

## COMMISSIONERS

Andre Martin, Chair  
Tiffany Young, Secretary  
Hanadi Nadeem  
Stewart Chang



**NERC**  
NEVADA EQUAL RIGHTS  
COMMISSION

A Division of the Department of Employment,  
Training and Rehabilitation

JOE LOMBARDO  
Governor

KARA M. JENKINS  
Administrator

January 13, 2023

Governor Joe Lombardo  
101 North Carson Street  
Carson City, NV 89701

Dear Governor Lombardo,

Please see the attached biennial report concerning the activities for the Nevada Equal Rights Commission, per NRS 233.080.

Pursuant to NRS 233, NERC is comprised of a Governor appointed Administrator and a Commission consisting of five Governor appointed independent and professional leaders. The Administrator is mainly responsible for the technical and administrative activities, including investigating and remediating acts of discrimination, whereas the Commission appointees are mainly responsible for supporting equal rights through education and proposed regulations. *See* NRS 233.110; NRS 233.140.

Although NERC is housed under the Department of Employment, Training and Rehabilitation (DETR), NERC operates as a quasi-independent agency to ensure transparency and full reporting to the Governor's Office and legislature. *See* NRS 233.190.

This report will highlight NERC's strategic goals, progress and achievements of the Commission as an agency since its last report in 2021, including the successful modernization priorities to streamline services for more efficient case processing. We remain a no-cost agency committed to its mission to prevent discrimination in employment, housing and public places. We remain proud contractual partners to the U.S. Equal Employment Opportunity Commission (EEOC).

Notable accomplishments highlighted in this report include overcoming staffing challenges without massive interruption in services and agency sustainability. Recently, NERC worked with the Governor's Office to begin filling frozen positions to process more complaints. NERC recruited and filled its management analyst position and launched Nevada's first-ever "Equality Data Page", refreshed its website for ease of usability, and secured American Rescue Plan (ARP) funding to finally implement its first-ever centralized case management system.

Despite being at our lowest staffing since the Great Recession of 2008, NERC's dedicated staff safely continued settling cases of discrimination, and was able to hire and train within the last 6 months, 6 positions that included 2 internal promotions despite losing key managers to promotional opportunities at the local level.

NERC assisted in the legislative support and statewide training of Nevada's CROWN Act, protecting Nevadans against race-based discrimination and introduced the state to CROWN legal expert Prof. Wendy Greene for further context. To-date, Nevada is one of only a handful of states that offers legal remedies for workplace hair discrimination violations.

NERC's budget was maintained with funds to revert while securing an over 2-million-dollar compensatory damages pay-out to victims this past fiscal year with the support of the Office of the Attorney General.

Finally, NERC maintained its successful workshare relationship with the U.S. Equal Employment Opportunity Commission EEOC, where Administrator Jenkins was acknowledged for her unwavering staff and leadership by Presidential Appointee Charlotte Burrows, EEOC Chair. NERC has been fondly referred to as the "Mighty 17" by Nevada state legislators.

NERC is on par to be fully staffed by SFY 23 with its first ever centralized case management system since its creation in 1961 by Governor Grant Sawyer.

If you have any questions, or would like further information, you may contact Administrator Jenkins at 702-486-7025. Thank you.

Respectfully,



Andre Martin, Commission Chair

cc: Kara Jenkins, Administrator, Nevada Equal Rights Commission,  
Sophia Long, Senior Deputy Attorney General, Office of the Attorney General,  
Christopher Sewell, Director, DETR, Troy Jordan, Deputy Director, DETR

## Nevada Equal Rights Commission

*Kara M. Jenkins, Administrator*



<b>STATUTORY AUTHORITY:</b>	NRS 233, 613.405, 118.110, and 651.110
<b>TELEPHONE:</b>	(702) 486-7161 Las Vegas (775) 823-6690 Reno
<b>WEB SITE ADDRESS:</b>	<a href="http://Nevada Equal Rights Commission (nv.gov)">Nevada Equal Rights Commission (nv.gov)</a>

### ***PURPOSE:***

Per statute, the mission of the Nevada Equal Rights Commission (the “Commission”) is to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations, and reasonably seek and be granted services in places of public accommodation without discrimination, distinction or restriction.

