

# STATE OF NEBRASKA

## EQUAL OPPORTUNITY COMMISSION



## ANNUAL REPORT

Fiscal Year 2022/2023

[neoc.nebraska.gov](http://neoc.nebraska.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 Nebraska Equal Opportunity Commission (NEOC) is statutorily required to engage in education and outreach activities for the purposes of educating the public about the anti-discrimination laws of the state. The NEOC consults with local officials and persons in the employment and housing community, and we engage in dialogue with consumers directly.

It is an essential responsibility for the NEOC to continue to conduct Technical Assistance programs for the housing and employment industries in all areas of the state. It includes Scottsbluff/Gering, Grand Island, North Platte, South Sioux City, Lincoln, and Omaha, as well as the areas surrounding these population bases. We are responsive to requests for outreach and training from any county or community in Nebraska. These sessions often consist of voluntary participation and have been hosted and/or sponsored by a variety of entities, including groups of realtors, public housing providers, large and small employers, unions, profession-specific organizations, and local advocacy groups. The most frequently covered educational topics for housing providers include reasonable accommodations and modifications, service and companion animals, occupancy standards, accessibility in housing, retaliation, harassment, national origin issues, and training for renting to families with children. Topics most frequently covered for employers include workplace harassment, sexual harassment, non-discriminatory hiring and firing procedures, waivers, reasonable accommodations for disability and religious practices, English-only rules, criminal background checks, pregnancy discrimination, and how to conduct an internal investigation.

Beyond participating in conferences and other voluntary educational programs, the NEOC conducts training with mandatory participation as dictated by the terms of settlement and conciliation agreements made pursuant to our enforced statutes. In these instances, the Respondents alleged to have committed discriminatory acts agree that their management, owners, and/or staff should receive training in anti-discrimination laws. Though these sessions are generally attended by smaller groups, they tend to focus on the specific discriminatory issues of a filed charge. Such training sessions allow the NEOC to target trouble areas specifically experienced within individual housing providers or employers, potentially resolving not only the reported situation but also furnishing the housing provider or employer the tools and knowledge they need to prevent similar incidents in the future.

The NEOC continues to utilize technologies such as Webex and Zoom to provide high-quality presentations, outreach, and education whenever needed or requested throughout the state, while being efficient with taxpayer dollars and flexible with scheduling and time. These technologies are scalable and suitable for smaller audiences such as individual housing providers and employers. It also works to provide larger-size webinars and e-conferences to groups of up to dozens or even hundreds of participants across the state. Online platforms allow the NEOC to reach the far corners of the state instantaneously to provide outreach to remote locations that previously took days of

travel to attend. Furthermore, these platforms allow those we educate and partner with to save money and time themselves as they do not need to travel to a specific central location to attend. This allows any number of participants from multiple cities or offices statewide, out of state management, or even remote workers in-state, to view and interact with a presentation at the same time. Of course, the NEOC continues to provide in-person education and outreach as well, as individual situations/groups may require or prefer.

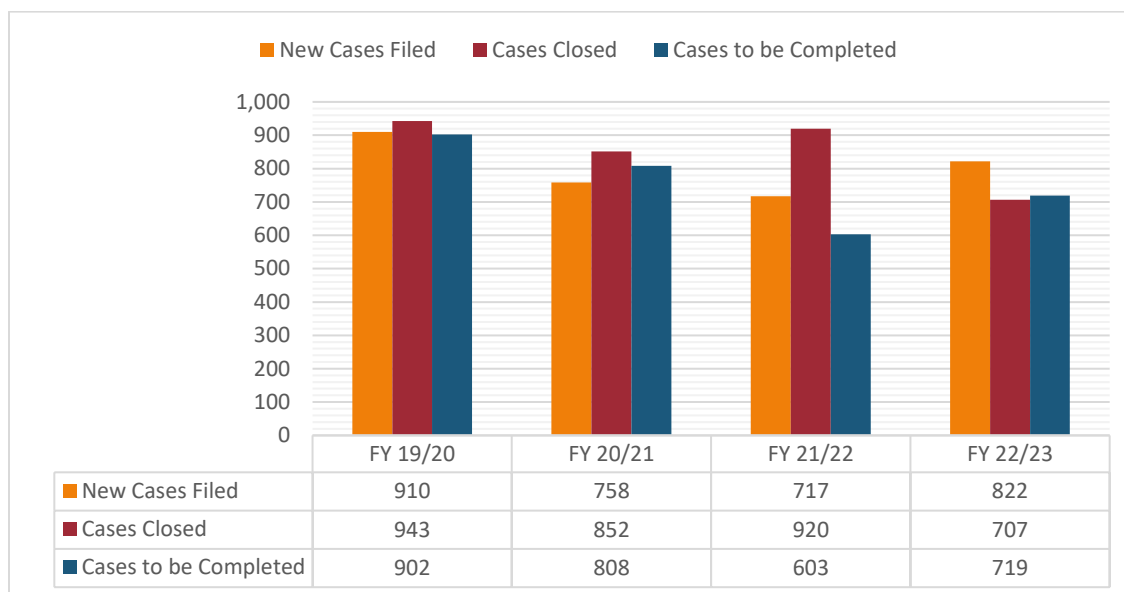
The NEOC will continue to provide employers and housing providers the support they need through our educational initiatives. Our relationships with other state agencies, municipal agencies, our federal partners, and others throughout the state ensure we will be able to provide educational opportunities to Nebraskans in all corners of the state regarding the protections afforded to them under Nebraska’s civil rights laws. See the following table for specifics:

/bw

Outreach or Training Activity in Brief	Date	County
Employment training for private business, focusing on ADA accommodations per settlement agreement	7/7/22	Douglas
Fair housing training for new staff at a housing provider	7/11/22	Dawes
Meeting with non-profit to discuss strategy and collaboration, planning of events	7/12/22	NA
Requested fair housing training for staff at large metro housing provider	7/27/22	Douglas/Sarpy
Fair housing overview and focus on reasonable accommodations and assistance animals per settlement agreement	7/28/22	Douglas
Booth at Disability Pride Nebraska annual picnic and fair	7/29/22	Lancaster
Joint planning and collaboration meeting with EEOC and Omaha Tribe regarding collaboration, planning of events	8/25/22	Thurston
ACLU Nebraska event table	8/31/22	Lancaster
Fair housing training focusing on race and retaliation per settlement agreement	9/8/22	Phelps/Kearney
General fair housing training, with a focus on reasonable accommodations and assistance animals	9/13/22	Lancaster
Employment discrimination training for private company per settlement agreement	10/11/22	Dakota

Outreach or Training Activity in Brief	Date	County
Employment discrimination training for private company per settlement agreement	10/18/22	Douglas
Equal Opportunity training for village government officials and staff	2/22/23	Hayes/Hitchcock
General housing discrimination training, focusing on reasonable accommodations and disability discrimination	3/2/23	Madison
Outreach collaboration with high school regarding what the NEOC does as a state agency	3/20/23	Douglas
Employment discrimination training focusing on harassment in the workplace, per settlement agreement	3/22/23	Hall
Fair Housing Month promotion/outreach via notifying all mailed contacts regarding fair housing month	4/1-4/31/23	statewide
Governor signed proclamation declaring April as Fair Housing Month in Nebraska	4/1/23	statewide
First air date for Welcome Homes: Fair Housing in Nebraska, NEOC's 2023 Nebraska Public Media 30-minute television show	4/5/23	statewide
Outreach with life skills class for students with autism, regarding navigating housing/employment situations.	4/17/23	Douglas
Panel participant at LCHR's annual Civil Rights Conference	4/26/23	Lancaster
Training for employer regarding ADA accommodations and retaliation	5/31/23	Douglas
Public Access TV interview regarding housing discrimination	6/1/23	Lancaster
Training for housing provider focusing on race, national origin and disability discrimination	6/1/23	Scotts Bluff
Housing training focusing on race discrimination per settlement agreement	6/7/23	Lancaster
Training for private employer with a focus on sexual harassment and disability discrimination per settlement agreement	6/21/23	Douglas
Housing training focusing on family status discrimination per settlement agreement	6/22/23	Fillmore
Housing training for private landlord, focusing on sex and race discrimination per settlement agreement	6/28/23	Douglas
Joint training with Omaha TERO and EEOC to Omaha tribal members regarding all services and discrimination types	6/14/23	Thurston

**TABLE 1: CASE SUMMARY**



The 822 **new** cases filed in FY 22/23 include: 768 employment cases; 25 housing cases; and 29 public accommodation cases.

The 707 cases **closed** in FY 22/23 include: 692 Commission dismissals (no reasonable cause, pre-determination/mediation settlements, and administrative closures); and 15 post reasonable cause findings including 13 conciliation actions; 0 public hearing actions; and 2 civil actions (housing).

The 719 cases **to be completed** at the end of 22/23 include: 714 cases to be investigated, 4 cases in conciliation, 1 case in public hearing, and 0 cases in civil action.

