

STATE OF NEBRASKA

EQUAL OPPORTUNITY COMMISSION



ANNUAL REPORT

Fiscal Year 2021/2022

neoc.nebraska.gov

Table of Contents

Public Education and Outreach.....	1
Table 1: Case Summary	3
Table 2: Charges Filed (Intake)	4
Table 3: Basis of Charges Filed by Statute	5
Table 4: Issues in Employment and Public Accommodations Charges Filed	6
Table 5: Issues in Housing Charges Filed.....	7
Table 6: Complainant Characteristics	7
Table 7: Charges Taken by County.....	8
Table 8: Charges not Docketed.....	9
Table 9: Technical Assistance to the Public	9
Table 10: Commission Determinations.....	10
Table 11: Commission Initial Determinations by Statute (Closed Cases).....	11
Table 12: Lack of Jurisdiction Bases	11
Table 13: Comparative Cause/Settlement Figures	12
Table 14: Alternative Dispute Resolution (ADR).....	13
Table 15: Non-Monetary Relief	14
Table 16: Monetary Relief by Law	15
Table 17: Number of People Benefiting	15
Table 18: Total Monetary Relief Obtained	16
Table 19: Average Case Processing Time	17
Table 20: Average Days per Investigation.....	17
Table 21: From Filing to Assignment and Determination, Average Days—Cause/No Cause only.....	17
Table 22: Cause Cases	17
Table 23: Conciliation Time per Case	17
Table 24: Reasonable Cause Cases by Statute.....	18
Table 25: Reasonable Cause Cases by Basis	18
Table 26: Reasonable Cause Cases by Issue.....	18
Table 27: Conciliation Summary	19
Table 28: Conciliations	19

Table 29: Successful Conciliation Detail	20
Table 30: Public Hearings	21
Table 31: Public Hearing Disposition	21
Table 32: Public Hearing Ordered; not Held	22
Table 33: Public Hearing Ordered; Complaint not signed by Complainant	22
Table 34: Public Hearing Held; no Recommended Order Yet Issued by the Hearing Examiner	22
Table 35: Civil Action Disposition	22
Hearing Disposition Summary	23
Cases Sent to Public Hearing in the Past Five Years	24

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 we engage in dialogue with consumers directly.

It is an essential responsibility for the NEOC to continue to conduct Technical Assistance programs for the housing and employment industries in all areas of the state. It includes Scottsbluff/Gering, Grand Island, North Platte, South Sioux City, Lincoln, and Omaha, as well as the areas surrounding these population bases. We are 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 on how to conduct an internal investigation.

Beyond 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. Such training sessions allow the NEOC to target trouble areas specifically experienced within individual housing providers or employers. This potentially resolves not only the reported situation but also furnishes 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 Media and multiple municipal and nonprofit fair housing agencies to produce a thirty minute "Connects" television program about fair housing issues in the state. The program continues to be available to the public on Nebraska Public Media's website in 2021-2022, and into the foreseeable future. Occasionally they show the program as a rerun statewide on public television. The NEOC is in the process of producing a new Connects program as well. This is a long-term project partially funded and planned this fiscal year (2021-2022) and will be scripted, filmed, and first aired in the next fiscal year (2022-2023).

Continuing our partnership with Nebraska Public Media, the NEOC ran a series of promoted television spots on NPM during children's programming, news, and high school sports broadcasts late 2021 and early 2022. These 30 second spots highlighted common instances of housing and employment discrimination experienced by Nebraskans, and encouraged viewers to call or visit our website if they have questions or want to file a complaint. The housing spot was also utilized on Facebook as a promoted post during April 2022, for Fair Housing Month.

The NEOC ran radio ads about housing discrimination in the Omaha metro area on KGOR 99.9 FM in January, February, March, and April 2022. These ads were designed to run up to and culminate in Fair Housing Month.

