

# 2016 | 2017 BIENNIUM REPORT



INVESTIGATIONS

COMPLIANCE

EDUCATION

CREATING A MORE PERFECT UNION





**MINNESOTA DEPARTMENT  
OF HUMAN RIGHTS**

BIENNIUM REPORT

FY 2016 | 2017

# LETTER FROM THE COMMISSIONER

Governor Harold LeVander 50 years ago in his inaugural address urged the people of the State of Minnesota to take a leadership role in America on the issue of civil rights and equality. A few months later in April 1967, Dr. Martin Luther King, Jr. echoed the comment of the Governor when he spoke on the St. Paul campus at the University of Minnesota.

On May 25, 1967, Governor LeVander signed legislation that created the Minnesota Department of Human Rights (MDHR) as a statewide administrative agency. Minnesota took a significant leadership step forward in ensuring civil rights and equality for all people.

In the past 50 years, MDHR has worked to remove explicit and implicit barriers to ensure that all living in Minnesota can realize their dreams. Some of the efforts of the Department have changed the legal landscape of the United States while other efforts have had a similar profound impact on the lives of the people of Minnesota.

During the tenure of Governor Mark Dayton, the Minnesota Legislature has passed legislation expanding the duties of the agency and creating new responsibilities for MDHR. Beyond ensuring that equal employment opportunities are provided by contractors, MDHR now ensures that equal pay is provided to female employees. New duties for MDHR include combatting school bullying, growing entrepreneurship within emerging communities and supporting second chance opportunities for individuals.

MDHR has also been asked by Executive Order of Governor Dayton to work on a variety of issues such as ending homelessness, ensuring people with disabilities can pursue happiness on their own terms and assisting the State of Minnesota in being a leader on Diversity and Inclusion through its hiring, contracting and engagement efforts with all of its residents.

Despite being one of the administrative agencies with the fewest employees, MDHR is heeding the call of Minnesota political leaders from the past and the present to carry on the state's proud tradition of leading on the issue of civil rights and equality.

On behalf of everyone within the Department, we hope that you find this report is helpful in understanding the work of the Department and how we all can work toward ensuring that all people in Minnesota realize their dreams and aspirations.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Lindsey". The signature is fluid and cursive, with the first name "Kevin" and last name "Lindsey" clearly legible.

Kevin M. Lindsey  
Commissioner  
Minnesota Department of Human Rights

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# INTRODUCTION

*“It’s our own responsibility to dream the dreams that will ease the hurts of mankind.”*

*- Governor Harold LeVander, 1967*

In 1967, during his inaugural address Minnesota Governor Harold LeVander set forth the vision that would ultimately create the Minnesota Department of Human Rights.

In the following segments of his speech, Governor LeVander remarked on the critical problems of the time and his proposed solutions. Those remarks remain relevant today.

*“[O]ur most critical problems are really people problems, we are going to have to try to understand people. How do we encourage society to accept the former convict? How do we motivate underprivileged children? How do we create true harmony among races? How do we assure our senior citizens of a meaningful life?*

...

*Our new problem-solvers must also be people willing to cooperate. The problems of a mature Minnesota stretch beyond our towns, counties and districts – they are problems of all of us.*

...

*We must be alert enough to lead, yet wise enough to follow. We must be bold enough to innovate, humble enough to learn from others. This decade will determine if the states are sincere about their responsibilities not only their rights.*

*In a word, I am asking Minnesota to lead. If we in Minnesota can’t create racial harmony, we should ask no state to do it.*

...

*We have made progress in this field - - brilliant progress compared to some states. But let not that remark be reassuring. For we have proclaimed our share of platitudes, and we have made our share of hurried, self-comforting gestures of interest. And we all know that won’t suffice. It’s high time that Minnesota State Government assumed its full responsibilities and the people of Minnesota – all the people of Minnesota – assume their complete responsibility.*

...

*I frankly intend this Department should be created not for display but for decision. And my concern for this Department will be reflected in my budget message.*

...

*We must guarantee that every man is secure in his constitutional right to the opportunity to purchase property [as] that constitutional guarantee directs us to consider and enact an enlarged fair housing law.*

...

*As I said earlier, if we in Minnesota can’t create harmony among races, we should ask no state to do it. And let us be reminded that we shall be judged by the reality, not the rhetoric of human equality.”*

In April of 1967, Dr. Martin Luther King, Jr. visited the University of Minnesota campus urging Minnesotans to lead on civil rights. Dr. King’s “I Have a Dream” speech on August 28, 1963 during the historic march on Washington for Jobs and Freedom is considered by historians as the catalyst for the Civil Rights Act of 1964 and the Voting Rights Act of 1965.



*Signing of the Human Rights Act: Governor Harold LeVander signs the 1967 Human Rights Act, creating the Minnesota Department of Human Rights.*

On May 25, 1967, Governor LeVander signed legislation creating the Minnesota Department of Human Rights. A few weeks later, MDHR became a state agency on July 1, 1967.

MDHR succeeded the State Commission Against Discrimination. Subsequently, legislators approved procedures for enforcement of the Minnesota State Act Against Discrimination including investigation, conciliation, public hearings, and appeal.

In 1973, legislators renamed the act, the Minnesota Human Rights Act, and amended it to extend prohibitions on sex discrimination to housing, public accommodations, public service, and education. Additionally, discrimination in employment, housing, and education was prohibited on the basis of marital status, disability, and status with regard to public assistance. Later, denial of credit was prohibited on the basis of sex.

The Department since its inception has shaped the course of Minnesota as well as the landscape of civil rights within the United States. Most notably, charges filed with the Department involving United States Jaycees, Continental Can and Eveleth Taconite have significantly broadened the rights of women.

The State of Minnesota continues to play a leadership role in civil rights. The Department has recently expanded its responsibilities to ensure that equal pay for women is paid by contractors, bullying in schools is no longer acceptable, and those who need a second chance are provided with real employment opportunities.

The past 50 years have made a difference and everyone in the Department looks forward to working with the people of Minnesota through meaningful engagement to continue to lead on civil rights within the United States.

## OUR RIGHTS SERIES



*Our Rights series premiere: Panelists provide their insights into human rights issues at the premiere of “Our Rights: Justice for All” at TPT studios.*

To document the human rights struggle in Minnesota, the Department and Twin Cities Public Television co-created a three-part series that explored the history, transformation, and future of human rights in Minnesota. The first episode, “Our Rights: Justice for All” provided an in-depth history of MDHR over the past 50 years. The next episode, “Our Rights: Raising the Stakes,” examined the transformation of Affirmative Action to Diversity and Inclusion. Lastly, “Our Rights: Building on the Promise” addressed the future of human rights and the role of MDHR in building a better future for all Minnesotans.



