DEPARTMENT OF HUMAN RIGHTS

July 31, 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 first six months (January-June) of 2019.

Summary:

Since 1967, MDHR has strived to ensure all Minnesotans experience lives free from discrimination. The department's work is predicated on the Minnesota Human Rights Act, Chapter 363A, which prohibits discrimination in business, credit, education, employment, housing, public accommodations and public services. Through the Minnesota Human Rights Act Minnesotans have been supported through various racial, social and economic changes.

As Minnesota communities are growing older and the population becomes increasingly racially diverse, MDHR is committed to creating an equitable and inclusive Minnesota by continuing to address discrimination and disparities. Minnesota is better positioned when more residents can lead full lives rich with dignity and joy. MDHR's work is essential to protecting the civil rights of all communities.

During the 2019 Legislative Session, during the period of this report, Governor Walz's budget proposal for the Department of Human Rights included funding for three regional offices in Bemidji, Duluth, and Worthington. This funding was not approved in the final budget, after being included in both the Governor's proposal, as well as the House's original proposal. This is a missed opportunity to add capacity to the Department, assisting in our ability to protect Minnesotans statewide. MDHR will continue to seek additional support for this work. Added investiments are a necessity for MDHR to fullfil its statutory mandate.

Since the Department's last report the Department has seen an increase in charges filed by Minnesotans and a rising inventory of cases awaiting investigation. The Department's inventory of cases is now 798 total cases. This is up from 654 open cases in our January, 2019 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, 368 cases were filed which is an increase from the prior six months, but relatively consistent with historical trends.

During the reporting period, the Department settled 66 cases with a total of $257,336 in money recovered. In the latter half of 2018, the Department settled 85 cases, totaling $281,900 in money recovered. The Department had one case in active litigation and two cases pending litigation with the Attorney General's Office. During this period, the Department had no cases that had been referred to the AG for settlement.

Alternative Dispute Resolution:

Alternative Dispute Resolution, mediation, continues to be an excellent tool for MDHR to help Minnesotans resolve issues of possible discrimination. The Department is prioritizing mediation as a tool to resolve disputes, during this period MDHR hired a full-time mediation director to build up this program. This investment will help to resolve more issues before a full investigation, helping parties move forward in a positive way. By bringing parties together voluntarily, often employment relationships can be restored or housing issues resolved more promptly and amicably.

- The Department recommended mediation in 150 total cases total during this reporting period.
- Of the 368 charges that were filed in this reporting period, we referred 83 (22.6%) to mediation.
- MDHR successfully scheduled 41 mediations and 11 of those cases were settled. This is substantially more than the last legislative report because we are training our staff to identify, along with our full time mediation director, opportunities where mediation is a good option.
- The average time for a mediation to reach an agreement was 138 days.
    - While the average time for a case to reach an agreement through mediation has increased since the previous report, the average number of days a case is in mediation is still substantially shorter than the investigative process.[1]
- Currently, there are 40 charges in various stages of the mediation process. During this time, 123 cases were returned from mediation for investigation.

Case Inventory:

- 798 cases were pending determination as of June 30, 2019. As of that date, MDHR closed 241 cases and Minnesotans filed 368 new charges of discrimination for investigation by the Department. The average caseload for an investigator was 61 cases.
- 95% of cases filed in the last six months are open; 70% of cases are less than a year old.
    - 169 cases are less than 90 days old
    - 205 cases are between 91-180 days old
    - 91 cases are between 181-270 days old
    - 97 cases are between 271-365 days old

[1] The increase in average time is due to a change in our criteria for moving from "mediation in process" to "mediation pending". Previously, a case could only be considered "mediation pending" when both parties agreed to mediation. Now, we move cases as soon as at least one party is interested in mediation.

- 236 cases are over 365 days old

Closures & Determinations:

- 27.38% of closed cases resulted in a favorable outcome for the charging party. Of these, 27 cases resulted in a probable cause determination (11.20%); 28 cases were resolved prior to a formal determination (11.62%); and in 11 cases the Department reached a settlement prior to investigation (4.56%).
- 66.81% of determinations resulted in a favorable outcome for the respondent. The Department closed 139 cases (57.68%) with a no probable cause determination and 22 of the cases (9.13%) were dismissed by the Department.
- 14 cases were withdrawn by the charging party (5.81%) before a determination was reached.
- The average time to reach a determination decreased eleven days from the prior reporting period to 452 days.
    - The average time to dismiss a case was 388 days (23 cases); an increase of 80 days from the last reporting period.
    - The average time to reach a no probable cause determination was 457 days (125 cases); an increase of 14 days from the last reporting period.
    - The average time to reach a probable cause or split determination was 516 days (14 cases); an increase of 19 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, 200 employment related charges were filed; which constitutes 54.4% of all charges filed. Of this subset of charges, sex (34.5%), race (26.5%), disability (25.0%), and age (16.0%) were the most common types of employment charges.[2] Sex claims overtook disability, race, and age claims as the most common type of employment charge. The number of sex claims jumped considerably from prior periods.
- The most common basis of discrimination, without regard to the subject area, are sex (27%), race (26%), disability (20%), age (10%), and national origin (5%). In this filing period, claims that were based on sex surpassed those based on race and disability, which were the first and second most common in the prior period.

Maintaining civil rights protections requires ongoing efforts to enforce Minnesota's laws, the Department of Human Rights provides a free and accessible way for Minnesotans to have complaints of discrimination in employment, housing, and other areas investigated. The Department has strong partnerships with other state agencies and the Attorney General in these efforts.

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

This report details just one part of the Department of Human Rights work to help ensure that all Minnesotans have opportunities to live their lives with opportunities for joy and dignity, free from discrimination. I look forward to ongoing discussions about the work of MDHR, the dedicated staff, and the resources needed to fulfill our statutory obligations.

Sincerely,

Rebecca Lucero
Commissioner

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
Percentage of Claims filed by Protected Class and Area
File Date Range: January 1, 2019 to June 30, 2019
Total Claims Filed During Date Range: 368

	BASIS												
AREA	Age	Color	Creed	Disability	Familial Status	Marital Status	National Origin	Public Assistance Status	Race	Religion	Sex	Sexual Orientation	Percentage
Aiding, Abetting, or Obstructing (Employment)				2									0.4%
Business/Contract									3			1	0.9%
Education		2		3			1		4	2	4		3.6%
Employment - Employer	32	2	1	50	1	1	12	1	53	5	69	11	53.5%
Employment - Employment Agency	1			2					1				0.9%
Housing/Real Property		2		3		2	1	1	8		1	1	4.3%
Public Accommodations				3					3			1	1.6%
Public Services		5		1			4		7	3	2		4.9%
Reprisal (Business/Contract)													0.0%
Reprisal (Education)									1				0.2%
Reprisal (Employment)	10			22			5		36	3	43	4	27.6%
Reprisal (Employment - Agency)													0.0%
Reprisal (Housing/Real Property)				2								1	0.7%
Reprisal (Public Accommodations)				2					1				0.7%
Reprisal (Public Services)				1			1				1		0.7%
Percentage	10%	2%		20%	0%	1%	5%	0%	26%	3%	27%	4%	

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.