Protections include, but are not limited to, state and federal protections based on race, color, race based hair discrimination, religion, sex, sexual orientation, gender identity and/or expression, national origin, ancestry, disability, age, genetic information, criminal background and pregnancy.

### ***JURISDICTION:***

The Commission conducts outreach, advises, investigates and settles discrimination in three (3) main areas:

- Employment
- Housing, and
- Places of Public Accommodation

NERC may conduct hearings related thereto.

### **Employment Discrimination**

The Commission has jurisdiction to handle employment discrimination complaints relating to race, color, race based hair discrimination, religion, sex, sexual orientation, age, disability, national origin/ancestry, genetic information and gender identity or expression, pregnancy and criminal background.

The Commission works in contractual partnership with the federal Equal Employment Opportunity Commission (EEOC) regarding these cases of employment discrimination except for criminal background violations and race-based hair discrimination (state-only legislation).

### **Housing and Places of Public Accommodation Discrimination**

The Commission has jurisdiction to handle housing discrimination complaints relating to race, religion, color, national origin/ancestry, familial status, age, disability, sex, sexual orientation, and gender identity or expression.

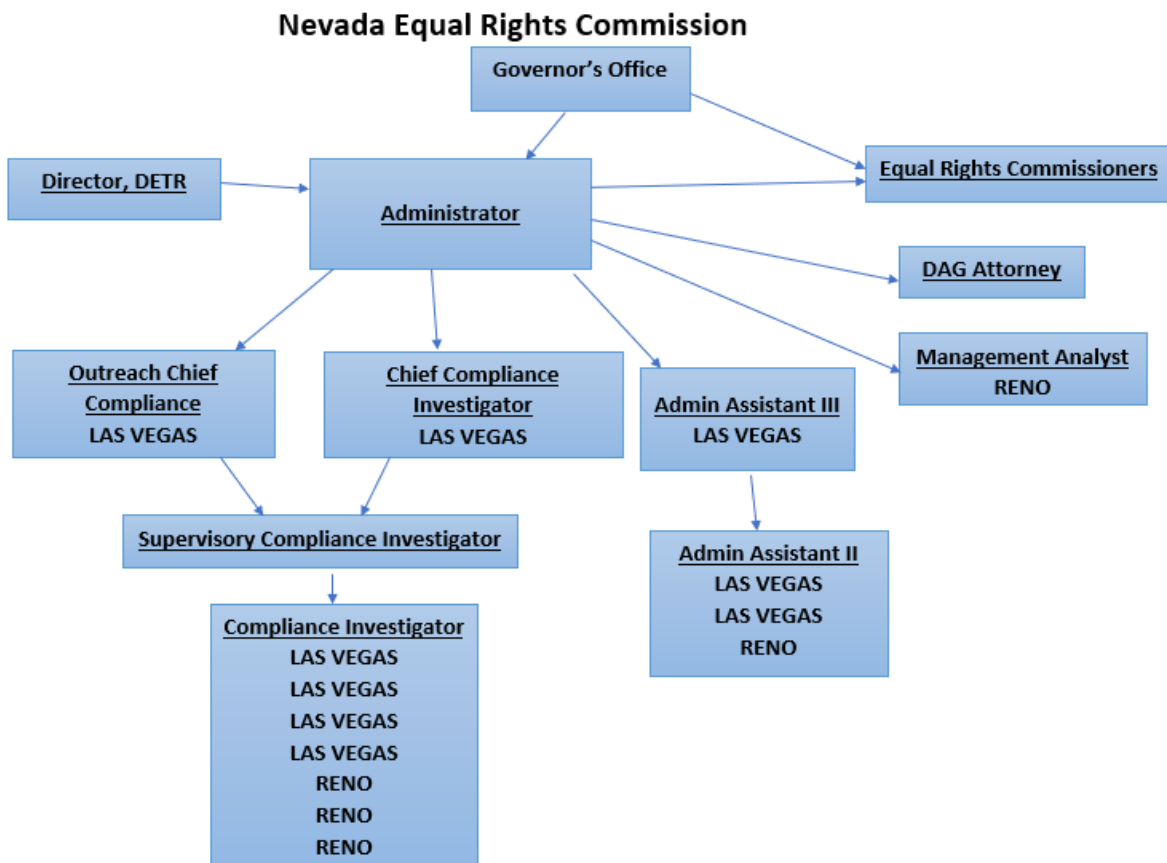
As it relates to **housing**, NERC has conducted on-going discussions with the United States Department of Housing and Urban Development (HUD) to become substantially equivalent in law to certify as its Fair Housing Assistance Program or “FHAP” partner. This designation is reserved only for NERC. Non-profits have other designation opportunities with HUD. The FHAP designation will allow NERC to take on HUD’s backlog of Nevada Housing Discrimination cases and receive much needed federal funding to support program operations. The designation will provide substantial funding not realized with state general funds. The federal dollars realized will equip NERC with experienced investigators and lawyers to assist Nevadans promptly and if need be, in court, to protect housing rights often challenged to rural communities and/or communities of color, with disabilities and/or sexual orientation and/or gender identity protections. NERC’s attempt for the HUD equivalency BDR in 2017 did not succeed. In 2021, the housing bill was reintroduced under SB 254 but was vetoed; however, NERC is hopeful the 2023 Legislature will create legislation giving NERC equivalency status for Governor approval. Per statute, the Governor will declare equivalency once NERC certifies with HUD. HUD certification takes approximately three years. NERC will ensure a recommendation and assurances that resources are available to allow said declaration (NRS 233.160).

