State of Nebraska
EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION
MEETING OF MAY 19, 2023

Commissioner Arnold called the meeting to order in Lincoln, Nebraska at 9 a.m. on May 19, 2023. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

John Arnold, Chair Person
Patrick Borchers
Eric Drumheller
Arla Jo Meyer, Vice Chair
Royce Jeffries
Lynn Brennan

Staff Present

Paula Gardner, Executive Director
Shelley Foss, Unit Director
Brandie Hinkle, Investigator III
Andrea Berry, Unit Director
Rebekka Hergenrader, Admin Tech

II. NOTICE OF PUBLICATION

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

III. APPROVAL OF MINUTES

Commissioner Arnold approved the meeting minutes for April 21, 2023. Commissioner Borchers seconded.

IV. ADDITIONS OR CORRECTIONS

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

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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

A. EMPLOYMENT (Complainant and Respondent were present)
NEB 2-22/23-11-53116

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

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

A. EMPLOYMENT (Complainant was present)
NEB 1-21/22-6-52722

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

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

A. EMPLOYMENT (Respondent was present)
NEB 1-21/22-6-52746

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

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

B. PUBLIC ACCOMMODATION (Respondent was present)
NEB 2-22/23-11-3767

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

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

A. EMPLOYMENT
NEB 1-22/23-10-53024
NEB 1-22/23-10-53033
NEB 1-22/23-11-53102
NEB 2-21/22-4-52601
NEB 1-22/23-10-53016

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

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

B. PUBLIC ACCOMMODATION
NEB 2-22/23-8-3749

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

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

VIII. SUCCESSFUL AGREEMENTS

NEB 1-22/23-10-53038
NEB 3-22/23-8-52924

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

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

ADMINISTRATIVE ACTIONS

A. RIGHT TO SUE
NEB 1-21/22-3-52578

Commissioner Arnold moved to administratively close the above case based on the EEOC Issuing Complainant a Right to Sue Letter.
Commissioner Meyer seconded the motion.

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

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

NEB 2-20/21-8-3617-HM
NEB 1-19/20-10-3559-H

Commissioner Arnold moved to dismiss the case due to the conclusion of the Commission's processes.
Commissioner Drumheller seconded the motion.

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

XIV. BUSINESS

1. Previous Month's General Ledger Report

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

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

2. Outreach Report—Executive Director, Paula Gardner

Director Gardner announced that the NEOC is working with the EEOC on doing outreach work with the Omaha Tribe on June 14, 2023. The EEOC has additional funding available for these joint outreach efforts, and the NEOC will be looking at doing radio ads in the area as part of these joint efforts.

3. Director's Report – Executive Director, Paula Gardner

Director Gardner introduced Hannah Liberator to the Commissioners, she is working under Shelley Foss. She comes from NDOT- Civil Rights division.

Director Gardner also introduced Brian Cutright as our new Housing investigator working out of the Lincoln office. Fun fact, he's a drummer.

Director Gardner informed the Commissioners that the vacant Investigator position has been posted and the hope is to have the position filled by the end of June. The position is open for either the Omaha or Lincoln office.

Director Gardner noted that Shelley Foss, Andrea Berry and she attended an EEOC Webinar training that covered Pregnant Workers Protection Act, which is a change to federal law that brings it in line with state law that was passed a few years ago. Also covered were continuing issues in employment in a post- pandemic workforce, artificial intelligence, opioid use in the workplace, equal pay and other legal updates.

Director Gardner stated there is a possibility that an in-person EEOC conference will be the same week as the July commission meeting. She said she should know more in June but brought up that it might be wise to move the July meeting up a week to ensure staff is available for the meeting.

Director Gardner indicated that the hearings officer's contract had expired in February 2023. The hearing officer agreed to another three-year contract. She may explore having the hearing officer review the current manual to ensure it is up to date and if not see if she would be willing to enter into a separate contract to update it for the agency.

4. Legislative Update--

The Legislature passed, and Governor signed off on, the budget for the state, including the NEOC. The budget is in line with what was requested.

XV. ADJOURNMENT

Commissioner Arnold declared the May 19, 2023, Commission meeting ended at 10:18 a.m.

Respectfully submitted,

Rebekka Hergenrader
Administrative Technician I

5·31·23
Date

Paula Gardner
Executive Director

5·31·2023
Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of May 19, 2023 have been corrected and accepted, and henceforth approved on this date.

Chairperson

6/16/2023
Date