

# STATE OF NEBRASKA

## EQUAL OPPORTUNITY COMMISSION



## ANNUAL REPORT

Fiscal Year 2007/2008

[www.neoc.ne.gov](http://www.neoc.ne.gov)

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Over the past forty years, the State of Nebraska Equal Opportunity Commission has worked diligently to eliminate discrimination. In addition to investigating allegations of discrimination, the NEOC places a significant focus on education and prevention. We believe strongly in educating Nebraska on what illegal discrimination encompasses. Consequently, we work closely with businesses, companies, property owners, *and* private individuals. Annually, the agency works with roughly 8,000 persons in a variety of different capacities. From July 1, 2007 through June 30, 2008:

- The NEOC Intake Unit was contacted by 3,794 individuals wishing to discuss or file a complaint of alleged discrimination.
- The NEOC accepted 1,226 charges of discrimination in the areas of employment, housing and public accommodations.
- The NEOC reached roughly 4,400 individuals through outreach and educational seminars. These outreach efforts are designed to educate employers and individuals about the laws so they can avoid commonly made mistakes which may lead to a complaint of discrimination. The agency works diligently to educate the public on what *is* and what *is not* discriminatory conduct under the law.

As the following data indicates, the NEOC helps save taxpayers hundreds of thousands of dollars every year. We strive to fulfill our mission to eliminate discrimination in the areas of employment, housing, and public accommodations by educating people.

Whenever possible, we partner with other agencies—local, state, and federal—to meet this challenge. Please feel free to contact our staff, the Director, or a Commissioner if you have any questions about our agency.

**TABLE 1: CASE DISPOSITIONS  
FROM 2001/02 TO 2007/08**

| <b>FISCAL YEAR</b>           | <b>01/02</b> | <b>02/03</b> | <b>03/04</b> | <b>04/05</b> | <b>05/06</b> | <b>06/07</b> | <b>07/08</b> |
|------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| New Cases Filed              | 1,457        | 1,337        | 1,483        | 1,507        | 1,365        | 1,166        | 1,226        |
| Cases Closed                 | 1,553        | 1,313        | 1,385        | 1,391        | 1,337        | 1,281        | *1<br>1,288  |
| Cases To Be Completed        | 1,073        | 1,096        | 1,195        | 1,311        | 1,342        | 1,228        | *2<br>1,166  |
| Conciliations Attempted      | 106          | 76           | 123          | 110          | 82           | 119          | 56           |
| P.D.S./Mediation             | 140          | 108          | 127          | 139          | 75           | 77           | 111          |
| Public Hearings Ordered      | 14           | 11           | 14           | 24           | 10           | 30           | 4            |
| Public Hearings Final Orders | 12           | 12           | 8            | 14           | 26           | 31           | 9            |
| Public Hearings Pending      | 8            | 7            | 13           | 23           | 7            | 6            | 1            |

\*1 Includes 1,227 Commission initial actions; 50 actions on cases in the conciliation stage; decision on 9 cases in the public hearing stage; and 2 cases pursuant to civil action (housing).

\*2 Includes cases to be investigated (1,152); cases in conciliation (11); cases in public hearing (1); and housing cases in civil action (2).

**TABLE 2: CASES OF ALLEGED DISCRIMINATION  
FILED DURING PREVIOUS AND CURRENT YEARS BY STATUTE  
2001/02 – 2007/08**

| <b>YEAR</b>    | <b>FEPA</b> | <b>EQ PAY</b> | <b>AGE</b> | <b>HOUSING</b> | <b>PUBLIC ACCOMM.</b> | <b>TOTAL</b> |
|----------------|-------------|---------------|------------|----------------|-----------------------|--------------|
| <b>2001/02</b> | 1,093       | 30            | 226        | 79             | 29                    | 1,457        |
| <b>2002/03</b> | 1,030       | 23            | 203        | 54             | 27                    | 1,337        |
| <b>2003/04</b> | 1,090       | 21            | 226        | 94             | 52                    | 1,483        |
| <b>2004/05</b> | 1,113       | 20            | 288        | 36             | 50                    | 1,507        |
| <b>2005/06</b> | 967         | 20            | 276        | 83             | 19                    | 1,365        |
| <b>2006/07</b> | 837         | 14            | 220        | 57             | 38                    | 1,166        |
| <b>2007/08</b> | 876         | 12            | 235        | 66             | 37                    | 1,226        |

- FEPA** -FAIR EMPLOYMENT PRACTICE ACT
- EQ PAY** -EQUAL PAY ACT OF NEBRASKA
- AGE** -ACT PROHIBITING UNJUST DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE
- HOUSING** -NEBRASKA FAIR HOUSING ACT
- PUBLIC ACCOM.** -NEBRASKA CIVIL RIGHTS ACT OF 1969 (PUBLIC ACCOMMODATIONS)

OTHER CASE CHARACTERISTICS:

With our case tracking system, we are able to get an accurate count of the descriptive data for our case intake and production. Some of the data is summarized in the tables that follow:

**TABLE 3: BASIS OF CHARGES FILED BY STATUTE**  
**FY 2007/08**

| BASIS                          | EMPLOYMENT |           |     | HOUSING/PUBLIC ACCOM. |                  | TOTALS |
|--------------------------------|------------|-----------|-----|-----------------------|------------------|--------|
|                                | FEPA       | EQ<br>PAY | AGE | HOUSING               | PUBLIC<br>ACCOM. |        |
| RACE                           | 318        | 0         | 0   | 19                    | 30               | 367    |
| COLOR                          | 241        | 0         | 0   | 7                     | 27               | 275    |
| SEX                            | 247        | 12        | 0   | 4                     | 3                | 266    |
| SEX-PREGNANCY                  | 37         | 0         | 0   | 0                     | 0                | 37     |
| AGE (40-70)                    | 0          | 0         | 227 | 0                     | 0                | 227    |
| RELIGION                       | 37         | 0         | 0   | 1                     | 1                | 39     |
| NATIONAL ORIGIN/<br>ANCESTRY   | 181        | 0         | 0   | 30                    | 6                | 217    |
| DISABILITY                     | 223        | 0         | 0   | 15                    | 0                | 238    |
| MARITAL STATUS                 | 8          | 0         | 0   | 0                     | 0                | 8      |
| FAMILIAL STATUS                | 0          | 0         | 0   | 7                     | 0                | 7      |
| RETALIATION                    | 300        | 2         | 36  | 5                     | 5                | 348    |
| RETALIATION<br>(Whistleblower) | 51         | 0         | 0   | 0                     | 0                | 51     |

The Public Accommodations Act and Housing Act do not provide coverage in the areas of Marital Status and Age Discrimination.

