

STATE OF NEBRASKA

EQUAL OPPORTUNITY COMMISSION



ANNUAL REPORT

Fiscal Year 2012/2013

neoc.nebraska.gov

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Public Education and Outreach

For over forty-five years, the Nebraska Equal Opportunity Commission (NEOC) carried out a mission to advocate the laws against discrimination in the areas of employment, housing, and public accommodation. Through enforcement, and public education and outreach, the Commission continues to work to support the public intent to eliminate discrimination.

From July 1, 2012 through June 30, 2013:

The NEOC intake-unit received 1,366 contacts by persons who wanted to discuss an alleged harm, file a complaint, or be provided with technical assistance.

The NEOC accepted 882 charges of employment discrimination, 25 charges of public accommodation discrimination, and 68 housing discrimination complaints. The Commission closed out 1,049 employment charges, 25 public accommodation charges and 83 housing complaints.

Individuals who filed charges (employment and public accommodations) or complaints (housing) received over \$402,936 in relief through the pre-determination settlement process. Of those cases where a reasonable cause finding was rendered against an entity, relief obtained in the conciliation of the cases in total was \$260,603 and in most instances the entity also received training from the Commission.

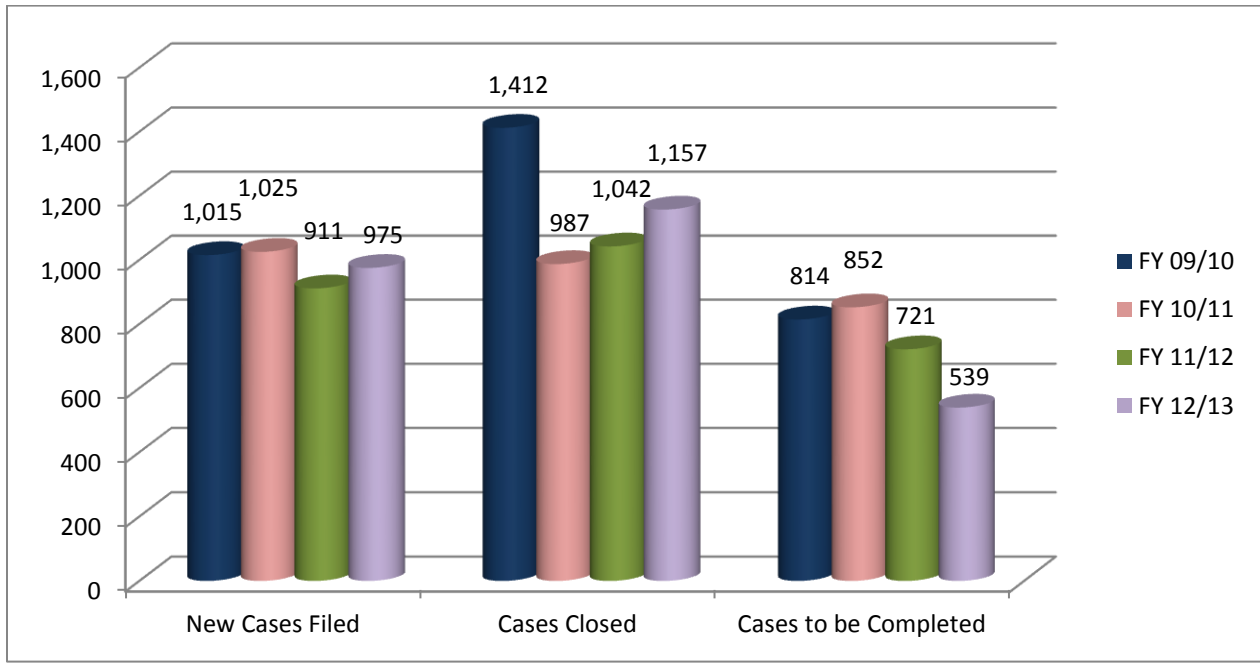
Over 1,500 people have benefitted from the NEOC's Education and Outreach. Trainings were presented at no cost to the public and covered topics related to all issues of discrimination and bases (the protected classes under the five laws enforced). Some of the issues covered included sexual harassment, workplace harassment, reasonable accommodations for persons with disabilities, and tenant rights and responsibilities. Businesses and organizations requested presentations related to non-discriminatory hiring practices and the use of criminal records, conducting internal investigations, and update on employment laws. The Commission provided Continuing Education Credit Hours (CEUs) without cost to brokers and salespersons who completed either the intermediate-level course #0282-R "Discrimination Issues Under the Fair Housing Act", or the advance level course #0763-R "Fair Housing Special Issues".

