

# STATE OF NEBRASKA

## EQUAL OPPORTUNITY COMMISSION



## ANNUAL REPORT

Fiscal Year 2006/2007

[www.neoc.ne.gov](http://www.neoc.ne.gov)

Table of Contents

Public Education and Outreach.....1

**Table 1:** Case Dispositions.....2

**Table 2:** Cases of Alleged Discrimination filed during  
Previous and Current Years by Statute.....3

**Table 3:** Basis of Charges filed by Statute .....4

**Table 4:** Issues in Employment and Public Accommodations  
Charges filed in FY 2006/07 .....5

**Table 5:** Issues in Housing Charges filed in FY 2006/07 .....6

**Table 6:** Complainant Characteristics .....7

**Table 7:** Top Ten Respondent Business Types for Charges Filed .....8

**Table 8:** Top Ten Counties for Charges Filed.....9

**Table 9:** Charges not Docketed .....10

**Table 10:** Technical Assistance to the Public .....10

**Table 11:** Commission Determinations.....11

**Table 12:** Commission Initial Determinations by Statute .....12

**Table 13:** Lack of Jurisdiction Breakdown .....13

**Table 14:** Comparative Cause/Settlement Figures .....14

**Table 15:** Total Monetary Relief Obtained .....15

**Table 16:** Cases Uninvestigated (Lincoln, Omaha, and Scottsbluff) .....16

**Table 17:** Cases Uninvestigated (LCHR, HUD and EEOC).....17

**Table 18:** Charge Intake .....18

**Table 19:** Investigator Case Completion.....18

**Table 20:** Average Investigation Hours .....19

**Table 21:** Average Days Per Investigation.....19

**Table 22:** From Filing to Assignment and Determination,  
Average Days—Cause/No Cause only.....19

<b>Table 23:</b> Conciliation Time Per Case .....	19
<b>Table 24:</b> Cause/Settlement Cases .....	19
<b>Table 25:</b> Cause Cases .....	19
<b>Table 26:</b> Reasonable Cause Cases by Statute .....	20
<b>Table 27:</b> Reasonable Cause Cases by Basis .....	20
<b>Table 28:</b> Reasonable Cause Cases by Issue .....	20
<b>Table 29:</b> Conciliation Summary .....	21
<b>Table 30:</b> Conciliations .....	22
<b>Table 31:</b> Successful Conciliation Detail .....	23
<b>Table 32:</b> Public Hearings .....	25
<b>Table 33:</b> Public Hearing Disposition .....	25
<b>Table 34:</b> Public Hearing Ordered; not Held as of June 30, 2007 .....	26
<b>Table 35:</b> Public Hearing Ordered; Complaint not signed by Complainant as of June 30, 2007 .....	26
<b>Table 36:</b> Public Hearing Held; no Recommended Order Yet Issued by the Hearing Examiner .....	26
Hearing Disposition Summary .....	27

Over the past forty years, the State of Nebraska Equal Opportunity Commission has worked diligently to eliminate discrimination. We are a neutral, investigative agency with a significant focus on education and prevention. We are not an advocacy agency – we fulfill the mandate of both state and federal law, and work closely with businesses, REALTORS, *and* individuals to reach an equitable solution.

- From July 1, 2006 through June 30, 2007, the NEOC Intake Unit was contacted by 3,823 individuals wishing to discuss or file a complaint of alleged discrimination.
- The agency works diligently to educate the public on what *is* and what *is not* discriminatory conduct under the law. The NEOC accepted 1,166 charges of discrimination in the areas of employment, housing and public accommodations from the period of July 1, 2006 through June 30, 2007.
- In the past fiscal year, individuals who filed charges recovered over \$955,790 dollars in relief through the Commission’s settlement processes. Successful conciliation agreements (after a “reasonable cause” finding) ranged from \$1,000 to \$60,000, and totaled a little more than 1/3 of the total settlements, or \$383,480. Many cases settled before they were investigated.
- The NEOC has reached roughly 3,755 individuals through outreach and educational seminars in the past fiscal year. These outreach efforts are designed to educate employers, businesses and individuals about the laws so they can avoid commonly made mistakes which may lead to a complaint of discrimination.
- Many businesses and REALTORS in Nebraska prefer to work with a state agency as compared to our federal counterparts. One reason they may feel this way is because they can pick up the phone and talk to a supervisor, investigator or Executive Director and get answers about how the process works, and how to best protect themselves, or why their case resolved the way it did.

The NEOC helps save tax payers hundreds of thousands of dollars every year. We strive to fulfill our mission to eliminate discrimination in the areas of employment, housing, and public accommodations by educating people. Whenever possible we partner with other agencies—state, local and federal—to meet this challenge. Please feel free to contact our staff, the Director or a Commissioner if you have any questions about our agency.

**TABLE 1: CASE DISPOSITIONS  
FROM 2000/01 TO 2006/07**

<b>FISCAL YEAR</b>	<b>00/01</b>	<b>01/02</b>	<b>02/03</b>	<b>03/04</b>	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>
New Cases Filed	1,430	1,457	1,337	1,483	1,507	1,365	1,166
Cases Closed	1,818	1,553	1,313	1,385	1,391	1,337	*1 1,281
Cases To Be Completed	1,169	1,073	1,096	1,195	1,311	1,342	*2 1,228
Conciliations Attempted	119	106	76	123	110	82	119
P.D.S./Mediation	168	140	108	127	139	75	77
Public Hearings Ordered	11	14	11	14	24	10	30
Public Hearings Final Orders	24	12	12	8	14	26	31
Public Hearings Pending	6	8	7	13	23	7	6

\*1 Includes 1,162 Commission initial actions; 87 actions on cases in the conciliation stage; decision on 31 cases in the public hearing stage; and 0 cases pursuant to civil action (housing).

