



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF Friday, February 21, 2020

Commissioner Borchers called the meeting to order in Omaha, Nebraska at 9:02 a.m. on February 21, 2020. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

Patrick Borchers, Chairperson
Eric Drumheller
Rita Griess
Amber Schuppan

Royce Jeffries, Vice Chairperson
John Arnold
Kristin Yates

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 Borchers declared the minutes of January 17, 2020 approved.

IV. ADDITIONS OR CORRECTIONS

Three (3) additions to the agenda under item VIII. Successful Agreements.

NEB 2-18/19-6-50529
NEB 1-18/19-5-50503
NEB 1-18/19-5-50504

V. PUBLIC INPUT (Non-Case)

Commission was questioned about the investigative process once a complainant has filed a claim. Director Munn addressed the question.

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XIII. CIVIL ACTION

None at this time

XIV. BUSINESS

1. Previous Month's General Ledger Report

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

ROLL CALL: Ayes: Borchers, Jeffries, Drumheller, Schuppan
 Nayes:
 Not Present: Griess, Yates, Arnold
 Motion Carried Yes

2. Outreach – Housing Unit Director Ben Watson

Nebraska Commission on Law Enforcement and Criminal Justice – Working with them to create a webinar for their learning portal on hiring and employment discrimination.

Nebraska Public Employees Retirement System (NPERS) – will be meeting with staff regarding workplace harassment training.

Fair Housing Month – April - Proclamation ceremony on Monday, April 6, 2020 at 10:30 a.m. in the Capitol building in Lincoln. Hopefully the NEOC will be taking part in the ceremony this year as the information was submitted in December 2019 and should have been received in time for inclusion, however no confirmation has yet been received.

Fair Housing Conference in Gering, NE in April 2020 w/Joe Garcia of Fair Housing Center. Q/A session regarding guidance on assistance animals. Director Munn added they are looking at Ben possibly doing outreach along the way - to drop a business card or address groups regarding fair housing issues. Commissioner Schuppan suggested contacting the Board of Realtors for suggestions on locations to stop.

Possibly returning to Kearney, NE to discuss itinerant farm workers.

Regional HUD Conference – Wednesday, July 28- Thursday, July 29, 2020. Omaha has again been chosen to host. No information on sessions at this time

testified about administrative burdens and the perceived fairness of what the law would mandate. Bill is still in committee. Director Munn turned in a fiscal note on this bill as this opens the door for claims from any renter and potential homeowner throughout the state of Nebraska, which is larger than the standard group that we currently deal with, necessitating the hiring of an additional Housing Investigator. The four (4) current Housing Investigators who currently work about 75% housing cases, and the rest of the time work on employment and public accommodation cases, would work 100% on housing cases only if this bill becomes law.

LB1060 "crown act" which has been passed in three (3) states and deals specifically with what has been called protective hairstyles and specifically as they relate to race. Seeking to address situations in which a dress code may prohibit certain hairstyles such as braids, locs, or twists. Mostly attended by proponents of the bill. Chamber of Commerce did submit a letter indicating concern if there are valid health and safety reasons. Director Munn did testify in a neutral capacity and assured them the NEOC deals with this already 1) with hairstyles in some form or fashion in up to six (6) of our protected bases, race, national origin, color, disability, sex, religion and the law puts a finer point on it in regard to race. The agency deals with this health and safety exception to lots of things; religious accommodation requests, disability requests, etc. It's already a part of the law. The Senator who introduced the bill has sent over a proposed amendment to the language, taking the advice of the NEOC regarding the problematic definition of race, and also added a paragraph that codifies the health and safety exception. It comports to what the law would have us do already. The bill did make it out of committee on 2/20/2020 and was put on general file, not with the amendment, but it will probably be proposed as a committee amendment.

LB1164 has to do with updating the language, primarily in the housing law from "handicap" to "disability". Has not yet passed out of Committee, but generally speaking, that's all it seeks to do. There were a few proponents, but no opponents.

LB553 there have been additional inquiries into this bill as it has to do with reasonable accommodation as it relates to assistance animals which Director Munn testified as an opponent to because it creates a substantial equivalency issue with the way HUD was interpreting reasonable accommodation as it related to emotional support animals.

6. Director's Report

Personnel

Jeff Timmerman is a new Investigator and a licensed and certified law enforcement officer who also worked in an agency that oversaw investigations. He joined Shelley's unit in Lincoln and replaced Janessa Bell. He started almost one month ago.