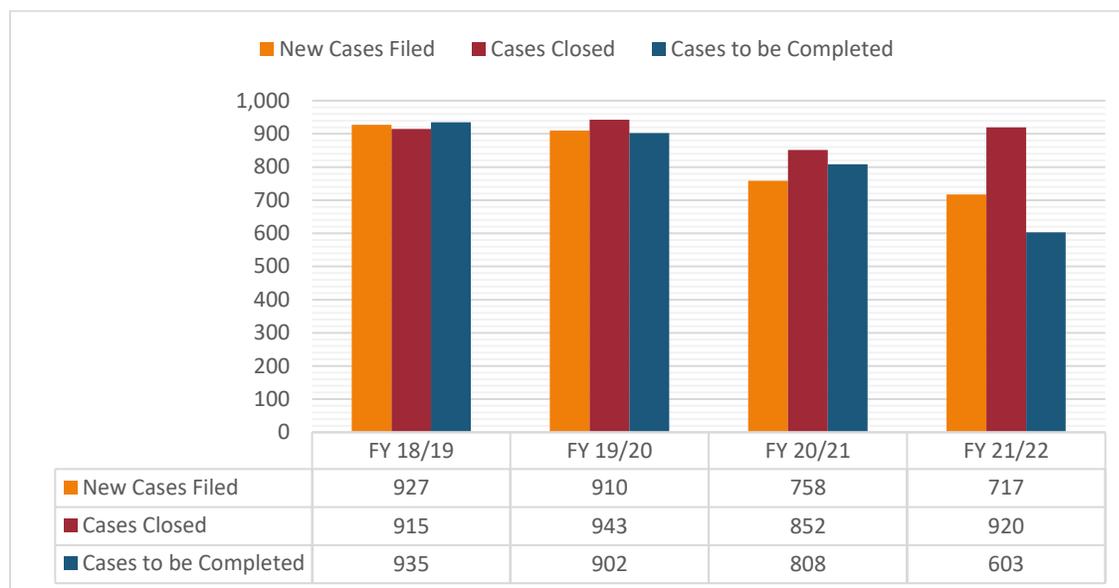
The NEOC targeted bus advertisements utilizing HUD funding in Omaha and Lincoln. These advertisements were located on the back of buses servicing all lines throughout the Omaha and Lincoln metro areas and featured a message calling the viewer to help "STOP" housing discrimination and to call the NEOC for more information. These ads started in January 2022 and will run in the next fiscal year.

The NEOC continues to utilize technologies such as Webex and Zoom to provide high-quality presentations, outreach and education. This allows the NEOC to reach a broad audience while being efficient with taxpayer dollars and flexible with scheduling and time. These technologies are scalable and suitable for smaller audiences such as individual housing providers and employers. It also works to provide larger-size webinars and e-conferences to groups of up to dozens or even hundreds of participants across the state. Online platforms allow the NEOC to reach the far corners of the state instantaneously to provide outreach to remote locations that previously took days of travel to attend. Furthermore, these platforms allow those we educate and partner with to save money and time themselves as they do not need to travel to a specific central location to attend. This format facilitates real-time interaction for participants in differing locales, including out of state employees/managers and remote workers. Of course, the NEOC continues to provide in-person education and outreach as well, as individual situations/groups may require or prefer.

The NEOC will continue to provide employers and housing providers with the support they need through our educational initiatives. In doing so, we will continue to work with strategic advertising partners such as: Nebraska Public Media; other state agencies providing complementary services; our sister municipal agencies, the Lincoln Commission on Human Rights and Omaha Human Rights and Relations Department; and our vital federal partners at HUD and EEOC. Through these relationships, and with the hard work of our staff, we are confident we will be able to continue to provide educational opportunities to Nebraskans in all corners of the state regarding the protections afforded to them under Nebraska's civil rights laws.

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TABLE 1: CASE SUMMARY



The 717 **new** cases filed in FY 21/22 include: 643 employment cases; 45 housing cases; and 29 public accommodation cases.

The 920 cases **closed** in FY 21/22 include: 897 Commission dismissals (no reasonable cause, pre-determination/mediation settlements, and administrative closures); and 23 reasonable cause findings including 20 conciliation actions; 2 public hearing actions; and 1 civil action (housing).

The 603 cases **to be completed** at the end of 21/22 include: 594 cases to be investigated, 7 cases in conciliation, 0 cases in public hearing, and 2 cases in civil action.