\*2 Includes cases to be investigated (1,205); cases in conciliation (15); cases in public hearing (6); and housing cases in civil action (2).

**TABLE 2: CASES OF ALLEGED DISCRIMINATION  
FILED DURING PREVIOUS AND CURRENT YEARS BY STATUTE  
2000/01 – 2006/07**

<b>YEAR</b>	<b>FEPA</b>	<b>EQ PAY</b>	<b>AGE</b>	<b>HOUSING</b>	<b>PUBLIC ACCOMM.</b>	<b>TOTAL</b>
<b>2000/01</b>	1,083	21	249	68	9	1,430
<b>2001/02</b>	1,093	30	226	79	29	1,457
<b>2002/03</b>	1,030	23	203	54	27	1,337
<b>2003/04</b>	1,090	21	226	94	52	1,483
<b>2004/05</b>	1,113	20	288	36	50	1,507
<b>2005/06</b>	967	20	276	83	19	1,365
<b>2006/07</b>	837	14	220	57	38	1,166

- FEPA** -FAIR EMPLOYMENT PRACTICE ACT
- EQ PAY** -EQUAL PAY ACT OF NEBRASKA
- AGE** -ACT PROHIBITING UNJUST DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE
- HOUSING** -NEBRASKA FAIR HOUSING ACT
- PUBLIC ACCOM.** -NEBRASKA CIVIL RIGHTS ACT OF 1969 (PUBLIC ACCOMMODATIONS)

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 3: BASIS OF CHARGES FILED BY STATUTE**  
**FY 2006/07**

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	279	0	0	17	26	322
COLOR	237	0	0	4	25	266
SEX	280	14	0	8	4	306
SEX-PREGNANCY	29	0	0	0	0	29
AGE (40-70)	0	0	213	0	0	213
RELIGION	21	0	0	4	2	27
NATIONAL ORIGIN/ ANCESTRY	130	0	0	11	7	148
DISABILITY	227	0	0	16	0	243
MARITAL STATUS	9	0	0	0	0	9
FAMILIAL STATUS	0	0	0	15	0	15
RETALIATION	256	2	40	11	7	316
RETALIATION (Whistleblower)	57	0	0	0	0	57

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

**TABLE 4: ISSUES IN EMPLOYMENT AND PUBLIC  
ACCOMMODATIONS CHARGES FILED IN FY 2006/07**

<b><u>ISSUE</u></b>	<b><u>NUMBI</u></b>
Discharge	606
Terms and Conditions of Employment	421
Harassment	239
Discipline	144
Constructive Discharge	132
Failure to Hire	94
Reasonable Accommodation	82
Wages	79
Sexual Harassment	64
Failure to Promote	53
Intimidation	48
Failure to Train	45
Suspension	42
Demotion	32
Failure to Provide Public Accommodation	31
Assignment	30
Other Employment Issues	25
Layoff	13
Benefits	10
Reinstatement	8
Benefits-Insurance	5
Recall	4
References Unfavorable	3
Prohibited Medical Inquiry/Exam	3
Involuntary Retirement	3
Seniority	3
Union Representation	2
Severance Pay Denied	2
Maternity	2
Exclusion	2
Apprenticeship	1
Tenure	1
Benefits-Retirement/Pension	1
Posting Notice	1
Record Keeping Violation	1
Testing	1



**TABLE 5: ISSUES IN HOUSING CHARGES FILED FY 2006/07**

<b><u>ISSUE</u></b>	<b><u>NUMBE</u></b>
Terms, Conditions, Privileges Relating to Rental	24
Discriminatory Acts under Section 818 (coercion, etc.)	15
Discriminatory Terms, Conditions, Privileges, or Services and Facilities	9
Refuse to Rent	9
Failure to Make Reasonable Accommodations	5
Terms, Conditions, Privileges Relating to Sale	2
Discrimination in Services and Facilities Relating to Rental	1
Terms/Conditions for Making Loans	1
Non-Compliance with Design and Construction Requirements	1
Deny or Make Housing available	1

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**TABLE 6: COMPLAINANT CHARACTERISTICS****FY 04/05**

<b><u>RACE</u></b>	<b><u>MALE</u></b>	<b><u>FEMALE</u></b>	<b><u>TOTAL</u></b>	<b><u>PERCENT</u></b>
White	286	453	739	49%
Black	223	210	433	29%
Hispanic	102	100	202	13%
Asian/Pacific Islander	9	11	20	1%
Nat Am/Al Nat	15	9	24	2%
Middle Eastern	13	3	16	1%
Other	29	42	71	5%
<b>TOTAL CHARGES FILED BY INDIVIDUALS</b>	<b>677</b>	<b>828</b>	<b>1,505</b>	
NEOC Initiated/Multiple Entities	--	--	2	0%
<b>TOTAL OF ALL CHARGES</b>	<b>677</b>	<b>828</b>	<b>1,507</b>	<b>100%</b>

**FY 05/06**

<b><u>RACE</u></b>	<b><u>MALE</u></b>	<b><u>FEMALE</u></b>	<b><u>TOTAL</u></b>	<b><u>PERCENT</u></b>
White	246	386	632	46%
Black	177	183	360	26%
Hispanic/Mexican	177	74	251	18%
Asian/Pacific Islander	3	8	11	1%
Nat Am/Al Nat	5	10	15	1%
Middle Eastern	2	0	2	1%
Other	30	58	88	6%
<b>TOTAL CHARGES FILED BY INDIVIDUALS</b>	<b>640</b>	<b>719</b>	<b>1,359</b>	
NEOC Initiated/Multiple Entities	--	--	6	1%
<b>TOTAL OF ALL CHARGES</b>	<b>640</b>	<b>719</b>	<b>1,365</b>	<b>100%</b>

