

STATE OF NEBRASKA

EQUAL OPPORTUNITY COMMISSION



ANNUAL REPORT

Fiscal Year 2008/2009

www.neoc.ne.gov

Table of Contents

Public Education and Outreach.....	1
Table 1: Case Dispositions.....	2
Table 2: Cases of Alleged Discrimination filed during Previous and Current Years by Statute.....	3
Table 3: Basis of Charges filed by Statute	4
Table 4: Issues in Employment and Public Accommodations Charges filed in FY 2007/08	5
Table 5: Issues in Housing Charges filed in FY 2007/08	6
Table 6: Complainant Characteristics	7
Table 7: Top Ten Respondent Business Types for Charges Filed	8
Table 8: Top Ten Counties for Charges Filed.....	9
Table 9: Charges not Docketed	10
Table 10: Technical Assistance to the Public	10
Table 11: Commission Determinations.....	11
Table 12: Commission Initial Determinations (Closed Cases) by Statute	12
Table 13: Lack of Jurisdiction Breakdown	13
Table 14: Comparative Cause/Settlement Figures	14
Table 15: Alternative Dispute Resolution	15
Table 16: Total Monetary Relief Obtained	16
Table 17: Charge Intake	17
Table 18: Investigator Case Completion.....	17
Table 19: Average Investigation Hours	18
Table 20: Average Days Per Investigation.....	18
Table 21: From Filing to Assignment and Determination, Average Days—Cause/No Cause only.....	18
Table 22: Conciliation Time Per Case	18
Table 23: Cause/Settlement Cases	18

Table 24: Cause Cases	18
Table 25: Reasonable Cause Cases by Statute	19
Table 26: Reasonable Cause Cases by Basis	19
Table 27: Reasonable Cause Cases by Issue.....	19
Table 28: Conciliation Summary	20
Table 29: Conciliations	21
Table 30: Successful Conciliation Detail.....	22
Table 31: Public Hearings	23
Table 32: Public Hearing Disposition	23
Table 33: Public Hearing Ordered; not Held as of June 30, 2008	24
Table 34: Public Hearing Ordered; Complaint not signed by Complainant as of June 30, 2008	24
Table 35: Public Hearing Held; no Recommended Order Yet Issued by the Hearing Examiner.....	24
Table 36: Civil Action Disposition July 2007-June 2008.....	24
Hearing Disposition Summary.....	25



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.

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 2002/03 TO 2008/09**

FISCAL YEAR	02/03	03/04	04/05	05/06	06/07	07/08	08/09
New Cases Filed	1,337	1,483	1,507	1,365	1,166	1,226	^{*3} 1,374
Cases Closed	1,313	1,385	1,391	1,337	1,281	1,288	^{*1} 1,330
Cases To Be Completed	1,096	1,195	1,311	1,342	1,228	1,166	^{*2} 1,211
Conciliations Attempted	76	123	110	82	119	56	65
P.D.S./Mediation	108	127	139	75	77	111	99
Public Hearings Ordered	11	14	24	10	30	4	6
Public Hearings Final Orders	12	8	14	26	31	9	4
Public Hearings Pending	7	13	23	7	6	1	3

*1 Includes 1,266 Commission initial actions; 58 actions on cases in the conciliation stage; decision on 4 cases in the public hearing stage; and 2 cases pursuant to civil action (housing).

*2 Includes cases to be investigated (1,193); cases in conciliation (14); cases in public hearing (3); and housing cases in civil action (1).

*3 157 of this number consisted of a large group filing.

**TABLE 2: CASES OF ALLEGED DISCRIMINATION
FILED DURING PREVIOUS AND CURRENT YEARS BY STATUTE
2002/03 – 2008/09**

YEAR	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOMM.	TOTAL
2002/03	1,030	23	203	54	27	1,337
2003/04	1,090	21	226	94	52	1,483
2004/05	1,113	20	288	36	50	1,507
2005/06	967	20	276	83	19	1,365
2006/07	837	14	220	57	38	1,166
2007/08	876	12	235	66	37	1,226
2008/09	997	23	253	68	33	1,374

- 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 2008/09

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	290	0	0	22	25	337
COLOR	253	0	0	17	24	294
SEX	249	22	0	9	6	286
SEX-PREGNANCY	38	0	0	0	0	38
AGE (40-70)	0	0	244	0	0	244
RELIGION	190	0	0	0	3	193
NATIONAL ORIGIN/ ANCESTRY	292	0	0	19	9	320
DISABILITY	279	0	0	28	0	307
MARITAL STATUS	3	0	0	0	0	3
FAMILIAL STATUS	0	0	0	8	0	8
RETALIATION	379	6	46	11	14	456
RETALIATION (Whistleblower)	71	0	0	0	0	71