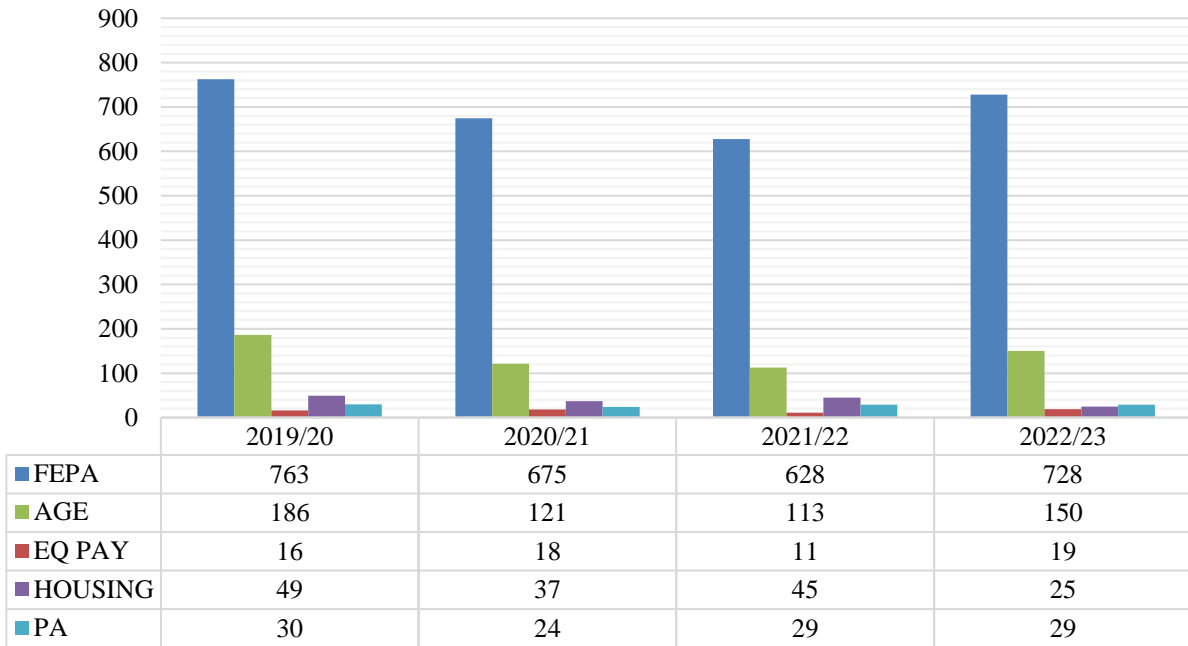
**NOTES/HIGHLIGHTS**

New charges filed represent a 15% increase from FY 21/22.

Cases closed represent a 23% decrease from FY 21/22.

Cases to be completed at the end of the fiscal year represent a 19% increase from FY 21/22.

**TABLE 2: CHARGES OF ALLEGED DISCRIMINATION  
FILED DURING CURRENT AND PREVIOUS YEARS BY STATUTE  
2019/20 – 2022/23**



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

**FEPA** -FAIR EMPLOYMENT PRACTICE ACT

**AGE** -NEBRASKA AGE DISCRIMINATION IN EMPLOYMENT ACT

**EQ PAY** -EQUAL PAY ACT OF NEBRASKA

**HOUSING** -NEBRASKA FAIR HOUSING ACT

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



OTHER CASE CHARACTERISTICS:

Our case tracking system provides an accurate count of the descriptive data for our case intake and production, summarized in the tables that follow:

**TABLE 3: BASIS OF CHARGES FILED BY STATUTE**  
**FY 2022/23**

BASIS	EMPLOYMENT			HOUSING/PUBLIC ACCOM.		TOTALS
	FEPa	EQUAL PAY	AGE	HOUSING	PUBLIC ACCOM.	
RACE	261			12	18	291
COLOR	20			1	0	21
*SEX	198	18		5	2	223
SEX-PREGNANCY	21					21
AGE (over 40)			147			147
RELIGION	23			0	1	24
NATIONAL ORIGIN/ ANCESTRY	95			4	1	100
DISABILITY	321			16	13	350
MARITAL STATUS	11					11
FAMILIAL STATUS				4	0	4
RETALIATION	479	0	0	2	5	486
RETALIATION (Whistleblower)	75					75
WAGE RETALIATION	28					28

\* Sex includes 18 cases of Sexual Orientation in Employment and 0 in Housing  
11 cases of Transgender in Employment and 0 in Housing

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

**TABLE 4: ISSUES IN EMPLOYMENT AND PUBLIC  
ACCOMMODATIONS CHARGES FILED IN FY 2022/23**

<b><u>ISSUE</u></b>	<b><u>NUMBER</u></b>
Discharge	426
Harassment	306
Terms and Conditions of Employment	292
Reasonable Accommodation	196
Wages	164
Discipline	146
Constructive Discharge	111
Assignment	85
Suspension	69
Sexual Harassment	69
Failure to Train	50
Failure to Hire	45
Failure to Promote	44
Public Accommodation Issue	29
Demotion	29
Benefits	25
References Unfavorable	9
Benefits-Insurance	6
Union Representation	3
Breach of Confidentiality	3
Benefits-Retirement/Pension	3
English Only Rule	3
Other	3
Prohibited Medical Inquiry/Exam	2
Retirement-Involuntary	2
Advertising	1
Testing	1

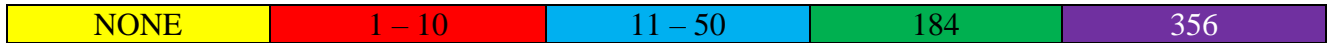
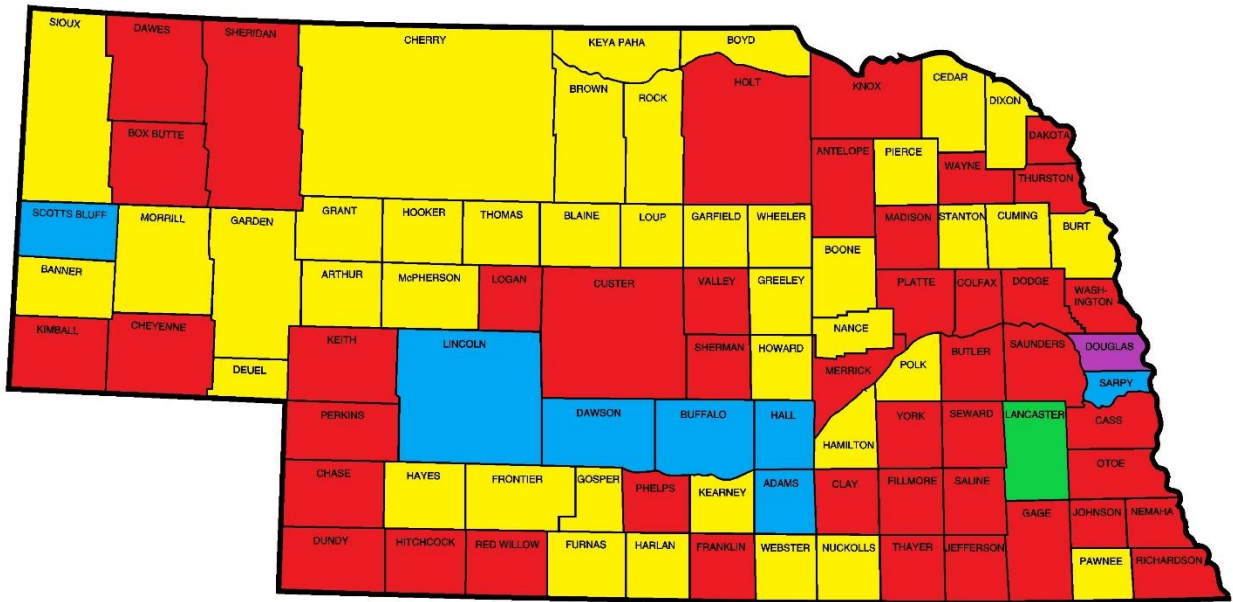
**TABLE 5: ISSUES IN HOUSING CHARGES FILED**  
**FY 2022/23**