**FY 06/07**

<b><u>RACE</u></b>	<b><u>MALE</u></b>	<b><u>FEMALE</u></b>	<b><u>TOTAL</u></b>	<b><u>PERCENT</u></b>
White	199	344	543	47%
Black	177	172	349	30%
Hispanic/Mexican	68	74	142	12%
Asian/Pacific Islander	3	8	11	1%
Nat Am/Al Nat	7	8	15	1%
Middle Eastern	2	0	2	0%
Other	52	51	103	9%
<b>TOTAL CHARGES FILED BY INDIVIDUALS</b>	<b>508</b>	<b>657</b>	<b>1,165</b>	
NEOC Initiated/Multiple Entities	--	--	1	0%
<b>TOTAL OF ALL CHARGES</b>	<b>508</b>	<b>657</b>	<b>1,166</b>	<b>100%</b>

**TABLE 7: TOP TEN RESPONDENT BUSINESS TYPES FOR CHARGES FILED**

<b><u>TYPE OF BUSINESS</u></b>	<b><u>FY 04/05</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. Eating, Drinking Places		91	6%
2. General Government		64	4%
3. Hospitals		63	4%
4. Nursing, Personal Care Facilities		61	4%
5. Meat Products		58	4%
6. Services, NEC		55	4%
7. Miscellaneous Services		51	3%
8. Miscellaneous Business Services		51	3%
9. Railroads		41	3%
10. Real Estate Operators and Lessors		<u>33</u>	<u>2%</u>
<b>TOTAL OF TOP TEN</b>		<b>568</b>	<b>37%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,507</b>	<b>100%</b>

<b><u>TYPE OF BUSINESS</u></b>	<b><u>FY 05/06</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. General Government		86	6%
2. Real Estate Operators and Lessors		75	5%
3. Miscellaneous Business Services		70	5%
4. Nursing, Personal Care Facilities		63	5%
5. Eating, Drinking Places		53	4%
6. Hospitals		49	4%
7. Personnel Supply Services		42	3%
8. Meat Products		39	3%
9. Services, NEC		37	3%
10. Miscellaneous Manufactures		<u>32</u>	<u>2%</u>
<b>TOTAL OF TOP TEN</b>		<b>546</b>	<b>40%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,365</b>	<b>100%</b>

<b><u>TYPE OF BUSINESS</u></b>	<b><u>FY 06/07</u></b>	<b><u>NUMBER</u></b>	<b><u>PERCENT</u></b>
1. General Government		68	6%
2. Miscellaneous Business Services		57	5%
3. Eating, Drinking Places		57	5%
4. Real Estate Operators and Lessors		54	5%
5. Services, NEC		46	4%
6. Nursing, Personal Care Facilities		39	3%
7. Miscellaneous Manufactures		37	3%
8. Hospitals		35	3%
9. Personnel Supply Services		33	3%
10. Colleges and Universities		<u>30</u>	<u>2%</u>
<b>TOTAL OF TOP TEN</b>		<b>456</b>	<b>39%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,166</b>	<b>100%</b>

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

<u>COUNTY</u>	<u>FY 04/05</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		792	52%
2. Lancaster		269	18%
3. Scotts Bluff		74	5%
4. Sarpy		55	4%
5. Hall		44	3%
6. Madison		30	2%
7. Lincoln		29	2%
8. Buffalo		19	1%
9. Dawson		15	1%
10. Saline		<u>15</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>1,342</b>	<b>89%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,507</b>	<b>100%</b>

<u>COUNTY</u>	<u>FY 05/06</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		671	49%
2. Lancaster		222	16%
3. Scotts Bluff		86	7%
4. Sarpy		67	5%
5. Dakota		51	4%
6. Lincoln		32	3%
7. Hall		27	2%
8. Dawson		19	1%
9. Madison		18	1%
10. Dodge		<u>16</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>1,209</b>	<b>89%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,365</b>	<b>100%</b>

<u>COUNTY</u>	<u>FY 06-07</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		580	50%
2. Lancaster		230	18%
3. Sarpy		43	4%
4. Hall		40	3%
5. Scotts Bluff		38	3%
6. Dodge		21	2%
7. Platte		14	2%
8. Adams		13	2%
9. Box Butte		12	1%
10. Madison		12	<u>1</u>
11. Dakota		<u>12</u>	<u>1%</u>
<b>TOTAL OF TOP TEN</b>		<b>1,015</b>	<b>87%</b>
<b>TOTAL OF ALL CHARGES</b>		<b>1,166</b>	<b>100%</b>

**TABLE 9: CHARGES NOT DOCKETED**

In FY 06/07, the Commission conducted a total of 1,534 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

**FY 06/07**

<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	25	37	2	64
2. Allegations outside the Statute of Limitations	26	21	4	51
3. Complainant had no standing or basis to file	354	266	42	662
4. Informed of right to file, but declined to file	360	347	50	757
<b>TOTAL NON-DOCKETED</b>	<b>765 (50%)</b>	<b>671 (44%)</b>	<b>98 (6%)</b>	<b>1,534 (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 4,017 other inquiries from the public in FY 06/07. Those inquiries can be broken down as follows:

**FY 06/07**

<b><u>Actions Taken</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	373	1,392	62	1,827
6. Employer Inquires	247	298	0	545
7. Information Sent	90	101	5	196
8. Referred to an appropriate source of assistance	224	187	50	461
9. Complainant Inquiry	408	540	40	988
<b>TOTALS</b>	<b>1,342 (33%)</b>	<b>2,518 (63%)</b>	<b>157 (4%)</b>	<b>4,017 (100%)</b>
<b>TOTALS - ALL CONTACTS</b>	<b>2,107 (38%)</b>	<b>3,189 (57%)</b>	<b>255 (5%)</b>	<b>5,551 (100%)</b>

Along with the above stated data, there were 19,193 hits to the NEOC home page in FY 06/07. The web site is updated at least two times a month. The web site allows people to check upcoming Commission Meeting information, as well as Education and Outreach activities. Individuals also have the opportunity to learn about the Commission, the laws, and how to file a complaint.

