

STATE OF NEBRASKA

EQUAL OPPORTUNITY COMMISSION



ANNUAL REPORT

Fiscal Year 2009/2010

www.neoc.ne.gov

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Public Education and Outreach

Under the Rules and Regulations of the Fair Employment Practice Act and the Nebraska Fair Housing Act, the NEOC is required, by statute, to engage in education and outreach activities for the purposes of educating the public about the discrimination laws of the state. Further, the NEOC is to consult with local officials and persons in the employment and housing community to accomplish enforcement and compliance with these laws.

The NEOC continues to conduct Technical Assistance programs for the housing and employment industries for the State of Nebraska, including Scottsbluff/Gering, Grand Island, North Platte, South Sioux City, Lincoln, and Omaha. Sessions of voluntary participation have been hosted by a variety of entities including groups of realtors, hospitals, and universities in both Lincoln and Omaha. In particular, the Nebraska Real Estate Commission approved a course for salespersons and brokers entitled Discrimination Issues Under the Fair Housing Act (0282R) for which they received three (3) CEU credit hours. During the past year, over 100 realtors have received credit for taking this course in Gering, North Platte, and Omaha. Many property owners, real estate management companies, and internet advertisers have received training in several prominent issues of housing discrimination. The main topics of training included: information on service/companion animals, occupancy standards, accessibility in housing, and renting to families with children.

The training sessions for employers covered many key-topics and issues which include such items as workplace harassment; sexual harassment; non-discriminatory hiring and firing procedures; reasonable accommodations for disability and religious practices, waivers, and English-only rules. Many employers have requested presentations on criminal background checks, pregnancy discrimination, and how to conduct an internal investigation. In both employment and housing, the NEOC was one of the first entities to create a presentation on the Americans with Disabilities Amendment Act of 2008. The course was approved by the US Equal Employment Opportunity Commission (EEOC) and reviewed by the Department of Housing and Urban Development (HUD).

Some educational activities are not voluntary. Participation is mandatory pursuant to an agreement reached through mediation, settlement, or conciliation of a case. In these instances, the parties to a charge of discrimination agree that the business should conduct training in discrimination laws for its staff. These sessions are generally attended by smaller groups with emphasis on the specific discriminatory issues of a charge. Evaluation tools demonstrate recipients have appreciated and welcomed the provided education. Proactively it improves the business-practice of companies in other parts of the country as well, if they have more than one location. The EEOC requested the NEOC to complete training of an entity pursuant to its completion of a case. The State of Nebraska, through the NEOC, has a stake in assuring that companies receive the education and technical assistance needed to conduct business in a way that does not trample the civil rights of residents and workers.

The NEOC will continue to provide businesses and realtors with the support they need because it is the will of our legislators to do so under our five discrimination laws. We look forward to the interaction with the community of businesses. Based on their responses, they look forward to the information, education, and outreach the NEOC provides.

**TABLE 1: CHARGES OF ALLEGED DISCRIMINATION
FILED DURING PREVIOUS AND CURRENT YEARS BY STATUTE
2003/04 – 2009/10**

YEAR	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOMM.	TOTAL
2003/04	1,090	21	226	94	52	1,483
2004/05	1,113	20	288	36	50	1,507
2005/06	967	20	276	83	19	1,365
2006/07	837	14	220	57	38	1,166
2007/08	876	12	235	66	37	1,226
2008/09	997	23	253	68	33	1,374
2009/10	840	29	249	79	28	1,225

- FEPA** -FAIR EMPLOYMENT PRACTICE ACT
- EQ PAY** -EQUAL PAY ACT OF NEBRASKA
- AGE** -NEBRASKA AGE DISCRIMINATION IN EMPLOYMENT ACT
- 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 2: BASIS OF CHARGES FILED BY STATUTE
FY 2009/10

