

**Business and Labor Committee October 3, 2019**

**M. HANSEN:** All right. Good afternoon and welcome, everyone, to the Business and Labor Committee. My name is Senator Matt Hansen and I'm the chair of this committee and I represent the 26th Legislative District in northeast Lincoln. We're going to have committee members who are here and staff do introductions, starting on my right with Senator Slama.

**SLAMA:** Senator Julie Slama representing District 1 which is Otoe, Nemaha, Pawnee, Johnson, and Richardson Counties in southeast Nebraska.

**LATHROP:** I'm Steve Lathrop. I represent District 12 which is Ralston and parts of Millard.

**TOM GREEN:** Tom Green, I'm the legal counsel.

**KEENAN ROBERSON:** Keenan Roberson, the committee clerk.

**M. HANSEN:** Thank you, everyone. And I know several other senators have indicated that they were coming and we may have them join us soon. This afternoon we will begin by hearing two interim studies starting with Senator Vargas' LR252 and then my study, LR128. If you plan on testifying today, we ask that you fill out one of the testifier sheets which are located in the table on the back left as I see it, right as you from the-- from the audience in the room. You'll hand that to

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Business and Labor Committee October 3, 2019

Rough Draft

Keenan when you come up. We ask that you begin your testimony by stating and spelling your name for the record. That's for our transcriber's purposes. We're going to ask that you limit your testimony to five minutes. We don't have a light system like we do at the Capitol today. So Keenan will be acting as our timekeeper. She'll give you-- she'll give you-- she'll give you the sign as to when you have one minute and then we'll give you a sign when your five minutes are up and we'll ask you to wrap up your closing thoughts. Just a final reminder, I'd remind everyone including senators to silence or turn off your cell phones. With that, we welcome up Senator Vargas to open on his study.

**VARGAS:** How much time do I have, five minutes? OK. Good afternoon. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s, and I represent District 7, the communities of downtown and south Omaha in the Nebraska Legislature. I want to thank you, Chairman Hansen, members of the committee, and those that will be joining us here soon, for taking time and for many of you making the drive to Omaha for this hearing. I'm excited to be with you here today to begin discussing the subjects of the study, LR252, very plainly underemployment and barriers to employment for minority and at-risk populations in communities across our state. That's what this is about. District 7 is one of the areas most in need of intentional intervention in these areas. It is the only majority minority legislative district in the state. Around 45

Rough Draft

percent of the population in my district is Latinx and an additional 10 percent identify as refugees and immigrants from other countries around the world. District 7 also has high underemployment, underemployment-- unemployment/underemployment and a large homeless population. Some of you may remember when we had conversations about affordable housing and we were redrawing-- reconsidering priority designated areas-- this is in Urban Affairs as well-- the largest tracts of underemployment/unemployment were in parts of north Omaha and parts of my district in District 7. However, although these issues, they have not been examined, we're examining them in this LR, because there is a more highly concentrated in the communities that I represent, these are problems that face Nebraskans in every one of your districts as well. As public servants, I believe strongly that it is our responsibility to understand the barriers to full employment and housing, to listen to populations affected and the many organizations serving them who are here today and to put all of our minds together to find the best pathway forward to address these issues through legislation in the next session. To follow Governor Ricketts' lead, we are truly, to grow Nebraska, we must ensure that each individual has equal access and opportunity to succeed, enjoy full employment, and contribute back to our communities. I mentioned this actually really briefly to Senator Lathrop, I think there are times where we introduce legislation in this arena but I don't recall in recent-- in recent time an interim study that's trying to paint a

Rough Draft

broad stroke and provide a space for nonprofits, community organizations, people in the public to weigh in and and share things that are happening in their worlds: best practices, policy solutions that we can then help inform what we're going to do this next session. So with that, I'm happy to answer any questions. But otherwise, I really appreciate you listening to the people coming and testifying, some planned and I'm sure some people that decided to come and share their experiences. Thank you.

**M. HANSEN:** Thank you, Senator Vargas. Questions from committee members? Senator Lathrop.

**LATHROP:** Can I just-- and maybe this is a question as much for the people that will testify to this for you but we're-- as Nebraska goes, we're virtually full employment, 2.5 percent, something like that. Do you have a judgment about why there are barriers or problems with full employment?

**VARGAS:** I will-- I will give the space for the people coming to share what are some of the barriers for underemployment or unemployment. I will say one thing and we've heard this from the Legislative Planning Committee, the Economic Development Task Force, we still have a problem with people may have underemployment to some extent. People may be employed and may have hours. The hours that they're accumulating and their wages don't allow them to lead an independent

Rough Draft

and fully sustainable life for themselves and their family. I hope and I believe there'll be people sharing those aspects as well as unemployment barriers to then getting into-- and getting into the work force, which may include a variety of different things: skills, opportunities, access, resources, funding. I also hope there's a conversation, as we all know, about the role that race-class play into this, given that the majority of the populations that I see that are more underemployed tend to be communities of color and communities from disadvantaged backgrounds.

**M. HANSEN:** All right. Thank you. Any other questions? All right, seeing none, thank you for your opening, Senator Vargas.

**VARGAS:** Thank you very much.

**M. HANSEN:** With that, we can invite up the first testifier for LR252 and I'll give Senator Crawford the opportunity to introduce herself.

**CRAWFORD:** Good afternoon. I apologize for being late. I'm Senator Sue Crawford from District 45 which is Bellevue and Offutt.

**EDWARD ELDRIGE:** Edward Eldrige, E-l-d-r-i-g-e. Good afternoon.

**M. HANSEN:** Go ahead.

**EDWARD ELDRIGE:** Thanks for seeing us today. I had no chance to come up with any notes. As you can see, I've been working all morning and that's really a blessing. I work at the Cross Training Center. I've

Rough Draft

been there approximately nine years now and I'm involved with the Douglas County General Assistance. Prior to that, I was a homeless vet. I served 13 years in the Marine Corps, '80 to '93, honorably discharged, came home from California and didn't really have marketable skills to civilian life so I took temp work. And when I went and applied for-- for a full-time job, that temp work was getting a lot of gaps in my job record. And I'd like to see somehow temps services would give you some kind of references, and maybe it's on an individual basis. That's fine. Then after about ten-- ten-or-plus years of being a temp trying to find out something that I'd be good at, all I got was some marketable skills here and there and everything. And I allowed myself to become a really bad alcoholic. I went to Norfolk Regional when I-- I was talked off a ledge by a police officer here in Omaha. They took me to first the Vets Hospital and then on to Norfolk Regional, took me out of the populace for probably nine months, no pay. No, again, a gap in your-- your work record or resume. And so I was a homeless vet, first living in a shed of a garage, not even a garage. Then I lived in a tent. I went to the veterans-- Veterans Hospital homeless liaison. He said, you better get down to general assistance soon. It will be snowing. So I did. And one of the options that they gave me was the Cross Training Center. And the Cross Training Center or Cross Recycling/Cross Electronics employed me. We've been at three different locations and it's been a lot of work to just move. But it's-- it's really given me real-- a lot

Rough Draft

of structure and I was able to move up into a leadership position, given a lot of responsibility and just like in the Marines. It becomes family. Any questions?

**M. HANSEN:** Thank you. Are there questions from committee members?

**EDWARD ELDRIGE:** Thank you. God bless you.

**LATHROP:** Thanks for coming and sharing that with us.

\_\_\_\_\_: Thank you for your service.

**M. HANSEN:** All right. We'll invite up our next testifier. And just a reminder as you come up if you'll hand your testifier sheet to Keenan on your way to the microphone, as well as any handouts if you've brought them. Hi. Welcome.

**ROZALYN BREDOW:** Good afternoon. I'm Rozalyn Bredow. I'm the director of employment and career services with the Urban League of Nebraska. I'd like just to thank the committee for allowing us to come and testify this afternoon, and I'll be testifying against LR252.

**M. HANSEN:** Whenever you're ready. [INAUDIBLE] Do you have enough of those?

**ROZALYN BREDOW:** OK. I don't know if you wanted to introduce Senator Chambers.

**M. HANSEN:** Sure. Senator Chambers, would you like to introduce yourself?

**CHAMBERS:** Uh-uh. [LAUGHTER] He already did.

**ROZALYN BREDOW:** OK. So we're here to discuss the resolution, LR252. As director of employment and career services programs, I'm tasked with the duties of working with community grant writing and running several programs that we staff, which include the Career Boot Camp. I also do a lot of the reporting now for our funders, which includes United Way and the National Urban League. So I'm quite familiar with our underemployment rates for minority and at-risk population in the community we serve. We directly serve the northeast Omaha community. But in recent months, with the diversification of the population and the residents in the community and the migration of minority and at-risk populations, we're finding ourselves really servicing the whole of Omaha and sometimes Bellevue. We do work within the three counties of Washington County, Sarpy County, and Douglas County. So we're finding that the reasons for our underemployment or unemployment for minority and at-risk population across Nebraska is due to several factors: race, ethnicity, inequities among our major groups of whites, blacks, Hispanics, and Asians. Number two would be gender. And we look at the statistics where, say, black men were 74 percent of the median weekly earnings of white men, black women to white women, and other white male counterparts, black women and their counterparts, Asian

Rough Draft

women, and Hispanic women. We looked at age, median age. Weekly income for men 35 to 64 was \$1,113 where women is \$908. We also looked at men and women age-- in the age group 16 to 24 that had the lowest median weekly earnings of \$600 to \$522, respectively. We look at educational attainment for non-high school graduates: median weekly income is at \$580 where high school graduate median income and college graduates were substantially more. The highest earning 10 percent of males' median in-- weekly income is nearly \$4,000 compared to, say, their female counterparts of \$2,900. So we take into consideration a lot of the facts. The senator asked about barriers and the barriers we-- we work with for the minorities, at-risk populations are-- include, but not limited to, and I didn't put in here transportation or childcare, housing-- but for potential job seekers, their perception is they lack appropriate opportunities that match their skills and ambitions; 30 percent, or 3 in 10, face barriers of finding new employment because they perceive they're overqualified. And we really see this in the group of age 55 and older. We have 65-point-- 67.5 percent say they have inadequate pay by our local employers, and inadequate benefits and low hourly wages for when they want to change jobs. There's inadequate hours, background or criminal history, and credit history here in Omaha is used as a part of their screening process by potential employers. The lack of training, lack of occupational-specific skills and education, and there is elements of personal or employment history, and that would come into absenteeism

Rough Draft

or not fitting into workplace culture. And a lot of people stay in a job that they probably have outgrown is because that employer will accommodate their-- their family commitments and that kind of binds them to the position. So we're here just to talk a little bit about what current work force initiatives that we are-- we are personally at the Urban League working with to help these groups. And the biggest one is the Heartland Workforce Solutions. We're working hand in hand with National Able, the American Job Center, One Stop, Dynamic Educational Systems, and other local area providers who also work hand in hand with WIOA programs and services. We look at best practices and we feel that the best practice designed to address the needs of the-- I'm sorry.

**M. HANSEN:** You can go ahead and finish that last thought, but yes.

**ROZALYN BREDOW:** OK. The best practices are designed to address the needs of the unemployed or the underemployed is the linking together the community with current work opportunities, addressing barriers to employment, equipping participants with the necessary skills to attainment or retainment of employment by bridging the gaps of apprenticeships, internship programs, on-the-job-training programs, and work experience placement and open jobs that are in future demand market industries in the public and private sector.

**M. HANSEN:** All right. Thank you for your testimony. Are there any questions from committee members? Senator Chambers.

**ROZALYN BREDOW:** Yes.

**CHAMBERS:** Sorry I'm late. It took me longer to get to this building than it-- once I got on the campus, if that's what this is instead of a maze, than it took me to get from home to here, so I'm late. And some people wish, when I say late, that meant dead, but I assure you I'm not that late yet. When you're as old as I am and you have lived through a lot of things, you've read a lot of things, you have seen a lot of things, you become cynical, skeptical, and lacking in trust of employers in terms of being fair to everybody. A background check can be a barrier used to keep certain people out, but it does not keep the ones out that they choose. So instead of saying I'm not going to hire you because you're black, well, you have a record and we don't hire people with a record. So you're not shocked because it usually happens. You walk out and then a white guy comes in and he is accepted, and you're upset because you and that white guy were codefendants and were both convicted. So why does the check stop you but it doesn't stop him? Because of the racism, and I just want to lay that on the table toward the beginning. There are numerous ways to discriminate if that is what the intent of an individual is. So I applaud those organizations, those individuals who fight against discrimination. But you're always fighting a moving target and you

should not become disheartened or discouraged if it seems that you're not making progress. You never know when there might come a breakthrough. So all I can say is keep pushing. Don't be discouraged.

**ROZALYN BREDOW:** Thank you very much.

**M. HANSEN:** Thank you, Senator Chambers. Senator Slama.

**SLAMA:** First off, thank you very much for coming out and testifying today. I just had a quick clarification question on section 3, that first response in the barriers to employment: potential job seekers perceive a lack of appropriate job opportunities that match their skills and ambitions. Could you just go into a bit more detail as to what that means and what the ramifications for that are?

**ROZALYN BREDOW:** Well, we work-- we work with people and we work with them where they're at, as far as-- as the Urban League. And a recent example I would like to share is that we had a young man who was transgender come in for services and he had lots of skills, he had lots of ambition, and he knew where he wanted to go. He did all our assessments and we were able to map out a career pathway for him. But because of his choice in identity, you know, he felt, and I talked to him personally, that he wasn't being afforded the opportunity when he went to apply and interviewed for jobs. Whether it was based on his mannerisms, his dress, his hairstyle, or the type of shoes he was wearing, you know, he felt that those types of individuals, because of

Rough Draft

other people's biases, they didn't give him the opportunity to follow through with his ambition. And it wasn't because of his race or anything else, but it was perception that people have.

**SLAMA:** OK. Thank you.

**M. HANSEN:** Thank you, Senator. Any other questions? Seeing none--

\_\_\_\_\_: Nope.