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 2008/09**

<u>ISSUE</u>	<u>NUMBI</u>
Discharge	721
Terms and Conditions of Employment	381
Harassment	369
Discipline	210
Reasonable Accommodation	180
Failure to Hire	132
Constructive Discharge	111
Union Representation	82
Wages	74
Assignment	71
Sexual Harassment	53
Suspension	50
Failure to Promote	46
Failure to Train	42
Other	35
Demotion	32
Intimidation	29
Layoff	27
Public Accommodation Issue	26
Benefits-Insurance	12
References Unfavorable	12
Benefits	11
Prohibited Medical Inquiry/Exam	9
Reinstatement	7
Exclusion	7
Testing	5
Benefits-Retirement/Pension	3
Severance Pay Denied	2
Job Classification	2
Maternity	1
Posting Notice	1
Qualifications	1
Recall	1
Referral	1
Involuntary Retirement	1
Seniority	1
Tenure	1

TABLE 5: ISSUES IN HOUSING CHARGES FILED FY 2008/09

<u>ISSUE</u>	<u>NUMBE</u>
Terms, Conditions, Privileges Relating to Rental	23
Discriminatory Terms, Conditions, Privileges, or Services and Facilities	14
Discriminatory Acts under Section 818 (coercion, etc.)	13
Failure to Make Reasonable Accommodations	11
Refusal to Rent	8
Refusing to Provide Municipal Services or Property	3
Discrimination in Services and Facilities Relating to Rental	2
Refusal to Rent and Negotiate for Rental	1
Discriminatory Advertising Statements and Notices	1
Otherwise Deny or Make Housing Available	1
Other Discriminatory Acts	1
Failure to Provide an Accessible Building Entrance	1

TABLE 6: COMPLAINANT CHARACTERISTICS**FY 06/07**

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
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%
TOTAL CHARGES FILED BY INDIVIDUALS	508	657	1,165	
NEOC Initiated/Multiple Entities	--	--	1	0%
TOTAL OF ALL CHARGES	508	657	1,166	100%

FY 07/08

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
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%
TOTAL CHARGES FILED BY INDIVIDUALS	548	657	1,205	
NEOC Initiated/Multiple Entities	--	--	21	2%
TOTAL OF ALL CHARGES	548	657	1,226	100%

FY 08/09

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
White	238	337	575	41%
Black	282	233	515	37%
Hispanic/Mexican	71	78	149	11%
Asian/Pacific Islander	4	2	6	1%
Nat Am/Al Nat	5	5	10	1%
Middle Eastern	13	2	15	1%
Other	47	52	99	7%
TOTAL CHARGES FILED BY INDIVIDUALS	660	709	1,369	
NEOC Initiated/Multiple Entities	--	--	5	1%
TOTAL OF ALL CHARGES	660	709	1,374	100%

TABLE 7: TOP TEN RESPONDENT BUSINESS TYPES FOR CHARGES FILED

<u>TYPE OF BUSINESS</u>	<u>FY 06/07</u>	<u>NUMBER</u>	<u>PERCENT</u>
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>
TOTAL OF TOP TEN		456	39%
TOTAL OF ALL CHARGES		1,166	100%

<u>TYPE OF BUSINESS</u>	<u>FY 07/08</u>	<u>NUMBER</u>	<u>PERCENT</u>
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>
TOTAL OF TOP TEN		482	39%
TOTAL OF ALL CHARGES		1,226	100%

<u>TYPE OF BUSINESS</u>	<u>FY 08/09</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Meat Products		139	10%
2. Labor Organizations		79	6%
3. Eating, Drinking Places		77	6%
4. General Government NEC		73	5%
5. Real Estate Operators and Lessors		67	5%
6. Hospitals		41	3%
7. Miscellaneous Business Services		38	3%
8. Nursing and Personal Care Facilities		35	2%
9. Health and Allied Services, NEC		26	2%
10. Colleges and Universities		<u>26</u>	<u>2%</u>
TOTAL OF TOP TEN		601	44%
TOTAL OF ALL CHARGES		1,374	100%