**TABLE 11: COMMISSION DETERMINATIONS**

		<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Reasonable Cause	NEOC (moved to civil action)	10	0	0
	NEOC (moved to conciliation)	95	106	91
	Adopted (moved to conciliation)	11	2	2
No Reasonable Cause	NEOC	906	796	784
	Adopted	78	85	122
Pre-Determination Settlement	NEOC	85	50	37
	Adopted	20	11	14
Mediation	NEOC	34	14	26
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	24	28	32
	Adopted	4	1	2
Withdrawal Without Settlement	NEOC	22	20	30
	Adopted	1	3	0
Failure to Locate	NEOC	9	9	12
	Adopted	0	0	0
Failure to Cooperate	NEOC	1	11	44
	Adopted	2	0	0
Lack of Jurisdiction	NEOC	55	48	31
	Adopted	2	4	3
Complainant Filing/Filed in Court	NEOC	18	21	12
	Adopted	10	7	8
Other	NEOC	3	2	2
	Adopted	4	129	3
Successful Conciliations	NEOC	32	23	29
	Adopted	9	1	0
Unsuccessful Conciliations (moved to public hearing or civil action)	NEOC	25	11	32
	Adopted	0	0	0

Table 11: COMMISSION DETERMINATIONS (continued)

		<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Conciliations	Respondent Out of Business	0	0	0
	No Jurisdiction	0	0	0
	Failure to Accept Relief	0	0	0
	Failure to Cooperate	0	0	0
	Unable to Locate Complainant	0	0	2
	Withdrawal With Settlement	2	1	0
	Withdrawal Without Settlement	0	0	0
	Dismissals	16	24	34
	Complainant Filing/Filed in Court	25	22	22
	Adopted	1	0	0
Public Hearings	For Complainant	0	0	9
	For Respondent	3	5	12
	Negotiated Settlement	4	9	3
	Withdrawal With Settlement	3	1	1
	Withdrawal Without Settlement	0	0	1
	Failure to Locate	1	0	1
	Failure to Cooperate	1	1	3
	No Jurisdiction	0	0	0
	Bankruptcy of Respondent	0	0	0
	Complainant Filing/Filed in Court	2	9	1
	Other	0	1	0
	Adopted	0	0	0
	Civil Action (Housing)	Negotiated Settlements	2	0
Lack of Jurisdiction		0	1	0
Other		2	0	0

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE**

**FY 06/07**

<b>FAIR EMPLOYMENT PRACTICE ACT</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOMM.</b>	<b>TOTALS</b>
828	243	26	39	26	1,162

**TABLE 13: LACK OF JURISDICTION BREAKDOWN**

<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 04/05</b>
Not enough employees	26
No harm under the Public Accommodations Law	11
No employer/employee relationship	8
Untimely filed	7
Proper Respondent not named	2
Federal entity	1
Private membership	1
Other	1
<b>TOTAL</b>	<b>57</b>

<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 05/06</b>
Not enough employees	19
No employer/employee relationship	12
Untimely filed	8
Other	4
Duplicate charge	3
Respondent no longer in business	2
Harm occurred out of state	2
Complainant not covered under the law	1
Proper Respondent not named	1
<b>TOTAL</b>	<b>52</b>

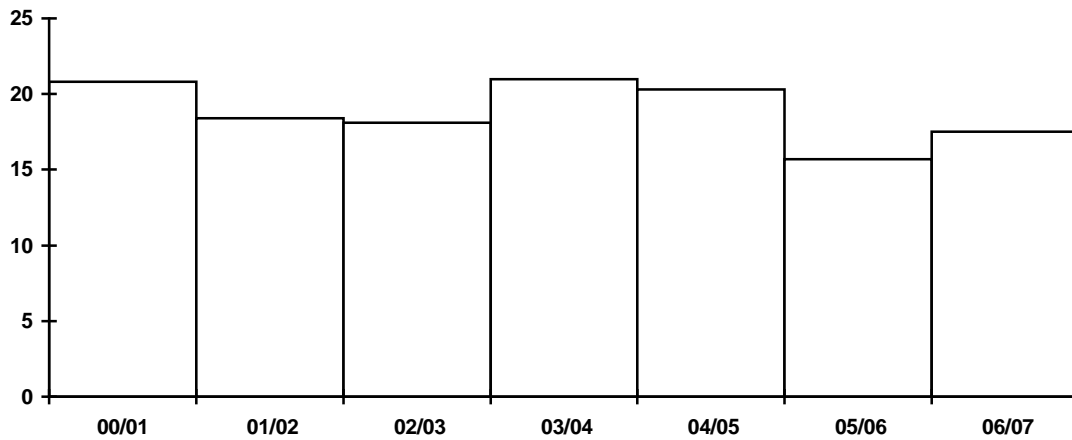
<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 06/07</b>
Not enough employees	17
No employer/employee relationship	6
Untimely filed	5
Complainant signed a valid release of claims	4
Respondent no longer in business	1
Other	1
<b>TOTAL</b>	<b>34</b>



