



# State of Nebraska

## EQUAL OPPORTUNITY COMMISSION

### NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF August 19, 2022

Commissioner Patrick Borchers, Chairperson called the meeting to order in Omaha, Nebraska at 09:00 a.m. on August 19, 2022. It was established, after a roll call, there was a quorum.

#### I. ROLL CALL

##### *Commissioners Present*

Patrick Borchers, Chairperson

Eric Drumheller

Arla Jo Meyer

John Arnold, Vice Chair

Royce Jeffries

Lynn Brennan

##### *Staff Present*

Paula Gardner, Executive Director

Shelley Foss, Unit Director

Brandie Hinkle, Investigator III

Ben Watson, Unit Director

Andrea Berry, Unit Director

Kim Carrera-Bower, Investigator I

Cathy Fedor, Admin Tech

#### II. NOTICE OF PUBLICATION

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

#### III. APPROVAL OF MINUTES

Commissioner Borchers made a motion to approve the minutes of the July 15, 2022, meeting and Commissioner Drumheller seconded. The minutes were approved.

#### IV. ADDITIONS OR CORRECTIONS

Added to Section VIII, Successful Agreements:

NEB 1-21/22-3-52579-RD

NEB 1-21/22-4-52610-RD

NEB 1-21/22-6-52719-RD

NEB 1-21/22-5-3736-PA

#### V. PUBLIC INPUT (Non-Case)

Limit of 5 minutes per person for a total of a 30-minute session.

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#### ONLINE:

Website:  
[NEOC.nebraska.gov](http://NEOC.nebraska.gov)

Facebook:  
<https://fb.me/NebEOC>

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

C. HOUSING (Complainants were present)  
NEB 1-21/22-10-3689

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

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

A. EMPLOYMENT (Respondent was present)  
NEB 1-21/22-1-52461

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

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

A. EMPLOYMENT (Complainant was present)  
NEB 1-20/21-12-51773

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

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

A. EMPLOYMENT (Complainant left the meeting)  
NEB 2-21/22-10-52299

Commissioner Drumheller moved to postpone the case to the end due to Complainant not available at the time.

Commissioner Borchers seconded the motion.

\*Employment case called at the end for a final call, Complainant was not available\*

Commissioner Arnold moved for no reasonable cause.

Commissioner Meyer seconded the motion.

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

A. EMPLOYMENT (Respondent was present)  
NEB 1-20/21-6-52111

Commissioner Arnold moved for reasonable cause on the basis of age.

Commissioner Borchers seconded the motion.

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

A. EMPLOYMENT (Respondent was present)  
NEB 1-21/22-11-52363

Commissioner Borchers moved for no reasonable cause.

Commissioner Meyer seconded the motion.

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



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B. PUBLIC ACCOMMODATION (Complainant was present, Respondent was present)

NEB 1-21/22-3-3717

Commissioner Drumheller moved for no reasonable cause.

Commissioner Jeffries seconded the motion.

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

B. PUBLIC ACCOMMODATION (Complainant was present, Respondent was present)

NEB 1-21/22-4-3733

Commissioner Borchers moved for no reasonable cause.

Commissioner Brennan seconded the motion.

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

C. HOUSING (Complainant was present)

NEB 1-21/22-11-3698

Commissioner Borchers moved for no reasonable cause.

Commissioner Arnold seconded the motion.

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

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A. EMPLOYMENT

NEB 2-21/22-9-52226

NEB 2-21/22-11-52337

NEB 1-21/22-7-52140

NEB 1-21/22-9-52241

Commissioner Borchers moved for no reasonable cause on the above cases.

Commissioner Drumheller seconded the motion.

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

B. PUBLIC ACCOMMODATION

NEB 3-21/22-3-3716

Commissioner Borchers moved for no reasonable cause on the above cases.

Commissioner Jeffries seconded the motion.