**M. HANSEN:** Oh. Sorry, Senator Chambers.

**CHAMBERS:** I'll lean forward so you can see me. The LGBTQ community have no protection under the laws of this state. The constitution was changed to make it possible to continue discriminating against people of color by saying that so-called affirmative action, and I'm using that broadly to cover the waterfront, could not be utilized. But there has never been a time in the history of this state when people of color took jobs from white people, so that provision was not necessary to protect white people from losing jobs because they don't lose jobs. The unemployment rate in Nebraska is always among the lowest, but it's double-digit for people who are not white. So the only reason I can see for having put that provision in the constitution is to have an in-your-face, blatant signal to you that you're not wanted, that you are not considered a member of the human family, and if people want to avoid or prevent you from having a job, it can be done. So when you are not fortunate enough, if that's what it is, to be born white and

Rough Draft

male and, therefore, privileged, then there are constitutional barriers against you; there are statutory, or the absence of statutory protections against you. And my view is that until we who say we want to do away with all employment barriers take on the LGBTQ community's problems, the Latinx problems, the Native people's problems, and all these other categories which make us the "other," we are never going to resolve the problem of unfair employment. There are companies that would rather be shorthanded than to hire some of these categories. All that to ask you this question: Do you think that without legislative protection, from what you know and from your experience and study, the LGBTQ community, left to its own devices, will be able to overcome the discrimination that they obviously face? Let me ask it a different way.

**ROZALYN BREDOW:** That's a good-- that's a good question.

**CHAMBERS:** If a person is a member of the "Q" or the "T" part and somebody chooses not to hire them for that very specific reason, that employer can refuse to hire them for that specific reason, isn't that true?

**ROZALYN BREDOW:** That's true.

**CHAMBERS:** So without a legislative prohibition, people who fit into those categories can be denied all employment, of whatever variety, in this state. Correct?

**ROZALYN BREDOW:** Correct.

**CHAMBERS:** That's why I'm so uncomfortable. It's why, in addition to my age, I have these wrinkles that look like strips of bacon across my forehead, because I've been trying to figure what in the world can be done. What will it take to make people who say that life begins at conception, human life, accept that any human being born of a man or a woman is a part of the human family and we are our brother and sister's keeper? But that's not good enough. So I'm going to listen very carefully and see if somebody may have found the magic key, the holy grail that will allow us to solve the problems that I don't see as being solvable right now.

**ROZALYN BREDOW:** Yeah, we look at cultures and organizations, especially at corporate level, and we see that we have the institutionalized racism at that level. And until we see upper management making changes, changes from the top down, you know, instead of the bottom up, that those things aren't going to change as fast as we need them to change--

**CHAMBERS:** Right.

**ROZALYN BREDOW:** --that we want them to change. We also see that folks in other communities are making their own way for their own kind. They're hiring folks who look like them and act like them and having a comfortable culture for them, and that may be more progressive than

Rough Draft

people want things to go, but it's happening. You know, there's manufacturing, there's businesses who hire people in their own cultures. So that's-- that's a change. But as far as, you know, until we can get some of these internal culture biases erased or changed, it's going to be a long road.

**CHAMBERS:** And I hope you'll forgive me for using you in a way as a sounding board, but you do have knowledge, experience, and awareness, so I will not question everybody in the way that I'm questioning you. Thank you.

**ROZALYN BREDOW:** No problem.

**M. HANSEN:** Thank you, Senator Chambers. Any other questions? Senator Lathrop.

**LATHROP:** Just one: Tell us what the-- talk about transportation. So we-- this came up last year on our-- on the floor when we were having a debate I think on a-- on a bill put in by Senator Wayne, if I remember right. But talk to us about public transportation in Omaha and the challenges that that presents, or are we doing a good job or-- or do we have a-- does it contribute to the challenges that we're here to talk about today.

**ROZALYN BREDOW:** [LAUGH] I know. I'm make-- making faces because that's-- it's a big challenge for the northeast and south Omaha because of the migration of what used to be the factories and

Rough Draft

manufacturers and employers that used to be located downtown or in the northeast Omaha and south Omaha. Those businesses are out in Fremont, Gretna, Valley, and there is no mass transportation for the public that services these areas. We talk to employer-- our employer partners who are willing to provide free transportation if we can get enough people to, say, catch a van at 5:00 in the morning to get out to start a 6:00 shift. We looked at all types of alternative methods of getting people where they need to be, but because of low employment rates and-- a lot of people-- I-- I personally think a lot of people feel that they don't want to be stuck to relying on public transportation. And we know that Omaha is one of those "you need to have a vehicle" cities now. So that's the-- with ORBT coming in, it may help alleviate some of those problems, but not so much of the time it takes to get there, the transferring, and the cost. You know, they're already working at nonliving wages and it doesn't afford them the opportunity to say, well, I can afford to pay the bus every day to get to work every day. You know, employers are cutting benefits, their health benefits over time. Everybody's working a lot of these jobs in a part-time capacity, so they really can't afford public transportation. So its--

**LATHROP:** If they can afford it, is it adequate? Is it going to enough places where the jobs are from, say, northeast Omaha?

**ROZALYN BREDOW:** No, it's not adequate. You got two routes that may run north, south, and maybe two that runs east and west, and they don't go to Valley and they don't go to Gretna and they don't go to Fremont.

**LATHROP:** OK, thank you.

**M. HANSEN:** Thank you, Senator. Any other questions? All right, seeing none, thank you for your testimony.

**ROZALYN BREDOW:** Thank you.

**MINDY PACES:** Hello. Mindy Paces, M-i-n-d-y P-a-c-e-s. Thank you, committee members, for the opportunity to come and speak. Like I said, I'm Mindy Paces. I'm the vice president of housing and financial stability with Heartland Family Service. With more than 50 programs throughout southwest Iowa and east-central Nebraska, our agency has served over 52,000 children and adults in 2018 alone. Most of the individuals and families we serve have low or very low income. Nearly 80 percent of the clients that we served have annual incomes of \$20,000 or less and 50 percent have annual incomes below \$10,000. Our target population includes individuals and families who need assistance to overcome barriers to gain stability, increase self-sufficiency, or address trauma that has occurred in their lives. We understand ACEs, so adverse childhood experiences, and the impacts of those traumatic childhood experiences have in-- on overall well-being and stability. Many of our clients are dealing with mental

Rough Draft

health diagnosis, substance abuse disorders, early childhood development concerns, juvenile justice involvement, poverty, and homelessness. We're continually-- continuously assessing the needs of the community and monitoring best practices that could be integrated into our services to improve our outcomes. As an agency, we have a vested interest in identifying and supporting work force development for underrepresented communities as we understand that overall well-being and stability cannot be attained without some degree of financial stability. In early 2019, we sent a survey out to all of our employees to identify some common barriers to employment for the clients that we serve and overwhelmingly the response that we got was transportation, childcare, access to technology, and criminal history were the top reasons. In response to what we learned, efforts to build partnerships with existing work force development agencies were pursued and have led to a remote site being set up at one of our centralized locations to assist clients with basic one-on-one employment services. Additionally, this partnership, in collaboration with Metro Community College, has also assisted in training some of our employees to utilize the National Career Readiness program. One key learning from this partnership was that when services were flexible and mobilized to whatever-- to wherever was most convenient for the client, the better the outcome was. So while these efforts are a step in the right direction, systemically more needs to be done to address the very real barriers that are present when individuals who

Rough Draft

are homeless or at risk of homelessness seek work force services. So for example, individuals with a criminal history are precluded from employment opportunities without consideration of the circumstance and regardless of what re-- of any efforts towards rehabilitation have been made. Additionally, having reliable transportation, as been already discussed, isn't a central component to being gainfully employed, yet owning a vehicle and being able to maintain it is very costly. Access to public transportation is not always a possibility. The same transportation challenges that arise when someone is seeking work force development services is the same as prior to obtaining employment. Access to and reliable childcare continues to be a barrier for families seeking employment as the requirements and eligibility criteria for mainstream benefit assistance is often highly regulatory. And so when requirements aren't being met, families often shoulder that burden of their assistance being terminated with little or no notice. So as the committee works to identify solutions, I would also encourage some cultural considerations to be made as well. The barriers I've mentioned today are not isolated to one culture or ethnic group. If anything, these barriers are more complex for cultures that do not speak English as their native language. Navigating work force and employment services can often seem very daunting and complicated, and this is even more so true for minority populations. Increasing and tailoring access to services for individuals of various cultural backgrounds would present more

opport-- excuse me-- opportunities for work force connections to be made on a much larger scale. As an agency, we've seen the benefit and positive outcomes from partnering with local work force development agencies in creative and client-focused ways and hope that any future legislation pertaining to work force development will seek to not only address some of these barriers that are present for at-risk individuals, but help mitigate them in a really proactive way. So thank you. I'm happy to answer any questions you might have.

**M. HANSEN:** Thank you for your testimony. Senator Crawford.

**CRAWFORD:** Thank you, Senator Hansen. And thank you for being here, Mindy.

**MINDY PACES:** Absolutely.

**CRAWFORD:** I wondered if you would speak to whether or not there's a particular regulation or rule that tends to kick people off of childcare, that assistance?

**MINDY PACES:** Um-hum, so-- sure. I think one would be, you know, the requirement for applying for jobs. And when you think about some of the intersection between some of the other things that I mentioned, such as childcare and transportation, there's barriers. A lot of our employees mentioned, you know, access to technology. And so when somebody doesn't have access to that, it makes it very challenging for them to be able to apply for jobs, feel like they have the skills to

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Business and Labor Committee October 3, 2019  
Rough Draft

be able to do so. And I would say the same is true, if not more challenging, for some minority populations as well.

**CRAWFORD:** Thank you.

**M. HANSEN:** Thank you. Other questions? Senator Chambers.

**CHAMBERS:** I noticed that you mentioned criminal history as one of the barriers for some people.

**MINDY PACES:** Certainly.

**CHAMBERS:** When we talk about criminal history, are these employers limiting it only to convictions or do they look at the number of arrests also, if you know?

**MINDY PACES:** Yeah, I could say anecdotally it would be conviction.

**CHAMBERS:** OK.

**M. HANSEN:** Thank you. Any other questions? Seeing none, thank you for your testimony. Hi. Welcome.

**JASMINE HARRIS:** Hello. Thank you. Good afternoon, Senator Hansen and members of the Business and Labor Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I am the director of public policy and advocacy for RISE. We are a nonprofit that works with people who are incarcerated and formerly incarcerated. We offer a program that's six months in the facility, seven of the facilities here in the state.

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Business and Labor Committee October 3, 2019

Rough Draft

We work on employment readiness, character development, and entrepreneurship. Some of the things that we work with our participants on are resumes, personal statements, which are how do you talk about your incarceration when you're going to interviews or applying for housing, things of that nature, career interests, and then we also work with them on a 15- to 20-page reentry plan. We work intensely with our program participants on career readiness as we're going through our program. There are points then times in the program where we bring in anywhere from 30 to 50 volunteers to work with our participants on coaching on their resumes, interviewing skills, those personal statements. We also look at how do we help individuals work on that self-improvement. A lot of that is with character development pieces that we work on. So not only are we really getting into the employment pieces that they need, we're also looking at those soft skills, some of the things that people don't address which are self-limiting beliefs and how do you overcome those, people who have not dealt with how to deal with guilt and shame, things of that nature, as they are moving and going into looking at employment. We also work with individuals on wise decision making, professional and business etiquette, and adapting to change. Although entrepreneurship is a focus of our program, some of the skills that our participants learn through this really deals with coming up with an idea, analyzing it, research and how to present it, which are still skills that employers look at for employability. Upon completion of our program,

Rough Draft

individuals receive a certificate in employment readiness from UNO's College of Business Administration that goes into their file when they go up for parole and things of that nature. So before this position, I was the program manager for our postrelease side and I worked directly with clients as they went to community corrections and were releasing from the facilities, and we found very quickly that employment was our number-one key that we had to make sure we connected people with.

There is, from the National Institute of Corrections, about 85 percent of individuals-- about 85 percent of individuals who are rearrested have no unemployment at the time of that arrest. And we found also from another study that employment is a big factor when it comes to reducing recidivism so, therefore, we knew that that was our key and we had to make sure that we addressed that. Working with our participants, there are numerous barriers that people face as they're coming home from incarceration, and I'll address a few of those right now. So one, complications with receiving identification documentation, right now, I have an individual that I've been working with who has been waiting since March of this year for his birth certificate from Texas and that's-- I don't know how we deal with that and how we get around that because we can't force that. He doesn't have a way to get to Texas to get that birth certificate. So when you don't have a birth certificate, you can't get your driver's license or ID, so it's just a perpetual cycle that is continued as we are working with our individuals. Releasing to homelessness: People are relegated

Rough Draft

to homelessness before they even get out of incarceration, whether they are surfing couches, releasing to Siena Francis House here in Omaha or to unstable home environments that aren't good for them anyway. We currently have a builder who released to one of the homeless shelters who quickly found that he could not stay there due to the triggering drug-related activity that was happening outside of the doors, and then when he slept, he had to curl up with his property to make sure that it wasn't stolen. And then after that, he was then couch surfing. So how do you focus on getting a job when you can't even find the place where you need to lay your head? Transportation, as some of the previous people talked about, one of the things that we find is that for rides, and some of those other organizations that do reentry work, we try to get the bus passes to individuals, 30-day bus passes. But again, if you're not on the bus line to use these bus passes for your job, it doesn't matter. They-- we would say take Uber or Lyft, but most people don't have funds to put on for Uber or Lyft; some don't even have the technology to get it. We try to battle that with getting a phone and give them 30 days' worth of service. But again, it's not the end-all, be-all to that. Employers' policies: We are looking at individuals or organizations and businesses that don't hire just because; they have vague descriptions and reasons for why they won't hire. We're not ready for that. We're not-- let's see-- their-- their insurance won't hire someone but there is no specific factor given, just "my insurance won't let us hire." We hear, "we

Rough Draft

don't want the risk," but there is no specific reason of what risk that they're trying to avoid. And as part of the other barriers, Senator McCollister had tried to pass the Fair Chance Hiring Act from this committee a few times. I know I've been an avid advocate of this piece of legislation since before he introduced it in 2017. In this past legislation he got all the way up to Final Reading, but it was stripped of the key pieces that made it fair-chance hiring, which was to take the box off of the applications that asked for individuals if they had criminal histories or not. So as we're looking through this, if the bill that Governor Heineman signed back in 2015 for public entities to remove that box was good enough, why is it not good enough for our private companies here in Nebraska? And with that, I'll stop and I'll answer any questions.

**M. HANSEN:** Thank you. Senator Lathrop.

**LATHROP:** I do want to say, too-- first I want to make a comment, then I want to make a suggestion. First of all, thanks for being here. I did go this summer to one of their events at the Omaha Corrections Center-- great group, great group. The people that I saw there were, to me, very, very employable, or should be, and I appreciate that.