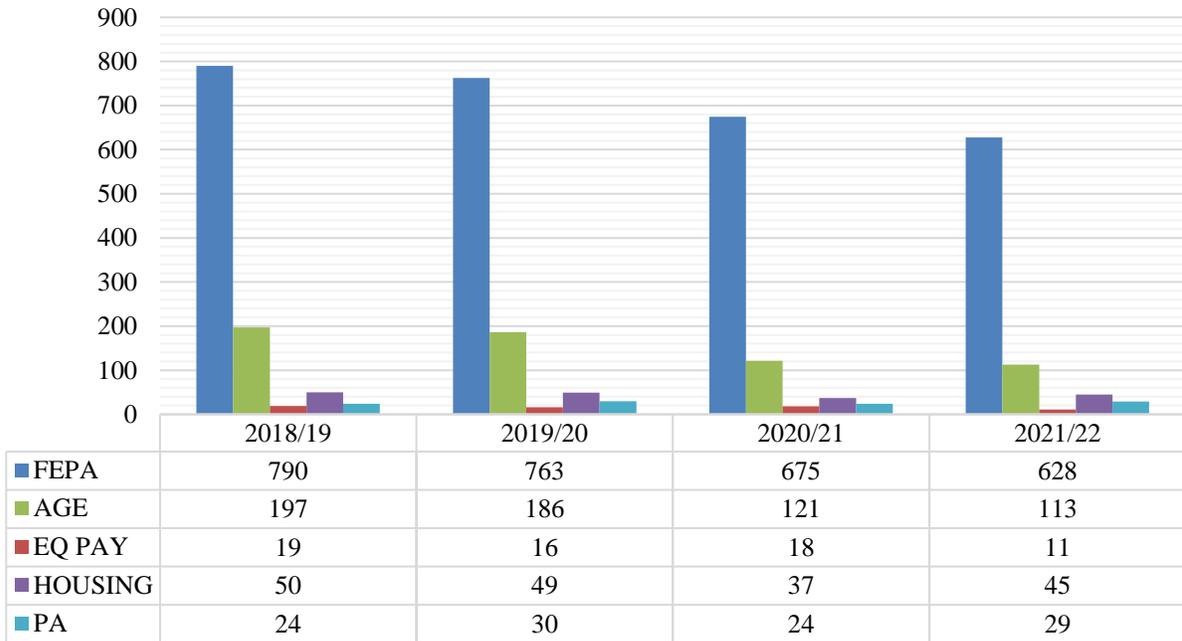
NOTES/HIGHLIGHTS

New charges filed represent a 5% decrease from FY 20/21.

Cases closed represent a 8% increase from FY 20/21.

Cases to be completed at the end of the fiscal year represent a 25% decrease from FY 20/21.

**TABLE 2: CHARGES OF ALLEGED DISCRIMINATION
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE
2018/19 – 2021/22**



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 2021/22

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPa	EQUAL PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	197			15	11	223
COLOR	9			3	0	12
*SEX	173	11		4	11	199
SEX-PREGNANCY	18					18
AGE (over 40)			111			111
RELIGION	74			0	0	74
NATIONAL ORIGIN/ ANCESTRY	79			7	6	92
DISABILITY	256			25	6	287
MARITAL STATUS	3					3
FAMILIAL STATUS				2	1	3
RETALIATION	390	5	41	4	8	448
RETALIATION (Whistleblower)	60					60
WAGE RETALIATION	9					9

* Sex includes 10 cases of Sexual Orientation in Employment and 0 in Housing
3 cases of Transgender in Employment and 3 in Housing

Different protected classes have different issues for the laws we enforce.
The grayed-out sections do not apply to that law.

**TABLE 4: ISSUES IN EMPLOYMENT AND PUBLIC
ACCOMMODATIONS CHARGES FILED IN FY 2021/22**

<u>ISSUE</u>	<u>NUMBER</u>
Discharge	338
Harassment	229
Terms and Conditions of Employment	227
Reasonable Accommodation	181
Wages	146
Discipline	101
Constructive Discharge	81
Assignment	66
Suspension	59
Failure to Hire	51
Sexual Harassment	48
Failure to Promote	37
Benefits	29
Public Accommodation Issue	29
Failure to Train	26
Intimidation	14
Demotion	9
Benefits-Insurance	9
Union Representation	6
References Unfavorable	5
Breach of Confidentiality	5
Prohibited Medical Inquiry/Exam	1
Benefits-Retirement/Pension	1
Retirement-Involuntary	1

The above table was changed a few years ago 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.