TABLE 8: TOP TEN COUNTIES FOR CHARGES FILED

<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	<u>1</u>
11. Dakota		<u>12</u>	<u>1%</u>
TOTAL OF TOP TEN		1,015	87%
TOTAL OF ALL CHARGES		1,166	100%

<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		<u>12</u>	<u>1%</u>
TOTAL OF TOP TEN		1,061	87%
TOTAL OF ALL CHARGES		1,226	100%

<u>COUNTY</u>	<u>FY 08/09</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		594	43%
2. Lancaster		237	18%
3. Hall		197	15%
4. Sarpy		64	5%
5. Scotts Bluff		44	3%
6. Dawson		18	1%
7. Platte		17	1%
8. Lincoln		17	1%
9. Madison		15	1%
10. Buffalo		<u>13</u>	<u>1%</u>
TOTAL OF TOP TEN		1,216	89%
TOTAL OF ALL CHARGES		1,374	100%

TABLE 9: CHARGES NOT DOCKETED

In FY 08/09, the Commission conducted a total of 1,483 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

FY 08/09

<u>Reason for Non-Filing</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
1. Respondent has too few employees	24	51	7	82
2. Allegations outside the Statute of Limitations	23	27	6	56
3. Complainant had no standing or basis to file	191	279	31	501
4. Informed of right to file, but declined to file	395	404	45	844
TOTAL NON-DOCKETED	633 (43%)	761 (51%)	89 (6%)	1,483 (100%)

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 3,631 other inquiries from the public in FY 08/09. The inquiries can be broken down as follows:

FY 08/09

<u>Contact Type</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
5. General Questions Answered	352	1292	93	1,737
6. Employer Inquires	259	87	3	349
7. Information Sent	71	46	22	139
8. Referred to an appropriate source of assistance	126	142	25	293
9. Complainant Inquiry	377	637	99	1,113
TOTALS	1,185 (33%)	2,204 (61%)	242 (6%)	3,631 (100%)
TOTALS - ALL CONTACTS	1,818 (36%)	2,965 (58%)	331 (6%)	5,114 (100%)

Along with the above stated data, there were 25,419 hits to the NEOC home page in FY 08/09. 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

		FY 06/07	FY 07/08	FY 08/09
Reasonable Cause	NEOC (moved to conciliation)	91	52	61
	Adopted (moved to conciliation)	2	0	7
No Reasonable Cause	NEOC	784	818	867
	Adopted	122	75	167
Pre-Determination Settlement	NEOC	37	78	52
	Adopted	14	7	27
Mediation	NEOC	26	26	20
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	32	29	9
	Adopted	2	9	5
Withdrawal Without Settlement	NEOC	30	31	14
	Adopted	0	0	11
Failure to Locate	NEOC	12	11	3
	Adopted	0	4	0
Failure to Cooperate	NEOC	44	52	4
	Adopted	0	2	1
Lack of Jurisdiction	NEOC	31	50	37
	Adopted	3	0	3
Complainant Filing/Filed in Court	NEOC	12	16	17
	Adopted	8	14	20
Other	NEOC	2	5	8
	Adopted	3	0	1
Successful Conciliations	NEOC	29	15	23
	Adopted	0	0	5
Unsuccessful Conciliations (moved to public hearing or civil action)	NEOC	32	6	7
	Adopted	0	0	0

Table 11: COMMISSION DETERMINATIONS (continued)

		FY 06/07	FY 07/08	FY 08/09
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	2	0	0
	Withdrawal With Settlement	0	0	0
	Withdrawal Without Settlement	0	0	0
	Dismissals	34	24	16
	Complainant Filing/Filed in Court	22	11	12
	Adopted	0	0	2
Public Hearings	For Complainant	9	3	1
	For Respondent	12	2	0
	Negotiated Settlement	3	1	2
	Withdrawal With Settlement	1	0	0
	Withdrawal Without Settlement	1	0	0
	Failure to Locate	1	0	0
	Failure to Cooperate	3	1	0
	No Jurisdiction	0	0	0
	Bankruptcy of Respondent	0	0	0
	Complainant Filing/Filed in Court	1	0	1
	Other	0	2	0
	Adopted	0	0	0
	Civil Action (Housing)	Negotiated Settlements	0	1
Lack of Jurisdiction		0	0	0
Other		0	1	2

**TABLE 12: COMMISSION INITIAL DETERMINATIONS (CLOSED CASES)
BY STATUTE
FY 08/09**

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.	TOTALS
918	235	16	64	33	1,266