**JASMINE HARRIS:** Thank you.

**LATHROP:** The Judiciary Committee, and three of the members are here today, but the Judiciary Committee is going to have a hearing, I think

Rough Draft

on November 7, like I just scheduled it today, on reentry and challenges for reentry, and I think we'd very much benefit from hearing from you.

**JASMINE HARRIS:** Awesome. Thank you.

**LATHROP:** So hopefully you'll have an opportunity to share those experiences with the committee.

**JASMINE HARRIS:** OK. Thank you so much.

**M. HANSEN:** Thank you, Senator Lathrop. Other questions?

**CHAMBERS:** I pick the people I'm going to use for sounding boards.

**M. HANSEN:** Sure, sure.

**CHAMBERS:** When I'd asked about the number of arrests as opposed to convictions, I have a longer arrest record than Jesse James, Frank James, John Dillinger, Legs Diamond, Joe Bonano, and most of the members of La Cosa Nostra, but no convictions. Had I been convicted, I couldn't be in the Legislature. When I was young, so young that I wore a younger man's clothes, the police tried to intimidate me, so they would hound me and harass me and arrest me and say I resembled somebody who had committed a robbery. Well, I knew what they were doing and I'm not crazy. If a cop approaches me, I wouldn't give him an opportunity to shoot me when I know he's hostile in the first place. So I would go down to the police station. Generally, somebody

Rough Draft

would have seen the arrest and they knew what the drill was: that I'd be taken to the station, released without charges, the police counting on my not being able to have a ride back to north Omaha, but as soon as I stepped out of the police station-- it hasn't always been where it is now; it was down on 11th and Dodge-- somebody would be waiting to take me home, one time, the man in whose barbershop I worked. And by the way, he had a street named after him not long ago, so he's an upstanding citizen. We were riding somewhere in his car and the car was pulled over and both of us were arrested. When we were taken downtown, they took him into, I guess, an interrogation room, and I was so upset that I was trembling. If somebody didn't know me, they would think that I was scared to death. But I was seething. I was furious. And when-- Dan Goodwin is the man's name. When he came out, I jumped up out of my chair to go with him and they said, Chambers, just sit down. I said, you want to talk to me, I want to talk to you. Well, there's no need to talk to us. There are no charges against you. That's what they would pull. Now, if I were not the kind of person that I am, or was at that time, I might have launched into what they would call a life of crime and say, I'm going to give them a reason to arrest me. But somehow I navigated those waters and I made it without being convicted. I was charged with carrying a concealed weapon when I had on a T-shirt. These are sweatshirts. I had on a T-shirt and a pair of pants and shoes. I couldn't hide a pencil under my shirt without it being shown. I was arrested and charged with carrying a concealed

Rough Draft

weapon, which would have been a felony. And I had to go downtown.

There was a bondsman at that time who posted a bond, and he never charged me the 10 percent, and I got out. Those charges, when I went to the preliminary hearing, were dismissed immediately. But they had treated me in a way that was supposed to embarrass me, that was supposed to put me out of favor with my community and all of these things. So when I tell people that I've lived things, I know what young black men go through. And many of those that I grew up with did take a wrong turn and once they took that first wrong turn and got that first conviction, the reason for not hiring them was there. Some of them turned to drugs, some to alcohol; some sold drugs, robbed; some would break into stores and houses, and they could create the image of our community as being infested with criminals. But what about these rotten cops who hide behind their uniform and have a wall of blue silence where they see a cop committing a crime and though they've taken an oath to arrest criminals, they don't arrest each other and they cover for each other? Here's what I want to ask you: Do people with whom you deal have what could be considered diagnosable mental problems?

**JASMINE HARRIS:** Yes, sir.

**CHAMBERS:** Is there adequate service for people like that which might assist them with their mental difficulties?

**JASMINE HARRIS:** No, sir, none. We have an individual who we've been trying to place, and even calling some of the larger organizations that offer mental health services says we're not accepting new patients at this time, and this is outside in the community.

**CHAMBERS:** Do you think there is in this society-at-large a stigma attached to mental illness?

**JASMINE HARRIS:** Yes, sir.

**CHAMBERS:** Have you heard the President wanting to lay these mass shootings on mentally ill people rather than white nationalists who knew very well what they were doing? Have you heard him say the problem is not with the guns, it's with mental illness?

**JASMINE HARRIS:** I don't know because I stopped watching news with him.

**CHAMBERS:** OK.

**JASMINE HARRIS:** Sorry.

**CHAMBERS:** Now I'm about to wind up. I want to look at something that you had said you all like to try to help people: wise decision making, professional and business etiquette, adapting to change and more. What would professional and business etiquette, just briefly, consist of?

**JASMINE HARRIS:** So we help individuals with networking and how to shake hands properly, some things that people haven't even had the

Rough Draft

ability to learn because of the lifestyle that they have been subjected to, if you will. We have people who have been in generational cycles of incarceration and living in those lifestyles where they haven't been taught skills of that nature. So it's looking people in the eye; it's shaking hands; it's how do you introduce yourself to someone in the first place. So we do a lot of those kind of things when it comes to the business etiquette.

**CHAMBERS:** What about using profanity?

**JASMINE HARRIS:** Do we teach them to not use profanity?

**CHAMBERS:** Yes.

**JASMINE HARRIS:** We tell them that it's not appropriate in a setting where you're going into an interview and things of that nature.

**CHAMBERS:** But it helped a guy who is now President get to be President.

**JASMINE HARRIS:** Hey, well--

**CHAMBERS:** He used the word "B.S.," only he said the words. I don't use it. Now I'm going to say this. I'm don't use this kind of language. He referred to African countries and Haiti as "shithole countries." And he said it. And he uses the "B.S.," not the initials.

**JASMINE HARRIS:** Yep.

**CHAMBERS:** And yesterday he said "blank-strap." And he said-- you know what I'm talking about-- this guy's not worthy of carrying so-and-so's "blank-strap." But I'm not going to say the word because you'll think it's bad. They've got a white man, who is President of this country, who uses profanity, he's multi-married, he has had numerous sexual misconduct charges brought against him, and yet all of those things fall off him like water off a duck's back. So it can be difficult to persuade young people that they shouldn't use profanity, that they shouldn't grab a woman by her privates, because this President joked about that also. He said you can grab a woman's-- and used the vulgar term. You can do anything you want to do them you're famous or if you're popular. He said that and laughed about it and they had him on tape. I say that so these white people who want to cast us as the savages have a President that they support, that they follow, who will brand people of our complexion with these obscenities, and yet he's got the highest position in the country. So when he was running for President, he was asked-- now sometimes I don't let people know that what I'm saying is an analogy. He was asked, did you-- have you grabbed women by their genitals? Oh, yes. Have you gone into rooms where you had women participating in beauty contests and they were in various stages of undress and you went in there and you observed them, their special parts? Yes. And do you use bad language? "H" yes. And they say, well, how do you get away with that? He says, well, I'm not running to be a kindergarten teacher, I'm running to be President of

Rough Draft

the United States. So conduct that would disqualify somebody from any job is engaged in by him, so what would you say to a young guy who'd come to you and present what I presented? And you tell me use business etiquette and I'd say, if the "MFER" won't hire me, I'll tell him I'll knock your so-and-so block off. You'd probably tell him you can't say that.

**JASMINE HARRIS:** Um-hum.

**CHAMBERS:** And I'd say, well, the President says it. Are you telling me that instead of trying to get this job, then maybe I ought to run for President? Now if he said that, it would seem like he's being smart-alecky, huh? But we all know what he's talking about.

**JASMINE HARRIS:** Yeah.

**CHAMBERS:** My frustration is that there are well-intentioned people in this audience-- and when I say well-intentioned, I don't mean that they're silly or what are called do-gooders-- who work hard to try to help prepare people to get a better chance than what they have now. But all around them, the good people, they have a guy who had billions of dollars recruiting young girls for sexual exploitation. They have people who run movie studios who put women in a position of either doing what they're told to do or they don't have a job here and they'll be prevented from getting a job. There are communication magnates with big national television networks who do the same thing.

Rough Draft

Then they want to tell somebody who stole a car you can't have a job, and yet a white man who has engaged in sex trafficking and some of the other things I say can be a President of the United States. I don't want you all to be discouraged, to be disheartened. And I know you see the underside of the carpet that I'm kind of describing now and sometimes you wonder, what can I say that I haven't said?

**JASMINE HARRIS:** Yeah.

**CHAMBERS:** The thing that all of us who try have to say is we don't have an answer. We're telling you things that might have you barking up the wrong tree, that will send you down a blind alley, knocking on a door that will never open to you; tell them to live such a holy life that you can go to heaven without dying; oh, and, by the way, you still may not be able to get a job.

**JASMINE HARRIS:** Yeah.

**CHAMBERS:** But black people have not taken up the gun, shoot up 30 people in a church, go in somebody's house and say I thought it was mine and blow him away or her away, set a synagogue afire, to attack a Muslim mosque, to go to "Sin City" out there in Las Vegas and kill dozens of people. Those were white people, Christian people. And I'm saying this so my colleagues can hear me and you all will know how I conduct myself on the floor of that Legislature. They will not enact legislation to help people who, if given a second chance, would make

Rough Draft

the most of it. They don't have a problem, so they don't care about people who do. They took the same oath I did, except I wouldn't swear. I affirmed. So they invoke God and still will not enact legislation to take care of their brothers and sisters. And I might not say anymore this hearing because I think the direction I'm going is clear, but there are times when the public needs to hear from some of us what we are really thinking that might explain why we do the things that we do. An example I give is that the first family, not Trump's family-- they wouldn't count-- the first family, historically and mythologically, consisted of a man and a woman and two sons and one killed the other. The first family contained a murderer. And the Christians say the Bible says if you shed man's blood, by man's hand shall your blood be shed. But when that first murderer came, committed his murder and was kicked out of the garden, he said-- and nobody told where all these other men came from. He said, by you sending me out of here, you're putting on me a burden I cannot bear; every man's hand will be raised against me. Well, Adam and Eve did-- only had two children. Where did these other men come from? But forget that. Myths and legends don't even have to deal with that. God said, I'll tell you what I'm going to do; to make sure that no man's hand is raised against you, I'm going to put a mark on you so that no man will raise his hand against you. They don't teach that in church. And here's what I'm getting to that they ought to teach. When God came and talked to Cain-- and Cain was a murderer and God didn't tell him, "You murdered

Rough Draft

your brother"-- he asked, "Where is thy brother?" And Cain sneered at God because Cain was only what God made him. And he said defiantly, "Am I my brother's keeper?" And the Bible doesn't report or record an answer, so the answer was left for you to give, for me to give, for all those who are part of the human family to give. And anything born of a man or a woman is a member of the human family. So the reason I do the things that I do is because I do believe that of one blood all human beings are made, therefore, everybody is my brother, everybody is my sister, and, yes, indeed, I am my brother and my sister's keeper. But I didn't come up through this world privileged. I came up being ridiculed as a child in grade school by a white teacher who read Little Black Sambo and let the children laugh at me, in music singing "Old Black Joe" and the white kids snickered. When I went to Lothrop, there were only about a dozen black kids, if that many. Then they'd read Tom Sawyer and the character had "N" as his name, and I sat through all that. And if my parents visited school and I'd tell them things that had happened and they'd ask about it, naturally, the teacher and principal: No, no. And in my mind as a child-- and it caused me not to trust adults. She can lie to my parents, she can lie to the principal, but she can't lie to me because I know what was done to me. And I've never forgotten it, and I remember it as though it was yesterday, and it's why I will help anybody who needs help. There was a racist farmer who was killed, and I immediately started helping his family. And I said what the State Patrol was is as close to a murder

Rough Draft

as anything I saw. And the first thing members of the State Patrol and other senators said to me: Chambers, he was a racist. I said, you all didn't kill him because he's a racist or you all would be dead too. His family is not him; he is not his family. That man's life was taken in violation of his constitutional rights and I took an oath as a member of this Legislature and I'm going to follow mine, even when it comes to a racist. And I've tried to help children in school even though the vast majority of them are white and their parents might teach them to hate us. Those children are not their parents. Even if they say things, they say what they heard, they say what they're taught, and somebody has to be willing to look beyond that. Now I'm not going to let anybody walk over me or walk on me or put their hands on me and I not at least try to defend myself. I don't care who or how big he is. But where are the people who are more civilized than I'm supposed to be, who are children of a higher God than I, who have been privileged all of their life, who didn't get arrested just on the whim of a cop? They all are in the Legislature. And when I bring legislation to help these people of their kind, because there are more of them than us, they kill it. You mentioned something. I think yours was the one where one of the senators tried to bring legislation and meaningful words were stripped out of it, and these are the Christians. So this serves notice to anybody who's aware of a hearing that I come to that they're not going to be like at a tea-and-toast social event. It's my opportunity to put things into the record and to

Rough Draft

challenge all of those who took an oath. How can there be so much poverty? How can there be so much illness that is unattended? How can nursing and long-care facilities be closed as they're being closed throughout Nebraska because the Legislature refuses to pay providers enough to take care of the people were put there? How can that happen? And yet they pray every morning, every single morning. I hope that there will always be people like you, who I describe as dreamers, who will swim upstream, who will move against the wind, who will lift the heavy end of the log and still be treated as somebody who is not important because the people you're dealing with are the "unpeople." Don't let anybody make you doubt yourself. Don't let anybody make you doubt the value of what you are doing. And there might be people in your groups who will never open his or her mouth and say a word, but they're taking in everything that you're telling them, as I did as a child, and they'll do more with it than maybe anybody with that program did. And my final comment on this, then I'll wait for the next sounding board: I didn't talk much when I was a child because I didn't trust adults. In Sunday school, I learned a lot of Bible verses, especially those related to children: Suffer the little children to come unto me and forbid them not, for such is the kingdom of God; he who offends against one of these, my little ones, it were better for him that a millstone were hanged about his neck and he drown-- be drowned in the depth of the sea. But the old woman, who I thought was probably Satan's wife or his mother, had a long switch when she taught

Rough Draft

Sunday school and if you didn't get the answer right, she'd reach out the switch and hit you, so I wouldn't talk. And people would come by the house and they'd say, what's the matter, the cat got his tongue; the cat got your tongue, boy? And I wouldn't say anything, but I was listening, I was watching, and I was learning what these people who claim to be good were about. And I determined that whatever I became, it wouldn't be them, that I would never say I am what they say that they are, but I will do what I can to prevent any child from feeling what I felt when I was in school alone, nobody to fight for me. I couldn't fight. I didn't know how to fight. I was ridiculed. I was laughed at. The teacher allowed it, nobody I could turn to. But instead of shriveling up and blowing away, I didn't know what I would become, but I wasn't going to let them turn me into the things that they read to me about where people would look at me and laugh because of the way I looked. And I've been true to what I believe. And at 82 years old, I will go on the floor of that Legislature when we start and tell them I'll keep you here 'til midnight. And you ought to test this 80-year-old man and you ought to be ashamed of yourself if you cannot last as long as I last on this floor, and I'm not the one to quit first. And I say it in front of them and they know that it's true. And I hope that they're paying attention to what those of you who are testifying to today are saying so they cannot pretend that I'm making something up, that these things do not really happen. And since you're my younger sister, I have to say, as I said to my sister who

Rough Draft

was younger than I am also but a little-- but now of a certain age, I apologize for having utilized your time, but I don't think it was time wasted. I doubt that you expected this to happen, but we need people like you and the others who will not only say it but put it in writing in case we don't get it all while you're saying it, and we can read about the things that people are confronting, the barriers to getting employment. And these are not people asking for a handout. They say, I want a job, I'll work, let me in the door.