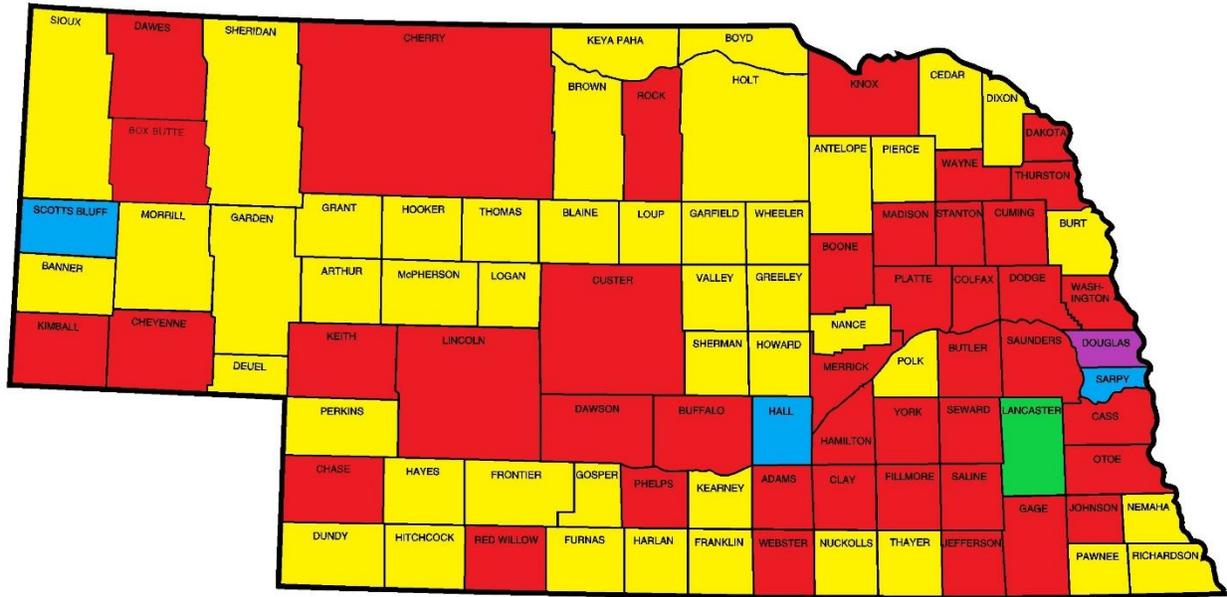
TABLE 5: ISSUES IN HOUSING CHARGES FILED
FY 2021/22

<u>ISSUE</u>	<u>NUMBER</u>
Terms, Conditions, Privileges, or Services and Facilities	41
Deny or Make Housing Available	26
Failure to Make Reasonable Accommodations	18
Discriminatory Acts under Section 818 (coercion, etc.)	12
Discriminatory refusal to negotiate for rental	5
Refusal to Rent	3
False denial or representation of availability	3
Discrimination in terms/conditions, privileges relating to rental	2
Steering	2
False denial or representation of availability - rental	1

TABLE 6: COMPLAINANT CHARACTERISTICS
(for all laws)
FY 2020/21 – 2021/22

MALE	FY	FY	FEMALE	FY	FY
	20/21	21/22		20/21	21/22
Race			Race		
Black/African American	104	85	Black/African American	129	125
Native Hawaiian/Pacific Islander	0	2	Native Hawaiian/Pacific Islander	0	1
American India/Alaska Native	10	7	American India/Alaska Native	15	1
Bi-Racial/Multi-Racial	9	11	Bi-Racial/Multi-Racial	17	14
Asian	3	6	Asian	8	5
White	134	147	White	194	218
Ethnicity			Ethnicity		
Hispanic/Latino	42	50	Hispanic/Latino	51	51
Not Hispanic/Latino	266	237	Not Hispanic/Latino	333	341
National Origin			National Origin		
North America	272	240	North America	347	345
Middle East	1	1	Middle East	5	2
Hispanic	20	28	Hispanic	22	32
Europe	2	4	Europe	3	4
Caribbean	1	0	Caribbean	0	0
Asia	33	4	Asia	9	4
Africa	11	10	Africa	2	3
Unable to obtain info	2	1	Unable to obtain info	7	1

TABLE 7: CHARGES TAKEN BY COUNTY FY 2021/22



NONE	1 – 10	11 – 50	144	324
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Adams	6	Deuel	0	Johnson	4	Red Willow	3
Antelope	0	Dixon	0	Kearney	0	Richardson	0
Arthur	0	Dodge	8	Keith	2	Rock	1
Banner	0	Douglas	324	Keya Paha	0	Saline	6
Blaine	0	Dundy	0	Kimball	4	Sarpy	45
Boone	2	Fillmore	1	Knox	2	Saunders	1
Box Butte	3	Franklin	0	Lancaster	144	Scotts Bluff	29
Boyd	0	Frontier	0	Lincoln	8	Seward	1
Brown	0	Furnas	0	Logan	0	Sheridan	0
Buffalo	7	Gage	6	Loup	0	Sherman	0
Burt	0	Garden	0	McPherson	0	Sioux	0
Butler	3	Garfield	0	Madison	10	Stanton	0
Cass	4	Gosper	0	Merrick	1	Thayer	0
Cedar	0	Grant	0	Morrill	0	Thomas	0
Chase	1	Greeley	0	Nance	0	Thurston	3
Cherry	1	Hall	27	Nemaha	1	Valley	0
Cheyenne	2	Hamilton	2	Nuckolls	0	Washington	4
Clay	1	Harlan	0	Otoe	3	Wayne	3
Colfax	6	Hayes	0	Pawnee	0	Webster	1
Cuming	3	Hitchcock	0	Perkins	0	Wheeler	0
Custer	2	Holt	0	Phelps	3	York	3
Dakota	6	Hooker	0	Pierce	0		
Dawes	1	Howard	0	Platte	10		
Dawson	8	Jefferson	1	Polk	0		