The NEOC continues to serve the public by providing direct access to its experienced and resourceful staff who in-turn provides timely and relevant information on matters related to the laws it enforces. The NEOC staff answers questions regardless whether the questions are on behalf of the business or for an individual employee, housing seeker,

seller, or housing provider. The business that contacts our office can be offering goods and services to the general public or be a mortgage lender, for as long as there is a business interest in or occupancy in Nebraska, the NEOC receives and responds to questions about the best non-discriminatory practices. Whether a person lives in Box Butte County or Richardson County, or whether they live in Dixon or Cheyenne County, anyone may contact one of our three offices (Lincoln, Omaha, or Scottsbluff) to obtain information about our complaint filing process or be provided with helpful information and materials on discrimination issues. The NEOC serves the entire state.

In our work-sharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD), the state and relevant federal discrimination laws are enforced through the NEOC's process when cases are filed under both the state and federal laws, and the NEOC completes the investigation. The Nebraska community is thus sheltered under the protections and enforcement of civil and human rights because anti-discrimination is not just a local intent but also a national effort. As a final note, NEOC staff, as public servants, continuously serve in the best interest of Nebraska with a high demonstration of thoroughness and professionalism in the area of illegal discrimination.

TABLE 1: CASE SUMMARY



Of the 1,157 cases **closed** in FY 12/13, 1,114 were Commission initial actions; 35 were actions on cases in the conciliation stage; 1 was a decision on a case in the public hearing stage; and 7 were pursuant to civil action (housing).

Of the 539 cases **to be completed** at the end of FY 12/13, 529 cases are to be investigated; 9 cases are in conciliation and 1 case is in public hearing. Currently there are 0 cases in civil action.

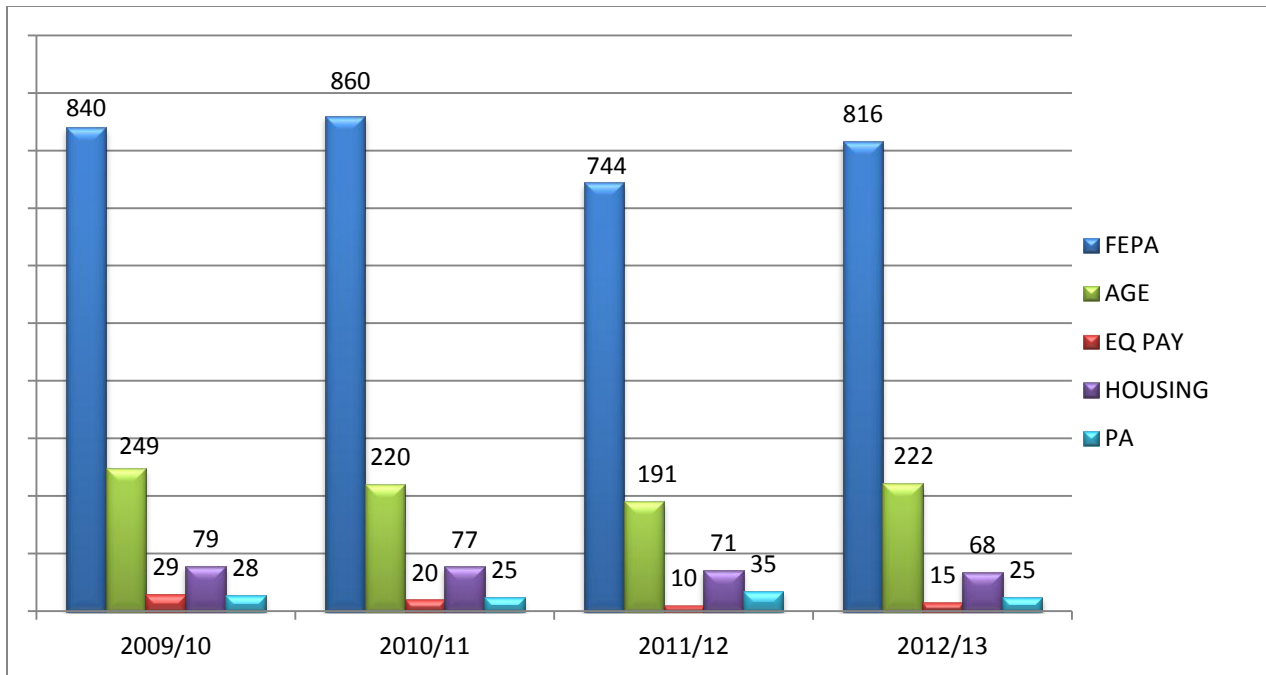
TABLE 2: CHARGE INTAKE

	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Omaha	427 (42%)	380 (42%)	409 (42%)
Lincoln	545 (53%)	476 (52%)	496 (51%)
<u>Scottsbluff</u>	53 (5%)	55 (6%)	70 (7%)
TOTAL	1,025 (100%)	911 (100%)	975 (100%)