**JASMINE HARRIS:** Yes.

**CHAMBERS:** And they say, no room in this inn, hit the road, Jack. So I'm angry, I leave, and I go by a white person's store in my community and I pick up a brick and I throw it through his window. And they say, uh-huh, that proves what he is. I know what I am and I know that if I followed your President's lead, I'd be cursing a blue streak; a woman wouldn't be safe around me; I'd be define-- describing all these white people with profane obscenities. But I'm better than that. I think, therefore, as Popeye said, I am what I am and that's all that I am. And remember this: Learning to love yourself is the greatest love of all, and you could not do the work that you do if you didn't have self-respect, if you did not love yourself, if you did not know that there is a better way than what you see going on around you and you want to share what you've got to be an example and lead by example, not just by words like my colleagues try to do in the Legislature. And

Rough Draft

not all of them are that way. Believe it or not, there are some of them, one or two, who are trying to be good people and they behave like good people. And I think there might be-- yeah, we have one down on the end, and this is something that I'm going to say dedicated to her because I'm doing a picture. Two Governors, both of them "Repelicans," and the "Repelican" Party are represented by elephants. They're fighting. Many a golf course has been ruined by duffers; when elephants fight, it is the grass that suffers. And that's an African proverb from the Kikuyu. When the elephants fight, the grass suffers. So you've got two elephants, one current Governor, one a former Governor, who are fighting about who's going to get a certain seat in the Legislature. The elephants are fighting. So when I do this drawing and write that little couplet, I want the one about whom they're fighting to know that she is not what I'm referring to when I say it is the grass that suffers. And that's all that I have. Thank you.

**JASMINE HARRIS:** Thank you.

**M. HANSEN:** Thank you, Senator Chambers. Any other questions from committee members? Seeing none, thank you for your testimony.

**JASMINE HARRIS:** Thank you all.

**M. HANSEN:** Welcome.

**SHAUNA DAHLGREN:** Hi. Sorry about the typo. Thank you, Chairman Hansen and committee members, for the opportunity to be here and listening to

Rough Draft

some important issues faced by Nebraskans who may be homeless or at risk of homelessness. My name is Shauna Dahlgren; it's S-h-a-u-n-a D-a-h-l-g-r-e-n, and I'm a work incentive and community outreach specialist for Easterseals Nebraska. Easterseals Nebraska is an agency with a unique perspective on employment-related issues faced by individuals with disabilities or health conditions as we offer a variety of services throughout the state of Nebraska to both transition-age youth preparing for the work force and adults who are entering or reentering the work force. Specifically, as an employment network with Social Security Dis-- Social Security's Ticket to Work program, we work closely with many partner agencies to help ensure that working-age Nebraskans receiving Social Security Disability benefits have access to important information, services, and resources that can help them obtain, maintain, or advance in employment. Whether it's recognized at birth, acquired over time, or an unexpected injury, disabling conditions can happen to any one of us or our family members at any time. As of August 2019, there are 61,238 Social Security Disability beneficiaries in Nebraska alone who are working age, and that doesn't include the ones who are under 18, over 64, or any people that experience any number of less-severe conditions or symptoms that create barriers to employment opportunities. So I know our employment rate is really low, but there are still thousands of working-age people that have the potential to do something, even work full-time, as you were talking about before. As of this year, the average Social

Rough Draft

Security Disability Insurance payment is \$1,197 a month. For someone receiving Supplemental Security Income, the maximum benefit is \$771 a month. That may be their only income. For many reasons, supplemental benefits such as housing assistance, SNAP, childcare, and medical assistance may not be available to supplement that monthly income. Published rates of unemployment and underemployment for people with disabilities vary, but one consistency is much greater rates of unemployment for people with disabilities than their nondisabled peers. It's no secret that securing stable employment can be a key factor in preventing-- in preventing homelessness. And for a number of reasons, finding and securing employment can be quite a feat for disability beneficiaries. Many you've already heard about today. Transportation is a huge issue because disability crosses all socioeconomic statuses, all racial, ethnic; there are no barriers for that. I'm just going to talk about two key barriers, though, with respect to disability beneficiaries today. First of all, beneficiaries are not necessarily aware that work is possible for them and they make uninformed decisions about that. Benefits-planning services, such as those that we offer at Easterseals, help make sure disability beneficiaries have complete and accurate information about federal, state, and local benefits and applicable work incentives. This information and support is essential for helping beneficiaries to make informed choices about working and make sure they're equipped to navigate complex federal and state benefit systems once they are

Rough Draft

working. However, the availability of such services is limited due to lack of funding and restriction-- restrictions of funding that is supposed to be available. Secondly, federal, state, and local systems present multiple barriers to individuals and service providers. Again, some you've heard about already today, but one example is Social Security's Ticket to Work program intending for people to get off of Social Security benefits and help them work toward self-sufficiency, yet Nebraskans with disabilities are actually turning down jobs. And those who do work are turning down promotions and raises and refraining from any kind of savings for retirement because of issues with our state Medicaid's-- our state's Medicaid program and many other reason-- programs as well. Senator Crawford has tried to help us with at least part of one of those issues with LB323, so thank you for that. But contradicting information and initiatives and lack of consistency by way of reinterpretation or regulatory changes are continuous and additional challenges include the many long-term implications presented by Nebraska's order-of-selection status for both state vocational rehabilitation agencies. This means a significant gap in employment services, not only the services that are provided directly by VR but also the ones that they pay for by other service providers. The last thing that I'll mention is just the issues with the implementation of the Workforce Investment [SIC] and Opportunity Act and just the difficulties that our state seems to be having in creating that one combined, collaborative system so that

people with disabilities can also-- or cannot con-- will not continue to be underrepresented and underserved in that system.

**M. HANSEN:** Great. Thank you for your testimony.

**SHAUNA DAHLGREN:** Yes.

**M. HANSEN:** Questions from the committee? Senator Lathrop.

**LATHROP:** If I may, Mr. Chair. Thank you for your testimony. I'm curious about your testimony with respect to the State Vocational Rehabilitation Services Agency.

**SHAUNA DAHLGREN:** Yes.

**LATHROP:** That's an agency of the state that's supposed to be sort of a clearinghouse and help people with employment challenges.

**SHAUNA DAHLGREN:** Right.

**LATHROP:** Can you tell us how they're doing?

**SHAUNA DAHLGREN:** I'll be careful.

**LATHROP:** You don't need to be careful. I-- I-- I'm-- I would really like to-- to know very--

**SHAUNA DAHLGREN:** So there is about-- they---

**LATHROP:** --in plain-- in plain words.

**SHAUNA DAHLGREN:** So they went into an order of selection in October of 2017 or around that time, so they basically have been in order-of-selection status for two years--

**LATHROP:** Is that a waiting list?

**SHAUNA DAHLGREN:** --which means-- yes-- that since that time, they have taken very few cases off of the waiting list. People can go and apply for services and be found eligible for services but then are put on the waiting list and may or may not be referred to other places that can provide services in the interim. And so we now, as of October 1, they're supposed to be taking-- they basically prioritize them in 1, 2, and 3, with Priority 1, that Priority 1 group being the-- essentially the individuals that have the most functional barriers, and that's where their money is supposed to go first.

**LATHROP:** What do you mean by functional barriers?

**SHAUNA DAHLGREN:** So the most limitations or barriers to employment in functional areas.

**LATHROP:** So developmentally disabled?

**SHAUNA DAHLGREN:** Yeah, employability, employment skills, those kinds of things. So there-- there's basically an assessment that they do, a checklist to determine if they fall into Priority Group 1, 2, or 3. So if they're in Priority Group 1, then those-- that's where their

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Business and Labor Committee October 3, 2019  
Rough Draft

dollars are supposed to go first, to serve those individuals. There's, the last I knew, about 2,300 people on the waiting list just in that Priority 1 group.

**LATHROP:** In Priority 1?

**SHAUNA DAHLGREN:** Yes.

**LATHROP:** How we doing moving people off that list? Is it growing?

**SHAUNA DAHLGREN:** Poorly.

**LATHROP:** Is it growing?

**SHAUNA DAHLGREN:** It's growing daily. They are supposed to be taking, as far as I know, about a thousand people off of the waiting list, that Priority 1 list, this month.

**LATHROP:** By providing services or just scratching their name off?

**SHAUNA DAHLGREN:** Well, they're taking them off the list and part of their process is to bring them in for like an employment discussion, kind of start some services that will help lead them to an employment plan, and they have 90 days, essentially, to get all those initial meetings and services provided so-- to get them to plan. But when they take people off of the waiting list-- they could probably better say for sure, but I don't know. They are down staff because of the order of selection and the reduction in services and the lowering of budget.

Rough Draft

The state agency itself is down significant number of staff. They don't really have a plan to hire a lot of staff so, therefore, they're taking a thousand people off of the waiting list with limited staff, and they may not know until they bring those people in, essentially, and have those initial conversations, what the services might look like for that individual, what they might need. If they might need to be referred to external service providers to get certain types of supported employment services, they refer to us as one of the vendors for that benefits planning service, so that's kind of a part of the process. So you have them trying to bring people in off of the waiting list, get all their initial meetings done, identify what services they need, get those out to the service providers. And the service providers providing supported employment services, we're all down staff. I mean I think I can speak-- I don't know if there's anybody else here in the room that was previously providing certain types of services for those individuals, but some-- some service providers have actually eliminated the type of service they were providing because they didn't have the funding. They weren't receiving any money from VR to provide those services--

**LATHROP:** So you--

**SHAUNA DAHLGREN:** --so there is going to be limited service providers for the individuals they take off.

**LATHROP:** You talked about Priority 1 having a waiting list of 2,300.

**SHAUNA DAHLGREN:** Um-hum.

**LATHROP:** Do you know what 2 and 3, what their waiting lists look like?

**SHAUNA DAHLGREN:** I don't know the--

**LATHROP:** And have we just basically given up on those people?

**SHAUNA DAHLGREN:** I don't know the exact numbers, but their goal, I think, is, as far as what they've expressed, is to clean up the Priority 1, that Priority 2 waiting list hopefully sometime in the near future. But the people that they do take off of the waiting list are maybe not going to have access to services and there is very little chance, as far as I'm concerned, that they're going to get to those Priority 2 and 3 groups--

**LATHROP:** And this is a funding--

**SHAUNA DAHLGREN:** --this year or maybe a lot-- maybe a lot longer than that.

**LATHROP:** This is a funding issue primarily?

**SHAUNA DAHLGREN:** Primarily there was some-- again, they could probably speak to it more specifically, but I know there were some issues with like reallocation dollars from the federal government that they didn't

get and some other, probably, factors that significantly limited their-- the dollars that they were bringing in to provide services.

**LATHROP:** If I'm unemployed, do I generally start with Vocational Rehabilitation or do I find my way out to these providers and walk through their door? Is that how that works? I was--

**SHAUNA DAHLGREN:** I--

**LATHROP:** I meant to ask the-- the testifier from the Urban League the same question--

**SHAUNA DAHLGREN:** Yeah.

**LATHROP:** --which is, how do-- how do the unemployed-- do they start at Voc Rehab and then get dispersed or they find their way in to these organizations and they kind of go up and try to get some assistance to provide the services?

**SHAUNA DAHLGREN:** I think it can happen either way. But primarily I feel like, especially for individuals who identify themselves as having some type of disability, historically, they've just been sent to Voc Rehab; like your One Stop Centers, your Heartland Workforce Solutions, and other one-stop centers, work force development offices across the state just weren't really equipped to handle cases or provide services. And so essentially, if you came in and said to really any agency, whether it's a medical provider or-- or somebody

Rough Draft

else, and you identified yourself as having a disability but wanting to seek employment you were sent to Vocational Rehabilitation. And I've worked with Nebraska VR in one capacity or another for almost 20 years now and this is the first time we've ever been in an order of selection.

**LATHROP:** OK.

**SHAUNA DAHLGREN:** So for a long time, that's where people have gone, so now we're all trying to figure out how to unencumber that system and get people services that they need on the outside of VR, where VR used to be the one in the middle that was like kind of directing all the traffic everywhere, and now everybody on the outside is trying to figure out how to work together.

**LATHROP:** And this is with low unemployment.

**SHAUNA DAHLGREN:** Right.

**LATHROP:** Is anybody here from VR that intends to testify? OK. I don't see anybody. The record will reflect nobody from VR is here today on this topic. Thank you. I'm--

**SHAUNA DAHLGREN:** Yeah.

**LATHROP:** I'm trying to get a handle on that because we're seeing this unwillingness to put the resources into the things that we've decided the state government ought to be doing. This appears to be another

example and it is troubling that you would have this testimony when these waiting lists are developed with low unemployment.

**SHAUNA DAHLGREN:** Right.

**LATHROP:** OK. Thank you.

**M. HANSEN:** Thank you, Senator Lathrop. Senator Chambers.

**CHAMBERS:** I want to tailgate on some of the things Senator Lathrop mentioned by asking you some questions. That list of 2,300 people, is there anybody who communicates with them to let them know what is going on, or they're just kind of languishing, if you know?

