

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



**ANNUAL REPORT**

Fiscal Year 2013/2014

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

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## Public Education and Outreach

The Reverend Dr. Martin Luther King has said, "Human progress is neither automatic nor inevitable... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals." The NEOC has always stood for the human dignity and the civil rights of the persons residing in Nebraska. Our office has continued to face challenges known and unforeseen. Yet rarely does one have the opportunity to watch the evolution of activity the NEOC experienced from July 1, 2013 through June 30, 2014. NEOC's inventive strategies of education and outreach enhance the enforcement provisions of the laws and conciliation agreements of cases filed. This also results in benefits to every nook and corner of the state for every resident even if they are not a party to a case.

The NEOC's intake unit received 2,591 contacts by persons who wanted to discuss alleged harms, file a complaint, or be provided with technical assistance. The Commission accepted 871 charges of employment discrimination, 67 charges of public accommodation discrimination, and 79 housing discrimination complaints. The Commission closed out 852 employment charges, 55 public accommodation charges, and 65 housing complaints.

Individuals who filed charges (employment and public accommodations) or complaints (housing) received \$829,365 in relief through the pre-determination settlement or ADR process. Of those cases where a reasonable cause finding was rendered against an entity, relief obtained in the conciliation of the cases in total was \$296,975 and in most instances the entity received training from the Commission.

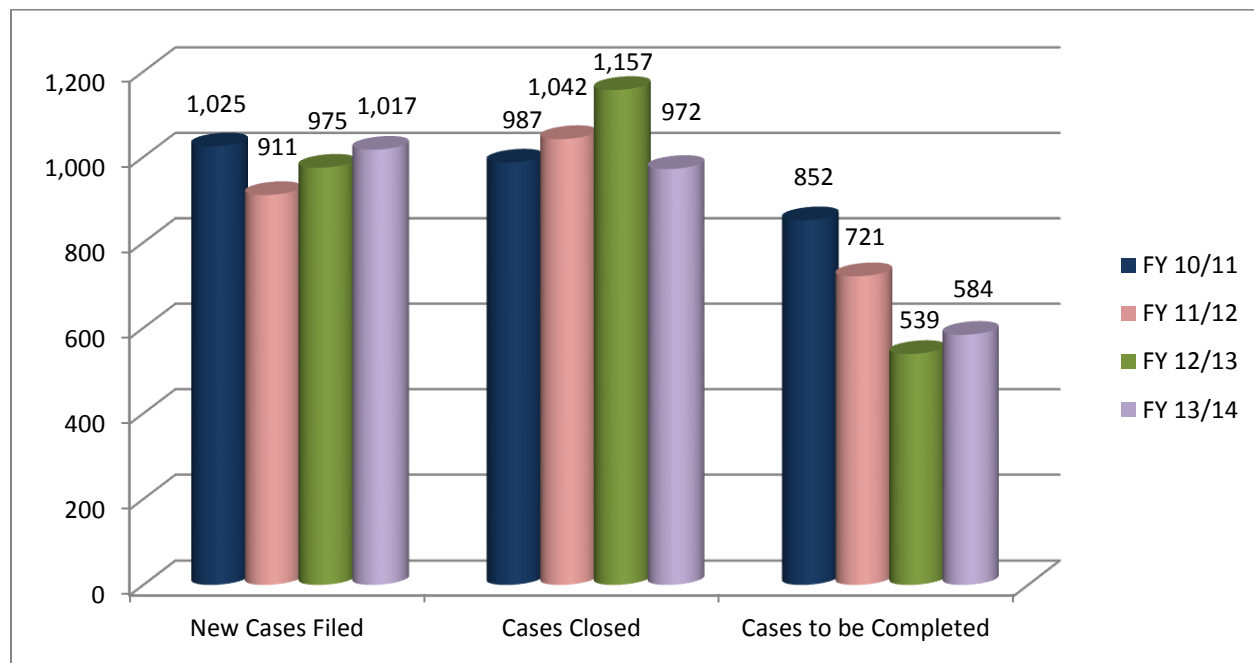
Over 1,800 persons have received training in employment, public accommodation, and housing law, and much of the training was conducted in rural and urban locations including: Gering, South Sioux City, Fremont, Lincoln, Bellevue, and Omaha. Conventionally, the issues of the training/presentations included how to handle harassment in the workplace, reasonable accommodations under the Americans with Disabilities Act Amendments Act, and best practices to avoid discriminatory landlord and tenant complaints. Realtors were provided with continuing education credit hours for completing the advance-level course: "Fair Housing Special Issues". The NEOC was at the forefront of keeping its audiences updated with emerging and critical issues related to discrimination including recent developments in disparate impact analysis regarding

criminal background checks, credit reports, and the effects of domestic violence in tenant screening.