TABLE 8: CHARGES NOT DOCKETED

In FY 21/22, the Commission conducted a total of 523 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

<u>Reason for Non-Filing</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
1. Respondent has too few employees	36	40	50
2. Allegations outside the Statute of Limitations	20	31	19
3. Complainant had no standing or basis to file	249	247	282
4. Informed of right to file, but declined to file	149	227	172
TOTAL NON-DOCKETED	454	545	523

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 3,644 other inquiries from the public in FY 21/22. The inquiries received can be categorized as follows:

<u>Contact Type</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>
5. General Questions Answered	751	693	780
6. Employer Inquiries	1,099	971	843
7. Information Sent	11	7	9
8. Referred to an appropriate source of assistance	288	232	227
9. Complainant Inquiry	1,956	1,866	1,785
TOTALS	4,105	3,769	3,644
TOTALS - ALL CONTACTS	4,559	4,314	4,167

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 21/22, there were 10,745 website hits to the NEOC home page.

TABLE 10: COMMISSION DETERMINATIONS

		FY 19/20	FY 20/21	FY 21/22
Reasonable Cause	NEOC (moved to conciliation)	13	1	30
	Adopted (moved to conciliation)	1	0	0
No Reasonable Cause	NEOC	616	594	665
	Adopted	102	69	43
Pre-Determination Settlement	NEOC	91	74	78
	Adopted	5	4	3
Mediation	NEOC	13	2	4
Withdrawal With Settlement	NEOC	20	20	17
	Adopted	5	4	5
Withdrawal Without Settlement	NEOC	16	18	26
	Adopted	1	1	2
Failure to Locate	NEOC	0	0	0
	Adopted	0	0	0
Failure to Cooperate	NEOC	0	0	0
	Adopted	0	0	0
Lack of Jurisdiction	NEOC	27	27	20
	Adopted	2	0	1
Complainant Filing/Filed in Court	NEOC	13	5	8
	Adopted	14	0	0
Other	NEOC	6	6	11
	Adopted	1	13	17
Conciliations	Successful Conciliations	8	5	8
	Successful Conciliations – Adopted	0	0	0
	Unsuccessful Conciliations - Dismissals	0	0	12
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	0	1	0
	Other - Adopted	1	0	0
	Unsuccessful Conciliations to Public Hearing or Civil Action	2	1	3
Public Hearings	For Complainant	0	0	1
	For Respondent	0	0	0
	Negotiated Settlement	0	0	0
	Other	0	1	1
Civil Action (Housing)	For Complainant	0	0	0
	For Respondent	1	0	0
	Negotiated Settlements	0	0	0
	Other	0	0	0
	Dismissal	1	0	1

**TABLE 11: COMMISSION DETERMINATIONS BY STATUTE
(CLOSED CASES)
FY 2021/22**

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.
835	130	19	38	23

**TABLE 12: LACK OF JURISDICTION BASES
(3 years)**

REASON FOR LACK OF JURISDICTION	FY 2019/20
Not Enough Employees	11
Other	8
No Employer/Employee Relationship	7
Untimely Filed	1
TOTAL	27