TABLE 13: LACK OF JURISDICTION BREAKDOWN

REASON FOR LACK OF JURISDICTION	FY 06/07
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
TOTAL	34

REASON FOR LACK OF JURISDICTION	FY 07/08
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
TOTAL	50

REASON FOR LACK OF JURISDICTION	FY 08/09
Not enough employees	16
No employer/employee relationship	11
Untimely filed	6
Other	3
Respondent no longer in business	2
Respondent Not an Employer Under the Law	1
Respondent Does Not Offer Services to the General Public	1
TOTAL	40

TABLE 14: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 02/03 – 08/09

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
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
08/09	13.6	181

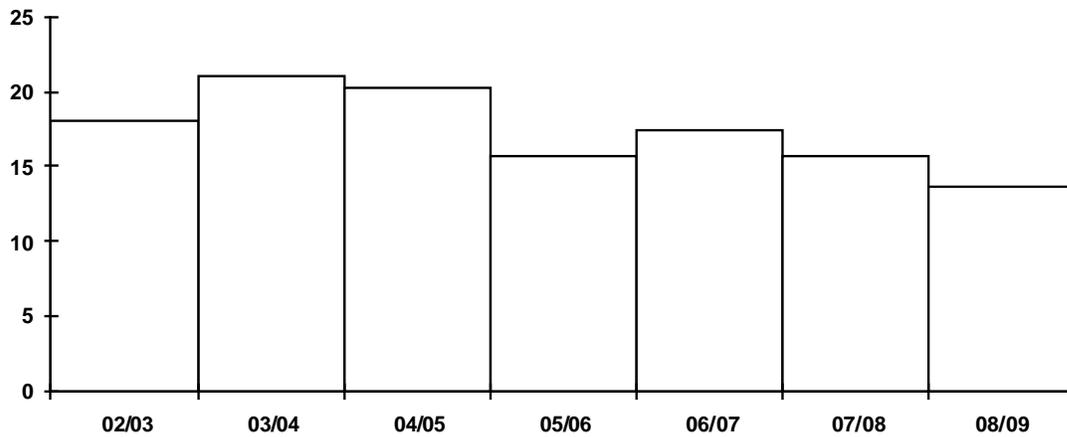


TABLE 15: ALTERNATIVE DISPUTE RESOLUTION

	FY 05/06	FY 06/07	FY 07/08	FY 08/09
Sent for Mediation	52	65	68	60
Successful Mediation	14	26	26	20
Failed Mediation	15	15	14	15
Pre-Determination Settlement	7	12	21	13
Withdrawal with Settlement	5	2	6	2
No Longer Wanted to Pursue Mediation	6	9	1	8
Pending	7	8	9	10

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 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 2008/2009: out of 50 cases attempted in ADR, 70% were successfully resolved.

TABLE 16: TOTAL MONETARY RELIEF OBTAINED

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Pre-Determination Settlements	\$ *554,011	\$186,508	\$194,423	\$120,856	\$145,378	\$248,087	\$ 162,688
Mediation	0	155,733	197,098	128,201	108,550	242,935	154,925
Withdrawals with Settlement**	134,538	97,516	206,407	165,027	115,385	221,450	93,360
Conciliation	84,900	286,403	235,215	179,810	383,480	125,791	219,569
Public Hearing	0	132,392	22,800	41,000	202,997	73,946	78,745
Litigation***	6,130	0	32,300	23,500	0	0	0
TOTAL	\$779,579	\$858,552	\$888,243	\$658,394	\$955,790	\$912,209	\$709,287

* 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

	FY 06/07	FY 07/08	FY 08/09
Omaha	539 (46%)	561 (46%)	539 (39%)
Lincoln	518 (45%)	593 (48%)	765 (56%)
<u>Scottsbluff</u>	109 (9%)	72 (6%)	70 (5%)
TOTAL	1,166 (100%)	1,226 (100%)	1,374 (100%)

NOTES/HIGHLIGHTS

Overall total of 1,374 represents a 12% increase from FY 07/08 intake, and a 18% increase from FY 06/07 total intake.

Omaha total of 539 represents a 4% decrease from FY 07/08 office intake.

Lincoln total of 765 represents a 29% increase from FY 07/08 office intake. (There was a large group that filed which consisted of 157 charges. This explains the large increase this year.)

Scottsbluff total of 70 represents a 3% decrease from FY 07/08 office intake.

