



OFFICE OF THE ATTORNEY GENERAL

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MEETING MINUTES

Name of Organization: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy

Date and Time of Meeting: May 7, 2019, 3:00 p.m.

Place of Meeting: Video Conferenced Between:

Attorney General's Office
Mock Courtroom
100 N. Carson Street
Carson City, Nevada

Attorney General's Office
Grant Sawyer Bldg. Rm. 4500
555 E. Washington Avenue
Las Vegas, Nevada

Attorney General's Office
5420 Kietzke Ln. #202
Reno, Nevada

Carson City Attendees:	Las Vegas Attendees:	Reno Attendees:	Via Phone Conference:
<ul style="list-style-type: none">• Aaron Ford, Chair• Jessica Adair• Erin McMullen• Vicki Beavers	<ul style="list-style-type: none">• Kara Jenkins• Sophia Long• Ann McGinley• Deonne Contine	None.	<ul style="list-style-type: none">• Jan Morrison• Pamela Ojeda• Melissa Piasecki• Ted Pappageorge

1. Call to order and roll call.

Chairman Attorney General Ford called the meeting to order at 3:08 p.m. and called roll.

2. Public comment.

Chairman Ford invited public comment. There was none.

3. Approval of the minutes of the April 19, 2019 meeting.

Erin McMullen moved to approve the April 19, 2019 task force meeting minutes; Pam Ojeda seconded. None opposed. Motion passed to approve minutes.

4. Report on suggested updates to the State Executive Branch Sexual Harassment and Discrimination Policy.

Professor Ann McGinley reviewed her recommended changes to the Executive Branch Sexual Harassment and Discrimination Policy. AG Ford noted that the end goal of the discussion was to entertain a motion to approve incorporating McGinley's recommendations for the report to

the Governor. Among other things, McGinley suggested a change to the title of the policy; changing gender references to gender neutral except where specific cases are mentioned; and revising the policy language under “Purpose” to include all of the types of harassment that are illegal under the statute. Discussion continued about possible updates to some of the definitions and nuances of the language used in the original policy, including updating language to clarify “appointing authority” and distinguishing between “liability” versus “responsibility” and how that language affects liability to the State. Also discussed was the prudence of removing the graphic examples contained in the current policy, the clarification of different reporting processes, the challenges of requiring reporting to be kept confidential, etc.

Deonne Contine noted that the executive branch policy originated with Governor Sandoval’s office and that she would like to get more feedback from personnel deputy attorneys general. It was agreed it would not be a violation of the Open Meeting Law if Contine and McGinley worked on language together to present a clean version of recommended changes to a quorum of the Task Force at the next meeting.

Jessica Adair referenced an email memo sent to her by Mac Potter, who is specifically concerned with regulations brought before the Gaming control Board. Adair addressed two of Potter’s concerns regarding “standing” of witness of harassment and reporting time limit, neither of which are addressed in the current policy.

5. Discussion on possible statutory amendments regarding sexual harassment and discrimination prevention for introduction during the 2019 legislative session. For discussion and possible action.

Adair suggested options to consider when making statutory recommendations regarding the State personnel chapter of the Nevada Revised Statutes (NRS). She suggested some options, such as wholesale adoption of the entire Executive Branch policy into the NRS, which would require approval by the legislature and a signature by the governor. Another option could be adopting a general broad policy statement against sexual harassment and gender-based discrimination, similar to the NRS Ch. 284 policy against using drugs and alcohol while at work. Adair suggested granting authority to the personnel commission to adopt further regulations to implement that policy, or possibly require the personnel commission to take action on a regular basis such as “you need to review the policy every year, or every other year, or review reporting procedures every year, etc.”

The personnel commission is appointed by the governor and has statutory authority to advise the administrator and also to create regulations that implement NRS Ch. 284. Right now the personnel commission is advising regarding the sexual harassment policy but they don’t technically have the statutory authority to do so.

Contine pointed out the term “sexual harassment” is not in NRS 284 but there are two provisions that prohibit discriminating against people on the basis of all the Title IX categories and sexual orientations. The statutes also state you cannot be fired on the basis of race, sexual orientation, gender identity, age, etc.

AG Ford noted the recommendations that will ultimately be put in a report for the Governor by this Task Force are only recommendations and that the Governor’s office will decide what his office will do with them; they may or may not decide to do something about the emergency

bill implement the statutory changes we recommend or they may just consider it for the next session in 2021.

Adair drew attention to Purchasing's report of policy in response to Gov. Sisolak's Executive Order 2019-2. Adair noted that Purchasing's response included references to statutory recommendations based upon a law in Oregon for state vendors, particularly the part of the report having to do with Oregon's policy and the reference on how to make state vendors have a policy in practice, but not create an undue burden on single family vendors who provide agricultural resources, etc.

6. Discussion on how to improve and update harassment and discrimination training for State employees. For discussion and possible action.

McGinley continued her review of suggested policy updates and there followed discussion of the importance of making sure that employees are aware of the State's priority in ensuring all employees participate in sexual harassment and discrimination prevention training. Kara Jenkins suggested a possible collaborative effort with NERC to offer live quarterly trainings.

7. Discussion regarding the Task Force's next steps and topics for future meetings. For discussion only.

AG Ford stated it might require a longer period in which to consider the suggestions and recommendations that will be put on next agenda after everyone's had the opportunity to read them. Need to be focusing in on the training components as well as figuring out the best ways to use the resources that NERC has.

Ford stressed his preference of trying to get a report of recommendations to the Governor before the session is over to avoid having to carry the issue over to the 2021 session. Adair volunteered to draft a report for the governor. **Public comment.**

Chairman Ford invited public comment. There was none.

8. Future meeting dates and times. To be determined.

9. Erin McMullen moved to adjourn the meeting and Kara Jenkins seconded. The meeting was adjourned at 4:15 pm.

*Prepared by V. Beavers 5/13/19
APPROVED AT 5/14/19 MTG.*