

**STATE OF NEBRASKA**  
**EQUAL OPPORTUNITY**  
**COMMISSION**



**ANNUAL REPORT**

Fiscal Year 2017/2018

[neoc.nebraska.gov](http://neoc.nebraska.gov)

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# Public Education and Outreach

## Public Education and Outreach

Under the Rules and Regulations of the Fair Employment Practice Act and the Nebraska Fair Housing Act, the Nebraska Equal Opportunity Commission (NEOC) is statutorily required to engage in education and outreach activities for the purposes of educating the public about the anti-discrimination laws of the state. The NEOC consults with local officials and persons in the employment and housing community and also engages in dialogue directly with protected individuals.

It is essential for the NEOC to continue to conduct Technical Assistance programs for the housing and employment industries in all areas of the state, including Scottsbluff/Gering, Grand Island, North Platte, South Sioux City, Lincoln, and Omaha, as well as the areas surrounding these population bases, and to be responsive to requests for outreach and training from any county or community in Nebraska. These sessions often consist of voluntary participation and have been hosted and/or sponsored by a variety of entities, including groups of realtors, public housing providers, large and small employers, unions, profession-specific organizations, and local advocacy groups. The most frequently covered educational topics for housing providers include reasonable accommodations and modifications, service and companion animals, occupancy standards, accessibility in housing, retaliation, harassment, national origin issues, and training for renting to families with children. Topics most frequently covered for employers include workplace harassment, sexual harassment, non-discriminatory hiring and firing procedures, waivers, reasonable accommodations for disability and religious practices, English-only rules, criminal background checks, pregnancy discrimination, and also on how to conduct an internal investigation.

Besides participating in conferences and other voluntary educational programs, the NEOC conducts training with mandatory participation as dictated by the terms of settlement and conciliation agreements made pursuant to our enforced statutes. In these instances, the Respondents alleged to have committed discriminatory acts agree that their management, owners, and/or staff should receive training in anti-discrimination laws. Though these sessions are generally attended by smaller groups, they tend to focus on the specific discriminatory issues of a filed charge. These training sessions allow the NEOC to target trouble areas specifically within individual housing providers or employers, potentially resolving not only the reported situation but also furnishing the housing provider or employer the tools and knowledge they need to prevent similar incidents in the future.

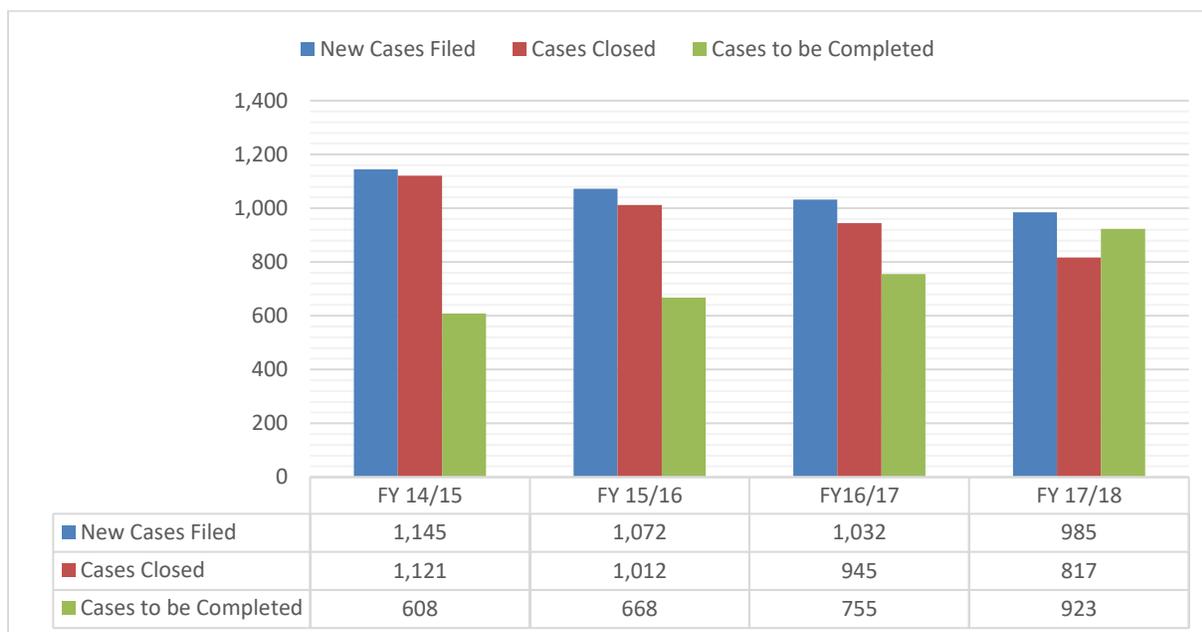
In late 2016, the NEOC partnered with Nebraska Public Television and multiple municipal and nonprofit fair housing agencies to produce a thirty minute television program about fair housing issues in the state. The program broadcasted multiple times on NET, Nebraska's public television provider, and continues to be available to the public on NET's website in 2018. The NEOC also produced, again with NET's assistance, several commercials regarding housing discrimination that aired during various programming on NET's channels in 2016, and a second series focusing on employment discrimination issues that ran in late 2017. These television programs and commercials allow the NEOC to reach a new audience and further extend the agency's mission of eliminating discrimination to people who might not have been aware of the services the NEOC provides.

As technology advances, it is important to continue finding new ways to reach our fellow Nebraskans with our mission of education. To this end, the NEOC procured the use of the WebEx platform to provide small-scale educational outreach to individual housing providers and employers, and also to provide larger-scale webinars and e-conferences to larger groups across the state. WebEx instantaneously extends the NEOC into the far corners of the state to provide education to remote locations that previously took days of travel to reach. This has resulted in a greater number of educational opportunities for those who are not near our main offices in Lincoln and Omaha, as well as giving the NEOC new ways to be fiscally responsible while not losing any actual outreach capability. WebEx permits the NEOC to reach a state-wide audience without requiring that audience to travel to a specific town, as dozens of participants from multiple cities can view and interact with a presentation at once.

The NEOC will continue to provide employers and housing providers with the support they need through our educational initiatives and, in doing so, will promote a foundation of justice, fairness and equality. We look forward to these friendly and cooperative interactions with the community and, based on the feedback we have received, the community looks forward to interacting with us.

/bw

**TABLE 1: CASE SUMMARY**



The 985 **new** cases filed in FY 17/18 include: 922 employment cases; 40 housing cases; and 23 public accommodation cases

The 817 cases **closed** in FY 17/18 include: 798 Commission initial actions; 15 conciliation actions; 1 public hearing action; and 3 civil actions (housing).

