



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF Friday, April 17, 2020

Commissioner Borchers called the remote meeting to order in Nebraska at 9:06 a.m. on April 17, 2020. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Patrick Borchers, Chairperson
Amber Schuppan

Rita Griess, Vice Chairperson
Eric Drumheller

Staff Present

Marna Munn, Executive Director
Ben Watson, Unit Director
Tallina Estwick, Staff Assistant

Paula Gardner, Unit Director
Andrea Berry, Investigator III

II. NOTICE OF PUBLICATION

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

III. APPROVAL OF MINUTES

Commissioner Borchers moved to approved the minutes of February 21, 2020 approved and this was seconded by Commissioner Gries.

IV. ADDITIONS OR CORRECTIONS

Under XIV. BUSINESS added item #2 Delegation of Authority and moved Director's Update from item #2 to item #3.

V. PUBLIC INPUT (Non-Case)

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

A member of the public spoke up to indicate difficulty in hearing on the teleconference due to background/feedback noise. Unit Director Ben Watson addressed the issue by explaining the noise originated outside the Commissioners and staff but should be eliminated once the Public Input period was complete and he was able to mute the background noise.

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VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

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

VII. CASE DISPOSITIONS

A. EMPLOYMENT (C written statement)
NEB 1-18/19-3-50306-RD

Drumheller moved for no reasonable cause.
Griess seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Nayes:
 Abstained:
 Motion Carried Y

At 9:15 a.m., after a Motion and a Second had been made on this case, Commissioner Schuppan experienced technical difficulties and disconnected from the meeting. The Commission fell out of quorum during this time. While Commission Staff worked to reconnect Commissioner Schuppan, Commissioner Drumheller asked Director Munn to explain to those in attendance what quorum meant and its importance to conducting business under the Open Meetings Act, which Director Munn then did. At 9:18 a.m. Commissioner Schuppan rejoined the meeting, and the Commission again had a quorum to proceed. The roll call, was repeated to include all of the attending Commissioners.

A. EMPLOYMENT (C written statement)
NEB 1-18/19-3-50295-RD

Borchers moved for no reasonable cause.
Schuppan seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Nayes:
 Abstained:
 Motion Carried Y

A. EMPLOYMENT (C written statement)
NEB 2-18/19-10-50026-RS

Griess moved for no reasonable cause.
Schuppan seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

A. EMPLOYMENT (C and R written statements)
NEB 1-18/19-1-50211-RS

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

A. EMPLOYMENT (C written statement)
NEB 2-18/19-1-50194-RD

Drumheller moved for no reasonable cause.
Griess seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

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A. EMPLOYMENT (C rep written statement)
NEB 1-18/19-4-50366-RD

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

- A. EMPLOYMENT
 NEB 1-18/19-4-50417
 NEB 2-18/19-4-50426
 NEB 1-18/19-3-50302
 NEB 1-18/19-5-50451
 NEB 1-19/20-7-50603
 NEB 1-19/20-7-50624
 NEB 1-18/19-5-50502
 NEB 1-18/19-6-50557
 NEB 1-18/19-5-50444
 NEB 1-17/18-6-49662
 NEB 2-19/20-9-50775
 NEB 2-19/20-7-50602
 NEB 2-19/20-9-50768
 NEB 3-19/20-7-50651
 NEB 1-19/20-8-50668
 NEB 2-18/19-5-50465
 NEB 1-18/19-9-49947
 NEB 2-19/20-7-50662
 NEB 1-19/20-9-50802
 NEB 2-18/19-5-50515

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

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- B. PUBLIC ACCOMMODATION
NEB 1-19/20-7-3533
NEB 1-18/19-4-3511
NEB 2-19/20-1-3575

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

- C. HOUSING
NEB 2-19/20-7-3531
NEB 2-18/19-6-3522
NEB 2-18/19-4-3515
NEB 2-19/20-8-3539
NEB 2-18/19-4-3517

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

VIII. SUCCESSFUL AGREEMENTS

NEB 1-18/19-5-50443
NEB 1-19/20-12-51023
NEB 3-18/19-6-50541
NEB 1-19/20-9-3550-PA
NEB 2-19/20-2-3579-H
NEB 2-19/20-8-3541-H
NEB 1-19/20-1-3572-H

Borchers moved to adopt the agreements.
Schuppan seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

IX. ADMINISTRATIVE ACTIONS

A. WITHDRAWALS
NEB 3-19/20-1-51062-RS

Borchers moved to administratively close the above cases based on the withdrawal forms.
Drumheller seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

B. LACK OF JURISDICTION
NEB 1-19/20-7-50625

Borchers moved to administratively close the above cases based on lack of jurisdiction.
Griess seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

- C. EEOC
 - NEB 1-19/20-1-51048
 - NEB 1-18/19-5-50469
 - NEB 2-18/19-4-50418

Borchers moved to adopt the findings of the EEOC.
Drumheller seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

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

XIV. BUSINESS

- 1. Previous Month's General Ledger Report

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

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

2. Delegation of Authority

Borchers moved to approve and accept the Delegation of Authority.
Drumheller seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Borchers, Schuppan
 Naves:
 Abstained:
 Motion Carried Y

3. Director's Update

In the midst of this national emergency, the vast majority of investigators and staff have been able to work from home, though given constraints of our work, we are not able to have anyone out of the office for more than three or four days at a time. While in the office, staff utilize technology and social distancing practices in regard to meetings, coming into the office, etc.