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

C. HOUSING

NEB 1-21/22-3-3721

NEB 2-21/22-8-3677

Commissioner Borchers moved for no reasonable cause on the above cases.

Commissioner Brennan seconded the motion.

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

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VIII. SUCCESSFUL AGREEMENTS

NEB 1-21/22-2-52487-RD

NEB 2-21/22-2-52497-RD

NEB 1-21/22-5-52665-RD

NEB 1-21/22-6-52723-RD

NEB 1-21/22-3-52579-RD

NEB 1-21/22-4-52610-RD

NEB 1-21/22-6-52719-RD

NEB 1-21/22-5-3736-PA

Commissioner Borchers moved to adopt the agreements.

Commissioner Jeffries seconded the motion.

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

ADMINISTRATIVE ACTIONS

A. WITHDRAWALS

NEB 2-20/21-9-51586-RT

Commissioner Borchers moved to administratively close the above case based on the withdrawal by the Complainant.

Commissioner Jeffries seconded the motion.

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

X. CONCILIATION

NEB 2-20/21-2-51844

Commissioner Borchers moved to adopt the recommendation of the Director of Conciliation.

Commissioner Drumheller seconded the motion.

ROLL CALL:           Ayes:    Drumheller, Borchers, Brennan, Jeffries, Arnold,  
                                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 Borchers moved to approve and accept the previous month's General Ledger report.

Commissioner Jeffries seconded the motion.

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

2. Outreach Report—Unit Director, Ben Watson

Unit Director Watson passed out pens and chips clips to the Commissioners that will later be used for outreach events. The sharpies that were ordered are delayed. Scheduling is progressing with Nebraska Public Media for the Nebraska Connects program. Filming should start in October for field work with studio filming after. The program should be ready to air in time for Fair Housing Month April 2023.

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

Director Gardner introduced two new employees. Cathy Fedor is the Omaha, Administrative Technician. She has an extensive background in public service, recently coming from Las Vegas, NV. Jade Zuehlke is an Investigator in the Omaha office. Jade just received her master's in criminology and criminal justice from UNO with a background in research, writing and customer service.



**EEOC Deferral Form**

EEOC Charge No. - 32E-2022-00    FEPA Charge No. - 1-22/23-8-52903-RD

Janelle L. Bowen vs. Kum & Go, LLC

This charge is being deferred to the EEOC for the following reason:

- The Complainant is filing on the basis of disability by association.
- The NEOC does not have jurisdiction over federal equal pay charges.
- The NEOC has a conflict of interest.
- Some alleged harms occurred outside the State of Nebraska.
- This charge is a companion of a deferred charge, EEOC Case \_\_\_\_\_
- Other: \_\_\_\_\_

**EEOC Deferral Form**

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- The NEOC has a conflict of interest.
- Some alleged harms occurred outside the State of Nebraska.
- This charge is a companion of a deferred charge, EEOC Case \_\_\_\_\_
- Other: \_\_\_\_\_

Work continues on updating the website and the case management system. Staff is going to be meeting with OCIO to see about possibly creating a new database system as the migration to SQL is not going as anticipated.


Director Gardner anticipates making the EEOC contract that goes through the end of September 2022.

Director Gardner requested feedback on staff mailing the agenda in their monthly packets. All were agreement that they are not needed and can wait for the meeting or look on the website. Commission meeting information will continue to be uploaded to SharePoint in case of delays.

XV. ADJOURNMENT

Commissioner Borchers declared the August 19th, 2022, Commission meeting ended at 12:50p.m.

Respectfully submitted,

  
Cathy Fedor  
Administrative Technician

08.22.2022  
Date

Paula Gardner  
Executive Director

8-25-2022  
Date

The Minutes of the Nebraska Equal Opportunity Commission meeting of August 19th, 2022, have been corrected and accepted, and henceforth approved on this date.

Chairperson  
Patrick Borchers

\_\_\_\_\_  
Date