<b><u>ISSUE</u></b>	<b><u>NUMBER</u></b>
Terms, conditions, privileges, or services and facilities	17
To otherwise make unavailable or deny housing	16
Failure to make reasonable accommodations	9
Discriminatory acts under Section 818 (coercion, etc.)	9
Discrimination in terms, conditions, privileges relating to rental	7
Discriminatory advertising, statements & notices	2
Discriminatory refusal to negotiate for rental	2
Discriminatory financing (includes real estate transactions)	1
False denial or representation of availability - rental	1

**TABLE 6: COMPLAINANT CHARACTERISTICS**  
**(for all laws)**  
**FY 2021/22 – 2022/23**

<b>MALE</b>	<b>FY</b>	<b>FY</b>	<b>FEMALE</b>	<b>FY</b>	<b>FY</b>
	<b>21/22</b>	<b>22/23</b>		<b>21/22</b>	<b>22/23</b>
<b>Race</b>			<b>Race</b>		
Black/African American	85	144	Black/African American	125	141
Native Hawaiian/Pacific Islander	2	1	Native Hawaiian/Pacific Islander	1	0
American India/Alaska Native	7	9	American India/Alaska Native	1	9
Bi-Racial/Multi-Racial	11	8	Bi-Racial/Multi-Racial	14	12
Asian	6	8	Asian	5	8
White	147	155	White	218	216
<b>Ethnicity</b>			<b>Ethnicity</b>		
Hispanic/Latino	50	52	Hispanic/Latino	51	64
Not Hispanic/Latino	237	298	Not Hispanic/Latino	341	356
<b>National Origin</b>			<b>National Origin</b>		
North America	240	298	North America	345	369
Middle East	1	2	Middle East	2	5
Hispanic	28	26	Hispanic	32	30
Europe	4	4	Europe	4	2
Caribbean	0	2	Caribbean	0	0
Asia	4	4	Asia	4	4
Africa	10	12	Africa	3	9
Unable to obtain info	1	0	Unable to obtain info	1	3

**TABLE 7: CHARGES TAKEN BY COUNTY FY 2022/23**



Adams	12	Deuel	0	Johnson	3	Red Willow	2
Antelope	2	Dixon	0	Kearney	0	Richardson	1
Arthur	0	Dodge	8	Keith	2	Rock	0
Banner	0	Douglas	356	Keya Paha	0	Saline	4
Blaine	0	Dundy	1	Kimball	4	Sarpy	43
Boone	0	Fillmore	1	Knox	5	Saunders	2
Box Butte	5	Franklin	1	Lancaster	184	Scotts Bluff	28
Boyd	0	Frontier	0	Lincoln	11	Seward	2
Brown	0	Furnas	0	Logan	1	Sheridan	2
Buffalo	14	Gage	5	Loup	0	Sherman	1
Burt	0	Garden	0	McPherson	0	Sioux	0
Butler	1	Garfield	0	Madison	9	Stanton	0
Cass	8	Gosper	0	Merrick	1	Thayer	2
Cedar	0	Grant	0	Morrill	0	Thomas	0
Chase	1	Greeley	0	Nance	0	Thurston	3
Cherry	0	Hall	25	Nemaha	2	Valley	1
Cheyenne	4	Hamilton	0	Nuckolls	0	Washington	9
Clay	1	Harlan	0	Otoe	4	Wayne	2
Colfax	4	Hayes	0	Pawnee	0	Webster	0
Cuming	0	Hitchcock	1	Perkins	2	Wheeler	0
Custer	1	Holt	3	Phelps	4	York	1
Dakota	4	Hooker	0	Pierce	0		
Dawes	4	Howard	0	Platte	8		
Dawson	16	Jefferson	1	Polk	0		

**TABLE 8: CHARGES NOT DOCKETED**

In FY 22/23, the Commission conducted a total of 530 intake interviews, or screenings, which did not result in the docketing of a charge of discrimination.