*Still from “Our Rights: Raising the Stakes”: (Left) David Adolfson, establisher of the CCTP, which provides second chance opportunities in construction to ex-offenders.*

## TPT SCREENING TOOLKIT

In an effort to start conversations on inclusion and creating community, the Department created a screening toolkit to help organizations throughout the state host screening events. MDHR will continue to offer screening opportunities into 2018. MDHR invites groups and organizations to contact them for help planning an event.

**ELECTION ISSUE**

### ‘Gay rights’ ignite fire at school forum

By NANCY PAULU  
Minneapolis Star Staff Writer

Minneapolis “gay rights” activists and Minneapolis School Board candidates confronted each other last night, with activists yelling “bigot, bigot” at some of the candidates, who believe avowed homosexuals shouldn’t teach in schools.

Candidate Audrey Stenvig has made no secret throughout the campaign of her distaste for “gay rights.” Incumbents Phil Olson and Marilyn Borea, who are up for re-election, also have voiced concern on the issue.

I feel that you have your constitutional rights, but I have mine, too . . . . And if my child is in a room where a homosexual is teaching, I have my rights to pull him out.”

**Baker:** “Aren’t you preaching hatred for people who are gays?”

**Mrs. Stenvig:** “No. If a homosexual keeps to his own business, that’s just great with me.”

**OLSON SPOKE** negatively of homosexuals he’d once encountered who were once . . . .

### Minnesota law has banned same-sex marriage since ‘97

“But people who have children are even more excited,” said Talen, whose organization serves Upper Midwest gays and lesbians with kids.

“Right now we have to stand on our heads to get the kinds of protections for our kids that come automatically when a man and woman marry,” she said. “We’re not building families as a political statement. We do it for the same reasons anyone else does: We want to watch children grow, we want to have what we always considered to be a ‘family,’ and when we do, our families are pretty much like anyone else’s. It’s al-

**Minnesota households with same-sex partners:**

- 24% of the 9,100 households include children.
- 5,100 children live in these households.
- 25% of the same-sex households with children are in Minneapolis or St. Paul; 42% are in metro-area suburbs.
- Lesbian couples are about twice as likely as gay men to have children.
- In 40% of the same-sex couples with children, neither partner was married before.

Source: U.S. Census Bureau

*Still from “Our Rights: Justice For All”: News headlines from the 1970’s (left) and the 2000’s (right).*



# DEPARTMENT OF HUMAN RIGHTS MARKS 50 YEARS

## COMMEMORATION IN THE ROTUNDA

To kick off its 50th year of protecting human rights, MDHR hosted a commemoration event in the Minnesota State Capitol Rotunda. Distinguished speakers included Dr. Josie Johnson and Duchess Harris, J.D., Ph.D. Additionally, there were artistic performances by Deneane Richburg, Artistic Director and Founder of Brownbody, and Thomasina Petrus, Penumbra Theatre Company Member.

## ROCHESTER LUNCHEON

MDHR hosted a luncheon and panel discussion in Rochester on Building an Inclusive Workforce. The Department presented its “Building an Inclusive Minnesota” report. The lively panel that followed included discussion on current workforce and business inclusion efforts in Rochester as well as workforce and business inclusion lessons learned from the U.S. Bank Stadium project. The Department subsequently facilitated discussion with the audience on how Rochester could leverage its community and business efforts as the city population grows in the near future.

## CLE

As part of the Department’s 50th anniversary commemoration events, MDHR co-hosted a Continuing Legal Education session that explored the past 50 years of human rights in Minnesota. Retired Minnesota Supreme Court Justice Paul Anderson presented on the state of race relations since 1967 with a focus on bias in the criminal justice system. Additionally, Second Judicial District Judge Nicole Starr presented on the struggle for civil rights with a historical lens regarding Asian Americans.



*Commemoration in the Rotunda: Dr. Josie Johnson spoke about her rich civil rights advocacy experience which included passage of Minnesota’s housing discrimination law at the 50th Anniversary celebration.*



*Commemoration in the Rotunda: Author of “Hidden Figures”, Duchess Harris, J.D., Ph.D. addressed attendees at the 50th Anniversary celebration.*



*CLE: Commissioner Lindsey, Second Judicial District Judge Nicole Starr and Retired Minnesota Supreme Court Justice Paul Anderson answer audience questions from the CLE event at Stinson Leonard Street, Minneapolis.*

# MINNESOTA'S HISTORY OF SILENCE BREAKERS

## WOMEN GRANTED FULL MEMBERSHIP IN JAYCEES

Women who sought to join the United States Jaycees filed an administrative charge with the Department. The United States Jaycees objected saying they were exempt and that their actions to exclude women were protected under the First Amendment. MDHR found that the Jaycees was a public accommodation as defined by the Minnesota Human Rights Act and was subject to the anti-discrimination provisions of the law. The Supreme Court upheld the Act finding that the prohibitions against sex discrimination were not abridged by male members' freedom of intimate association or freedom or expressive association under the First Amendment of the United States Constitution.

## SEXUAL HARASSMENT IN SCHOOLS

The case that initially introduced the idea that school children, like adults, could be victims and perpetrators of sexual harassment began in Minnesota, when 15-year old Katy Lyle filed a charge with the Minnesota Department of Human Rights. A sophomore at Duluth's Central High School, Lyle was victimized by obscene graffiti that covered much of the wall in a boy's bath room stall. Despite her repeated complaints, the graffiti remained visible throughout all of her junior year. In 1989, she filed a charge with the Department of Human Rights. After investigating, MDHR agreed that allowing the offensive graffiti to remain visible for so long constituted illegal sex discrimination. In a negotiated settlement, following a civil lawsuit, the Duluth school board agreed to pay \$15,000. This case introduced the idea of student-on-student sexual harassment, nearly a decade before the U.S. Supreme Court would take up the issue.

## MINNESOTA SUPREME COURT RECOGNIZES SEXUAL HARASSMENT

In a 1980 court case (*Continental Can Co. v. State of Minnesota*), the Minnesota Supreme Court ruled for the first time that the prohibition against sex discrimination in the Minnesota Human Rights Act included the concept of sexual harassment. Two years later, the Act was amended to define and specifically include sexual harassment as a violation. The U.S. Supreme Court would not address the issue until 1986, when it first recognized sexual harassment as a violation of Title VII in the case of *Meritor Savings Bank v. Vinson*.

## THE NATION'S FIRST SEXUAL HARASSMENT CLASS ACTION LAWSUIT

In 1984, Lois Jensen filed a complaint with the Minnesota Department of Human Rights. A week after filing her complaint with MDHR, the tires of Jensen's car were slashed in an effort to intimidate her. The dispute would eventually result in the filing of the nation's first class action lawsuit relating to workplace sexual harassment, *Jensen v. Eveleth Taconite Company*. The famous and lengthy legal battle that would last more than a decade in the federal court system spawned the book "Class Action" and the film "North Country." Eventually, the 15 women who had been subject to years of ridicule, threats, intimidation and abuse settled with Eveleth Mines for a total of \$3.5 million.