NOTES/HIGHLIGHTS

Overall total of 975 represents an 7% increase from FY 11/12 total intake.
 Omaha total of 409 represents an 8% increase from FY 11/12 office intake
 Lincoln total of 496 represents a 4% increase from FY 11/12 office intake.
 Scottsbluff total of 70 represents a 27% increase from FY 11/12 office intake.

**TABLE 3: CHARGES OF ALLEGED DISCRIMINATION
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE
2009/10 – 2012/13**



FEPA -FAIR EMPLOYMENT PRACTICE ACT

AGE -NEBRASKA AGE DISCRIMINATION IN EMPLOYMENT ACT

EQ PAY -EQUAL PAY ACT OF NEBRASKA

HOUSING -NEBRASKA FAIR HOUSING ACT

PA -NEBRASKA CIVIL RIGHTS ACT OF 1969 (PUBLIC ACCOMMODATIONS)

Because a person can file under multiple laws, this is not a total of cases received but how many charges are filed under the different laws.

OTHER CASE CHARACTERISTICS:

With our case tracking system, we are able to get an accurate count of the descriptive data for our case intake and production. Some of the data is summarized in the tables that follow:

TABLE 4: BASIS OF CHARGES FILED BY STATUTE
FY 2012/13

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPA	EQ PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	267	0	0	20	16	303
COLOR	230	0	0	1	15	246
SEX	191	15	0	2	4	212
SEX-PREGNANCY	23	0	0	0	0	23
AGE (40-70)	0	0	216	0	0	216
RELIGION	20	0	0	3	1	24
NATIONAL ORIGIN/ ANCESTRY	135	0	0	13	7	155
DISABILITY	311	0	0	31	0	342
MARITAL STATUS	10	0	0	0	0	10
FAMILIAL STATUS	0	0	0	9	0	9
RETALIATION	441	5	46	11	8	511
RETALIATION (Whistleblower)	89	0	0	0	0	89

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

**TABLE 5: ISSUES IN EMPLOYMENT AND PUBLIC
ACCOMMODATIONS CHARGES FILED IN FY 2012/13**

<u>ISSUE</u>	<u>NUMBER</u>
Discharge	1,520
Harassment	611
Discipline	586
Terms and Conditions of Employment	523
Reasonable Accommodation	399
Wages	375
Assignment	293
Constructive Discharge	244
Suspension	205
Failure to Hire	144
Failure to Promote	122
Failure to Train	99
Benefits	92
Sexual Harassment	84
Demotion	78
Public Accommodation Issue	50
Intimidation	39
Benefits-Insurance	38
Reinstatement	29
Union Representation	18
References Unfavorable	15
Severance Pay Denied	13
Layoff	11
Testing	6
Retirement-Involuntary	6
Breach of Confidentiality	5
Benefits-Retirement/Pension	4
English Language Only Rule	3
Apprenticeship	2
Early Retirement Incentive	1

**TABLE 6: ISSUES IN HOUSING CHARGES FILED
FY 2012/13**

<u>ISSUE</u>	<u>NUMBER</u>
Terms, Conditions, Privileges Relating to Rental	52
Discriminatory Acts under Section 818 (coercion, etc.)	18
Failure to Make Reasonable Accommodations	11
Refusal to Rent	7
Refusal to Rent and Negotiate for Rental	5
Other Discriminatory Acts	2
Refusal to Negotiate for Sale	2
Terms, Conditions, Privileges, or Services and Facilities	1
Terms/Conditions for Making Loans	1
Advertising, Statements and Notices	1
Adverse Action Against an Employee	1
Non-Compliance with Design and Construction Requirements	1
Failure to Provide Usable Doors	1
Refusal to Sell	1
Failure to Provide Accessible & Usable Public and Common User Areas	1