<b><u>Reason for Non-Filing</u></b>	<b><u>2020/21</u></b>	<b><u>2021/22</u></b>	<b><u>2022/23</u></b>
1. Respondent has too few employees	40	50	42
2. Allegations outside the Statute of Limitations	31	19	23
3. Complainant had no standing or basis to file	247	282	281
4. Informed of right to file, but declined to file	227	172	184
<b>TOTAL NON-DOCKETED</b>	<b>545</b>	<b>523</b>	<b>530</b>

**TABLE 9: TECHNICAL ASSISTANCE TO THE PUBLIC**

In addition to conducting screenings, which led to no formal action by the Commission, the Commission staff also fielded 3,789 other inquiries from the public in FY 22/23. The inquiries received can be categorized as follows:

<b><u>Contact Type</u></b>	<b><u>2020/21</u></b>	<b><u>2021/22</u></b>	<b><u>2022/23</u></b>
5. General Questions Answered	693	780	652
6. Employer Inquiries	971	843	889
7. Information Sent	7	9	27
8. Referred to an appropriate source of assistance	232	227	247
9. Complainant Inquiry	1,866	1,785	1,974
<b>TOTALS</b>	<b>3,769</b>	<b>3,644</b>	<b>3,789</b>
<b>TOTALS - ALL CONTACTS</b>	<b>4,314</b>	<b>4,167</b>	<b>4,319</b>

The NEOC website is regularly updated. Upcoming Commission Meeting information, as well as educational information, are available to assist the public. Individuals can also gain valuable information about the Commission, the laws we enforce, and how to file a complaint. In FY 22/23, there were 12,007 website hits to the NEOC home page.

**TABLE 10: COMMISSION DETERMINATIONS**

		<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>
Reasonable Cause	NEOC (moved to conciliation)	1	30	11
	Adopted (moved to conciliation)	0	0	0
No Reasonable Cause	NEOC	594	665	511
	Adopted	69	43	15
Pre-Determination Settlement	NEOC	74	78	65
	Adopted	4	3	0
Mediation	NEOC	2	4	16
Withdrawal With Settlement	NEOC	20	17	18
	Adopted	4	5	3
Withdrawal Without Settlement	NEOC	18	26	17
	Adopted	1	2	1
Failure to Locate	NEOC	0	0	0
	Adopted	0	0	0
Failure to Cooperate	NEOC	0	0	0
	Adopted	0	0	0
Lack of Jurisdiction	NEOC	27	20	22
	Adopted	0	1	0
Complainant Filing/Filed in Court	NEOC	5	8	7
	Adopted	0	0	2
Other	NEOC	6	11	9
	Adopted	13	17	6
Conciliations	Successful Conciliations	5	8	8
	Successful Conciliations – Adopted	0	0	0
	Unsuccessful Conciliations - Dismissals	0	12	5
	Unsuccessful Conciliations - Complainant Filing/Filed in Court	1	0	0
	Other - Adopted	0	0	0
	Unsuccessful Conciliations to Public Hearing or Civil Action	1	3	1
Public Hearings	For Complainant	0	1	0
	For Respondent	0	0	0
	Negotiated Settlement	0	0	0
	Other	1	1	0
Civil Action (Housing)	For Complainant	0	0	0
	For Respondent	0	0	0
	Negotiated Settlements	0	0	2
	Other	0	0	0
	Dismissal	0	1	0

**TABLE 11: COMMISSION DETERMINATIONS BY STATUTE  
(CLOSED CASES)  
FY 2022/23**

<b>FAIR EMPLOYMENT PRACTICE ACT</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOMM.</b>
588	131	5	42	37

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

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

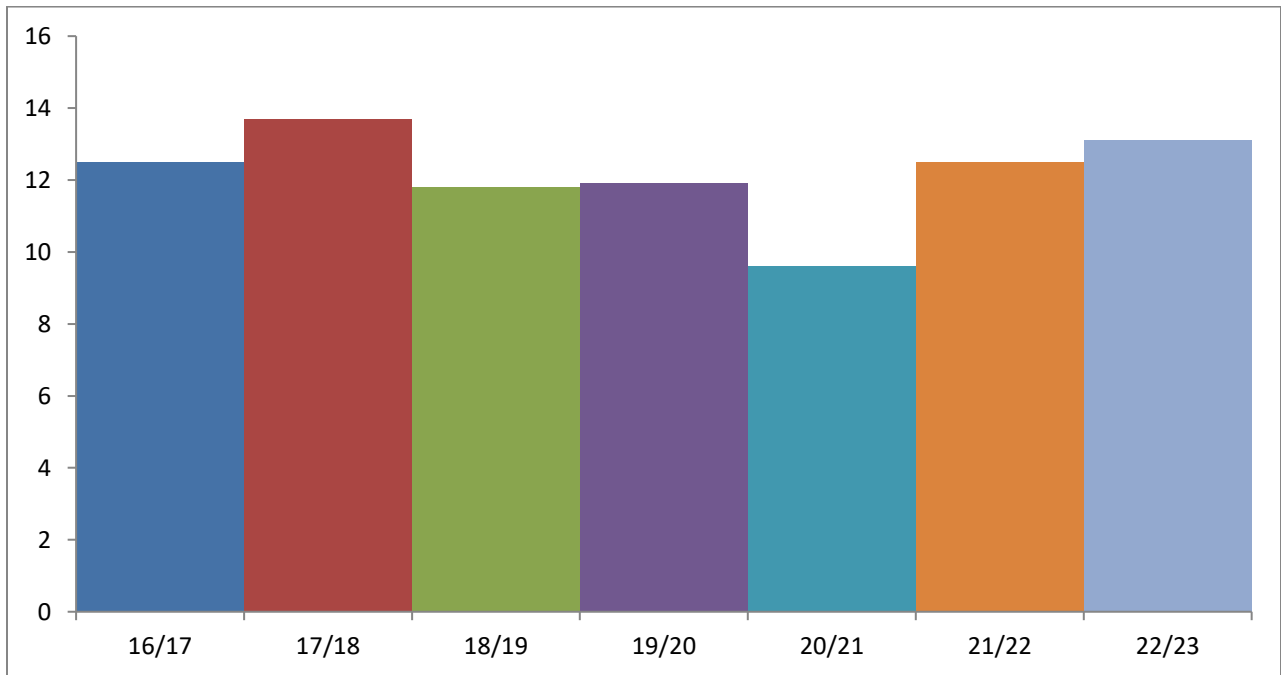
<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 2021/22</b>
No Employer/Employee Relationship	6
Not Enough Employees	6
Other	5
Untimely Filed	3
<b>TOTAL</b>	<b>20</b>