**SHAUNA DAHLGREN:** Overall, if I had to make an educated guess, I would say they're languishing. I think it depends on-- so that waiting list is across the state and so depending on where the person is located or where the potential job seeker is located in the state, they're going to that respective office. And so depending on the staff member or the individual, just like any place or agency really, sometimes the services that you receive or the quality of those services depends on the person that you are working with. And so there are some people who probably do a really good job of saying, you know what, we are going to put you on a waiting list, we don't know when we're going to be able to get you off of the waiting list, in the meantime you may go to Heartland Workforce Solutions, you may go to Easterseals, you may go to any of these other service providers and possibly get some services

Rough Draft

that can help you reach your employment goal. But without that kind of warm handoff or that collaborative system that would be ideal where they could make direct introductions and say, hey, here's a specific person, you can contact them, they can help you, people don't follow through or maybe they don't even get referred. You know, they may just be handed a piece of paper and say here's a list of places you might be able to go that might be able to help you.

**CHAMBERS:** Is there any requirement that a person on the list make a contact, initiate a contact with the ones who are controlling the list, wherever they are?

**SHAUNA DAHLGREN:** I'm not sure about that.

**CHAMBERS:** Oh, OK. So it's not a situation where if you don't initiate a contact, say in three months, then you're taken off the list. You stay on that list--

**SHAUNA DAHLGREN:** No, um-hum.

**CHAMBERS:** --once you're on it? OK.

**SHAUNA DAHLGREN:** Yeah, as far as I know, that's true. So some people essentially have been on the waiting list now for maybe close to two years.

**CHAMBERS:** Oh, OK.

**LATHROP:** Do they collect unemployment on that list?

**SHAUNA DAHLGREN:** Not necessarily--

**LATHROP:** OK.

**SHAUNA DAHLGREN:** --because if people had-- if people weren't working before they went into Voc Rehab, if they were young, let's say, and maybe they were transitioning out of high school, maybe even a transitional program, something like that, they may have had some job experiences or things like that but nothing really that would provide them for unemployment or any other income potentially.

**LATHROP:** OK.

**M. HANSEN:** Yes, Senator.

**SHAUNA DAHLGREN:** Yes.

**CHAMBERS:** Would any of the people on that list-- and we're just-- I'm just talking about the "A" list, if you want to call it that. Would-- are any of them entitled to receive Medicaid?

**SHAUNA DAHLGREN:** Some of them probably are, but maybe not all for any number of reasons. If they are eligible for Social Security Disability benefits or SSI, then, yes, they could be eligible for Medicaid. But if they do receive that Social Security Disability benefit, as a single individual, if they receive that average check, \$1,197 a month,

that's over the 100 percent of the federal poverty level program for Medicaid, so many of them are not.

**CHAMBERS:** Now there was a ballot issue that the public voted in favor of to expand the reach of Medicaid. And for the sake of not going into a lot of detail, the catchphrase is it helps the working poor, those who are a small percentage above the poverty level, they're working, but they still need some help. That was put into place by the voters and no action to implement it has been taken. It seems that the Governor and his administration are trying to look at what is happening in southern states where they can put in work requirements, require people to reapply every six months, and actually defeating what the public had in mind when they voted for it. But ironically, when he and his father put a half-million dollars into a ballot issue to overturn the Legislature's wiping out of the death penalty and what the Legislature did was erased, the Governor did not delay in trying to-- he quickly approved an execution protocol. In less than two years, a man was executed because he chose not to fight. So when it came-- it comes a program that if it was implemented as the public intended when they voted for it, there are people who for sure would have greater access to medical care. A report from the Medical Center had indicated there were some people, some lives that would be saved. So when the pro-life Governor will not implement legislation that will help those who are alive, he hurried with the speed of light to

Rough Draft

implement the death penalty and killed a person. So these are the kind of things that seem to form what you might call a dichotomy. And I'm not going to put you through all the questioning I did the others, but I do mean for you and all of those who are trying, if you don't give up, there is no hope-- if you give up, there's no hope whatsoever. As long as somebody in the darkness is waving a light, the ones who feel hopeless and helpless might say, well, there is that possibility. So just keep doing what you're doing. And if I had the power and you weren't needed on earth, I'd let you all go to heaven without dying, so keep up the good work you're doing.

**SHAUNA DAHLGREN:** Thank you.

**M. HANSEN:** Thank you, Senator. Any other questions, committee members? Seeing none, thank you for your testimony.

**SHAUNA DAHLGREN:** Thank you.

**M. HANSEN:** Hi. Welcome.

**BOBBI JO HOWARD:** Hi. Thank you. My name's Bobbi Jo Howard, B-o-b-b-i J-o H-o-w-a-r-d. I am the current program director for the Adult, Dislocated Worker WIOA--

**CHAMBERS:** Could you speak just a little louder, please.

**BOBBI JO HOWARD:** Sure, sorry.

**CHAMBERS:** OK.

**BOBBI JO HOWARD:** I'm the program director for the Adult, Dislocated Worker WIOA program serving Douglas, Sarpy, and Washington Counties. Thank you all for taking the time to hear about these issues today. Senator Lathrop, to answer your earlier question, while we do have very low unemployment, we have very high un- and underemployment in certain populations, and we have some data on marginally attached workers, meaning the individual has recently performed a job search, but there is no clear data regarding individuals who have completely given up and are now what's called disengaged workers. I've worked with individuals who have exited the corrections systems, experienced homelessness, struggling with a diagnosis or disability, identified as an at-risk youth, and most recently with the WIOA program. In my history of working in these various roles helping clients to achieve sustainability through employment, the same issues consistently come up as a barrier. I've outlined here for the WIOA program an automatic qualifier is criminal background, basic skills deficiency, having been laid off, receiving public assistance, homelessness and otherwise low-income. The barriers that we frequently see, and I'm sure that you hear often about: transportation. So our ZIP codes in Omaha with the highest unemployment and area-- highest rates of poverty are completely cut off from areas with the highest shortage of workers. In Omaha, the 132nd and L area has probably hundreds of jobs that go

Rough Draft

unfilled because people can't get there utilizing our public transportation system. In my previous position working for a rapid rehousing program here in Omaha, 70 percent of my clients utilized public transportation and if they did have a vehicle, it was very unreliable. So they were held in-- in a lot of jobs that paid a little lower because the-- the market there is a little more saturated with people who can get there, so employers can-- yeah, you get all that.

Criminal background: It's widely understood that certain needs, including housing and employment, are considered criminogenic risk factors. So an individual who experiences homelessness after release from incarceration is more than twice as likely to be reincarnated due to a new conviction, more than three times as likely due to a revocation of their parole. Unemployed returning citizens are three times more likely to return to-- to prison than those with employment. Individuals are often screened out of employment opportunities who-- which could help them to become sustainable, even when the offense is unrelated to the nature of the opportunity. In April of 2018, I had a client who was disqualified for a help center or a help desk technical call center position despite having six months of experience-- or six months-- I apologize-- over six years of experience because of his felony record in which he had failed to return a rental vehicle and taken a plea for probation. July of 2018, I had a client who was disqualified for a CNA position because, during her period of homelessness five years prior, she had a misdemeanor shoplifting

Rough Draft

charge, which reasonably probably occurred when she was trying to survive on the streets. September of 2018, I had a client-- client who was disqualified from a manufacturing position due to his felony conviction for a sexual offense. Oh, goodness. I will just jump to-- so some of the things that we can do to address criminal backgrounds, we need to address the cliff effect in our area. I've included several examples, including the CQE out of Ohio which lifts the collateral sanction of-- that is attached to convictions by allowing employers to give someone an opportunity without fearing the risk of negligent hiring liability. So I did include some information there. For our cliff-- or-- I apologize. Let me speak a little bit about cross-systems collaboration as well. Homeless services, work force services, the goals: we're trying to get people sustainable; we're trying to get people in housing. But because of the way they work, it creates-- it's difficult to work together. The-- the data does not line up well. We're-- we have no alignment of common goals and-- let me back up. Just a minute. Sorry. So it causes us to work in silos. A full-time, minimum-wage job puts a single individual over the income level for a rapid rehousing program at recertification and the data systems are very different, so.

**M. HANSEN:** All right. Thank you for your testimony. Are there questions from committee members? Senator Chambers.

**CHAMBERS:** A comment: The fact that not only you but others can give statistical breakdowns which would include the types of things that contribute to recidivism, if those elements were removed, then we could say logically maybe not all recidivists would go away, but the rate of recidivism would diminish.

**BOBBI JO HOWARD:** Correct.

**CHAMBERS:** Now if there has been study after study after study that establishes these facts and they are known to policymakers, why do you think that programs are not put in place? If we really want to give people a second chance and have them succeed and become what are called productive members of society, what is it, in your opinion, if you have one, that will lead policymakers with the power and the wherewithal to implement programs that would attack these problems, what leads them not to do so?

**BOBBI JO HOWARD:** That's a wonderful question. I don't-- I don't know why they wouldn't. However, I-- I can see in Nebraska we're focused a little more on employers than we are maybe on the job seekers, so by empowering employers to be able to give somebody a second chance, so just through the CQE or even-- if you read through there, I talked a little bit about we could enact a state-level work opportunity tax credit that could even reactivate when they're taking somebody who is

among those populations or still in a poverty-level position and it could be reactivated every time the person gets a wage increase.

**CHAMBERS:** So then--

**BOBBI JO HOWARD:** So [INAUDIBLE]

**CHAMBERS:** --policymakers, if they want to do something, they don't have to reinvent the wheel and come up with brand-new programs. That is out there and implementation can occur if there is a will on the part of policymakers to do this.

**BOBBI JO HOWARD:** Correct.

**CHAMBERS:** How is it-- well, let me ask the question this way. Why do people like you who know these things continue to do what you do when you know that you're knocking on a door and nobody probably will answer?

**BOBBI JO HOWARD:** Um--

**CHAMBERS:** That's not much of an answer. [LAUGHTER]

**BOBBI JO HOWARD:** Yes.

**CHAMBERS:** Maybe that's the only answer [INAUDIBLE]

**BOBBI JO HOWARD:** Well, I-- I can tell you, you know, personally I do it because I-- I love watching my clients succeed. I worked with one

gal who it took her two years to overcome her barriers and finally get ready to be in a position where she could take advantage of the opportunities to increase her skill set, increase her pay, and go to work full-time.

**CHAMBERS:** You said it took two years?

**BOBBI JO HOWARD:** Two years.

**CHAMBERS:** Why didn't you at some point throw her away and say this is pointless? What kept you from arriving at that conclusion?

**BOBBI JO HOWARD:** I mean it-- it's never pointless to help other people. It's also-- it's-- it's our community. If-- if we're not doing what we can to help each other increase our sustainability, then really, I mean, we're-- we're kind of dragging ourselves down as well. You're going to end up with more people on public assistance, you know. And every-- everybody's always talking about how they don't want to pay more taxes. Well, you know, why not help people?

**CHAMBERS:** I-- I wouldn't today attend a church, a mosque, or a synagogue. But, my child, if you open some kind of church, I might be your first [INAUDIBLE]. But again, keep doing what you're doing.

**BOBBI JO HOWARD:** Thank you.

**M. HANSEN:** Thank you, Senator Chambers. Any other questions? Senator Slama.

**SLAMA:** Thank you so much for coming to testify today and for your work as well. So I think in your testimony you noted something that's important that you point out here in the criminal background section. The-- I'm thinking-- here it is, September 28, 2018, a client was disqualified from a manufacturing position due to his felony conviction for a sexual offense. Do you consider that one to be an offense that's unrelated to the nature of his job opportunity?

**BOBBI JO HOWARD:** Absolutely.

**SLAMA:** Why, when-- when he's working with people, other people?

**BOBBI JO HOWARD:** Well, sure.

**SLAMA:** Wouldn't he be working with other people in that position?

**BOBBI JO HOWARD:** Sure, he would be. There are other people there. But this particular gentleman had taken ownership of his decision and said, you know, I made a terrible choice and if I could go back and change it, I would. But he can't, and so he was just looking for opportunities and, I mean, there's not much out there where you can do work without working with other people. So what is it we expect him to do?

**SLAMA:** We're talking about a felony conviction for a sexual offense, though, right?

**BOBBI JO HOWARD:** Correct, um-hum.

**SLAMA:** So do you think that employers should be able to consider any criminal background when hiring?

**BOBBI JO HOWARD:** No, and so if-- if you look at the information for the CQE, there are parameters. You know, police officers who pick up felonies would never be able to become a police officer again. If you are convicted of a sexual offense or an assault, you wouldn't be cleared for a CQE, or a certificate of qualification for employment, in a-- like a nursing position or healthcare. But we do need to give people opportunities. We need to give them some way to support themselves, so, you know, there's-- there's going to be something that they have to do, right?

**SLAMA:** Thank you.

**BOBBI JO HOWARD:** Yeah.

**M. HANSEN:** Thank you, Senator Slama. Senator Chambers.

**CHAMBERS:** It's too bad there's only one President because based on the things that disqualify people from having jobs, everybody that you

mentioned could get a president's job if there were enough of them to go around.