The Reverend Dr. Martin Luther King has also said, "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." There have been challenges in meeting with all of the communities of Nebraska to provide education in critical aspects of the law. To enable success, the NEOC sought, and was awarded, grants from the U.S. Department of Housing and Urban Development (HUD) and the Nebraska Department of Economic Development (DED). Under the HUD grant, the NEOC was able to fund a housing-unit position for one year. This position is set-up to help gather legal analysis needed on complex and aging cases. Under a second grant from HUD, the NEOC began seeking translation of its housing material into six languages: Spanish, French, Somali, Chinese (Mandarin), Arabic, and Vietnamese. The DED grant supports the testing of Complaints filed with the NEOC. The grant is also used for coordinating the testing in rural and urban areas as well as the training of the testers. Many of the persons who participate in the training to become testers are surprised at how much they learn about fair housing laws. The testing has resulted in more time-efficient investigations.

Education and outreach reinforces the concept that each person residing in the state has equal protections before the laws. Each person who gains knowledge is empowered to move forward and apply the concept in their personal and professional lives.

**TABLE 1: CASE SUMMARY**



Of the 972 cases **closed** in FY 13/14, 944 were Commission initial actions; 24 were actions on cases in the conciliation stage; 3 were decisions on cases in the public hearing stage; and 1 was pursuant to civil action (housing).

Of the 584 cases **to be completed** at the end of FY 13/14, 571 cases are to be investigated and 13 cases are in conciliation. Currently there are 0 cases in public hearing and civil action.

