

STEVE SISOLAK
Governor

ELISA CAFFERATA
Director

KARA M. JENKINS
Administrator



COMMISSIONERS
Connie 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 Tuesday, June 15, 2021 at 2:30 p.m.

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

Meeting ID: 949 2743 4591

Passcode: 025835

Commission Members Present: Chair Connie Harper; Krista Wahnefried, Ivette Fernandez, Ngai Pindell, Krista Wahnefried

Commission Members Absent: Tiffany Young (excused)

Others Present: Sophia Long, Senior Deputy Attorney General; Kara Jenkins, Administrator, NERC; Lila Vizcarra, Chief Compliance Investigator, NERC; Elisa Cafferata, DETR Director, Jenny Castleman, Deputy Director, DETR; Rosa Mendez, Public Information Officer, DETR; Darrell Harris, NERC Supervisory Compliance Investigator, Felipe Ortiz, Compliance Investigator II, NERC; Richard Brown, Compliance Investigator II, NERC; Dennis Maginot, Compliance Investigator II, NERC; Patricia Chew, Compliance Investigator II, NERC; Roman Cervantes, Compliance Investigator II, NERC; Patrice Perez, Compliance Investigator II, 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.

AGENDA

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

Chair Connie Harper called the meeting to order at 2:31 p.m.

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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 that a quorum for the meeting was present, and further confirmed that the meeting was posted in accordance with Nevada's Open Meeting Law, as contained in NRS 241.010.

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 Public Comment Session and welcomed members of the public to speak. Hearing no comments, she closed this item and proceeded to the next agenda item.

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

Chair Harper asked if all had an opportunity to review the December 2, 2020 Nevada Equal Rights Commission Meeting Minutes and requested a motion to approve. **Commissioner Ngai Pindell** raised a motion, which was seconded by **Commissioner Krista Wahnefried**.

At this juncture, **Commissioner Ivette Fernandez** joined the meeting, and a vote was taken. All in attendance voted to approve the meeting minutes and the motion passed.

5. Discussion/for Possible Action – Administrator's Update - Kara Jenkins, Administrator

Administrator Kara Jenkins greeted the Commissioners and noted the presence of representation from both DETR and NERC Investigators. She went on to state that per the Governor's order, NERC's offices are now open to the public, staffed appropriately, and are slowly seeing those wishing to file their complaints in person. She thanked the NERC (hybrid) team, working both remote and in-person for staying well and continuing their work.

Ms. Jenkins added that she wanted to share the good news that since the Commissioners last met in December 2020, NERC has settled over 2.5 million dollars in employment, housing and public accommodation complaints *at no cost to Nevadans* and despite pandemic and resource issues, while maintaining a high level of professionalism, quality and customer service to the constituent base. She thanked the NERC team for their hard work.

She went on to say that the Nevada Legislative season had just ended, and she and Outreach Specialist Lila Vizcarra had been working hard to track bills, in particular Senate Bill 254 and Senate Bill 327. She added that, although NERC takes a neutral position on any bill, these bills were monitored *because NERC was named as the enforcement agency in both bills*.

Senate Bill 254

Administrator Jenkins first explained that Senate Bill (SB) 254, also known as the HUD bill, if passed, *would allow NERC to enter into a partnership agreement with Housing and Urban Development (HUD), to investigate and enforce laws in connection with fair housing discrimination complaints, with federal funding*; however, this bill was vetoed by Governor Sisolak. She drew attention to the copy of the veto provided to each of the Commissioners. She explained that she had no information pertaining to the reasoning behind the Governor's veto; however, if Commissioners had any questions or comments, the most appropriate way for them may be to draft a memorandum to the Governor, in a future meeting, if desired.

Ms. Jenkins also mentioned that, should any similar legislation be passed in the future, NERC stands ready to work with HUD in a like partnership, noting her confidence in the team and the good work that NERC continues to do.

Ms. Jenkins also thanked Commissioner Ngai Pindell, who, in his professional capacity, co-presented Senate Bill 254, with his expertise in fair housing, and she wanted to assure him that his efforts do not go unnoticed and she thanked and related her gratitude to him, thanking him for his service to the Commission.

Senate Bill 327

Administrator Jenkins proceeded to note SB327, The Hair Equality Bill, called by some the Crown Act, brought forward by Senator Dina Neal and Senator Dallas Harris had been passed. She briefly noted that the bill provides that any *discrimination based upon hairstyles* (locks, twists, braids, for example) *that are distinctive to ancestral traits or ethnicity* is now considered a protected category for which individual can file a discrimination complaint, and that Nevada is the twelfth state to sign this bill into action. She added that NERC has been taking like complaints, but the passed legislation makes this part of *state law*.