The 923 cases **to be completed** at the end of FY 17/18 include: 899 cases to be investigated, 4 cases in conciliation, 0 cases in public hearing, and 20 cases in civil action.

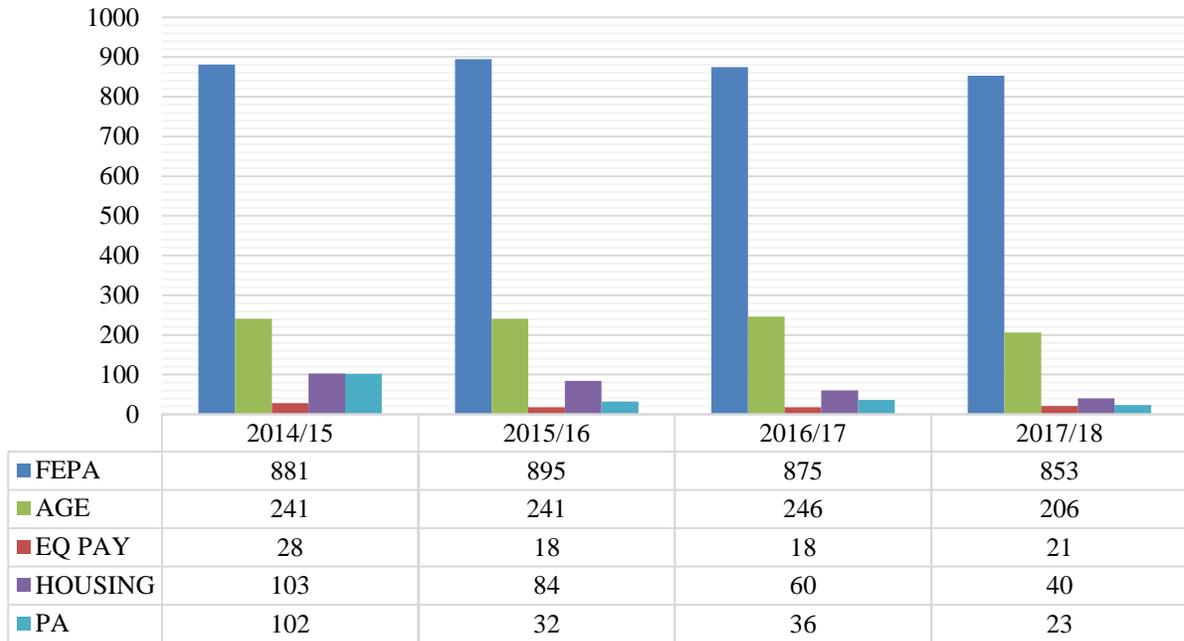
**NOTES/HIGHLIGHTS**

New charges filed represent a 5% decrease from FY 16/17.

Cases closed represent a 14% decrease from FY 16/17.

Cases to be completed at the end of the fiscal year represent a 22% increase from FY 16/17.

**TABLE 2: CHARGES OF ALLEGED DISCRIMINATION  
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE  
2014/15 – 2017/18**



NOTE: Because a person can file under multiple laws, this is not a total of cases received but how many charges are filed under the different laws.

**FEPA** -FAIR EMPLOYMENT PRACTICE ACT

**AGE** -NEBRASKA AGE DISCRIMINATION IN EMPLOYMENT ACT

**EQ PAY** -EQUAL PAY ACT OF NEBRASKA

**HOUSING** -NEBRASKA FAIR HOUSING ACT

**PA** -NEBRASKA CIVIL RIGHTS ACT OF 1969 (PUBLIC ACCOMMODATIONS)

OTHER CASE CHARACTERISTICS:

Our case tracking system provides an accurate count of the descriptive data for our case intake and production, summarized in the tables that follow:

**TABLE 3: BASIS OF CHARGES FILED BY STATUTE**  
**FY 2017/18**

| BASIS                          | EMPLOYMENT |        |     | HOUSING/PUBLIC ACCOM. |               | TOTALS |
|--------------------------------|------------|--------|-----|-----------------------|---------------|--------|
|                                | FEPA       | EQ PAY | AGE | HOUSING               | PUBLIC ACCOM. |        |
| RACE                           | 280        |        |     | 11                    | 21            | 312    |
| COLOR                          | 243        |        |     | 5                     | 21            | 269    |
| SEX                            | 246        | 18     |     | 6                     | 1             | 271    |
| SEX-PREGNANCY                  | 25         |        |     |                       |               | 25     |
| AGE (40-70)                    |            |        | 201 |                       |               | 201    |
| RELIGION                       | 34         |        |     | 1                     | 0             | 35     |
| NATIONAL ORIGIN/<br>ANCESTRY   | 130        |        |     | 5                     | 4             | 139    |
| DISABILITY                     | 374        |        |     | 29                    |               | 403    |
| MARITAL STATUS                 | 7          |        |     |                       |               | 7      |
| FAMILIAL STATUS                |            |        |     | 1                     |               | 1      |
| RETALIATION                    | 542        | 8      | 44  | 7                     | 13            | 614    |
| RETALIATION<br>(Whistleblower) | 92         |        |     |                       |               | 92     |

Different protected classes have different issues for the laws we enforce.

The grayed out sections do not apply to the law.

**TABLE 4: ISSUES IN EMPLOYMENT AND PUBLIC  
ACCOMMODATIONS CHARGES FILED IN FY 2017/18**

| <u>ISSUE</u>                       | <u>NUMBER</u> |
|------------------------------------|---------------|
| Discharge                          | 506           |
| Terms and Conditions of Employment | 423           |
| Harassment                         | 249           |
| Reasonable Accommodation           | 205           |
| Discipline                         | 203           |
| Wages                              | 180           |
| Constructive Discharge             | 149           |
| Assignment                         | 102           |
| Sexual Harassment                  | 93            |
| Suspension                         | 88            |
| Failure to Hire                    | 85            |
| Failure to Promote                 | 45            |
| Failure to Train                   | 38            |
| Intimidation                       | 33            |
| Demotion                           | 26            |
| Public Accommodation Issue         | 23            |
| Benefits                           | 20            |
| Benefits-Insurance                 | 18            |
| References Unfavorable             | 10            |
| Breach of Confidentiality          | 9             |
| Prohibited Medical Inquiry/Exam    | 9             |
| Union Representation               | 5             |
| Severance Pay Denied               | 5             |
| Benefits-Retirement/Pension        | 4             |
| Layoff                             | 3             |
| Reinstatement                      | 3             |
| Other                              | 2             |
| English Language Only Rule         | 1             |
| Retirement-Involuntary             | 1             |
| Seniority                          | 1             |

The above table has been changed this year to reflect that each instance of an issue is counted only once per charge.

Prior years reflected every time an issue was raised in each charge, often resulting in multiple instances of an issue per charge.

