *Bostock* should apply to all federal Civil Rights laws. HUD guidance indicates that sexual orientation and gender identity are now explicitly recognized as protected basis and individuals can file allegations of discrimination in housing based on those bases. HUD workshare agreement requires Nebraska recognize this discrimination. The Agency had researched this issue last year and already follows this guidance.

EEOC: Contract Measurement period ends in April. EEOC has had staffing changes that impacted planning for the annual EEOC training. The EEOC just announced that the annual training will be held virtually again this year.

NEOC had an all staff meeting and participated in a training on Emergenetics as a way for staff to better understand the strengths of themselves and the team.

The Commissioners expressed an interested in Dashboards. Commissioners expressed a desire for Dashboards on timeliness, case disposition and return on investment.

XV. ADJOURNMENT

Commissioner Borchers declared the March 19, 2021, Commission meeting ended at 11:58 a.m.

Respectfully submitted,


Kim Carrera-Bower
Staff Assistant

April 9, 2021
Date


Marna Munn
Executive Director

4/9/21
Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of March 19, 2021 have been corrected and accepted, and henceforth approved on this date.

Chairperson

Date