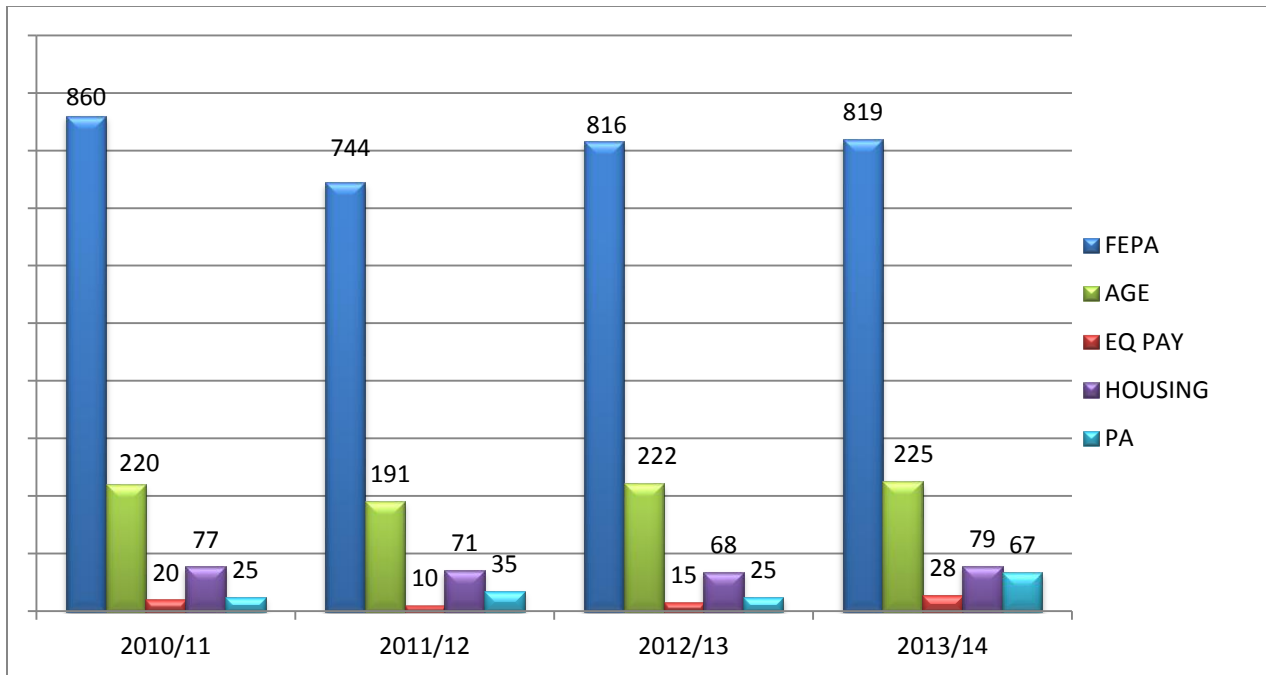
**TABLE 2: CHARGE INTAKE**

	<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>
Omaha	380 ( 42%)	409 ( 42%)	433 ( 42%)
Lincoln	476 ( 52%)	496 ( 51%)	524 ( 52%)
Scottsbluff	55 ( 6%)	70 ( 7%)	60 ( 6%)
<b>TOTAL</b>	911 (100%)	975 (100%)	1,017 (100%)

**NOTES/HIGHLIGHTS**

Overall total of 1,017 represents a 4% increase from FY 12/13 total intake.  
 Omaha total of 433 represents a 6% increase from FY 12/13 office intake  
 Lincoln total of 524 represents a 6% increase from FY 12/13 office intake.  
 Scottsbluff total of 60 represents a 14% decrease from FY 12/13 office intake.

**TABLE 3: CHARGES OF ALLEGED DISCRIMINATION  
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE  
2010/11 – 2013/14**



**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)

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.

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 4: BASIS OF CHARGES FILED BY STATUTE**  
**FY 2013/14**

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	263	0	0	31	56	350
COLOR	233	0	0	2	52	287
SEX	248	27	0	8	9	292
SEX-PREGNANCY	30	0	0	0	0	30
AGE (40-70)	0	0	217	0	0	217
RELIGION	23	0	0	2	2	27
NATIONAL ORIGIN/ ANCESTRY	128	0	0	13	11	152
DISABILITY	348	0	0	36	0	384
MARITAL STATUS	6	0	0	0	0	6
FAMILIAL STATUS	0	0	0	9	0	9
RETALIATION	521	9	74	9	38	651
RETALIATION (Whistleblower)	89	0	0	0	0	89

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



**TABLE 5: ISSUES IN EMPLOYMENT AND PUBLIC  
ACCOMMODATIONS CHARGES FILED IN FY 2013/14**

<b><u>ISSUE</u></b>	<b><u>NUMBER</u></b>
Discharge	1,700
Terms and Conditions of Employment	769
Discipline	691
Harassment	555
Wages	459
Assignment	441
Reasonable Accommodation	402
Constructive Discharge	331
Suspension	326
Failure to Hire	226
Public Accommodation Issue	168
Failure to Train	115
Failure to Promote	109
Sexual Harassment	89
Demotion	83
Benefits-Insurance	75
Intimidation	65
Benefits	56
Union Representation	32
Breach of Confidentiality	32
References Unfavorable	29
Layoff	18
Benefits-Retirement/Pension	16
Testing	7
English Language Only Rule	5
Referral	4
Severance Pay Denied	3
Recall	3
Retirement-Involuntary	2
Recordkeeping Violation	2
Other	2

**TABLE 6: ISSUES IN HOUSING CHARGES FILED  
FY 2013/14**

<b>ISSUE</b>	<b>NUMBER</b>
Terms, Conditions, Privileges Relating to Rental	64
Discriminatory Acts under Section 818 (coercion, etc.)	25
Failure to Make Reasonable Accommodations	18
Refusal to Rent	11
Terms, Conditions, Privileges, or Services and Facilities	8
Refusal to Rent and Negotiate for Rental	6
Other Discriminatory Acts	4
Advertising, Statements and Notices	2
Terms, Conditions, Privileges Relating to Sale	2
Failure to Permit Reasonable Modification	1
Terms/Conditions for Making Loans	1
Services and Facilities Relating to Rental	1
Selling of Residential Real Property	1