Kathee Sanchez will retire effective March 2, 2020. NEOC went back to the same pool of candidates from which they hired Jeff and were able to hire an additional investigator, Sarah Jane Teetzel. She currently works for DHHS at the Fremont Call Center and is set to start on March 2, 2020.

Jonna Conlon notified us of her resignation effective February 21, 2020, to move back to her home state. The agency could have went back to the same pool of candidates, but chose to instead post the position. The advertisement is up and hoping to review applications the first week of March and first interviews set for March 10th. Commissioner Borchers inquired about qualifications for the position (if a degree were required); Director Munn advised it was not required.

HUD Conference. NEOC again selected to host conference. Will be working in conjunction with OHRRD to get conference up and running.

HUD to relaunch National Fair Housing Training Academy a joint endeavor with John Marshall Law School in Chicago, IL. Director Munn's presence has been requested at the conference, which is scheduled April 22-23, 2020. The event will be a combination of an open house, launch and also training for Directors across the Midwest. There will be two more conferences for other regions throughout the summer. Director Munn will provide additional information regarding the conference as it becomes available.

HUD published a 19-page guidance document in January, with regard to emotional support animals. The agency will try and do a Commissioner Education Segment once more information is available. Highlights of the document: a) Focus on the person providing the medical note – needs to be tied to a medical profession, which is not how it's been; b) better recognizes distinctions between service animals and emotional support animals; and c) they created a decision tree to help renters and landlords go through the process of how to work with someone to accommodate their request. The guidance has been published to the NEOC Sharepoint cite, in the Commissioners area.

Also newly posted are some EEOC models of proof that were issued under the different categories of law. We plan to do Commissioner education on that as well.

Director Munn and Unit Directors will meet on February 26, 2020 to continue reworking the case summaries with emphasis on cutting them down for the Commission meetings and to format them in a way to cue readers to specific areas to highlight the harm(s) and comments with each section, etc. in the hope to make them more clean and clear and easier to read.

The CONFIDENTIAL watermark is being moved to make documents easier to read. It will now be a solid line located along the bottom of the sheet that says CONFIDENTIAL, instead of in the middle of the text.

LCHR training is scheduled for April 14-15, 2020 and open registration is available, but there is no agenda yet. If anyone is interested in attending, please let the agency know, an agenda will be sent out as soon as it's available. Director Munn will follow-up at the next Commission meeting.

Civil Rights conference in Iowa on April 3, 2020 and several investigators will be attending. The agenda was released on February 20, 2020 and it appears there will be some good topics covered.

All staff meeting has not yet been scheduled...have not received dates for EEOC National Conference yet.

PA and Disability familial status – when LB1164 was raised and they were changing the language from handicap to disability, discrepancies between the language on the NEOC website and language on the Legislature's website were identified. It became clear that a plain reading of the official law requires enforcement of PA on the bases of disability and familial status. This is a change in practice for the Commission. Commission staff are working to identify changes needed to our systems, as well as developing guidance and tools to begin processing PA claims on those bases. Currently we estimate going live with those cases at the beginning of May 2020.

Commissioner Yates asked if the newfound discovery would address the topic of accessibility with Public Accommodations. Director Munn advised from the actual language of the law, it is already in there. The law explicitly states that issues of accessibility in both housing and public accommodation are for the Fire Marshal to address. Director Munn intends to reach out to the Fire Marshal, to let them know if someone comes in with an issue of accessibility under our public accommodation law, we will be referring them to the Fire Marshal.

Unit Director/Conciliator Paula Gardner asked if it was explicit in the housing law the Fire Marshal has the authority over accessibility or just in the version of PA that was discovered. Unit Director Watson clarified the difference between accessibility and design and construction. The Commission has a responsibility under the housing law to investigate some issues of design and construction, but the Fire Marshal is responsible regarding accessibility issues. Once guidance is set in place for the investigators, there will also be information for the Commissioners.

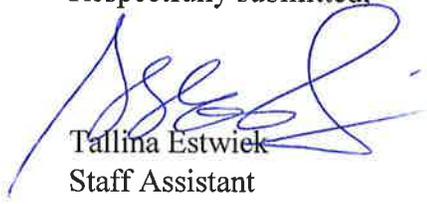
XV. ADJOURNMENT

Commissioner Borchers declared the February 21, 2020, Commission meeting ended at 1:04 p.m.

Commission Meeting Minutes

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Respectfully submitted,



Tallina Estwiek
Staff Assistant

4-16-2020

Date

Marna Munn
Executive Director

Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of February 21, 2020, have been corrected and accepted, and henceforth approved on this date.

Chairperson

Date