# INVESTIGATIONS

*“Mere access to the courthouse does not by itself assure a proper functioning of the adversary process.”*

*- Justice Thurgood Marshall*

Every person in Minnesota is protected by the Minnesota Human Rights Act. The state’s extensive civil rights law provides greater protection from discrimination in many instances than federal law.

A wide range of discrimination complaints come before MDHR’s investigators. The jurisdiction of the Department covers education, contracting, public accommodation, public services, employment and housing.

Filing a complaint with MDHR is free. The current cost to file a complaint in state district court is approximately \$300 and may exceed \$400 if the party requests a jury trial.

The vast majority of individuals who file complaints with the Department are individuals with limited discretionary income. The Department for some individuals represents the only viable means to protecting their legal rights.

The most common discrimination disputes filed with MDHR involve employment claims. The three most common employment discrimination claims are based on disability, sex, and race discrimination.

## FILING PROCESS

An individual does not need to hire an attorney to file a complaint with the Department. MDHR has staff available to assist anyone who wishes to proceed with an administrative charge. Individuals who wish to file a complaint will however have to sign and notarize the complaint before the Department can proceed with an investigation.

Attorneys on behalf of their clients may also file a complaint with MDHR. The Department provides no legal advice to attorneys. The individual who is alleging discrimination remains obligated to sign and notarize the complaint.

## ENFORCEMENT QUICK FACTS

- In the past six years, MDHR has investigated a case in every county in Minnesota except for six counties. In 2017 alone, the Department investigated a case in 58 of Minnesota’s 87 counties.
- The reach of the Minnesota Human Rights Act (MHRA) is broader than Title VII employment discrimination provisions in that the MHRA covers all employers and not just those with more than 15 employees.
- Disability is the most common basis for charges of discrimination.
- Employment is the most common area of discrimination charges.
- In 2016, the Department published “MDHR Enforcement Case Summaries”, which shares details of probable cause determinations issued from 2011-2015. The publication describes the negotiation process to settle cases. Conciliation can involve monetary settlements, policy changes, training, monitoring, among other options.

A complaint of discrimination under the Act must be filed in state court, federal court, or MDHR within one year of the discriminatory act. If the individual fails to file their complaint within one year, the individual loses their legal right to pursue relief.

The Department’s administrative investigation process provides parties a far less expensive alternative to the courts and enhances the efficiency of Minnesota’s judicial system by reducing the court’s legal docket.

### INVESTIGATION PROCESS

MDHR conducts investigations as a neutral fact-finder to determine whether a violation of the Human Rights Act has occurred. MDHR will interview individuals, ask for documents and request position statements from parties during the course of the

investigation. Upon completion of the investigation, parties will receive a written determination. Parties have the right to appeal the determination issued by the Commissioner.

Instances where MDHR issues a determination finding that there is probable cause to believe a violation of the Act occurred, the Department will attempt to negotiate a settlement. If settlement efforts are unsuccessful, the matter is referred to the Office of the Minnesota Attorney General for litigation. A party may also choose to withdraw the case to pursue private litigation.

Nearly all of the probable cause determinations are settled within conciliation without MDHR having to refer the case to the Attorney General.

## PREVIOUS AND CURRENT ACCOMPLISHMENTS

Minnesota Department of Human Rights - Then and Now

### MORE EFFICIENT - VOLUME

Discrimination Complaints Investigated



### MORE EFFICIENT - SPEED

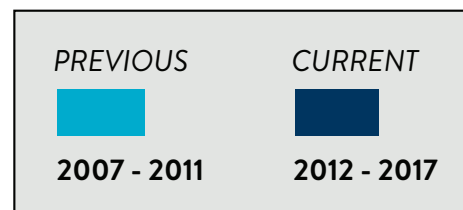
Average Days to Complete an Investigation



Cases Older Than One Year



Cases in Inventory



# CASEFILES: THE HUMAN SIDE OF DISCRIMINATION

*Cases are representative of the claims of discrimination charges routinely investigated by MDHR.*

## AGE

**Employer transfers older workers** – Helsa, a 53 - year-old teacher filed a charge with MDHR alleging the school district’s transfer policy impermissibly relied on a teacher’s age. An MDHR investigation found older tenured teachers were chosen for transfer out of the building at a much higher rate than younger tenured teachers. This matter was resolved through conciliation where the school district agreed to provide training to management personnel, monitoring of the school district’s reassignment process and pay damages.

## SEXUAL HARASSMENT

**Harassment creates hostile educational environment** - The Department brought a Commissioner’s charge on behalf of several minor female students alleging that the conduct impacted the ability of the students to learn. MDHR found that the high school district failed to properly investigate and take steps to address acts of sexual harassment committed by a senior administrator.

## RACE

**Race Discrimination creates toxic environment** - Warren, a bi-racial (black and caucasian) man, was subjected to age-related remarks, racial slurs and use of the n-word in the workplace by the employer’s two managers. MDHR’s investigation found witness evidence supported that this behavior took place, as well as comments about the charging party’s skin color. Witnesses stated that the employer’s two managers also repeatedly referred to the charging party as “old,” “washed-up,” “old man,” and “a guy your age,” and that the company did nothing to stop the harassment. This matter was resolved through conciliation where the employer agreed to provide training to its managers, and pay damages and attorney fees.

## DISABILITY

**Employer constructively discharges employee** - Hinrich contracted a severe infection, which led to the amputation of his leg. He returned from medical leave to his IT desk job, which he had held for nearly two decades to find that his boss now wanted him for the first time to climb ladders and crawl into tight spaces. When he requested an accommodation, he was met with hostility and required to document and report on menial tasks. He was later told to resign or be fired. MDHR negotiated a settlement with the employer that resulted in policy changes, training and a monetary settlement for Hinrich.

## REPRISAL / SEXUAL HARASSMENT

**Protecting undocumented workers**- A woman’s male supervisor made inappropriate sexual comments and physically touched her. The woman, an undocumented worker, informed him his conduct was unwelcome. The supervisor persisted and took photos of the woman over her objection; pulled up her blouse; asked her to show him her underwear; pretended to unzip his pants in the woman’s face while she was working on her knees; and drove to her home in an attempt to enter when her husband wasn’t home. The woman’s supervisor became critical of all aspects of her work performance after she rejected his sexual advances. The woman was eventually terminated because of her supervisor’s complaints. As Minnesota law protects undocumented workers, MDHR found that the employer had engaged in sexual harassment and that the manager had engaged in reprisal as a result of her rejecting his sexual advances. MDHR’s investigation uncovered other workers who had been similarly mistreated by the manager. The matter was resolved through conciliation.

