DEPARTMENT OF HUMAN RIGHTS

February 5, 2019

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) is submitting its semi-annual report to the Legislature that summarizes investigation results and the resolution of complaints that were filed with the Department for the final six months (July-December) of 2018.

Summary:

For Minnesota to effectively confront racial, gender, and other disparities, it is imperative that we work to reduce discrimination and bias in education, employment, housing, and other areas. This will require public education, medication, and investigation of discrimination cases. All Minnesotans are better off when more Minnesotans are fully included in our communities. This will lead to a stronger economy, safer communities, and a state that is able to take full advantage of the skills and experiences that our increasingly diverse population brings.

The legislature has asked the Department of Human Rights to report on our investigative activities. This is a key strategy in fulfilling our statutory mission to provide freedom from discrimination for all Minnesotans. We will continue to work towards fully realizing this vision of a Minnesota that is free from discrimination.

Since the Department's last report, MDHR has again closed more cases than were opened. This reduces the Department's overall inventory of cases slightly. The time needed to close cases has remained stable. The Department's inventory of cases has also continued to decrease to 654 total cases. This is down from 701 open cases in our June, 2018 report. By comparison, at the end of December, 2012, the Department had 842 open cases in its inventory. Throughout the last six months of the year, 287 cases were filed which is relatively consistent with historical case filing trends.

During the reporting period, the Department settled 85 cases with a total of $281,900 in money recovered. In the second half of 2017, the Department settled 22 cases, totaling $55,700 in money recovered. The Department currently has one case in active litigation and four cases

pending litigation with the Attorney General's office. During this period, the Department had no cases that had been referred to the AG settle.

Alternative Dispute Resolution:

Alternative Dispute Resolution, mediation, continues to be an excellent tool for MDHR to help Minnesotans resolve issues of possible discrimination. By bringing parties together voluntarily, often employment relationships can be restored or housing issues resolved more promptly and amicably.

- The Department pursued mediation in 88 total cases. Of these, 48 (54.55%) were from the 287 charges that were filed in this reporting period. MDHR successfully scheduled 30 mediations and 10 of those cases were settled.
- The average time for a mediation to reach settlement was 95 days. Quicker resolution time benefited both parties.
- Currently, there are four charges in various stages of the mediation process. During this time, 102cases were returned from mediation for investigation.

Case Inventory:

- 654 cases were pending determination as of December 31, 2018. As of that date, MDHR closed 330 cases and Minnesotans filed 287 new charges of discrimination for investigation by the Department. The average caseload for an investigator was 50 cases.
- 87% of cases filed in the last six months are open; 74% of cases are less than a year old.
    - 126 cases are less than 90 days old
    - 141 cases are between 91-180 days old
    - 131 cases are between 181-270 days old
    - 85 cases are between 271-365 days old
    - 171 cases are over 365 days old

Closures & Determinations:

- 30.31% of closed cases resulted in a favorable outcome or were withdrawn by the charging party. Of these, 22 cases resulted in a probable cause determination (6.67%); 53 cases were resolved prior to a formal determination (16.06%); 15 cases were withdrawn by the charging party (4.55%); and in 10 cases the Department reached a settlement prior to investigation (3.03%).
- 69.70% of determinations resulted in a favorable outcome for the respondent. The Department closed 215 cases (64.55%) with a no probable cause determination and 17 of the cases (5.15%) were dismissed by the Department.

The average time to reach a determination decreased one day from the prior reporting period to 441 days.

- The average time to dismiss a case was 308 days (16 cases); a decrease of 53 days from the last reporting period.
- The average time to reach a no probable cause determination was 443 days (202 cases); an increase of one day from the last reporting period.
- The average time to reach a probable cause or split determination was 497 days (29 cases); an increase of 21 days from the last reporting period.

Trends:

- Employment charges continue to be the largest number of charges filed with the Department. During the reporting period, 164 employment related charges were filed; which constitutes 57.1% of all charges filed. Of this subset of charges, disability (36.6%), race (34.1%), age (29.9%), and sex (26.2%) were the most common types of employment charges.[1] Race claims overtook sex and disability claims as the most common type of employment charge. Age discrimination rose to being the third most common basis for employment claims filed with the Department.
- The most common basis of discrimination, without regard to the subject area, are race (27%), disability (26%), sex (18%), age (13%), and national origin (8%). In this filing period, claims that were based on race surpassed those based on disability.

Minnesota is experiencing a paradox – we are a state with strong outcomes in education, employment, and economic success in some communities, while we also have some of the deepest racial disparities in the nation in employment, household income, education, and criminal justice. These disparities have become a key element in our state's political and public policy conversations over the past several years. As Minnesota becomes increasingly demographically diverse, our collective success – economically, socially, and politically – is inexorably connected to our ability to address these disparities. Addressing discrimination is key to our efforts to reduce disparities. MDHR's investigations of discrimination complaints are a critical strategy that move Minnesota towards that goal.

Sincerely,

Rebecca Lucero
Commissioner

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

Enclosure: Case Distribution Report

cc:

Senator Warren Limmer
Senator Ron Latz
Representative John Lesch
Representative Peggy Scott
Emily Lefholz, Office of Governor Tim Walz

Minnesota Department of Human Rights
BASIS - AREA - FILING
File Date Range: July 1, 2018 to December 31, 2018
Total Charges Filed During Date Range: 287

	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		1				0.5%
Business/Contract			2					4		2		1.9%
Education		3	5			3		6		9		6.1%
Employment - Employer	49	2	60	2	2	22		56	3	42	3	56.6%
Employment - Employment Agency										1	1	0.5%
Housing/Real Property		2	8	2	1	3	3	8	2	1		7.0%
Public Accommodations		2	11			4		12	1	3		7.7%
Public Services			9			1		9	1	6		6.1%
Reprisal (Education)			1					1		1		0.7%
Reprisal (Employment)	5		14		1	2		17		10	1	11.7%
Reprisal (Housing/Real Property)			2					1				0.7%
Reprisal (Public Accommodations)								1				0.2%
Reprisal (Public Services)								1				0.2%
Percentage	13%	2%	26%	1%	1%	8%	1%	27%	2%	18%	1%	

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.