

BRIAN SANDOVAL
Governor

DON SODERBERG
Director

KARA M. JENKINS
Administrator



COMMISSIONERS
Kevin E. Hooks, Chair
Tiffany Young, Secretary
Yvette Fernandez
Charlotte Centuori
Sean Higgins

MEETING MINUTES

Name of Organization: Nevada Equal Rights Commission

Date and Time of Meeting: Thursday, OCTOBER 5, 2017
2:00 p.m.

Place of Meeting: Department of Employment, Training & Rehabilitation
1820 E. Sahara Ave., Suite 314
Las Vegas, NV 89104

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

Commission Members Present: Tiffany Young, Charlotte Centuori, Kevin Hooks, Yvette Fernandez

Others Present: Sophia Long, Deputy Attorney General

DETR/NERC Staff Present: DETR Director Don Soderberg, Kara Jenkins, Administrator, NERC; Michael Baltz, Chief Compliance Investigator, NERC; Lila Vizcarra, Chief Compliance Investigator, NERC; Coralie Peterson, Administrative Assistant III, NERC

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

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

Chair Hooks called the meeting to order at 2: 12 p.m. and thanked everyone for their attendance.

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

Chair Hooks called roll and confirmed that a quorum was present.

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.

Chair Hooks announced the First Public Comments and invited members of the public to speak. No comments were made. Hearing none, he proceeded to the next agenda item.

4. For Possible Action - Approval of the August 24, 2017 Commission Meeting Minutes -
Kevin E. Hooks, Chair

Chair Hooks asked if all had opportunity to review the draft and if any had corrections or additions to recommend.

Charlotte Centuori raised a motion to approve the minutes and Tiffany Young seconded the motion. All were in favor and none were opposed.

Sophia Long recommended that as newly appointed Commissioner Yvette Fernandez recuse herself from the vote as she was not present for the previous meeting. She went on to affirm that the quorum requirement would be met as the quorum would fall by the one recusal.

5. For Possible Action – Follow Up on Cease and Desist Hearing – Kara Jenkins

Administrators Charge v. Bar Two, LLC dba Fat Tuesday

Chair Hook noted that at this juncture Commissioner Yvette Fernandez had joined the meeting in person, and then requested that Kara Jenkins provide her comments on the previous Cease and Desist hearing.

Kara Jenkins drew attention to the provided copies of the settlement agreement from the August 24, 2017 Public Hearing and explained that she and Deputy Attorney General Sophia Long would go over each of the items numerically and inform the commission if those items had been met, and Ms. Long would discuss with them the next steps.

Ms. Jenkins went on to draw attention to page 5 of the agreement, Decision and Order:

- 1. That the settlement agreement would be provided;*
- 2. Respondent would draft an EEO Manual, approved by NERC that incorporates EEOC guidance on workplace policies and further, includes an anonymous telephone line for reporting within thirty (30) days of the Commissioner's order*

Ms. Jenkins stated that they have not seen an updated manual or a hotline number that was properly monitored. NERC attempted to call a line initially provided but the operator was not aware that [her] line was to report harassment. NERC was then told that a new line would be provided to the Commission. To-date, no such line had been communicated to the Commission.

- 3. Respondent will provide sexual harassment training to all owners and managers by an independent third party, preferably the EEOC, within thirty (30) days from the date of the Commissioner's order –*

Ms. Jenkins stated that to their knowledge (through their attorney) they have not provided such training, but are aware that they are attempting to train with the EEOC by October 13th, but to-date there has been no such training.

4. *That Yakov “Jackie” Hefetz will refrain from the day-to-day operations of Fat Tuesday*

Ms. Jenkins commented that they only have verbal confirmation from Bar Two’s legal counsel that this co-owner has not frequented any of its locations.

5. *That Yakov “Jackie” Hefetz will cease and desist any and all harassment on the basis of sex*

Ms. Jenkins reiterated that they only have verbal confirmation from Bar Two’s legal counsel that this has not happened.

6. *This matter will be brought before the Commission at the next Commission meeting to review compliance with its order*

Ms. Jenkins asked if any had questions on these settlement terms.

In response, **Sophia Long** commented that regarding the training, in talking to Bar Two’s legal counsel, she was told that the earliest date available for the EEOC to provide this training was the October 13th date that Ms. Jenkins had mentioned. She went on to explain that Bar Two was going to install another (telephone) line on September 29th and this had not yet been done, but should take place by October 9, 2017. She also added that the legal counsel from Bar Two stated that they were looking for guidance on the manual.

Ms. Jenkins responded that this guidance has already been given through their legal counsel, through Sophia Long, who had also provided links to the EEOC’s guidance on how to put together a workplace manual. She then asked Chair Hooks what he would like to do at this point.

Chair Hooks stated that he would like to open a discussion on what the commission would like to do, and noted that this provides them an opportunity as a body to demonstrate how seriously their settlements should be taken, and noted frustration that an organization would enter into an agreement and not follow up with any of the agreed to items.

Commissioner Young questioned the extent of the Commission’s authority or power.

Sophia Long drew attention to a provision within the statute pertaining to the Nevada Equal Rights Commission (*NRS 233.170; subsection 4*), which allows the Commission’s order to be turned into a Court Order for compliance. She added that realistically a court would look at items 3, 4 and 5 of the settlement for compliance, with the big issues being the EEO manual and the hotline.

Initially, Ms. Long stated that they were told that there *was* a hotline, but this was not the case, but even when the second line is put in the question arises “*who is manning this hotline?*” and this may be something that a court may consider a breach of the agreement.

She went on to comment that Bar Two assumed that their manual was up to par and so was still looking to them for additional guidance.

Ms. Long suggested that a letter be drafted to Bar Two's attorney to inform them that their efforts were not acceptable and that Bar Two would be considered in breach of the agreement if not in full compliance by October 13th, at which time the step of converting to a court order for compliance could be taken. She emphasized that the two main issues were set forth in point number 2, *approval of the manual and an anonymous hotline*.

Chair Hooks stressed that coordinating the training with these two items was critical.

Kara Jenkins commented on the importance of establishing good faith, and Bar Two has been made fully aware of what was expected of them, and also that NERC has been 100% clear on what the next steps would be, well documenting their efforts, which could be shown to the courts.

Kevin Hooks recommended that they craft a letter detailing their displeasure with Bar Two, **detailing the areas that they failed to honor the agreement, and explaining what the next step would be** if they continue in this approach to holding up their end of the agreement.

Charlotte Centuori made a motion to draft this letter and Tiffany Young seconded the motion. Before a vote was taken, Sophia Long asked for clarity that the letter must state not only where they fell short, but also spell out specifically that they will be considered as in breach of the agreement and will be dealt with in the next report. The motion passed unanimously.

Before moving to the next agenda item, Chair Young welcomed Yvette Fernandez to the Commission and asked her to share her background with the members.

Yvette Fernandez thanked the Commission and stated that she was excited to be working with the Commission.

Kara Jenkins welcomed her as well and commented that she looked forward to being an active member of a great group.

8. **Discussion/for Possible Action – Future Meeting date and Agenda Items –**
Kevin E. Hooks, Chair

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.

Chair Hooks announced the Second Public Comment Session and invited members of the public to speak. Hearing no comments, the Chair proceeded to adjourn the meeting.

10. **Adjournment - Kevin E. Hooks, Chair**

Tiffany Young made a motion to adjourn the meeting and Charlotte Centuori seconded the motion. All were in agreement and the meeting adjourned.

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 Wednesday, October 4, 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. In addition, the agenda was mailed or e-mailed to groups and individuals as requested.