

STATE OF NEBRASKA
EQUAL OPPORTUNITY
COMMISSION



ANNUAL REPORT

Fiscal Year 2014/2015

neoc.nebraska.gov

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Public Education and Outreach

The Nebraska Equal Opportunity Commission has served the public beginning August 1965. That year, legislators passed statutory language representing some of the best and noble interests of the residents of Nebraska: to allow for equal opportunity and fair treatment in employment, housing, and public accommodations. The intent was to create and maintain a harmonious community where people may thrive on their efforts not stifled by bigotry, prejudice, and hatred. The intent was to codify and protect the civil rights of its residents through implementation of anti-discrimination laws, when many persons but not all, are of the mind and spirit to eliminate discrimination. The NEOC did not write these requirements, but has served as advocacy of those rights through diligent application each working day. The efforts of staff emanate from the heart and goes to the heart of Nebraska residents. The heart is encouraged by personal participation in eliminating discrimination, achieved in part through the NEOC's education and outreach efforts, an inclusive concept. When one or more persons are gathered to learn about the laws the NEOC enforces, it is not a mystical venture in intangible results, but a venture mired in the hopes of thousands of people who live in and work in the state, and is yet another step towards nurturing and enabling the human soul to actualize the grand vision of the forefathers who emphatically stated, "All men are created equal". Learning about these laws enriches the heart and makes us better persons.

Any person aggrieved under the laws has a right to file a charge of discrimination with the NEOC without cost and without challenge. In many instances, the education and outreach efforts helped a person decide whether to file a charge, or helped a business respond to a complaint. The role of the NEOC is to decide a level of investigation and complete an investigation, attempt mediation or settlement of the case, or make a decision based on the merits of the evidence. The NEOC staff is neutral during the investigation of a case, but is expected to complete an accurate and thorough investigation. If the parties agree to settlement or conciliation of the case, the NEOC is poised to provide technical assistance and training, without cost, to the recipient.

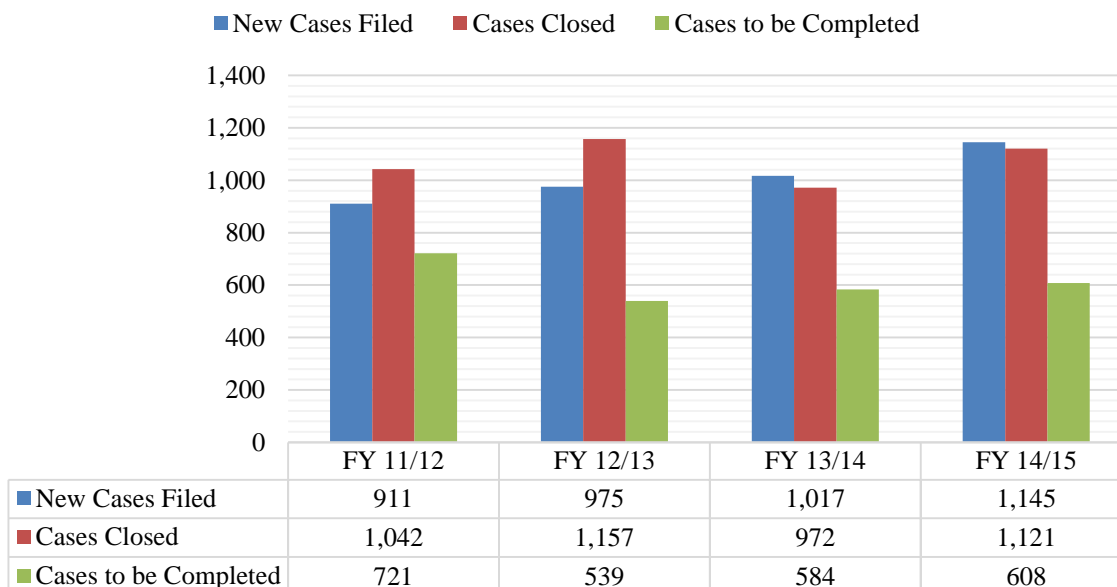
For the period July 2014 through June 2015, NEOC's staff made 24 presentations to over 400 persons around the state, and provided technical assistance to 3,307 contacts. The NEOC effort of education and outreach was found in Cozad discussing disability discrimination in employment; in Auburn discussing the federal and state fair housing laws; presenting to employees of a business in Ogallala; speaking about harassment in Leigh, or explaining disability discrimination in Lincoln. Travel to provide training on the issues and bases of the laws took staff to South Sioux City, Blair, Kearney, Wakefield, LaVista, Papillion, Hastings, Gering/Scottsbluff, Lincoln, and Omaha. There were over 400 persons who benefitted from in-person training on topics such as "Making

