

BRIAN SANDOVAL  
Governor

DON SODERBERG  
Director

KARA M. JENKINS  
Administrator



COMMISSIONERS  
Kevin E. Hooks, Chair  
Tiffany Young, Secretary  
Swadeep Nigam  
Charlotte Centuori  
Sean Higgins

## MEETING MINUTES

**Name of Organization:** Nevada Equal Rights Commission

**Date and Time of Meeting:** Tuesday, July 11, 2017

**Place of Meeting:** Department of Employment, Training & Rehabilitation  
Nevada Equal Rights Commission  
1820 E. Sahara, Suite 314  
Las Vegas, NV 89104

**Teleconference Line:** 1-877-810-9415  
Access Code 7521358

**Commission Members Present:** Charlotte Centuori; Sean Higgins; Tiffany Young, Secretary

**Commission Members Absent:** Kevin Hooks (excused)

**Others Present:** Sophia Long, Deputy Attorney General

**DETR/NERC Staff Present:** Kara Jenkins, Administrator; Michael Baltz, Chief Compliance Investigator; Lila Vizcarra, Chief Compliance Investigator/Outreach Specialist; Darrell Harris, Supervisory Compliance Investigator, Coralie Peterson, Administrative Assistant III

*\*Please note that all attendees may not be listed above.*

### 1. Call to Order - *Kevin E. Hooks, Chair*

**Kara Jenkins**, Administrator of the Nevada Equal Rights Commission, greeted the commission members and thanked them for joining in the teleconference. She then explained that as Kevin Hooks was in travel status he was unable to call in for this meeting and that Tiffany Young would be acting as chair on his behalf.

Ms. Jenkins proceeded to inform the members that, after five years of good service to the commission. She stated that Governor Sandoval had appointed Swadeep Nigam to another board and that Mr. Nigam has since resigned from the commission. She welcomed members to email her any suggested names for a replacement, which she would forward to the Governor's office for his consideration.

After concluding her comments, Ms. Jenkins turned the meeting over to Tiffany Young.

Acting Chair **Tiffany Young** called the meeting to order at 2:04 p.m.

**2. Roll Call, Confirmation of quorum, and Verification of Posting -**

*Coralie Peterson, Administrative Assistant III, Nevada Equal Rights Commission*

Ms. Peterson confirmed that a quorum was present and affirmed that the notice and agenda for the meeting was posted in accordance with NRS 241.020.

**3. Public Comment:**

*Members of the public will be invited to speak before; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chair.*

Hearing no comments, the acting chair proceeded to the next agenda item.

**4. For Possible Action - Approval of the February 2, 2017 Commission Meeting Minutes – Tiffany Young, Acting Chair**

**Kara Jenkins** asked if any had suggested edits to the draft minutes. Acting Chair Tiffany Young drew attention to Page 3, following Item D., (“...in response to questions from Chair Young) and asked that Chair be changed to Acting Chair Young, and Ms. Peterson confirmed that this term would be changed.

As no further changes were requested, Acting Chair Young then made a motion to approve the minutes which was seconded by Charlotte Centuori. All were in favor and the motion carried unanimously.

**5. Discussion - Administrator’s Report - Kara Jenkins, Administrator, NERC**

**Kara Jenkins** briefly noted that NERC was meeting the EEOC contract (672 closed charges by the end of the federal fiscal year September 30, 2017), which were currently at 73% of that goal (492 cases closed at the time of the meeting.)

Ms. Jenkins reminded the members that after several resignations in the past year, NERC is now fully staffed and is working hard to ensure that all are well trained and closing cases.

She also reiterated that with Swadeep Nigam’s resignation, she would welcome the Commission member’s recommendations which would be forwarded to the Governor’s office for his consideration. The Governor’s office will then provide the application to nominees and commence their vetting process, with the goal of filling that position by the end of the year. Ms. Jenkins also noted that commission members should be reflective of the community that they all serve, and will hopefully spread the good will of inclusion in the workplace, in public places and in housing.