**TABLE 4: ISSUES IN EMPLOYMENT AND PUBLIC  
ACCOMMODATIONS CHARGES FILED IN FY 2007/08**

| <b><u>ISSUE</u></b>                     | <b><u>NUMBI</u></b> |
|---|---------------------|
| Discharge                               | 619                 |
| Terms and Conditions of Employment      | 395                 |
| Harassment                              | 262                 |
| Discipline                              | 181                 |
| Failure to Hire                         | 141                 |
| Constructive Discharge                  | 111                 |
| Wages                                   | 90                  |
| Reasonable Accommodation                | 77                  |
| Failure to Promote                      | 77                  |
| Sexual Harassment                       | 69                  |
| Intimidation                            | 58                  |
| Assignment                              | 48                  |
| Demotion                                | 43                  |
| Failure to Provide Public Accommodation | 36                  |
| Suspension                              | 32                  |
| Failure to Train                        | 32                  |
| Reinstatement                           | 11                  |
| Benefits-Retirement/Pension             | 10                  |
| Benefits-Insurance                      | 10                  |
| Layoff                                  | 9                   |
| Prohibited Medical Inquiry/Exam         | 9                   |
| References Unfavorable                  | 9                   |
| Benefits                                | 8                   |
| Other Employment Issues                 | 8                   |
| Union Representation                    | 7                   |
| Advertising                             | 3                   |
| Qualifications                          | 3                   |
| Referral                                | 3                   |
| Tenure                                  | 2                   |
| Severance Pay Denied                    | 1                   |
| Job Classification                      | 1                   |
| Maternity                               | 1                   |
| Posting Notice                          | 1                   |
| Testing                                 | 1                   |

**TABLE 5: ISSUES IN HOUSING CHARGES FILED FY 2007/08**

| <b><u>ISSUE</u></b>  | <b><u>NUMBE</u></b> |
|--|---------------------|
| Terms, Conditions, Privileges Relating to Rental                         | 22                  |
| Discrimination in Services and Facilities Relating to Rental             | 16                  |
| Failure to Make Reasonable Accommodations                                | 9                   |
| Discriminatory Terms, Conditions, Privileges, or Services and Facilities | 8                   |
| Discriminatory Acts under Section 818 (coercion, etc.)                   | 6                   |
| Other Discriminatory Acts  | 3                   |
| Refusal to Sell  | 2                   |
| Refusal to Rent  | 2                   |
| False Representation of Availability-Rental                              | 2                   |
| Steering   | 2                   |
| Refusal to Rent and Negotiate for Rental                                 | 1                   |
| Discriminatory Advertisement-Sale  | 1                   |
| Discriminatory Advertisement-Rental                                      | 1                   |
| Discrimination in the Selling of Residential Real Property               | 1                   |
| Terms, Conditions, Privileges Relating to Sale                           | 1                   |
| Failure to Provide Usable Kitchens and Bathrooms                         | 1                   |
| Failure to Meet Senior Housing Exemption Criteria (55+)                  | 1                   |

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**TABLE 6: COMPLAINANT CHARACTERISTICS****FY 05/06**

| <b><u>RACE</u></b>                        | <b><u>MALE</u></b> | <b><u>FEMALE</u></b> | <b><u>TOTAL</u></b> | <b><u>PERCENT</u></b> |
|---|--------------------|----------------------|---------------------|-----------------------|
| White                                     | 246                | 386                  | 632                 | 46%                   |
| Black                                     | 177                | 183                  | 360                 | 26%                   |
| Hispanic/Mexican                          | 177                | 74                   | 251                 | 18%                   |
| Asian/Pacific Islander                    | 3                  | 8                    | 11                  | 1%                    |
| Nat Am/Al Nat                             | 5                  | 10                   | 15                  | 1%                    |
| Middle Eastern                            | 2                  | 0                    | 2                   | 1%                    |
| Other                                     | 30                 | 58                   | 88                  | 6%                    |
| <b>TOTAL CHARGES FILED BY INDIVIDUALS</b> | <b>640</b>         | <b>719</b>           | <b>1,359</b>        |                       |
| NEOC Initiated/Multiple Entities          | --                 | --                   | 6                   | 1%                    |
| <b>TOTAL OF ALL CHARGES</b>               | <b>640</b>         | <b>719</b>           | <b>1,365</b>        | <b>100%</b>           |

**FY 06/07**

| <b><u>RACE</u></b>                        | <b><u>MALE</u></b> | <b><u>FEMALE</u></b> | <b><u>TOTAL</u></b> | <b><u>PERCENT</u></b> |
|---|--------------------|----------------------|---------------------|-----------------------|
| White                                     | 199                | 344                  | 543                 | 47%                   |
| Black                                     | 177                | 172                  | 349                 | 30%                   |
| Hispanic/Mexican                          | 68                 | 74                   | 142                 | 12%                   |
| Asian/Pacific Islander                    | 3                  | 8                    | 11                  | 1%                    |
| Nat Am/Al Nat                             | 7                  | 8                    | 15                  | 1%                    |
| Middle Eastern                            | 2                  | 0                    | 2                   | 0%                    |
| Other                                     | 52                 | 51                   | 103                 | 9%                    |
| <b>TOTAL CHARGES FILED BY INDIVIDUALS</b> | <b>508</b>         | <b>657</b>           | <b>1,165</b>        |                       |
| NEOC Initiated/Multiple Entities          | --                 | --                   | 1                   | 0%                    |
| <b>TOTAL OF ALL CHARGES</b>               | <b>508</b>         | <b>657</b>           | <b>1,166</b>        | <b>100%</b>           |