Additionally, the Commission has jurisdiction to handle **public accommodation** complaints relating to race, color, race based hair discrimination, religion, national origin/ancestry, age, disability, sexual orientation, sex, and gender identity or expression.

**ORGANIZATIONAL STRUCTURE:**

**Board**

As per NRS 233.030, the Nevada Equal Rights Commission consists of 5 commission members, appointed by the Governor. The commissioners are representative of religious, disabled, racial, and ethnic groups of both sexes in the State. As per NRS 233.090, the Commission is managed by an Administrator, also appointed by the Governor.



**Agency and Administrator**

The Commission is a designated staff of 17 FTE. **Currently, there are 14 FTE;** (2) Compliance Investigator vacancies; and (1) one Administrative Assistant/Reno vacancy.

The Administrator is appointed by the Governor and reports to the Governor's Office through cabinet staff or directly.

**NERC was awarded American Rescue Plan funding to create its first ever centralized case management system. Since its inception, cases were tracked manually or with MS Excel or MS Outlook. This new system was unanimously supported and will ensure more efficient processing of complaints. NERC receives approximately 1,400 complaints per fiscal year with less than 20 FTE.**

NERC's challenges will always be to remain fully staffed at any given time within a state fiscal year, as well as receive support in funding for the very necessary work of enforcement, training and outreach. NERC does not charge for its training or take any monies for the settlements it procures for Nevadans.

[Go to next page]

//

//

//

## ***AGENCY KEY GOALS/ACCOMPLISHMENTS:***

### ***GOAL:***

NERC remained operational during Covid-19 and maintained its contractual obligations to the Equal Employment Opportunity Commission (EEOC). In order to reduce the backlog of cases, NERC aggressively recruited vacancies due to Covid. NERC remains committed to secure Fair Housing Assistance Program (FHAP) designation under HUD in order to realize federal dollars for its housing complaints. With additional federal funding, NERC will seek to obtain and retain qualified investigators and lawyers; and secure pay raises for Investigators per its 2008 LCB Audit. NERC's Case Management System will significantly reduce wait times for more efficient case management, tracking and retrieval. It is an essential goal for NERC to expand beyond 17 FTE state-wide and secure diverse funding streams to maintain quality services to Nevadans facing discrimination; as well as train and educate to prevent discrimination within the state. It is estimated that the system will reduce the intake backlog by 30 percent.

### ***Challenge(s):***

NERC takes 24 weeks to conduct an initial interview with a charging party – this is commonly known as the intake interview. Scheduling is based on customer driven backlog and the first available investigator. NERC investigators have a 1-2 year “life” span before [seemingly] inevitable promotion or resignation. Losing an investigator has a trickle-down effect of delaying the investigative process. When NERC loses an investigator, cases are left stale until another investigator is able take that case. NERC must recruit, train and re-assign cases. Witnesses grow stale during this delay. It can take anywhere from two-three months to fill a vacant position. The pandemic freezes also left a key administrative position in Reno vacant for close to two years. The solution will include making the intake process an online screening process where cases can be formalized and assigned within 22 days. Investigator recruitment and retention will be an ongoing challenge.