6. **Discussion - Legislative Update** – *Michael Baltz, Chief Compliance Investigator, NERC*

**Michael Baltz**, NERC Chief Compliance Investigator, introduced himself and provided a brief update on the four bills approved by Governor Sandoval in the recent Nevada State Legislative Session which had direct impact on the Nevada Equal Rights Commission work.

**Assembly Bill 276** - No retaliation for inquiring about, discussing or voluntary disclosure of wages - amends NRS 613.330

**Assembly Bill 384** – “Ban the Box”- A *public employer* cannot consider prior convictions for employment decisions prior to the final in-person interview conducted or conditional offer of employment for public sector employment- whichever is earlier. There are exceptions as required by state/federal law, and public safety employees-amends NRS 613.330.

**Acting Chair Young** asked if this pertained to the box on job application which asks “Have you been convicted of a crime?” Mr. Baltz confirmed that this would have to be removed from public sector employer’s job applications and Kara Jenkins added that this would need to take place by January 2018.

**Senate Bill 188**- Adds sexual orientation and gender identity or expression to the characteristics of the Commission’s Boards representatives; adds similar language to the duties of the Commission. NERC has historically been doing this since Oct 2011-amends NRS 233.040.

**Senate Bill 253**-The Nevada Pregnant Workers’ Fairness Act- Requires most employers to provide accommodations to employees and applicants requiring accommodations as a result of a condition related to pregnancy or childbirth, unless undue hardship, with certain exceptions-amends NRS 613.330.

7. **Discussion- Outreach and Training Update** – *Lila Vizcarra, Outreach Specialist, NERC*

**Lila Vizcarra** noted that during the federal fiscal year 2017, she and Kara Jenkins had provided outreach and training to approximately 2,000 individuals, with highlights such as:

- Co-Presentation with the EEOC (Equal Employment Opportunity Commission) on **Gender Identity and Expression**, held at the EEOC Technical Assistance Program Seminar, Las Vegas, NV

- Training regarding **Discrimination in Schools** to the Nevada Department of Education, both in Reno and Las Vegas
- Lila Vizcarra attended the **Cox “Back to School” Fairs** and provided students with knapsacks and pencils bearing the NERC logo, along with brochures informing them about the Nevada Equal Rights Commission.
- (January 2017) Kara Jenkins moderated a panel on **Hiring Individuals with a Criminal Record.**

Members of the panel included:

**Kevin Hooks**, Chair, *Nevada Equal Rights Commission*

**Maurice Emsellem**, Director, *National Employment Law Project Access and Opportunity Program (NELP)*

**Richard Burgamy**, Ph.D., previous Director of the Las Vegas *Equal Employment Opportunity Office (EEOC)*

**Arte Nathan**, *Hope for Prisoners, Las Vegas non-profit organization*

**Manny Lamarre**, Executive Director, *Governor’s Office of Workforce Innovation (OWINN)*

**Shellie Keller**, Associate Vice President, *Academic Success in Academic Affairs, College of Southern Nevada*

Ms. Vizcarra and Ms. Jenkins developed a brochure on this issue entitled “**Overcoming Bias, Arrests and Convictions, an Employer’s Guide**” which they have been passing out to employers.

- She also mentioned attending a conference regarding LBGTQ Issues with Ms. Jenkins held in Washington, D.C., which allowed them to bring valuable information which was used to provide internal training to NERC Investigators, as well as training to employers.
- (May 2017) NERC hosted an Outreach Training event which featured an overview of **NERC’s Functions and Processes** – approximately 100 employers were in attendance.
- (June 2017) – **SB 253 Nevada Pregnant Workers Fairness Act** - Ms. Vizcarra helped to develop a poster to help employers meet the notice requirements of the bill, which is available online at: [http://nvdetr.org/PDFS/pregnancy\\_rights\\_2.pdf](http://nvdetr.org/PDFS/pregnancy_rights_2.pdf)
- **Outreach/Training Requests** - Email address is now available to request any NERC Outreach/Training at: [NERC-Outreach@nvdetr.org](mailto:NERC-Outreach@nvdetr.org)

- (July 2017) – NERC hosted training regarding the **Nevada Pregnant Workers Fairness Act, (SB 384) Ban the Box, and Gender Identity/Expression**

In conclusion, Ms. Vizcarra noted that a future outreach training event has been planned (September 2017) for the Henderson Police and Fire Departments.