**TABLE 7: COMPLAINANT CHARACTERISTICS  
FY 2012/13 – 2013/14**

<b>MALE</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FEMALE</b>	<b>FY 12/13</b>	<b>FY 13/14</b>
<b>Race</b>			<b>Race</b>		
Black/African American	157	188	Black/African American	143	143
Native Hawaiian/Pacific Islander	1	2	Native Hawaiian/Pacific Islander	1	1
American Indian/Alaska Native	10	9	American Indian/Alaska Native	15	16
Bi-Racial/Multi-Racial	1	14	Bi-Racial/Multi-Racial	14	10
Asian	3	6	Asian	4	8
White	194	196	White	283	295
<b>Ethnicity</b>			<b>Ethnicity</b>		
Hispanic/Latino	68	67	Hispanic/Latino	73	66
Not Hispanic/Latino	359	405	Not Hispanic/Latino	443	450
<b>National Origin</b>			<b>National Origin</b>		
North America	340	389	North America	446	447
Middle East	13	6	Middle East	1	3
Hispanic	44	44	Hispanic	49	47
Europe	4	5	Europe	6	2
Caribbean	0	0	Caribbean	0	0
Asia	3	4	Asia	3	5
Africa	19	15	Africa	7	10
Unable to obtain info	14	18	Unable to obtain info	17	14

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

<b><u>COUNTY</u></b>	<b><u>FY 2011/12</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. Douglas		422	47%
2. Lancaster		175	19%
3. Hall		50	6%
4. Sarpy		32	4%
5. Scotts Bluff		20	2%
6. Dodge		17	2%
7. Madison		13	1%
8. Platte		13	1%
9. Lincoln		13	1%
10. Adams		<u>12</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>767</b>	<b>84%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>911</b>	<b>100%</b>

<b><u>COUNTY</u></b>	<b><u>FY 2012/13</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. Douglas		450	46%
2. Lancaster		196	20%
3. Scotts Bluff		43	4%
4. Hall		30	3%
5. Sarpy		29	3%
6. Lincoln		14	2%
7. Buffalo		14	2%
8. Box Butte		13	1%
9. Dawson		11	1%
10. Dodge		<u>10</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>810</b>	<b>83%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>975</b>	<b>100%</b>

<b><u>COUNTY</u></b>	<b><u>FY 2013/14</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. Douglas		468	46%
2. Lancaster		224	22%
3. Hall		48	5%
4. Scotts Bluff		34	3%
5. Sarpy		30	3%
6. Buffalo		16	2%
7. Lincoln		15	1%
8. Dakota		15	1%
9. Adams		12	1%
10. Dodge		<u>10</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>872</b>	<b>85%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,017</b>	<b>100%</b>

**TABLE 9: CHARGES NOT DOCKETED**

In FY 13/14, the Commission conducted a total of 418 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

**FY 2013/14**

<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	13	34	5	52
2. Allegations outside the Statute of Limitations	8	7	1	16
3. Complainant had no standing or basis to file	50	77	26	153
4. Informed of right to file, but declined to file	109	69	19	197
<b>TOTAL NON-DOCKETED</b>	<b>180 (43%)</b>	<b>187 (45%)</b>	<b>51 (12%)</b>	<b>418 (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 2,173 other inquiries from the public in FY 13/14. The inquiries received can be broken down as follows:

**FY 2013/14**

<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	229	352	47	628
6. Employer Inquires	491	341	19	851
7. Information Sent	11	4	4	19
8. Referred to an appropriate source of assistance	52	54	11	117
9. Complainant Inquiry	317	206	35	558
<b>TOTALS</b>	<b>1,100 (51%)</b>	<b>957 (44%)</b>	<b>116 (5%)</b>	<b>2,173 (100%)</b>
<b>TOTALS - ALL CONTACTS</b>	<b>1,280 (49%)</b>	<b>1,144 (44%)</b>	<b>167 (7%)</b>	<b>2,591 (100%)</b>

The NEOC web site is updated at least two times a month. The web site allows people to check upcoming Commission Meeting information, as well as educational information. Individuals also have the opportunity to learn about the Commission, the laws, and how to file a complaint. In FY 13/14, there were 11,933 web site hits to the NEOC home page.