***Success/Accomplishment:***

NERC has always put forth major effort(s) to honor our yearly contractual obligations with the Equal Employment Opportunity Commission (EEOC). The funding provided by our agreement to investigate and close cases on behalf of the EEOC as a partner, accounts for a little more than 1/3 of NERC's operating budget of approximately **2 million**. 2/3 of NERC's funding comes from general fund dollars. NERC relies heavily on funding from the EEOC in order to sustain operations. In both SFYs 21 and 22, case closure obligations were successfully achieved.

Certainly, during March of 2020 (FFY 20) NERC quickly resorted to remote work with the assistance of DETR and dedicated staff in order to close and settle 669 cases during this unprecedented pandemic (Covid-19). NERC also relied on the support of its law ex/interns from UNLV Boyd School of Law.

SFY 21, NERC processed 1,049 filings and of those submitted 636 settled cases for EEOC funding, despite averaging 10 FTE. Overall settlements that year exceeded \$2,062, 018 dollars back to Nevadans.

SFY 22, NERC was able to move on recruiting 6 vacancies that included 2 internal promotions. NERC was able to successfully process 1,342 complaints and of those submitted 560 cases for EEOC funding. Overall settlements that year exceeded \$2,468,700 dollars back to Nevadans.

Governor, this is a huge accomplishment given staffing challenges during an unprecedented pandemic. The implementation of a modernized, cloud-based system will most certainly relieve the backlog in complaint filings. More funding for investigators and a pay increase to state workers will also assist in quality customer service by keeping the agency competitive to avoid attrition in staff.

One of the unique qualities that accounts for a lot of NERC's success is the good will and extraordinary efforts of staff committed to NERC's mission, as well as support from the Office of the Attorney General.

Staff remains committed to assisting all with their discrimination complaints. Moreover, our relationship with the Equal Employment and Opportunity Commission (EEOC) is solid. NERC's outreach program has also proven successful in terms of visibility to employers and Nevadans as a resource tool to prevent work-place discrimination. NERC offers training at no-cost to employers.

**Inventory**

Current inventory is 457 cases pending assignment (as of January 2023).

**Current Wait time**

The current wait time to meet with an investigator is 24 weeks for an initial review of a complaint of discrimination. Intakes are the first step to formalizing a charge (or dismiss) to begin the settlement/investigation process.

Despite backlog, NERC is currently creating a case management system that will ease backlog in case processing. NERC is hopeful the system will go live July of 2023.

**In the last two years, NERC received approximately of 2,500 cases of discrimination with an average FTE of 13.5 total state-wide staff. Our case load is purely customer driven. More investigators would alleviate issues of longer processing times.**

**GOAL:**

Pursue additional opportunities to present training/outreach to employers and community Groups.

**ACCOMPLISHMENT:**

**In SFY 2019**, NERC provided outreach to approximately 1,500 Nevadans; in SFY 20 we trained approximately 600 employers/employees including a sexual harassment prevention training in partnership with the EEOC. **Nevada Independent Link:** <https://thenevadaindependent.com/article/the-indy-explains-how-the-state-is-training-employers-to-avoid-sexual-harassment-in-the-metoo-era>

**Enforcement for SFY 20** NERC found cause and moved forward with a public hearing against Red Rock Country Club (Las Vegas). This hearing resulted in settlement.

**Associated Press Link:** <https://apnews.com/article/d2278accb89e4943a767ddeb99d7e785>

**Virtual Trainings in SFY 21-22** NERC was able to adapt to Covid guidelines and present trainings virtually. NERC's Administrator conducted trainings to employers and within DETR regarding pandemic guidance, Harassment training to NAACP Legal Redress team, and most notably, CROWN (Creating a Respectful and Open World for Natural Hair) training featuring National CROWN legal expert Prof. Wendy Greene, and select guests, Senator Dina Neal (bill sponsor), Dr. Jesus Jara, Juliana Urtubey, Cedric Cole and Naika Belizaire; moderated by Administrator Kara Jenkins. **Link:** [Nevada Equal Rights Commission \(nv.gov\)](https://www.nv.gov/equal-rights)

[Go to next page]

//

//

//

**GOAL:**

Continue to develop and improve the mediation program to facilitate early resolution of discrimination complaints.