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	255	0	0	57	21	333
COLOR	206	0	0	6	21	233
SEX	272	26	0	13	6	317
SEX-PREGNANCY	33	0	0	0	0	33
AGE (40-70)	0	0	235	0	0	235
RELIGION	30	0	0	5	0	35
NATIONAL ORIGIN/ ANCESTRY	168	0	0	13	6	187
DISABILITY	254	0	0	37	0	291
MARITAL STATUS	6	0	0	0	0	6
FAMILIAL STATUS	0	0	0	10	0	10
RETALIATION	345	7	52	12	5	421
RETALIATION (Whistleblower)	81	0	0	0	0	81

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

**TABLE 3: ISSUES IN EMPLOYMENT AND PUBLIC
ACCOMMODATIONS CHARGES FILED IN FY 2009/10**

<u>ISSUE</u>	<u>NUMBI</u>
Discharge	549
Terms and Conditions of Employment	333
Harassment	288
Discipline	192
Reasonable Accommodation	103
Wages	85
Constructive Discharge	76
Failure to Hire	67
Sexual Harassment	64
Failure to Promote	56
Assignment	55
Suspension	49
Demotion	33
Public Accommodation Issue	27
Failure to Train	24
Benefits	20
Union Representation	14
Benefits-Insurance	12
References Unfavorable	11
Reinstatement	9
Other	8
Intimidation	7
Layoff	7
Prohibited Medical Inquiry/Exam	3
Severance Pay Denied	3
Benefits-Retirement/Pension	2
Seniority	2
Testing	1
Job Classification	1
Recall	1
Involuntary Retirement	1
Advertising	1

TABLE 4: ISSUES IN HOUSING CHARGES FILED FY 2009/10

<u>ISSUE</u>	<u>NUMBE</u>
Discriminatory Acts under Section 818 (coercion, etc.)	27
Terms, Conditions, Privileges Relating to Rental	25
Discriminatory Terms, Conditions, Privileges, or Services and Facilities	13
Failure to Make Reasonable Accommodations	12
Refusal to Rent	10
Discrimination in Services and Facilities Relating to Rental	4
Other Discriminatory Acts	3
Discriminatory Financing	2
Refusal to Negotiate for Rental	1
Otherwise Deny or Make Housing Available	1
Failure to Provide an Accessible Route into and Thru the Covered Unit	1
Discriminatory Acts under Section 901 (Criminal)	1

TABLE 5: COMPLAINANT CHARACTERISTICS**FY 07/08**

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
White	222	314	536	44%
Black	175	209	384	31%
Hispanic	86	63	149	12%
Asian/Pacific Islander	11	11	22	2%
Nat Am/Al Nat	8	8	16	1%
Middle Eastern	18	2	20	2%
Other	28	50	78	6%
TOTAL CHARGES FILED BY INDIVIDUALS	548	657	1,205	
NEOC Initiated/Multiple Entities	--	--	21	2%
TOTAL OF ALL CHARGES	548	657	1,226	100%

FY 08/09

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
White	238	337	575	41%
Black	282	233	515	37%
Hispanic/Mexican	71	78	149	11%
Asian/Pacific Islander	4	2	6	1%
Nat Am/Al Nat	5	5	10	1%
Middle Eastern	13	2	15	1%
Other	47	52	99	7%
TOTAL CHARGES FILED BY INDIVIDUALS	660	709	1,369	
NEOC Initiated/Multiple Entities	--	--	5	1%
TOTAL OF ALL CHARGES	660	709	1,374	100%

FY 09/10

<u>RACE</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>	<u>PERCENT</u>
White	196	284	480	47%
Black	137	134	271	27%
Hispanic/Mexican	72	75	147	14%
Asian/Pacific Islander	3	5	8	1%
Nat Am/Al Nat	10	8	18	2%
Middle Eastern	6	1	7	1%
Other	20	63	83	8%
TOTAL CHARGES FILED BY INDIVIDUALS	444	570	1,014	
NEOC Initiated/Multiple Entities	--	--	1	0%
TOTAL OF ALL CHARGES	444	570	1,015	100%

