

LEGISLATIVE BILL 175

Approved by the Governor May 22, 1989

Introduced by McFarland, 28

AN ACT relating to labor; to amend sections 48-1116 and 48-1118, Reissue Revised Statutes of Nebraska, 1943; to increase compensation of members of the Equal Opportunity Commission as prescribed; to change a provision relating to the investigation of unlawful practices; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1116. There is hereby established an Equal Opportunity Commission to consist of seven members to be appointed by the Governor. Terms of members shall be three years. As the terms of the members expire, the Governor shall appoint or reappoint the members of the commission for a term of three years to succeed the members whose terms expire. The commission shall elect one member to serve as chairperson of the commission.

Four members of the commission shall constitute a quorum for the purpose of conducting the business thereof. Any action of the commission shall require at least four votes. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Members of the commission shall receive ~~forty~~ fifty dollars per day as ~~compensation~~ for their services and shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ Reimbursement shall be for not more than two regular meetings per month and not more than three training sessions for any one fiscal year. Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct, or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

The commission shall establish and maintain its principal office in the city of Lincoln and such other offices within the state as it may deem necessary.

The commission may meet and function at any place within the state. The commission shall appoint an executive director who shall be directly responsible to the commission. The executive director may appoint such assistants, clerks, agents, and other employees as such executive director may deem necessary, fix their compensation within the limitations provided by law, and prescribe duties of such employees. The executive director may appoint additional staff as the commission deems necessary.

The Attorney General shall represent and appear for the commission in all actions and proceedings involving any question under the provisions of sections 20-105 to 20-119, 20-123, 20-132, and 48-1101 to 48-1125, Nebraska Civil Rights Act of 1969, the Nebraska Fair Employment Practice Act, or section 20-132 and shall aid in any investigation or hearing had under the provisions of sections 20-105 to 20-119, 20-123, 20-132, and 48-1101 to 48-1125 either act or such section. The commission shall have an official seal which shall be judicially noticed.

Sec. 2. That section 48-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1118. (1) Whenever it is charged in writing under oath or affirmation by or on behalf of a person or persons claiming to be aggrieved, and such charge sets forth the facts upon which it is based; that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the commission shall furnish such employer, employment agency, or labor organization with a copy of such charge within ten days, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, and shall make an investigation of such charge, but such charge shall not be made public by the commission. If the commission ~~shall determine,~~ determines after such investigation, that there is reasonable cause to believe that the charge is true, the commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the commission, who shall make public in any manner whatever any information in violation of this subsection, shall be guilty of a Class III misdemeanor, except as provided

in subdivision (3) of section 48-1117.

(2) A written charge of violation of ~~sections 48-1101 to 48-1125~~ the Nebraska Fair Employment Practice Act shall be filed within one hundred eighty days after the occurrence of the alleged unlawful employment practice and notice of the charge, including a statement of the date, place, and circumstances of the alleged unlawful employment practice, shall be served upon the person against whom such charge is made within ten days thereafter.

(3) In connection with any investigation of a charge filed under this section, the commission or its authorized agents may, at any time after a ~~complaint~~ charge is filed, issue or cause to be served interrogatories and shall have at all reasonable times access to, for the purposes of examination, and the right to copy, any evidence or records of any person being investigated or proceeded against that ~~relates~~ relate to unlawful employment practices covered by ~~sections 48-1101 to 48-1125~~ and is the act and are relevant to the charge under investigation. The commission may seek judicial enforcement through the office of the Attorney General to require the answering of interrogatories and in order to gain access to evidence or records.

Sec. 3. That original sections 48-1116 and 48-1118, Reissue Revised Statutes of Nebraska, 1943, are repealed.