Reasonable Accommodations for Persons with Companion Animals”, and “Workplace Harassment”. Landlords and tenants reviewed the Nebraska Landlord and Tenant Act and its intersection with the fair housing laws. Employers enhanced their hiring skills learning best non-discriminatory practices for recruiting and hiring a diverse and qualified staff. Many businesses that offer goods and services to the general public allowed staff to re-invigorate their desire to serve the public without hint of discriminatory bias and to improve their reputation with customers. Salespersons and brokers gained C.E.U. credit hours through the Nebraska Real Estate Commission approved classes offered by the NEOC.

As NEOC continued its collaboration with its partners in the employment and housing arena, it also reached out to individuals through its website and at seminars and educational institutions. The NEOC coordinated with experts to deliver a full gamut of material for use in educating the public. The NEOC website was a source of information for more than 800 contacts each month because it made copies of the laws and statutes readily available, and provided insight into some specific issues of discrimination such as sexual harassment, and national origin and familial status discrimination related to occupancy laws. NEOC provided training to persons who wanted to be housing testers and in that process educated the public on the fair housing laws. Educational institutions have benefitted through curriculum material on fair housing interpreted into six languages other than English, for use by elementary, middle, and high school instructors and placed on the NEOC website. College and university students were provided with authentic discrimination case scenarios, so the theory of human resource management becomes a practical application.

In general, the public desires to know its lawful civil rights, businesses desire to employ and retain qualified persons in a working environment that is unquestionably fair, and businesses want to increase profits by building a reputation of fair and equal service. The NEOC is a source of answers for any business or housing provider seeking technical assistance to strengthen its effectiveness in eliminating discrimination while adhering to the core value of seeking and protecting our enjoyment of living and working in Nebraska.

TABLE 1: CASE SUMMARY



Of the 1,121 cases **closed** in FY 14/15, 1,074 were Commission initial actions; 44 were actions on cases in the conciliation stage; 2 were decisions on cases in the public hearing stage; and 1 was pursuant to civil action (housing).

Of the 608 cases **to be completed** at the end of FY 14/15, 595 cases are to be investigated, 11 cases are in conciliation, and 2 cases are in public hearing. There were 0 cases in civil action.