**FY 07/08**

| <b><u>RACE</u></b>                        | <b><u>MALE</u></b> | <b><u>FEMALE</u></b> | <b><u>TOTAL</u></b> | <b><u>PERCENT</u></b> |
|---|--------------------|----------------------|---------------------|-----------------------|
| White                                     | 222                | 314                  | 536                 | 44%                   |
| Black                                     | 175                | 209                  | 384                 | 31%                   |
| Hispanic                                  | 86                 | 63                   | 149                 | 12%                   |
| Asian/Pacific Islander                    | 11                 | 11                   | 22                  | 2%                    |
| Nat Am/Al Nat                             | 8                  | 8                    | 16                  | 1%                    |
| Middle Eastern                            | 18                 | 2                    | 20                  | 2%                    |
| Other                                     | 28                 | 50                   | 78                  | 6%                    |
| <b>TOTAL CHARGES FILED BY INDIVIDUALS</b> | <b>548</b>         | <b>657</b>           | <b>1,205</b>        |                       |
| NEOC Initiated/Multiple Entities          | --                 | --                   | 21                  | 2%                    |
| <b>TOTAL OF ALL CHARGES</b>               | <b>548</b>         | <b>657</b>           | <b>1,226</b>        | <b>100%</b>           |

**TABLE 7: TOP TEN RESPONDENT BUSINESS TYPES FOR CHARGES FILED**

| <b><u>TYPE OF BUSINESS</u></b>       | <b><u>FY 05/06</u></b> | <b><u>NUMBER</u></b> | <b><u>PERCENT</u></b> |
|--------------------------------------|------------------------|----------------------|-----------------------|
| 1. General Government                |                        | 86                   | 6%                    |
| 2. Real Estate Operators and Lessors |                        | 75                   | 5%                    |
| 3. Miscellaneous Business Services   |                        | 70                   | 5%                    |
| 4. Nursing, Personal Care Facilities |                        | 63                   | 5%                    |
| 5. Eating, Drinking Places           |                        | 53                   | 4%                    |
| 6. Hospitals                         |                        | 49                   | 4%                    |
| 7. Personnel Supply Services         |                        | 42                   | 3%                    |
| 8. Meat Products                     |                        | 39                   | 3%                    |
| 9. Services, NEC                     |                        | 37                   | 3%                    |
| 10. Miscellaneous Manufactures       |                        | <u>32</u>            | <u>2%</u>             |
| <b>TOTAL OF TOP TEN</b>              |                        | <b>546</b>           | <b>40%</b>            |
| <b>TOTAL OF ALL CHARGES</b>          |                        | <b>1,365</b>         | <b>100%</b>           |

| <b><u>TYPE OF BUSINESS</u></b>       | <b><u>FY 06/07</u></b> | <b><u>NUMBER</u></b> | <b><u>PERCENT</u></b> |
|--------------------------------------|------------------------|----------------------|-----------------------|
| 1. General Government                |                        | 68                   | 6%                    |
| 2. Miscellaneous Business Services   |                        | 57                   | 5%                    |
| 3. Eating, Drinking Places           |                        | 57                   | 5%                    |
| 4. Real Estate Operators and Lessors |                        | 54                   | 5%                    |
| 5. Services, NEC                     |                        | 46                   | 4%                    |
| 6. Nursing, Personal Care Facilities |                        | 39                   | 3%                    |
| 7. Miscellaneous Manufactures        |                        | 37                   | 3%                    |
| 8. Hospitals                         |                        | 35                   | 3%                    |
| 9. Personnel Supply Services         |                        | 33                   | 3%                    |
| 10. Colleges and Universities        |                        | <u>30</u>            | <u>2%</u>             |
| <b>TOTAL OF TOP TEN</b>              |                        | <b>456</b>           | <b>39%</b>            |
| <b>TOTAL OF ALL CHARGES</b>          |                        | <b>1,166</b>         | <b>100%</b>           |

| <b><u>TYPE OF BUSINESS</u></b>       | <b><u>FY 07/08</u></b> | <b><u>NUMBER</u></b> | <b><u>PERCENT</u></b> |
|--------------------------------------|------------------------|----------------------|-----------------------|
| 1. Eating, Drinking Places           |                        | 63                   | 5%                    |
| 2. Miscellaneous Business Services   |                        | 60                   | 5%                    |
| 3. Real Estate Operators and Lessors |                        | 60                   | 5%                    |
| 4. Nursing, Personal Care Facilities |                        | 55                   | 4%                    |
| 5. Hospitals                         |                        | 50                   | 4%                    |
| 6. General Government, NEC           |                        | 48                   | 4%                    |
| 7. Miscellaneous Manufactures        |                        | 46                   | 4%                    |
| 8. Personnel Supply Services         |                        | 40                   | 3%                    |
| 9. Services, NEC                     |                        | 31                   | 3%                    |
| 10. Meat Products                    |                        | <u>29</u>            | <u>2%</u>             |
| <b>TOTAL OF TOP TEN</b>              |                        | <b>482</b>           | <b>39%</b>            |
| <b>TOTAL OF ALL CHARGES</b>          |                        | <b>1,226</b>         | <b>100%</b>           |

**TABLE 8: TOP TEN COUNTIES FOR CHARGES FILED**

| <u>COUNTY</u>               | <u>FY 05/06</u> | <u>NUMBER</u> | <u>PERCENT</u> |
|-----------------------------|-----------------|---------------|----------------|
| 1. Douglas                  |                 | 671           | 49%            |
| 2. Lancaster                |                 | 222           | 16%            |
| 3. Scotts Bluff             |                 | 86            | 7%             |
| 4. Sarpy                    |                 | 67            | 5%             |
| 5. Dakota                   |                 | 51            | 4%             |
| 6. Lincoln                  |                 | 32            | 3%             |
| 7. Hall                     |                 | 27            | 2%             |
| 8. Dawson                   |                 | 19            | 1%             |
| 9. Madison                  |                 | 18            | 1%             |
| 10. Dodge                   |                 | 16            | 1%             |
| <b>TOTAL OF TOP TEN</b>     |                 | <b>1,209</b>  | <b>89%</b>     |
| <b>TOTAL OF ALL CHARGES</b> |                 | <b>1,365</b>  | <b>100%</b>    |

| <u>COUNTY</u>               | <u>FY 06/07</u> | <u>NUMBER</u> | <u>PERCENT</u> |
|-----------------------------|-----------------|---------------|----------------|
| 1. Douglas                  |                 | 580           | 50%            |
| 2. Lancaster                |                 | 230           | 18%            |
| 3. Sarpy                    |                 | 43            | 4%             |
| 4. Hall                     |                 | 40            | 3%             |
| 5. Scotts Bluff             |                 | 38            | 3%             |
| 6. Dodge                    |                 | 21            | 2%             |
| 7. Platte                   |                 | 14            | 2%             |
| 8. Adams                    |                 | 13            | 2%             |
| 9. Box Butte                |                 | 12            | 1%             |
| 10. Madison                 |                 | 12            | 1%             |
| 11. Dakota                  |                 | 12            | 1%             |
| <b>TOTAL OF TOP TEN</b>     |                 | <b>1,015</b>  | <b>87%</b>     |
| <b>TOTAL OF ALL CHARGES</b> |                 | <b>1,166</b>  | <b>100%</b>    |

