State of Nebraska
NEBRASKA EQUAL OPPORTUNITY COMMISSION

MAIN OFFICE:
301 Centennial Mall, South
PO Box 94934
Lincoln, NE 68509-4934
Phone: 402-471-2024
Fax: 402-471-4059
800-642-6112
www.NEOC.nebraska.gov

BRANCH OFFICES:
1313 Farnam-on-the-Mall
Omaha, NE 68102-1836
Phone: 402-595-2028
Fax: 402-595-1205
800-382-7820

505A Broadway Suite 600
Scottsbluff, NE 69361-3515
Phone: 308-632-1340
Fax: 308-632-1341
800-830-8633

NEBRASKA EQUAL OPPORTUNITY COMMISSION
MEETING OF DECEMBER 16, 2019

Commissioner Drumheller called the meeting to order in Omaha, Nebraska at 9:06 a.m. on Monday, December 16, 2019. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Eric Drumheller, Chairperson
Kristin Yates
Patrick Borchers
Amber Schuppan
Rita Griess, Vice Chairperson
John Arnold
Royce Jeffries

Staff Present

Marna Munn, Executive Director
Ben Watson, Unit Director
Tallina Estwick, Staff Assistant
Cherryll Batty, Staff Assistant
Paula Gardner, Unit Director
Shelley Foss, Unit Director.

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 November 15, 2019 approved.

IV. ADDITIONS OR CORRECTIONS

See successful agreements

V. PUBLIC INPUT (Non-Case)

Limit of 5 minutes per person for a total of a 30-minute session.
None

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 & R were present)
NEB 1-18/19-2-50282

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

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

A. EMPLOYMENT (C was present)
NEB 2-18/19-1-50221

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

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

A. EMPLOYMENT (C was present)
NEB 1-17/18-6-49703

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

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

A. EMPLOYMENT (C & R were present)
NEB 1-17/18-3-49434

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

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

B. PUBLIC ACCOMMODATION (R was present)
NEB 1-19/20-9-3546-PA

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

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

C. HOUSING (C was present)
NEB 1-18/19-3-3507-H

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

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

C. HOUSING (R statement via Fax)
NEB 1-18/19-3-3545-H

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

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

A. EMPLOYMENT
NEB 1-18/19-12-50145
NEB 1-18/19-1-50187
NEB 2-18/19-4-50429

Commissioner Drumheller moved for no reasonable cause on the above case(s).
Commissioner Arnold seconded the motion.

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

B. PUBLIC ACCOMMODATIONS
NEB 1-19/20-9-3546-PA

Commissioner Borchers moved for no reasonable cause on the above case(s).
Commissioner Schuppan seconded the motion.

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

C. HOUSING

NEB 2-19/20-7-3530-H

Commissioner Drumheller moved for no reasonable cause on the above case(s).
Commissioner Jeffries seconded the motion.

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

VIII. SUCCESSFUL AGREEMENTS

NEB 1-19/20-8-3538-PA
NEB 2-18/19-8-3464-H

Commissioner Griess moved to adopt the above-listed agreement(s).. Commissioner Arnold seconded the motion.

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

IX. ADMINISTRATIVE ACTIONS

None at this time

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. General Ledger Report

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

2. Election of Officers for 2020

Commissioner Borchers nominated himself for Commission Chair for 2020
Commissioner Jeffries nominated himself for Commission Vice-Chair for 2020

Commissioner Drumheller moved to approve and accept the Election of Officers 2020. Commissioner Schuppan seconded the motion. Motion carried.

3. Outreach

Unit Director (Housing) Ben Watson
Social media campaign rollout has been delayed. Social media implementation training being offered by State 1/14/2020. Focus may be on making sure social media is accessible to people with disabilities

Fair Housing Proclamation (April 2020)
Requesting statements or topics of interest to be included on the proclamation that is given each year by the governor. These suggestions will be forwarded to the Governor's office and if anyone has anything particular to add, let Ben know.

