

STEVE SISOLAK
Governor

DR. TIFFANY G. TYLER-GARNER
Director

KARA M. JENKINS
Administrator



COMMISSIONERS
Connye Y. Harper, Chair
Tiffany Young, Secretary
Ivette A. Fernandez
Ngai Pindell
Krista Wahnefried

MEETING MINUTES

Name of Organization: Nevada Equal Rights Commission

Date and Time of Meeting: Wednesday, December 11, 2019 at 2:00 p.m.

Place of Meeting: Nevada Equal Rights Commission
1820 E. Sahara, Suite 314, Conference Room
Las Vegas, NV 89104

Videoconference: Nevada Equal Rights Commission
1320 Corporate Blvd., Room 115, Conference Room
Reno, NV 89502

Commission Members Present: Chair Connye Harper; Ngai Pindell; Krista Wahnefried; Ivette Fernandez.

Commission Members Absent: Tiffany Young (excused)

Others Present: Sophia Long, Senior Deputy Attorney General; Kara Jenkins, Administrator, NERC; Lila Vizcarra, Chief Compliance Investigator, NERC; Michael Baltz, Compliance Investigator, NERC; Darrell Harris, Supervisory Compliance Investigator, NERC; Coralie Peterson, Administrative Assistant III, NERC.

The following items may be taken out of order and/or items may be combined for consideration. Items may also be removed from the agenda or the Nevada Equal Rights Commission (Commission) may delay discussion relating to an item on the agenda at any time. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Commission may refuse to consider public comment. See NRS 233B.126.

1. **Call to Order** - *Connye Harper, Chair*

Chair Harper called the meeting to order at 2:00 p.m. She welcomed all and thanked them for their attendance.

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2. Roll Call, Confirmation of quorum, and Verification of Posting - Coralie Peterson,
Administrative Assistant III, Nevada Equal Rights Commission (NERC)

Coralie Peterson called roll and confirmed for the record that a quorum was present. Ms. Peterson further affirmed that the meeting was posted in accordance with Nevada's Open Meeting Law as is contained in 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 (3) minutes per person at the discretion of the chair.

Chair Harper announced the First Comment Session and invited members of the public to speak. Hearing no comments, she closed the session and moved to the next agenda item.

4. For Possible Action - Approval of the Commission Meeting Minutes – Connye Harper, Chair

Chair Harper asked if all had opportunity to review the minutes from the June 9, 2019 Commission Meeting and if so, she would entertain a motion to approve them.

Commissioner Ngai Pindell raised a motion which was seconded by **Commissioner Ivette Fernandez**. All were in favor and the motion passed unopposed.

Chair Harper went asked for a motion to approve the minutes from the NERC Public Hearing of July 30, 2019. **Commissioner Pindell** raised the motion, which was seconded by **Commissioner Fernandez**. All were in favor and this motion passed unopposed.

5. Discussion/for Possible Action – Review of Terms of RRCC Agreement
Kara Jenkins, Administrator, NERC

NERC Administrator Kara Jenkins reminded the Commissioners that, in accordance with the settlement agreement with the Nevada Equal Rights Commission, the Red Rock Country Club was: 1) to have staff training with either the Equal Employment Opportunity Commission (EEOC) or NERC and, 2) would submit their training manual for review, update and improvements by NERC.

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Administrator Jenkins went on to state the Red Rock County Club did participate in the necessary training on September 18, 2019. In addition, significant edits have been made to the RRCC Employment Manual, which has now been returned to the representative of the RRCC to be presented to their clients.

Chair Harper asked Ms. Jenkins who provided the employment training and how many attended Ms. Jenkins responded that 22 key individuals participated in training conducted by NERC. She concluded her comments by stating that, if the Commission approves, the Red Rock Country Club has met the terms of the agreement.

Ms. Long advised that at this point, the Chair could entertain a motion to close the case against the Red Rock County Club to conclude the matter.

Chair Harper then asked if any would like to raise a motion. Commissioner Pindell raised the motion to close the case, and his motion was seconded by **Commissioner Krista Wahnefried**. A vote was taken and the motion passed unopposed.

6. Discussion Only: Open Meeting Law and Ethics Training
Sophia Long, Deputy Attorney General

Senior Deputy Attorney General Sophia Long noted that the Attorney General's office had conducted training on not only Open Meeting Law which would be available by the end of this year.

Ms. Long mentioned too that, if a board member chooses to **recuse** him/herself from voting on a matter in a public meeting, that the member may be asked to 'leave the table' as they cannot participate in any discussion of the item for which a vote was being taken. This would eliminate the appearance of any impropriety on the part of the board member opting to recuse. She concluded her comments by reiterating that a recording will be available for those unable to attend the training in person.

Chair Harper stated that she had attended the training and thanked Ms. Long for her comments before moving to the next item.

7. Discussion/For Possible Action – Determine whether to grant petition from Kamer, Zucker, Abbott Attorneys at Law, for an Advisory Opinion pursuant to NAC 233.250, regarding definition of term “wages” per NRS 613.330(1)(c)
Sophia Long, Senior Deputy Attorney General/Kara Jenkins, Administrator, NERC

Administrator Jenkins explained that the Commission has been asked to grant a petition requesting an Advisory Opinion on how we interpret the term “wages.”

She further explained that this could be in relation to the calculations of wages in remedies that are requested to resolve complaints and could include hourly wages along with fringe benefits (annual and sick leave). The petition, or request, is asking how does NERC interpret “wages?”

Ms. Jenkins continued in saying that issuing the opinion was a part of their authority as commissioners and they had the choice to render an advisory opinion or not. She also stressed that it this is an “*opinion,*” *and is not a law.* She asked them how they would like to treat the request.

Commissioner Pindell asked how often advisory opinions had been issued by the commission and how recently, and Ms. Jenkins referred to an opinion issued in this year regarding the Southern Nevada Housing Authority pertaining to the definition of criminal background, which is currently posted to the NERC website. She also mentioned that another petition for an opinion by the commission which had been denied out of concern that no sincerely held beliefs be unduly impacted.

When the discussion concluded, a motion to grant the petition for an Advisory Opinion regarding the term ‘wages’ was raised by **Commissioner Pindell** and was seconded by **Commissioner Wahnefried**. A vote was confirmed by all members present and the motion passed unopposed.

8. 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 (3) minutes per person at the discretion of the chair.

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Chair Harper asked if any member of the public would care to make a comment.

Administrator Jenkins stated that although she was not a member of the public, she wanted to remind the commissioners that a part of their role could be in opportunities for public speaking or publishing articles and welcomed them to reach out to her regarding this possibility.

8. Adjournment – Connye Harper, Chair

Chair Harper thanked all for their participation and adjourned the meeting at 2:23 P.M.

Notice: Persons with disabilities who require special accommodations or assistance at the meeting or information regarding obtaining supporting materials for the meeting should contact Coralie Peterson, Nevada Equal Rights Commission (NERC), between the hours of 8:00 a.m. – 5:00 p.m. at (702) 486-4010 or by writing to the Nevada Equal Rights Commission (NERC) 1820 E. Sahara Ave., Suite 314, Las Vegas, Nevada 89104; or fax (702) 486-7054 on or before the close of business on Tuesday, December 10, 2019.

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, 4500 Sunset Road., 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, 2281 Pyramid Way, 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.detr.nv.gov. In addition, the agenda was mailed or e-mailed to groups and individuals as requested.