| <u>COUNTY</u>               | <u>FY 07/08</u> | <u>NUMBER</u> | <u>PERCENT</u> |
|-----------------------------|-----------------|---------------|----------------|
| 1. Douglas                  |                 | 605           | 49%            |
| 2. Lancaster                |                 | 242           | 20%            |
| 3. Sarpy                    |                 | 61            | 5%             |
| 4. Scotts Bluff             |                 | 53            | 5%             |
| 5. Hall                     |                 | 28            | 2%             |
| 6. Holt                     |                 | 18            | 2%             |
| 7. Buffalo                  |                 | 15            | 1%             |
| 8. Adams                    |                 | 14            | 1%             |
| 9. Dakota                   |                 | 13            | 1%             |
| 10. Box Butte               |                 | 12            | 1%             |
| <b>TOTAL OF TOP TEN</b>     |                 | <b>1,061</b>  | <b>87%</b>     |
| <b>TOTAL OF ALL CHARGES</b> |                 | <b>1,226</b>  | <b>100%</b>    |

**TABLE 9: CHARGES NOT DOCKETED**

In FY 07/08, the Commission conducted a total of 1,339 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

**FY 07/08**

| <b><u>Reason for Non-Filing</u></b>                | <b><u>Lincoln</u></b> | <b><u>Omaha</u></b> | <b><u>Scottsbluff</u></b> | <b><u>Totals</u></b> |
|--|-----------------------|---------------------|---------------------------|----------------------|
| 1. Respondent has too few employees                | 16                    | 22                  | 2                         | 40                   |
| 2. Allegations outside the Statute of Limitations  | 13                    | 26                  | 1                         | 40                   |
| 3. Complainant had no standing or basis to file    | 240                   | 250                 | 39                        | 529                  |
| 4. Informed of right to file, but declined to file | 302                   | 367                 | 61                        | 730                  |
| <b>TOTAL NON-DOCKETED</b>                          | <b>571 (43%)</b>      | <b>665 (50%)</b>    | <b>103 (7%)</b>           | <b>1,339 (100%)</b>  |

**TABLE 10: TECHNICAL ASSISTANCE TO THE PUBLIC**

In addition to conducting screenings which led to no formal action by the Commission, the Commission staff also fielded 2,854 other inquiries from the public in FY 07/08. The inquiries can be broken down as follows:

**FY 07/08**

| <b><u>Contact Type</u></b>                         | <b><u>Lincoln</u></b> | <b><u>Omaha</u></b> | <b><u>Scottsbluff</u></b> | <b><u>Totals</u></b> |
|--|-----------------------|---------------------|---------------------------|----------------------|
| 5. General Questions Answered                      | 239                   | 713                 | 67                        | 1,019                |
| 6. Employer Inquires                               | 203                   | 192                 | 4                         | 399                  |
| 7. Information Sent                                | 59                    | 43                  | 2                         | 104                  |
| 8. Referred to an appropriate source of assistance | 142                   | 172                 | 24                        | 338                  |
| 9. Complainant Inquiry                             | 289                   | 632                 | 73                        | 994                  |
| <b>TOTALS</b>                                      | <b>932 (33%)</b>      | <b>1,752 (61%)</b>  | <b>170 (6%)</b>           | <b>2,854 (100%)</b>  |
| <b>TOTALS - ALL CONTACTS</b>                       | <b>1,503 (36%)</b>    | <b>2,417 (58%)</b>  | <b>273 (6%)</b>           | <b>4,193 (100%)</b>  |

Along with the above stated data, there were 15,118 hits to the NEOC home page in FY 07/08. The web site is updated at least two times a month. The web site allows people to check upcoming Commission Meeting information, as well as Education and Outreach activities. Individuals also have the opportunity to learn about the Commission, the laws, and how to file a complaint.

**TABLE 11: COMMISSION DETERMINATIONS**

|  |                                 | <b>FY<br/>05/06</b> | <b>FY<br/>06/07</b> | <b>FY<br/>07/08</b> |
|--|---------------------------------|---------------------|---------------------|---------------------|
| Reasonable Cause   | NEOC (moved to conciliation)    | 106                 | 91                  | 52                  |
|  | Adopted (moved to conciliation) | 2                   | 2                   | 0                   |
| No Reasonable Cause  | NEOC                            | 796                 | 784                 | 818                 |
|  | Adopted                         | 85                  | 122                 | 75                  |
| Pre-Determination Settlement   | NEOC                            | 50                  | 37                  | 78                  |
|  | Adopted                         | 11                  | 14                  | 7                   |
| Mediation  | NEOC                            | 14                  | 26                  | 26                  |
|  | Adopted                         | 0                   | 0                   | 0                   |
| Withdrawal With Settlement   | NEOC                            | 28                  | 32                  | 29                  |
|  | Adopted                         | 1                   | 2                   | 9                   |
| Withdrawal Without Settlement  | NEOC                            | 20                  | 30                  | 31                  |
|  | Adopted                         | 3                   | 0                   | 0                   |
| Failure to Locate  | NEOC                            | 9                   | 12                  | 11                  |
|  | Adopted                         | 0                   | 0                   | 4                   |
| Failure to Cooperate   | NEOC                            | 11                  | 44                  | 52                  |
|  | Adopted                         | 0                   | 0                   | 2                   |
| Lack of Jurisdiction   | NEOC                            | 48                  | 31                  | 50                  |
|  | Adopted                         | 4                   | 3                   | 0                   |
| Complainant Filing/Filed in Court  | NEOC                            | 21                  | 12                  | 16                  |
|  | Adopted                         | 7                   | 8                   | 14                  |
| Other  | NEOC                            | 2                   | 2                   | 5                   |
|  | Adopted                         | 129                 | 3                   | 0                   |
| Successful Conciliations   | NEOC                            | 23                  | 29                  | 15                  |
|  | Adopted                         | 1                   | 0                   | 0                   |
| Unsuccessful Conciliations<br>(moved to public hearing or civil<br>action) | NEOC                            | 11                  | 32                  | 6                   |
|  | Adopted                         | 0                   | 0                   | 0                   |