# EQUAL EMPLOYMENT AND OPPORTUNITY

*“Now our struggle is for genuine equality, which means economic equality. For we know that it isn’t enough to integrate lunch counters. What does it profit a person to be able to eat at an integrated lunch counter if the person doesn’t earn enough money to buy a hamburger and a cup of coffee?”*

*- Dr. Martin Luther King, Jr.*

In an effort to provide economic equality for all, MDHR is ensuring that businesses receiving state contracts are providing equal employment opportunities for all, providing women with equal pay and providing second chance opportunities. During the biennium, the Department has significantly expanded its efforts in all three areas to help people in Minnesota achieve financial security.

All businesses that employ more than 40 people for at least one day and that enter into a contract with the State of Minnesota for more than \$100,000 must obtain a workforce certificate from MDHR. Additionally, similar size businesses that contract for more than \$100,000 with the Minnesota Sports Facility Authority, Metropolitan Council, Metropolitan Airports Commission and Metropolitan Mosquito Control Commission (metropolitan agencies) must also obtain a workforce certificate from the Department. The range of goods and services provided by businesses with workforce certificates is wide and diverse.

Businesses obtain a workforce certificate from MDHR by submitting their current affirmative action plan to the agency and application fee. The Department has issued more than 2,000 workforce certificates in the past four years. The average time for the Department to process a workforce certificate application is less than 10 days. All companies that have a workforce certificate are posted on MDHR’s website.

## **BUILDING AN INCLUSIVE MINNESOTA**

No matter the industry, all businesses are facing the same workforce challenge. The adult workforce is shrinking in size, becoming older and becoming substantially racially and ethnically diverse.

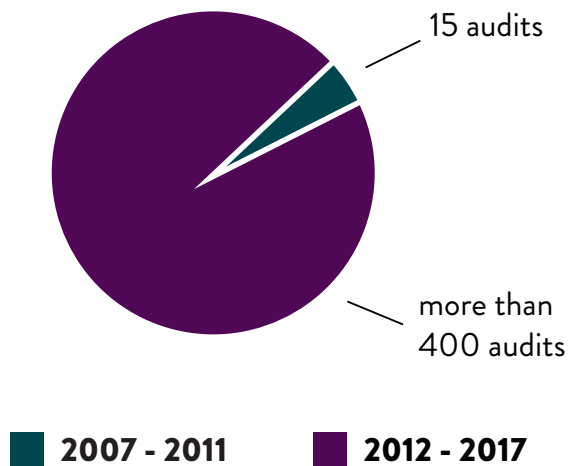
Every day in the United States, more than 10,000 people are expected to retire for the balance of this decade and well into the next decade. The number of working age adults between the ages of 18 and 65, will decrease by approximately 10% in the United States by 2030. In Minnesota, one in five adults will be over the age of 65 in 15 years.

The United States Census Bureau projects that before 2045 more than half of all people in the U.S. will identify as a person of color. The number of working age adults between the ages of 18 and 65 will be comprised primarily of people of color as more than half of the students graduating high school today are students of color. In Minnesota, the state Demographer estimates that more than 50% of the Twin Cities metropolitan workforce will be people of color by 2040.

Across Minnesota, nearly 600,000 people in Minnesota, or 11% of its workforce, identify as a person with a disability according to the United States Census. In 2015, the unemployment rate for people with a disability in the working age workforce was 9.6% compared to 3.7% for people without a disability.

More so than any other time in Minnesota’s history, our future prosperity depends on businesses seizing

## MDHR INCREASES AUDITS



the opportunity to train, educate, and shape a future workforce that reflects our state's increasing diversity, eliminates the underutilization of women, and creates meaningful employment opportunities for people with disabilities.

The Department published its "Building an Inclusive Minnesota" report to identify its aggregate audit findings and to highlight opportunities for contractors to create an inclusive workforce. For example, the report noted that 75% of the contractors with workforce certificates had established internship and apprenticeship programs and that 80% had routinely contacted their workforce partners to assist them in their recruiting efforts. MDHR increased the number of audits it conducts annually to more than 400.

### WESA AND EQUAL PAY

On May 11, 2014, Governor Dayton signed the Women's Economic Security Act into law. The law

created explicit obligations for employers to provide accommodations for pregnant workers, prohibited familial status discrimination, provided funding to create career pathways for women in traditionally male dominated fields such as construction and obligated certain contractors to obtain an Equal Pay Certificate from MDHR prior to executing a contract.

Specifically, the law requires all businesses that employ more than 40 people for at least one day and that enter into certain contracts with the State of Minnesota or metropolitan agency for more than \$500,000 must obtain an Equal Pay Certificate from MDHR. Contractors obtain an Equal Pay Certificate by submitting their application fee and Equal Pay Compliance Statement.

According to the United States Census Bureau, women in Minnesota make 81.5 cents for every dollar earned by a similarly employed white male worker. The difference in wages earned for women of color is more pronounced – Asian-American females (70.6 cents), African-American females (61.5 cents), Native American females (58.5 cents) and Latina females (51.1 cents).

Raising wages paid to women can have a significant impact on reducing poverty as 40% of mothers with children under the age of 18 are the sole or primary wage earner in their family. In auditing contractors, MDHR may seek compensatory wages on behalf of female employees. Additionally, the Department may suspend or revoke the contractor's Equal Pay Certificate.

### AFFIRMATIVE ACTION PLAN STREAMLINED

In 2017, MDHR streamlined the Affirmative Action Plan (AAP) process to make it easier for businesses to comply with the law. The AAP Toolkit provides a shortened application process, convenient checklists, access to helpful resources and an online payment option.

## SECOND CHANCE OPPORTUNITIES

According to the Pew Research Center, the United States has 5% of the world's population, but 25% of the world's prison population. More than two million people are incarcerated in the U.S., the vast majority for nonviolent drug offenses. The average prison stay in the U.S. is two years.

A significant number of arrests in Minnesota are low-level offenses such as gross misdemeanor, misdemeanor and petty misdemeanor. A recent study found that “black people were 8.7 times more likely to be arrested for a low level offense than white people, and Native Americans were 8.6 times more likely to be arrested for a low level offense than white people.”

Felony convictions also pose a significant barrier as an estimated 1 in 11 working age adults in Minnesota have previously been convicted of a felony. An estimated 1 in 4 working age African American adults in Minnesota have previously been convicted of a felony.

Minnesota law prohibits private employers, unless there is statutory exception, from asking job applicants about their criminal history until they have interviewed the job applicant or extended the candidate a job offer. The law is known as “Ban the Box” and allows MDHR to impose fines upon employers who violate the law. The “Ban the Box” law does not require an employer to hire a candidate with a criminal background, the law simply requires the employer to delay asking about criminal history.