**TABLE 7: COMPLAINANT CHARACTERISTICS
FY 2011/12 – 2012/13**

MALE	FY 11/12	FY 12/13	FEMALE	FY 11/12	FY 12/13
Race			Race		
Black/African American	124	157	Black/African American	133	143
Native Hawaiian/Pacific Islander	1	1	Native Hawaiian/Pacific Islander	1	1
American Indian/Alaska Native	8	10	American Indian/Alaska Native	15	15
Bi-Racial/Multi-Racial	9	1	Bi-Racial/Multi-Racial	10	14
Asian	4	3	Asian	6	4
White	174	194	White	313	283
Ethnicity			Ethnicity		
Hispanic/Latino	62	68	Hispanic/Latino	71	73
Not Hispanic/Latino	305	359	Not Hispanic/Latino	454	443
National Origin			National Origin		
North America	275	340	North America	457	446
Middle East	8	13	Middle East	2	1
Hispanic	52	44	Hispanic	49	49
Europe	5	4	Europe	4	6
Caribbean	0	0	Caribbean	0	0
Asia	6	3	Asia	5	3
Africa	15	19	Africa	4	7
Unable to obtain info	16	14	Unable to obtain info	11	17

TABLE 8: TOP TEN COUNTIES FOR CHARGES FILED

<u>COUNTY</u>	<u>FY 2010/11</u> <u>NUMBER</u>	<u>PERCENT</u>
1. Douglas	494	48%
2. Lancaster	183	18%
3. Sarpy	38	4%
4. Scotts Bluff	34	3%
5. Hall	31	3%
6. Dodge	24	2%
7. Lincoln	20	2%
8. Buffalo	16	2%
9. Adams	14	1%
10. Madison	<u>12</u>	<u>1%</u>
TOTAL OF TOP TEN	866	84%
TOTAL OF ALL CHARGES	1,025	100%

<u>COUNTY</u>	<u>FY 2011/12</u> <u>NUMBER</u>	<u>PERCENT</u>
1. Douglas	422	47%
2. Lancaster	175	19%
3. Hall	50	6%
4. Sarpy	32	4%
5. Scotts Bluff	20	2%
6. Dodge	17	2%
7. Madison	13	1%
8. Platte	13	1%
9. Lincoln	13	1%
10. Adams	<u>12</u>	<u>1%</u>
TOTAL OF TOP TEN	767	84%
TOTAL OF ALL CHARGES	911	100%

<u>COUNTY</u>	<u>FY 2012/13</u> <u>NUMBER</u>	<u>PERCENT</u>
1. Douglas	450	46%
2. Lancaster	196	20%
3. Scotts Bluff	43	4%
4. Hall	30	3%
5. Sarpy	29	3%
6. Lincoln	14	2%
7. Buffalo	14	2%
8. Box Butte	13	1%
9. Dawson	11	1%
10. Dodge	<u>10</u>	<u>1%</u>
TOTAL OF TOP TEN	810	83%
TOTAL OF ALL CHARGES	975	100%

TABLE 9: CHARGES NOT DOCKETED

In FY 12/13, the Commission conducted a total of 391 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

FY 2012/13

<u>Reason for Non-Filing</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
1. Respondent has too few employees	7	32	7	46
2. Allegations outside the Statute of Limitations	11	13	5	29
3. Complainant had no standing or basis to file	39	71	29	139
4. Informed of right to file, but declined to file	86	75	16	177
TOTAL NON-DOCKETED	143 (36%)	191 (49%)	57 (15%)	391 (100%)

TABLE 10: TECHNICAL ASSISTANCE TO THE PUBLIC

In addition to conducting screenings which led to no formal action by the Commission, the Commission staff also fielded 1,934 other inquiries from the public in FY 12/13. The inquiries received can be broken down as follows:

FY 2012/13

<u>Contact Type</u>	<u>Lincoln</u>	<u>Omaha</u>	<u>Scottsbluff</u>	<u>Totals</u>
5. General Questions Answered	124	502	31	657
6. Employer Inquires	457	305	34	796
7. Information Sent	9	2	4	15
8. Referred to an appropriate source of assistance	29	45	21	95
9. Complainant Inquiry	163	144	64	371
TOTALS	782 (40%)	998 (52%)	154 (8%)	1,934 (100%)
TOTALS - ALL CONTACTS	925(40%)	1,189 (51%)	211 (9%)	2,325 (100%)

Due to a change in the program used to track web site hits, there was an apparent decrease in hits to the NEOC home page. From April to June, there were 1,259 hits. That would give us an estimated fiscal year number of 5,036. The data for the other months is no longer directly available. 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 11 COMMISSION DETERMINATIONS