Table 11: COMMISSION DETERMINATIONS (continued)

|                      |                                   | <b>FY<br/>05/06</b>    | <b>FY<br/>06/07</b> | <b>FY<br/>07/08</b> |
|----------------------|-----------------------------------|------------------------|---------------------|---------------------|
| Conciliations        | Respondent Out of Business        | 0                      | 0                   | 0                   |
|                      | No Jurisdiction                   | 0                      | 0                   | 0                   |
|                      | Failure to Accept Relief          | 0                      | 0                   | 0                   |
|                      | Failure to Cooperate              | 0                      | 0                   | 0                   |
|                      | Unable to Locate Complainant      | 0                      | 2                   | 0                   |
|                      | Withdrawal With Settlement        | 1                      | 0                   | 0                   |
|                      | Withdrawal Without Settlement     | 0                      | 0                   | 0                   |
|                      | Dismissals                        | 24                     | 34                  | 24                  |
|                      | Complainant Filing/Filed in Court | 22                     | 22                  | 11                  |
|                      | Adopted                           | 0                      | 0                   | 0                   |
| Public Hearings      | For Complainant                   | 0                      | 9                   | 3                   |
|                      | For Respondent                    | 5                      | 12                  | 2                   |
|                      | Negotiated Settlement             | 9                      | 3                   | 1                   |
|                      | Withdrawal With Settlement        | 1                      | 1                   | 0                   |
|                      | Withdrawal Without Settlement     | 0                      | 1                   | 0                   |
|                      | Failure to Locate                 | 0                      | 1                   | 0                   |
|                      | Failure to Cooperate              | 1                      | 3                   | 1                   |
|                      | No Jurisdiction                   | 0                      | 0                   | 0                   |
|                      | Bankruptcy of Respondent          | 0                      | 0                   | 0                   |
|                      | Complainant Filing/Filed in Court | 9                      | 1                   | 0                   |
|                      | Other                             | 1                      | 0                   | 2                   |
|                      | Adopted                           | 0                      | 0                   | 0                   |
|                      | Civil Action (Housing)            | Negotiated Settlements | 0                   | 0                   |
| Lack of Jurisdiction |                                   | 1                      | 0                   | 0                   |
| Other                |                                   | 0                      | 0                   | 1                   |

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE**

**FY 07/08**

| <b>FAIR<br/>EMPLOYMENT<br/>PRACTICE ACT</b> | <b>AGE</b> | <b>EQUAL<br/>PAY</b> | <b>HOUSING</b> | <b>PUBLIC<br/>ACCOMM.</b> | <b>TOTALS</b> |
|---|------------|----------------------|----------------|---------------------------|---------------|
| 860   | 251        | 9                    | 71             | 36                        | 1,227         |

**TABLE 13: LACK OF JURISDICTION BREAKDOWN**

| <b>REASON FOR LACK OF JURISDICTION</b> | <b>FY 05/06</b> |
|--|-----------------|
| Not enough employees                   | 19              |
| No employer/employee relationship      | 12              |
| Untimely filed                         | 8               |
| Other                                  | 4               |
| Duplicate charge                       | 3               |
| Respondent no longer in business       | 2               |
| Harm occurred out of state             | 2               |
| Complainant not covered under the law  | 1               |
| Proper Respondent not named            | 1               |
| <b>TOTAL</b>                           | <b>52</b>       |

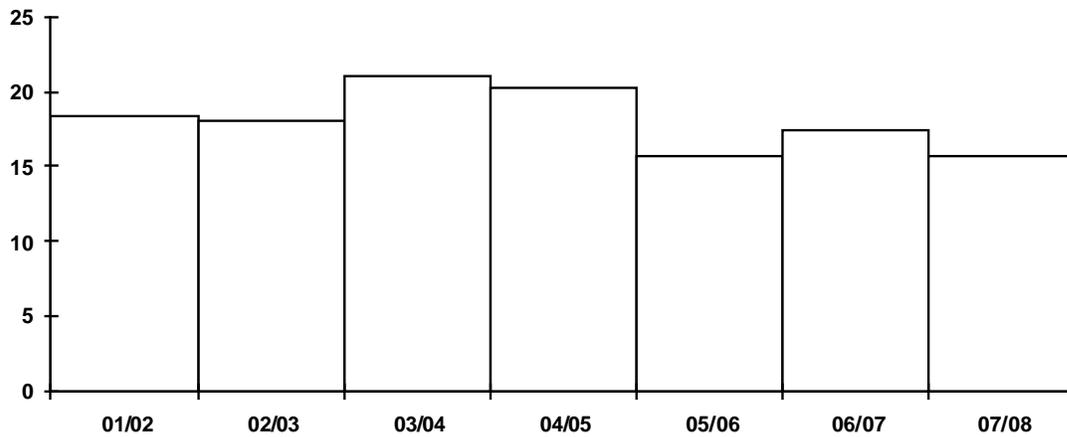
| <b>REASON FOR LACK OF JURISDICTION</b>       | <b>FY 06/07</b> |
|--|-----------------|
| Not enough employees                         | 17              |
| No employer/employee relationship            | 6               |
| Untimely filed                               | 5               |
| Complainant signed a valid release of claims | 4               |
| Respondent no longer in business             | 1               |
| Other  | 1               |
| <b>TOTAL</b>                                 | <b>34</b>       |

| <b>REASON FOR LACK OF JURISDICTION</b>                  | <b>FY 07/08</b> |
|---|-----------------|
| Not enough employees                                    | 21              |
| Untimely filed  | 13              |
| No employer/employee relationship                       | 8               |
| Other   | 3               |
| No Standing to File under the Public Accommodations Law | 1               |
| Harms Occurred Out of State                             | 1               |
| Complainant Didn't Work in Nebraska                     | 1               |
| Respondent No Longer in Business                        | 1               |
| Respondent Not an Employer Under the Law                | 1               |
| <b>TOTAL</b>  | <b>50</b>       |