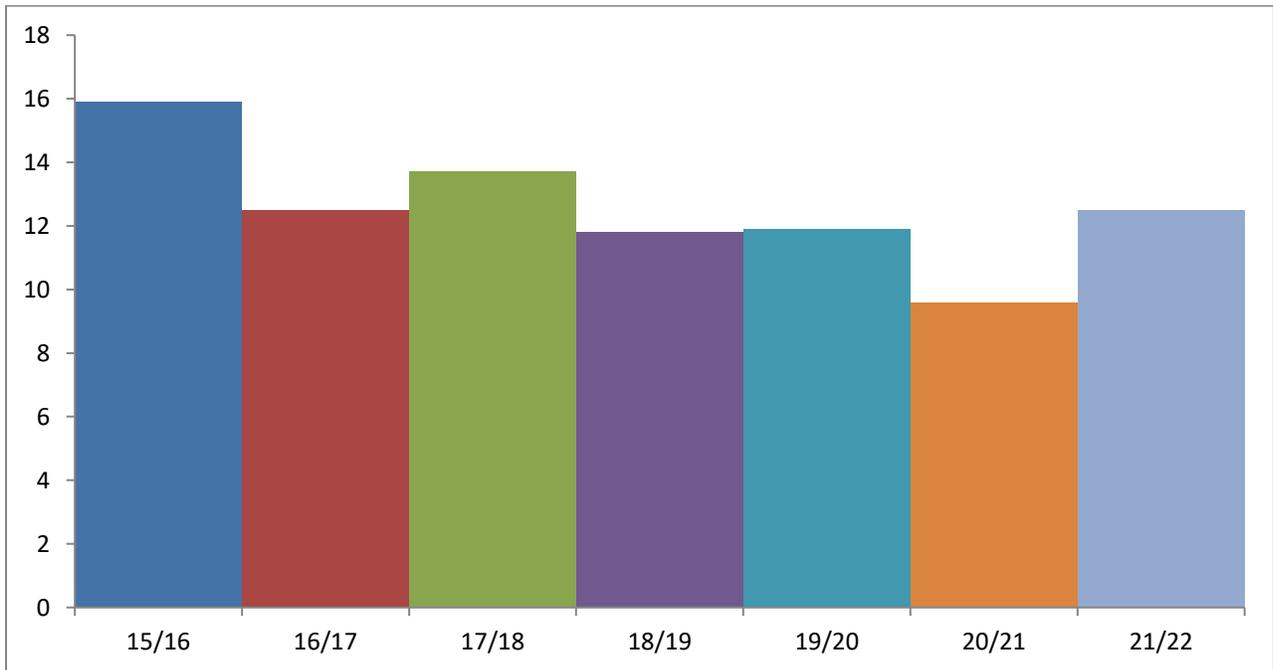
REASON FOR LACK OF JURISDICTION	FY 2020/21
No Employer/Employee Relationship	15
Not Enough Employees	9
Other	2
Untimely Filed	1
TOTAL	27

REASON FOR LACK OF JURISDICTION	FY 2021/22
No Employer/Employee Relationship	6
Other	6
Not Enough Employees	5
Untimely Filed	3
TOTAL	20

TABLE 13: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 2015/16 – 2021/22

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
15/16	15.9	164
16/17	12.5	116
17/18	13.7	110
18/19	11.8	106
19/20	11.9	113
20/21	9.6	81
21/22	12.5	116



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

	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Sent to ADR	93	91	87	58	49
Successful Mediation	14	12	14	1*	4*
Successful Pre-Determination Settlement	33	31	29	34	22
Withdrawal with Settlement	4	1	2	2	3
Failed ADR (either Mediation or PDS)	13	18	12	16	4
No Longer Wanted to Pursue ADR	23	31	31	12	14
Pending	23	21	20	13	15

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 21/22 the NEOC resolved 48 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 21/22, the NEOC settled 5 housing cases which is 13% 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.

* Due to Covid 19 restrictions, in-person mediations were suspended. In 21/22, methods were developed to conduct mediations via video conference.

TABLE 15: NON-MONETARY RELIEF OBTAINED
FY 2021/22

Employment and Public Accommodations

Accommodation (disability)
Adverse Material Removed from File
Apology
Benefits – Fringe
Changed Separation Type
Neutral Reference
Religious Accommodation
Training

Housing

Neutral Reference Letter
Policy Revisions
Reasonable Accommodation – Other
Reasonable Accommodation – Parking
Training
Waiver for Balance Due

TABLE 16: MONETARY RELIEF BY LAW

FY 2021/22

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	\$ 449,546	\$0	\$10,285	\$ 459,831
Mediation	9,500	0	0	9,500
Withdrawals with Settlement	262,820	0	0	262,820
Conciliation	351,000	0	0	351,000,
Public Hearing	101,302	0	0	101,302
Litigation	0	0	0	0
TOTAL	\$1,174,168	\$0	\$10,285	\$1,184,453