<b>REASON FOR LACK OF JURISDICTION</b>	<b>FY 2022/23</b>
No Employer/Employee Relationship	12
Not Enough Employees	6
Other	2
Untimely Filed	2
<b>TOTAL</b>	<b>22</b>

**TABLE 13: COMPARATIVE CAUSE/SETTLEMENT FIGURES**

**FY 2016/17 – 2022/23**

<b>Fiscal Year</b>	<b>Cause &amp; Settlements Percent of Initial Determinations</b>	<b>Combined Number of Cases</b>
16/17	12.5	116
17/18	13.7	110
18/19	11.8	106
19/20	11.9	113
20/21	9.6	81
21/22	12.5	116
22/23	13.1	92





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

	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
<b>Sent to ADR</b>	91	87	58	49	65
<b>Successful Mediation</b>	12	14	1*	4*	16
<b>Successful Pre-Determination Settlement</b>	31	29	34	22	21
<b>Withdrawal with Settlement</b>	1	2	2	3	3
<b>Failed ADR (either Mediation or PDS)</b>	18	12	16	4	23
<b>No Longer Wanted to Pursue ADR</b>	31	31	12	14	0
<b>Pending</b>	21	20	13	15	17

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

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

**HIGHLIGHTS....**

In addition to the ADR program, the NEOC attempts to resolve employment and public accommodation cases during an investigation prior to the NEOC issuing a determination. In FY 22/23 the NEOC resolved 33 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 22/23, the NEOC settled 11 housing cases which is 35% of the total initial housing decisions by the NEOC.

The flexibility of ADR allows both parties to craft resolutions which involve not only monetary relief but also non-monetary outcomes.

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

**TABLE 15: NON-MONETARY RELIEF OBTAINED**  
**FY 2022/23**

**Employment and Public Accommodations**

Adverse Material Removed from File

Neutral Reference

Resignation

Staffing Change

Training

**Housing**

Advertising Practice Changed

Affirmative Advertising

Policy Revisions

Posting Policy Revision

Reasonable Accommodation-Animal

Structural Modification

Training

**TABLE 16: MONETARY RELIEF BY LAW**

**FY 2022/23**

	<b>EMPLOYMENT</b>	<b>PA</b>	<b>HOUSING</b>	<b>TOTAL</b>
<b>Pre-Determination Settlements</b>	\$ 226,746	\$900	\$34,940	\$ 262,586
<b>Mediation</b>	286,750	0	0	286,750
<b>Withdrawals with Settlement</b>	693,609	0	0	693,609
<b>Conciliation</b>	183,478	0	0	183,478
<b>Public Hearing</b>	0	0	0	0
<b>Litigation</b>	0	0	0	0
<b>TOTAL</b>	\$1,390,583	\$900	\$34,940	\$1,426,423