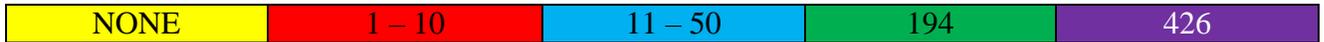
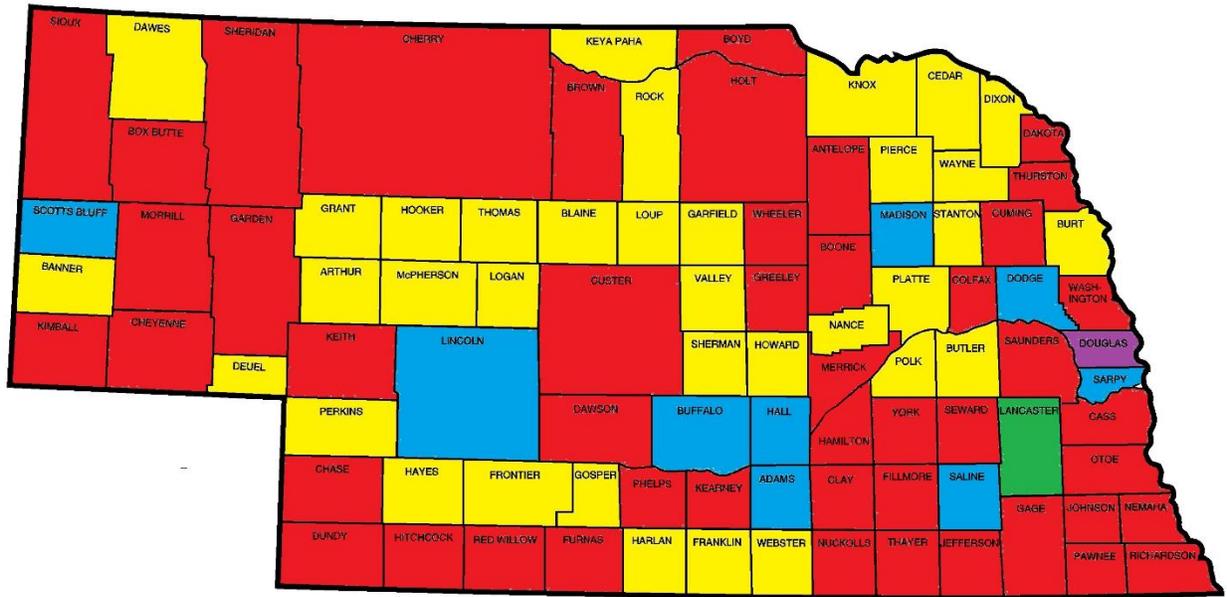
**TABLE 5: ISSUES IN HOUSING CHARGES FILED  
FY 2017/18**

| <b>ISSUE</b>  | <b>NUMBER</b> |
|---|---------------|
| Terms, Conditions, Privileges, or Services and Facilities             | 28            |
| Failure to Make Reasonable Accommodations                             | 11            |
| Terms, Conditions, Privileges Relating to Rental                      | 10            |
| Discriminatory Acts under Section 818 (coercion, etc.)                | 9             |
| Deny or Make Housing Available  | 9             |
| Refusal to Rent   | 3             |
| Refusal to Negotiate for Rental                                       | 2             |
| Failure to Permit Reasonable Modification                             | 1             |
| Failure to Provide Accessible and Usable Public and Common User Areas | 1             |
| Failure to Provide an Accessible Building Entrance                    | 1             |
| Failure to Provide Usable Doors                                       | 1             |
| Failure to Provide Usable Kitchens and Bathrooms                      | 1             |
| Non-compliance with Design and Construction (handicap)                | 1             |
| Steering  | 1             |

**TABLE 6: COMPLAINANT CHARACTERISTICS  
FY 2016/17 – 2017/18**

| <b>MALE</b>                         | <b>FY<br/>16/17</b> | <b>FY<br/>17/18</b> | <b>FEMALE</b>                       | <b>FY<br/>16/17</b> | <b>FY<br/>17/18</b> |
|-------------------------------------|---------------------|---------------------|-------------------------------------|---------------------|---------------------|
| <b>Race</b>                         |                     |                     | <b>Race</b>                         |                     |                     |
| Black/African American              | 189                 | 171                 | Black/African American              | 138                 | 131                 |
| Native Hawaiian/Pacific<br>Islander | 0                   | 1                   | Native Hawaiian/Pacific<br>Islander | 0                   | 0                   |
| American Indian/Alaska Native       | 2                   | 19                  | American Indian/Alaska Native       | 9                   | 14                  |
| Bi-Racial/Multi-Racial              | 4                   | 5                   | Bi-Racial/Multi-Racial              | 13                  | 7                   |
| Asian                               | 6                   | 5                   | Asian                               | 6                   | 2                   |
| White                               | 206                 | 222                 | White                               | 305                 | 285                 |
| <b>Ethnicity</b>                    |                     |                     | <b>Ethnicity</b>                    |                     |                     |
| Hispanic/Latino                     | 73                  | 65                  | Hispanic/Latino                     | 59                  | 64                  |
| Not Hispanic/Latino                 | 396                 | 391                 | Not Hispanic/Latino                 | 450                 | 425                 |
| <b>National Origin</b>              |                     |                     | <b>National Origin</b>              |                     |                     |
| North America                       | 386                 | 378                 | North America                       | 447                 | 418                 |
| Middle East                         | 8                   | 7                   | Middle East                         | 3                   | 2                   |
| Hispanic                            | 55                  | 43                  | Hispanic                            | 40                  | 45                  |
| Europe                              | 9                   | 6                   | Europe                              | 8                   | 7                   |
| Caribbean                           | 0                   | 3                   | Caribbean                           | 0                   | 0                   |
| Asia                                | 4                   | 4                   | Asia                                | 4                   | 3                   |
| Africa                              | 4                   | 9                   | Africa                              | 1                   | 2                   |
| Unable to obtain info               | 18                  | 11                  | Unable to obtain info               | 19                  | 34                  |