**BOBBI JO HOWARD:** [LAUGH] Yeah, absolutely.

**M. HANSEN:** Thank you, Senator. Any other questions from the committee? Seeing none, thank you for your testimony.

**BOBBI JO HOWARD:** Yes.

**M. HANSEN:** We'll take our next testifier. Hi. Welcome.

**CORAL NIEVES:** Hi. My name is Coral Nieves. I'm am-- C-o-r-a-l N-i-e-v-e-s. I am from Heartland Workforce Solutions. I'm the career navigator under the Career Readiness to Eliminate Disparities grant from city of Omaha. Thank you for having us on behalf of us and the work force. The Career readiness to Eliminate Disparities grant, we call it "CRED" for short, from city of Omaha has tasked Heartland Workforce Solutions in working with specific populations that live in areas of highest poverty and unemployment rates in the greater Omaha area. And in that document, I've included all the ZIP codes that we are focusing on. Within those populations, we have been able to develop precise strategies to help specific groups who form part of these ZIP codes and have expressed individual needs in connecting to and retaining employment. We've been tasked with not only helping individuals connect to employment but also following their retention. That's the second big part. Within those populations that we serve,

Rough Draft

we've identified some populations that need extra help and that, as has been echoed throughout this afternoon, reentry/legal background populations, English-as-a-second language learners, older adult work force, and in-school youth and young adults. We have found that the biggest barriers to accessing employment and keeping employment for these populations are, as highlighted, transport, transportation, and there was a little bit of discussion earlier about that, but access to transportation, money for, resources for transportation, knowledge of the system, especially for English-learner populations; language barriers to perform well in interviews and initial training, not to do the actual jobs. There-- there's-- when you apply to a job, even the application process is very complex. We have a lot of very highly qualified people here in Omaha, but the whole process to apply to jobs and to go through the whole interview process is cumbersome at-- at points. So that's one of the barriers. Background check inequity, and that's been discussed a lot here already, employers have different parameters for how many years they will consider in the background check, which prevents career seekers from moving forward, as Bobbi Jo mentioned. Many employers are also not open to case-by-case-basis hiring or have knowledge of employer-focused resources like the Federal Bonding Program. So employers, some may say we accept five years in your background, anything over that is OK; some of them say just two years, and there's no uniformity there. And it's really hard to get that information from them too. Work experience and work ethic

Rough Draft

challenges and being fully equipped to set goals for professional career pathways, many have been through generational poverty and have not had the opportunity to develop the tools to sustain employment and deal with the social responsibilities of having a stable job, so that's the retention part. Personal issues, as-- as Ms. Roz mentioned from Urban League, lack of access to supportive services. We are fortunate that one of the cornerstones of our strategy in Career Readiness to Eliminate Disparities is to work with community partners like National Able, Metro Community College, Urban League to help implement measurable, nationally proven strategies to help with connection to employment and employee retention. That includes the National Career Readiness Certificate proctored by Metro and it's an assessment and portable credential that just helps career seekers try to connect to employment by demonstrating easily to employers that they have the skills, even if they're not in the-- in their resume or work experience. CRED has funding to assist career seekers in connecting to gainful employment by paying for short-term certificates that allow them to get their foot in the door to obtain better wages, you know, and get those high-wage, high-skill and high-demand jobs. We have other programs, career placement programs, career exploration networking tools where we connect to employers and-- and they actually participate in these programs. Some outcomes that we want to discuss that could be improved for different populations in our ZIP codes are for English-as-a-second-language learners, how to communicate and

Rough Draft

connect with these populations, how employers can play a bigger role in communicating with these populations and providing them with services. Reentry, echoing everything that's been said already, just being more clear on what the hiring parameters are, and even just the turnaround letters, just being clear what an employer would accept as a turnaround letter. Our last thought is that we believe that Nebraska has the needed work force to propel and sustain prosperity for all. As a community, we need to be more open to unconventional paths to employment that include all populations. We would implore you to help your colleagues understand that there are pockets of talent in your communities that are worthy of being represented in a dignified manner.

**M. HANSEN:** Thank you. Questions--

**CORAL NIEVES:** Happy to answer questions.

**M. HANSEN:** Yes. Questions from the committee members? Senator Chambers.

**CHAMBERS:** Oh, somebody at that end because I'll just-- I'll wait.

**M. HANSEN:** Oh, was there-- oh, Senator Crawford. Sorry.

**CRAWFORD:** That's all right. Thank you, Senator. And thank you, Ms. Nieves, needs for being here. I wonder if you would speak to what the Federal Bonding Program is. You mentioned that as--

**CORAL NIEVES:** Right.

**CRAWFORD:** --a possible resource.

**CORAL NIEVES:** Sure. So I am not 100 percent super versed on it, but our Nebraska Department of Labor partners in our-- in our center have more information on that. But basically what it is, is that if an employer wants to employ somebody, the person has a background and the employer is not sure if they would employ them because of that background, there is a six-month bond that insures that worker so that the employer doesn't have to worry. Somebody earlier mentioned insurance, that the employer won't insure the-- the person, so that's like a help for the employer to kind of get that barrier out and then give that person a chance. So that's available through state of Nebraska.

**CRAWFORD:** Thank you.

**CORAL NIEVES:** Yep.

**M. HANSEN:** Thank you, Senator. Senator Chambers.

**CHAMBERS:** When you say certain employees might say that person-- might, as they say, keep his or her nose clean for five years, some three, the longer time anybody is denied the opportunity to work, wouldn't it be logical to say, the greater the likelihood they will offend again because they don't have the wherewithal to make an honest

living, so to speak? Knowing these things and how heartless and cruel this society can be, you still must think that people who are rejected by others are salvageable. Why do you-- why do you feel that way?

**CORAL NIEVES:** Because we have all these collective impact organizations here represented that, someday, somehow, will provide some sort of support, and we try to work together as much as possible to provide those services and to fill those gaps, so.

**CHAMBERS:** But that doesn't answer my question. I probably didn't ask it correctly. Why do you feel these people are salvageable?

**CORAL NIEVES:** Oh, me personally, not from--

**CHAMBERS:** Uh-huh.

**CORAL NIEVES:** Oh, just because everybody has a path that they've chosen and they can always, you know, choose another path, everybody's valuable, and everybody is worthy of help.

**CHAMBERS:** Some people call me an agent of the devil, but the book says angels-- some have dealt with angels unawares; they don't know with whom they're dealing. So let me put it like this, my child. If there is a time when people are going to be assessed and evaluated on the basis of how they treated others, those who were rejected and scorned and cast aside, if I'm in a position, I'll put in a good word for you.

**CORAL NIEVES:** Thank you.

**CHAMBERS:** You're welcome.

**CORAL NIEVES:** Thank you.

**M. HANSEN:** Thank you, Senator. Any further questions? Seeing none, thank you for your testimony.

**CORAL NIEVES:** Thank you.

**M. HANSEN:** Hello.

**JAMES GODDARD:** Hello. Good afternoon, Senators. My name is James Goddard. I'm the director of the economic justice program at Nebraska Appleseed. That's J-a-m-e-s G-o-d-d-a-r-d. I think we all know graduating from high school or getting a high school equivalent is crucial to have the skills that you need to get a job and earn a decent wage. Unfortunately, in Nebraska, the lack of a diploma or equivalency is a big issue. We have 9 percent of the working population without a diploma or equivalency. At the same time, we know there are enough workers with the right education and skills to fill some of those needed jobs. So because of these dynamics, over the course of 2018, Nebraska Appleseed investigated how high school equivalency is working. We conducted research, held interviews, did focus groups with state administrators, providers, and students, and I hope that some of what we learned, the opportunities and challenges

Rough Draft

around this, will be helpful for this interim-- interim study. So first starting with the GED, or General Education Development, this was the sole high school equivalency that existed in the United States until 2014. But in that year, there were significant changes that were made to the GED. The exam became more rigorous. Practice tests-- costs for practice-- practice tests were established. Paper and pencil exams were no longer permitted. Computers were the only way to take the exam, and the cost of the exam increased to \$120. Because of this, 27 states across the country created alternatives to the GED. Nebraska has not done that. We continue to only have that as the high school equivalency option. While all of the states saw a significant drop in GED participation and completion, Nebraska's drop was pretty striking. Between 2013 and 2015, GED participation fell by 71 percent; completion fell by 80 percent. According to the students that we interviewed, this new test created new challenges for them. The higher cost for preparation and for the exam itself meant it was more difficult for low-income folks to pay for the cost. The lack of a paper and pencil option made it really difficult for people that don't have computer skills. And for those that are English language learners, the change was particularly difficult. So the change to the 2014 GED was really significant across the country but also in Nebraska. The second aspect of our investigation I want to mention is we also looked at how we're investing in high school equivalency in Nebraska. What we found was that our state provides relatively little

Rough Draft

funding for adult education and GED. We rank 45th nationally on a per-pupil spending on average. So our investment in this is meager and it leads to undesirable outcomes, according to high school equivalency providers. Specifically, underfunding our programs mean we have an insufficient number of paid GED instructors. Most instructors are actually volunteers. This leads to constant turnover and classroom instability. As of a few years ago, there were only four full-time GED instructors, full-time, paid GED instructors outside of the corrections system. Corrections system has the vast majority of those folks. Equivalency providers also expressed that there's not enough marketing to the business community, a feeling that the business community has a stigma when looking at the GED, thinking that it is a very easy test to pass and that if that's all you have then you must not really have the skills needed for employment, which really just isn't the case, particularly with the new rigors of the exam. So to address some of these issues, we would make a few recommendations. One is to increase our investment in high school equivalency. We should at least double our investment in adult ed and GED. That would-- that would lead us to \$2 million, a \$2 million investment. It would help address some of the barriers I mentioned. We could subsidize the cost of exams, increase the number of instructors and-- and other benefits. Secondly, we should explore alternative exams to the GED. Twenty-seven states have done this. We have not done that. We should at least take a look at whether that is a good idea for folks in our state. The full

report has a lot more information than I just provided to you. I've provided a citation to it if you'd like to give the whole thing a look. And with that, I'd answer any questions if I can.

**M. HANSEN:** Thank you. Are there questions from committee members?

Seeing none--

**JAMES GODDARD:** Thank you.

**M. HANSEN:** --thank you for your testimony. Welcome.

**ERIK SERVELLON:** Thank you. Good afternoon, Chair Hanson and committee members of the Business and Labor Committee. My name is Erik Servellon, E-r-i-k S-e-r-v-e-l-l-o-n. A sincere thank-you to Senators Tony Vargas and Ben Hansen for introducing this study, the issue of employment of minorities [INAUDIBLE] skews very close to my heart. I'm here today as representative of the Avenue Scholars Foundation and hope to introduce you to the program. ASF is a nonprofit dedicated to ensuring careers for students of hope and need through education, training, supportive relationships. Sounds great on an annual report. What that means is that we're a work force initiative that directly addresses the disparities associated with poverty to help students get our-- help our students get into sustainable, meaningful careers. In your handouts, if you'll turn to page 4, the yellow tab, you'll see a breakdown of the populations we serve every year. We serve approximately 800 students, about 200 per cohort. Our primary metric

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for-- to our program is students living in poverty, which we measure by free or reduced lunch. As you can see in the graphic in the bottom left, by definition, our program accounts for about-- 75 percent of our program are black and brown students. Excuse me, messed up my-- [INAUDIBLE] So just to give you a walk-through here, on the next page, the layers that our students receive, there are about four layers. So the first one is our career coaches, so think of them as caseworkers, cheerleaders, mentors, all wrapped into one. They provide professional development and counseling and coaching, intrusive supports. The next layer is our student support services, so these are licensed counselors in-house that provide any kind of counseling or resource sharing their students need. The next layer are our academic tutors; we actually provide in-house academic tutors for our students. And the last layer-- and the last layer is business outreach. That's actually myself and my partner. We build relationships with business and community partners and we very selfishly turn those into career opportunities for our students. So all of this sounds very resource intensive. It is. We invest about \$5,700 per student, per program year, and this is not counting a full-ride scholarship to Metro Community College. We don't say spend; we say invest. We invest because we understand that it takes large intentional investments, resources to help build equity with our students, and with that investment comes outcomes. In the next page of the booklet, some of the highlights of our outcomes include a 97 percent high school

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graduation-- graduation rate for our scholars, compared to about 80 percent for the statewide average for students in free or reduced lunch. College continuation rate, so those students that go on into college, is 81 percent for Avenue Scholars, compared to 58 percent for students statewide, and again, that's low-income students, and 91 percent of students in part-time or full-time employment in our cohorts, and that's compared to about 64 percent statewide. It's actually a little bit better this year; we just haven't printed a report. About 94 per-- 95 percent of our scholars are in part-time or full-time employment. So we're very proud of our success at Avenue Scholars. We're very cognizant there's a much greater need. To give you some context and some-- an example, currently, we serve about 800 students a year, but in OPS, free or reduced lunch population in 7th to 12th grade, which is our main body, that's about 16,442. That's OPS alone. That doesn't include Bellevue, Ralston, any rural communities. So we know the-- the need is very real. And I'm almost running out of time, but I would love to share just a quick story. It's something we're very proud of at Avenue Scholar [SIC] and encapsulates everything that we're about. So about one month after I started my job, I was doing a presentation similar to this one and I-- and it just so happened that the director of human resources for Union Pacific was at-- at the meeting and she told me, I want to meet with you. And I said, yes, ma'am. We met. Long story short, she was all in. She gave us one internship, and at Avenue Scholars, we'll take one

Rough Draft

internship all day, every day. And so with that one internship, we had one of our-- enter Rachel, so one of our scholars, so we-- one of our career coaches prepared a resume, coached her up on interview skills, and then from there we forwarded her name and she got chosen for a three-month internship, which is good. So this is where the story gets better. So she was very, very afraid that she wasn't able to afford childcare, so we helped her connect her to resources. Again, our in-house counselors, they're also resource connectors, and they helped her get childcare. Motherhood is hard enough and two-- two kids that she had and then being in poverty, I couldn't even imagine. But we were able to help her with those resources. Then she was worried about a \$50 parking permit. Fifty dollars doesn't sound like a lot, but when you're in poverty, it's-- it's-- it's a huge barrier. We helped her with that. We've paid for that. And then she started her internship. One month into her internship, they let her go because-- and then they turned around and hired her full time in their department of human resources there at-- at Union Pacific. We love the story not because it's a feel-good story, but it really encapsulates us, you know, business outreach, connecting the employers to the students, student support, providing those resources they need to fight those disparities, and then our coaches really coaching them up to get them ready for the job. And-- and I think that's just something that we help build access where there is none. We help get them ready for the for the labor force and we're very proud of what we do. Chair Hansen

Rough Draft

and committee members, thank you again for your time. My director and I will be more than happy to sit down with you at a different time to discuss our program further. I'll be happy to answer any questions.

**M. HANSEN:** Thank you. Are there questions from committee members?

Seeing none, thank you for your testimony.

**ERIK SERVELLON:** Thank you.

**M. HANSEN:** Hi.

**BILL OWEN:** Hello. Thank you all for being here. I'm Bill Owen, B-i-l-l O-w-e-n. I'm the vice president for strategic initiatives here at Metropolitan Community College. Welcome to our campus. Metropolitan Community College is a comprehensive community college serving Dodge, Douglas, Washington, and Sarpy Counties, offering credit and noncredit programs for learners of all ages and backgrounds. MCC is publicly funded to provide educational services to the associate degree level, to address educational and work-force needs in our four-county service area. According to LR252, one purpose of this interim study is to review the barriers to employment for at-risk populations. MCC is not a social services agency, nor do we strive to be one; however, we are committed to knowing our students and we know many of our students have barriers. Our core mission is education. Whether groups are referred to as having barriers, special populations, at-risk, underprepared or vulnerable, at MCC, they're part of our student body.

