

# Nevada Equal Rights Commission

## Audit Highlights



Highlights of Legislative Auditor report on the Nevada Equal Rights Commission, issued on April 10, 2001. Report # LA02-05.

### Purpose of Audit

The purpose of this audit was to determine if the Nevada Equal Rights Commission had sufficient controls in place to ensure the consistent and timely processing of employment discrimination charges. It included an evaluation of the Nevada Equal Rights Commission's process for handling charges of employment discrimination for fiscal year 2000.

### Audit Recommendations

This report contained four recommendations to improve the timeliness and consistency of NERC's investigative process. Specifically, NERC needs to develop procedures setting forth the guidelines and standards for investigating charges of discrimination. NERC also needs to establish case management procedures to control case inventories and track the progress and timeliness of cases. Finally, we recommend the agency develop procedures for supervising and monitoring cases and use charge prioritization as outlined in the policy and procedure manual.

The Agency accepted all four audit recommendations.

### Status of Recommendations

The Department of Administration submitted the six-month report on the status of audit recommendations on December 14, 2001. The report indicated that three of the recommendations have been fully implemented and one recommendation needs legislative change.

The Department of Administration found the Commission is statutorily bound by NRS 233.170 to hold an Informal Settlement Meeting. Therefore, the Commission is unable to use charge prioritization. The Commission is considering future legislative changes to allow charge prioritization as prescribed by the federal Equal Employment Opportunity Commission. At the January 17, 2002, Audit Subcommittee meeting, the Commission's Administrator indicated that legislation will be requested during the 2003 legislative session to allow for charge prioritization.

## Department of Employment, Training and Rehabilitation

### Results in Brief

The Nevada Equal Rights Commission (NERC) has not implemented sufficient controls to manage its investigations of discrimination charges. Current investigative techniques and processes lead to untimely investigations. We found that a person filing a charge of employment discrimination with the Nevada Equal Rights Commission may not know the outcome of the investigation for about 1 year. On average, it took NERC 371 days to investigate a discrimination charge for cases closed in fiscal year 2000. These delays are a direct consequence of the limited control activities the agency currently has in place. For instance, there is little evidence that investigations are supervised and monitored. Also, existing policies and procedures are either incomplete or do not provide adequate guidance for key activities. These fundamental management control weaknesses decrease the integrity of the investigative process.

### Principal Findings

Many investigations sat for months without evidence of an investigative action. On average, an investigator took one action, such as making a phone call, receiving evidence, witnessing testimony, or requesting evidence, every 4 months. Nineteen of the 48 cases we reviewed had gaps in excess of 6 months where there was no evidence of an investigative action.

Using multiple investigators often increased the time it took to investigate cases. Of the 48 files reviewed, multiple investigators were involved in 18 cases. These 18 cases took an average of 737 days to investigate compared to 338 days for cases with one investigator. Some of these cases had been reassigned to as many as four different investigators.

About 40% of the cases we examined that had an informal settlement meeting were scheduled in excess of 30 days of case assignment. In addition, in 12 cases we could not determine if the meeting was scheduled. NERC policy states the settlement meeting should be scheduled within 30 days of assigning the case.

The agency could do a better job of supervising and monitoring the investigative process. The limited management oversight gives the opportunity for varied productivity and inconsistent quality. Although management stated it periodically reviews investigator reports and case files, meets with investigators, and reviews management reports, we found little evidence of management oversight.

Although NERC has a policy and procedure manual, the procedures are vague. The manual does not adequately set forth effective case management and investigative procedures or provide guidance for adequate management oversight and supervision.