**TABLE 11 COMMISSION DETERMINATIONS**

		<b>FY</b>	<b>FY</b>	<b>FY</b>
		<b>11/12</b>	<b>12/13</b>	<b>13/14</b>
Reasonable Cause	NEOC (moved to conciliation)	28	36	31
	Adopted (moved to conciliation)	4	0	0
No Reasonable Cause	NEOC	739	820	673
	Adopted	77	71	72
Pre-Determination Settlement	NEOC	60	90	99
	Adopted	12	18	10
Mediation	NEOC	9	15	13
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	25	36	17
	Adopted	5	0	1
Withdrawal Without Settlement	NEOC	22	18	14
	Adopted	1	0	3
Failure to Locate	NEOC	0	0	1
	Adopted	1	0	0
Failure to Cooperate	NEOC	2	1	1
	Adopted	0	0	1
Lack of Jurisdiction	NEOC	23	19	31
	Adopted	2	3	0
Complainant Filing/Filed in Court	NEOC	14	10	4
	Adopted	12	8	4
Other	NEOC	4	3	0
	Adopted	1	2	0

Table 11: COMMISSION DETERMINATIONS (continued)

		<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	
Conciliations	Successful Conciliations	12	18	13	
	Successful Conciliations – Adopted	4	0	0	
	Unsuccessful Conciliations - Dismissals	5	9	5	
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	7	8	6	
	Other - Adopted	0	0	0	
	Unsuccessful Conciliations to Public Hearing or Civil Action	2	3	3	
	Public Hearings	For Complainant	0	0	1
		For Respondent	0	0	0
Negotiated Settlement		1	0	2	
Failure to Cooperate		0	0	0	
Complainant Filing/Filed in Court		0	1	0	
Other		0	0	0	
Civil Action (Housing)	For Complainant	0	0	1	
	Negotiated Settlements	2	0	0	
	Other	2	0	0	
	Dismissal	0	7	0	

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE  
(CLOSED CASES)  
FY 2013/14**

<b>FAIR EMPLOYMENT PRACTICE ACT</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOMM.</b>
768	222	16	63	55

**TABLE 13: LACK OF JURISDICTION BREAKDOWN**

<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 2011/12</b>
Not Enough Employees	7
No Employer/Employee Relationship	4
Untimely Filed	4
No Service Denied	4
Harms Occurred out of State	3
Other	1
Respondent Not an Employer Under the Law	1
Complainant is not an Aggrieved Person Under the Law	1
<b>TOTAL</b>	<b>25</b>

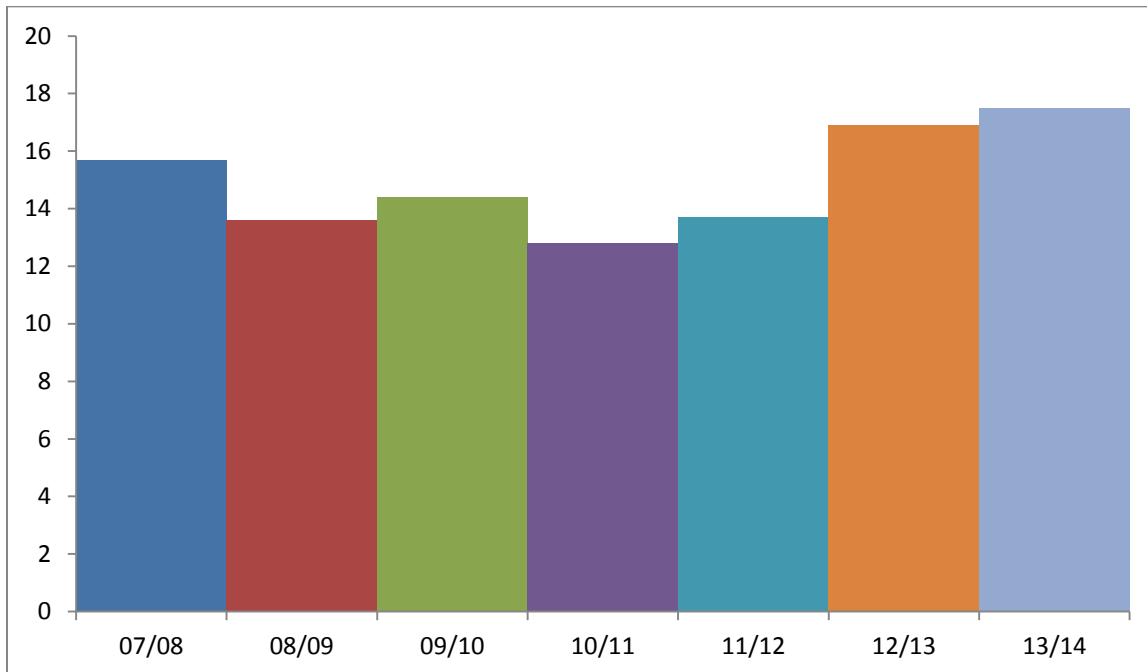
<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 2012/13</b>
Not Enough Employees	10
No Employer/Employee Relationship	8
Other	2
Untimely Filed	1
Respondent No Longer in Business	1
<b>TOTAL</b>	<b>22</b>