		FY	FY	FY
		10/11	11/12	12/13
Reasonable Cause	NEOC (moved to conciliation)	39	28	36
	Adopted (moved to conciliation)	1	4	0
No Reasonable Cause	NEOC	628	739	820
	Adopted	78	77	71
Pre-Determination Settlement	NEOC	48	60	90
	Adopted	12	12	18
Mediation	NEOC	15	9	15
	Adopted	0	0	0
Withdrawal With Settlement	NEOC	13	25	36
	Adopted	0	5	0
Withdrawal Without Settlement	NEOC	13	22	18
	Adopted	4	1	0
Failure to Locate	NEOC	0	0	0
	Adopted	0	1	0
Failure to Cooperate	NEOC	4	2	1
	Adopted	0	0	0
Lack of Jurisdiction	NEOC	28	23	19
	Adopted	1	2	3
Complainant Filing/Filed in Court	NEOC	96	14	10
	Adopted	10	12	8
Other	NEOC	7	4	3
	Adopted	0	1	2

Table 11: COMMISSION DETERMINATIONS (continued)

		FY 10/11	FY 11/12	FY 12/13	
Conciliations	Successful Conciliations	11	12	18	
	Successful Conciliations – Adopted	1	4	0	
	Unsuccessful Conciliations - Dismissals	8	5	9	
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	6	7	8	
	Other - Adopted	0	0	0	
	Unsuccessful Conciliations to Public Hearing or Civil Action	8	2	3	
	Public Hearings	For Complainant	0	0	0
		For Respondent	1	0	0
Negotiated Settlement		1	1	0	
Failure to Cooperate		0	0	0	
Complainant Filing/Filed in Court		0	0	1	
Other		0	0	0	
Adopted		0	0	0	
Civil Action (Housing)	Negotiated Settlements	1	2	0	
	Other	0	2	0	
	Dismissal	1	0	7	

**TABLE 12: COMMISSION INITIAL DETERMINATIONS BY STATUTE
(CLOSED CASES)
FY 2012/13**

FAIR EMPLOYMENT PRACTICE ACT	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOMM.
941	247	11	76	25

TABLE 13: LACK OF JURISDICTION BREAKDOWN

REASON FOR LACK OF JURISDICTION	FY 2010/11
Not Enough Employees	14
Wrong Respondent Named	5
No Employer/Employee Relationship	4
Untimely Filed	1
No Service Denied	1
Respondent No Longer in Business	1
Complainant is Not an Aggrieved Person Under the Law	1
Other	1
TOTAL	28

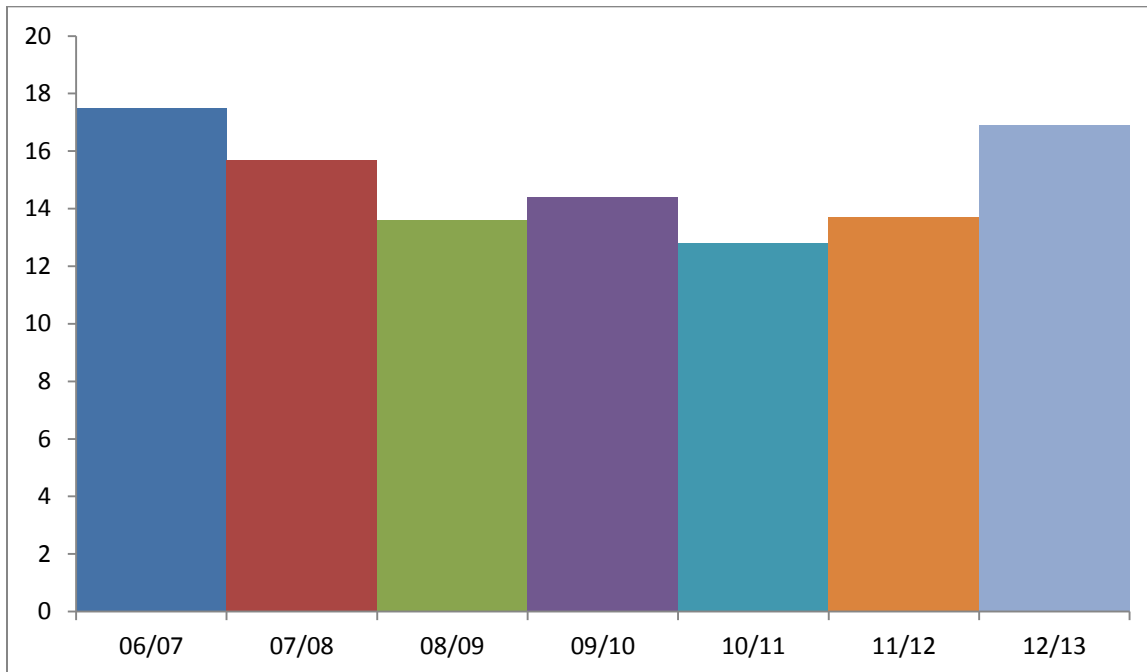
REASON FOR LACK OF JURISDICTION	FY 2011/12
Not Enough Employees	7
No Employer/Employee Relationship	4
Untimely Filed	4
No Service Denied	4
Harms Occurred out of State	3
Other	1
Respondent Not an Employer Under the Law	1
Complainant is not an Aggrieved Person Under the Law	1
TOTAL	25