MDHR initiated nearly two hundred investigations into Ban the Box violations during the biennium. The majority of investigations resulted in the employer quickly modifying its employment application or pre-hire materials. In an effort to ensure second chance opportunities are provided, MDHR reviews the employment applications and pre-hire materials of all contractors who have workforce certificates.

The Minnesota Human Rights Act prohibits employers from using criminal history to exclude candidates unless exclusion is job related for the position in question and consistent with business necessity. MDHR, in an effort to ensure second chance opportunities are provided in Minnesota, requests all contractors with workforce certificates to provide information to the Department about how they use criminal history information in evaluating whether to hire an applicant.

MDHR has partnered with organizations such as We Are All Criminals, Ujamaa and Goodwill Easter Seals to educate employers about the benefits of hiring people who are ready for a second chance to succeed.

## RESTORE THE VOTE

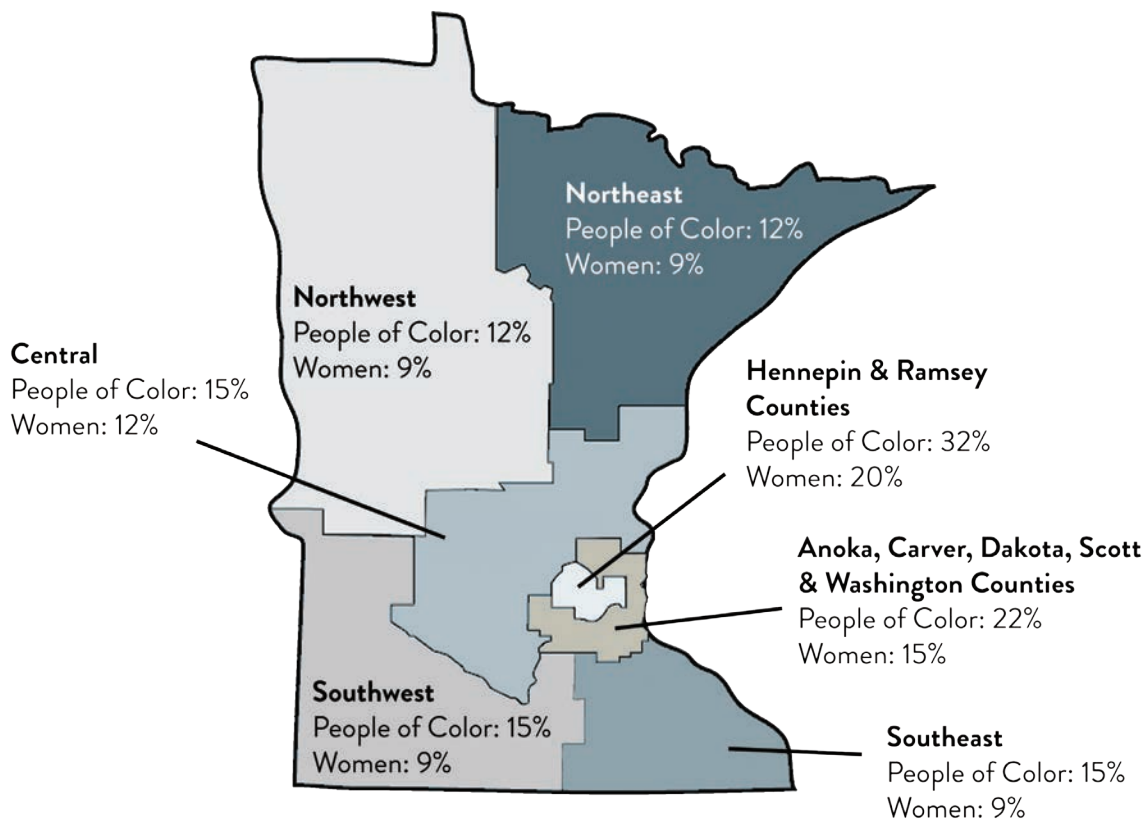
Due to a felony conviction, 63,000 Minnesotans are unable to vote. Three out of four of them are not in prison – they live in the community, they are employed, pay taxes, and they are raising their families. However, because they are still on probation or parole for something they may have done many years ago, they are disenfranchised and do not have the right to vote.

Most of the states within the United States allow individuals who are on probation or parole to vote. Some states even allow individuals who are incarcerated with the ability to vote. In an effort to raise awareness within Minnesota on this issue, the Department created a program entitled Minnesota Conversations: Felony Voting.

The program featured guests Mark Haase and Sarah Walker from the Minnesota Second Chance Coalition, University of Minnesota Professor Chris Uggen, Ramsey County Elections Manager Joe Mansky, and criminal justice major Leane Guerrero who provided her personal story of being denied the ballot.



# LEADING DIVERSITY AND INCLUSION EFFORTS



## WORKFORCE GOALS

On July 17 2017, MDHR increased Workforce Participation Goals for women and people of color throughout Minnesota for state and metropolitan agency construction contractors. The increased goals aim to reduce barriers to workforce entry, respond to demographic changes, and prepare for Minnesota's emerging workforce shortage.

Goal adjustments were made with input from an advisory task force comprised of representatives from construction contractors, unions, trades and the public. Diversity Inclusion Leader Christa Seaberg and Commissioner Lindsey co-chaired the task force.

Workforce participation goals apply to all construction contracts of \$100,000 or more entered into by the Metropolitan Sports Facility

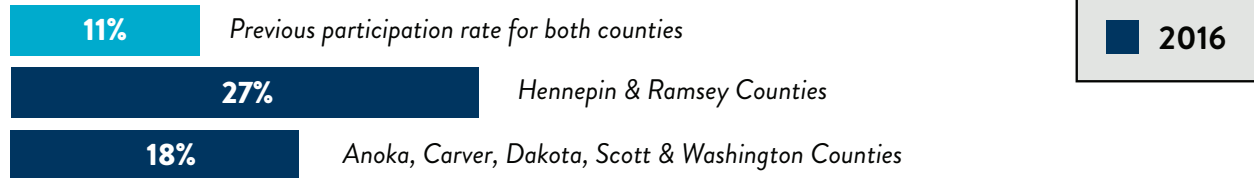
Authority, Metropolitan Council, Metropolitan Airports Commission, Metropolitan Mosquito Control Commission and the State of Minnesota on or after July 17, 2017.

The increased workforce participation goals for people of color more closely align with changing demographics in Minnesota's workforce, which is growing more diverse each year and shrinking as the percentage of working age adults decreases from 63 to 57 percent by 2030. With 33 percent of the children in Minnesota's public schools identifying as students of color, 43 percent of Minnesota students in the seven-county metro area identifying as a person of color, and 19 percent of all the students in Greater Minnesota identifying as a person of color, ensuring equal employment opportunities is critical to the sustainability of Minnesota's economy.