Rough Draft

As an open-admissions college, we serve students, all students. While some may come to us ready to learn, others may have left high school without graduating, they graduated but barely, they may be low income, lack transportation, struggle with homelessness or near homelessness, be a single parent, or being the first in their family to ever attempt college. Maybe they're recovering or currently facing trauma, have physical or mental health issues, or are a former offender. Often individuals have many of these risk factors, not just one. All we-- although we describe individuals with barriers to employment as groups, they are, as we all know, individuals. Many of these individuals have complex problems for which there's no simple solutions, yet most of these MCC students, who make up the majority of our student body, do not see these issues as barriers; they see them as motivation to succeed. MCC's mission is to deliver relevant student-centered education to a diverse community of learners. Last academic year, MCC provided for-credit education to about 25,000 individuals, 31 percent of whom come from minority backgrounds. With an average age of 26, most of our students are working, have families, and their lives were filled with obligations beyond school. It's no surprise that two thirds of our student body is part-time. MCC has developed programs and services to help our students get here and to achieve their goals. For instance, we provide local bus passes to all participants each quarter; we provide GED and adult basic education; we have a nationally recognized Gateway to College program helping

Rough Draft

those who left high school get their diploma and earn college credit. We partner with community organizations like Avenue Scholars to provide scholarships, mentoring, and academic advising to low-income, first-generation college students. Roughly 20 percent of our students receive federal Pell Grants which help them pay for the cost of attending our transfer or career programs. With our affordable tuition, an MCC degree is a good investment of these federal dollars. In addition to our work force-relevant, credit-bearing courses and programs, we offer a wide range of programs that are noncredit. These programs allow us to reach a broader sector and provide immediate entry-level work force training and upskilling, as well as introductory on-roads career awareness to youth. MCC leads the state by a wide margin in the number of successful participants completing the Gap Assistance Program. The GAP Program is funded by the Legislature and provides financial assistance to low-income students who are not Pell-eligible or not in a Pell-eligible program. Likewise, MCC is a partner in the Workforce Innovation and Opportunity Act with the local workforce board to reconnect those who have been disconnected and lack resources. With an on-campus 180 Re-entry Assistance Program providing wraparound services to former offenders, we don't shun those who have been incarcerated; we welcome them. We've reconnected more than 4,400 former offenders to education tran-- and transition support. Over 600 are currently be-- being served in our center on this campus. Eighty-one percent have obtained employment.

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Our 180 Re-entry Assistance Program and Center are recognized nationally for their best practices. These are a few examples of the kind of add-on services MCC provides to students to address the barriers they experience. In order to provide these extra services, we rely greatly on private revenue and community funders. Our students often do not have the resources to pay for their education. They certainly don't have the resources to pay for the extended services it takes to give them a real chance at success. In our community, when people work together to meet the basic needs of an individual, they often ask, who can help us? The answer, more often than not, is MCC. With that, I'll close and thank you for your time and welcome any questions that you might have.

**M. HANSEN:** Thank you for your testimony. Are there questions? Senator Chambers.

**CHAMBERS:** Are there any corporations that partner with MCC and will say we'll take so many of your students and offer them an internship or a gateway to a job with the corporation?

**BILL OWEN:** Many of all sizes. The barrier-- the big corporations, it's easier for them to do because they have the human resources to work with a student who may need a lot of handholding when they begin. Our next hurdle is to work with-- with showing small businesses the way to internship in a way that doesn't burden their business.

**CHAMBERS:** I wanted to ask you on the record because there are some people where I go to work every day, in season and out of season, who don't think that the community colleges really are as worthy as they are.

**BILL OWEN:** I'm sorry to hear that.

**CHAMBERS:** So the businesses showing their confidence might influence some of the people that I was mentioning that this really is worthwhile, it is really necessary, and without it there are a lot of people wouldn't have any chance to reach that gold ring or the brass ring. That's the only reason I asked the question.

**BILL OWEN:** Thank you.

**M. HANSEN:** Thank you, Senator. Any other questions? Seeing none, thank you for your testimony.

**BILL OWEN:** Thank you.

**M. HANSEN:** Do we have any other testifiers for LR252? Seeing none, Senator Vargas, would you like to give us any closing thoughts?

**VARGAS:** Thank you, everybody. I know we still have another hearing after this, so I appreciate you and appreciate the testifiers and everybody that came and provided some perspective and input. Just a couple of thoughts. It's clear that this kind of gets a little bit to this-- this issue of we really-- we have a high-- a very low

Rough Draft

unemployment rate. That is the-- a statistic that tells us one metric. It's like saying we have a high high-school graduation rate so, as a result, our education system must be perfect. I think the same thing operates in here. When you dig into the data, we're actually seeing a bigger discrepancy in terms of unemployment and underemployment and readiness, specifically when you look at people in poverty and/or people from backgrounds that are disadvantaged or historically underrepresented groups: Latinos, Hispanics, African American, individuals from LGBTQ identities. And-- and I say this because, one, that's a reality and-- and it's-- and we've heard some organizations that are doing really good things in this work, nonprofits. We're seeing taxpayer-funded organizations and entities that are doing good work in that. We heard some ideas I think in terms of policy and legislation. We heard genuine barriers that have to do with not just poverty. I think sometimes when we just look at poverty, it's a little difficult, but barriers in terms of current programs. We talked about Voc Rehab. We talked about barriers to just getting-- being able to get the job in the first place, transportation. But the reason that I'm at least hopeful is, if there were a silver bullet to this, we would have figured it out by now; more importantly, there are-- there are things at different levels in both public and private and nonprofit institutions, and I hope this, this specific body, sees that there's some things that we can do. But I think the first step is accepting that there's a problem, and that's why it was written this

Rough Draft

way. The problem that we're facing is-- is if we continue to only talk about unemployment is really low and everything's OK, then we don't see anything that we need to do as legislators; there's no problem we need to solve. And I'll tell you, and I know for those, like Senator Hansen knows this, we're looking at all the data from the Planning Committee. The current face of employment in our-- in our state versus what we're seeing in schools is very, very different. Poverty is increasing across our state, both inside our schools, in urban and rural, individuals coming out of our system. College and career ready is-- is actually not increasing the way we want to for-- because I think both poverty and readiness and rigor. We're obviously hearing that we have a population of individuals that are not graduating at all, and we know that if you do not have a degree or an equivalent of a degree, you-- your opportunities and your likelihood statistically of being able to provide for yourself and your family go down substant-- substantially. And so, one, I just want to call out we need to accept that there is an issue, it's affecting a certain group of individuals, and hard conversations means do we want things to be different? I mean, do we want things to be different in terms of our corrections system? Do we want things to be different in terms of what reentry looks like, how certain programs we're funding, can they actually be better? Do they have inherent biases in how they are-- are/are not helping? Do we want people that are coming from different circumstances to then come back and actually get a job? We-- we really

Rough Draft

need to tackle that first. So I appreciate everybody hearing out all the different perspectives from individuals that came. And-- and hopefully when we have these real conversations about, you know, Medicaid, you know, CHIP, you know, our food stamp program, any things that are trying to help working families, we don't scoff at them and we don't see them as other; we see them as genuine programs that are trying to make it easier for people to provide for themselves and their families. And we have a majority of our senators that will then say this is not about just helping a family if-- if-- if-- it's about making sure families can have jobs and then that's actually going to be better not just for Nebraskans, but that's also getting better for our economy. And so thank you very much and I appreciate your time.

**M. HANSEN:** Thank you, Senator Vargas. Any questions? All right. Seeing none, thank you for your time, and that'll close our hearing for today on LR252. That'll move us to LR128. That's mine, so I guess I will turn over to Senator Crawford to run the hearing while I sit, if that's all good.

**CRAWFORD:** Thank you. Welcome.

**M. HANSEN:** Thank you. All right. Thank you and good afternoon, fellow committee members. I am here to introduce-- I'm here to introduce LR128, which is an interim study to review the Nebraska Wage Payment and Collection Act and the Nebraska Wage and Hour Act. Both of these

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Business and Labor Committee October 3, 2019

Rough Draft

acts work together to ensure Nebraska workers are paid at least the minimum wage or agreed-upon amounts on regular pay days. In preparing for legislation last session, I found that current statutes provide duties for both the Nebraska Department of Labor and the Nebraska Equal Opportunities Commission where an employee experiences retaliation for filing a wage complaint alleging that employer has violated either one of these acts. I wanted to examine in more detail what the process is between the two entities and if this process needs to be formalized or streamlined in any way. It also became clear to-- that some workers may be unaware of their rights under the Wage Acts when their recourse is under a different agency from the original agency where they filed their claim. For context, through data provided from the Department of Labor, in 2018, workers filed over 1,200 individual complaints claiming over \$2.2 million in unpaid wages. The goal of this interim study then is to have a better understanding of what the current duties and processes are for the Department of Labor and the Equal Opportunity Commission when a complaint is filed under either of the Wage Acts, especially when the employer is alleged to have retaliated against an employee in response to filing the complaint. This interim, both the Department of Labor and the NEOC have been helpful meeting with my office and my staff and me to discuss this topic, and I'm thankful to both for their cooperation in looking into this issue. It is important to protect a worker's right to file a complaint through the enforcement of existing

Rough Draft

antiretaliation provisions; otherwise, workers will never feel-- feel comfortable to file complaints in the first place. I know Marna Munn with the NEOC is here today, and I want to thank her for waiting to be able to testify, and she will provide an overview of the cases of employer retaliation they take on and what their duties are in relation to those at the Department of Labor. The Department of Labor was not able to testify today, but they have submitted a letter to the committee, which I believe we have passed out. With that, I will close and be happy to take any questions.

**CRAWFORD:** Thank you. Any questions for Senator Hansen? Thank you.

**M. HANSEN:** Thank you.

**CRAWFORD:** Anyone testifying on-- oh, go ahead. Yes, um-hum.

**PENELOPE LEON:** Good afternoon, Vice Chair Hansen and members of the Business and Labor Committee. My name is Penelope Leon, P-e-n-e-l-o-p-e, Leon, L-e-o-n. I'm a community organizer and worker's rights trainer at the Heartland Workers Center. We are a nonprofit organization in favor of workers' rights and we promote and advocate for workers in the community. During my five years working for the HWC, I have the opportunity to talk with several workers from different trades about their complication with employers who for any reason don't want to pay them they-- for the work done. Even though we don't-- do not provide services, we try to help and refer workers with

Rough Draft

labor issues to federal and state agencies. Wage theft is the most frequent problem we face and is increasing every year. We had three-- 33 wage theft cases in 2018, with a total of \$135,000 in unpaid wages. Workers' option to claim their unpaid salaries are few, especially when the employer threatens them to fire them, give them less working hours, or move them to a less-desirable shift or location. By experience, we have seen that of every five workers that came to us with wage theft problem, four of them are already out of that job when they decided to do something about it. But the common factor is that all of them were or are worried about to lose their job if they-- if they complain with employer or good for-- be it with any federal or state agency. Most of them are unaware of their rights or are afraid to exercise them. It is reality that they don't want to put their job in danger, especially if they get paid by-- paycheck by paycheck. And for that, they are willing to stand-- to stand whatever-- whatever until they get fired or they are economically or mentally exhausted. And I have a couple of samples. Juana [PHONETIC] work for a cleaning company. She and her coworkers were aware that the employer was not regular-- regularly paying them for all the hours of work. For example, they work 42 hours for the week but they were paid-- their paycheck only reflected 38 hours' work. She tried to organize with her coworkers to talk with the employer all together, but none of them were willing to do it because they didn't want to get in trouble. Juana decided to leave and find another job. Other example, Marta

Rough Draft

[PHONETIC] used to work for a party equipment rental company. She constantly complained with her supervisor and boss about her not being paid for all working hours, then she started noticing that her schedule was different from her coworkers, most of the time with-- most of the time with less working hours or being absent on the list from the ones who wanted to work overtime. One day, her employer told her that he had-- that he had to let her go because they were reducing personnel and when she asked for an explanation, her employer told her that in Nebraska the employment, it's at will. When she came to us asking for a referral, she didn't have any proof, documentation, anything, of all the times that she complained about her wages and working hours with the supervisor and-- and her boss. We have not-- noticed the lack of resources and awareness about how to overcome the fears of retaliation. Most of them like their jobs, like what they do, like their paychecks, and none of them want to be in the situation of being let go if they start complaining on the job. This is why we need changes, so the committee that works can come forward without fear. This would allow the workers to keep their jobs and make a better working place. Thank you for your attention.

**M. HANSEN:** Thank you. Thank you for your testimony. Any questions from committee members? Seeing none, thank you for your time.

**PENELOPE LEON:** Thank you.

**M. HANSEN:** All right. We'll invite down our next testifier.

**MARNA MUNN:** Don't know if there's a specific time that you'd prefer me to do it. My name is Marna Munn, M-a-r-n-a M-u-n-n, and I'm the executive director of the Nebraska Equal Opportunity Commission. I'm primarily here to answer any questions you may have with regard to this interim study. I could start with a brief overview and letting you know that our most recent statistics-- well, I should start by saying that our agency is the one that's charged with handling general whistleblower complaints in this state. Almost all of our laws have a retaliation provision that is attendant to it. These-- the whistleblower law falls generally within our Fair Employment Practices Act set of laws, but that law has a component where if you are in a protected class and there is an employment action, you can file under the FEPA law. The retaliation provision is a part of it, but it's separate. You don't have to-- you don't come through threading a needle of a protected class for that or a few of the other retaliation provisions found under our FEPA law. So there are now four. There were three retaliation causes of action that could bring you through our doors, but September 1 we got a new one with a bill that was passed and sponsored by Senator Pansing Brooks in the last legislative session. So we now have four separate retaliation bases which somebody can file with our agency, but-- and there's a renumbering. But there's-- the third one in the-- the order of the statute is the

Rough Draft

general Whistleblower Protection Act. That really just allows any individual who has opposed an illegal employment practice to-- to come-- and has suffered an adverse action, employment action, can come through our doors and report that for investigation with us. So that's-- that's sort of what brings us here in-- in that the bill that was introduced has a retaliation provision, and I believe there was some question with regard to the lines and the responsibilities and the experiences handling retaliatory-- retaliatory-- retaliation investigations in the employment setting between the Department of Labor and the NEOC. So with that, I'd rather just have-- answer any specific questions you might have that I could help-- you know, the answer might help shed some light on this for you guys.

