DEPARTMENT OF HUMAN RIGHTS

July 29, 2022

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 January 1, 2022 to June 30, 2022.

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 of dignity and joy. The work of the Department is essential in protecting the civil rights of Minnesotans.

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. Importantly, this report details a number of positive outcomes for the Department over this reporting period. Specifically, as compared to previous reporting periods, the Department has a lower total case inventory, lower average time to conclude a case, and a higher number of closed cases.

New Cases[1]

There were 251 new charges filed by Minnesotans during this reporting period, of which 92% are open, either in mediation or the investigatory process. In this reporting period:

- The most common areas of discrimination overall were:
  - Employment (55% of all charges filed)[2]
  - Public Accommodations (9% of all charges filed)
  - Housing (7% of all charges filed)

- For employment claims specifically, the most common types of employment related charges were:
  - Disability (27%)
  - Sex (21%)
  - Race (17%)

- The most common bases of discrimination, regardless of area were:
  - Disability (31%)
  - Race (23%)
  - Sex (18%)

Case Inventory

In this reporting period, 577 cases were pending a determination. The Department's total case inventory has consistently decreased over the past two years, and its current case inventory is the lowest recorded inventory since the Department's January 2016 legislative report. Of the cases pending determination, 62% of cases are less than a year old. The inventory breaks down as follows:

- 357 cases are less than a year old
  - 133 cases are less than 90 days old
  - 97 cases are between 91-180 days old
  - 62 cases are between 181-270 days old
  - 65 cases are between 271-365 days old
- 220 cases are over 365 days old. Importantly, this is the lowest number of cases over 365 days old since the Department's January 2019 legislative report.
- MDHR had 15 active investigators in this reporting period, each with an average caseload of 38 cases.

[1] Note that one case can have multiple charges. This is why there are more charges than cases filed.
[2] An additional 19% of charges were related to reprisals in employment.

Alternative Dispute Resolution

By utilizing mediation, the Department helps move all parties forward in both a positive and time efficient way. During this reporting period:

- 59 total cases (42% of total cases) were referred to mediation
- 39 cases were scheduled for mediation for this reporting period[3]
- 27 cases were settled through mediation[4]
- 38 cases were returned from mediation to investigation[5]
- The average time a case was in mediation was 76 days[6]

Case Closures

The Department closed 321 cases in this reporting period. This is the highest number of closed cases in a reporting period since the Department's January 2019 legislative report. Of the 321 closed cases:

- 27 cases (8%) were settled through mediation, a favorable resolution for both parties[7]
- 242 cases (75%) resulted in a favorable determination for the respondent:
    - 205 cases were closed with a no probable cause determination
    - 37 cases were dismissed by the department due to lack of merit
- 38 cases (12%) resulted in a favorable determination for the charging party:
    - 13 cases were probable cause or split probable cause determinations[8]
    - 25 cases were resolved prior to a full investigation and formal determination
- 14 cases (4%) were withdrawn by charging party before a determination was reached

[3] A mediation is only scheduled when both parties agree to participate in the mediation process. Additionally, some may be scheduled out in the next reporting period.
[4] This includes cases where a mediation was both scheduled and settled within this reporting period.
[5] 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.
[6] For mediations scheduled and closed in this reporting period, this 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.
[7] This number includes some mediations scheduled during a previous reporting period, but settled in this reporting period.
[8] A "split probable cause determination" is when an individual had multiple charges of discrimination, and the department found probable cause on some, but not all charges.

Case Conclusions

The average time for a case to reach a conclusion by the Department through dismissal, mediation, or determination was 559 days. The total number of days to conclude a case is down 11% since the previous reporting period. In this reporting period:

- Average time to reach a settlement through mediation was 57 days (27 total cases)
- Average time to dismiss a case was 681 days (37 total cases)
- Average time to reach no probable cause determination was 599 days (177 total cases)
- Average time to reach a probable cause or split determination was 735 days (9 total cases)[9]

Conclusion

The Minnesota Department of Human Rights ensures that the civil rights of Minnesotans are protected, as mandated by law. This report demonstrates that the Department is working diligently to fulfill its mission. Importantly, this report details a number of positive outcomes for the Department over this reporting period. Specifically, the Department has a lower total case inventory, lower average date to conclude a case, and a higher number of closed cases as compared to previous reporting periods. Additionally, during this reporting period, the Department concluded an investigation and issued findings of racial discrimination in a ten-year pattern or practice investigation into the City of Minneapolis and Minneapolis Police Department, which began after the murder of George Floyd in the summer of 2020.

It is important to note that investigating cases of discrimination is just one of the Department's critical responsibilities. The Department is also required by law to monitor and enforce equity and inclusion requirements on state-funded projects, as well as conduct education, outreach, and policy work. Combined, these responsibilities help ensure that all Minnesotans have opportunities to live their lives with opportunities for joy and dignity.

Sincerely,

Rebecca Lucero
Commissioner

[9] Determinations do not always match with closures for the reporting 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.

cc:

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

Insert Area/Basis Chart

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2022 - June 30, 2022

Total Charges Filed During Period: 251

	BASIS														
AREA	Age	Color	Creed	Disability	Familial Status	Local Comms'n Membrshp	Marital Status	National Origin	Public Assist Status	Race	Religion	Sex	Sexual Orientation	**TOTAL**	**%**
Aiding, Abetting, or Obstructing (Employment)														**0**	0.0%
Aiding, Abetting, or Obstructing (Public Accommodations)														**0**	0.0%
Aiding, Abetting, or Obstructing				1										**1**	0.2%
Business/Contract				2								1		**3**	0.6%
Credit										0				**0**	0.0%
Education				6						9		4		**19**	3.5%
Employment - Employer	23	14	1	81	8		3	15		52	32	62	7	**298**	54.8%
Employment - Employment Agency														**0**	0.0%
Employment - Union														**0**	0.0%
Housing/Real Property				16				3	3	9	3	1	1	**36**	6.6%
Public Accommodations		1		23				4		16	2	2		**48**	8.8%
Public Services				8				2		7		3	3	**23**	4.2%
Reprisal	4			1						2				**7**	1.3%
Reprisal (Business/Contract)										1				**1**	0.2%
Reprisal (Education)														**0**	0.0%
Reprisal (Employment)	6	2		31	3		1	1		25	3	27	5	**104**	19.1%
Reprisal (Employment - Agency)														**0**	0.0%
Reprisal (Housing/Real Property)				2						1				**3**	0.6%
Reprisal (Public Accommodations)										1				**1**	0.2%
Reprisal (Public Services)														**0**	0.0%
Reprisal (Union)														**0**	0.0%
TOTAL	**33**	**17**	**1**	**171**	**11**	**0**	**4**	**25**	**3**	**123**	**40**	**100**	**16**	**544**	
%	6%	3%	0%	31%	2%	0%	1%	5%	1%	23%	7%	18%	3%		