NEBRASKA EQUAL OPPORTUNITY COMMISSION
MEETING OF August 19, 2022

Commissioner Patrick Borchers, Chairperson called the meeting to order in Omaha, Nebraska at 09:00 a.m. on August 19, 2022. 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
Royce Jeffries
Lynn Brennan

Staff Present
Paula Gardner, Executive Director
Shelley Foss, Unit Director
Brandie Finkle, Investigator III

Ben Watson, Unit Director
Andrea Berry, Unit Director
Kim Carrera-Bower, Investigator I
Cathy Fedor, Admin Tech

II. NOTICE OF PUBLICATION

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

III. APPROVAL OF MINUTES

Commissioner Borchers made a motion to approve the minutes of the July 15, 2022, meeting and Commissioner Drumheller seconded. The minutes were approved.

IV. ADDITIONS OR CORRECTIONS
Added to Section VIII, Successful Agreements:
NEB 1-21/22-3-52579-RD
NEB 1-21/22-4-52610-RD
NEB 1-21/22-6-52719-RD
NEB 1-21/22-5-3736-PA

V. PUBLIC INPUT (Non-Case)
Limit of 5 minutes per person for a total of a 30-minute session.
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.

VII. CASE DISPOSITIONS

C. HOUSING (Complainants were present)
   NEB 1-21/22-10-3689

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

ROLL CALL:  Ayes: Meyer, Drumheller, Borcher, Brennan, Jeffries, Arnold
             Nayes: 
             Abstained: 
             Motion Carried

A. EMPLOYMENT (Respondent was present)
   NEB 1-21/22-1-52461

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

ROLL CALL:  Ayes: Meyer, Drumheller, Borcher, Brennan, Jeffries, Arnold
             Nayes: 
             Abstained: 
             Motion Carried

A. EMPLOYMENT (Complainant was present)
   NEB 1-20/21-12-51773

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

ROLL CALL:  Ayes: Arnold, Meyer, Drumheller, Borcher, Brennan, Jeffries
             Nayes: 
             Abstained: 
             Motion Carried
A. EMPLOYMENT (Complainant left the meeting)
NEB 2-21/22-10-52299

Commissioner Drumheller moved to postpone the case to the end due to Complainant not available at the time.
Commissioner Borchers seconded the motion.

*Employment case called at the end for a final call, Complainant was not available*

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

ROLL CALL:  
Ayes:  Jeffries, Arnold, Meyer, Drumheller, Borchers, Brennan
Nayes:
Abstained:
Motion Carried

A. EMPLOYMENT (Respondent was present)
NEB 1-20/21-6-52111

Commissioner Arnold moved for reasonable cause on the basis of age.
Commissioner Borchers seconded the motion.

ROLL CALL:  
Ayes:  Brennan, Arnold, Meyer, Drumheller, Borchers, Jeffries
Nayes:
Abstained:
Motion Carried

A. EMPLOYMENT (Respondent was present)
NEB 1-21/22-11-52363

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

ROLL CALL:  
Ayes:  Brennan, Jeffries, Meyer, Drumheller, Borchers, Arnold
Nayes:
Abstained:
Motion Carried
A. EMPLOYMENT (Respondent was present)  
NEB 1-21/22-10-52280

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

ROLL CALL:  
Ayes: Drumheller, Brennan, Jeffries, Arnold, Meyer,  
Borchers,  
Nayes:  
Abstained:  
Motion Carried

A. EMPLOYMENT (Respondent was present)  
NEB 1-21/22-10-52311

Commissioner Arnold moved for reasonable cause.  
Commissioner Drumheller seconded the motion.

ROLL CALL:  
Ayes: Jeffries, Arnold, Meyer, Drumheller  
Nayes: Brennan, Borchers  
Abstained:  
Motion Carried

A. EMPLOYMENT (Respondent was present)  
NEB 1-21/22-7-51933

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

ROLL CALL:  
Ayes: Drumheller, Borchers, Brennan, Jeffries, Arnold,  
Meyer  
Nayes:  
Abstained:  
Motion Carried
B. PUBLIC ACCOMMODATION (Complainant was present, Respondent was present)
   NEB 1-21/22-3-3717

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

ROLL CALL:    Ayes:    Drumheller, Brennan, Jeffries, Arnold, Meyer
               Nayes:    Borchers
               Abstained:
               Motion Carried

B. PUBLIC ACCOMMODATION (Complainant was present, Respondent was present)
   NEB 1-21/22-4-3733

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

ROLL CALL:    Ayes:    Meyer, Drumheller, Borchers, Brennan, Jeffries, Arnold
               Nayes:
               Abstained:
               Motion Carried

C. HOUSING (Complainant was present)
   NEB 1-21/22-11-3698

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

ROLL CALL:    Ayes:    Brennan, Jeffries, Arnold, Meyer, Drumheller, Borchers
               Nayes:
               Abstained:
               Motion Carried
A. EMPLOYMENT
   NEB 2-21/22-9-52226
   NEB 2-21/22-11-52337
   NEB 1-21/22-7-52140
   NEB 1-21/22-9-52241