TABLE 6: TOP TEN COUNTIES FOR CHARGES FILED

<u>COUNTY</u>	<u>FY 07/08</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		605	49%
2. Lancaster		242	20%
3. Sarpy		61	5%
4. Scotts Bluff		53	5%
5. Hall		28	2%
6. Holt		18	2%
7. Buffalo		15	1%
8. Adams		14	1%
9. Dakota		13	1%
10. Box Butte		<u>12</u>	<u>1%</u>
TOTAL OF TOP TEN		1,061	87%
TOTAL OF ALL CHARGES		1,226	100%

<u>COUNTY</u>	<u>FY 08/09</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		594	43%
2. Lancaster		237	18%
3. Hall		197	15%
4. Sarpy		64	5%
5. Scotts Bluff		44	3%
6. Dawson		18	1%
7. Platte		17	1%
8. Lincoln		17	1%
9. Madison		15	1%
10. Buffalo		<u>13</u>	<u>1%</u>
TOTAL OF TOP TEN		1,216	89%
TOTAL OF ALL CHARGES		1,374	100%

<u>COUNTY</u>	<u>FY 09/10</u>	<u>NUMBER</u>	<u>PERCENT</u>
1. Douglas		503	49%
2. Lancaster		191	19%
3. Scotts Bluff		41	4%
4. Sarpy		37	4%
5. Hall		26	3%
6. Lincoln		22	2%
7. Dawson		13	1%
8. Platte		11	1%
9. Buffalo		11	1%
10. Dakota		<u>10</u>	<u>1%</u>
TOTAL OF TOP TEN		865	85%
TOTAL OF ALL CHARGES		1,015	100%

TABLE 7: CHARGES NOT DOCKETED

In FY 09/10, the Commission conducted a total of 1,146 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

FY 09/10

<u>Reason for Non-Filing</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
1. Respondent has too few employees	37	59	3	99
2. Allegations outside the Statute of Limitations	22	31	2	55
3. Complainant had no standing or basis to file	253	270	48	571
4. Informed of right to file, but declined to file	192	211	18	421
TOTAL NON-DOCKETED	504 (44%)	571 (50%)	71 (6%)	1,146 (100%)

TABLE 8: TECHNICAL ASSISTANCE TO THE PUBLIC

In addition to conducting screenings which led to no formal action by the Commission, the Commission staff also fielded 4,676 other inquiries from the public in FY 09/10. The inquiries can be broken down as follows:

FY 09/10

<u>Contact Type</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
5. General Questions Answered	400	1,542	97	2,039
6. Employer Inquires	185	250	4	439
7. Information Sent	33	29	25	87
8. Referred to an appropriate source of assistance	118	136	49	303
9. Complainant Inquiry	538	1,100	170	1,808
TOTALS	1,274 (27%)	3,057 (65%)	345 (8%)	4,676 (100%)
TOTALS - ALL CONTACTS	1,778 (31%)	3,628 (62%)	416 (7%)	5,822 (100%)

Along with the above stated data, there were 25,988 hits to the NEOC home page in FY 09/10. 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 educational information. Individuals also have the opportunity to learn about the Commission, the laws, and how to file a complaint.

TABLE 9: COMMISSION DETERMINATIONS

		FY 07/08	FY 08/09	FY 09/10
Reasonable Cause	NEOC (moved to conciliation)	52	61	50
	Adopted (moved to conciliation)	0	7	7
No Reasonable Cause	NEOC	818	867	981
	Adopted	75	167	118
Pre-Determination Settlement	NEOC	78	52	70
	Adopted	7	27	24
Mediation	NEOC	26	20	27
	Adopted	0	0	1
Withdrawal With Settlement	NEOC	29	9	18
	Adopted	9	5	5
Withdrawal Without Settlement	NEOC	31	14	20
	Adopted	0	11	5
Failure to Locate	NEOC	11	3	0
	Adopted	4	0	0
Failure to Cooperate	NEOC	52	4	2
	Adopted	2	1	0
Lack of Jurisdiction	NEOC	50	37	35
	Adopted	0	3	2
Complainant Filing/Filed in Court	NEOC	16	17	18
	Adopted	14	20	8
Other	NEOC	5	8	8
	Adopted	0	1	3

Table 9: COMMISSION DETERMINATIONS (continued)