<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 2013/14</b>
Untimely Filed	10
Not Enough Employees	8
No Employer/Employee Relationship	6
Other	3
Wrong Respondent Named	2
Harms Occurred Out of State	1
Respondent Not an Employer in Nebraska	1
<b>TOTAL</b>	<b>31</b>

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

**FY 2007/08 – 2013/14**

<b>Fiscal Year</b>	<b>Cause &amp; Settlements Percent of Initial Determinations</b>	<b>Combined Number of Cases</b>
07/08	15.7	201
08/09	13.6	181
09/10	14.4	202
10/11	12.8	128
11/12	13.7	143
12/13	16.9	195
13/14	17.5	171





**TABLE 15: ALTERNATIVE DISPUTE RESOLUTION  
(ADR)  
Employment and Public Accommodation Cases**

	FY 09/10	FY 10/11	FY 11/12	FY 12/13	FY 13/14
<b>Sent to ADR</b>	57	55	64	83	99
<b>Successful Mediation</b>	27	15	9	15	13
<b>Successful Pre-Determination Settlement</b>	18	15	21	26	30
<b>Withdrawal with Settlement</b>	3	3	2	8	4
<b>Failed ADR (either Mediation or PDS)</b>	7	11	8	8	14
<b>No Longer Wanted to Pursue ADR</b>	3	15	20	24	30
<b>Pending</b>	9	5	9	11	19

In 2004/2005 the NEOC developed the Alternative Dispute Resolution (ADR) program. The focus of ADR is 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 13/14 the NEOC resolved 50 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 13/14, the NEOC settled 19 housing cases which is 30% of the total initial housing decisions by the NEOC.

**TABLE 16: NON-MONETARY RELIEF**  
**FY 2013/14**

**Employment and Public Accommodations**

Apology  
Neutral Reference  
Adverse Material Removed from File  
EEO Training  
Promised Interview/Fair Consideration  
NEOC/EEO Notices (Posters)  
Training/Apprenticeship  
Work Place Practice/Policy Change  
Other Benefits

**Housing**

Housing  
Letter of Reference  
Reasonable Accommodation-Service Animal  
Terms and Conditions Changed  
Training  
Other Affirmative Relief

**TABLE 17: MONETARY RELIEF BY LAW**  
**FY 2013/14**

	<b>EMPLOYMENT</b>	<b>PA</b>	<b>HOUSING</b>	<b>TOTAL</b>
<b>Pre-Determination Settlements</b>	\$ 383,531	\$1,000	\$164,768	\$ 549,299.00
<b>Mediation</b>	280,066	0	0	280,066
<b>Withdrawals with Settlement</b>	115,761	0	0	115,761
<b>Conciliation</b>	295,975	0	1,000	296,975
<b>Public Hearing</b>	34,772	0	0	34,772
<b>Litigation</b>	0	0	2,000	2,000
<b>TOTAL</b>	\$1,110,105	\$1,000	\$167,768	\$1,278,873

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

**TABLE 18: NUMBER OF PEOPLE BENEFITING**  
**FY 2013/14**

	<b>EMPLOYMENT</b>	<b>PA</b>	<b>HOUSING</b>	<b>TOTAL</b>
<b>Pre-Determination Settlements</b>	1,692	3	78	1,773
<b>Mediation</b>	7,353	0	0	7,353
<b>Withdrawals with Settlement</b>	33	0	0	33
<b>Conciliation</b>	142	0	1	143
<b>Public Hearing</b>	2	0	0	2
<b>Litigation</b>	0	0	1	1
<b>TOTAL</b>	9,222	3	80	9,305

**TABLE 19: TOTAL MONETARY RELIEF OBTAINED**

	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
Pre-Determination Settlements (PDS)	\$162,688	\$ 432,873	\$151,305	\$330,037	\$ 402,936	\$ 549,299
Mediation	154,925	302,692	126,363	84,091	128,414	280,066
Withdrawals with Settlement*	93,360	40,272	78,736	274,288	569,173	115,761
Conciliation	219,569	281,486	122,000	127,700	260,603	296,975
Public Hearing	78,745	0	23,502	35,000	0	34,772
Litigation**	0	2,400	0	885	0	2,000
<b>TOTAL</b>	<b>\$709,287</b>	<b>\$1,059,723</b>	<b>\$501,906</b>	<b>\$852,001</b>	<b>\$1,361,126</b>	<b>1,278,873</b>

\* 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.