**TABLE 14: COMPARATIVE CAUSE/SETTLEMENT FIGURES**

**FY 01/02 – 07/08**

| <b>Fiscal Year</b> | <b>Cause &amp; Settlements<br/>Percent of Initial Determinations</b> | <b>Combined<br/>Number of Cases</b> |
|--------------------|--|-------------------------------------|
| 01/02              | 18.4   | 285                                 |
| 02/03              | 18.1   | 238                                 |
| 03/04              | 21.0   | 294                                 |
| 04/05              | 20.3   | 283                                 |
| 05/06              | 15.7   | 212                                 |
| 06/07              | 17.5   | 204                                 |
| 07/08              | 15.7   | 201                                 |



**TABLE 15: ALTERNATIVE DISPUTE RESOLUTION**

|  | <b>FY 04/05</b> | <b>FY 05/06</b> | <b>FY 06/07</b> | <b>FY 07/08</b> |
|--|-----------------|-----------------|-----------------|-----------------|
| <b>Sent for Mediation</b>                      | 91              | 52              | 65              | 69              |
| <b>Successful Mediation</b>                    | 30              | 14              | 26              | 26              |
| <b>Failed Mediation</b>                        | 24              | 15              | 15              | 14              |
| <b>Pre-Determination Settlement</b>            | 2               | 7               | 12              | 21              |
| <b>Withdrawal with Settlement</b>              | 5               | 5               | 2               | 6               |
| <b>No Longer Wanted to Pursue Mediation **</b> | 28              | 6               | 9               | 1               |
| <b>Pending</b>                                 | 2               | 7               | 8               | 9               |

NEOC developed the Alternative Dispute Resolution (ADR) Program in 2004/2005. The focus of ADR is to resolve pending charges prior to a determination being issued by the Commission. Mediation typically involves the parties meeting face to face with a mediator to discuss resolution whereas the Pre-Determination Settlement (PDS) process involves discussion of resolution between the parties as relayed (usually via telephone) by the mediator or NEOC staff. As indicated in Table 15, occasionally parties who express interest in mediation enter into a PDS agreement without actually participating in a face-to-face mediation; therefore, requests for mediation versus PDS are not mutually exclusive.

**NOTES/HIGHLIGHTS:**

In FY 2004/2005: out of 61 cases attempted in ADR, 61% were successfully resolved.

In FY 2005/2006: out of 41 cases attempted in ADR, 63% were successfully resolved.

In FY 2006/2007: out of 55 cases attempted in ADR, 73% were successfully resolved.

In FY 2007/2008: out of 67 cases attempted in ADR, 79% were successfully resolved.

\*\*In FY 2004/2005, all cases where Respondent expressed interest in mediation were “assigned” to mediation whereas beginning FY 2005/2006, cases were not “assigned” to mediation until both parties initially agreed to participate.

**TABLE 16: TOTAL MONETARY RELIEF OBTAINED**

|                               | 2001/02            | 2002/03          | 2003/04          | 2004/05          | 2005/06          | 2006/07          | 2007/08          |
|-------------------------------|--------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Pre-Determination Settlements | \$ *716,645        | \$ *554,011      | \$186,508        | \$194,423        | \$120,856        | \$145,378        | \$248,087        |
| Mediation                     | 0                  | 0                | 155,733          | 197,098          | 128,201          | 108,550          | 242,935          |
| Withdrawals with Settlement** | 89,300             | 134,538          | 97,516           | 206,407          | 165,027          | 115,385          | 221,450          |
| Conciliation                  | 309,859            | 84,900           | 286,403          | 235,215          | 179,810          | 383,480          | 125,791          |
| Public Hearing                | 13,656             | 0                | 132,392          | 22,800           | 41,000           | 202,997          | 73,946           |
| Litigation***                 | 0                  | 6,130            | 0                | 32,300           | 23,500           | 0                | 0                |
| <b>TOTAL</b>                  | <b>\$1,129,460</b> | <b>\$779,579</b> | <b>\$858,552</b> | <b>\$888,243</b> | <b>\$658,394</b> | <b>\$955,790</b> | <b>\$912,209</b> |

\* This amount includes cases that have been mediated.

\*\* The benefits on some of the Commission's withdrawals with settlement are not known. The parties keep the terms of settlement confidential.

\*\*\*These settlements were achieved by the Attorney General's Office on cases sent to their office for civil action/litigation.

**TABLE 17: CHARGE INTAKE**

|                    | <b>FY 05/06</b> | <b>FY 06/07</b> | <b>FY 07/08</b> |
|--------------------|-----------------|-----------------|-----------------|
| Omaha              | 605 ( 44%)      | 539 ( 46%)      | 561 ( 46%)      |
| Lincoln            | 579 ( 43%)      | 518 ( 45%)      | 593 ( 48%)      |
| <u>Scottsbluff</u> | 181 ( 13%)      | 109 ( 9%)       | 72 ( 6%)        |
| <b>TOTAL</b>       | 1,365 (100%)    | 1,166 (100%)    | 1,226 (100%)    |

**NOTES/HIGHLIGHTS**

Overall total of 1,226 represents a 5% increase from FY 06/07 intake, and a 10% decrease from FY 05/06 total intake.

Omaha total of 561 represents a 4% increase from FY 06/07 office intake.

Lincoln total of 593 represents a 14% increase from FY 06/07 office intake.

Scottsbluff total of 72 represents a 34% decrease from FY 06/07 office intake.

**TABLE 18: INVESTIGATOR CASE COMPLETION**

|                        | <b>FY 05/06</b> | <b>FY 06/07</b> | <b>FY 07/08</b> |
|------------------------|-----------------|-----------------|-----------------|
| Investigations         | 902 ( 82%)      | 875 ( 80%)      | 870 ( 75%)      |
| Settlements            | 92 ( 8%)        | 95 ( 8%)        | 133 ( 11%)      |
| <u>Admin. Closures</u> | 106 ( 10%)      | 129 ( 12%)      | 165 ( 14%)      |
| <b>TOTAL</b>           | 1,100 (100%)    | 1,100 (100%)    | 1,168 (100%)    |

**NOTES/HIGHLIGHTS:**

Total of 1,168 completions represents a 6% increase from FY 06/07 totals, and the same over FY 05/06 totals.

Investigations (870) represent 75% of total, compared to 80% in FY 06/07 and 82% in FY 05/06.

Settlements (133) represent 11% of total, compared to 8% in FY 06/07 and 8% in FY 05/06.

Administrative Closures (165) represent 14% of total, compared to 12% in FY 06/07 and 10% in FY 05/06.

