



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF AUGUST 16, 2019

Commissioner Drumheller called the meeting to order in Omaha, Nebraska at 9:00 a.m. on August 16, 2019. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Eric Drumheller, Chairperson
Patrick Borchers
Royce Jeffries

Rita Griess, Vice Chairperson
Amber Schuppan

Staff Present

Marna Munn, Executive Director
Shelley Foss, Unit Director

Paula Gardner, Unit Director
Ben Watson, Unit Director

Tallina Estwick, Staff Assistant

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 Drumheller declared the minutes of July 19, 2019 approved.

IV. ADDITIONS OR CORRECTIONS

V. PUBLIC INPUT (Non-Case)

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

None

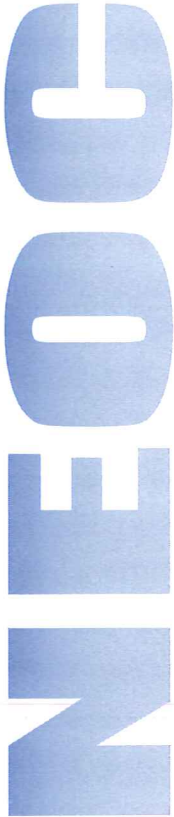
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VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

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

VII. CASE DISPOSITIONS

A. EMPLOYMENT (R was present)
NEB 2-18/19-11-50083

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

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

A. EMPLOYMENT (C & R were present)
NEB 1-18/19-11-50082

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

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

C. HOUSING (R was present)
NEB 2-18/19-9-3472

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

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

C. HOUSING (R was present)
NEB 2-18/19-10-3478

Commissioner Jeffries moved for no reasonable cause.

Commissioner Borchers seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Jeffries, Borchers, Schuppan
 Nays:
 Abstained:
 Motion Carried: Yes

C. HOUSING (R was present)
2-18/19-8-3466

Commissioner Borchers moved for no reasonable cause.

Commissioner Griess seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Jeffries, Borchers, Schuppan
 Nays:
 Abstained:
 Motion Carried: Yes

A. EMPLOYMENT

1. NEB 1-18/19-9-49920
2. NEB 1-18/19-10-50013
3. NEB 2-17/18-5-49647
4. NEB 2-18/19-9-49915
5. NEB 3-18/19-11-50066

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

Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Drumheller, Griess, Jeffries, Borchers, Schuppan
 Nays:
 Abstained:
 Motion Carried: Yes

VIII. SUCCESSFUL AGREEMENTS

NEB 2-18/19-9-3475-PA
NEB 2-18/19-9-3476-PA
NEB 2-18/19-9-3477-PA

Commissioner Drumheller moved to adopt the agreement.
Commissioner Griess seconded the motion.

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

IX. ADMINISTRATIVE ACTIONS

A. LACK OF JURISDICTION
NEB 2-17/18-5-49627
NEB 2-17/18-5-49628
NEB 2-17/18-5-49629
NEB 2-17/18-5-49635

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

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

B. EEOC

NEB 1-18/19-7-49796
NEB 1-17/18-7-48807
NEB 1-17/18-6-49679
NEB 1-18/19-2-50231
NEB 1-17/18-2-49291

Commissioner Drumheller moved to adopt the findings of the EEOC.
Commissioner Griess seconded the motion.

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

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

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

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

2. Outreach

Ben Watson, Housing Unit Director discussed the recent housing conference (8/6-8/19) that was hosted by the NEOC. He received a lot of positive feedback, some criticism and pointers, but overall it was a great learning experience.

3. Director's Update

Marna Munn, Executive Director reported the resignation of three (3) NEOC Investigators (two housing investigators in Omaha, and one employment investigator in Lincoln). Positions were posted and 36 applications were received, of which 10 individuals were selected for interviews (five in each respective location). Interviews for the Omaha office will be Tuesday, August 20, 2019 and for the Lincoln office will conduct interviews on Wednesday, August 21, 2019.

In addition, Director Munn touched on the recent housing conference applauding the work Ben Watson did to make sure the conference was a success. She mentioned that youth involved with social justice issues, that Franklin Thompson from Omaha Human Rights and Relations Department (OHRRD), works with, performed at the conference

NEOC Staff Assistant meeting to be held in Lincoln on August 21, 2019

4. Commissioner Education/Legal Update

Legal cases from the 8th circuit and other courts were presented.

Tribal Court: If possible tribal affiliation exists, efforts in tribal court need to be exhausted before presenting to federal court.

Statutory employees: Employer's reported number of employees can be challenged by a Complainant with knowledge of additional employees not represented in official records due to undocumented status.

H2-A visa program: Thai employees subjected to different working/living conditions than Mexican/Hispanic employees. Company and agency hired to recruit employees can both be responsible for the conditions of workers.

Disparate treatment: Employees must be similarly situated in order to make a comparison.

Defunct Fair Housing training academy may return as HUD explores working with John Marshall in Chicago to revive/restructure the program.

EEOC ran out of funding for translation services for the rest of the budget year; questionable if they will have funding next year. The Language Line is the alternative for translation services, however this will likely impact the agency budget.

A tort claim has been filed with the state claims board naming the NEOC.

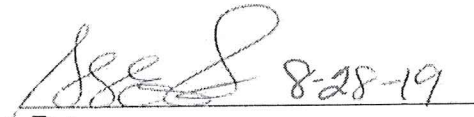
Brandie Hinkle, Investigator from the Lincoln office, will be presenting information regarding the investigative process to the commission at the September meeting.

XV. ADJOURNMENT

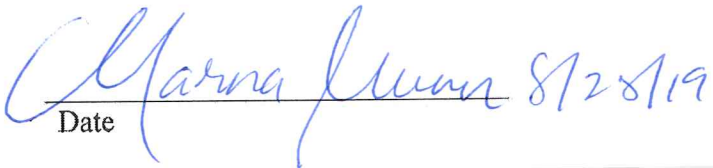
Commissioner Drumheller declared the August 16, 2019 Commission meeting adjourned at 11:05 a.m.

Commission Meeting Minutes
August 16, 2019
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Respectfully submitted,

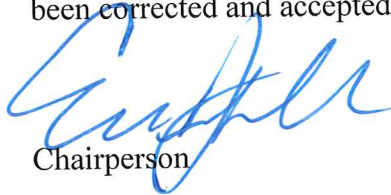
Tallina Estwick
Staff Assistant



Date

Marna Munn
Executive Director


Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of August 16, 2019, have been corrected and accepted, and henceforth approved on this date.


Chairperson


Date