

NEOC Complaint Process

Individuals may file complaints with the Nebraska Equal Opportunity Commission 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 or privileges of sale or 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, the NEOC will file 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.

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 contacting the NEOC to file a charge of discrimination will be referred to the agency's intake unit. The investigator will assist potential complainants in discerning whether particular alleged harms would be covered under the laws which the NEOC enforces. The investigator will explain the relevant laws and talk with the complainant about the law's relation to the alleged harm. If the complainant chooses to file a charge, an appointment will be set so an investigator can conduct a more formal interview in order to obtain the necessary information to draft and prepare a formal charge of discrimination. The charge is considered formally filed after the complainant signs, dates, notarizes and returns the charge to the NEOC.

SERVICE is the next step in the complaint process. Once the charge is formally filed, the NEOC must serve this charge on the respondent within 10 days. Respondents are required to provide a response and produce the documents requested at the time of service within the stated statutory timeframe under each law.

At this time, both the complainant and the respondent will be offered an opportunity to participate in the NEOC's Alternative Dispute Resolution program (ADR). ADR is an opportunity, through either mediation or pre-determination settlement discussions, to resolve the charge prior to a formal decision being made. If both parties agree, the case is immediately assigned to the unit director to begin the process. If ADR is successful, the terms are formalized in writing and the case is considered resolved. If the process is not successful, the case file will be placed in the NEOC's repository to await assignment for investigation.

INVESTIGATION is the next step in the complaint process. The NEOC 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. Both the complainant and the respondent will be full parties to the investigation. The investigator will share with each party the information provided by the other, for clarification or 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.

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

CONCLUSION of the investigation is important. The investigator will review any additional evidence gathered with the complainant. The investigator will also inform the respondent of the completion of the investigation and offer them an opportunity to review any additional evidence gathered. Both parties are given an opportunity to furnish any additional relevant evidence. The final review is to ensure that each party is given a chance to understand what information is being used to make a determination.

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 generally meet once a month at different locations throughout the state. It is important to note that the investigator does not make 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 can be taken.