On 12/17, Ben has a presentation at a local college. The college is named in a settlement, so the name is being withheld. The topic is Fair Housing in reference to college residence halls. Most claims filed against residence halls are usually in the context of reasonable accommodation for animals, but really Title VIX requires colleges and universities to tackle relationship violence, sexual assaults or stalking on campuses...these would be Fair Housing issues. He hopes to work with more institutions of higher education to present information on fair housing laws. Anyplace or anyone that affects your housing may be in violation of fair housing rules. Commissioner Drumheller will share some information with Ben to assist in these efforts.

4. Director's Update

Personnel:
Investigator Janessa Bell resigned to accept position with federal government. Hiring process underway for replacement. Initial interviews scheduled for 12/18/19 and second interviews 12/23/19. Looking to have someone in place in January, but with the holidays and reference checks, it may take a bit longer.

New support staff in Lincoln. Staff Assistant I Stevie Horton started the week before last and will be introduced at the January meeting in Lincoln. Welcome new Staff Assistant II Cherryll Batty, who will eventually keep the meeting minutes for the Commission meetings in Lincoln. With Sheryl Hunt retiring at the end of the year, Toni slides into Sheryl Hunt's role. Cherryll is mostly taking over what Toni duties

for the past year. Cherryll is shadowing Tallina today, to learn the duties involved working at commission meeting.

Based on comments made during the 360 evaluation, the Director is looking into classification and comp for agency positions. Persons in comparable positions in Federal and Municipal agencies sometimes make $10,000+ per year more than at the State.

Legislative Process:
Marna Munn was notified about a 12/12/19 interim hearing on LR 113 to discuss employment discrimination laws. Marna and Paula Gardner attended the hearing. The resolution language was very broad, to review all discrimination and employment laws for scope and overlap. Questioning focused on sexual orientation and gender identity and Marna and Paula's presence were welcomed and they were able to answer questions.

The agency was also asked to update the fiscal note of LB627 introduced last year. In LB627 Pansing-Brooks adds sexual orientation and gender identity to existing FEPA law. The U.S. Supreme Court is currently deciding cases on whether the word "sex" in Title VII means or should be interpreted to mean sexual orientation and gender identity. The expectation is a decision in February or June. The EEOC interprets the term "sex" to cover sexual orientation and gender identity. The 8th Circuit, in which we sit, does not. Over the last three years, the NEOC has deferred 35 cases to EEOC filed on that basis. The City of Omaha has language that prohibits any employer in the City from discriminating on the basis of sexual orientation and gender identity. Lincoln and Grand Island passed ordinances which prohibit city employees from being discriminated against on those bases as well.

The Legislative session begins January 8, 2020. New bills must be introduced within the first 10 days and because this is the second part of a biennium, bills from the prior session can be revived from where they left off. This is also a short session. Marna will have reports once that gets started.

Office Business:
NEOC Holiday party in Lincoln last week on 12/12, party for Omaha today (after meeting) in an effort to keep the camaraderie going.

Regarding the social media policy. As part of work with the ADA Task Force, multiple requests were made to the State to provide guidance and training on social media policies. The State's social media policy was 10 years old and undergoing revision. The revision is complete and the State tied some social media standards to federal standards with regard to accessibility and are now offering training. It's important we attend to ensure the Commission's social media policy complies with the federal guidelines, as now required by State policy.

Director Munn also discussed a few internal projects, including creating a workflow database to capture ideas which could be explored to create greater efficiencies in the office, for example creating a more consistent and comprehensive set of case progression standards. Additionally the Director intends to spend the early part of the year working with Investigators and Unit Directors to rework the case summary format and content.

Marna will email the Commissioners with information on the MLK Jr. Day Breakfast 2020 once she has that information. The breakfast usually occurs the Friday before the holiday, which will be the day of the commission meeting. If so (as in the past), the meeting will be delayed to approximately 10:00 a.m.

XV. ADJOURNMENT

Commissioner Drumheller declared the December 16, 2019, Commission meeting ended at 11:32 a.m.