		FY 07/08	FY 08/09	FY 09/10	
Conciliations	Successful Conciliations	15	23	27	
	Successful Conciliations – Adopted	0	5	7	
	Unsuccessful Conciliations - Dismissals	24	16	11	
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	11	12	11	
	Other - Adopted	0	2	0	
	Unsuccessful Conciliations to Public Hearing or Civil Action	6	7	12	
	Public Hearings	For Complainant	3	1	1
		For Respondent	2	0	2
Negotiated Settlement		1	2	1	
Failure to Cooperate		1	0	0	
Complainant Filing/Filed in Court		0	1	1	
Other		2	0	0	
Adopted		0	0	0	
Civil Action (Housing)	Negotiated Settlements	1	0	5	
	Other	1	2	1	

TABLE 10: COMMISSION INITIAL DETERMINATIONS (CLOSED CASES)
BY STATUTE
FY 09/10

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.
1,012	281	22	56	34

TABLE 11: LACK OF JURISDICTION BREAKDOWN

REASON FOR LACK OF JURISDICTION	FY 07/08
Not enough employees	21
Untimely filed	13
No employer/employee relationship	8
Other	3
No Standing to File under the Public Accommodations Law	1
Harms Occurred Out of State	1
Complainant Didn't Work in Nebraska	1
Respondent No Longer in Business	1
Respondent Not an Employer Under the Law	1
TOTAL	50

REASON FOR LACK OF JURISDICTION	FY 08/09
Not enough employees	16
No employer/employee relationship	11
Untimely filed	6
Other	3
Respondent no longer in business	2
Respondent Not an Employer Under the Law	1
Respondent Does Not Offer Services to the General Public	1
TOTAL	40

REASON FOR LACK OF JURISDICTION	FY 09/10
Not enough employees	20
No employer/employee relationship	6
No service denied	4
Untimely filed	2
Religious exemption	2
Wrong Respondent named	1
Private membership club	1
Issues don't fall under the law	1
TOTAL	37

TABLE 12: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 03/04 – 09/10

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
03/04	21.0	294
04/05	20.3	283
05/06	15.7	212
06/07	17.5	204
07/08	15.7	201
08/09	13.6	181
09/10	14.4	202

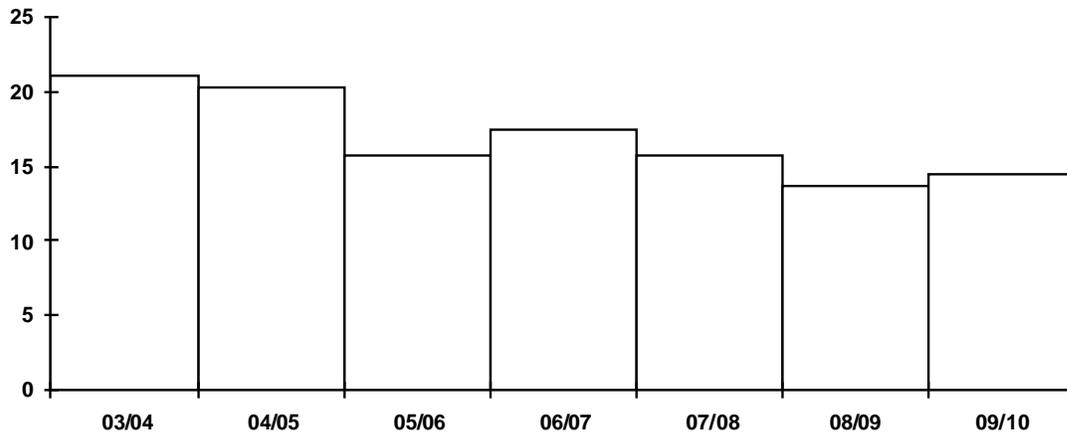


TABLE 13: ALTERNATIVE DISPUTE RESOLUTION

	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Sent for Mediation	65	68	60	57
Successful Mediation	26	26	20	27
Failed Mediation	15	14	15	7
Pre-Determination Settlement	12	21	13	18
Withdrawal with Settlement	2	6	2	3
No Longer Wanted to Pursue Mediation	9	1	8	3
Pending	8	8	10	9