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

**FY 00/01 – 06/07**

<b>Fiscal Year</b>	<b>Cause &amp; Settlements Percent of Initial Determinations</b>	<b>Combined Number of Cases</b>
00/01	20.8	350
01/02	18.4	285
02/03	18.1	238
03/04	21.0	294
04/05	20.3	283
05/06	15.7	212
06/07	17.5	204



**TABLE 15: TOTAL MONETARY RELIEF OBTAINED**

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Pre-Determination Settlements	\$ *698,936	\$ *716,645	\$ *554,011	\$186,508	\$194,423	\$120,856	\$145,378
Mediation	0	0	0	155,733	197,098	128,201	108,550
Withdrawals with Settlement**	266,062	89,300	134,538	97,516	206,407	165,027	115,385
Conciliation	285,799	309,859	84,900	286,403	235,215	179,810	383,480
Public Hearing	38,500	13,656	0	132,392	22,800	41,000	202,997
Litigation***	102,980	0	6,130	0	32,300	23,500	0
<b>TOTAL</b>	<b>\$1,392,277</b>	<b>\$1,129,460</b>	<b>\$779,579</b>	<b>\$858,552</b>	<b>\$888,243</b>	<b>\$658,394</b>	<b>\$955,790</b>

\* This amount includes cases that have been mediated.

\*\* 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.

**TABLE 16: CASES UNINVESTIGATED**

(Lincoln, Omaha, and Scottsbluff)

	<b>FY 01/02</b>	<b>FY 02/03</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
<b><u>FISCAL YEAR 01/02</u></b>						
July - Dec. (2001)	142	0	0	0	0	0
Jan. - June (2002)	538	21	1	0	0	0
<b><u>FISCAL YEAR 02/03</u></b>						
July - Dec. (2002)		159	3	1	0	0
Jan. - June (2003)		525	22	0	0	0
<b><u>FISCAL YEAR 03/04</u></b>						
July - Dec. (2003)			164	5	0	0
Jan. - June (2004)			694	26	3	1
<b><u>FISCAL YEAR 04/05</u></b>						
July - Dec. (2004)				354	26	2
Jan. - June (2005)				602	143	10
<b><u>FISCAL YEAR 05/06</u></b>						
July - Dec. (2005)					349	25
Jan. - June (2006)					586	184
<b><u>FISCAL YEAR 06/07</u></b>						
July - Dec. (2006)						330
Jan. - June (2007)						454
<b>TOTALS</b>	<b>708</b>	<b>705</b>	<b>884</b>	<b>988</b>	<b>1,107</b>	<b>1,006</b>

**TABLE 17: CASES UNINVESTIGATED**

(LCHR, HUD and EEOC)

	<b>FY 01/02</b>	<b>FY 02/03</b>	<b>FY 03/04</b>	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
<b><u>FISCAL YEAR 01/02</u></b>						
July - Dec. (2001)	73	14	3	2	0	0
Jan. - June (2002)	84	38	1	1	0	0
<b><u>FISCAL YEAR 02/03</u></b>						
July - Dec. (2002)		68	8	3	1	1
Jan. - June (2003)		85	16	3	0	0
<b><u>FISCAL YEAR 03/04</u></b>						
July - Dec. (2003)			49	0	0	0
Jan. - June (2004)			68	23	0	0
<b><u>FISCAL YEAR 04/05</u></b>						
July - Dec. (2004)				63	10	0
Jan. - June (2005)				61	42	4
<b><u>FISCAL YEAR 05/06</u></b>						
July - Dec. (2005)					62	19
Jan. - June (2006)					72	43
<b><u>FISCAL YEAR 06/07</u></b>						
July - Dec. (2006)						48
Jan. - June (2007)						84
<b>TOTALS</b>	<b>343</b>	<b>365</b>	<b>274</b>	<b>285</b>	<b>187</b>	<b>199</b>

**TABLE 18: CHARGE INTAKE**

	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Omaha	804 ( 53%)	605 ( 44%)	539 ( 46%)
Lincoln	558 ( 37%)	579 ( 43%)	518 ( 45%)
<u>Scottsbluff</u>	145 ( 10%)	181 ( 13%)	109 ( 9%)
<b>TOTAL</b>	1,507 (100%)	1,365 (100%)	1,166 (100%)

**NOTES/HIGHLIGHTS**

Total of 1,166 represents a 15 decrease from FY 05/06 intake, and an 23% decrease from FY 04/05 total intake.

Omaha total of 539 represents an 11% decrease from FY 05/06 office intake.

Lincoln total of 518 represents an 11% decrease from FY 05/06 office intake.

Scottsbluff total of 109 represents a 40% decrease from FY 05/06 office intake.

**TABLE 19: INVESTIGATOR CASE COMPLETION**

	<b>FY 04/05</b>	<b>FY 05/06</b>	<b>FY 06/07</b>
Investigations	1,011 ( 80%)	902 ( 82%)	875 ( 80%)
Settlements	143 ( 11%)	92 ( 8%)	95 ( 8%)
<u>Admin. Closures</u>	108 ( 9%)	106 ( 10%)	129 ( 2%)
<b>TOTAL</b>	1,262 (100%)	1,100 (100%)	1,100 (100%)

**NOTES/HIGHLIGHTS:**

Total of 1,100 completions represents no change over FY 05/06 totals, and a 13% decrease over FY 04/05 totals.

Investigations (875) represents 80% of total, compared to 82% in FY 05/06 and 80% in FY 04/05.

Settlements (95) represents 8% of total, compared to 8% in FY 05/06 and 11% in FY 04/05.

Administrative Closures (129) represents 12% of total, compared to 10% in FY 05/06 and 9% in FY 04/05.

