



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

Katherine L. Gonzalez ,
Complainant,

vs.

Omaha, City of,
Respondent.

)
) **COMMISSION DETERMINATION**
)

) NEB 1-18/19-8-49838-RS
) EEOC 32E-2018-00716
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)
)

A determination has been made in the above-referenced matter before the Nebraska Equal Opportunity Commission. Pursuant to the **Nebraska Fair Employment Practice Act** and the Rules and Regulations of the Nebraska Equal Opportunity Commission, the Commission has officially dismissed this charge.

The evidence fails to support the allegations of discrimination (see attached); and there is no appeal process. This finding of **no reasonable cause** is the final determination of the Commission and completes the handling of the charge. The deadline for filing an action directly in state district court is 90 days after the receipt of this notice.

Since this charge was also filed under Federal law, you may contact the U.S. Equal Employment Opportunity Commission in St. Louis within fifteen (15) days of your receipt of this notice regarding this case. Requests for a Substantial Weight Review must be made in writing to Joseph Wilson, State and Local Coordinator, U.S. Equal Employment Opportunity Commission, St. Louis District Office, 1222 Spruce Street, Room 8.100, St. Louis, MO 63103.

Due to the complexity of the law, and other avenues of redress that may exist, you may wish to consult with an attorney.

The Commission wishes to thank you for your cooperation in the processing of this charge.



For the Commission

OCT 17 2019
Date

MAIN OFFICE:

301 Centennial Mall, South ☐
PO Box 94934
Lincoln, NE 68509-4934
Phone: 402-471-2024
Fax: 402-471-4059
800-642-6112
www.NEOC.nebraska.gov

BRANCH OFFICES:

1313 Farnam-on-the-Mall ☐
Omaha, NE 68102-1836
Phone: 402-595-2026
Fax: 402-595-1205
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505A Broadway Suite 600 ☐
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Phone: 308-632-1340
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800-830-9533

ATTACHMENT

No Reasonable Cause – Sex, Retaliation (Terms and Conditions, Promotion)

The evidence shows Complainant engaged in protected activity in 2010 and again when she filed a previous charge of discrimination. However, Respondent provided legitimate, non-discriminatory reasons for not promoting Complainant to the Deputy Chief position. The evidence shows Respondent filled two Deputy Chief positions and the individuals promoted to those positions were qualified for the positions. The evidence shows Respondent promoted one individual outside of Complainant's protected class and one individual in the same protected class as Complainant for the Deputy Chief positions. There is no evidence Respondent declined to promote Complainant due to her sex or in retaliation for her previous complaint. The evidence shows Respondent has promoted other individuals, in the same protected class as Complainant, into senior management positions. There is no evidence Complainant was subjected to less favorable terms and conditions of employment than someone outside of her protected status in the same or similar situations. There is no evidence Respondent failed to promote Complainant due to any protected status.



State of Nebraska

NEBRASKA EQUAL OPPORTUNITY COMMISSION

Katherine L. Gonzalez ,
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vs.

Omaha, City of,
Respondent.

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) **COMMISSION DETERMINATION**

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) NEB 1-17/18-3-49466-RS.
) EEOC 32E-2018-00373
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)
)

A determination has been made in the above-referenced matter before the Nebraska Equal Opportunity Commission. Pursuant to the **Nebraska Fair Employment Practice Act** and the Rules and Regulations of the Nebraska Equal Opportunity Commission, the Commission has officially dismissed this charge.

The evidence fails to support the allegations of discrimination (see attached); and there is no appeal process. This finding of **no reasonable cause** is the final determination of the Commission and completes the handling of the charge. The deadline for filing an action directly in state district court is 90 days after the receipt of this notice.

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ATTACHMENT

No Reasonable Cause – Sex, Retaliation (Terms and Conditions, Promotion)

The evidence shows Complainant engaged in protected activity in 2010. The evidence shows Respondent did investigate the claims of discrimination by Complainant. However, Respondent provided legitimate, non-discriminatory reasons for not promoting Complainant to the Acting Deputy Chief position for the interim period starting January 1, 2018. The evidence shows the individual promoted to this position was qualified for the position. There is no evidence Respondent declined to promote Complainant due to her sex or in retaliation for her previous complaint. There is no causal connection between Complainant's complaint in 2010, let alone temporal connection. The evidence shows Respondent has promoted other individuals, in the same protected class as Complainant, into the same or similar position Complainant sought. There is no evidence Complainant was subjected to less favorable terms and conditions of employment than someone outside of her protected status in the same or similar situations. There is no evidence Respondent failed to promote Complainant due to any protected status.