

Nebraska State Legislature

SENATOR ADAM MORFELD

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COMMITTEES

Education
Judiciary

February 22, 2016

Ms. Courtney N. Phillips, CEO
Nebraska Department of Health and Human Services
301 Centennial Mall South
Lincoln NE 68509

Dear Director Phillips:

According to recent news reports and testimony at the public hearing on LB 975, several organizations contracting with your department have admitted to engaging in discrimination on the basis of religion. They may also be engaging in discrimination on the basis of sexual orientation, marital status and/or gender.

Statements from some organizations included the following:

Christian Heritage admitting: “We won’t hire a homosexual,” and “We wouldn’t work with a gay family,” and “We only work with married, opposite sex couples who sign a statement of faith and are actively involved with a biblical, orthodox Christian church.”¹

Compass Nebraska admitted they will not work with Nebraskans who are “not active members of their local church,” from the spokesperson for Compass Nebraska.²

Bethany Christian Services admitted they will only work with married couples who are active in their churches.³

¹ See transcript of Judiciary Committee hearing held 2-17-16 for LB 975.

² See Lincoln Journal Star article http://journalstar.com/legislature/adoption-bill-aimed-at-protecting-faith-based-agencies-supporters-say/article_1f9b6b2f-dbbb-5096-9136-bbe6d96105ff.html

³ See Omaha World Herald article http://www.omaha.com/news/legislature/bill-would-prevent-faith-based-foster-care-and-adoption-groups/article_603befe7-d32e-547f-8a22-94a8f671d65d.html

All of these admissions raise serious questions about whether these contractors are in violation of state law, federal law and executive orders. Refusing a couple service based on their sexual orientation or church membership raises questions of prohibited discrimination.

I understand current DHHS contracts with these agencies specifically require compliance with “all applicable local, state and federal statutes and regulation regarding civil rights and equal opportunity employment.”

I write to request a formal investigation of the three agencies who made such admissions in the public record of LB 975. Such investigation should include:

- Review of written policies, memos and correspondence internally within the contractor relating to eligibility for employment and services
- Interviews with leadership of each contractor to determine their policies and practices
- Review of all applications for employment or services that have been rejected in the last 5 years to determine the cause for such rejection and whether discrimination was involved

Should the department discover any form of discrimination either in hiring agency employees or in providing services to the public, I request you immediately develop a plan to terminate that organization’s contract with the state.

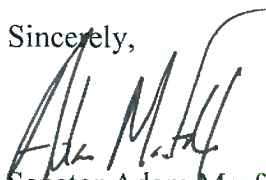
I am also requesting that your department provide a full report of your findings to my office within ninety (90) days.

Finally, I am concerned that other organizations contracting with the state may be engaged in similar practices without having made such public admissions as these other entities. I am requesting that your office develop clear written guidance to all contracting agencies that instructs them they may not discriminate in hiring or services on the basis of religion, gender or any other protected class.

I request you provide me a copy of the written guidance you develop for these agencies within ninety (90) days.

I look forward to working with you to ensure taxpayer dollars are not financing illegal religious discrimination against Nebraskans.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Morfeld", written over a white background.

Senator Adam Morfeld
46th Legislative District