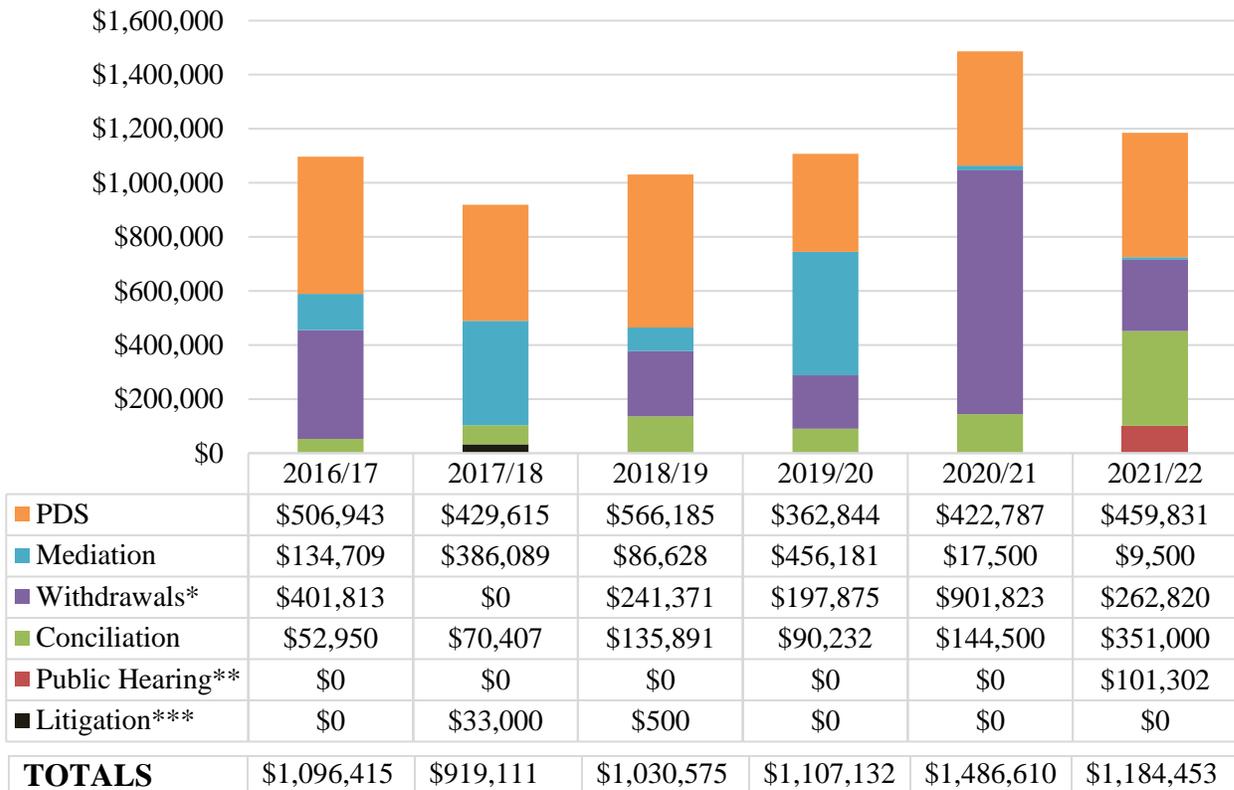
The following chart reflects approximately how many people have benefitted from the different types of settlements available with the NEOC process. Besides the Complainant, others can benefit by attending EEO training and/or a policy or procedural/practice change.

TABLE 17: NUMBER OF PEOPLE BENEFITING

FY 2021/22

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	128	0	184	312
Mediation	2	0	0	2
Withdrawals with Settlement	14	0	0	14
Conciliation	535	0	0	535
Public Hearing	0	0	0	0
Litigation	0	0	0	0
TOTAL	679	0	184	863

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 2017/18 – 2021/22**

TABLE 19: AVERAGE CASE PROCESSING TIME

	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>
Average Hours Worked on Case File	15.79	15.67	15.99	15.93	17

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TABLE 20: AVERAGE DAYS PER INVESTIGATION

	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>
Average Days	95.9	150.9	225.1	283.1	228.1

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

	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>
Date Filed to Assignment of Investigator	179	191	189	151	110
Date Filed to Cause/No Cause Decision	309	342	414	434	339

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TABLE 22: CAUSE CASES

	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>
Out of Cause/No Cause Cases, This Percentage went Cause	3%	2%	2%	<1%	4%

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TABLE 23: CONCILIATION TIME PER CASE

	<u>FY 17/18</u>	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>
Average Conciliation Hours Worked on Case	1	1	1	1.5	1.4
Average Days in Conciliation	91	158	115	196	87

TABLE 24: REASONABLE CAUSE CASES BY STATUTE

FY 2021/22

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM
26	0	0	4	0

TABLE 25: REASONABLE CAUSE CASES BY BASIS

FY 2021/22

BASIS	CASES	BASIS	CASES
Race	1	Religion	1
Color	1	Marital Status	0
Sex	1	Retaliation	10
Sex-Pregnancy	4	Retaliation – Wage	0
National Origin	2	Retaliation – Whistleblower	1
Age	0	Familial Status	0
Disability	19		

TABLE 26: REASONABLE CAUSE CASES BY ISSUE

FY 2021/22

ISSUES	CASES	ISSUES	CASES
Employment & Public Accommodations		Housing	
Accommodations	8	Accommodations (Housing)	1
Assignment	4	Advertising	1
Constructive Discharge	3	Otherwise Deny or Make Available	1
Discharge	7	Refuse to Rent or Negotiate to Rent	1
Discipline	4	Terms/Conditions (Housing)	3
English Only Rule	1	Using Ordinance to Discriminate in Zoning & Land Use	1
Harassment	5		
Hiring	3		
Prohibited Medical Inquiry/Exam	2		
Promotion	1		
Suspension	1		
Terms or Conditions	5		
Wages	6		