NEOC developed the Alternative Dispute Resolution (ADR) Program in 2004/2005. The focus of ADR is to resolve pending charges prior to a determination being issued by the Commission. Mediation typically involves the parties meeting face to face with a mediator to discuss resolution whereas the Pre-Determination Settlement (PDS) process involves discussion of resolution between the parties as relayed (usually via telephone) by the mediator or NEOC staff. As indicated in Table 15, occasionally parties who express interest in mediation enter into a PDS agreement without actually participating in a face-to-face mediation; therefore, requests for mediation versus PDS are not mutually exclusive.

NOTES/HIGHLIGHTS:

In FY 2006/2007: out of 55 cases attempted in ADR, 73% were successfully resolved.
In FY 2007/2008: out of 67 cases attempted in ADR, 79% were successfully resolved.
In FY 2008/2009: out of 50 cases attempted in ADR, 70% were successfully resolved.
In FY 2009/2010: out of 55 cases attempted in ADR, 87% were successfully resolved.

TABLE 14: TOTAL MONETARY RELIEF OBTAINED

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Pre-Determination Settlements	\$186,508	\$194,423	\$120,856	\$145,378	\$248,087	\$162,688	\$ 432,873
Mediation	155,733	197,098	128,201	108,550	242,935	154,925	302,692
Withdrawals with Settlement*	97,516	206,407	165,027	115,385	221,450	93,360	40,272
Conciliation	286,403	235,215	179,810	383,480	125,791	219,569	281,486
Public Hearing	132,392	22,800	41,000	202,997	73,946	78,745	0
Litigation**	0	32,300	23,500	0	0	0	2,400
TOTAL	\$858,552	\$888,243	\$658,394	\$955,790	\$912,209	\$709,287	\$1,059,723

* 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 15: CHARGE INTAKE

	FY 07/08	FY 08/09	FY 09/10
Omaha	561 (46%)	539 (39%)	463 (46%)
Lincoln	593 (48%)	765 (56%)	481 (47%)
<u>Scottsbluff</u>	72 (6%)	70 (5%)	71 (7%)
TOTAL	1,226 (100%)	1,374 (100%)	1,015 (100%)

NOTES/HIGHLIGHTS

The Commission, this past fiscal year, started using a new charge tracking system. Because of the new system, the Commission changed its procedure of assigning case numbers to charges that are filed. In the past, a charge number was assigned for each law cited in a charge. The Commission now assigns one number per charge filed. This is the reason the FY 09/10 charge intake numbers are lower. The Annual Report for FY 10/11 will reflect better comparable data.

TABLE 16: INVESTIGATOR CASE COMPLETION

	FY 07/08	FY 08/09	FY 09/10
Investigations	870 (75%)	886 (85%)	1,031 (84%)
Settlements	133 (11%)	73 (7%)	88 (7%)
Admin. Closures	165 (14%)	79 (8%)	110 (9%)
TOTAL	1,168 (100%)	1,038 (100%)	1,229 (100%)

NOTES/HIGHLIGHTS:

In FY 08/09 the Commission had a large group that filed 157 charges. In FY 09/10 all of these cases were investigated. Seventy three were closed by the Commission and 84 were transferred to the U.S. Equal Employment Opportunity Commission to issue the decision.

**CASE COMPLETION SUMMARY TABLES
FY 05/06 – 09/10**

TABLE 17: AVERAGE INVESTIGATION HOURS

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Hours/File	18.3	10.2	8.7	8.5	8.9



TABLE 18: AVERAGE DAYS PER INVESTIGATION

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Average Days	86.1	94.3	98.4	93.4	103.0



TABLE 19: FROM FILING TO ASSIGNMENT AND DETERMINATION, AVERAGE DAYS -- CAUSE/NO CAUSE ONLY

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Filing to Assignment	171	229	244	196	163
Filing to Determination	296	364	382	333	304



TABLE 20: CONCILIATION TIME PER CASE

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Hours Average	6	8	7	8	8
Days Average	64	92	79	72	79