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

ROLL CALL:   Ayes: Meyer, Drumheller, Borchers, Brennan, Jeffries, Arnold
             Nayes: 
             Abstained: 
             Motion Carried

B. PUBLIC ACCOMMODATION
   NEB 3-21/22-3-3716

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

ROLL CALL:   Ayes: Meyer, Drumheller, Borchers, Brennan, Jeffries, Arnold
             Nayes: 
             Abstained: 
             Motion Carried

C. HOUSING
   NEB 1-21/22-3-3721
   NEB 2-21/22-8-3677

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

ROLL CALL:   Ayes: Brennan, Jeffries, Arnold, Meyer, Drumheller, Borchers
             Nayes: 
             Abstained: 
             Motion Carried
VIII. SUCCESSFUL AGREEMENTS

NEB 1-21/22-2-52487-RD
NEB 2-21/22-2-52497-RD
NEB 1-21/22-5-52665-RD
NEB 1-21/22-6-52723-RD
NEB 1-21/22-3-52579-RD
NEB 1-21/22-4-52610-RD
NEB 1-21/22-6-52719-RD
NEB 1-21/22-5-3736-PA

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

ROLL CALL: Ayes: Borchers, Brennan, Jeffries, Arnold, Meyer,
Drumheller
Nayes:
Abstained:
Motion Carried

ADMINISTRATIVE ACTIONS

A. WITHDRAWALS
NEB 2-20/21-9-51586-RT

Commissioner Borchers moved to administratively close the above case based on the withdrawal by the Complainant.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Drumheller, Borchers, Brennan, Jeffries, Arnold,
Meyer
Nayes:
Abstained:
Motion Carried

X. CONCILIATION
NEB 2-20/21-2-51844

Commissioner Borchers moved to adopt the recommendation of the Director of Conciliation.
Commissioner Drumheller seconded the motion.

ROLL CALL: Ayes: Drumheller, Borchers, Brennan, Jeffries, Arnold,
Meyer
Nayes:
Abstained:
Motion Carried
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**

Commissioner Borcher moved to approve and accept the previous month’s General Ledger report.
Commissioner Jeffries seconded the motion.

**ROLL CALL:**

Ayes: Meyer, Drumheller, Borcher, Brennan, Jeffries, Arnold

Nayes:

Abstained:

Motion Carried

2. **Outreach Report—Unit Director, Ben Watson**

Unit Director Watson passed out pens and clips to the Commissioners that will later be used for outreach events. The sharpies that were ordered are delayed. Scheduling is progressing with Nebraska Public Media for the Nebraska Connects program. Filming should start in October for field work with studio filming after. The program should be ready to air in time for Fair Housing Month April 2023.

3. **Director’s Report — Executive Director, Paula Gardner**

Director Gardner introduced two new employees. Cathy Fedor is the Omaha, Administrative Technician. She has an extensive background in public service, recently coming from Las Vegas, NV. Jade Zuehlke is an Investigator in the Omaha office. Jade just received her master’s in criminology and criminal justice from UNO with a background in research, writing and customer service.
EEOC Deferral Form

EEOC Charge No. - 32E-2022-00  FEPA Charge No. - 1-22/23-8-52903-RD

Janelle L. Bowen vs. Kum & Go, LLC

This charge is being deferred to the EEOC for the following reason:

☐ The Complainant is filing on the basis of disability by association.

☒ The NEOC does not have jurisdiction over federal equal pay charges.

☐ The NEOC has a conflict of interest.

☐ Some alleged harms occurred outside the State of Nebraska.

☐ This charge is a companion of a deferred charge, EEOC Case _____________

☐ Other: ____________________________________________
EEOC Deferral Form

EEOC Charge No. - 32E-2022-00   FEPA Charge No. - 1-22/23-8-52903-RD

Janelle L. Bowen vs. Kum & Go, LLC

This charge is being deferred to the FFOC for the following reason:

☐ The Complainant is filing on the basis of disability by association.

☒ The NEOC does not have jurisdiction over federal equal pay charges.

☐ The NEOC has a conflict of interest.

☐ Some alleged harms occurred outside the State of Nebraska.

☐ This charge is a companion of a deferred charge, EEOC Case ____________

☐ Other: ____________________________________________________________________________________
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Work continues on updating the website and the case management system. Staff is going to be meeting with OCIO to see about possibly creating a new database system as the migration to SQL is not going as anticipated.

Director Gardner anticipates making the EEOC contract that goes through the end of September 2022.

Director Gardner requested feedback on staff mailing the agenda in their monthly packets. All were agreement that they are not needed and can wait for the meeting or look on the website. Commission meeting information will continue to be uploaded to SharePoint in case of delays.

XV. ADJOURNMENT

Commissioner Borchers declared the August 19th, 2022, Commission meeting ended at 12:50p.m.

Respectfully submitted,

\[Signature\]  \hspace{2cm} 08.22.2022
Cathy Fedor
Administrative Technician

\[Signature\]  
Paula Gardner
Executive Director

The Minutes of the Nebraska Equal Opportunity Commission meeting of August 19th, 2022, have been corrected and accepted, and henceforth approved on this date.

\[Signature\]  
Chairperson
Patrick Borchers

Date