**CASE COMPLETION SUMMARY TABLES  
FY 03/04 – 07/08**

**TABLE 19: AVERAGE INVESTIGATION HOURS**

|            | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Hours/File | 8.7             | 8.8             | 18.3            | 10.2            | 8.7             |



**TABLE 20: AVERAGE DAYS PER INVESTIGATION**

|              | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Average Days | 80.5            | 82.9            | 86.1            | 94.3            | 98.4            |



**TABLE 21: FROM FILING TO ASSIGNMENT AND DETERMINATION, AVERAGE DAYS -- CAUSE/NO CAUSE ONLY**

|                         | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|-------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Filing to Assignment    | 126             | 146             | 171             | 229             | 244             |
| Filing to Determination | 240             | 257             | 296             | 364             | 382             |



**TABLE 22: CONCILIATION TIME PER CASE**

|               | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Hours Average | 6               | 7               | 6               | 8               | 7               |
| Days Average  | 63              | 82              | 64              | 92              | 79              |



**TABLE 23: CAUSE/SETTLEMENT CASES**

|  | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
| Percentage of Total Comm. Determinations | 21%             | 20%             | 16%             | 18%             | 16%             |



**TABLE 24: CAUSE CASES**

|  | <u>FY 03/04</u> | <u>FY 04/05</u> | <u>FY 05/06</u> | <u>FY 06/07</u> | <u>FY 07/08</u> |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
| Percentage of Fully Investigated Cases | 12%             | 11%             | 11%             | 9%              | 6%              |

**TABLE 25: REASONABLE CAUSE CASES BY STATUTE**

**FY 07/08**

| <b>FEPA</b> | <b>AGE</b> | <b>EQUAL<br/>PAY</b> | <b>HOUSING</b> | <b>PUBLIC<br/>ACCOM</b> | <b>TOTAL</b> |
|-------------|------------|----------------------|----------------|-------------------------|--------------|
| 40          | 9          | 1                    | 2              | 0                       | 52           |

**TABLE 26: REASONABLE CAUSE CASES BY BASIS**

**FY 07/08**

| <b>BASIS</b>    | <b>CASES</b> | <b>BASIS</b>                | <b>CASES</b> |
|-----------------|--------------|-----------------------------|--------------|
| Race            | 3            | Disability                  | 11           |
| Color           | 3            | Religion                    | 1            |
| Sex             | 12           | Marital Status              | 0            |
| Sex-Pregnancy   | 3            | Retaliation                 | 12           |
| National Origin | 4            | Retaliation – Whistleblower | 1            |
| Age             | 8            | Familial Status             | 0            |

**TABLE 27: REASONABLE CAUSE CASES BY ISSUE**

**FY 07/08**

| <b>ISSUES</b>     | <b>CASES</b> | <b>ISSUES</b>            | <b>CASES</b> |
|-------------------|--------------|--------------------------|--------------|
| Hire              | 7            | Constructive Discharge   | 7            |
| Promote           | 2            | Conditions of Employment | 8            |
| Harassment        | 4            | Reasonable Accommodation | 6            |
| Sexual Harassment | 1            | Wages                    | 2            |
| Discipline        | 3            | Intimidation             | 3            |
| Discharge         | 27           | Terms Occupancy          | 2            |
| Assignment        | 1            | Coercion                 | 2            |

**TABLE 28: CONCILIATION SUMMARY**

**FY 07/08**

|  |                  |
|--|------------------|
| Total Conciliations Attempted.....                     | 56               |
| Successful .....                                       | 15               |
| Unsuccessful (Forwarded to Hearing) .....              | 4                |
| Unsuccessful (Forwarded to Civil Action-Housing) ..... | 2                |
| Administratively Closed .....                          | 35               |
| (See Breakdown Below)                                  |                  |
| a. Withdrawal with Settlement .....                    | 0                |
| b. Withdrawal without Settlement .....                 | 0                |
| c. Failure of Complainant to Cooperate.....            | 0                |
| d. Unable to Locate Complainant .....                  | 0                |
| e. Unsuccessful - Dismissals.....                      | 24               |
| f. Lack of Jurisdiction.....                           | 0                |
| g. Complainant Filing in Court.....                    | 11               |
| h. Bankruptcy of Respondent.....                       | 0                |
| <b>Total Dollars .....</b>                             | <b>\$125,791</b> |

**TABLE 29: CONCILIATIONS**

| <b>FISCAL YEAR</b>                          | <b>2003/04</b> | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> | <b>2007/08</b> |
|---|----------------|----------------|----------------|----------------|----------------|
| Cases to Conciliation<br>(Reasonable Cause) | 124            | 106            | 108            | 93             | 52             |
| Cases Pending from<br>Prior Fiscal Year     | 20*            | 19**           | 15             | 41             | 15             |
| <b>TOTAL CASES</b>                          | 144            | 125            | 123            | 134            | 67             |
| Conciliations Attempted                     | 123            | 110            | 82             | 119            | 56             |
| Successful Conciliations                    | 35             | 41             | 24             | 29             | 15             |
| Unsuccessful<br>Conciliations               | 18             | 25             | 11             | 32             | 6              |
| Conciliations<br>Administratively Closed    | 70             | 44             | 47             | 58             | 35             |
| <b>MONETARY RELIEF</b>                      | \$286,403      | \$235,415      | \$179,810      | \$383,480      | \$125,791      |
| Conciliation Pending                        | 21             | 15             | 41             | 15             | 11             |

\*A case was reinstated.

\*\*The decision on two of the pending cases was reversed.

**TABLE 30: SUCCESSFUL CONCILIATION DETAIL**

| <b>DISCRIMINATORY ACT</b>                         | <b>AWARD TO COMPLAINANT</b>                   |
|---|---|
| National Origin (termination)                     | \$7,000                                       |
| Disability (failure to accommodate & termination) | \$16,500                                      |
| Sex (sexual harassment)                           | \$6,240; training                             |
| Race (termination)                                | \$6,000                                       |
| Pregnancy (failure to hire)                       | \$9,000                                       |
| Race, Color (denial of service)                   | \$1,500                                       |
| National Origin (termination)                     | \$3,500                                       |
| Age (termination)                                 | \$12,000                                      |
| Age, Sex (failure to promote)                     | \$40,000                                      |
| Sex, Equal Pay (wages)                            | \$2,800 back pay; \$2000 compensatory damages |
| Sex (disparate treatment & termination)           | \$15,000                                      |
| Disability (failure to hire & accommodation)      | \$750   |
| Retaliation (termination)                         | \$3,500                                       |