**CASE COMPLETION SUMMARY TABLES  
FY 02/03 – 06/07**

**TABLE 20: AVERAGE INVESTIGATION HOURS**

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Hours/File	9.2	8.7	8.8	18.3	10.2



**TABLE 21: AVERAGE DAYS PER INVESTIGATION**

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Average Days	99.6	80.5	82.9	86.1	94.3



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

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Filing to Assignment	104	126	146	171	229
Filing to Determination	239	240	257	296	364



**TABLE 23: CONCILIATION TIME PER CASE**

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Hours Average	5	6	7	6	8
Days Average	74	63	82	64	92



**TABLE 24: CAUSE/SETTLEMENT CASES**

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Percentage of Total Comm. Determinations	18%	21%	20%	16%	18%



**TABLE 25: CAUSE CASES**

	<u>FY 02/03</u>	<u>FY 03/04</u>	<u>FY 04/05</u>	<u>FY 05/06</u>	<u>FY 06/07</u>
Percentage of Cause and/or No Cause Cases	9%	12%	11%	11%	9%

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

**FY 06/07**

<b>FEPA</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOM</b>	<b>TOTAL</b>
67	17	0	6	3	93

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

**FY 06/07**

<b>BASIS</b>	<b>CASES</b>	<b>BASIS</b>	<b>CASES</b>
Race	10	Disability	16
Color	10	Religion	3
Sex	14	Marital Status	0
Sex-Pregnancy	3	Retaliation	24
National Origin	21	Retaliation – Whistleblower	1
Age	13	Familial Status	2

**TABLE 28: REASONABLE CAUSE CASES BY ISSUE**

**FY 06/07**

<b>ISSUES</b>	<b>CASES</b>	<b>ISSUES</b>	<b>CASES</b>
Hire	10	Constructive Discharge	3
Promote	6	Conditions of Employment	24
Harassment	4	Reasonable Accommodation	8
Demotion	2	Suspension	1
Discipline	3	Reduction of Hours	2
Discharge	40	Rent/Show House	2
Assignment	1	Terms Occupancy	3
Reinstatement	1	Public Services	3

**TABLE 29: CONCILIATION SUMMARY**

**FY 06/07**

Total Conciliations Attempted.....	119
Successful .....	29
Unsuccessful (Forwarded to Hearing) .....	30
Unsuccessful (Forwarded to Civil Action-Housing) .....	2
Administratively Closed .....	58*
(See Breakdown Below)	
a. Withdrawal with Settlement .....	0
b. Withdrawal without Settlement .....	0
c. Failure of Complainant to Cooperate.....	0
d. Unable to Locate Complainant .....	2
e. Unsuccessful - Dismissals.....	34*
f. Lack of Jurisdiction.....	0
g. Complainant Filing in Court.....	22
h. Bankruptcy of Respondent.....	0
<b>Total Dollars .....</b>	<b>\$383,480</b>

\*This figure includes 2 adopted decisions.



**TABLE 30: CONCILIATIONS**

<b>FISCAL YEAR</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>	<b>2005/06</b>	<b>2006/07</b>
Cases to Conciliation (Reasonable Cause)	84	124	106	108	93
Cases Pending from Prior Fiscal Year	11	20*	19**	15	41
<b>TOTAL CASES</b>	95	144	125	123	134
Conciliations Attempted	76	123	110	82	119
Successful Conciliations	20	35	41	24	29
Unsuccessful Conciliations	11	18	25	11	32
Conciliations Administratively Closed	45	70	44	47	58
<b>MONETARY RELIEF</b>	\$84,900	\$286,403	\$235,415	\$179,810	\$383,480
Conciliation Pending	19	21	15	41	13

\*A case was reinstated.

\*\*The decision on two of the pending cases was reversed.

**TABLE 31: SUCCESSFUL CONCILIATION DETAIL**

<b>DISCRIMINATORY ACT</b>	<b>AWARD TO COMPLAINANT</b>
Age (termination)	\$60,000
Disability (failure to hire)	\$5,000
Sex (termination)	\$5,000
Sex Harassment	\$1,500; 97.83 owed removed from tenant record
Race/color (assignment)	\$2,000; Change in policy
Disability (termination)	\$19,500
Disability (termination)	\$7,200; removal of physician's letter; neutral reference
Race/color (termination)	\$27,000 back pay; \$750 attorney fees
Retaliation (intimidation)	\$2,000; cease and desist actions; apology
Sex (failure to promote)	\$11,000
Sex (termination)	\$10,000; 900 attorney fees
Retaliation (constructive discharge)	\$15,750
Sex-pregnancy (failure to hire)	\$1,000; policy change
Age (termination)	\$20,000; neutral reference
Sex (failure to hire)	\$7,300.80
National Origin (failure to promote)	\$950; neutral reference
Age (termination)	\$1,250
Disability (failure to accommodate & termination)	\$12,500
Retaliation (termination)	\$18,000
Disability (termination)	\$1,500
Sex (terms & condition, termination)	\$27,500; removal of discipline

Retaliation	\$4,650
Disability (failure to accommodate)	\$22,881; neutral reference
Age & Disability	\$25,000
Sex (termination)	\$18,000
Retaliation	\$250; training; apology
Age (termination)	\$49,500; 5,500 attorney fees

## 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 2006/2007, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

**TABLE 32: PUBLIC HEARINGS**

<b>Fiscal Year</b>	<b>00/01</b>	<b>01/02</b>	<b>02/03</b>	<b>03/04</b>	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>
Numbered Ordered	11	14	11	14	24	10	30
Number Held*	1	2	4	2	3	5	21
Number Carried Over	19	6	8	7	13	23	7
Orders Issued (Final)	24	12	12	8	14	26	31
Backlog	6	8	7	13	23	7	6

\*A full and complete hearing was conducted.

