MINUTES OF THE MEETING OF THE
COMMISSION FOR WOMEN
DEPARTMENT OF ADMINISTRATION
May 19, 2016

The meeting of the Commission for Women was called to order by Chair JoAnn Elston at 1:00pm on Thursday, May 19, 2016, in the Blasdel Building, 209 E. Musser Street, Carson City, Nevada. The meeting was videoconferenced to the Division of Human Resource Management Conference Room, 555 E. Washington Ave, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Department of Administration, Director's Office.

COMMISSION MEMBERS PRESENT IN CARSON CITY:

JoAnn Elston, Chair
Brooke Westlake

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Richann Bender, Vice Chair
Colleen Baharav
Durette Candito
Brenda Hughes
Allison Stephens
Diane Fearon

COMMISSION MEMBERS ABSENT:

Karla Scott
Anna Thornley

DOA STAFF MEMBERS PRESENT:

Annette Teixeira
Mary Woods

OTHERS PRESENT:

Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence
Elisa Cafferata, President and CEO of Nevada Advocates for Planned Parenthood Affiliates
Karen Jenkins, Administrator, Nevada Equal Rights Commission
Nancyann Leeder, Secretary, Nevada Women's Lobby
Erika Washington, State Director, Make It Work
Assemblywoman Dina Neal, District 7
Denise Tanata, Executive Director, Children's Advocacy Alliance
Helen Foley, Principal, Faiss, Foley, Warren Public Relations & Government Affairs

Agenda Item #3 - Public Comment:

Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence:
We are the statewide domestic violence coalition representing your service providers in the state. We are not a service provider, we provide training, technical assistance, legislative advocacy and support for the organizations that do this work.

Elisa Cafferata, President and CEO, Nevada Advocates for Planned Parenthood Affiliates:
I have been doing research on how other commissions on the status of women operate; I came across a report from Massachusetts which has a fairly large long-standing commission on women. They produce a report every year. They have staff that they can pay to do this, but as a supplement to their annual report on research in terms of employment and pay they have reports from organizations such as mine and Kristy Oriol's where they use the organization to lay out where their priority areas are for their upcoming legislative session, along with some of the laws that are being proposed to address the priority areas. Since you do not have a budget, it seems that this might be an opportunity for this commission going forward, for at least in the initial years, if you want to do a very simple report for the 2017 Legislative year, you could list out your priority areas that you are discussing today and the next few days. Then you could ask non-profit organizations to provide supplemental reports that could be added to a report that you complete. At the end of this year you could have a report on the status of women that could be presented to the Legislature.

Karen Jenkins, Administrator, Nevada Equal Rights Commission: We are here in support of the Commission.

Nancyann Leeder, Secretary, Nevada Women's Lobby:
Our goals are to help women and children.

Agenda Item #4 – For Possible Action – Review and approval of the Minutes from April 7, 2016

Chair Elston: I have a motion to approve the minutes from the April 7, 2016, meeting. Durette Candito, motion to approve, with a second by Richann Bender. The minutes were unanimously approved.

Agenda Item #5 – Report on testimony provided to the Legislative Sunset Committee

Richann Bender, Member: I attended the Sunset Subcommittee and have provided my testimony to the committee Exhibit C. I have also provided a synopsis of the outcome and questions asked and answered at the meeting Exhibit D. In the report to this Commission I would like to highlight that Assemblywoman Bustamante-Adams expressed concern over the Commission getting into areas that were not focused entirely on women. She was specifically referring to our interest in Question #1 on the ballot this fall. She warned us that being perceived as getting sidetracked was the downfall of the previous Commission for Women's body. Please

review Exhibit D for the entire overview of the outcome with Assemblywoman Bustamante-Adams.

Chair Elston: For those of you who do not know what the Sunset Committee is, it is a legislative committee that reviews all of the Commissions and Committees in the state to see whether they are producing and are productive, or if they should be abandoned.