She went on to explain that NERC is halfway through the contract year with the EEOC, and are remaining focused on meeting the case closures required, and while there have been staffing concerns, one investigator will be filled by the end of June, which is good news, more investigators allows NERC to close more cases. She added that an agreement was reached with one of the EEOC counterparts permitting one of their staff to work with NERC part-time to provide assistance needed as a result of another frozen position in the Northern office and NERC is hopeful that in 2023, with the support of DETR, that the frozen positions can once again be filled.

Administrator Jenkins drew attention to the presence of **Rosa Mendez, DETR Public Information Officer**, and the help she had provided in the updating of NERC's website, commenting that it is easier to read and allows for more social media posting to alert others to the good work the agency does.

She also noted that on the website, Professor Pindell's article on housing has been published, and encouraged the Commissioners to highlight their publications, which will note their accomplishments as well

- **EEOC FEPA Outreach**

Administrator Jenkins explained that every year EEOC holds a **Fair Employment Practices Agency (FEPA) conference**, and as she is on the EEOC Standing Committee, she was asked this year to moderate a virtual panel of experts, to discuss inclusion and diversity practices in the post-Covid, which will take place July 19-21. This event is a form of outreach that is done in conjunction with the partnership with the EEOC.

Covid Q & A, conducted by Ms. Jenkins along with Lila Vizcarra and the previous local director of the Las Vegas EEOC office, Tamara West, was designed to help employers in answering questions such as, “Can I ask employees if they have been exposed to Covid?” and “Can I ask employees to wear a mask?” EEOC hoped to continue these Brown Bag Lunches, but experienced attrition and hopes for them to be resumed when that position is filled.

- **HUD Outreach**

Administrator Jenkins explained that she has had communication with the HUD Director for over a year (2017 onward) to have a good understanding of what a relationship with HUD would look like, with a view to the legislation being considered (SB 254) in this legislative session. Although this bill was vetoed, she assured the Commission that she will continue a dialog with them to encourage a healthy partnership should similar legislation pass at a future date.

- **ACLU Outreach**

Thanking Chair Harper, Ms. Jenkins mentioned that during **Asian American Pacific Islanders Awareness Month**, one of the recent outreach efforts by NERC was participation in a panel sponsored by the ACLU and the students at UNLV’s Boyd Law School. Among the ACLU panelists was notable Dr. Karen Korematsu, Founder and Executive Director of the Fred T. Korematsu Foundation. Administrator Jenkins explained that Dr. Korematsu’s father (Fred Korematsu) gained national attention as being one of the persons held in an internment camp during World War II, which relates to the current discrimination experienced by many with Asian or Pacific Islander lineage, not only in Nevada, but nationally.

Ms. Jenkins again thanked Chair Harper and stated that she felt honored to be a part of the program with Dr. Korematsu, stating that the timely discussion was widely viewed, being livestreamed on Facebook. She answered many questions about NERC’s training and enforcement and was also able to encourage those who possibly needed to overcome a form of distrust in government agencies, and view NERC as a resource to our Asian brothers and sisters living in Nevada. She concluded her comments by assuring attendees that she would share links to the events she had mentioned in her update.

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6. Deputy Attorney General's Report

Senior Deputy Attorney General, Sophia G. Long

- Open Meeting Law updates

Senior Deputy Attorney General Sophia Long shared a brief update to AB 253, reminding the Commissioners that, beginning in March 2020, due to the circumstances in connection with the Covid-19 Pandemic, boards and commission began conducting meeting virtually (via teleconference/videoconference). This was permitted in the Governor's Directive 6, *suspending* a requirement in Open Meeting Law to have a physical location to hold a meeting. She went on to explain that while Directive 6 expired as of June 1, 2021, Directive 253 continues this provision, permitting each board and commission to forego a physical location, meet virtually, or have a mix of both options.

After discussion amongst the Commissioners, Chair Harper stated she preferred that they continue meetings with a physical location (Las Vegas NERC office) and virtually.

7. Second Public Comment – Connye Harper, Chair

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.

Chair Harper announced the Second Public Comment Session and again invited members of the public to speak. While no public comments were made, Chair Harper noted the presence of DETR Director Elisa Cafferata and she asked if she had any comment to make.

Director Cafferata thanked NERC for their efforts in connection with the recent legislative session and commented that some portions of the SB 327, the Hair Bill, come into play immediately, and that she felt that there was a role for the Commission to play, and that there would be updates on that, noting that Nevada is in the forefront on this issue, and also mentioned appreciation for the service of the Commission. Chair Harper thanked the Director for her comments and support.

8. Adjournment – Connye Harper, Chair

The meeting was adjourned at 3:01 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 Monday, September 6, 2021.

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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.