TABLE 21: CAUSE/SETTLEMENT CASES

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Percentage of Total Comm. Determinations	16%	18%	16%	14%	14%



TABLE 22: CAUSE CASES

	<u>FY 05/06</u>	<u>FY 06/07</u>	<u>FY 07/08</u>	<u>FY 08/09</u>	<u>FY 09/10</u>
Percentage of Fully Investigated Cases	11%	9%	6%	6%	5%

TABLE 23: REASONABLE CAUSE CASES BY STATUTE

FY 09/10

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM
37	7	0	13	0

TABLE 24: REASONABLE CAUSE CASES BY BASIS

FY 09/10

BASIS	CASES	BASIS	CASES
Race	8	Disability	23
Color	5	Religion	0
Sex	7	Marital Status	0
Sex-Pregnancy	1	Retaliation	11
National Origin	9	Retaliation – Whistleblower	3
Age	7	Familial Status	1

TABLE 25: REASONABLE CAUSE CASES BY ISSUE

FY 09/10

ISSUES	CASES	ISSUES	CASES
Hire	8	Suspension	1
Promote	1	Demotion	1
Harassment	8	Refusal to Rent	2
Sexual Harassment	4	Terms/Condition of Occupancy	1
Discipline	6	Inquiry of Legal Status	1
Discharge	24	Failure to Make Repairs	2
Assignment	2	Disparate Treatment	1
English Only Rule	1	Refusal to Accept Rental Assistance	1
Constructive Discharge	5	Attempted Eviction	1
Conditions of Employment	10	Refusal to Provide Utilities	1
Reasonable Accommodation	14	Threats	1
Wages	1	Intimidation	1

TABLE 26: CONCILIATION SUMMARY

FY 09/10

Total Conciliations Attempted.....	68
Successful	34*
Unsuccessful (Forwarded to Hearing)	3
Unsuccessful (Forwarded to Civil Action-Housing)	9
Administratively Closed	11
(See Breakdown Below)	
a. Unsuccessful - Dismissals.....	11
b. Complainant Filing in Court	11
Total Dollars	\$281,486

* 7-adopted EEOC's decision

TABLE 27: CONCILIATIONS

FISCAL YEAR	2005/06	2006/07	2007/08	2008/09	2009/10
Cases to Conciliation (Reasonable Cause)	108	93	52	68	57
Cases Pending from Prior Fiscal Year	15	41	15	11	14
TOTAL CASES	123	134	67	79	71
Conciliations Attempted	82	119	56	65	68
Successful Conciliations	24	29	15	28	34
Unsuccessful Conciliations	11	32	6	7	12
Conciliations Administratively Closed	47	58	35	30	22
MONETARY RELIEF	\$179,810	\$383,480	\$125,791	\$219,569	\$281,486
Conciliation Pending	41	15	11	14	3

TABLE 28: SUCCESSFUL CONCILIATION DETAIL- FY 09/10

DISCRIMINATORY ACT	AWARD TO COMPLAINANT
Employment and Public Accommodations	
Pregnancy (termination)	\$4,000 back pay; \$1,000 Compensatory; EEO training
Sex, Retaliation (sex harassment, termination)	\$7,500
Sex (same sex harassment)	\$500 back pay; \$3,000 compensatory; EEO training
Disability (termination, failure to hire)	\$7,000 back pay; \$5,500 compensatory
Age (termination)	\$37,598.32; \$3,000 attorney fees
Retaliation (constructive discharge)	\$220; letter of apology
Race, Color (terms/conditions, suspension, termination)	\$26,500 back pay; termination changed to resignation
Whistleblower (termination)	\$3,044
Disability (failure to accommodate, termination)	\$9,334; EEO training
Disability (discipline, termination)	\$2,000
Retaliation (termination)	\$5,000
National Origin (harassment, constructive discharge)	\$25,000
Sex, Retaliation (sex harassment, termination)	\$7,500
Sex (sex harassment)	\$1,000; EEO Policy; EEO training
Sex, Retaliation (sex harassment, discipline, terms/conditions, assignment, constructive discharge)	\$50,000
Disability (failure to accommodate, termination)	\$15,000
Disability (terms/conditions, termination)	\$10,000
Age (termination)	\$11,750
Disability (accommodation, discipline, constructive discharge)	\$6,000; removal of discipline; EEO training
Pregnancy (termination)	\$10,205; EEO training
Disability (pulled from duty)	\$4,424.91
National Origin (English Only Rule)	\$2,000; EEO training, revision to English only policy; letter to Complainant
Age (failure to hire)	\$15,000
Age (failure to hire)	\$4,000
Housing	
Disability (discriminatory advertising, statement and notices)	\$1,400; training
Familial Status (terms/conditions of occupancy)	\$510; training
National Origin (failure to rent)	\$2,500; training, apology