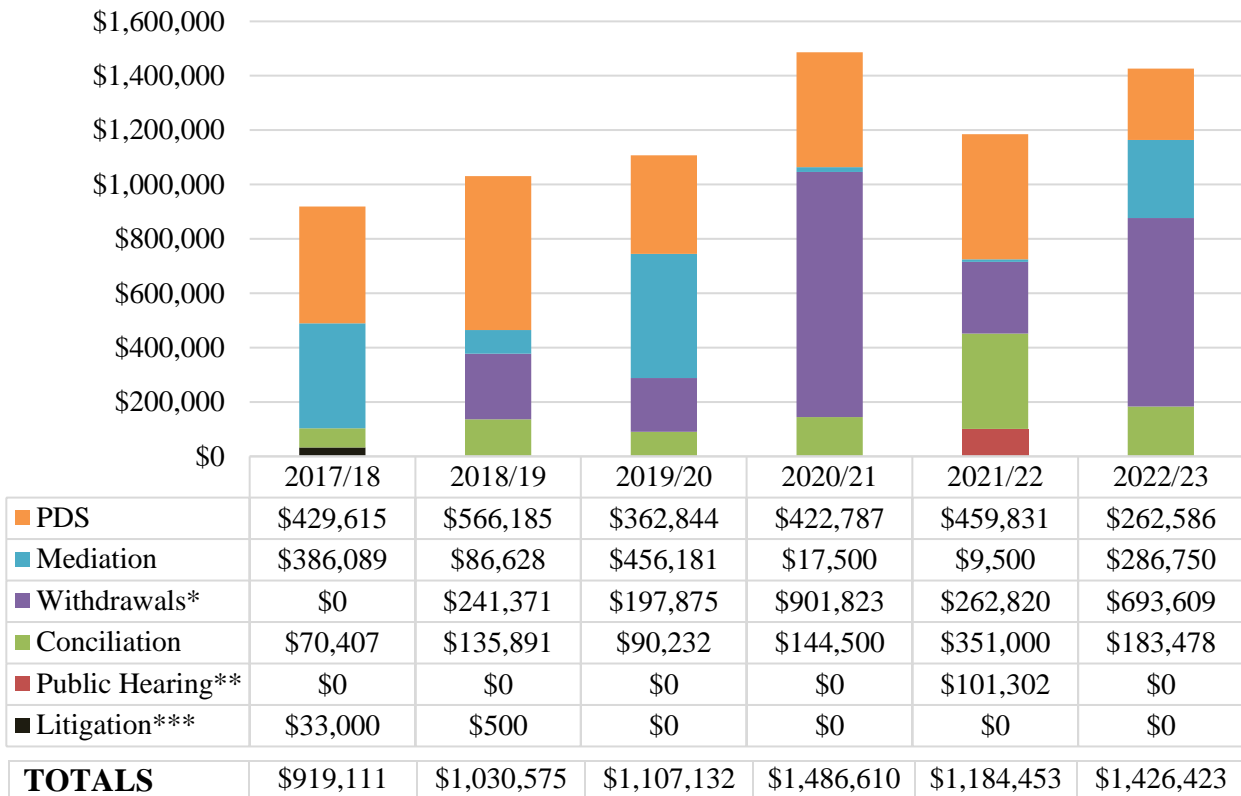
The following chart reflects approximately how many people have benefitted from the different types of settlements available with the NEOC process. Besides the Complainant, others can benefit by attending EEO training and/or a policy or procedural/practice change.

**TABLE 17: NUMBER OF PEOPLE BENEFITING**

**FY 2022/23**

	<b>EMPLOYMENT</b>	<b>PA</b>	<b>HOUSING</b>	<b>TOTAL</b>
<b>Pre-Determination Settlements</b>	234	7	266	507
<b>Mediation</b>	33	0	0	33
<b>Withdrawals with Settlement</b>	19	0	0	19
<b>Conciliation</b>	34	0	0	34
<b>Public Hearing</b>	0	0	0	0
<b>Litigation</b>	0	0	0	0
<b>TOTAL</b>	320	7	266	593

**TABLE 18: TOTAL MONETARY RELIEF OBTAINED**



\* The benefits on some of the Commission’s withdrawals with settlement are not known. The parties keep the terms of settlement confidential.

\*\* Any monetary relief received through a settlement prior to the public hearing being held is listed with the conciliation amounts.

\*\*\* This monetary relief was achieved by the Attorney General’s Office on cases sent to their office for civil action/litigation.

*Note: There were 2 cases litigated in the Fiscal Year of 2022/2023; however, the parties reached a private settlement during litigation.*

**CASE COMPLETION SUMMARY TABLES  
FY 2018/19 – 2022/23**

**TABLE 19: AVERAGE CASE PROCESSING TIME**

	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>	<u>FY 22/23</u>
Average Hours Worked on Case File	15.67	15.99	15.93	17	16.75

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**TABLE 20: AVERAGE DAYS PER INVESTIGATION**

	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>	<u>FY 22/23</u>
Average Days	150.9	225.1	283.1	228.1	160.4

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

	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>	<u>FY 22/23</u>
Date Filed to Assignment of Investigator	191	189	151	110	104
Date Filed to Cause/No Cause Decision	342	414	434	339	265

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**TABLE 22: CAUSE CASES**

	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>	<u>FY 22/23</u>
Out of Cause/No Cause Cases, This Percentage went Cause	2%	2%	<1%	4%	2%

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**TABLE 23: CONCILIATION TIME PER CASE**

	<u>FY 18/19</u>	<u>FY 19/20</u>	<u>FY 20/21</u>	<u>FY 21/22</u>	<u>FY 22/23</u>
Average Conciliation Hours Worked on Case	1	1	1.5	1.4	1.6
Average Days in Conciliation	158	115	196	87	127

**TABLE 24: REASONABLE CAUSE CASES BY STATUTE**

**FY 2022/23**

<b>FEPA</b>	<b>AGE</b>	<b>EQUAL PAY</b>	<b>HOUSING</b>	<b>PUBLIC ACCOM</b>
8	4	0	1	0

**TABLE 25: REASONABLE CAUSE CASES BY BASIS**

**FY 2022/23**

<b>BASIS</b>	<b>CASES</b>	<b>BASIS</b>	<b>CASES</b>
Race	2	Religion	0
Color	1	Marital Status	0
Sex	0	Retaliation	4
Sex-Pregnancy	0	Retaliation – Wage	1
National Origin	0	Retaliation – Whistleblower	0
Age	3	Familial Status	0
Age Retaliation	1		
Disability	5		