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

TABLE 14: COMPARATIVE CAUSE/SETTLEMENT FIGURES

FY 2006/07 – 2012/13

Fiscal Year	Cause & Settlements Percent of Initial Determinations	Combined Number of Cases
06/07	17.5	204
07/08	15.7	201
08/09	13.6	181
09/10	14.4	202
10/11	12.8	128
11/12	13.7	143
12/13	16.9	195



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

	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13
Sent to ADR	60	57	55	64	83
Successful Mediation	20	27	15	9	15
Successful Pre-Determination Settlement	13	18	15	21	26
Withdrawal with Settlement	2	3	3	2	8
Failed ADR (either Mediation or PDS)	15	7	11	8	8
No Longer Wanted to Pursue ADR	8	3	15	20	24
Pending	10	9	5	9	11

In 2004/2005 the NEOC developed the Alternative Dispute Resolution (ADR) program. The focus of ADR is to resolve pending employment and public accommodation cases prior to an investigation and determination being issued by the Commission. There are two options available in the ADR program: mediation and pre-determination settlement. **Mediation** typically involves the parties meeting face-to-face with a mediator to discussion resolution; whereas, **pre-determination settlement** involves discussion of resolution between the parties as relayed (usually via telephone) by the mediator.

Participation in the program is done on a voluntary basis. As the table indicates, when parties actively participate in the program there is a high rate of successful resolution. However, there are times when the parties indicate an interest in the ADR program, but after an initial discussion, determine they no longer want to participate in the process and request an investigation. These discussions are not considered unsuccessful as the parties never fully engaged in the process.

HIGHLIGHTS....

In addition to the ADR program, the NEOC attempts to resolve employment and public accommodation cases during an investigation prior to the NEOC issuing a determination. In FY 12/13 the NEOC resolved 42 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 12/13, the NEOC settled 24 housing cases which is 34% of the total initial housing decisions by the NEOC.

TABLE 16: NON-MONETARY RELIEF
FY 2012/13

Employment and Public Accommodations

Apology
Neutral Reference
Adverse Material Removed from File
EEO Training
Promised Interview/Fair Consideration
Reasonable Accommodation-Religion
Training/Apprenticeship
Work Place Practice/Policy Change
Other Benefits

Housing

Accommodation/Facilities Made Available
Housing
Letter of Reference
Policy Revision
Public Services Made Available
Reasonable Accommodation-Service Animal
Rule or Ordinance Change
Structural Modification
Terms and Conditions Change
Training
Other Affirmative Relief

TABLE 17: MONETARY RELIEF BY LAW**FY 2012/13**

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	\$ 355,406	0	\$47,530	\$ 402,936
Mediation	128,414	0	0	128,414
Withdrawals with Settlement	569,173	0	0	569,173
Conciliation	260,603	0	0	260,603
Public Hearing	0	0	0	0
Litigation	0	0	0	0
TOTAL	\$1,313,596	0	\$47,530	\$1,361,126

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

TABLE 18: NUMBER OF PEOPLE BENEFITING**FY 2012/13**

	EMPLOYMENT	PA	HOUSING	TOTAL
Pre-Determination Settlements	1,270	0	1,644	2,914
Mediation	60	0	0	60
Withdrawals with Settlement	32	0	0	32
Conciliation	300,871	0	0	300,871
Public Hearing	0	0	0	0
Civil Action	0	0	0	0
TOTAL	302,233	0	1,644	303,877

TABLE 19: TOTAL MONETARY RELIEF OBTAINED

	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
Pre-Determination Settlements (PDS)	\$248,087	\$162,688	\$ 432,873	\$151,305	\$330,037	\$ 402,936
Mediation	242,935	154,925	302,692	126,363	84,091	128,414
Withdrawals with Settlement*	221,450	93,360	40,272	78,736	274,288	569,173
Conciliation	125,791	219,569	281,486	122,000	127,700	260,603
Public Hearing	73,946	78,745	0	23,502	35,000	0
Litigation**	0	0	2,400	0	885	0
TOTAL	\$912,209	\$709,287	\$1,059,723	\$501,906	\$852,001	\$1,361,126

* 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.