Respectfully submitted,

Tallina S. Estwick
Staff Assistant

1-3-2020
Date

Marna Munn
Executive Director

1-3-2020
Date

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

Chairperson

Date

State of Nebraska
NEBRASKA EQUAL OPPORTUNITY COMMISSION

MAIN OFFICE:
301 Centennial Mall, South
PO Box 94934
Lincoln, NE 68509-4934
Phone: 402-471-2024
Fax: 402-471-4059
800-642-6112
www.NEOC.nebraska.gov

BRANCH OFFICES:
1313 Farnam-on-the-Mall
Omaha, NE 68102-1836
Phone: 402-595-2028
Fax: 402-595-1205
800-382-7820

505A Broadway Suite 600
Scottsbluff, NE 69361-3515
Phone: 308-632-1340
Fax: 308-632-1341
800-830-8633

NEBRASKA EQUAL OPPORTUNITY COMMISSION
MEETING OF DECEMBER 16, 2019

Commissioner Drumheller called the meeting to order in Omaha, Nebraska at 9:06 a.m. on Monday, December 16, 2019. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Eric Drumheller, Chairperson
Kristin Yates
Patrick Borchers
Amber Schuppan
Rita Griess, Vice Chairperson
John Arnold
Royce Jeffries

Staff Present

Marna Munn, Executive Director
Ben Watson, Unit Director
Tallina Estwick, Staff Assistant
Cherryll Batty, Staff Assistant
Paula Gardner, Unit Director
Shelley Foss, Unit Director.

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 November 15, 2019 approved.

IV. ADDITIONS OR CORRECTIONS

See successful agreements

V. PUBLIC INPUT (Non-Case)

Limit of 5 minutes per person for a total of a 30-minute session.
None

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 & R were present)
NEB 1-18/19-2-50282

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

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

A. EMPLOYMENT (C was present)
NEB 2-18/19-1-50221

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

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

A. EMPLOYMENT (C was present)
NEB 1-17/18-6-49703

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

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

A. EMPLOYMENT (C & R were present)
NEB 1-17/18-3-49434

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

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

B. PUBLIC ACCOMMODATION (R was present)
NEB 1-19/20-9-3546-PA

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

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

C. HOUSING (C was present)
NEB 1-18/19-3-3507-H

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

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

C. HOUSING (R statement via Fax)
NEB 1-18/19-3-3545-H

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

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

A. EMPLOYMENT
NEB 1-18/19-12-50145
NEB 1-18/19-1-50187
NEB 2-18/19-4-50429

Commissioner Drumheller moved for no reasonable cause on the above case(s).
Commissioner Arnold seconded the motion.

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

B. PUBLIC ACCOMMODATIONS
NEB 1-19/20-9-3546-PA

Commissioner Borchers moved for no reasonable cause on the above case(s).
Commissioner Schuppan seconded the motion.

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

C. HOUSING

NEB 2-19/20-7-3530-H

Commissioner Drumheller moved for no reasonable cause on the above case(s).
Commissioner Jeffries seconded the motion.

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

VIII. SUCCESSFUL AGREEMENTS

NEB 1-19/20-8-3538-PA
NEB 2-18/19-8-3464-H

Commissioner Griess moved to adopt the above-listed agreement(s).
Commissioner Arnold seconded the motion.

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

IX. ADMINISTRATIVE ACTIONS

None at this time

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. General Ledger Report

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

2. Election of Officers for 2020

Commissioner Borchers nominated himself for Commission Chair for 2020
Commissioner Jeffries nominated himself for Commission Vice-Chair for 2020

Commissioner Drumheller moved to approve and accept the Election of Officers 2020. Commissioner Schuppan seconded the motion. Motion carried.

3. Outreach

Unit Director (Housing) Ben Watson
Social media campaign rollout has been delayed. Social media implementation training being offered by State 1/14/2020. Focus may be on making sure social media is accessible to people with disabilities

Fair Housing Proclamation (April 2020)
Requesting statements or topics of interest to be included on the proclamation that is given each year by the governor. These suggestions will be forwarded to the Governor's office and if anyone has anything particular to add, let Ben know.