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

**FY 2022/23**

<b>ISSUES</b>	<b>CASES</b>	<b>ISSUES</b>	<b>CASES</b>
<b>Employment &amp; Public Accommodations</b>		<b>Housing</b>	
Accommodations	3	Otherwise Deny or Make Available	1
Discharge	3		
Discipline	1		
Hiring	2		
Promotion	3		
Terms or Conditions	1		
Wages	3		

**TABLE 27: CONCILIATION SUMMARY**  
**FY 2022/23**

<b>Total Conciliations Attempted</b> .....	14
Successful .....	8
Unsuccessful	
Forwarded to Public Hearing.....	1
Forwarded to Civil Action-Housing .....	0
Dismissed.....	5
 <b>Total Dollars</b> .....	 \$183,478

**TABLE 28: CONCILIATIONS**

<b>FISCAL YEAR</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Cases to Conciliation (Reasonable Cause)	14	13	1	30	11
Cases Pending from Prior Fiscal Year	4	7	7	1	7
<b>TOTAL CASES</b>	18	20	8	31	18
Conciliations Attempted	13	13	7	24	14
Successful Conciliations	5	8	5	8	8
Unsuccessful Conciliations	1	2	2	16	6
<b>MONETARY RELIEF</b>	\$135,891	\$90,232	\$144,500	\$351,000	\$183,478
Conciliations Pending	5	13	1	7	4*

\*This number includes 1 housing case

**TABLE 29: SUCCESSFUL CONCILIATION DETAIL - AFTER A CAUSE FINDING**

DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
<b>Employment and Public Accommodations</b>	
Disability, Retaliation (Reasonable Accommodation; Assignment; Wages; Discharge)	\$9,666.67 (lump sum); \$5,000 (wages); ADA Training
Retaliation (Terms and Conditions)	Respondent services at standard Respondent rates and fees
Regarded as Disabled (Terms and Conditions; Harassment; Discipline; Constructive Discharge)	\$9,000 (lump sum); \$27,000 (wages); \$18,000 (attorney's fees)
Disability, Record of a Disability, Retaliation (Reasonable Accommodation; Discharge)	\$6,250 (wages)
Race, Sex, National Origin, Retaliation (Harassment; Terms and Conditions; Discharge)	\$5,531.28 (lump sum); \$8,296.92 (wages)
Age (Hiring)	\$2,400 (lump sum)
Disability, Record of a Disability, Retaliation (Reasonable Accommodation; Discharge)	\$25,833.34 (lump sum); \$25,833.33 (wages); \$25,833.33 (attorney's fees); positive references; ADA training
Wage Retaliation (Wages; Discharge)	\$3,750 (lump sum); \$3,750 (wages)
DISCRIMINATORY ACT	RELIEF TO COMPLAINANT
<b>Housing</b>	
None	



**PUBLIC HEARINGS**

Per the Nebraska Fair Employment Practice Act, Section 48-1119, the Commission may take a case to Public Hearing if reasonable cause is found and attempts at conciliation are unsuccessful. The table below represents the Commission’s activity after ordering Public Hearings for the past seven fiscal years, and the following tables give a brief composite of those hearings actually conducted during each respective fiscal year.

**TABLE 30: PUBLIC HEARINGS**

<b>Fiscal Year</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>
Numbered Ordered	2	0	0	2	1	0	1
Number Held*	3	0	0	0	2	0	0
Number Carried Over	3	1	0	0	1	2	0
Orders Issued (Final)	4	1	0	0	1	2	0
Pending	1	0	0	2	1	0	0

\*A full and complete hearing was conducted.

**TABLE 31: PUBLIC HEARING DISPOSITION**  
**JULY 2022 - JUNE 2023**

<b>Total Final Orders Issued</b>	<b>0</b>
<b>Outcome of Final Orders:</b>	
Violation found	0
No Violation Found	0
Settlement Prior to Hearing	0
Dismissal – Filed in Court	0

**TABLE 32: PUBLIC HEARING ORDERED; NOT HELD AS OF JUNE 30, 2023**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
McWilliams	Union Pacific Railroad	52368	Maurstad

**TABLE 33: PUBLIC HEARING ORDERED; COMPLAINT NOT SIGNED BY  
COMPLAINANT AS OF JUNE 30, 2023**

<u>Complainant</u>	<u>Respondent</u>	<u>Case No.</u>	<u>Hearing Examiner</u>
McWilliams	Union Pacific Railroad	52368	Maurstad

**TABLE 34: PUBLIC HEARING HELD; NO RECOMMENDED ORDER ISSUED BY  
THE HEARING EXAMINER AS OF JUNE 30, 2023**

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

**TABLE 35: CIVIL ACTION DISPOSITION  
JULY 2022 - JUNE 2023**

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

**HEARING DISPOSITION SUMMARY  
July 1, 2022, through June 30, 2023**

None

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

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

NOTES: Case numbers with a "-H" behind them are Housing cases. Case numbers with a "-PA" behind them are Public Accommodations cases. All other case numbers are employment cases.

RECORDS RETENTION: Pursuant to Rules 002-016 and 002-019 of the Nebraska Equal Opportunity Commission's Records Retention Schedule, these records are deleted/destroyed 5 years from the date of closure.