**Kara Jenkins** added that they have been very busy trying to get the word out about the legislative changes, such as the Nevada Pregnant Workers' Fairness Act. All in attendance were provided with a copy of the pregnancy poster, and encouraged to share this with other employers.

She further explained the “Ban the Box” legislation, relating that employers need to take in consideration such things as: 1) the gravity and nature of an applicant’s offense, 2) the time of the offense, and 3) does it relate to the job for which the person is applying. In this way they may avoid the possibility of having a charge of discrimination being made. Ms. Jenkins asked that they to contact her to provide more guidance about any specific issue if needed.

Ms. Jenkins also described the issues surrounding pregnancy, such as maintaining employment or finding a private place to lactate (express breast milk) aside from a bathroom, and stressed that these individuals should be accommodated.

She concluded her comments by stating that NERC has been very busy, and as yet, there is no budget increase, suggesting that perhaps in future, the commissioners can testify on behalf of NERC as to the fine work they have been doing.

## **8. Discussion/for Possible Action – Cease and Desist Hearing –**

*Kara Jenkins*

**Kara Jenkins** went on to relate that the main purpose of this meeting was to discuss a very compelling case brought to the attention of NERC management by Supervisory Compliance Investigator Darrell Harris.

Without going into too much detail, she stated that she would like for the commission to consider approving her desire to move ahead with an Administrators Charge to cease and desist a local Las Vegas employer from sexually assaulting, not only customers but its staff. NERC has more than cause to believe that this abuse is continuing and some of the information is quite disturbing. NERC would like the approval of the commission to conduct a hearing before the witnesses become “stale” and proposed August 24, 2017 as the hearing date, and perhaps invite the local press.

**Acting Chair Young** asked if she would like the commission to approve having a hearing and issue a Cease and Desist Order. Ms. Jenkins confirmed this and went on to state that she would like to bring before them evidence that a particular employer in Nevada has violated, not only Title VII, but other areas of NERC’s jurisdiction and she would like them to assist her in a Cease and Desist Order.

**Sophia Long**, Deputy Attorney General, stated that per NRS 233.150 they also have the authority to issue a Hearing Officer or one of the members who would preside at the hearing, issue a ruling, and this would come back before the commission for their final approval, if they wish.

**Acting Chair Young** raised a motion to hold a hearing with all commissioners in place in Las Vegas on August 24, 2017. Charlotte Centouri seconded the motion. None were opposed and the motion carried unanimously.

Kara Jenkins thanked them and assured them that they will be provided with more details regarding the meeting, such as the final time and inviting the press.

#### 9. **Public Comment:**

*Members of the public will be invited to speak; however, no action may be taken on a matter during public comment until the matter itself has been included on an agenda as an item for possible action. Public comment may be limited to three minutes per person at the discretion of the chair.*

Ms. Jenkins noted that only the NERC staff was present, and no public comments were made.

#### 10. **Adjournment – Tiffany Young**

Meeting was adjourned at 2:30 p.m.

*Notice: Persons with disabilities who require special accommodations or assistance at the meeting should contact Coralie Peterson, Department of Employment, Training and Rehabilitation, between the hours of 8:00 a.m. – 5:00 p.m. at (702) 486-4010 or the Nevada Equal Rights Commission (NERC) in writing at 1820 E. Sahara Ave., Suite 314, Las Vegas, Nevada 89104; or call (702) 486-7161; or fax (702) 486-7054 on or before the close of business on Monday, July 10, 2017.*

**Notice of this meeting was posted at the following locations on or before 9:00 a.m. on the third working day before the meeting:** DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 119 Water St., Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 1675 E. Prater Way, Suite 103, Sparks, NV; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 7251 W. Lake Mead Blvd., Las Vegas, NV. This agenda was also posted on DETR's Web site at [www.nvdetr.org](http://www.nvdetr.org). In addition, the agenda was mailed or e-mailed to groups and individuals as requested.