On 12/17, Ben has a presentation at a local college. The college is named in a settlement, so the name is being withheld. The topic is Fair Housing in reference to college residence halls. Most claims filed against residence halls are usually in the context of reasonable accommodation for animals, but really Title VIX requires colleges and universities to tackle relationship violence, sexual assaults or stalking on campuses...these would be Fair Housing issues. He hopes to work with more institutions of higher education to present information on fair housing laws. Anyplace or anyone that affects your housing may be in violation of fair housing rules. Commissioner Drumheller will share some information with Ben to assist in these efforts.

4. Director's Update

Personnel:
Investigator Janessa Bell resigned to accept position with federal government. Hiring process underway for replacement. Initial interviews scheduled for 12/18/19 and second interviews 12/23/19. Looking to have someone in place in January, but with the holidays and reference checks, it may take a bit longer.

New support staff in Lincoln. Staff Assistant I Stevie Horton started the week before last and will be introduced at the January meeting in Lincoln. Welcome new Staff Assistant II Cherryll Batty, who will eventually keep the meeting minutes for the Commission meetings in Lincoln. With Sheryl Hunt retiring at the end of the year, Toni slides into Sheryl Hunt's role. Cherryll is mostly taking over what Toni duties

for the past year. Cherryll is shadowing Tallina today, to learn the duties involved working at commission meeting.

Based on comments made during the 360 evaluation, the Director is looking into classification and comp for agency positions. Persons in comparable positions in Federal and Municipal agencies sometimes make $10,000+ per year more than at the State.

Legislative Process:
Marna Munn was notified about a 12/12/19 interim hearing on LR 113 to discuss employment discrimination laws. Marna and Paula Gardner attended the hearing. The resolution language was very broad, to review all discrimination and employment laws for scope and overlap. Questioning focused on sexual orientation and gender identity and Marna and Paula's presence were welcomed and they were able to answer questions.

The agency was also asked to update the fiscal note of LB627 introduced last year. In LB627 Pansing-Brooks adds sexual orientation and gender identity to existing FEPA law. The U.S. Supreme Court is currently deciding cases on whether the word "sex" in Title VII means or should be interpreted to mean sexual orientation and gender identity. The expectation is a decision in February or June. The EEOC interprets the term "sex" to cover sexual orientation and gender identity. The 8th Circuit, in which we sit, does not. Over the last three years, the NEOC has deferred 35 cases to EEOC filed on that basis. The City of Omaha has language that prohibits any employer in the City from discriminating on the basis of sexual orientation and gender identity. Lincoln and Grand Island passed ordinances which prohibit city employees from being discriminated against on those bases as well.

The Legislative session begins January 8, 2020. New bills must be introduced within the first 10 days and because this is the second part of a biennium, bills from the prior session can be revived from where they left off. This is also a short session. Marna will have reports once that gets started.

Office Business:
NEOC Holiday party in Lincoln last week on 12/12, party for Omaha today (after meeting) in an effort to keep the camaraderie going.

Regarding the social media policy. As part of work with the ADA Task Force, multiple requests were made to the State to provide guidance and training on social media policies. The State's social media policy was 10 years old and undergoing revision. The revision is complete and the State tied some social media standards to federal standards with regard to accessibility and are now offering training. It's important we attend to ensure the Commission's social media policy complies with the federal guidelines, as now required by State policy.

Director Munn also discussed a few internal projects, including creating a workflow database to capture ideas which could be explored to create greater efficiencies in the office, for example creating a more consistent and comprehensive set of case progression standards. Additionally the Director intends to spend the early part of the year working with Investigators and Unit Directors to rework the case summary format and content.

Marna will email the Commissioners with information on the MLK Jr. Day Breakfast 2020 once she has that information. The breakfast usually occurs the Friday before the holiday, which will be the day of the commission meeting. If so (as in the past), the meeting will be delayed to approximately 10:00 a.m.

XV. ADJOURNMENT

Commissioner Drumheller declared the December 16, 2019, Commission meeting ended at 11:32 a.m.

Respectfully submitted,

Tallina S. Estwick
Staff Assistant

1-3-2020
Date

Marna Munn
Executive Director

1-3-2020
Date

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

Chairperson

Date