Agenda Item # 6 A – Presentation on the current laws surrounding Equal Pay

Erika Washington, State Director, Make It Work: I have provided a few of my organization's handouts online Exhibit E, Exhibit F, Exhibit G. Make It Work is a national organization. The idea behind the campaign is to build communities on three major issues. Those issues are equal pay for women, affordable child care, and paid family leave. I will be talking about equal pay today. There were some bills last legislative session that covered equal pay, and those did not make it through the session. I am hoping this time around we will have support from Commissions such as the Commission for Women, and also the Women's Lobby. We will then have a larger support from the beginning. Our main idea is to have ambassadors who are able to tell their stories and explain to the community how difficult it has been over the past, how many years it has been for them to afford child care, and also how it has been for them to survive on jobs that they are obviously getting paid less. They do not know how to remedy the situation, they do not know what course of action they can take and they are also hesitant to take any action due to the economy and the threat of losing their jobs. With our campaign and the amount of initiatives in our campaign, the meetings we are having in the community and the events in the community, people are starting to see that they are not the only ones. It is very helpful to have a large group of people who are already gathering so that come the next legislative session we are confident we can gather the people to testify before the Legislature.

I have provided you with the Make It Work Campaign Exhibit G. I will now open up it for questions.

Colleen Baharav, Member: Is your organization currently working with any Senators in the Legislature to proceed with some of the mentioned proposals?

Ericka Washington: Yes

Colleen Baharav: How lucky have you been on this?

Ericka Washington: We have had great conversations with Senator Farley and we see a lot of ways to make inroads to make it a bipartisan bill. We also have some polling that shows that this issue is affected by both parties, Republican and Democrat, and most people actually agree on this issue. It is just a matter of crafting so that it is not scary for those on the other side of the aisle.

Agenda Item #6 B – Presentation regarding the inadequacies of current paid family leave:

Assemblywoman Dina Neal, Nevada Assembly District 7: I know that you have asked me to come and present on where we go in the future with a paid leave bill. When I looked at this the prior legislations in the packet, I do not think that the proposed legislation met the goals. The value it has now is to look at it in terms of how we can use it for employees that do not have paid leave and how we can structure that. But I also think that it should be based on a standard. I will put that to rest and I will talk about what I learned. Some of the information that you got was from New Jersey, California, and Connecticut. I was reading over many other states that they have done well with structure of the Legislation and where we can probably fix what we did not do and how we will pave this bill. Ultimately paving is built around taking care of a person that may be ill, bonding with a new child, bonding with an adoptive child and taking care of your existing child. The whole idea is that to be able to cover in some way a form of need, so that the burden of leaving does not make you distraught or unable to pay rent. I looked at California; it was interesting how they defined family. That is something that we have to be clear on what the definition of a family means. When we look at what they defined as a family member to be extended to grandparents. But in New Jersey they wanted to deal with the issue of whole new categories of newborns, adopted children, spouse, and then parent. Who do we as a state want to capture in this? Whoever you capture in this, what does the employee look like? If you have such a broad category that you include second cousins of my sister's grandchild you have to be considerate of what that means. There is going to be a cost. So we need to identify the definition of family and who is going to pay for it. In all three of states I looked at, employees contributed in some way, either a 100 % or was a hybrid, meaning the employer or the employee contributed. There is going to be a tax on the employer. You can look at it as a pay in full, similar to a social security system, one that you get before you turn 65. If I tax you at 0.9 % and the future goal is that you are going to use that money in this account one day to pay 56% of your wages, that is the benefit. It cannot be zero that the employee pays, it is not realistic. It is certainly not realistic for our state. I think that in terms of fairness if we wanted to push bipartisanship, no one is going to take that. We are already subject to the Margins Business Tax for your employees, and so you need to consider a hybrid, taxing the employee and taxing the businesses as well. Once you figure out what your percentages are going to be. The next item would be the duration of the leave. Most of the states have six weeks; the question is when you can take the six weeks in the 12 months. Can you take the leave all at once, is it three weeks at the beginning of the year, with three weeks at the end of the year? What will be your intermittent policy? What we had in our other bill was limited. All the other states have six weeks; the question is what fits Nevada? What is the demographic of our workforce? What do they need? We do not know how many women are in the industry, assuming that most of the women will dominate the benefit, being mindful that men are a part of the discussion. But in all of the data that I have read, women dominate that in the workforce right now. There are certain industries; retail, manufacturing, healthcare, they dominated. They were the highest ones to take leave, and so what they did to deal with that was what is the threshold that a person can activate this coverage? Are we trying to get a range of women who are up to $53,000 or lower? Connecticut used a bottom line threshold of $9,300. You had to make $9,300 a year. California, the data showed that the average woman, who was triggering the paid leave made about $24,000 and the next highest group was $35,000 that was different depending on the age. We must consider who we are going to capture in this coverage and then determine the threshold. You will need to pick a threshold that makes sense of