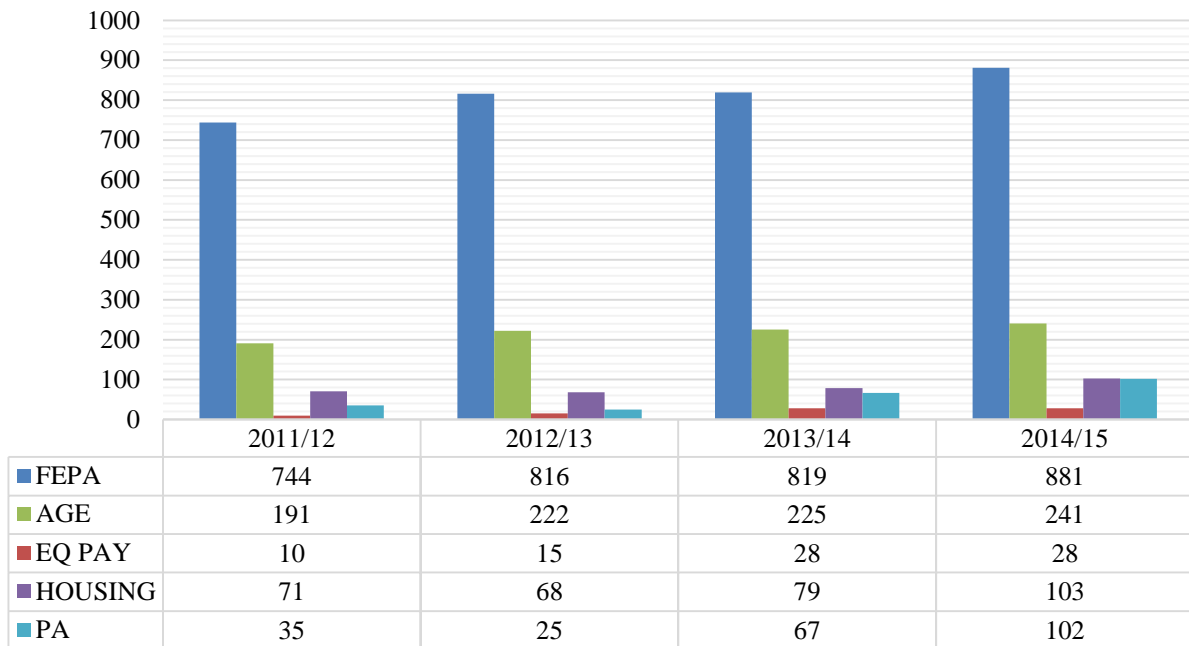
TABLE 2: CHARGE INTAKE

	FY 12/13	FY 13/14	FY 14/15
Omaha	409 (42%)	433 (42%)	504 (44%)
Lincoln	496 (51%)	524 (52%)	578 (50%)
Scottsbluff	70 (7%)	60 (6%)	63 (6%)
TOTAL	975 (100%)	1,017 (100%)	1,145 (100%)

NOTES/HIGHLIGHTS

Overall total of 1,145 represents a 13% increase from FY 13/14 total intake.
 Omaha total of 504 represents a 16% increase from FY 13/14 office intake
 Lincoln total of 578 represents a 10% increase from FY 13/14 office intake.
 Scottsbluff total of 63 represents a 1% increase from FY 13/14 office intake.

**TABLE 3: CHARGES OF ALLEGED DISCRIMINATION
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE
2011/12 – 2014/15**



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)

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 2014/15

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	284	0	0	37	95	416
COLOR	257	0	0	0	93	350
SEX	248	27	0	10	12	297
SEX-PREGNANCY	36	0	0	0	0	36
AGE (40-70)	0	0	237	0	0	237
RELIGION	15	0	0	20	1	36
NATIONAL ORIGIN/ ANCESTRY	136	0	0	30	7	173
DISABILITY	389	0	0	47	0	436
MARITAL STATUS	8	0	0	0	0	8
FAMILIAL STATUS	0	0	0	7	0	7
RETALIATION	572	16	88	16	68	760
RETALIATION (Whistleblower)	95	0	0	0	0	95

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 2014/15**

<u>ISSUE</u>	<u>NUMBER</u>
Discharge	1,864
Terms and Conditions of Employment	888
Discipline	771
Harassment	684
Wages	524
Reasonable Accommodation	469
Assignment	438
Constructive Discharge	373
Suspension	372
Public Accommodation Issue	276
Failure to Hire	250
Failure to Train	124
Failure to Promote	120
Demotion	118
Intimidation	108
Sexual Harassment	99
Benefits	84
References Unfavorable	58
Benefits-Insurance	51
Union Representation	33
Breach of Confidentiality	28
Layoff	18
Prohibited Medical Inquiry/Exam	13
Benefits-Retirement/Pension	12
Severance Pay Denied	11
Referral	7
Retirement-Involuntary	4
Job Classification	4
Reinstatement	3
Other	2
Testing	1
Recall	1
Apprenticeship	1
Seniority	1

**TABLE 6: ISSUES IN HOUSING CHARGES FILED
FY 2014/15**

ISSUE	NUMBER
Terms, Conditions, Privileges Relating to Rental Services and Facilities Relating to Rental	107
Failure to Make Reasonable Accommodations	52
Discriminatory Acts under Section 818 (coercion, etc.)	28
Terms, Conditions, Privileges, or Services and Facilities	24
Refusal to Rent	9
Refusal to Rent	6
Terms, Conditions, Privileges Relating to Sale	3
False Representation of Availability-Rental	3
Refusal to Rent and Negotiate for Rental	2
Other Discriminatory Acts	1
Advertising, Statements and Notices	1
Failure to Permit Reasonable Modification	1