## PUBLIC HEARINGS

In conformity with the Nebraska Fair Employment Practice Act, Section 48-1119, the Commission may take a case to Public Hearing if reasonable cause is found and attempts at conciliation are unsuccessful. The table below represents the Commission's activity after ordering Public Hearings in fiscal year 2007/2008, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

**TABLE 31: PUBLIC HEARINGS**

| <b>Fiscal Year</b>    | <b>01/02</b> | <b>02/03</b> | <b>03/04</b> | <b>04/05</b> | <b>05/06</b> | <b>06/07</b> | <b>07/08</b> |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Numbered Ordered      | 14           | 11           | 14           | 24           | 10           | 30           | 4            |
| Number Held*          | 2            | 4            | 2            | 3            | 5            | 21           | 5            |
| Number Carried Over   | 6            | 8            | 7            | 13           | 23           | 7            | 6            |
| Orders Issued (Final) | 12           | 12           | 8            | 14           | 26           | 31           | 9            |
| Backlog               | 8            | 7            | 13           | 23           | 7            | 6            | 1            |

\*A full and complete hearing was conducted.

**TABLE 32: PUBLIC HEARING DISPOSITION**  
**JULY 2007 - JUNE 2008**

**Total Final Orders Issued** **9**

**Outcome of Final Orders:**

|                                   |   |
|-----------------------------------|---|
| Violation found                   | 3 |
| No Violation found                | 2 |
| Settlement Prior to Hearing       | 1 |
| Withdrawal with Settlement        | 0 |
| Withdrawal without Settlement     | 0 |
| Failure to Cooperate              | 1 |
| Failure to Locate                 | 0 |
| Adopted                           | 0 |
| Bankruptcy of Respondent          | 0 |
| Complainant Filing/Filed in Court | 0 |
| Other                             | 2 |

**TABLE 33: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2008**

| <u>Complainant</u> | <u>Respondent</u> | <u>Case No.</u> | <u>Hearing Examiner</u> |
|--------------------|-------------------|-----------------|-------------------------|
| None               |                   |                 |                         |

**TABLE 34: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY  
COMPLAINANT AS OF JUNE 30, 2008**

| <u>Complainant</u> | <u>Respondent</u> | <u>Case No.</u> | <u>Hearing Examiner</u> |
|--------------------|-------------------|-----------------|-------------------------|
| None               |                   |                 |                         |

**TABLE 35: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY  
THE HEARING EXAMINER AS OF JUNE 30, 2008**

| <u>Complainant</u> | <u>Respondent</u>             | <u>Case No.</u> | <u>Hearing Examiner</u> |
|--------------------|-------------------------------|-----------------|-------------------------|
| Bartholomew        | Vishay Dale Electronics, Inc. | 36897           | Tringe                  |

**TABLE 36: CIVIL ACTION DISPOSITION  
JULY 2007 - JUNE 2008**

|                       |   |
|-----------------------|---|
| Negotiated Settlement | 1 |
| Other                 | 1 |
| <hr/> TOTAL           | 2 |

**HEARING DISPOSITION SUMMARY**  
**July 1, 2007 through June 30, 2008**

**NEB 2-06/07-12-2157-H**

**Pereda vs. Lawrence and Levonne Dohmen**  
**Religion and Familial Status (Refusal to Rent)**

The Complainant alleged he was discriminated against by the Respondents by refusing to rent to him. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner dismissed this case for failure of the Complainant to prosecute.

**NEB 2-06/07-12-2160-H**

**Stolp vs. Lawrence and Levonne Dohmen**  
**Religion and Familial Status (Refusal to Rent)**

The Complainant alleged she was discriminated against by the Respondents by refusing to rent to her. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner dismissed this case for failure of the Complainant to prosecute.

**NEB 2-05/06-9-36066**

**Al-Shams vs. Omaha Public Schools**  
**Race and Religion (Failure to Hire)**

The Complainant alleged she was discriminated against based on her Race and Religion in that she was qualified for two full-time teaching positions but was not hired. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner recommended that the complaint be dismissed and a decision be rendered in favor of the Respondent. The Commission accepted the Hearing Examiner's recommendation and dismissed this case.

**NEB 1-05/06-3-2101-H – Coronado vs. Barney G., Inc.**

**NEB 1-06/07-11-2153-H – Gonzalez vs. Barney G., Inc.**

**NEB 1-06/07-3-2174-H – Velez vs. Barney G., Inc.**

**National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainants alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. These cases were sent to Public Hearing. The Hearing Examiner issued the Findings of Fact Conclusions of Law and Order. The Hearing Examiner found in favor of the Complainants and ordered judgments to be awarded in each case.

**NEB 1-05/06-9-36150**

**Ferguson vs. Tri-Con Industries, Ltd  
Sex (Termination)**

The Complainant contended he was terminated for alleged sexual harassment. Complainant stated he was not provided information with respect to whom made the complaint nor was he given an opportunity to respond to the allegations. The Commission made a Reasonable Cause determination. The case was forwarded to Public Hearing. The Hearing Examiner recommended that the complaint be dismissed and a decision be rendered in favor of the Respondent. The Commission accepted the Hearing Examiner's recommendation and dismissed this case.

**NEB 1-05/06-12-36476**

**Jones vs. InterCon Security Systems, Inc.  
Disability (Failure to Hire)**

The Complainant stated that when his previous employer lost its contract, he re-applied for a security position with Respondent who assumed the contract. Complainant contended he was qualified for the position and had just under 11 years experience performing the job. Respondent failed to hire Complainant and told him that their client did not want to re-hire him and did not provide a reason. The Commission made a Reasonable Cause determination. The case was forwarded to Public Hearing. The Hearing Examiner recommended the Commission dismiss this case based on a private settlement reached between the parties. The Commission accepted the Hearing Examiner's recommendation and dismissed this case.

**NEB 2-04/05-5-2009-PA**

**Wilson vs. Kentucky Fried Chicken  
Race, Color and Sex (Sexual Harassment)**

The Complainant alleged she was sexually harassed when trying to place an order at the Respondent's place of business. The Commission made a Reasonable Cause determination. The case was forwarded to Public Hearing. The Hearing Examiner recommended the case be dismissed due to the Complainant not cooperating in the process. The Commission accepted the Hearing Examiner's recommendation and dismissed this case.