



State of Nebraska

EQUAL OPPORTUNITY COMMISSION

NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF JANUARY 19, 2024

Commissioner Arnold called the meeting to order in Lincoln, Nebraska at 9 a.m. on January 19, 2024. It was established, after a roll call, there was a quorum.

I. ROLL CALL

Commissioners Present

John Arnold, Chairperson
Eric Drumheller

Arla Jo Meyer, Vice Chair
Royce Jeffries

We have a quorum.

Staff Present

Paula Gardner, Executive Director
Shelley Foss, Unit Director
Brandie Hinkle, Investigator III

Ben Watson, Unit Director
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 Jeffries approved the meeting minutes for November, 2023.
Commissioner Meyer seconded the motion.

IV. ADDITIONS OR CORRECTIONS

Under Section VIII. Add NEB 2-22/23-6-53489

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 was present)
NEB 2-22/23-8-52868

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

ROLL CALL: Ayes: Arnold, Drumheller, Jeffries, Meyer
 Naves:
 Abstained:
 Motion Carried

A. EMPLOYMENT (Respondent was present)
NEB 2-22/23-12-53177

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

ROLL CALL: Ayes: Jeffries, Meyer, Arnold, Drumheller
 Naves:
 Abstained:
 Motion Carried

A. EMPLOYMENT (Respondent was present and Complainant submitted a written statement)
NEB 1-22/23-3-53306

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

ROLL CALL: Ayes: Meyer, Arnold, Drumheller, Jeffries
 Naves:
 Abstained:
 Motion Carried

- A. EMPLOYMENT (Respondent submitted a written statement)
NEB 1-23/24-7-53578

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

ROLL CALL: Ayes: Drumheller, Jeffries, Meyer, Arnold
 Naves:
 Abstained:
 Motion Carried

- A. EMPLOYMENT (Complainant submitted a written statement)
NEB 2-22/23-12-53168

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

ROLL CALL: Ayes: Arnold, Drumheller, Jeffries, Meyer
 Naves:
 Abstained:
 Motion Carried

- A. EMPLOYMENT
NEB 2-22/23-12-53178
NEB 1-22/23-7-52834
NEB 1-23/24-7-53558
NEB 1-22/23-5-53455
NEB 2-22/23-4-53385

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

ROLL CALL: Ayes: Meyer, Arnold, Drumheller, Jeffries
 Naves:
 Abstained:
 Motion Carried

B. PUBLIC ACCOMMODATION (Complainant and Respondent were present)
NEB 1-22/23-5-3790

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

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

C. HOUSING (Complainant was present statement)
NEB 1-22/23-11-3769

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

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

C. HOUSING (Complainant was present)
NEB 2-22/23-5-3794

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

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

C. HOUSING (Respondent submitted a written statement)
NEB 1-23/24-7-3799

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

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

VIII. SUCCESSFUL AGREEMENTS

NEB 2-22/23-5-53454
NEB 2-22/23-6-53511
NEB 2-22/23-12-3771
NEB 2-22/23-6-53489

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

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

ADMINISTRATIVE ACTIONS

A. WITHDRAWALS
 NEB 1-22/23-11-53061
 NEB 2-23/24-10-3818

Commissioner Arnold moved to administratively close the above cases based on the
Complainants withdrawing the charges.
Commissioner Meyer seconded the motion.

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

X. CONCILIATION

NEB 1-20/21-11-51716
NEB 1-20/21-6-52093
NEB 1-21/22-4-52649

Commissioner Arnold moved to administratively close the above cases based on
recommendation of the Director of Conciliation.
Commissioner Meyer seconded the motion.

ROLL CALL: Ayes: Arnold, Drumheller, Jeffries, 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 Arnold moved to approve and accept the previous General Ledger report.
Commissioner Jeffries seconded the motion.

ROLL CALL: Ayes: Drumheller, Jeffries, Meyer, Arnold
 Naves:
 Abstained:
 Motion Carried

2. Outreach Report—Unit Director, Ben Watson

Director Watson shared that we got our commercial written, filmed and will be airing next week on the CBS affiliate. We chose this station due to how far viewership extends out west and north.

Director Watson noted two upcoming outreach events. One is with the EEOC and the Omaha tribe. It was scheduled for this week, but has been postponed until a later to be determined date. The other is with the US Department of Labor in February or March at the Nebraska Indian College.

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

Director Gardner shared that Kathy Bogenreif retired the end of December 2023, and Cathy Fedor is working hard to learn all that the position is expected to know.

Director Gardner announced that Donnita Brown was hired as the Administrative Technician in the Omaha office. This is the position that was opened up after Cathy Fedor's promotion. She started January 2, 2024, and is learning quickly. She comes to us with significant customer service experience.

Director Gardner indicated the work is nearing the end for the website with the final hurdle being a server to host it. More information is to be coming from the current host and so there should be more information about that at the next meeting.

Director Gardner noted the 20/21 Annual report is complete and currently posted on the website. The 21/22 is expected to be finished by the end of March 2024, with the 22/23 Annual report completed sometime this summer. It was noted that the new case management system should help with some of the issues that currently make the compilation of the reports time-consuming.

4. Legislative Update--

Director Gardner shared that there are two new pieces of legislation introduced that have an impact on the agency. LB977 adds military and veteran's status to FEPA, Housing and PA laws. Director Gardner did not think there would be significant impact on the agency should it pass. While it is hard to know how many state-only charges this addition would generate, she suggested testifying in a neutral capacity since it does change the statutes.

Commissioner Drumheller moved to testify in a neutral capacity on LB 977.
Commissioner Meyer seconded the motion.

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

Director Gardner discussed LB1240, which requires state employees to take leave to testify in support of or opposition of a bill. Director Gardner recommended testifying in opposition as the agency is not always consulted when changes are made to the statutes and often the hearing is the first opportunity to share with Senators the issues there could be with the legislation, like putting us out of substantial equivalency.

Commissioner Drumheller moved to testify in opposition on LB 1240.
Commissioner Meyer seconded the motion.

ROLL CALL: Ayes:
 Nayes: Drumheller, Jeffries, Meyer, Arnold
 Abstained:
 Motion Failed

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After discussion regarding communicating first before deciding to testify, the following motion was made:

Commissioner Drumheller moved to have the Executive Director first communicate with the Senator about unintended consequences, then if the bill moves forward as written, the Executive Director may testify in opposition.

Commissioner Arnold seconded the motion.

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

XV. ADJOURNMENT

Commissioner Arnold declared the January 19, 2024, Commission meeting ended at 11:52 a.m.

Respectfully submitted,



Paula Gardner
Executive Director

1-30-2024

Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of January 19, 2024, have been corrected and accepted, and henceforth approved on this date.



Chairperson

2/16/2024

Date