**CASE COMPLETION SUMMARY TABLES
FY 2008/09 – 2012/13**

TABLE 20: AVERAGE CASE PROCESSING TIME

	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Average Hours Worked on Case File	8.5	8.9	10.8	10.8	11.04

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TABLE 21: AVERAGE DAYS PER INVESTIGATION

	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Average Days	93.4	103.0	133.3	85.1	74.4

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

	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Date Filed to Assignment of Investigator	196	163	160	208	140
Date Filed to Cause/No Cause Decision	333	304	293	311	237

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TABLE 23: CAUSE CASES

	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Out of Cause/No Cause Cases, This Percentage went Cause	6%	5%	6%	4%	4%

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TABLE 24: CONCILIATION TIME PER CASE

	<u>FY 08/09</u>	<u>FY 09/10</u>	<u>FY 10/11</u>	<u>FY 11/12</u>	<u>FY 12/13</u>
Average Conciliation Hours Worked on Case	8	8	5	2	2
Average Days in Conciliation	72	79	59	88	98

TABLE 25: REASONABLE CAUSE CASES BY STATUTE

FY 2012/13

FEPA	AGE	EQUAL PAY	HOUSING	PUBLIC ACCOM
32	4	0	2	0

TABLE 26: REASONABLE CAUSE CASES BY BASIS

FY 2012/13

BASIS	CASES	BASIS	CASES
Race	3	Disability	16
Color	3	Religion	0
Sex	9	Marital Status	0
Sex-Pregnancy	0	Retaliation	16
National Origin	0	Retaliation – Whistleblower	4
Age	2	Familial Status	1

TABLE 27: REASONABLE CAUSE CASES BY ISSUE

FY 2012/13

ISSUES	CASES	ISSUES	CASES
Discharge	19	Discipline	6
Reasonable Accommodation	11	Sexual Harassment	5
Harassment	5	Suspension	4
Constructive Discharge	5	Terms/Conditions in Rental	2
Hire	4	Reinstatement	1
Conditions of Employment	3	Demotion	1
Breach of Confidentiality	1	Prohibited Medical Inquiry/Exam	1
Benefits	1	Wages	1
Intimidation	1	Promotion	1

TABLE 28: CONCILIATION SUMMARY
FY 2012/13

Total Conciliations Attempted.....	38
Successful	18
Unsuccessful (Forwarded to Hearing)	1
Unsuccessful (Forwarded to Civil Action-Housing)	2
Administratively Closed	17
a. Unsuccessful - Dismissals.....	9
b. Complainant Filing in Court.....	8
Total Dollars	\$260,603

TABLE 29: CONCILIATIONS

FISCAL YEAR	2008/09	2009/10	2010/11	2011/12	2012/13
Cases to Conciliation (Reasonable Cause)	68	57	40	32	36
Cases Pending from Prior Fiscal Year	11	14	3	9	11
TOTAL CASES	79	71	43	41	47
Conciliations Attempted	65	68	34	30	38
Successful Conciliations	28	34	12	16	18
Unsuccessful Conciliations	7	12	8	2	3
Conciliations Administratively Closed	30	22	14	12	17
MONETARY RELIEF	\$219,569	\$281,486	\$122,000	\$127,700	\$260,603
Conciliation Pending	14	3	9	11	9

