

● NEBRASKA FAIR EMPLOYMENT PRACTICE ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1101 – 48-1126

GENERAL SUMMARY: The Nebraska Fair Employment Practice Act seeks to foster the employment of all employable persons in the state on the basis of merit, regardless of their race, color, religion, sex, disability, marital status, or national origin, and to safeguard their right to obtain and hold employment without such discrimination. The Act generally applies to all agricultural and non-agricultural employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Among related illegal practices, it is unlawful for a subject employer (1) to refuse to hire a job applicant, to discharge an employee, or to discriminate in any other manner against an individual with respect to compensation or other employment conditions because of the individual's race, color, religion, sex, disability, marital status, or national origin, or (2) to limit, segregate or classify employees on any of these grounds in any way which tends to deprive a person of employment opportunities or otherwise adversely affect the person's status as an employee.

Furthermore, it is unlawful to publish or circulate any employment-related notice or advertisement which indicates a preference, limitation, specification or discrimination based on race, color, religion, sex, disability, marital status, or national origin, except where religion, sex, disability, marital status, or national origin is a bona fide occupational qualification for employment. Job application and hiring procedures that discriminate against a person with a disability, or against a woman who is pregnant or has given birth, are also prohibited.

Comparable acts of discrimination by employment agencies and labor organizations are similarly unlawful.

COMPLAINTS — A person who has suffered from an apparent discriminatory employment practice or act may file a complaint with the state enforcement agency at any time within 300 days after the alleged practice or act occurred. If preliminary investigation reveals reasonable evidence that the allegations have merit, the state agency must try to eliminate the illegal practice through conciliation. The agency may hold a public hearing in the event informal efforts to resolve the complaint are unsuccessful. An appropriate order by the state agency against an employer, employment agency or labor organization found to have committed unlawful employment discrimination may include reinstatement or hiring of the complainant, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112)*. The Commission is authorized to receive, investigate and adjudicate charges of unlawful employment practices anywhere in the state. In that capacity, the Commission may hold hearings, subpoena witnesses, and inspect payroll records and other documentation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.