the entire state. You ideally want information that is current and accurate to make your determination. Once this is determined you will need to discuss and determine what the amount of the benefit is for the leave. Connecticut used 66%, but the employee pays into the fund 100%.

Brenda Hughes, Member: Was the 66% taxable?

Assemblywoman Neal: I do not know if it was taxable. They taxed the wages, so as soon as the bill kicked in Connecticut within 9 months they started approving the money into the account at a certain percentage. For New Jersey they started out at 0.9, and they raised to 0.12, and then they dropped it to 0.6. They did this because they realized that the rate they were charging the employee was actually enough to sustain the fund after reviewing the data. We have data from California, New Jersey and Connecticut that we can learn from. When structuring legislation you are thinking about who is going to access and use it consistently and how will it benefit them. I believe the data should be determined by income, not race. I say this because you could be poor and white and still be making $1,500 a month. The question is, should you have the right to take paid leave for two days a week if your child is sick, and what does that look like. The question is who are you taking care of? You are taking care of your biological child, your adopted child, your extended child who you are a guardian of. These are categories that I see us including on family. Do you want to have your in-law or grandparent? That is when you look at our aging population. We already have that data. Let's look at the data and determine the real trend in Nevada.

Diane Fearon, Member: You have data reports from three different states where a program of a somewhat similar nature has taken place, you mentioned that a number of employee programs were self-funded and that there was the impact in the current time frame. Were those employees in a cumulative basis then received less in order to have the insurance aspect of having monies to come in during unexpected leave time? Is that correct?

Assemblywoman Neal: Actually we have less tax. They were taxed on their check, so we are going to have a fee, there is going to be a payroll tax that is somehow attached to you will be put in a pot, that is what I meant on the 0.9 to .12, that is the number that was taken out of their check.

Diane Fearon, Member: Is that for all employees, and a small percentage that can be determined by actuarial tables, similar to unemployment insurance.

Assemblywoman Neal: They included private and public. There are some private employers who never gave leave to their employees, so the selling point was who is going to pay for this. If I am a small business, under 50, who will pay? There had to be some employee contribution to that paid leave. Any employer 50 or above was captured and then the employer who did not have it, they could create it.

Diane Fearon: Was there any negative impact to employees having the additional fee or tax taken from their paycheck who then had the benefit of this?

Assemblywoman Neal: I am waiting for the study on New Jersey. I did not see that. Their bill came out in 2008 and it was 2009 for Connecticut. I have not seen any other study showing the negative effects of what we passed.

Diane Fearon: You mentioned that you and Senator Ford had prior legislation and that you would not be submitting again, because you believe it can be improved upon. Is there a profile on what you intend to submit in the 2017 Legislature.

Assemblywoman Neal: I know it is one of our caucus bills. I believe that Assemblywoman Maggie Carlton is going to be carrying the bill. I believe it has value only because the small portion of backing is that we are going to have employers who do not have a paid leave program. What is standard for setting up a paid leave program for their employees? If we tax the employee to benefit from this, what would that look like? We need to have that conversation.

Agenda Item #6C – Presentation regarding the socioeconomic influence of child care subsidies:

Denise Tanata, Director, Children's Advocacy Alliance: I will be speaking on Early Childhood Education today. There are two pieces of early childhood education and childcare. One is improving quality and to ensure that all children who access any type of childcare, early childhood education are getting access to high quality curriculum that is going to enable them to enter school. There is a lot of focus on changing the concept or conversation on childcare from the traditional babysitting role to really focusing on early childhood education. The second side of that are the benefits to the family. Ensuring that families have access to quality care for their children to enable to enter the workforce, back to school. I have provided two documents today that I will be going over, Early Childhood Education Exhibit H and the 2014 Demographics Report Exhibit I.