TABLE 30: SUCCESSFUL CONCILIATION DETAIL- FY 2012/13

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
Employment and Public Accommodations	
Record of a Disability (prohibited medical inquiry)	\$1,000 lump sum; change company-wide policy
Whistleblower Retaliation (discharge)	\$5,000 lump sum
Disability (reasonable accommodation; discharge)	\$3,500 lump sum; adoption of an accommodation policy
Sex (terms and conditions)	\$9,999 lump sum
Sex (terms and conditions)	Companion with above case
Age (discharge)	\$15,000 back pay
Disability (reasonable accommodation)	\$2,000 lump sum, training
Retaliation (hiring)	\$40,500 compensatory damages; neutral reference
Sex (sexual harassment)	\$15,000 compensatory damages; reissue harassment policy
Age (promotion)	Private settlement
Disability (demotion; wages discipline; discharge)	\$6,000 lump sum
Retaliation (discharge)	\$824 back pay
Sex (harassment; constructive discharge)	\$4,315 back pay; \$1,685 attorney's fees
Disability, Retaliation (reasonable accommodation, discharge)	\$22,000 compensatory damages; training; adoption of an accommodation policy
Disability (breach of confidentiality; prohibited inquiry; harassment)	\$5,000 back pay; \$10,000 lump sum; training; policy review/update
Race, Color, Sex, Retaliation (suspension; discharge; terms and conditions)	\$6,750 back wages; neutral reference; resign; removal of negative material
Age (hiring)	\$22,030 lump sum
Age, Sex, Retaliation (promotion; constructive discharge)	\$60,000 retirement wages; \$30,000 lump sum
Housing	
None	

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 2012/2013, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

TABLE 31: PUBLIC HEARINGS

Fiscal Year	06/07	07/08	08/09	09/10	10/11	11/12	12/13
Numbered Ordered	30	4	6	3	2	1	1
Number Held*	21	5	1	3	1	0	1
Number Carried Over	7	6	1	3	1	1	1
Orders Issued (Final)	31	9	4	5	2	1	1
Pending	6	1	3	1	1	1	1

*A full and complete hearing was conducted.

TABLE 32: PUBLIC HEARING DISPOSITION
JULY 2012 - JUNE 2013

Total Final Orders Issued	1
Outcome of Final Orders:	
Violation found	0
No Violation Found	0
Settlement Prior to Hearing	0
Complainant Filing/Filed in Court	1

TABLE 33: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2013

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

**TABLE 34: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY
COMPLAINANT AS OF JUNE 30, 2013**

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

**TABLE 35: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY
THE HEARING EXAMINER AS OF JUNE 30, 2013**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
Chapman	MWE Services, Inc.	42364	Tringe

**TABLE 36: CIVIL ACTION DISPOSITION
JULY 2012 - JUNE 2013**

Settlement	0
Other	7
<hr/> TOTAL	<hr/> 7

HEARING DISPOSITION SUMMARY
July 1, 2012 through June 30, 2013

NEB 1-10/11-12-41926-RS

**Brady vs. Husker Management, Inc. d/b/a Holiday Inn Express
Retaliation (Discharge)**

The Complainant alleged she was discharged based on her filing a previous charge. The Commission found Reasonable Cause. The case was forwarded to public hearing. The Commission dismissed this case due to the Complainant filing a suit in the US District Court alleging the same allegations.

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

Case Number	Complainant	Respondent	Decision	Date Closed	Hearing Officer
36897	Bartholomew	Vishay Dale Electronic, Inc.	For Complainant	10/17/2008	W. Tringe, Jr.
37309	Laam	Tecumseh Poultry LLC d/b/a MBA Poultry	Settlement	1/16/2009	M. Frost
38324	Gowen	NE Dept. of Health & Human Services	Settlement	2/19/2009	M. Moriarty
38942	McGinnis	Christ The King Church of Omaha	Complainant Filed in Court	2/19/2009	D. Gilg
39566	Austin	Church of the Blessed Sacrament	Complainant Filed in Court	9/18/2009	Not Assigned
2310-PA	Monarrez	HyVee, Inc.	For Respondent	10/16/2009	M. Moriarty
2358-PA	Bauldwin	No Frills Supermarkets	Settlement	11/20/2009	M. Moriarty
39198	Osborn	BNSF Railway Co.	For Respondent	3/19/2010	W. Tringe, Jr.
2383-H	Cortesano	Roger & Judy Duerr	For Complainant	6/18/2010	W. Tringe, Jr.
40730	Hedges	NE Dept. of Motor Vehicles	Settlement	12/17/2010	W. Tringe, Jr.
40216	Murph	Silver Memories, Inc.	For Respondent	4/11/2011	M. Frost
41104	Davis	Lincoln Public Schools	Settlement	8/29/2011	M. Moriarty
41926	Brady	Husker Management, Inc. d/b/a Holiday Inn Express	Complainant Filed in Court	2/13/2013	M. Frost
42364	Chapman	MWE Serviced, Inc.	Case Open		W. Tringe, Jr.

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 5 years from the date of closure.