

# Complaint Process

Individuals may file complaints with the Nebraska Equal Opportunity Commission (NEOC) when they feel that they have been discriminated against in the areas of:

- Employment, relative to the denial of employment, dismissal from employment or unequal treatment on the job;
- Housing, relative to the refusal to show, sell or rent housing and to unequal treatment in the terms, conditions of privileges of sale of rental of a dwelling; or
- Public Accommodations, relative to the refusal, denial or withholding of any accommodations, facilities, services, or privileges.

In cases where Federal law also applies, these charges may be also filed with the appropriate Federal agency (the U.S. Equal Employment Opportunity Commission or the U.S. Department of Housing and Urban Development) at the time when the original charge is taken. This brochure is intended to provide a step-by-step guide to the NEOC's process in handling these charges.

## 1. FILING

Filing is the first step in the complaint process. Persons who believe they have been discriminated against, should contact the NEOC as soon as possible following the alleged discrimination. If too much time elapses between the alleged harm and the filing of the charge, the NEOC will not have jurisdiction to investigate the charge.

People calling the NEOC to file a charge of discrimination will be referred to the agency's intake interviewers to set up an appointment. These staff members are trained to assist potential complainants in discerning whether particular alleged harms would be covered under the laws which the NEOC enforces.

During this interview the intake interviewer will explain the relevant laws which the NEOC enforces and talk with the complainant about the law's relation to the alleged harm. If the complainant chooses to file a charge, the intake interviewer will prepare a formal charge of discrimination which the complainant must sign and have notarized.

## 2. SERVICE

Service is the next step in the complaint process. Once the charge is filed (signed by the complainant), the NEOC must serve this charge on the respondent within 10 days. Respondents have 30 days from the day they receive the charge of discrimination to prepare their response and produce the documents requested at the time of service. A 30-day extension to this response time for employment cases will be granted only for good cause.

At this time, both the complainant and the respondent will be offered an opportunity to participate in a pre-determination settlement (PDS) process. If both parties agree, the case will be immediately assigned to an investigator who will facilitate settlement discussions.

If either of both parties decline participation in the PDS process or if an attempted PDS fails, the case file will be placed in the NEOC's repository to await assignment for investigation.

### **3. INVESTIGATION**

Investigation is the next step in the complaint process. The Commission determines the appropriate level of investigation in each case. Both parties to the complaint will be notified in writing when the case is assigned to an investigator. The investigator will request information and documentation from both parties. Complainant and respondent witnesses may be interviewed. When necessary, an on-site visit will be conducted at the respondent's actual location to gain first-hand knowledge of job duties, processes and practices. Both the complainant and the respondent will be full parties to the investigation. The investigator will share with both parties, the information given by the other, for the purpose of clarification/verification. Each party will be given a chance to respond to the information provided by the other party and to give the investigator evidence to support their position.

### **4. CONCLUSION**

Conclusion of the investigation is important. The investigator will review the allegations and the evidence gathered from the Complainant. The investigator will also inform the Respondent of the completion of the investigation and offer them an opportunity to furnish additional relevant evidence. The purpose of the final meeting, called a "pre-determination interview," is to ensure that each party is given a chance to understand what has transpired, what has been found and what, if anything, either party believes should be looked into further.

### **5. Determination**

is the final stage. The decision is made by the Executive Director in cases of employment discrimination other than age or equal pay complaints. The Commissioners make the decision by majority vote in all other cases. The commissioners meet once a month at different locations throughout the state.

It is important to know that neither the intake interviewer nor the investigator makes the actual decision on the case. Only the Commissioners or the Executive Director can render such a decision.

Both parties will receive a Formal Determination letter from the Commission which explains the decision that has been rendered and what subsequent actions, if any, will be or should be taken.

### **RETALIATION**

Nebraska law requires that individuals who file a complaint, testify, assist or otherwise oppose unlawful discrimination not be retaliated against