Allison Stephens, Member: In the background checks for unlicensed child care providers, what are you looking for specifically?

Denise Tanata: The requirements currently are that they have to do an FBI fingerprint background check, state-level child care registry, the state-level sex offender registry, and then for those teachers who have lived in a different state within the past 5 years they would have to do the state-level checks and other states of residency as well.

Allison Stephens: It would then be focused just on the things that would necessarily be dangerous for a child? I would imagine that people who are using unlicensed child care providers maybe using their neighbor, maybe using an extended family and maybe in communities where people have minor drug offenses. But what I hear you saying that unless it is a sex offender or something like that, that it would not have an impact.

Denise Tanata: No, there is very specific requirements in our state statutes as well as in the law about those specific offenses, and any offense against a child, murder, those are the ones that completely disqualify the individual from service, but not necessarily minor drug offenses.

Durette Candito, Member: Who establishes what the income rate is where you are making above this and you cannot qualify, if you are making below this, you can?

Denise Tanata: It is in the Federal requirements, as funds are tied to Federal funds. The state also has some flexibility in making eligibility determinations and who qualifies. So that would be for us that 75% mentioned in my handout.

Agenda Item #7 – Presentation regarding the strategies to propose legislation

Helen Foley, Principal, Faiss, Foley, Warren Public Relations & Government Affairs: I am a principal at Faiss, Foley, Warren Public Relations firm in Las Vegas. We are a 20-member all-female firm. I do lobby at the Legislature. I was in the Assembly. I was elected when I was 26 years old. When I was there, there were only 4 women in the Assembly and then two years later I ran for successfully for the Senate, and at that time there were two women in the Senate. We have come quite a long way. This last session there were 16 women in the Assembly and there were 5 women in the Senate. What you will find that there are many men in the Assembly that were far friendlier to women on the women's issues than some of the women. Just because someone is a certain sex does not mean they support the same type of legislation. It is a very interesting process; it is one that does not just begin on opening of the Legislature. They have very strict deadlines in the Legislature, such as when bills can be introduced, when they have to be heard.

There is a handout that has been previously provided to you on that is not very engaging, but it does let you know the legislative process Exhibit J. You will all have to decide what types of legislation you would like to introduce, if you want to introduce any legislation. You may decide that you would like to support legislation, rather adopting or proposing new legislation.

It is our time, our time for women. I am excited about what has happened with the gay and lesbian community over the last few years, but I have also thought we represent more than half of the population of this country, it is our turn. If there are issues were we have not been treated equally, and if adjustments need to be made, it is time that these things happen. I know that it was a little startling to Richann Bender when she met with Assemblywoman Bustamante-Adams. When the Assemblywoman said to her to be realistic, don't go out on a limb where it is not going to work. I think that was practical. You want to represent the bi-partisan organization that represents women. I believe one of the things that you can do that is very effective, is the clearinghouse of information. You have received some great information over the last three meetings. To be able to gather all of the information and have a central clearinghouse for issues of importance to women is a good goal for you. If you decide you want to sponsor legislation, make it realistic, have it be legislation where there is already a base of support. You have some these organizations that have presented to you where you can have the Commission endorse those concepts. You haven't seen actual legislation yet, so if I were you I would eagerly wait until you see the legislation before you put your endorsement on it. You can say conceptually that some of these ideas are good, but make sure you know what you are endorsing before you actually endorse. You have a strong obligation to the state, to be as far as possible, to not be out