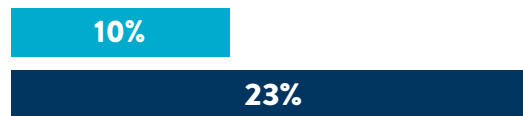
## WORKFORCE SUCCESSES

Increased participation rates for People of Color

### Participation rates on Public Projects



### DLI Registered Construction Apprentices



## GOOD FAITH EFFORTS

In monitoring the good faith efforts of contractors that hold a workforce certificate, the Department periodically reviews information from the contractor to determine whether it is providing equal employment opportunities, following Minnesota Administrative Rules, complying with anti-discrimination laws, and successfully implementing affirmative action plans. MDHR may also meet with officials from the contractor to assist the Department in its analysis.

When MDHR finds deficiencies, the Department requires the contractor to address the identified problems. MDHR may, if the deficiencies warrant, require the contractor to execute a conciliation agreement setting forth a timeline to address the deficiencies. The Commissioner also has the authority to revoke a contractor's workforce certificate for failing to take good faith efforts to rectify the identified concerns of the Department.

*"I thank and recognize the efforts of construction contractors, our workers, the labor community, the education community, the Minnesota Department of Employment and Economic Development, the Minnesota Department of Labor and Industry, the Minnesota Department of Transportation, Minnesota Department of Corrections and the Metropolitan Council. Your efforts have set a foundation to build a diverse workforce that will best serve our citizens and continue economic prosperity of the state."*

*- MDHR Commissioner Kevin Lindsey*

## MINNESOTA EMERGING ENTREPRENEUR BOARD

The Minnesota Emerging Entrepreneur Board assists the Department of Employment and Economic Development (DEED) in managing the Emerging Entrepreneur Program. The program awards grants to a network of nonprofits to fund loans to businesses owned by low-income persons, women, veterans, people with disabilities, and persons from racial and ethnic communities. MDHR became a member of the Board in 2016.

The board's three primary duties are:

- Submit a report to the commissioner by February 1 of each year describing the condition of Minnesota small businesses that are majority owned and

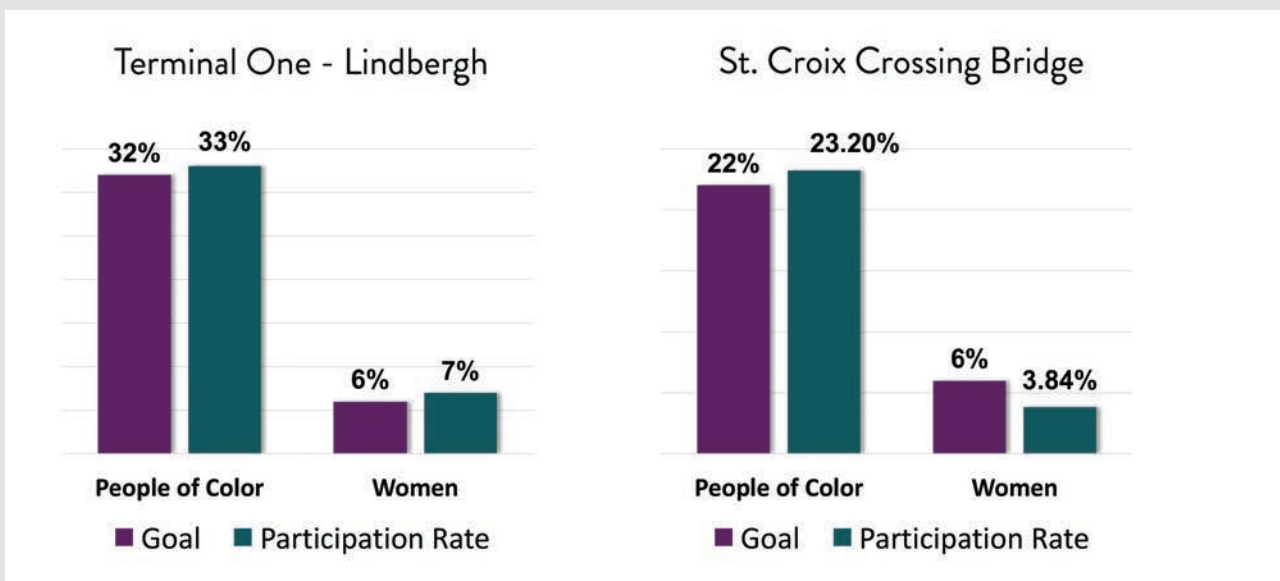
operated by a racial or ethnic minority, woman, veteran, or a person with disabilities, along with any policy recommendations;

- Act as a liaison between the department and nonprofit corporations engaged in small business development support activities; and
- Assist the department in informational outreach about the program.

The Emerging Entrepreneur Program helps Minnesotans that have historically struggled to access resources to start, maintain, and grow a business. By expanding economic opportunities for communities of color, women, veterans, and people with disability, the state builds a strong robust economy that works for everyone in Minnesota.