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 2009/2010, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

TABLE 29: PUBLIC HEARINGS

Fiscal Year	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Numbered Ordered	14	24	10	30	4	6	3
Number Held*	2	3	5	21	5	1	3
Number Carried Over	7	13	23	7	6	1	3
Orders Issued (Final)	8	14	26	31	9	4	5
Pending	13	23	7	6	1	3	1

*A full and complete hearing was conducted.

TABLE 30: PUBLIC HEARING DISPOSITION
JULY 2009 - JUNE 2010

Total Final Orders Issued	5
Outcome of Final Orders:	
Violation found	1
No Violation Found	2
Settlement Prior to Hearing	1
Complainant Filing/Filed in Court	1

TABLE 31: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2010

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Murph	Silver Memories, Inc.	40216	Frost

**TABLE 32: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY
COMPLAINANT AS OF JUNE 30, 2010**

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

**TABLE 33: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY
THE HEARING EXAMINER AS OF JUNE 30, 2010**

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

**TABLE 34: CIVIL ACTION DISPOSITION
JULY 2009 - JUNE 2010**

Settlement	5
Dismissal	1
<hr/> TOTAL	<hr/> 6

HEARING DISPOSITION SUMMARY
July 1, 2009 through June 30, 2010

NEB 1-08/09-9-39566

**Austin vs. Church of the Blessed Sacrament
Pregnancy (Failure to Hire)**

The Complainant alleged she was terminated based on her pregnancy. She alleged the Respondent offered her a position and when Respondent found out she was pregnant, the position was withdrawn. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Commission closed this case due to the fact the Complainant was issued a Notice of Right to Sue from EEOC.

NEB 2-07/08-4-2310-PA

**Monarrez vs. HyVee, Inc.
Race and National Origin (Denied Service)**

The Complainant alleged the Respondent refused her payment methods and accused her of theft based on her race and national origin. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Officer recommended the case be dismissed. The Commission accepted the Hearing Officer's recommendation and closed this case.

NEB 2-08/09-9-2358-PA

**Baldwin vs. No Frills Supermarkets
Race, Color and Retaliation (Denied Service)**

The Complainant alleged he was denied equal enjoyment of facilities due to racial harassment by a Respondent employee. The Commission found Reasonable Cause. The case was forwarded to public hearing. Prior to the public hearing the parties settled this case. The Hearing Officer recommended this matter be dismissed based on the fact the parties settled this case. The Commission accepted the Hearing Officer's recommendation and closed this case.

NEB 1-07/08-5-39198

**Osborn vs. BNSF Railway Co.
Disability (Reinstatement)**

The Complainant alleged discrimination based upon a perceived disability in that he has an impairment which the Respondent considers to be a disability and despite having been released for duty without restrictions, Respondent refused to reinstate him. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Officer found in favor of the Respondent. The Commission accepted the Hearing Officer's recommendation and closed this case.

NEB 2-08/09-2-2383-H
Cortesano vs. Roger & Judy Duerr
Retaliation (Inquiry of Legal Status)

The Complainant alleged discrimination on the issue of the inquiry of legal status and the basis of retaliation discrimination. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Hearing Officer found in favor of the Complainant and ordered the Respondent to immediately cease and desist from questioning occupants of their rentals about their legal status. The Commission accepted the Hearing Officer's order and closed this case.