on the edge, as your endorsement means something. If you can endorse some this Legislature it can be very helpful. To be able to send some letters to elected officials and share with them what the findings have been of the Commission, and the types of legislation that you are looking at supporting, will catch their attention and can be meaningful. The more organizations and coalitions that you can build for a collective effort the more successful the legislation will be. Then because of technology you have the ability to testify from the South or some of our members from the North can go to Carson City and testify on behalf of the Commission. As we heard from Assemblywoman Neal this morning, she is being a realist with her legislation, realizing that the employee must contribute to the fund for the legislation to pass; otherwise, the gaming industry will come in and kill the bill before it even gets its first hearing. But, that is not the case. So when we can see what other states are doing, have that background information to be able to disseminate to lawmakers, then you are helping them with their decisions. It would also be great that once you take positions, if you could call and meet with groups of lawmakers to let them know what you are talking about. If it is the Commerce Committee, I would get real friendly with members. Because in our legislative process what happens after a bill is introduced and it gets a number and is assigned to a committee, that committee will have hearings on that bill. You can go and testify that day, but what passes bills? What passes bills is getting with the lawmakers and convincing them that they too need to support that legislation. You can do it in groups or a couple members at a time. I believe that open meeting law does come into consideration. If two of you went and met with different lawmakers and shared with them what was happening or maybe even go with a member of an organization such as AAUW, or someone else who has put some of this language together. The Make It Work Campaign sounds like they have a coordinated effort; you could join them, so that you do not have to have all of the answers. Hopefully the organization you are with will have the majority of the answers. You can be the endorser. You are the overseer of all of the issues, and bringing forward that they make sense for women in Nevada. I encourage you to reach out to both Democrat and Republican women, because it means something when you have bi-partisan support on a bill. The bill might be amending, but do not get discouraged by this, they might have other ideas, and you might get everything you want, but you need to keep moving forward, session after session. When it passes in one house (Senate), it then moves on to the next house (Assembly), going through hearings again before final passage and then sent to the Governor's Office for approval. You want to reach out to the Governor's Office if you see that the legislation will be approved in the Legislature and end up in his office for signature. I am available during the session as I am in Carson City for the full duration of Session.

I have also provided a character of the "How a Bill Becomes Law"Exhibit K. There is also a good resource on the Legislature website that shows how many bills are allocated to introduce per member. If by August 1st, you know you want legislation, you can submit through a member. You might want to request a study. There is a great Status of Women study, but it is old. It only costs $50,000 for a new one. Maybe the Commission for Women can request an update by requesting that it go into the Governor's Budget or work with the lawmakers to get financing to complete a new one. You are the official Commission and it would be appropriate to ask for the funding.

Diane Fearon: We did talk about the cost of the study, and the outdated results and data that we have available to us and the fact that the Nevada System of Higher Education has some

Executive Reports that would be available at no cost. Are there any reports from NSHE that we might request in this current time frame that would help support getting funding for getting a current study that could be a two-prong approach that you might suggest for being impactful.

Helen Foley: I believe so. I have seen some of these other studies that were done and if you serve as the clearing house and let people know that you collected these other items, and you work with Joanne Goodwin.

Diane Fearon: We are aware that we currently do not have a budget but to support the fact of what we would do in the way of spending very thoughtfully should dollars become available. Is there something in the interim that the Commission wants to entertain of requesting an Executive Report that might be available through UNLV around getting a data report for what we should think about to request for funding to engage.

Helen Foley: I believe you are on the right track to put together a plan to complete a new study on the Status of Women.

Agenda Item #8 - For Possible Action

Chair Elston: Topics from Agenda item six that we want to pursue are: Equal Pay for Women, Paid Family Leave, and Child Care Subsidy's. At this point I will open it up for discussion on what we want to do in the future.

Colleen Baharav: I was interested to hear from several of the presenters today that they have data and resources available to the Commission. It appears that we keep coming back to needing the updated study on women so that we can focus our attention on a specific topic. If I were to vote, I think all three of the items are worthy categories and I know that our purpose is to develop legislation for that, but perhaps we can take Ms. Foley's advice and maybe support bills instead of proposing our own legislation this time, while we wait to see what updates we can get on the Status of Women study.

Durette Candito: I agree. With our short time period our resources are better served to try and do what we can to get the study on the Status of Women updated.