**TABLE 7: COMPLAINANT CHARACTERISTICS
FY 2013/14 – 2014/15**

MALE	FY 13/14	FY 14/15	FEMALE	FY 13/14	FY 14/15
Race			Race		
Black/African American	188	244	Black/African American	143	180
Native Hawaiian/Pacific Islander	2	0	Native Hawaiian/Pacific Islander	1	3
American Indian/Alaska Native	9	3	American Indian/Alaska Native	16	13
Bi-Racial/Multi-Racial	14	11	Bi-Racial/Multi-Racial	10	6
Asian	6	3	Asian	8	7
White	196	213	White	295	326
Ethnicity			Ethnicity		
Hispanic/Latino	67	64	Hispanic/Latino	66	66
Not Hispanic/Latino	405	461	Not Hispanic/Latino	450	526
National Origin			National Origin		
North America	389	436	North America	447	511
Middle East	6	5	Middle East	3	1
Hispanic	44	45	Hispanic	47	45
Europe	5	3	Europe	2	3
Caribbean	0	0	Caribbean	0	0
Asia	4	2	Asia	5	7
Africa	15	28	Africa	10	15
Unable to obtain info	18	11	Unable to obtain info	14	21

TABLE 8: TOP TEN COUNTIES FOR CHARGES FILED

<u>COUNTY</u>	<u>FY 2012/13</u>	<u>NUMBER</u>	<u>PERCENT</u>
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>
TOTAL OF TOP TEN		810	83%
TOTAL OF ALL CHARGES		975	100%

<u>COUNTY</u>	<u>FY 2013/14</u>	<u>NUMBER</u>	<u>PERCENT</u>
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>
TOTAL OF TOP TEN		872	85%
TOTAL OF ALL CHARGES		1,017	100%

<u>COUNTY</u>	<u>FY 2014/15</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		497	43%
2. Lancaster		266	23%
3. Dawson		36	3%
4. Dodge		34	3%
5. Sarpy		32	3%
6. Hall		31	3%
7. Scotts Bluff		29	3%
8. Buffalo		15	1%
9. Adams		14	1%
10. Madison		<u>13</u>	<u>1%</u>
TOTAL OF TOP TEN		967	84%
TOTAL OF ALL CHARGES		1,145	100%

TABLE 9: CHARGES NOT DOCKETED

In FY 14/15, the Commission conducted a total of 417 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

FY 2014/15

<u>Reason for Non-Filing</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
1. Respondent has too few employees	27	17	4	48
2. Allegations outside the Statute of Limitations	7	20	1	28
3. Complainant had no standing or basis to file	67	66	26	159
4. Informed of right to file, but declined to file	104	70	8	182
TOTAL NON-DOCKETED	205 (49%)	173 (42%)	39 (9%)	417 (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 2,890 other inquiries from the public in FY 14/15. The inquiries received can be broken down as follows:

FY 2014/15

<u>Contact Type</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
5. General Questions Answered	229	413	36	678
6. Employer Inquiries	602	467	26	1,095
7. Information Sent	14	3	7	24
8. Referred to an appropriate source of assistance	42	52	22	116
9. Complainant Inquiry	592	289	96	977
TOTALS	1,479 (51%)	1,224 (42%)	187 (7%)	2,890 (100%)
TOTALS - ALL CONTACTS	1,684 (51%)	1,397 (42%)	226 (7%)	3,307 (100%)

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 14/15, there were 10,223 web site hits to the NEOC home page.

TABLE 11: COMMISSION DETERMINATIONS

		FY	FY	FY
		12/13	13/14	14/15
Reasonable Cause	NEOC (moved to conciliation)	36	31	41
	Adopted (moved to conciliation)	0	0	6
No Reasonable Cause	NEOC	820	673	782
	Adopted	71	72	59
Pre-Determination Settlement	NEOC	90	99	106
	Adopted	18	10	8
Mediation	NEOC	15	13	20
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	36	17	19
	Adopted	0	1	0
Withdrawal Without Settlement	NEOC	18	14	8
	Adopted	0	3	1
Failure to Locate	NEOC	0	1	0
	Adopted	0	0	0
Failure to Cooperate	NEOC	1	1	0
	Adopted	0	1	1
Lack of Jurisdiction	NEOC	19	31	52
	Adopted	3	0	0
Complainant Filing/Filed in Court	NEOC	10	4	5
	Adopted	8	4	6
Other	NEOC	3	0	4
	Adopted	2	0	1

Table 11: COMMISSION DETERMINATIONS (continued)