**ACCOMPLISHMENT: Settlement Dollars back to Nevadans**

The Commission continues show impressive benchmarks with its settlement rate and with regard to facilitating all forms of negotiated resolutions. This may be due largely in part to parties wanting a permanent resolution of the matter without significant time delays, including court costs and attorneys-fees related to federal/and or state court filings.

It should also be noted that NERC has dedicated staff trained in mediation to assist parties in resolving their grievances. NERC has additionally contracted services with Dee Newell Mediation and Arbitration Solutions to assist in successful mediations.

In SFY19, NERC successfully negotiated settlements (i.e., mediations and conciliations) in the approximate amount of **\$2,260,358** for Nevadans alleging discrimination in employment, housing and places of public accommodations.

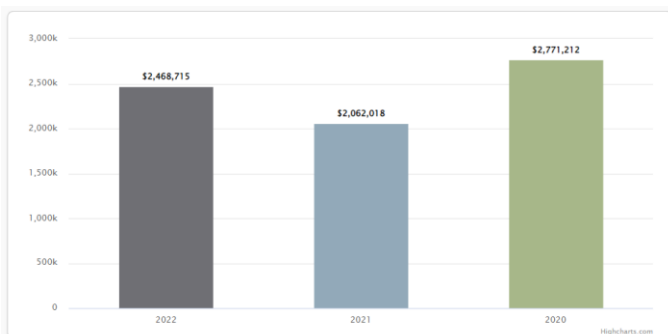
In SFY 20, NERC successfully negotiated settlements (i.e., mediations and conciliations) in the approximate amount of **\$2,771,212** for Nevadans alleging discrimination in employment, housing and places of public accommodations.

In SFY 21, NERC successfully negotiated settlements (i.e., mediations and conciliations) in the approximate amount of **\$2,062, 018** for Nevadans alleging discrimination in employment, housing and places of public accommodations.

In SFY 22, NERC successfully negotiated settlements (i.e., mediations and conciliations) in the approximate amount of **\$2,468,715** for Nevadans alleging discrimination in employment, housing and places of public accommodations.

In SFY 23 (to-date), NERC successfully negotiated settlements in the amount of **\$436,483** for Nevadans. NERC may very well settle over **\$2 million** by the end of the SFY 23.

NERC takes no fees for settlements. Settlements given back to Nevadans exceed NERC's own operating budget; a significant return benefitting the state.



**GOAL:**  
EEOC Grant

**ACCOMPLISHMENTS:**

As previously reported, the Commission's federal partner, the Equal Employment Opportunity Commission (EEOC) has not rejected a single case submitted to it for closure credit and payment in this biennium.

[Go to next page]