**CASE COMPLETION SUMMARY TABLES  
FY 2009/10 – 2013/14**

**TABLE 20: AVERAGE CASE PROCESSING TIME**

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>
Average Hours Worked on Case File	8.9	10.8	10.8	11.04	12.49

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**TABLE 21: AVERAGE DAYS PER INVESTIGATION**

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>
Average Days	103.0	133.3	85.1	74.4	85.6

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**TABLE 22: FROM FILING TO ASSIGNMENT AND DETERMINATION, AVERAGE DAYS -- CAUSE/NO CAUSE ONLY**

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>
Date Filed to Assignment of Investigator	163	160	208	140	91
Date Filed to Cause/No Cause Decision	304	293	311	237	199

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**TABLE 23: CAUSE CASES**

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>
Out of Cause/No Cause Cases, This Percentage went Cause	5%	6%	4%	4%	4%

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**TABLE 24: CONCILIATION TIME PER CASE**

	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>
Average Conciliation Hours Worked on Case	8	5	2	2	2
Average Days in Conciliation	79	59	88	98	123

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

**FY 2013/14**

<b>FEPA</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOM</b>
29	6	0	2	0

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

**FY 2013/14**

<b>BASIS</b>	<b>CASES</b>	<b>BASIS</b>	<b>CASES</b>
Race	6	Disability	16
Color	5	Religion	0
Sex	1	Marital Status	0
Sex-Pregnancy	1	Retaliation	17
National Origin	3	Retaliation – Whistleblower	5
Age	3	Familial Status	0

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

**FY 2013/14**

<b>ISSUES</b>	<b>CASES</b>	<b>ISSUES</b>	<b>CASES</b>
Discharge	20	Demotion	3
Reasonable Accommodation	10	Discipline	2
Hire	3	Sexual Harassment	1
Harassment	2	Terms/Conditions in Rental	1
Constructive Discharge	2	Benefits	1
Wages	2	References Unfavorable	1
Conditions of Employment	1	Other	1
Assignment	1		

**TABLE 28: CONCILIATION SUMMARY**  
**FY 2013/14**

Total Conciliations Attempted.....	27
Successful .....	13
Unsuccessful (Forwarded to Hearing) .....	2
Unsuccessful (Forwarded to Civil Action-Housing) .....	1
Administratively Closed .....	11
a. Unsuccessful - Dismissals.....	5
b. Complainant Filing in Court.....	6
<b>Total Dollars .....</b>	<b>\$296,975</b>

**TABLE 29: CONCILIATIONS**

<b>FISCAL YEAR</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
Cases to Conciliation (Reasonable Cause)	57	40	32	36	31
Cases Pending from Prior Fiscal Year	14	3	9	11	9
<b>TOTAL CASES</b>	<b>71</b>	<b>43</b>	<b>41</b>	<b>47</b>	<b>40</b>
Conciliations Attempted	68	34	30	38	27
Successful Conciliations	34	12	16	18	13
Unsuccessful Conciliations	12	8	2	3	3
Conciliations Administratively Closed	22	14	12	17	11
<b>MONETARY RELIEF</b>	<b>\$281,486</b>	<b>\$122,000</b>	<b>\$127,700</b>	<b>\$260,603</b>	<b>\$296,975</b>
Conciliation Pending	3	9	11	9	13