		FY 12/13	FY 13/14	FY 14/15	
Conciliations	Successful Conciliations	18	13	21	
	Successful Conciliations – Adopted	0	0	6	
	Unsuccessful Conciliations - Dismissals	9	5	9	
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	8	6	8	
	Other - Adopted	0	0	0	
	Unsuccessful Conciliations to Public Hearing or Civil Action	3	3	5	
	Public Hearings	For Complainant	0	1	0
		For Respondent	0	0	0
Negotiated Settlement		0	2	2	
Failure to Cooperate		0	0	0	
Complainant Filing/Filed in Court		1	0	0	
Other		0	0	0	
Civil Action (Housing)	For Complainant	0	1	0	
	Negotiated Settlements	0	0	0	
	Other	0	0	0	
	Dismissal	7	0	1	

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE
(CLOSED CASES)
FY 2014/15**

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.
850	225	24	85	86

TABLE 13: LACK OF JURISDICTION BREAKDOWN

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

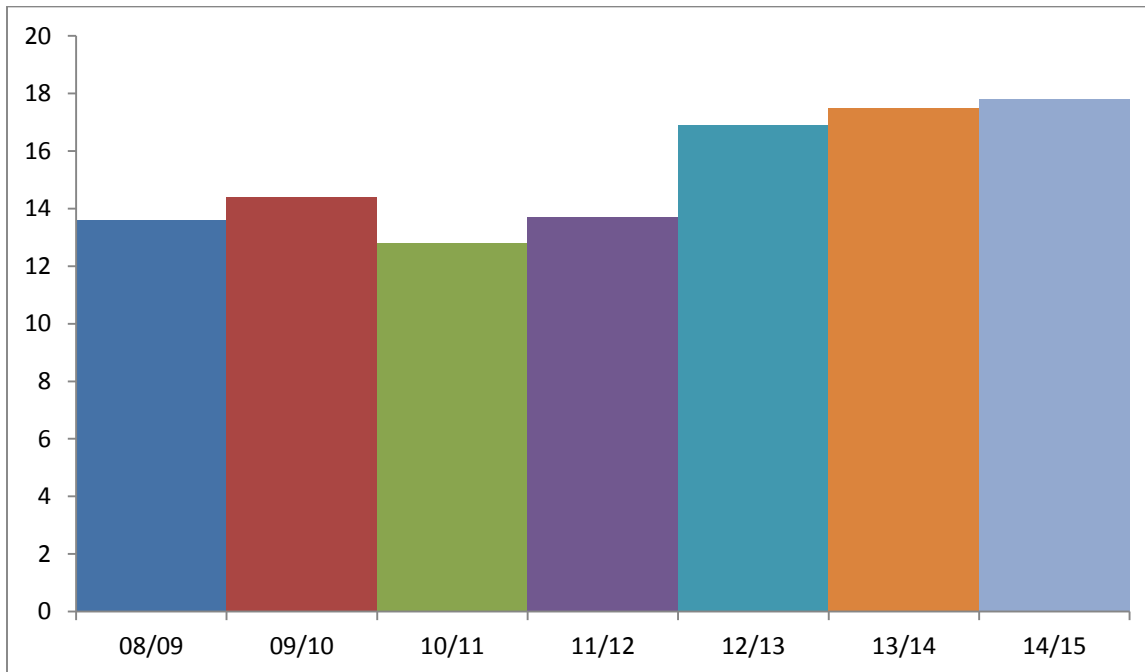
REASON FOR LACK OF JURISDICTION	FY 2013/14
Untimely Filed	10
Not Enough Employees	8
No Employer/Employee Relationship	6
Other	3
Wrong Respondent Named	2
Harms Occurred Out of State	1
Respondent Not an Employer in Nebraska	1
TOTAL	31

REASON FOR LACK OF JURISDICTION	FY 2014/15
Not Enough Employees	24
Respondent Exempt Regarding News Content	8
No Employer/Employee Relationship	7
Complainant is not Aggrieved by a Public Accommodation Practice	5
Untimely Filed	3
Harms Occurred out of State	1
Respondent Not an Employer Under the Law	1
Respondent No Longer in Business	1
Respondent Government Owned-Indian Tribe	1
Other	1
TOTAL	52

TABLE 14: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 2008/09 – 2014/15

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
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
14/15	17.8	200



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

	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Sent to ADR	55	64	83	99	100
Successful Mediation	15	9	15	13	21
Successful Pre-Determination Settlement	15	21	26	30	39
Withdrawal with Settlement	3	2	8	4	0
Failed ADR (either Mediation or PDS)	11	8	8	14	19
No Longer Wanted to Pursue ADR	15	20	24	30	24
Pending	5	9	11	19	16

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 discussion 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 14/15 the NEOC resolved 36 cases during the investigative stage.