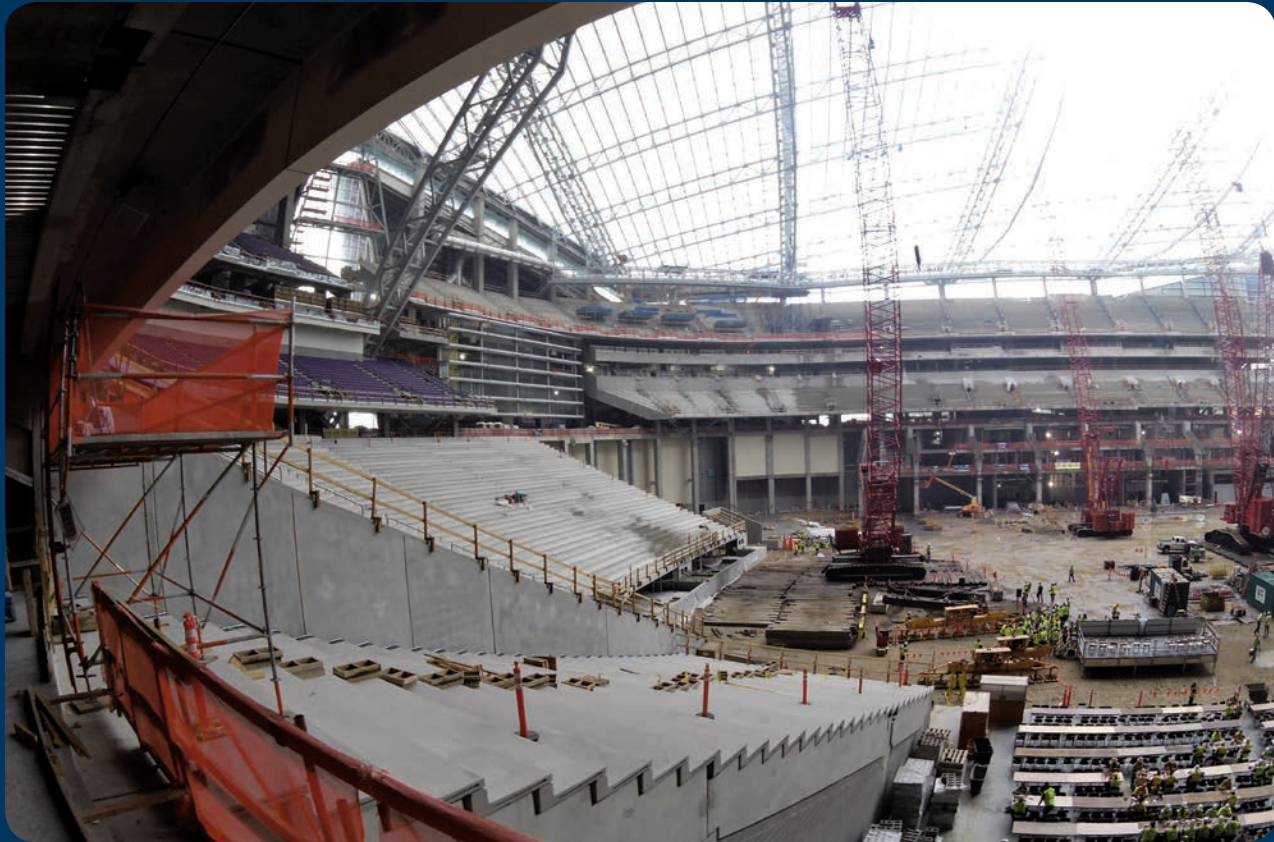
## NOTABLE CONSTRUCTION PROJECTS

The following projects are some of the larger construction projects that were monitored by the Department during the biennium period.



*\*The reported contract amount was \$39.75 million.*

*\*The reported contract amount was between \$624.3 and \$646.8 million.*



## U.S. BANK STADIUM

In 2011, an economic recession plagued the Twin Cities. For people of color, the unemployment rate exceeded 25%. The adjustment of the workforce goals by the Department coincided with the efforts of the Minnesota Legislature to stimulate Minnesota's economy by passing funding legislation for the construction of the U.S. Bank Stadium. The building of the stadium, the largest construction project in the history of the State of Minnesota, also called for business inclusion goals and for contractors working on the project to recruit from areas within the region with the highest levels of unemployment to exceed participation goals.

The construction companies working on the U.S. Bank Stadium achieved levels of workforce participation for people of color of 37% and 9% for women (*Report - nekacreative.com/home/wp-content/uploads/2016/11/MSFA\_LegacyReport\_FINAL.pdf*). Four hundred workers were hired from the targeted zip codes and the project exceeded business inclusion goals for business owners of color and women business owners. The stadium was built with private and public money – the reported amount was \$1.1 billion.



## MINNESOTA STATE CAPITOL RESTORATION

The Minnesota State Capitol, the 378,825 square-foot building designed by Cass Gilbert, has been hailed as one of the grandest state houses in the nation since it opened on January 2, 1905. On an annual basis, the State Capitol hosts more than 370 events, 13,000 tours and 120,000 public visitors. One of the more impressive features of the State Capitol is the “Quadriga” – the gilded statute of a chariot pulled by four horses that sits above the building’s main entrance.

The Capitol was originally constructed of 16 different kinds of marble from around the world and Minnesota limestone and granite. The renovation of the State Capitol created unique opportunities in repairing and restoring the Capitol’s marble exterior features and adding practical features such as a new visitors center, classroom space, and more accessibility in public meeting and hearing rooms.

The Capitol exterior restoration and preservation project exceeded the workforce participation goals with 34.89% for people of color and 21% for women. This project represented the highest workforce participation levels for women for a construction project exceeding more than \$10 million during the biennium. The reported contract amount of the contract was \$310 million.

# EDUCATION AND COMMUNITY OUTREACH

*“We must be bold enough to innovate;  
humble enough to learn from others.”*

*- Governor Harold LeVander, 1967*

The Department’s mission to eliminate discrimination and remove barriers to opportunities includes the tool of education and outreach. Education and outreach activities of MDHR are varied and include the strategies identified and discussed below. A fundamental step in developing smart pragmatic policies, which lead to the creation of a society that continually strives to create a more perfect union, is the space for dialog and conversation on human and civil rights.

## HUMAN RIGHTS SYMPOSIUM

Annually, MDHR hosts a Human Rights Symposium to allow for discussion and exploration of current and emerging civil rights and human rights issues. The Symposium is held in conjunction with Human Rights Day in early December and brings together hundreds of individuals from many different fields such as education, business, human resource professionals, attorneys, law enforcement, housing, community organizers, city and county government officials, students and human rights advocates.

In 2017, MDHR expanded the Symposium into a two-day event with keynote speakers Dr. Algernon Austin and Duke Professor Jane Wettach. Dr. Austin, author of “America is Not Post Racial,” discussed how America could move forward in bridging the

racial divide between its citizens. Professor Wettach, Director of Children’s Law Clinic, addressed attendees on her work of limiting the impact of suspensions by school officials to increase academic achievement of students.

The Symposium provided additional information on the latest trends and legal developments in employment, criminal justice and public policy. Symposium workshops covered the following range of topics:

- Sexual harassment
- Advocating for Individuals with Disabilities
- Civic Engagement
- Police Community Relations
- Voting Enfranchisement
- Expanding Housing Opportunities
- Immigration Rights
- Encouraging Entrepreneurism
- Human Resource Best Practices

Symposium attendees also heard from former United States Attorney, Judge Mark Kappelhoff. Judge Kappelhoff discussed his role in investigating the policing practices of the police department in Ferguson, Missouri.

## SAINT CLOUD OFFICE

In an effort to better serve the residents of Minnesota, the Department has sought funding from the Legislature to increase its presence throughout the state. As part of those efforts, MDHR opened a satellite office in Saint Cloud in 2016 after receiving funding in a supplemental budget bill. The regional office located in Saint Cloud City Hall is open Monday through Friday between 8 a.m. and 4:30 p.m. and has helped MDHR facilitate more community conversations and education outreach efforts in Central Minnesota.

## KNOW YOUR RIGHTS EVENTS

To educate residents about their rights under the Minnesota Human Rights Act, MDHR hosts “Know

Your Rights” events across the state. Through the events, the Department provides critical information to communities on what discrimination looks like and how they can access help if they have been a victim of illegal behavior. The events are hosted by local community partners in churches and community centers to provide information to vulnerable communities.