**TABLE 7: CHARGES TAKEN BY COUNTY FY 2017/18**



|           |    |           |     |           |     |              |    |
|-----------|----|-----------|-----|-----------|-----|--------------|----|
| Adams     | 13 | Deuel     | 0   | Johnson   | 9   | Red Willow   | 3  |
| Antelope  | 2  | Dixon     | 0   | Kearney   | 2   | Richardson   | 1  |
| Arthur    | 0  | Dodge     | 16  | Keith     | 4   | Rock         | 0  |
| Banner    | 0  | Douglas   | 426 | Keya Paha | 0   | Saline       | 14 |
| Blaine    | 0  | Dundy     | 1   | Kimball   | 4   | Sarpy        | 46 |
| Boone     | 2  | Fillmore  | 1   | Knox      | 0   | Saunders     | 3  |
| Box Butte | 6  | Franklin  | 0   | Lancaster | 194 | Scotts Bluff | 35 |
| Boyd      | 1  | Frontier  | 0   | Lincoln   | 19  | Seward       | 1  |
| Brown     | 2  | Furnas    | 4   | Logan     | 0   | Sheridan     | 5  |
| Buffalo   | 20 | Gage      | 4   | Loup      | 0   | Sherman      | 0  |
| Burt      | 0  | Garden    | 1   | Madison   | 13  | Sioux        | 0  |
| Butler    | 0  | Garfield  | 0   | McPherson | 0   | Stanton      | 0  |
| Cass      | 5  | Gosper    | 0   | Merrick   | 2   | Thayer       | 1  |
| Cedar     | 0  | Grant     | 0   | Morrill   | 3   | Thomas       | 0  |
| Chase     | 1  | Greeley   | 1   | Nance     | 0   | Thurston     | 1  |
| Cherry    | 2  | Hall      | 43  | Nemaha    | 2   | Valley       | 0  |
| Cheyenne  | 3  | Hamilton  | 2   | Nuckolls  | 1   | Washington   | 6  |
| Clay      | 2  | Harlan    | 0   | Otoe      | 2   | Wayne        | 0  |
| Colfax    | 1  | Hayes     | 0   | Pawnee    | 5   | Webster      | 0  |
| Cuming    | 2  | Hitchcock | 1   | Perkins   | 0   | Wheeler      | 1  |
| Custer    | 2  | Holt      | 5   | Phelps    | 1   | York         | 8  |
| Dakota    | 9  | Hooker    | 0   | Pierce    | 0   |              |    |
| Dawes     | 0  | Howard    | 0   | Platte    | 10  |              |    |
| Dawson    | 7  | Jefferson | 4   | Polk      | 0   |              |    |

**TABLE 8: CHARGES NOT DOCKETED**

In FY 17/18, the Commission conducted a total of 593 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

| <b><u>Reason for Non-Filing</u></b>                | <b><u>2015/16</u></b> | <b><u>2016/17</u></b> | <b><u>2017/18</u></b> |
|--|-----------------------|-----------------------|-----------------------|
| 1. Respondent has too few employees                | 59                    | 53                    | 71                    |
| 2. Allegations outside the Statute of Limitations  | 37                    | 21                    | 32                    |
| 3. Complainant had no standing or basis to file    | 186                   | 170                   | 229                   |
| 4. Informed of right to file, but declined to file | 196                   | 214                   | 261                   |
| <b>TOTAL NON-DOCKETED</b>                          | <b>478</b>            | <b>458</b>            | <b>593</b>            |

**TABLE 9: TECHNICAL ASSISTANCE TO THE PUBLIC**

In addition to conducting screenings, which led to no formal action by the Commission, the Commission staff also fielded 3,751 other inquiries from the public in FY 17/18. The inquiries received can be categorized as follows:

| <b><u>Contact Type</u></b>                         | <b><u>2015/16</u></b> | <b><u>2016/17</u></b> | <b><u>2017/18</u></b> |
|--|-----------------------|-----------------------|-----------------------|
| 5. General Questions Answered                      | 486                   | 996                   | 980                   |
| 6. Employer Inquiries                              | 1,104                 | 1,473                 | 1,361                 |
| 7. Information Sent                                | 16                    | 16                    | 27                    |
| 8. Referred to an appropriate source of assistance | 120                   | 205                   | 360                   |
| 9. Complainant Inquiry                             | 841                   | 1,165                 | 1,026                 |
| <b>TOTALS</b>                                      | <b>2,567</b>          | <b>3,855</b>          | <b>3,751</b>          |
| <b>TOTALS - ALL CONTACTS</b>                       | <b>3,045</b>          | <b>4,313</b>          | <b>4,344</b>          |

The NEOC website is regularly updated. Upcoming Commission Meeting information, as well as educational information are available to assist the public. Individuals can also gain valuable information about the Commission, the laws we enforce, and how to file a complaint. In FY 17/18, there were 15,426 website hits to the NEOC home page.

**TABLE 10: COMMISSION DETERMINATIONS**

|                                   |                                 | <b>FY<br/>15/16</b> | <b>FY<br/>16/17</b> | <b>FY<br/>17/18</b> |
|-----------------------------------|---------------------------------|---------------------|---------------------|---------------------|
| Reasonable Cause                  | NEOC (moved to conciliation)    | 52                  | 17                  | 18                  |
|                                   | Adopted (moved to conciliation) | 0                   | 1                   | 1                   |
|                                   |                                 |                     |                     |                     |
| No Reasonable Cause               | NEOC                            | 719                 | 669                 | 558                 |
|                                   | Adopted                         | 78                  | 79                  | 64                  |
|                                   |                                 |                     |                     |                     |
| Pre-Determination Settlement      | NEOC                            | 86                  | 77                  | 70                  |
|                                   | Adopted                         | 13                  | 10                  | 7                   |
|                                   |                                 |                     |                     |                     |
| Mediation                         | NEOC                            | 13                  | 11                  | 14                  |
|                                   |                                 |                     |                     |                     |
| Withdrawal With Settlement        | NEOC                            | 18                  | 25                  | 13                  |
|                                   | Adopted                         | 2                   | 7                   | 3                   |
|                                   |                                 |                     |                     |                     |
| Withdrawal Without Settlement     | NEOC                            | 6                   | 8                   | 13                  |
|                                   | Adopted                         | 1                   | 1                   | 2                   |
|                                   |                                 |                     |                     |                     |
| Failure to Locate                 | NEOC                            | 0                   | 0                   | 0                   |
|                                   | Adopted                         | 0                   | 1                   | 0                   |
|                                   |                                 |                     |                     |                     |
| Failure to Cooperate              | NEOC                            | 0                   | 0                   | 0                   |
|                                   | Adopted                         | 0                   | 0                   | 0                   |
|                                   |                                 |                     |                     |                     |
| Lack of Jurisdiction              | NEOC                            | 14                  | 17                  | 28                  |
|                                   | Adopted                         | 1                   | 2                   | 1                   |
|                                   |                                 |                     |                     |                     |
| Complainant Filing/Filed in Court | NEOC                            | 14                  | 9                   | 8                   |
|                                   | Adopted                         | 7                   | 5                   | 14                  |
|                                   |                                 |                     |                     |                     |
| Other                             | NEOC                            | 2                   | 1                   | 1                   |
|                                   | Adopted                         | 1                   | 1                   | 2                   |
|                                   |                                 |                     |                     |                     |