The NEOC also endeavors to resolve housing cases. Discussions regarding resolution are an on-going process throughout the investigation for all housing cases. In FY 14/15, the NEOC settled 31 housing cases which is 33% of the total initial housing decisions by the NEOC.

TABLE 16: NON-MONETARY RELIEF
FY 2014/15

Employment and Public Accommodations

Adverse Material Removed from File
Apology
Benefits – Other
Neutral Reference
Promised Interview/Fair Consideration
Public Services made Available
Training/Apprenticeship
Work Place Practice/Policy Change

Housing

Affirmative Action or Accommodation
Affirmative Relief – Other
Housing
Letter of Reference
Policy Revisions
Reasonable Accommodation – Other
Reasonable Accommodation – Service Animal
Rule or Ordinance Changes
Structural Modifications
Terms and Conditions Changed
Training

TABLE 17: MONETARY RELIEF BY LAW
FY 2014/15

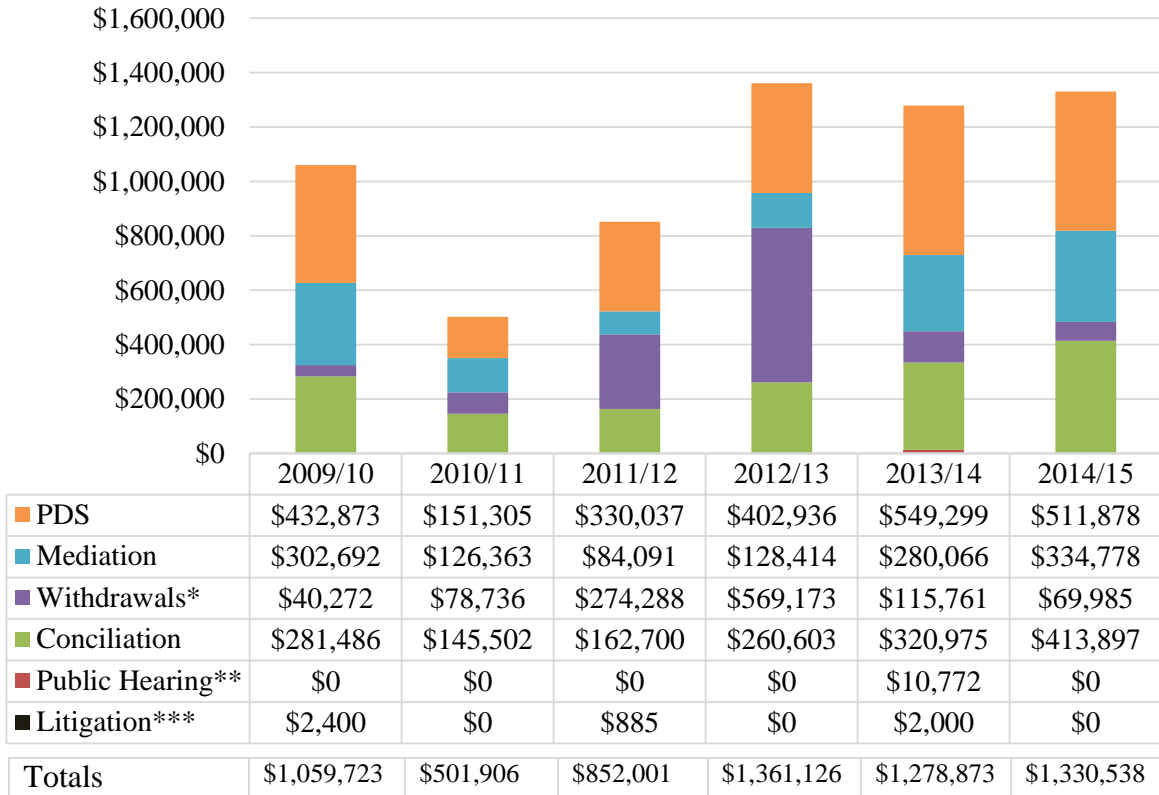
	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	\$ 474,550	\$ 0	\$37,328	\$ 511,878
Mediation	334,778	0	0	334,778
Withdrawals with Settlement	69,985	0	0	69,985
Conciliation	410,427	250	3,220	413,897
Public Hearing	0	0	0	0
Litigation	0	0	0	0
TOTAL	\$1,289,740	\$250	\$40,548	\$1,330,538