**TABLE 30: SUCCESSFUL CONCILIATION DETAIL- FY 2013/14**

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
<b>Employment and Public Accommodations</b>	
Sex (sexual harassment; constructive discharge)	\$23,000 back pay
Race, Color (discharge)	\$14,500 lump sum
Disability (reasonable accommodation; hiring)	\$10,000 back wages; \$40,000 lump sum
Disability; Regarded as Disabled (hiring; prohibited medical inquiry)	\$16,000 back pay; \$69,000 compensatory damages
Age (discharge)	Private Settlement
Disability, Record of a Disability, Regarded as Disabled (discharge)	\$225 back wages; training; neutral reference
Disability (reasonable accommodation)	\$500 back wages
Whistleblower Retaliation (discharge)	\$11,250 lump sum; \$3,750 attorney's fees
Race, Color (wages)	\$2,820 back wages; \$2,430 lump sum
Disability, Record of a Disability and Regarded as Disabled (reasonable accommodation; discharge)	\$11,250 back wages; \$11,250 compensatory damages
Disability, Record of a Disability, Regarded as Disabled (hiring)	\$12,500 lump sum; training
Disability, Record of a Disability and Regarded as Disabled (reasonable accommodation; discharge)	\$10,000 back wages; \$57,500 compensatory damages; training
<b>Housing</b>	
Disability (reasonable accommodation)	\$1,000 lump sum



## 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 2013/2014, 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>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>
Numbered Ordered	4	6	3	2	1	1	2
Number Held*	5	1	3	1	0	1	1
Number Carried Over	6	1	3	1	1	1	1
Orders Issued (Final)	9	4	5	2	1	1	3
Pending	1	3	1	1	1	1	0

\*A full and complete hearing was conducted.

**TABLE 32: PUBLIC HEARING DISPOSITION**  
**JULY 2013 - JUNE 2014**

<b>Total Final Orders Issued</b>	<b>3</b>
<b>Outcome of Final Orders:</b>	
Violation found	1
No Violation Found	0
Settlement Prior to Hearing	2
Complainant Filing/Filed in Court	0

**TABLE 33: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2014**

<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, 2014**

<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, 2014**

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

**TABLE 36: CIVIL ACTION DISPOSITION  
JULY 2013 - JUNE 2014**

For Complainant	1
Settlement	0
<hr/> TOTAL	<hr/> 1

**HEARING DISPOSITION SUMMARY**  
**July 1, 2013 through June 30, 2014**

**NEB 2-11/12-8-42364-S**

**Chapman vs. MWE Services, Inc. d/b/a Midwest Demolition Company**  
**Whistleblower Retaliation (Discharge)**

The Complainant alleged he was terminated by Respondent after he complained about illegal pay practices. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Officer recommended the Commission find in favor of the Complainant and to grant the relief stated in the Recommended Order and Decision of the Hearing Examiner. The Commission accepted the Hearing Examiner's recommendation.

**NEB 2-11/12-12-42482-S**

**NEB 2-12/13-9-43332-S**

**Montoya vs. Demarco Bros. Co.**

**Whistleblower and Retaliation (Discharge, Reinstatement and Hiring)**

The Complainant alleged he was terminated and not reinstated or hired for bringing to Respondent's attention an issue of not being paid the required federal wage for a particular job and then retaliated for filing a charge. The Commission found Reasonable Cause and the cases were sent to public hearing. The Hearing Officer informed the Commission the parties reached a settlement agreement and recommended the Commission dismiss the charges. The Commission accepted the Hearing Examiner's recommendation.

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

Case Number	Complainant	Respondent	Decision	Date Closed	Hearing Officer
39566	Austin	Church of the Blessed Sacrament	Complainant Filed In Court	9/18/2009	Not Assigned
2310-PA	Monarrez	HyVee, Inc.	For Respondent	10/16/2009	M. Moriarty
2358-PA	Bauldwin	No Frills Supermarkets	Settlement	11/20/2009	M. Moriarty
39198	Osborn	BNSF Railway Co.	For Respondent	3/19/2010	W. Tringe, Jr.
2383-H	Cortesano	Roger & Judy Duerr	For Complainant	6/18/2010	W. Tringe, Jr.
40730	Hedges	NE Dept. of Motor Vehicles	Settlement	12/17/2010	W. Tringe, Jr.
40216	Murph	Silver Memories, Inc.	For Respondent	4/11/2011	M. Frost
41104	Davis	Lincoln Public Schools	Settlement	8/29/2011	M. Moriarty
41926	Brady	Husker Management, Inc. d/b/a Holiday Inn Express	Complainant Filed In Court	2/15/2013	M. Frost
42364	Chapman	MWE Services, Inc.	For Complainant	10/18/2013	W. Tringe, Jr.
42482	Montoya	Demarco Bros. Co.	Settlement	4/18/2013	J. Douglas
43332	Montoya	Demarco Bros. Co.	Settlement	4/18/2013	J. Douglas

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 5 years from the date of closure.