Table 10: COMMISSION DETERMINATIONS (continued)

|                               |   | <b>FY<br/>15/16</b> | <b>FY<br/>16/17</b> | <b>FY<br/>17/18</b> |
|-------------------------------|---|---------------------|---------------------|---------------------|
| <b>Conciliations</b>          | Successful Conciliations  | 18                  | 9                   | 9                   |
|                               | Successful Conciliations – Adopted                                | 0                   | 0                   | 0                   |
|                               | Unsuccessful Conciliations - Dismissals                           | 7                   | 0                   | 1                   |
|                               | Unsuccessful Conciliations - Complainant<br>Filing/Filed in Court | 9                   | 7                   | 4                   |
|                               | Other - Adopted   | 0                   | 1                   | 1                   |
|                               | Unsuccessful Conciliations to Public<br>Hearing or Civil Action   | 22                  | 4                   | 4                   |
| <b>Public Hearings</b>        |   |                     |                     |                     |
|                               | For Complainant   | 0                   | 0                   | 0                   |
|                               | For Respondent  | 1                   | 3                   | 0                   |
|                               | Negotiated Settlement   | 1                   | 0                   | 1                   |
|                               | Other   | 0                   | 1                   | 0                   |
| <b>Civil Action (Housing)</b> |   |                     |                     |                     |
|                               | For Complainant   | 0                   | 0                   | 0                   |
|                               | Negotiated Settlements  | 0                   | 0                   | 1                   |
|                               | Other   | 0                   | 0                   | 0                   |
|                               | Dismissal   | 1                   | 1                   | 2                   |

**TABLE 11: COMMISSION INITIAL DETERMINATIONS BY STATUTE  
(CLOSED CASES)  
FY 2017/18**

| <b>FAIR<br/>EMPLOYMENT<br/>PRACTICE ACT</b> | <b>AGE</b> | <b>EQUAL<br/>PAY</b> | <b>HOUSING</b> | <b>PUBLIC<br/>ACCOMM.</b> |
|---|------------|----------------------|----------------|---------------------------|
| 683   | 207        | 15                   | 32             | 26                        |

**TABLE 12: LACK OF JURISDICTION BASES**

| <b>REASON FOR LACK OF JURISDICTION</b>   | <b>FY 2015/16</b> |
|--|-------------------|
| Not Enough Employees                     | 4                 |
| Other                                    | 4                 |
| No Employer/Employee Relationship        | 3                 |
| Untimely Filed                           | 2                 |
| Harms Occurred Out of State              | 1                 |
| Respondent Government Owned-Indian Tribe | 1                 |
| <b>TOTAL</b>                             | <b>15</b>         |

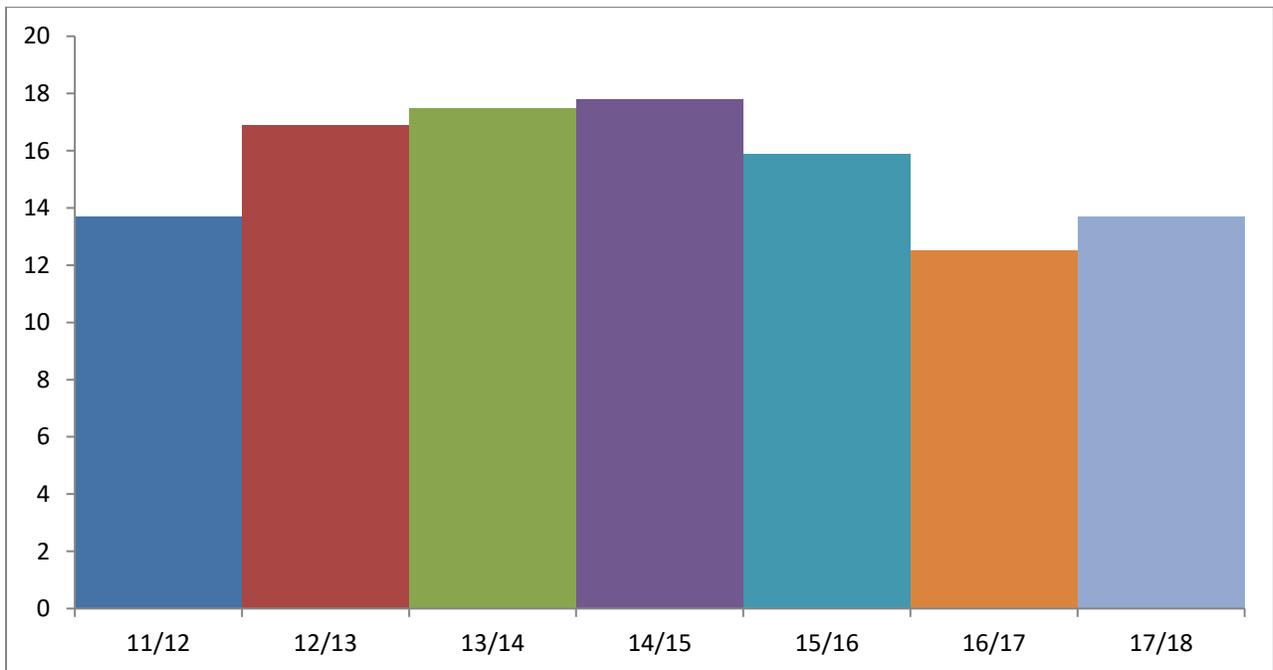
| <b>REASON FOR LACK OF JURISDICTION</b> | <b>FY 2016/17</b> |
|--|-------------------|
| Not Enough Employees                   | 8                 |
| No Employer/Employee Relationship      | 5                 |
| Other                                  | 4                 |
| Untimely Filed                         | 2                 |
| <b>TOTAL</b>                           | <b>19</b>         |

| <b>REASON FOR LACK OF JURISDICTION</b> | <b>FY 2017/18</b> |
|--|-------------------|
| Not Enough Employees                   | 16                |
| No Employer/Employee Relationship      | 5                 |
| Untimely Filed                         | 4                 |
| Harms Occurred out of State            | 2                 |
| Judges Orders                          | 2                 |
| <b>TOTAL</b>                           | <b>29</b>         |

**TABLE 13: COMPARATIVE CAUSE/SETTLEMENT FIGURES**

**FY 2011/12 – 2017/18**

| <b>Fiscal Year</b> | <b>Cause &amp; Settlements<br/>Percent of Initial Determinations</b> | <b>Combined<br/>Number of Cases</b> |
|--------------------|--|-------------------------------------|
| 11/12              | 13.7   | 143                                 |
| 12/13              | 16.9   | 195                                 |
| 13/14              | 17.5   | 171                                 |
| 14/15              | 17.8   | 200                                 |
| 15/16              | 15.9   | 164                                 |
| 16/17              | 12.5   | 116                                 |
| 17/18              | 13.7   | 110                                 |