Munn stated she has been in contact with the business and continuity planner for the State of Nebraska to go over the plans and limitations of the agency and the planner felt the agency had come up with the best possible plan, in light of the directive given by the Governor that all state offices remain open. We are in an enviable position with an office in Lincoln and one in Omaha, where if something were to happen in one of the offices, operational control of the agency could be taken over by the other office to continue to serve the public.

Munn also stated she had sought waivers for three of the agency's statutes from the Governor's office; those included the notary requirement for complaints, the 10-day serve time, and extended the time a Respondent has to respond to the allegations. There has been no real movement on the requests. The Governor did sign an executive order which brought forth the time frame for the Online Notary Public Act, which was set to go into place in July. After analysis, that Act has almost no practical applicability for our agency, so it does not alleviate our notary concern. We are reviewing other options.

Personnel: The Commission was able to hire new investigator the last day before the State went into a hiring freeze. New investigator Beth Vidlak joined the agency on April 13, 2020, with Paula's unit in Lincoln.

Finally, on a positive note, when Munn began, there were a couple of issues that to the Admin Team recognized needed to be quickly addressed. First were the number of aged cases the agency was carrying. The Administrative Team implemented a process whereby anyone with an aged case had to address the Admin Team to figure out how to get those cases "unstuck." The number of cases steadily decreased, and as of the most recent Admin Team meeting, had been reduced to just one entry on the employment line and couple on the housing line, but those involved some extenuating circumstances. She acknowledged that with the current situation,

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there may be trouble reaching Respondents and the backlog may go up again, so she just wanted to take a moment to highlight that accomplishment. Second, a line of discipline was removed (for Investigators) with regard to quarterly case production and was replaced with a lottery to try to incentivize case completion earlier in each quarter. She reported this second quarter of the lottery all but one investigator (and the one had a specific circumstance) were eligible to participate in the lottery. Six of the investigators received two entries into the lottery because they exceeded the goal for that in the first and second months of the quarter, yielding a total of 18 entries in the lottery where three winners were able to claim small prizes.

Commissioner Borchers expressed understanding in the efforts of the NEOC in wake of the current national crisis. Munn stated some cases that will likely go into limbo because Respondents are unavailable to participate in the investigation during this time. The agency will be conducting case-by-case reviews when this occurs. If there is sufficient evidence under the law to finalize the investigation, the agency may do so, for the sake of efficiency, even when that means we don't collect all of the documents we typically try to obtain as a matter of course.

Munn also mentioned the federal partners under workshare agreements are both completely on telework status and not allowed to be in their physical offices, so the Commission has had to make quite a few adjustments in regard to how to do business with them. The EEOC has been supportive and understanding during this period but has not specifically loosened any expectations with regard to workshare agreement obligations yet. The measurement period for the EEOC contract ends at the end of April and she does not have a total count, but she will the next time the Commissioners convene.

Director Munn indicated HUD had stated they will take into consideration the current circumstances when reviewing workshare agreement obligations and expectations. She stated the NEOC was awarded \$27,500 from HUD to work on partnership and outreach opportunities under a new program. These funds will go towards creating more segments with NET.

Commissioner Drumheller asked what the Commissioners were to do with their case books. Munn suggested Commissioners keep the books for now and, in order to maintain the agency's accountability, the materials will be collected once the Commission resumes normal meeting practices, for proper disposal by agency staff. If it becomes burdensome, the agency will make other arrangements.

Commissioner Drumheller thanked the agency staff for getting the meeting up and running for the public, per the governor's orders in maintaining an open meeting.

XV. ADJOURNMENT

Commissioner Borchers declared the April 17, 2020, Commission meeting ended at 10:28 a.m.

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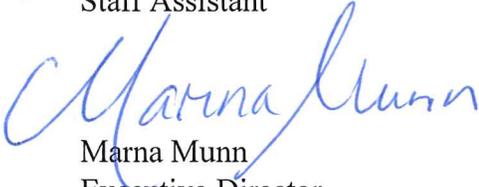
Respectfully submitted,



Tallina Estwick
Staff Assistant

5-7-2020

Date



Marna Munn
Executive Director

5/8/2020

Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of April 17, 2020 have been corrected and accepted, and henceforth approved on this date.



Patrick Borchers
Chairperson

5/18/2020

Date