TABLE 18: INVESTIGATOR CASE COMPLETION

	FY 06/07	FY 07/08	FY 08/09
Investigations	875 (80%)	870 (75%)	886 (85%)
Settlements	95 (8%)	133 (11%)	73 (7%)
<u>Admin. Closures</u>	129 (12%)	165 (14%)	79 (8%)
TOTAL	1,100 (100%)	1,168 (100%)	1,038 (100%)

NOTES/HIGHLIGHTS:

Total of 1,038 completions represents an 11% decrease from FY 07/08 totals, and a 6% decrease from FY 06/07 totals.

Investigations (886) represent 85% of total, compared to 75% in FY 07/08 and 80% in FY 06/07.

Settlements (73) represent 7% of total, compared to 11% in FY 07/08 and 8% in FY 06/07.

Administrative Closures (79) represent 8% of total, compared to 14% in FY 07/08 and 12% in FY 06/07.

**CASE COMPLETION SUMMARY TABLES
FY 04/05 – 08/09**

TABLE 19: AVERAGE INVESTIGATION HOURS

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Hours/File	8.8	18.3	10.2	8.7	8.5



TABLE 20: AVERAGE DAYS PER INVESTIGATION

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Average Days	82.9	86.1	94.3	98.4	93.4



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

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Filing to Assignment	146	171	229	244	196
Filing to Determination	257	296	364	382	333



TABLE 22: CONCILIATION TIME PER CASE

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Hours Average	7	6	8	7	8
Days Average	82	64	92	79	72



TABLE 23: CAUSE/SETTLEMENT CASES

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Percentage of Total Comm. Determinations	20%	16%	18%	16%	14%



TABLE 24: CAUSE CASES

	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>
Percentage of Fully Investigated Cases	11%	11%	9%	6%	6%

TABLE 25: REASONABLE CAUSE CASES BY STATUTE

FY 08/09

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM	TOTAL
54	9	1	1	3	68

TABLE 26: REASONABLE CAUSE CASES BY BASIS

FY 08/09

BASIS	CASES	BASIS	CASES
Race	17	Disability	16
Color	12	Religion	1
Sex	18	Marital Status	1
Sex-Pregnancy	6	Retaliation	16
National Origin	3	Retaliation – Whistleblower	2
Age	7	Familial Status	0

TABLE 27: REASONABLE CAUSE CASES BY ISSUE

FY 08/09

ISSUES	CASES	ISSUES	CASES
Hire	9	Constructive Discharge	5
Promote	5	Conditions of Employment	14
Harassment	10	Reasonable Accommodation	4
Sexual Harassment	7	Wages	5
Discipline	8	Intimidation	2
Discharge	35	Hostile Work Environment	1
Assignment	1	Suspension	2
Prohibited Medical Inquiry	1	Demotion	1
Public Accommodation	2	Refusal to Rent	1
References Unfavorable	2	Reinstatement	1
Denial of Service	1	Training	1

TABLE 28: CONCILIATION SUMMARY

FY 08/09

Total Conciliations Attempted.....	65
Successful	28*
Unsuccessful (Forwarded to Hearing)	6
Unsuccessful (Forwarded to Civil Action-Housing)	1
Administratively Closed	30
(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.....	18**
f. Lack of Jurisdiction.....	0
g. Complainant Filing in Court.....	12
h. Bankruptcy of Respondent.....	0
Total Dollars	\$219,569

* 5-adopted EEOC's decision

** 2-adopted EEOC's decision

TABLE 29: CONCILIATIONS

FISCAL YEAR	2004/05	2005/06	2006/07	2007/08	2008/09
Cases to Conciliation (Reasonable Cause)	106	108	93	52	68
Cases Pending from Prior Fiscal Year	19*	15	41	15	11
TOTAL CASES	125	123	134	67	79
Conciliations Attempted	110	82	119	56	65
Successful Conciliations	41	24	29	15	28
Unsuccessful Conciliations	25	11	32	6	7
Conciliations Administratively Closed	44	47	58	35	30
MONETARY RELIEF	\$235,415	\$179,810	\$383,480	\$125,791	\$219,569
Conciliation Pending	15	41	15	11	14