**TABLE 14: ALTERNATIVE DISPUTE RESOLUTION  
(ADR)  
Employment and Public Accommodation Cases**

|  | FY 13/14 | FY 14/15 | FY 15/16 | FY 16/17 | FY 17/18 |
|--|----------|----------|----------|----------|----------|
| <b>Sent to ADR</b>                             | 99       | 100      | 88       | 94       | 93       |
| <b>Successful Mediation</b>                    | 13       | 21       | 13       | 11       | 14       |
| <b>Successful Pre-Determination Settlement</b> | 30       | 39       | 21       | 31       | 33       |
| <b>Withdrawal with Settlement</b>              | 4        | 0        | 1        | 7        | 4        |
| <b>Failed ADR (either Mediation or PDS)</b>    | 14       | 19       | 19       | 12       | 13       |
| <b>No Longer Wanted to Pursue ADR</b>          | 30       | 24       | 33       | 33       | 23       |
| <b>Pending</b>                                 | 19       | 16       | 17       | 17       | 23       |

The NEOC's Alternative Dispute Resolution (ADR) program was created to resolve pending employment and public accommodation cases prior to an investigation and determination being issued by the Commission. There are two options available in the ADR program: mediation and pre-determination settlement. **Mediation** typically involves the parties meeting face-to-face with a mediator to discuss resolution; whereas, **pre-determination settlement** involves discussion of resolution between the parties as relayed (usually via telephone) by the mediator.

Participation in the program is done on a voluntary basis. As the table indicates, when parties actively participate in the program there is a high rate of successful resolution. However, there are times when the parties indicate an interest in the ADR program, but after an initial discussion, determine they no longer want to participate in the process and request an investigation. These discussions are not considered unsuccessful as the parties never fully engaged in the process.

**HIGHLIGHTS....**

In addition to the ADR program, the NEOC attempts to resolve employment and public accommodation cases during an investigation prior to the NEOC issuing a determination. In FY 17/18 the NEOC resolved 29 cases during the investigative stage.

The NEOC also endeavors to resolve housing cases. Discussions regarding resolution are an ongoing process throughout the investigation for all housing cases. In FY 17/18, the NEOC settled 8 housing cases which is 22% of the total initial housing decisions by the NEOC.

The flexibility of ADR allows both parties to craft resolutions which involve not only monetary relief but also non-monetary outcomes.

**TABLE 15: NON-MONETARY RELIEF**  
**FY 2017/18**

**Employment and Public Accommodations**

Adverse Material Removed from File

Apology

Benefits – Other

EEO Training

NEOC/EEOC Notices (Posters)

Neutral Reference

Policy Change

Procedural/Practice Change

Training/Apprenticeship

**Housing**

Affirmative Relief – Other

Housing

Letter of Reference

Policy Revisions

Terms and Conditions Changed

Training

**TABLE 16: MONETARY RELIEF BY LAW**  
**FY 2017/18**

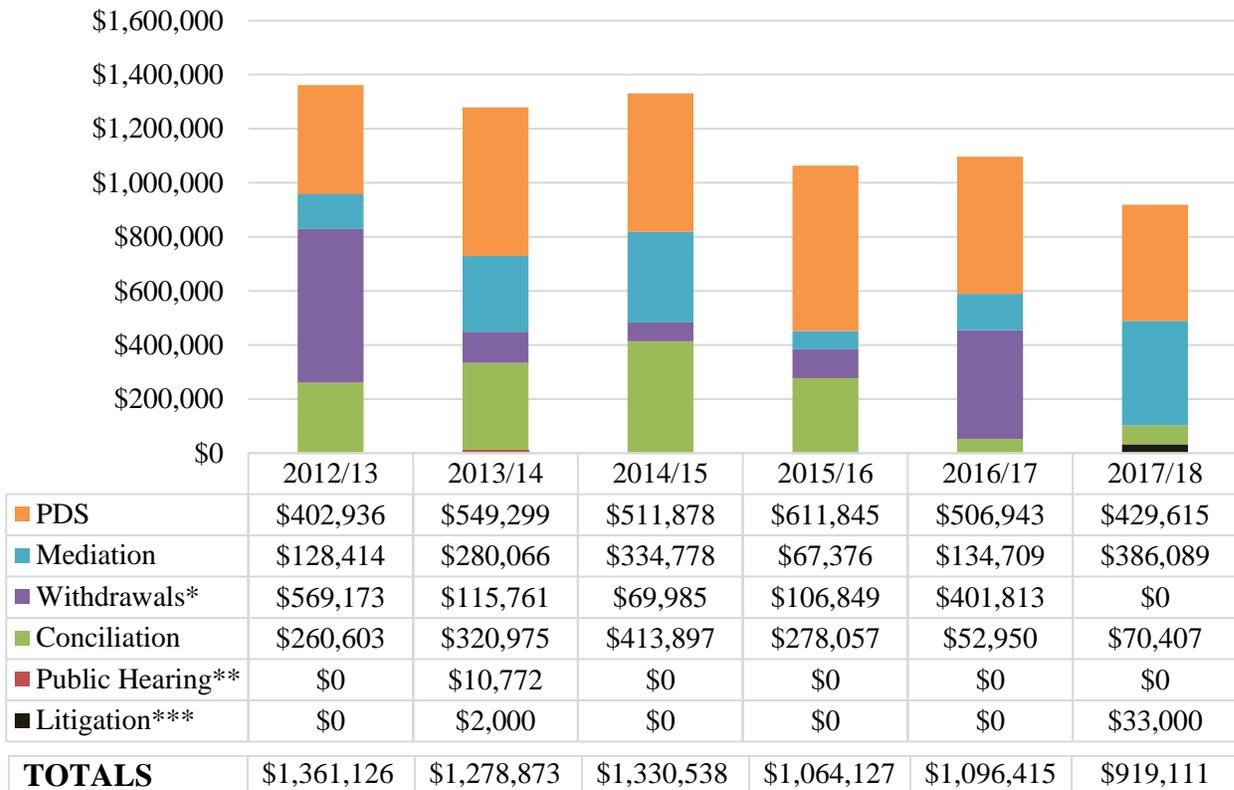
|                                      | <b>EMPLOYMENT</b> | <b>PA</b> | <b>HOUSING</b> | <b>TOTAL</b> |
|--------------------------------------|-------------------|-----------|----------------|--------------|
| <b>Pre-Determination Settlements</b> | \$423,405         | \$575     | \$ 5,635       | \$429,615    |
| <b>Mediation</b>                     | \$386,014         | \$ 75     | 0              | \$386,089    |
| <b>Withdrawals with Settlement</b>   | 0                 | 0         | 0              | 0            |
| <b>Conciliation</b>                  | \$ 67,907         | 0         | \$ 2,500       | \$ 70,407    |
| <b>Public Hearing</b>                | 0                 | 0         | 0              | 0            |
| <b>Litigation</b>                    | 0                 | 0         | \$33,000       | \$ 33,000    |
| <b>TOTAL</b>                         | \$877,326         | \$650     | \$41,135       | \$919,111    |

The following chart reflects approximately how many people have benefitted from the different types of settlements available with the NEOC process. Besides the Complainant, others can benefit by attending EEO training and/or a policy or procedural/practice change.