**M. HANSEN:** Senator Chambers.

**CHAMBERS:** Do you ever-- when I say you, I mean the commission. Does it ever make a finding of retaliation?

**MARNA MUNN:** Yes.

**CHAMBERS:** And in that instance, what happens? What would the process be once that finding is made?

**MARNA MUNN:** So for a reasonable cause finding-- that's the standard for the commission-- it could go to conciliation or it could go to public hearing. A public hearing would essentially be a parallel to a court proceeding, but it's an administrative hearing with-- handled

Rough Draft

within the commission. A hearing officer is appointed. Each party would have to put on their own-- their own evidence. But before we get to that, we typically try to conciliate it. We have a director of conciliation who would work with both parties, trying to make the individual whole again, so to speak. And so the outcome could involve-- it's a fairly narrow set of things that can happen, but it can involve back pay, reinstatement to a position if you are fired, attorney's fees, and also restoring or making whole--

**CHAMBERS:** Not to interrupt but--

**MARNA MUNN:** --yeah, benefits.

**CHAMBERS:** --has that process ever been successful?

**MARNA MUNN:** Yes.

**CHAMBERS:** OK. And if it's not, then what happens?

**MARNA MUNN:** Well, then they can go to the public hearing, a piece of it, and put on the evidence in front of a public hearing officer who would make a finding and recommend to the commission, who could adopt the finding.

**CHAMBERS:** Has that officer ever made a finding of retaliation?

**MARNA MUNN:** I think so. I'm going to let-- I brought-- I understand that I do not have as deep a well as some of the folks in our agency--

**CHAMBERS:** OK.

**MARNA MUNN:** --so I'm going to look back and see. I have with me Paula Gardner, who's a unit director. She's also our director of conciliation, has been with the agency for 20-plus years.

**CHAMBERS:** OK.

**MARNA MUNN:** In the time that I've been there, which is just short of two years, we have not had a public hearing where we've had-- we haven't had one, so there hasn't been a finding of cause with regard to retaliation issue. Do you know of one, a public hearing with--

**PAULA GARDNER:** Yes--

**MARNA MUNN:** --based on retaliation?

**PAULA GARDNER:** --and actually whistleblower retaliation related to wages. The public hearing officer found in favor of the complainant, so he was entitled to his lost wages and attorney's fees.

**CHAMBERS:** And would the company follow what the commission said should be done by way of making that person whole?

**MARNA MUNN:** Yes. I apologize. This probably is confusing for a tran-- from a recordkeeping perspective.

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Business and Labor Committee October 3, 2019  
Rough Draft

**M. HANSEN:** It's-- yes. If we could-- Paula, if we could possibly just have you--

**PAULA GARDNER:** Um-hum-- me sit closer.

**CHAMBERS:** Oh, OK.

**M. HANSEN:** --testify to us after the fact--

**PAULA GARDNER:** OK.

**M. HANSEN:** --just for our recordkeeping purposes--

**CHAMBERS:** OK.

**MARNA MUNN:** Yeah.

**PAULA GARDNER:** I'll take notes.

**M. HANSEN:** --if that's all right, Senator.

**MARNA MUNN:** Yeah, you can write down anything you want.

**PAULA GARDNER:** [INAUDIBLE] questions.

**MARNA MUNN:** Sorry about that.

**M. HANSEN:** Not a problem.

**MARNA MUNN:** So, yeah, I mean, the short answer is, yes, that it-- that it has happened. We can talk a little bit more specifically about the outcome of that.

**M. HANSEN:** Perfect.

**MARNA MUNN:** I'll--

**M. HANSEN:** Questions from other committee members? I would-- I would have one then. So-- and actually it was kind of a good focus that Ms. Leon shared in her story before where people were kind of prospectively worried about retaliation or feel like there's retaliation even before they escalate to Department of Labor. What's that process from the Department of Labor if they do feel they're retaliated against? Is that something that is directly referred to the NEOC? Is it-- is it-- what's the process, I guess, starting there.

**MARNA MUNN:** Right. There is-- there is nothing; there is no policy that governs that process.

**M. HANSEN:** OK.

**MARNA MUNN:** We are given to believe that education does happen. Folks are maybe informed in one form or fashion. You would have to talk to the Department of Labor--

**M. HANSEN:** Sure.

**MARNA MUNN:** --about what their process is, as many of these would start with them. I should say that while an individual can file with us for retaliation if they have, for example, gone to the Department of Labor under-- with one of these claims and then they feel retaliation has happened, we also occasionally get these kinds of claims where they haven't necessarily gone to the Department of Labor first. They aren't required to do so.

**M. HANSEN:** OK.

**MARNA MUNN:** Under our law, which is a bit broader, it says that if you've opposed it, evidence of filing with the Department of Labor is, of course, good evidence that you oppose the practice. It's not strictly required to come to us. If you sent an e-mail to your supervisor indicating that you felt that they hadn't been in compliance with the-- the act and then something happened to you and you felt it was because-- that you had-- you had voiced that opposition to the practice, that would be-- that could be sufficient under our law. You don't have to go to the Department of Labor. But we certainly do have cases where individuals have gone to the Department of Labor first for these kinds of claims and in that case, we can only surmise that they've been referred back to us as there's nothing that we're aware of; there's no formal or informal policy that would lead them necessarily to us.

**M. HANSEN:** OK.

**MARNA MUNN:** Is that helpful?

**M. HANSEN:** Yes.

**MARNA MUNN:** OK.

**M. HANSEN:** No, no, that's helpful. And then is-- and this maybe is a question for the next testifier. But I'm assuming there's-- to-- to what extent do you track kind of the different pools and the different causes of the different claims that come to you?

**MARNA MUNN:** We-- we don't in any formal way. We don't-- we can-- I can tell you this last year we had 75 whistleblower complaints that were filed.

**M. HANSEN:** OK.

**MARNA MUNN:** Over the past four years, we've had 100, 90 one year, 80-some, so it's kind of in that range. But we don't disaggregate into the specific bases for what brings it.

**M. HANSEN:** OK.

**MARNA MUNN:** I can tell you anecdotally there are-- I don't know. We were trying to estimate. Of those 75, for example, this year, maybe 10 to 15 have to do with a Department of Labor issue, not necessarily this particular law but anything that they would oppose the practice

Rough Draft

of with relation to that. Other than that, again, anecdotally, we tend to get OSHA violations or healthcare facilities, maybe a suggested violation of-- of the way that care should be administered and, you know, Department of Transportation logs for in the trucking business, for example. These are the things that come to mind as the most common kinds of whistleblower complaints. But the-- the law is very broad and it essentially says that the opposition of any state or federal law, if you voice that opposition because you believe, and I believe the case law says or reasonably believe there's a violation, and then you suffer an adverse employment action because you-- you opposed it, you can come to us, so it doesn't-- so it's any law.

**M. HANSEN:** OK. Thank you. Any other questions? Seeing none, thank you for your testimony.

**MARNA MUNN:** You want to step up?

**PAULA GARDNER:** Sure. I'm Paula Gardner, P-a-u-l-a G-a-r-d-n-e-r. I'm a unit director with Nebraska Equal Opportunity Commission. So to address your question about the public hearing, in that particular case, the complainant was represented by counsel. The public hearing officer found in the complainant's favor that he had been retaliated against for bringing a wage complaint to his employer. He was awarded attorney's fees and lost wages. It's my understanding, just in a communication with the complainant because he just stayed in

Rough Draft

communication with me, that the employer was not paying what the hearing officer was-- had awarded him. And I do believe that they appealed that into court and I don't know what the outcome ultimately was.

**CHAMBERS:** You said that the company was not going to comply with what the hearing officer said should be?

**PAULA GARDNER:** Correct.

**CHAMBERS:** And your agency has no enforcement power?

**PAULA GARDNER:** Correct.

**CHAMBERS:** So then if a whistleblower comes, he or she could be told, in effect, you're just whistling "Dixie."

**PAULA GARDNER:** We do our best to find a solution to the situation. So as the director of conciliation, I do try to work with the parties to find an agreement.

**CHAMBERS:** One thing-- I'm not blaming you. You--

**PAULA GARDNER:** Right.

**CHAMBERS:** You cannot--

**PAULA GARDNER:** We have-- the statute doesn't give us the authority, correct.

**CHAMBERS:** That's what I'm trying to get at. In order for the commission to do more, the statute has to be-- and would you be willing to discuss with me at some point some of the steps the Legislature could take, if it chose to, that would strengthen the hand of the commission so that it's not just mocked and laughed at and employers can say, well, yeah, let them take us there, because nothing can result from it.

**PAULA GARDNER:** Yeah, I think we would be happy to do that--

**CHAMBERS:** OK. That's all I have.

**PAULA GARDNER:** --because there-- there are other states that have more authority than Nebraska does.

**CHAMBERS:** Well, if you would, maybe you could get some examples that you think are feasible or that are practical and share those with me and it'll give me something to work from without having to start at ground zero.

**PAULA GARDNER:** Sure, we can do that.

**CHAMBERS:** OK. Thank you.

**M. HANSEN:** Thank you. Thank you, Senator Chambers. Other questions from committee members? All right.

**PAULA GARDNER:** Thanks.

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Business and Labor Committee October 3, 2019

Rough Draft

**M. HANSEN:** Thank you for your testimony. Do we have any other testifiers? Hi. Welcome.

**SCHUYLER GEERY-ZINK:** Good afternoon, Chairperson Hansen and committee members. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y, hyphen, Z-i-n-k, and I'm a staff attorney with Nebraska Appleseed. Dignity and fairness are key to any employment relationship. Many of us take for granted the simple fact that our employer will pay our wages on time and to the penny. Unfortunately, workers in Nebraska struggle with wage theft issues. Dishonest employers who fail to pay for work performed undermine fairness for both employees and other "good apple" employers who do follow the rules. The reality is that it's very hard to fight for your wages. We frequently hear from workers that they're afraid to complain because it could affect their future wages which they need to support their family. We often hear the phrase, "If I try to complain, I'm going to lose my job." Many workers contact us about wage theft issues and how they are retaliated against when they do speak out about their rights. These are just a few instances which happened this last year. An employer told the worker they weren't being paid for many hours of travel time between job sites, which lost the worker a considerable amount of pay. A company in Lincoln tries to maintain a contractor relationship rather than employer/employee so when they refuse to pay the workers, Department of Labor doesn't have jurisdiction, they can't help, and

Rough Draft

everything has to go through small claims court, which unfortunately is not a very accessible system and it should be the most accessible court system to the everyday Nebraskan. Many meatpacking workers are docked pay for putting on and taking off safety gear and for minutes spent in the bathroom; in fact, we've been hearing a lot of bathroom access issues across industries, including fast-food workers, construction workers, and manufacturing. Employer changed a worker's schedule to the night shift after they were injured on the job and they could no longer work there and were essentially forced to quit or be fired. Workers, especially agricultural and construction workers, realize they aren't being paid what they should be and they file wage theft claims to find out in court that the employer has kept a false payroll. This is why we encourage workers to keep all their pay stubs, so they can actually prove that there is a false payroll and show evidence for wage theft. Nebraska should be a safe and welcoming state for workers. We value policy solutions which welcome workers to any industry, rather than poor business practices which drive people out of our state. We value strong solutions which empower workers to report stolen wages and protect workers from the employer retaliating against them for reporting unlawful practices. And we value commonsense solutions which discourage wage theft from happening in the first place and creates a more effective and efficient collaboration between the Department of Labor and NEOC. Workplace protections make a real difference in the lives of Nebraskans. Thank

you so much for exploring this issue, and I'll take any questions at this time.

**M. HANSEN:** Thank you. Senator Crawford.

**CRAWFORD:** Thank you, Senator Hansen. And thank you for being here. I just wondered if you would just highlight what you mean by a commonsense solution, one or two.

**SCHUYLER GEERY-ZINK:** Right. So for instance, we were kind of talking about that, as Senator Chambers brought up, the issue of enforcement, so the same thing kind of happens with Department of Labor and enforcement. They can make a finding that there was wage theft and maybe force the employer to pay the fine to the state; however, then the worker is not getting the wages that they are owed. They have to take that to court and there is no-- the evidence isn't prioritized there that the state already made a finding that there was wage theft, so one solution potentially could be to prioritize that evidence that, yes, the Department of Labor did make a finding, so the court should also make a finding and enforce-- enforce that.

**CRAWFORD:** Thank you.

**M. HANSEN:** Thank you. Questions from-- Senator Chambers.

**CHAMBERS:** Just concrete examples of what I maintain all the time: Nebraska is a very unwelcoming state. It is oppressive toward the

Rough Draft

people who cannot defend themselves. The Legislature unfortunately plays the hand servant of big business, will do their bidding, know that they are oppressing workers but will not pass legislation to give the worker any kind of even chance to try to get justice. And when you go to small claims court, the culprit can appeal it to district court and you can't afford a lawyer, so you lose every kind of way. The legislators know this and refuse to do anything to correct it. So I give the Chairman of this committee credit for having a hearing like this so there can at least be the airing of these things. There was a judge who was talking about misbehaving judges, and he said the best antiseptic-- antiseptic is sunlight. So when you can shed light on a problem, then the analogy could be made to roaches: Turn the light on and they scatter. So the light is being-- although it's kind of dim right now, is coming into play and we have a basis for seeking legislation that will correct the problem. So thanks for coming.

**SCHUYLER GEERY-ZINK:** Thank you, Senator.

**M. HANSEN:** Thank you, Senator Chambers. Any other questions?

**LATHROP:** None.

**M. HANSEN:** All right.

**LATHROP:** [INAUDIBLE]

**M. HANSEN:** Thank you for your testimony. Any further testimony on LR128? All right. Seeing none, we'll close the hearing on LR128. I'd like just thank all the committee members for joining us, all the testifiers for spending their afternoon with us, and a special thank-you to Metro Community College for being such great host. And with that, we'll close the hearing for the day.

**CHAMBERS:** Does that thank-you extend to me?

**M. HANSEN:** Of course.

**CHAMBERS:** Oh, thank you. [LAUGH]