//

//

//

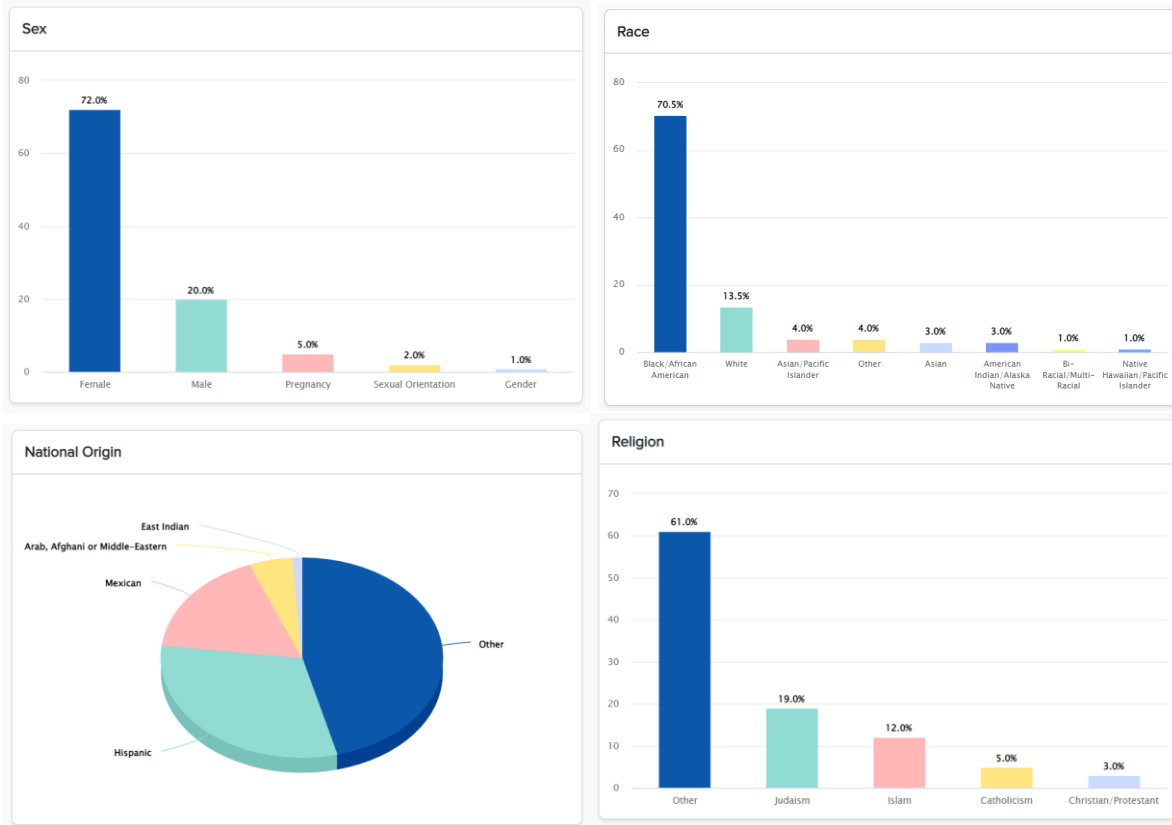
***ADDITIONAL KEY LONG-TERM OBJECTIVES:***

1. Secure HUD grant for your declaration of equivalence.
2. Implement our comprehensive case management system for online complaint filing by SFY 23.
3. Decrease the amount of time it takes to formalize a Charge and decrease overall case age by securing more FTE.
4. Maintain our relationship with the EEOC.
5. Promote Equal Opportunity with more training and outreach support for employers and entities operating in Nevada.

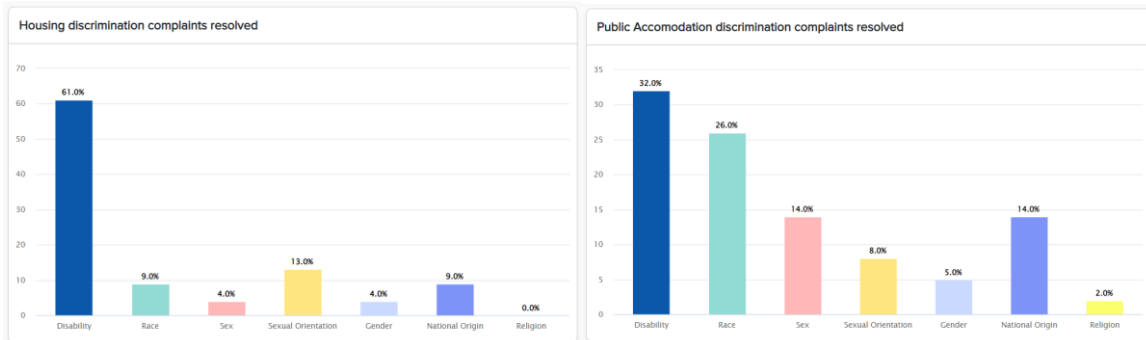
***SIGNIFICANT LEGISLATION OR EXECUTIVE ACTION AFFECTING THE AGENCY:***

NERC is aware of legislative interest to update our housing laws to be equivalent with HUD. NERC will be tracking and advising on any efforts for substantial equivalence for Governor declaration.

## DISCRIMINATION IN EMPLOYMENT SFY 2021



## DISCRIMINATION IN HOUSING AND PUBLIC PLACES SFY 2021



Equality Data Link: [NERC - Equality Data](#)