**TABLE 17: NUMBER OF PEOPLE BENEFITING**  
**FY 2017/18**

|                                      | <b>EMPLOYMENT</b> | <b>PA</b> | <b>HOUSING</b> | <b>TOTAL</b> |
|--------------------------------------|-------------------|-----------|----------------|--------------|
| <b>Pre-Determination Settlements</b> | 213               | 2         | 235            | 450          |
| <b>Mediation</b>                     | 22                | 1         | 0              | 23           |
| <b>Withdrawals with Settlement</b>   | 16                | 0         | 0              | 16           |
| <b>Conciliation</b>                  | 20                | 1         | 1              | 22           |
| <b>Public Hearing</b>                | 0                 | 0         | 0              | 0            |
| <b>Litigation</b>                    | 0                 | 0         | 0              | 0            |
| <b>TOTAL</b>                         | 271               | 4         | 236            | 511          |

**TABLE 18: TOTAL MONETARY RELIEF OBTAINED**



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

\*\* Any monetary relief received through a settlement prior to the public hearing being held is listed with the conciliation amounts.

\*\*\* This monetary relief was achieved by the Attorney General’s Office on cases sent to their office for civil action/litigation.

**CASE COMPLETION SUMMARY TABLES  
FY 2013/14 – 2017/18**

**TABLE 19: AVERAGE CASE PROCESSING TIME**

|                                   | <u>FY 13/14</u> | <u>FY 14/15</u> | <u>FY 15/16</u> | <u>FY 16/17</u> | <u>FY 17/18</u> |
|-----------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Average Hours Worked on Case File | 12.49           | 11.68           | 12.33           | 15.05           | 15.79           |

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**TABLE 20: AVERAGE DAYS PER INVESTIGATION**

|              | <u>FY 13/14</u> | <u>FY 14/15</u> | <u>FY 15/16</u> | <u>FY 16/17</u> | <u>FY 17/18</u> |
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Average Days | 85.6            | 80.6            | 88.5            | 90.2            | 95.9            |

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

|  | <u>FY13/14</u> | <u>FY 14/15</u> | <u>FY 15/16</u> | <u>FY 16/17</u> | <u>FY 17/18</u> |
|--|----------------|-----------------|-----------------|-----------------|-----------------|
| Date Filed to Assignment of Investigator | 91             | 95              | 105             | 139             | 179             |
| Date Filed to Cause/No Cause Decision    | 199            | 194             | 216             | 255             | 309             |

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**TABLE 22: CAUSE CASES**

|   | <u>FY13/14</u> | <u>FY 14/15</u> | <u>FY 15/16</u> | <u>FY 16/17</u> | <u>FY 17/18</u> |
|---|----------------|-----------------|-----------------|-----------------|-----------------|
| Out of Cause/No Cause Cases, This Percentage went Cause | 4%             | 5%              | 6%              | 3%              | 3%              |

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**TABLE 23: CONCILIATION TIME PER CASE**

|   | <u>FY 13/14</u> | <u>FY 14/15</u> | <u>FY 15/16</u> | <u>FY 16/17</u> | <u>FY 17/18</u> |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| Average Conciliation Hours Worked on Case | 2               | 3               | 2               | 2               | 1               |
| Average Days in Conciliation              | 123             | 92              | 56              | 140             | 91              |

**TABLE 24: REASONABLE CAUSE CASES BY STATUTE**

**FY 2017/18**

| <b>FEPA</b> | <b>AGE</b> | <b>EQUAL<br/>PAY</b> | <b>HOUSING</b> | <b>PUBLIC<br/>ACCOM</b> |
|-------------|------------|----------------------|----------------|-------------------------|
| 13          | 1          | 0                    | 4              | 1                       |

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

**FY 2017/18**

| <b>BASIS</b>    | <b>CASES</b> | <b>BASIS</b>                | <b>CASES</b> |
|-----------------|--------------|-----------------------------|--------------|
| Race            | 3            | Disability                  | 9            |
| Color           | 0            | Religion                    | 1            |
| Sex             | 3            | Marital Status              | 0            |
| Sex-Pregnancy   | 2            | Retaliation                 | 12           |
| National Origin | 2            | Retaliation – Whistleblower | 1            |
| Age             | 1            | Familial Status             | 1            |

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

**FY 2017/18**

| <b>ISSUES</b>                                 | <b>CASES</b> | <b>ISSUES</b>                    | <b>CASES</b> |
|---|--------------|----------------------------------|--------------|
| <b>Employment &amp; Public Accommodations</b> |              | <b>Housing</b>                   |              |
| Discharge                                     | 7            | Acts under §818 (coercion, etc.) | 3            |
| Accommodation (Employment)                    | 6            | Accommodation (Housing)          | 1            |
| Hire  | 2            | Terms/Conditions in Rental       | 2            |
| Terms/Conditions of Employment                | 2            | Failure to Rent                  | 1            |
| Wages   | 4            |                                  |              |
| Promotions                                    | 1            |                                  |              |
| Denial of Service                             | 1            |                                  |              |
| Benefits                                      | 2            |                                  |              |
| Constructive Discharge                        | 1            |                                  |              |

**TABLE 27: CONCILIATION SUMMARY**  
**FY 2017/18**

|  |                 |
|--|-----------------|
| Total Conciliations Attempted.....                     | 19*             |
| Successful .....                                       | 9               |
| Unsuccessful (Forwarded to Hearing) .....              | 0               |
| Unsuccessful (Forwarded to Civil Action-Housing) ..... | 4               |
| Administratively Closed .....                          | 6               |
| a. Unsuccessful - Dismissals.....                      | 2*              |
| b. Complainant Filing in Court.....                    | 4               |
| <b>Total Dollars .....</b>                             | <b>\$67,907</b> |

