

Vicki J. Beavers

From: Mac Potter <mpotter@northernstarcasinos.com>
Sent: Tuesday, May 14, 2019 1:27 PM
To: 'aaronford@ag.nv.gov'; 'Amanda Cuevas'; 'Ann McGinley'; 'Candice Harris'; 'Dawn Christensen'; 'Deonne Contine'; 'Erin McMullen'; 'Geoconda Arguello-Kline'; 'Grace Gatti'; 'Jamie Lee Ellison'; 'Jan Morrison'; 'Janice M. Riherd'; 'Jessica L. Adair'; 'Kara Jenkins'; 'Melissa Piasecki'; 'Pam Ojeda'; 'Patricia Lee'; 'Peggy Webster'; 'Sabrina Santiago'; 'Tawny Polito'; 'Virginia Valentine'
Cc: Vicki J. Beavers
Subject: Governor's Task Force on Sexual Harassment and Discrimination Law and Policy May 14, 2019 Meeting

Chair AG Ford, Vice Chair Cuevas and Task Force Members,
Having reviewed the most recent version of the proposed policy (ACM 5.11.19), I note there are still issues that I believe left unaddressed would leave the policy less effective than it should otherwise be both for State agencies and private employers who might well look to the State for guidance. I have previously shared my concerns with you but, since I am unable to attend today's meeting, let me restate them:

- **Standing of the parties** – as currently written, the proposed policy is silent as to a claimant, witness, and/or alleged offender's standing and whether, or if, any or all must have been within a reasonable time or are currently employed by the respective agency of State government;
- **Time limits for reporting/filing a complaint** – absent a defined limit or reference to NRS/NAC, the proposed policy appears to suspend otherwise applicable time limitations (note, for example, the Nevada Equal Rights Commission's 300-day limit);
- **Definition of a valid complaint** – the proposed policy fails to define "valid" (i.e. timely filed, accurate and factual, proven by a preponderance of evidence, etc.) and in whose judgment the final determination is made;
- **Due process/presumption of innocence afforded to involved parties** – absent any reference to NRS/NAC, the proposed policy appears to ignore these basic rights;
- **Possible consequences for bringing a false, misleading, or materially inaccurate complaint** – absent any reference to NRS/NAC, the proposed policy fails to address the possibility of perjury or subornation of perjury; and
- **Rationalizing differences between authorities** – the proposed policy lacks clarity as to differences between EEOC, NERC, and other agencies and, as their respective jurisdictional authorities may determine different outcomes for the same misconduct, the dangers of legal and practical uncertainties for the offender and the agency.

As you proceed today towards a final report and proposed policy for submittal to the Governor, I strongly urge you to consider again and address these concerns. From the employers' perspective, (whether for a State agency or private business) they matter a great deal.

Thank you.

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