**TABLE 33: PUBLIC HEARING DISPOSITION**  
**JULY 2006 - JUNE 2007**

<b>Total Final Orders Issued</b>	<b>31</b>
<b>Outcome of Final Orders:</b>	
Violation found	9
No Violation found	12
Settlement Prior to Hearing	3
Withdrawal with Settlement	1
Withdrawal without Settlement	1
Failure to Cooperate	3
Failure to Locate	1
Adopted	0
Bankruptcy of Respondent	0
Complainant Filing/Filed in Court	1
Other	0

**TABLE 34: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2007**

<b><u>Complainant</u></b>	<b><u>Respondent</u></b>	<b><u>Case No.</u></b>	<b><u>Hearing Examiner</u></b>
Wilson	Kentucky Fried Chicken	2009-PA	Crawford
Coronado	Barney G. Inc.	2101-H	Scudder
Gonzalez	Barney G. Inc.	2153-H	Scudder
Velez	Barney G. Inc.	2174-H	Scudder
Al-Shams	Omaha Public Schools	36066	Gilg
Ferguson	Tri-Con Industries	36150	Frost

**TABLE 35: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY  
COMPLAINANT AS OF JUNE 30, 2007**

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

**TABLE 36: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY  
THE HEARING EXAMINER AS OF JUNE 30, 2007**

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

**HEARING DISPOSITION SUMMARY**  
**July 1, 2006 through June 30, 2007**

**NEB 2-04/05-2-35180**

**Conn vs. Omaha Performing Arts Society**  
**Sex (Wages)**

The Complainant alleged discrimination based on her sex. The Complainant stated she learned from a coworker that “upper management” decided to grant pay increases to only the male staff members, not female staff members. Subsequently, both male employees received a \$1.00/hour pay increase whereas Complainant and another female employee were denied a pay increase. The Commission made a reasonable cause determination. The case was forwarded to public hearing. The parties reached a settlement prior to the public hearing. The Hearing Examiner therefore recommended the case be dismissed. The Commission accepted the Hearing Examiner’s recommendation and closed the case based on the settlement.

**NEB 1-04/05-11-35065**

**Bockstadter vs. Beverly Enterprises-Nebraska, Inc.**  
**Disability (Failure to Accommodate and Termination)**

The Complainant alleged discrimination based upon her disability. The Complainant stated she submitted a doctor’s statement requesting an accommodation to her work environment, including assistance with getting caught up on her workload due to disability related absences. Complainant’s employment was terminated when she was asked to resign. The Commission made a reasonable cause determination. The case was forwarded to public hearing. The Hearing Examiner recommended the Respondent be found to have unlawfully discriminated against the Complainant on the basis of disability and that the Complainant be granted the relief set forth in the Hearing Examiner’s Findings of Fact and Recommended Order and Decision. The Commission accepted the Hearing Examiner’s Findings of Fact and Recommended Order and Decision as its official Final Order of the Commission.

**NEB 2-05/06-7-35854**

**Yeoman vs. DLR Group**  
**Disability (Termination)**

The Complainant alleged discrimination based on a perceived disability. The Complainant stated she was terminated for alleged poor performance. The Complainant contends she was not formally warned that her performance was deficient or that her job was in jeopardy. Complainant claims Respondent did not follow its own policy regarding corrective/disciplinary action and progressive performance improvements. The Commission made a reasonable cause determination. The case was forwarded to public hearing. The Hearing Examiner recommended dismissal of this case due to a Complaint and Jury Demand that was filed in the United States District Court for the District of Nebraska. The Commission accepted the Hearing Examiner’s Recommended Order and administratively dismissed this case.

**NEB 2-05/06-10-2037**

**Parks, Jr. vs. St. Rose Bingo d/b/a St. Rose Church of Omaha  
Race and Color (Public Accommodation)**

The Complainant alleged discrimination based on his race and color. The Complainant contended that white patrons may save seats at the bingo hall that black patrons are asked to move if sitting in a white patron's seat, and that white patrons are not asked to move when sitting in a black patron's seat. The Commission made a reasonable cause determination. The case was forwarded to public hearing. The parties settled this matter and the case was closed.

**NEB 2-04/05-10-34823**

**Funkhouser vs. DLR Group  
Disability (Terms and Conditions and Termination)**

The Complainant alleged discrimination based on her disability (perceived). The Complainant stated that following her return to work from disability – related surgery, she was treated differently by her supervisor and her position was terminated. The Commission made a reasonable cause determination. The case was forwarded to public hearing. Prior to the public hearing the parties entered into a conciliation agreement. The Hearing Examiner recommended the Commission dismiss this case based on the settlement. The Commission accepted the Hearing Examiner's Recommended Settlement Order and Dismissal and closed this case.

**NEB 1-05/06-3-2060**

**Campos vs. Barney G., Inc.  
National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainant alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. This case was sent to Public Hearing. Prior to the public hearing, the Complainant withdrew his case to go to court. The Hearing Examiner ordered this case closed because of the court filing.

**NEB 1-05/06-3-2073**

**Nunez vs. Barney G., Inc.  
National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainant alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. This case was sent to Public Hearing. The Hearing Examiner dismissed this case because the Complainant failed to appear at the public hearing to support her allegations of discrimination.

**NEB 1-05/06-3-2081**

**Garcia vs. Barney G., Inc.**

**National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainant alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. This case was sent to Public Hearing. The Hearing Examiner dismissed this case because the Complainant failed to appear at the public hearing to support his allegations of discrimination.

**NEB 1-05/06-3-2085**

**Sanchez vs. Barney G., Inc.**

**National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainant alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. This case was sent to Public Hearing. The Hearing Examiner dismissed this case because the Complainant failed to appear at the public hearing to support his allegations of discrimination.