\* 1 Adopted Decision

**TABLE 28: CONCILIATIONS**

| <b>FISCAL YEAR</b>                          | <b>2013/14</b> | <b>2014/15</b> | <b>2015/16</b> | <b>2016/17</b> | <b>2017/18</b> |
|---|----------------|----------------|----------------|----------------|----------------|
| Cases to Conciliation<br>(Reasonable Cause) | 31             | 47             | 52             | 18             | 19             |
| Cases Pending from<br>Prior Fiscal Year     | 9              | 13             | 11             | 7              | 4              |
| <b>TOTAL CASES</b>                          | 40             | 60             | 63             | 25             | 23             |
| Conciliations Attempted                     | 27             | 49             | 56             | 21             | 19             |
| Successful Conciliations                    | 13             | 27             | 18             | 9              | 9              |
| Unsuccessful<br>Conciliations               | 3              | 5              | 22             | 4              | 4              |
| Conciliations<br>Administratively Closed    | 11             | 17             | 16             | 8              | 6              |
| <b>MONETARY RELIEF</b>                      | \$296,975      | \$413,897      | \$263,057      | \$52,950       | \$67,907       |
| Conciliation Pending                        | 13             | 11             | 7              | 4              | 4              |

**TABLE 29: SUCCESSFUL CONCILIATION DETAIL - AFTER A CAUSE FINDING****FY 2017/18**

| <b>DISCRIMINATORY ACT</b>  | <b>RELIEF TO COMPLAINANT</b>  |
|--|---|
| <b>Employment and Public Accommodations</b>  |   |
|  |   |
| Race, Color and Retaliation (wages; assignment)  | \$6,278.50 lump sum, \$6,278.50 wages   |
| Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge) | \$25,000 lump sum   |
| Disability and Record of a Disability (hiring; reasonable accommodation)                 | \$2,000 lump sum  |
| Regarded as Disabled (hiring)  | \$4,500 lump sum, training  |
| Age (promotion)  | \$5,000 lump sum, \$5,000 wages, \$750 attorney's fees, removal of negative information related to failure to promotion |
| Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge) | \$1,600 lump sum  |
| Disability, Record of a Disability and Retaliation (reasonable accommodation; discharge) | \$5,000 lump sum, \$1,500 wages   |
| Sex, Pregnancy and Retaliation (discharge)   | \$4,000 lump sum, \$1,000 wages   |
| Retaliation (Public Accommodation)   | Reinstatement of services, training   |

| <b>DISCRIMINATORY ACT</b> | <b>RELIEF TO COMPLAINANT</b> |
|---------------------------|------------------------------|
| <b>Housing</b>            |                              |
| NA                        |                              |

## PUBLIC HEARINGS

Per 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 for the past seven fiscal years, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

**TABLE 30: PUBLIC HEARINGS**

| Fiscal Year           | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 |
|-----------------------|-------|-------|-------|-------|-------|-------|-------|
| Numbered Ordered      | 1     | 1     | 2     | 4     | 3     | 2     | 0     |
| Number Held*          | 0     | 1     | 1     | 0     | 1     | 3     | 0     |
| Number Carried Over   | 1     | 1     | 1     | 0     | 2     | 3     | 1     |
| Orders Issued (Final) | 1     | 1     | 3     | 2     | 2     | 4     | 1     |
| Pending               | 1     | 1     | 0     | 2     | 3     | 1     | 0     |

\*A full and complete hearing was conducted.

**TABLE 31: PUBLIC HEARING DISPOSITION**  
**JULY 2017 - JUNE 2018**

|                                  |   |
|----------------------------------|---|
| <b>Total Final Orders Issued</b> | 1 |
| <b>Outcome of Final Orders:</b>  |   |
| Violation found                  | 0 |
| No Violation Found               | 0 |
| Settlement Prior to Hearing      | 1 |
| Dismissal                        | 0 |

**TABLE 32: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2018**

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

**TABLE 33: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY  
COMPLAINANT AS OF JUNE 30, 2018**

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

**TABLE 34: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY  
THE HEARING EXAMINER AS OF JUNE 30, 2018**

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

**TABLE 35: CIVIL ACTION DISPOSITION  
JULY 2017 - JUNE 2018**

|                 |         |
|-----------------|---------|
| For Complainant | 0       |
| Settlement      | 1       |
| Dismissal       | 2       |
| <hr/> TOTAL     | <hr/> 3 |

**HEARING DISPOSITION SUMMARY**  
**July 1, 2017 through June 30, 2018**

**NEB 2-15/16-6-3281-H**

**Bayliss vs. Cedar Lodge, Inc., et al**

**Retaliation (Discriminatory Acts under Section 818 (Coercion, Etc))**

The Complainant alleged the Respondent retaliated against her after she complained of potential fair housing violations and also after the Respondent was served with the Complainant's fair housing complaint. The Commission found reasonable cause and the case was sent to public hearing. The parties entered into a settlement prior to the public hearing. The Hearing Officer accepted the settlement and recommended dismissal of the case. The Commission accepted the Hearing Officer's recommendation and closed the case.

### List of Cases Sent to Public Hearing in the Past Five Years

| <b>Case Number</b> | <b>Complainant</b> | <b>Respondent</b>                  | <b>Decision</b> | <b>Date Closed</b> | <b>Hearing Officer</b> |
|--------------------|--------------------|------------------------------------|-----------------|--------------------|------------------------|
| 42364              | Chapman            | MWE Services, Inc.                 | For Complainant | 10/18/2013         | W. Tringe, Jr.         |
| 44493              | Hanson             | Railcrew Xpress, LLC               | Settlement      | 4/17/2015          | W. Tringe, Jr.         |
| 44817              | Hanson             | Railcrew Xpress, LLC               | Settlement      | 4/17/2015          | W. Tringe, Jr.         |
| 44974              | Gumby, Jr.         | IOS/PCI, LLC                       | Settlement      | 11/20/2015         | W. Tringe, Jr.         |
| 45584              | Hunter, Jr.        | NE/Corrections, Dept Of            | For Respondent  | 6/17/2016          | W. Tringe, Jr.         |
| 3235-H             | Ramos              | Sunset View Apartments, et al      | Dismissal       | 12/16/2016         | W. Tringe, Jr.         |
| 2977-H             | Ebert              | Simonson, Douglas & Donna          | For Respondent  | 1/20/2017          | R. Mathias             |
| 2995-H             | Fischer            | Simonson, Douglas & Donna          | For Respondent  | 1/20/2017          | R. Mathias             |
| 2994-H             | Findeis            | Ft. Calhoun Mobile Home Park, Inc. | For Respondent  | 4/21/2017          | R. Mathias             |
| 3281-H             | Bayliss            | Cedar Lodge Inc., et al            | Settlement      | 11/17/2017         | R. Mathias             |

NOTES: Case numbers with a "-H" behind them are Housing cases. Case numbers with a "-PA" behind them are Public Accommodations cases. All other case numbers are employment cases.

RECORDS RETENTION: Pursuant to Rules 002-016 and 002-019 of the Nebraska Equal Opportunity Commission's Records Retention Schedule, these records are deleted/destroyed 5 years from the date of closure.