

NEOC in a Capsule

Powers and Duties

The Nebraska Equal Opportunity Commission (NEOC) is a neutral Administrative agency created by statute in 1965 to enforce the public policy of the state against discrimination. The principal function of the NEOC is to receive, investigate and pass upon complaints of unlawful discrimination occurring anywhere within the State of Nebraska in the areas of:

- Employment
- Housing
- Public Accommodations

The NEOC is also empowered to attempt to eliminate unlawful discriminatory practices through various means of alternative dispute resolution. In addition, the NEOC provides information and assistance regarding civil rights laws and enforcement to individuals and organizations that request it.

Laws Enforced

The NEOC is authorized to enforce the following statutes:

- Nebraska Fair Employment Practice Act (FEPA)
- Age Discrimination in Employment Act (Age Act)
- Nebraska Fair Housing Act
- Providing Equal Enjoyment of Public Accommodations (PA Law)

To prevent duplication of proceedings, the NEOC is authorized by federal statute to investigate complaints alleging violations of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Title I of the Americans with Disabilities Act, and the U.S. Fair Housing Act. The NEOC can do that when the federal charges are also filed under the listed state laws.

Coverage and Scope

Employment

Discrimination in employment on the basis of race, color, national origin, religion, sex (including pregnancy), disability, marital status or age is prohibited in Nebraska. In general, covered entities include most private and non-profit employers with 15 or more employees under FEPA and the Equal Pay Act and 20 or more employees under the Age Act. Also covered are State and local government subdivisions of any size, along with employment agencies and labor organizations.

Unlawful employment practices can include discrimination in the areas of:

- hiring and promotion (such as classification, recruitment, selection);
- compensation (pay and benefits);
- discipline (termination, warnings);
- and other terms, conditions and privileges of employment (such as training and development, relationships and associations; accommodation of disabilities or religious beliefs; and freedom from workplace harassment).

Housing

Discrimination in housing on the basis of race, color, national origin, religion, sex, disability or familial status is prohibited in Nebraska. Covered entities generally include residential property owners, property managers, realtors and multiple listing services. However, exemptions exist for dwellings owned or operated by religious organizations and bona fide private clubs for noncommercial purposes, housing for older persons and owner-occupied private homes in which no more than three sleeping rooms are rented. Unlawful housing practices include discrimination in residential property such as in advertisement, acquisition (showing, negotiating or transmitting offers for sale or rental), financing and possession (terms, conditions and peaceful enjoyment).

Public Accommodations

Discrimination in the enjoyment of places of public accommodation is prohibited in Nebraska on the basis of race, color, national origin, ancestry, religion or sex. Covered entities generally include an establishment offering goods and services to the general public. Limited exemptions exist for bona fide private clubs and public accommodations owned or operated by religious organizations. Unlawful practices include:

- withholding or denial of services;
- withholding privileges of facilities of public accommodations;
- and unlawful segregation in place of public accommodation.

All of the laws enforced by the NEOC contain provisions barring retaliation. Anyone who has opposed any practice made unlawful by the statutes or who has participated in any manner in any proceeding to enforce the statutes is protected.

The Complaint Procedure

Charges of unlawful discrimination to employment, housing or public accommodation must be filed with the NEOC in a timely manner. There is no fee to file a charge, which may be filed with any one of the NEOC's three offices. Failure to file a charge in a timely manner will result in the Commission not having jurisdiction to investigate the charge. From the last date of any alleged harm, the time limits for filing charges are:

- Employment—FEPA or Age 300 days
- Employment—Equal Pay 4 years
- Housing 1 year
- Public Accommodations 10 days
- (NOTE: Federal filing deadlines may be different.)

Within ten days of filing, the NEOC will serve a copy of each complaint upon the entity(s) alleged to have engaged in unlawful discriminatory practices. The NEOC will obtain a response to each allegation of the charge and supporting documentation. The NEOC uses several methods of investigation including fact-finding conferences, on-site interviews and telephone interviews. Once the investigation is completed, the NEOC will render a determination and each party to a charge will be notified of the decision by mail. Throughout the investigation, and where appropriate, alternative resolutions such as mediation and settlement can be considered.

For a more detailed explanation of charge handling procedures, please obtain a copy of the NEOC's brochure "The Complaint Process."