**NEB 1-05/06-3-2067 – N. H. Hernandez vs. Barney G., Inc.**

**NEB 1-05/06-3-2069 – Sentivanes vs. Barney G., Inc.**

**NEB 1-05/06-3-2071 – Martinez vs. Barney G., Inc.**

**NEB 1-05/06-3-2075 – L. Mendez vs. Barney G., Inc.**

**NEB 1-05/06-3-2083 – J. A. Hernandez vs. Barney G., Inc.**

**NEB 1-05/06-3-2087 – C. Hernandez vs. Barney G., Inc.**

**NEB 1-05/06-3-2089 – N. S. Hernandez vs. Barney G., Inc.**

**NEB 1-05/06-3-2091 – E. Hernandez vs. Barney G., Inc.**

**NEB 1-05/06-3-2097 – J. L. Hernandez vs. Barney G., Inc.**

**National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainants alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. These cases were sent to Public Hearing. The Hearing Examiner issued the Findings of Fact Conclusions of Law and Order of Dismissal. The Hearing Examiner found in favor of the Respondent.

**NEB 1-05/06-3-2063 – H. Mendez vs. Barney G., Inc.**

**NEB 1-05/06-3-2065 – Saucedo vs. Barney G., Inc.**

**NEB 1-05/06-3-2077 – Zamarripa vs. Barney G., Inc.**

**NEB 1-05/06-3-2079 – Quezada vs. Barney G., Inc.**

**NEB 1-05/06-3-2093 – Macias vs. Barney G., Inc.**

**NEB 1-05/06-3-2095 – Gutierrez vs. Barney G., Inc.**



**NEB 1-05/06-3-2099 – Perez vs. Barney G., Inc.**  
**NEB 1-05/06-3-2106 – Placencia vs. Barney G., Inc.**  
**National Origin and Retaliation (Terms and Conditions and Attempted Termination of Tenancy)**

The Complainants alleged discrimination on the basis of National Origin and Retaliation. The Commission made a Reasonable Cause determination. These cases were sent to Public Hearing. The Hearing Examiner issued the Findings of Fact Conclusions of Law and Order. The Hearing Examiner found in favor of the Complainants and ordered judgments to be awarded in each case.

**NEB 1-04/05-2-35319**  
**Pino vs. Pappas Telecasting of Central Nebraska**  
**Pregnancy (Discharge)**

The Complainant alleged her supervisor made it known that she disapproved of Complainant's pregnancy and treated her differently. After returning to work from maternity leave she found the locks to her office were changed, she was locked out of the computer system, and a new hire was sitting at her former desk. Complainant alleges others who were off work for non-pregnant medical reasons have not been similarly treated. The Commission found Reasonable Cause in this case. The case was sent to public hearing. The Hearing Examiner recommended that the complaint against the Respondent be dismissed and that the Complainant be granted no relief. The Commission accepted the Hearing Examiner's recommended order and dismissed this case.

**NEB 2-05/06-7-35855**  
**Feilmann vs. All Saints Catholic School**  
**Whistleblower (Discharge)**

The Complainant stated there was an incident with suspected abuse of a student. The Complainant stated he was told by the Principal "not to call anyone", which he inferred to mean that if he did call, he would be terminated. Complainant stated he filed a complaint as required by law regarding the suspected abuse of a student. Complainant stated that after making the complaint, the Principal was hostile toward him and refused to participate in the investigation of the complaint. In July, the Principal notified him, via mail, that his contract for the next school year would not be renewed. The Complainant alleged that he was terminated in retaliation for making the complaint in May. The Commission found Reasonable Cause. The case was sent to public hearing. Prior to a public hearing, the Complainant withdrew his complaint because the case had been settled to his satisfaction. The Hearing Examiner recommended and the Commission dismissed this case based on the Complainant's withdrawal.

**NEB 1-04/05-1-35226**  
**Cook vs. Union Pacific Railroad**  
**Disability (Reinstatement)**

The Complainant alleged discrimination based upon his Record of Disability. The Complainant stated he was released to full duty by his physician and had made regular attempts to be returned to work. The Respondent had taken no action to return Complainant to work. The Complainant stated he learned the Respondent changed his status from “disabled” to “retired” and he denied he was terminated, quit or resigned. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner recommended dismissal of this case. The Hearing Examiner stated the Complainant be barred from having a hearing by the Statute of Limitations, the concept of Judicial Estoppel and the fact the Complainant failed to establish a record of disability. The Commission accepted the Hearing Examiner’s recommendations and dismissed this case.

**NEB 2-04/05-6-35689**  
**Palmtag vs. Sun Newspapers of Lincoln, Inc.**  
**Disability (Discharge)**

The Complainant alleged discrimination based on his disability. The Complainant stated he was terminated for alleged absenteeism. The Complainant also contended that his job performance was satisfactory and that Respondent was aware that his absences were due to complications related to his disability. Complainant stated he was terminated after he was released back to work and he believes Respondent terminated him because it was concerned that his disability would result in further complications requiring more time off. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner recommended to the Commission that the case be dismissed and a decision be rendered in favor of the Respondent. The Commission accepted the Hearing Examiner’s recommendation and dismissed this case.

**NEB 1-03/04-8-33184**  
**Atkins vs. Q-Edge**  
**Retaliation (Discharge)**

The Complainant alleged discrimination on the basis of Retaliation. The Complainant stated she was not allowed to return to work at Respondent’s facility following her complaint of sexual harassment. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Examiner recommended that the Commission administrative close and dismiss this case for the reason that the attorney of record cannot locate his client. The Commission accepted the Hearing Examiner’s recommendation and dismissed this case.