DEPARTMENT OF HUMAN RIGHTS

January 31, 2018

Elizabeth Lincoln, Director
Minnesota Legislative Reference Library
645 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155-1050

Dear Director Lincoln:

The Minnesota Department of Human Rights (MDHR) submits its semi-annual report to the Legislature summarizing investigation results and the resolution of complaints filed with the Department for the final six months (July-December) of 2017.

Summary:

Since the Department's last report, MDHR has seen a drop in new case filings and an increase in case closures. This has resulted in more cases being closed than opened, reducing the Department's overall inventory of cases slightly. Outside of investigations, the Department has seen a consistent, statewide demand for civic engagement partnership with and more requests for education services from the Department from individuals, community organization, and local units of government.

The Department's inventory of cases has decreased to 717 total cases, down from 732 cases in the July 2017 report. For comparison, at the end of December 2012, the Department had 842 cases in its inventory. For the last six months of the year, 286 cases were filed which is relatively consistent with historical trends; the Department had 319 charges filed between July-December 2016.

During the reporting period, the Department settled 75 cases for $266,988.50 in money recovered. In the first half of 2017, the Department settled 34 cases for a total of $258,600 in money recovered. Currently, the Department has 2 cases referred to the Attorney General for litigation. During 2017, eight of MDHR's cases referred to the Attorney General were settled for a total of $320,000. None of the cases referred to the Attorney General by MDHR in 2017 resulted in an adverse finding in a judicial tribunal.

Case Inventory:

- 717 cases were pending determination as of December 31, 2017. As of December 31, 2017, MDHR had closed 292 cases and filed 286 new charges. The average caseload for an investigator was 51 cases.
- 92% of cases filed in the last six months are open; 74% of cases are less than a year old.
    - 124 cases less than 90 days old
    - 163 cases between 91-180 days old
    - 132 cases between 181-270 days old
    - 115 cases between 271-365 days old
    - 185 cases over 365 days old

Closures & Determinations:

- 34.93% of closed cases resulted in a favorable outcome or were withdrawn by the charging party. Of these, 38 cases resulted in a probable cause determination (13.01%), 27 cases were resolved prior to a formal determination (9.25%), 26 cases were withdrawn by the charging party (8.90%), and in 11 cases the Department reached a settlement prior to investigation (3.77%).
- 65.06% of determinations resulted in a favorable outcome for the respondent. The Department closed 184 cases (63.01%) with a no probable cause determination and 6 cases (2.05%) were dismissed by the Department.
- The average time to reach a determination increased 37 days from the prior reporting period to 369 days.
    - Average time to dismiss a case was 252 days (6 cases), a decrease of 64 days from the last reporting period.
    - Average time to reach a no probable cause determination was 387 days (199 cases), an increase of 50 days from the last reporting period.
    - Average time to reach a probable cause or split determination was 275 days (37 cases), a decrease of 23 days from the last reporting period.

Alternative Dispute Resolution:

- The Department pursued mediation in 83 total cases. Of these, 36 (43.37%) were from the 286 charges filed within this reporting period. MDHR successfully scheduled 25 mediations in which 12 cases reached settlement. The average time for a mediation to reach settlement was 54 days. Currently, there are two charges in some phase of the mediation process. During this period, 62 cases were returned from mediation for investigation.

Trends:

- Employment charges continue to constitute the largest number of charges filed with the Department. During the reporting period, 172 employment related charges were filed, which constitutes 60.3% of all charges filed. Of this subset of charges, disability (38.95%), sex (37.21%), age (29.65%), and race (25.00%) were the most common types of employment charges.[1]
- The most common bases of discrimination, without regard to subject area, are disability (30%), sex (22%), race (18%), age (13%), and national origin (10%). The number of sex discrimination charges increased during this period, surpassing age and race to become the second most common charge bases. Disability rose from 26% in the prior period to 30%, continuing as the most common basis for a charge.

In the most recent six-month reporting period, the Department saw an increase in our rate of case closures and a decreased in new charges filed. Taken together, this reduced our total inventory of cases, which will have positive long term impacts on the time it takes to issue determinations.

Sincerely,

Kevin M. Lindsey
Commissioner

Enclosure: Case Distribution Report

cc:

Senator Warren Limmer
Senator Ron Latz
Representative Sarah Anderson
Representative Sheldon Johnson
Joane McAfee, Office of Governor Mark Dayton

[1] Percentages add up to more than 100% because some charging parties allege more than one claim of discrimination.

Minnesota Department of Human Rights
BASIS - AREA - FILING
File Date Range: July 1, 2017 to December 31, 2017
Total Charges Filed During Date Range: 286

	BASIS											
AREA	Age	Color	Disability	Familial Status	Marital Status	National Origin	Public Assistance Status	Race	Religion	Sex	Sexual Orientation	Percentage
Aiding, Abetting, or Obstructing (Employment)			1									0.2%
Business/Contract						2		3		2		1.5%
Education			4					2		1	1	1.8%
Employment - Employer	51	4	67	2	6	26		42	7	64	4	60.1%
Employment - Employment Agency								1				0.2%
Housing/Real Property			6			2		6			2	3.5%
Public Accommodations		1	23			10		13		1		10.6%
Public Services			8				2	2		2	1	3.3%
Reprisal (Education)								1				0.2%
Reprisal (Employment)	7	1	23			4		11	2	29	1	17.2%
Reprisal (Housing/Real Property)			2									0.4%
Reprisal (Public Accommodations)			2									0.4%
Reprisal (Public Services)			2									0.4%
Percentage	13%	1%	30%	0%	1%	10%	0%	18%	2%	22%	2%	

Note: There can be more than one Area and/or Basis per charge filed, counts of Area and Basis combinations will not reconcile with number of charges filed.