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 2014/15

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	1,886	1	684	2,571
Mediation	149	1	0	150
Withdrawals with Settlement	17	0	0	17
Conciliation	1,779	51	7	1,837
Public Hearing	1	0	0	1
Litigation	0	0	0	0
TOTAL	3,832	53	691	4,576

TABLE 19: 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.

*** 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 2010/11 – 2014/15**

TABLE 20: AVERAGE CASE PROCESSING TIME

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>
Average Hours Worked on Case File	10.8	10.8	11.04	12.49	11.68

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TABLE 21: AVERAGE DAYS PER INVESTIGATION

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>
Average Days	133.3	85.1	74.4	85.6	80.6

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

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>	<u>FY 14/15</u>
Date Filed to Assignment of Investigator	160	208	140	91	95
Date Filed to Cause/No Cause Decision	293	311	237	199	194

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TABLE 23: CAUSE CASES

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY13/14</u>	<u>FY 14/15</u>
Out of Cause/No Cause Cases, This Percentage went Cause	6%	4%	4%	4%	5%

◆◆◆

TABLE 24: CONCILIATION TIME PER CASE

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>
Average Conciliation Hours Worked on Case	5	2	2	2	3
Average Days in Conciliation	59	88	98	123	92

TABLE 25: REASONABLE CAUSE CASES BY STATUTE

FY 2014/15

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM
36	3	6	9	2

TABLE 26: REASONABLE CAUSE CASES BY BASIS

FY 2014/15

BASIS	CASES	BASIS	CASES
Race	12	Disability	23
Color	7	Religion	0
Sex	10	Marital Status	0
Sex-Pregnancy	1	Retaliation	17
National Origin	3	Retaliation – Whistleblower	1
Age	1	Familial Status	0

TABLE 27: REASONABLE CAUSE CASES BY ISSUE

FY 2014/15

ISSUES	CASES	ISSUES	CASES
Employment		Employment (con't)	
Discharge	15	Discipline	1
Accommodation (Employment)	12	Intimidation	1
Benefits	7	Recall	1
Harassment	5	Suspension	1
Hire	4	Training	1
Assignment	3	Public Accommodation (PA Law)	2
Conditions of Employment	2	Housing	
Layoff	2	Terms/Conditions in Rental	4
Sexual Harassment	2	Accommodation	3
Breach of Confidentiality	1	Refusal to Rent	2
Constructive Discharge	1	Sell of Residential Property	1

TABLE 28: CONCILIATION SUMMARY
FY 2014/15

Total Conciliations Attempted.....	49
Successful	27*
Unsuccessful (Forwarded to Hearing)	4
Unsuccessful (Forwarded to Civil Action-Housing)	1
Administratively Closed	17
a. Unsuccessful - Dismissals.....	9
b. Complainant Filing in Court.....	8
Total Dollars	\$413,897

* 6 were adopted decisions

TABLE 29: CONCILIATIONS

FISCAL YEAR	2010/11	2011/12	2012/13	2013/14	2014/15
Cases to Conciliation (Reasonable Cause)	40	32	36	31	47
Cases Pending from Prior Fiscal Year	3	9	11	9	13
TOTAL CASES	43	41	47	40	60
Conciliations Attempted	34	30	38	27	49
Successful Conciliations	12	16	18	13	27
Unsuccessful Conciliations	8	2	3	3	5
Conciliations Administratively Closed	14	12	17	11	17
MONETARY RELIEF	\$122,000	\$127,700	\$260,603	\$296,975	\$413,897
Conciliation Pending	9	11	9	13	11