Chair Elston: You are saying that we should propose something in the Governor's budget for a new study of the Status of Women.

Colleen Baharav: Yes.

Allison Stephens: I want to understand what information that we are looking for. I understand that there hasn't been a specific report called the Status of Women, at the same time there are a lot of different organizations that do have reports on what I think would be the content that is included in a report that is the Status of Women. Is it truly that we do not have the information; I do not feel that we do not have enough information. I worry because politics are fickle and we have an opportunity where we are being asked to participate and that may not come around again

where we are going to have legislators who are saying that they are interested in these issues. I am not opposed to doing a study, but I do want to state that we make sure that we really truly feel that we do not have enough information that is available in some form throughout the state. I really see that they're out there, and have not been combined into one document.

Diane Fearon: I echo the comments just made, we need to prioritize. I believe though that we should seek current rankings of how to sort through among both: the presentations on three different aspects that Vice Chairman Bender made, a presentation that had 5 different aspects recently, and prior to that, from our first meeting we ranked another 7 priorities that were critical to women in Nevada that we believe have an impact on the future of Nevadans and women in Nevada. I think we have established but have not ranked them. This leads us to having some objective current outside assistance available to the Commission potentially for assistance in guiding to prioritize, is a statement I would make in this regard; recognizing that we cannot be effective in approaching 7 or 5 or potentially even 3 priorities, of this different nature. I would like to be able to identify where we feel we can make a difference. This is a wonderful opportunity of a voice to be heard.

Chair Elston: How do you feel about supporting a bill or maybe multiple bills for the Legislative Session?

Colleen Baharav: I think that this is a good option since we are new to the world of legislation regarding women. There were many people here today who spoke about great ideas and legislation that they are already working on. They all indicated that our voice could provide some additional support to their already established network of information and already established network of Legislators that they are working with. I think that would give us time as well to get additional data for that report. I appreciate that there are other reports out there, but as Senator Foley was indicating, Nevada's statistics are woefully outdated. This will give us additional time to get the study and maybe next legislative session we can propose legislation ourselves that would impact women in Nevada.

Chair Elston: Does this fit in with our mission?

Mary Woods: Yes.

Chair Elston: To reiterate, you would like to propose to the Governor that he provide in his budget funding for a new Study of Women, also if it comes up and you find bills that you would like to support that you make your feeling known to the appropriate people involved. Is everyone in approval?

Colleen Baharav: We have a question first from Public Comment. She is wondering if she can provide comment on the discussion we just had on our focus.

Commission For Women
Department of Administration
May 19, 2016

Agenda Item #10 – Public Comment

Elisa Cafferatta: As you are thinking about going forward with supporting bills, I would suggest that you have an agenda item at the next meeting to establish the ground rules. Will it be individual commission members, or group representations?

Chair Elston: We will make an agenda item for the June meeting along with talking about funding for the Commission. I will set a date for the next meeting that is conducive to all members.

Agenda Item #11 – For Possible Action – Adjournment

Motion for adjournment: Richann Bender, with second by Brooke Westlake.

Chair Elston: This meeting is adjourned.

Respectfully submitted,

Annette Teixeira

ANNETTE TEIXEIRA, COMMISSION SECRETARY

APPROVED:

JoAnn Elston

CHAIRWOMAN, JOANN ELSTON

Richann Bender

VICE CHAIRWOMAN, RICHANN BENDER

Commission For Women
Department of Administration
May 19, 2016

Exhibit A	Agenda – 3 pages
Exhibit B	Attendance Roster - 3 pages
Exhibit C	Richann Bender – Testimony Provided to the Sunset Committee
Exhibit D	Synopsis of Presentation to the Leg. Sunset Committee and Subsequent Conversation w Assemblywoman Bustamante Adams
Exhibit E	Make It Work Handout #1, 4 pages
Exhibit F	Make It Work Handout #2
Exhibit G	Make It Work Handout #3, 2 pages
Exhibit H	Early Childhood Education, 2 pages
Exhibit I	2014 Nevada Fact Sheet, 4 pages
Exhibit J	Legislative Process
Exhibit K	How a Bill Becomes Law