TABLE 27: CONCILIATION SUMMARY
FY 2021/22

Total Conciliations Attempted	24
Successful	8
Unsuccessful	
Forwarded to Public Hearing.....	0
Forwarded to Civil Action-Housing	3
Dismissed.....	13
 Total Dollars	 \$351,000

TABLE 28: CONCILIATIONS

FISCAL YEAR	2017/18	2018/19	2019/20	2020/21	2021/22
Cases to Conciliation (Reasonable Cause)	19	14	13	1	30
Cases Pending from Prior Fiscal Year	4	4	7	7	1
TOTAL CASES	23	18	20	8	31
Conciliations Attempted	19	13	13	7	24
Successful Conciliations	9	5	8	5	8
Unsuccessful Conciliations	4	1	2	2	16
MONETARY RELIEF	\$67,907	\$135,891	\$90,232	\$144,500	\$351,000
Conciliations Pending	4	5	13	1	7

TABLE 29: SUCCESSFUL CONCILIATION DETAIL - AFTER A CAUSE FINDING

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
Employment and Public Accommodations	
Age (hiring)	\$500 (lump sum); change advertising language
Whistleblower (harassment; wages; promotion; discharge)	\$104,166.67 (lump sum); \$62,500.00 (wages); \$83,333.33 (attorney's fees); training
Race; Color; Retaliation (harassment)	\$9,750 (lump sum); \$3,250 (wages); training
Disability (policy/practice)	Training; policy/practice change
Retaliation (hiring)	\$14,000 (lump sum); \$1,600 (wages); training
Disability; Record of a Disability; Retaliation (reasonable accommodation; discharge)	\$19,000 (lump sum); \$5,000 (wages)
Disability; Record of a Disability; Retaliation (reasonable accommodation)	\$12,500 (lump sum)
Disability; Retaliation (reasonable accommodation; discharge)	\$35,000 (wages)
DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
Housing	
None	

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	15/16	16/17	17/18	18/19	19/20	20/21	21/22
Numbered Ordered	3	2	0	0	2	1	0
Number Held*	1	3	0	0	0	2	0
Number Carried Over	2	3	1	0	0	1	2
Orders Issued (Final)	2	4	1	0	0	1	2
Pending	3	1	0	0	2	1	0

*A full and complete hearing was conducted.

TABLE 31: PUBLIC HEARING DISPOSITION
JULY 2021 - JUNE 2022

Total Final Orders Issued	2
Outcome of Final Orders:	
Violation found	1
No Violation Found	0
Settlement Prior to Hearing	0
Dismissal – Filed in Court	1

TABLE 32: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2022

<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, 2022**

<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, 2022**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
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**TABLE 35: CIVIL ACTION DISPOSITION
JULY 2021 - JUNE 2022**

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

HEARING DISPOSITION SUMMARY

July 1, 2021, through June 30, 2022

NEB 1-17/18-2-49380-RS

Koenig vs. NE/Veteran's Affairs, Dept. of

Disability, Record of a Disability, and Retaliation – (Reasonable Accommodation; Discharge)

Respondent hired the Complainant with full knowledge of his disability. The Respondent has shown that as soon as the Complainant informed them of his need for accommodations, the accommodation process was started. However, the evidence also shows that the Respondent did not take much action after it was started. The Respondent correctly reached out to the Assistive Technology Program to help with an assessment but made no effort to follow-up after the assessment. The evidence shows there is a likely connection between the Complainant's performance issues and his need for an accommodation. The Complainant was awarded backpay and attorney's fees.

NEB 1-18/19-11-50091-RS

McIntosh vs. Berliner Group LLC d/b/a Dunkin Donuts

Disability, Record of Disability – (Hiring)

The Respondent failed to hire Complainant for a crew member position following her interview. The Complainant states she is able to perform the position, with possible accommodations; however, Respondent refused to consider whether she could be accommodated despite the Complainant's suggestions on how she could be accommodated. The parties were unable to come to an agreement and the case was sent to Public Hearing. Before the hearing was held, the Complainant's attorney filed a suit in court which ended the Public Hearing process.

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

Case Number	Complainant	Respondent	Decision	Date Closed	Hearing Examiner
3452-H	Jura	Commodore LLC et al.	For Complainant	6/18/2021	Maurstad
49380	Koenig	Veterans' Affairs, Dept. of	For Complainant	8/20/2021	Maurstad
50091	McIntosh	Berliner Group LLC d/b/a Dunkin Donuts	Complainant filed in Court	2/18/2022	Maurstad

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.