TABLE 30: SUCCESSFUL CONCILIATION DETAIL- FY 2014/15

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
Employment and Public Accommodations	
Disability, Record of a Disability, Regarded as Disabled, and Retaliation (reasonable accommodation; benefits; wages; discharge)	\$38,500 lump sum; \$17,000 wages; \$29,750 attorney's fees; neutral reference
Disability, Record of a Disability, and Retaliation (reasonable accommodation; discharge)	Apology; policy change; and training;
Age and Regarded as Disabled (discharge)	\$65,000 lump sum
Disability and Retaliation (reasonable accommodation; discipline; discharge)	\$7,500 wages
Pregnancy (discharge and hiring)	\$1,850 wages
Race, Color, National Origin and Retaliation (harassment; assignment)	\$4,000 wages; \$2,000 attorney's fees
Race and Color (lay off)	\$5,000 lump sum; \$5,000 wages
Race and Color (hiring)	\$5,000 lump sum
Disability, Record of a Disability and Retaliation (reasonable accommodation)	\$6,000 lump sum; \$2,000 attorney's fees; training
Disability and Record of a Disability (reasonable accommodation)	\$11,500 wages; training
Disability, Record of Disability, and Retaliation (reasonable accommodation; demotion; discharge)	\$6,000 wages
Disability, Record of a Disability, Regarded as Disabled, and Retaliation (hiring)	\$2,000 lump sum; training
Sex (training)	\$7,500 lump sum; training; action taken against offending employee
Disability, Record of a Disability, and Retaliation (reasonable accommodation; wages; discharge)	\$7,000 lump sum; training; designate separation as resignation
Race, Color and National Origin (public accommodation)	\$250 lump sum; training
Housing	
Disability (selling of residential real property)	Other affirmative relief
Race (refusal to rent)	\$1,000 lump sum
Race (terms and conditions relating to rental)	\$295 lump sum; other affirmative relief
Disability (terms and conditions relating to rental)	\$800 lump sum; training
Disability (reasonable accommodation)	\$1,125 lump sum; letter of reference; training

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 2014/2015, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

TABLE 31: PUBLIC HEARINGS

Fiscal Year	08/09	09/10	10/11	11/12	12/13	13/14	14/15
Numbered Ordered	6	3	2	1	1	2	4
Number Held*	1	3	1	0	1	1	0
Number Carried Over	1	3	1	1	1	1	2
Orders Issued (Final)	4	5	2	1	1	3	2
Pending	3	1	1	1	1	0	2

*A full and complete hearing was conducted.

TABLE 32: PUBLIC HEARING DISPOSITION
JULY 2014 - JUNE 2015

Total Final Orders Issued	2
Outcome of Final Orders:	
Violation found	0
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, 2015

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Ebert	Simonson, Douglas & Donna	2977-H	Douglas
Fischer	Simonson, Douglas & Donna	2995-H	Douglas

**TABLE 34: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY
COMPLAINANT AS OF JUNE 30, 2015**

<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, 2015**

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

**TABLE 36: CIVIL ACTION DISPOSITION
JULY 2014 - JUNE 2015**

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

HEARING DISPOSITION SUMMARY
July 1, 2014 through June 30, 2015

NEB 1-13/14-11-44493-RS

NEB 1-13/14-3-44817-RS

Hanson vs. Railcrew Xpress, LLC

Disability and Retaliation (Reasonable Accommodation, Suspension and Discharge)

The Complainant alleged the Respondent failed to accommodate him after learning of his disability and stated he was removed from his position and suspended. The Complainant later learned during the investigation of his charge that he had been discharged. The Commission found Reasonable Cause and the cases were sent to public hearing. The Hearing Officer informed the Commission the parties reached a private settlement agreement and recommended the Commission dismiss the charges. The Commission accepted the Hearing Examiner's recommendation and closed the cases.

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

Case Number	Complainant	Respondent	Decision	Date Closed	Hearing Officer
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
44493	Hanson	Railcrew Xpress, LLC	Settlement	4/17/2015	W. Tringe, Jr.
44817	Hanson	Railcrew Xpress, LLC	Settlement	4/17/2015	W. Tringe, Jr.
2977-H	Ebert	Simonson, Douglas & Donna			J. Douglas
2995-H	Fischer	Simonson, Douglas & Donna			J. Douglas

NOTES: Case numbers with a "-H" or "-HM" behind them are Housing cases. Case numbers with a "-PA" behind them are Public Accommodation 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.