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

TABLE 30: SUCCESSFUL CONCILIATION DETAIL- FY 08/09

DISCRIMINATORY ACT	AWARD TO COMPLAINANT
Sex (sexual harassment)	\$2,500; EEO Policy; EEO Training
Sex, Race, Color, Retaliation (harassment, constructive discharge)	\$10,000; EEO Training
Disability (failure to accommodate, termination)	\$21,000
Retaliation (denial of raise, discipline, constructive discharge)	\$12,500
Race, Color (termination, failure to re-hire)	\$23,333.34-compensatory \$11,666.66-attorney fees; discontinue discrimination policy; change from termination to voluntary resignation)
Retaliation (failure to interview)	\$10,000; \$219-attorney fees; first consideration for next position
Pregnancy, Retaliation (termination)	\$6,750; \$750-attorney fees
Sex (termination)	\$10,000; \$5,000-attorney fees
Retaliation (termination)	\$6,000
Whistleblower (termination)	\$3,000
Race (termination)	\$2,500
Pregnancy (terms & conditions, termination)	\$2,000-backpay; policy change
Age, Sex (harassment, termination)	\$5,600
Race, Color (disparate treatment)	\$250; Public Accommodation training
Race, Color (termination)	\$5,000
Disability (discipline, termination)	\$8,000
Record of Disability (termination)	\$5,690; \$1,310-attorney fees
Sex, retaliation (sexual harassment, discipline)	\$3,000; EEO training; removal of discipline
Disability (failure to accommodate, termination)	\$12,500
Retaliation, Whistleblower (termination)	\$31,000; training
Race, Color (termination)	\$20,000; training, neutral reference

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 2008/2009, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

TABLE 31: PUBLIC HEARINGS

Fiscal Year	02/03	03/04	04/05	05/06	06/07	07/08	08/09
Numbered Ordered	11	14	24	10	30	4	6
Number Held*	4	2	3	5	21	5	1
Number Carried Over	8	7	13	23	7	6	1
Orders Issued (Final)	12	8	14	26	31	9	4
Pending	7	13	23	7	6	1	3

*A full and complete hearing was conducted.

TABLE 32: PUBLIC HEARING DISPOSITION
JULY 2008 - JUNE 2009

Total Final Orders Issued	4
Outcome of Final Orders:	
Violation found	1
Settlement Prior to Hearing	2
Complainant Filing/Filed in Court	1

TABLE 33: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2009

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Osborn	BNSF Railway	39198	Tringe
Monarrez	HyVee	2310-PA	Moriarty

**TABLE 34: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY
COMPLAINANT AS OF JUNE 30, 2009**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Austin	Blessed Sacrament School	39566	NA

**TABLE 35: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY
THE HEARING EXAMINER AS OF JUNE 30, 2009**

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

**TABLE 36: CIVIL ACTION DISPOSITION
JULY 2008 - JUNE 2009**

Dismissal	2
<hr/> TOTAL	2

HEARING DISPOSITION SUMMARY
July 1, 2008 through June 30, 2009

NEB 2-05/06-5-36897

Bartholomew vs. Vishay Dale Electronics, Inc.
Disability (Termination)

The Complainant alleged she was terminated based on her disability. She alleged the Respondent terminated her because they no longer wanted to accommodate her disability related absences. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Officer found in favor of the Complainant. The Commission accepted the Hearing Officer's Recommended Order.

NEB 1-06/07-8-37309

Laam vs. Tecumseh Poultry LLC d/b/a MBA Poultry
Disability and Retaliation (Failure to Accommodate and Termination)

The Complainant alleged he was treated unfairly, denied an accommodation, was suspended and eventually terminated. The Commission found Reasonable Cause. The case was forwarded to public hearing. The case was settled between the parties prior to a Public Hearing being held. The Hearing Officer issued a Settlement Order and Dismissal which the Commission accepted and closed the case.

NEB 1-07/08-8-38324

Gowen vs. Nebraska Dept of Health & Human Services
Disability (Failure to Hire)

The Complainant alleged discrimination based upon her disability. The Complainant alleged she had applied for a position that she was well qualified for and that a less qualified candidate was hired. The Commission found Reasonable Cause. The case was forwarded to public hearing. The case was privately settled between the parties prior to a Public Hearing being held. The Hearing Officer issued a Recommended Order which the Commission accepted and closed the case.

NEB 1-07/08-2-38942

McGinnis vs. Christ The King Church of Omaha
Sex, Pregnancy and Marital Status (Termination and Terms and Conditions)

The Complainant alleged she was discriminated against based on her sex, pregnancy and marital status. The Complainant stated she was terminated and a similarly situated teacher was not. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Complainant was indicating that a right-to sue letter was being requested. At this point the Hearing Officer recommended the case be dismissed. The Commission later received documentation that the Complainant had filed in court and then issued a Final Order dismissing the case based on the court filing.