DEPARTMENT OF HUMAN RIGHTS

January 31, 2021

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 submits its semi-annual report to the legislature (pursuant to 1997 Minnesota Session Law, Chapter 239, Article 1, Section 15), which summarizes investigation results and the resolution of complaints that were filed with the Department from July 1, 2020 to December 31, 2020.

Introduction:
The Minnesota Department of Human Rights is proud to be Minnesota's civil rights enforcement agency. The Department's mission is to make Minnesota discrimination free, so that residents can lead lives full of dignity and joy. The work of the Department is essential in protecting the civil rights of Minnesotans, particularly as the state's communities grow older and the population becomes more racially diverse across the state.

The Minnesota Human Rights Act is the foundation of the Department's work. The Act, passed into law in 1967, protects the civil rights of all Minnesotans. The Act tasks the Department with important enforcement duties in employment, housing, education, credit, public accommodations, and public services based on their protected class, such as: race, religion, disability, national origin, sex, marital status, familial status, public assistance status, age, sexual orientation, and gender identity.

The Act also tasks the Department with regulating state contractors to ensure men and women are compensated equally for equal work, and to ensure that contractors are making good faith efforts to maintain inclusive and equitable workforces so that the companies' employees reflect Minnesota's vibrant communities.

This report summarizes the Department's investigatory results with respect to the following areas: new cases, case inventory, alternative dispute resolution, case conclusions (which includes determinations, mediations, and dismissals), and case closures. The report demonstrates that the Department is working diligently to create a Minnesota where residents can lead full lives of dignity and joy, free from discrimination.

New Cases:[1]

There were 278 new cases filed by Minnesotans during this reporting period (up 10% from the previous reporting period), of which 88% are open and are in mediation or the investigatory process. In this reporting period:

- The most common areas of discrimination overall were:
    - Employment (60% of all charges filed)
    - Public Accommodations (14% of all charges filed)
    - Public Services (4% of all charges filed)
    - Housing (4% of all charges filed)

- For employment claims specifically, the most common types of employment related charges were:
    - Disability (34%)
    - Race (25%)
    - Sex (17%)
    - Age (11%)
    - National Origin (6%)

- The most common bases of discrimination, regardless of area were:
    - Disability (29%)
    - Race (23%)
    - Sex (16%)
    - National Origin (8%)
    - Age (8%)

Case Inventory:

Our overall inventory of cases is down which is positive progress when considering the number of charges filed increased during this reporting period. In this reporting period, 779 cases were pending determination, which is down from the previous reporting period, and the lowest number of cases pending determination since 2018. Of the cases pending determination, 53% of cases are less than a year old. The inventory breaks down as follows:

- 112 cases are less than 90 days old
- 123 cases are between 91-180 days old
- 94 cases are between 181-270 days old
- 84 cases are between 271-365 days old
- 366 cases are over 365 days old
- MDHR currently has 14 investigators, each with an average caseload of 56 cases.

[1] Note that one case can have multiple charges. This is why there are more charges than cases filed.

Alternative Dispute Resolution:
The Department continues to see strong and improving results with its mediation program. During this reporting period, the Department settled its highest number of cases through mediation since the mediation program's inception in 2012. This is highlighted by the Department settling 75% of its mediation cases in calendar year 2020. By utilizing mediation, the Department helps move all parties forward in both a positive and time efficient way.

During this reporting period:

- 140 total cases (50% of total cases) were referred to mediation
- 52 cases were scheduled for mediation for this reporting period[2]
- 46 cases were resolved through mediation[3]
- 142 cases were returned from mediation to investigation[4]
- The average time a case was in mediation was 92 days[5]

Case Closures:
The Department closed 267 cases during this reporting period. Of the 267 closed cases:

- 46 cases (17%) were settled through mediation, a favorable resolution for both parties
- 160 cases (60%) resulted in a favorable determination for the respondent:
    - 134 cases (84% of favorable respondent determinations) were closed with a no probable cause determination
    - 26 cases (16% of favorable respondent determinations) were dismissed by the department due to lack of merit
- 34 cases (13%) resulted in a favorable determination for the charging party:
    - 6 cases (18% of favorable charging party determinations) were probable cause determinations
    - 28 cases (82% of favorable charging party determinations) were resolved prior to a full investigation and formal determination
- 27 cases (10%) were withdrawn by charging party before a determination was reached

Case Conclusions:
The average time for a case to reach a conclusion by the Department through dismissal, mediation, or determination is 467 days. In this reporting period:

- Average time to reach a settlement through mediation was 106 days (46 total cases)
- Average time to dismiss a case was 435 days (26 total cases)
- Average time to reach no probable cause determination was 534 days (163 total cases)

[2] A mediation is only scheduled when both parties agree to participate in the mediation process.
[3] This includes cases where mediation may have begun in the previous reporting period but was resolved during this reporting period.
[4] This includes cases that may have been referred to mediation in a previous reporting period but were subsequently returned to investigation during this reporting period.
[5] Covers from the day a case was referred to mediation up to when a mediation decision was finalized. This includes both when a mediation case was settled and when a case was not settled.

- Average time to reach a probable cause or split determination was 667 days (13 total cases)[6]

Conclusion:
The Minnesota Department of Human Rights ensures that the civil rights of Minnesotans are protected, as mandated by law. During this reporting period, the Department continued to expand its mediation program as an efficient and cost-effective way for both parties to reach a favorable determination. The Department's case inventory will likely continue to maintain at its consistent level given the capacity restraints placed on the Department. This is seen by the Department's fourteen investigators having an average case load of 56 cases.

It is also important to note that although the investigative work of the Department is critical to achieving its mission, it is also just one of MDHR's critical responsibilities. The Department works to successfully conduct its investigative duties is in concert with its equity and inclusion enforcement monitoring, and its external relations education, outreach, and policy work to help ensure that all Minnesotans have opportunities to live their lives with opportunities for joy and dignity.

Sincerely,

Rebecca Lucero
Commissioner

cc:

Senator Warren Limmer
Senator Ron Latz
Representative Jamie Becker-Finn
Representative Peggy Scott
Emily Lefholz, Office of Governor Tim Walz & Lt Governor Flanagan

Insert Area/Basis Chart

[6] Determinations do not always match with closures for the period because once a determination is made the case needs to be settled through conciliation or litigation. Some cases with determinations from prior periods are closed in this period and some cases with determinations in this period are still in settlement negotiations.

Minnesota Department of Human Rights
BASIS - AREA - FILING
File Date Range: July 1, 2020 - December 31, 2020
Total Charges Filed During Date Range: 278

	BASIS													
AREA	Age	Color	Creed	Disability	Familial Status	Local Comms'n Membrshp	Marital Status	National Origin	Public Assistance Status	Race	Religion	Sex	Sexual Orientation	Percentage
Aiding, Abetting, or Obstructing (Employment)														0.0%
Aiding, Abetting, or Obstructing (Public Accommodations)														0.0%
Business/Contract		3		1				3		4		3	1	2.4%
Credit														0.0%
Education				3						1		1		0.8%
Employment - Employer	42	11		126	10	1	3	24	1	71	16	65	4	60.4%
Employment - Employment Agency		1		1				1		1	1	1		1.0%
Employment - Union														0.0%
Housing/Real Property		1		8	1			2	2	5		3		3.6%
Public Accommodations		16		9				17		28	14	3	2	14.4%
Public Services				10						10	1		2	3.7%
Reprisal (Business/Contract)														0.0%
Reprisal (Education)														0.0%
Reprisal (Employment)	7	2		23	1			2		19	2	22	1	12.8%
Reprisal (Employment - Agency)				1						1				0.3%
Reprisal (Housing/Real Property)										2				0.3%
Reprisal (Public Accommodations)										1				0.2%
Reprisal (Public Services)													1	0.2%
Reprisal (Union)														0.0%
Percentage	8%	5%	0%	29%	2%	0%	0%	8%	0%	23%	5%	16%	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.