For example, on March 19, 2017, MDHR and Asamblea de Derechos Civiles hosted a “Know Your Rights” event in Long Prairie. More than 100 people turned out to learn about their rights under the Minnesota Human Rights Act. Additionally, the event provided a platform for the community to ask questions of Commissioner Kevin Lindsey, Enforcement Officers Maria Minvielle and Heidi Hovis. While this event focused on a Spanish speaking audience, the event was open to all and expanded to other communities and audiences.

## EDUCATIONAL OUTREACH

The Department meets with youth organizations, educational groups from elementary school level to college, organizations that partner with the state ethnic councils and human rights advocates. The conversations typically provide information about human and civil rights in Minnesota, our system of government and democracy, and how individuals can move forward in petitioning their government to expand human and civil rights for all.

## WORKFORCE WEBINAR SERIES

MDHR expanded its Workforce Webinar series to provide information and technical assistance for employers and contractors on the following topics:

- Strengthening and Diversifying Minnesota’s Workforce
- Building an Inclusive Workforce
- Internships and Apprentices – Best Practices
- Implicit Bias



*Know Your Rights Events: Audience members learn about their rights under the Minnesota Human Rights Act in Long Prairie, MN on March 19, 2017.*



*Minnesota State Fair: Commissioner Lindsey greets guests at the Minnesota State Fair.*



*Hiring Practices Event: Commissioner Lindsey speaks to human resource professionals about the “Ban the Box” Law at Hennepin County’s Hiring Practices Event on June 27, 2017.*

# CIVIC ENGAGEMENT: OPPORTUNITY FOR ALL

*“Ensuring that all Minnesotans have equal opportunities to work for their state government, to do business with the state, and to participate fully in our democracy remains a top priority.”*

*- Governor Mark Dayton*

Over the last two years, the state of Minnesota has worked to expand employment, contracting and public engagement opportunities for diverse communities. The Diversity and Inclusion Council has made progress in diversifying the state’s workforce, increasing the business spend with diverse communities and the involvement of all communities in the development of public policy. There is still much work to do.

During the biennium, the Department published the “Civic Engagement Plan 2016.” MDHR is charged within Executive Order 15–02 with the responsibility of leading the state’s civic engagement effort. The Executive Order signed by Governor Dayton is the first time a Minnesota Governor included a directive for administrative agencies to engage in civic engagement. In an effort that included agency representatives and members of the public, MDHR hired Civic Engagement Director Nick Kor.

The members of the steering committee work plan defined meaningful engagement as the intentional effort of government to facilitate meaningful dialog with all members of the public in its work and in the development of policy. Meaningful engagement

means that communication happens with the intent of making an impact and that relationships and conversations are reciprocal, genuine and authentic.

Civic engagement benefits Minnesota as the people recognize the legitimacy of their government and the state benefits from the wisdom, expertise, and insight from all of the people who live, learn and work in it.

## CIVIC ENGAGEMENT PLAN

MDHR established an initial steering committee, comprised of agency representatives and public members, to develop a civic engagement plan. The planning process included input from individuals from various communities as well as administrative officials. The Department also provided the initial steering committee with information on the current status of civic engagement efforts within the state.

Individuals leading interagency efforts also provided their insight on challenges and opportunities in seeking to resolve complex public policy issues. Additionally, members were provided with academic literatures on best practices in civic engagement.

The civic engagement plan has four pillars – trust, infrastructure, inter-agency and boards and commissions. The Civic Engagement plan aims to:

- Enhance the civic engagement efforts of all state administrative agencies
- Instill a culture within all state agencies to commit to continually seek to improve their civic engagement efforts
- Enhance the civic engagement efforts of all Minnesotans

## CIVIC ENGAGEMENT COMMITTEE

There are three committees that comprise the civic engagement committee structure. Civic Engagement Director Nick Kor is responsible for coordinating the work of the three committees. The steering committee is made up of a diverse group of members substantially from the public to provide strategic



oversight and facilitate outreach and recruiting efforts. The implementation committee is comprised of individuals in senior leadership positions that carry out best practices within their agency as well as influence best practices throughout state government. The practitioners committee is comprised of the individuals within administrative agencies that are responsible for the daily implementation of civic engagement for their agency.

## TRUST

Complicating the work of civic engagement and enhancing the work of our democracy is that some historically disenfranchised communities have a deep lack of trust in government borne by past misconduct and failures of some officials. The civic engagement plan therefore calls upon administrative agencies to engage in community conversations to build trust with historically dis-enfranchised communities.

## INFRASTRUCTURE

All members of the civic engagement committee were uniform in their belief that for civic engagement to be successful, leadership within agencies must be committed to creating a culture within their organizations that values and supports meaningful engagement. The Civic Engagement Director, with input from the practitioners group, developed and implemented an employee training series on civic engagement for Commissioners, senior leadership officials and state practitioners.

## INTERAGENCY

Addressing conditions that have resulted in employment, economic and housing disparities is often complex as it requires working across disciplines



*Foundations of Community Engagement for Senior Leadership training: Senior leaders discuss community engagement at a Civic Engagement training.*

and jurisdictions as solutions are often multifaceted and require systemic institutional change. Working with a variety of agencies and units of government is also challenging because of the differing approaches to meaningful engagement. The practitioner and implementation committees have begun working toward developing strategies to maximize the efficacy of interagency efforts.

## BOARDS AND COMMISSIONS

Minnesota has more than 220 boards, agencies, councils, commissions and task forces (collectively referred to as “boards”). The civic engagement plan recognizes that boards should be reflective of the demographics of people of color, Native American communities, individuals with disabilities and individuals who identify as LGBTQ. MDHR worked with the Office of the Secretary of State to improve data collection efforts concerning board applicants. The Committee also convened several meetings with officials from boards to assist them with their outreach and recruiting efforts.

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*“The objective of such a civic engagement infrastructure is to foster a genuine relationship; in which a governing process solicits constituent’s voices from all communities, and constituents feel fulfilled participating in the process even if the outcome is not one they desired.”*

*- Maher Abdusalam*

# PARTNERSHIPS FOR PUBLIC POLICY

*“Our new problem-solvers will need patience and perseverance. These problems will not disappear with 1967, or my administration, or the 20th Century.”*

*- Governor Harold LeVander, 1967*

One of the primary duties for the Commissioner under the Human Rights Act is to use conference, conciliation and education to reduce discrimination and disparate outcomes. The Department through statute and Executive Order has been collaborating to develop public policy and legislative proposals, create technical assistance, convene stakeholder groups, and educate the public for the purpose of protecting and ensuring individuals can fully exercise their civil and human rights.

## HUMAN RIGHTS COMMISSIONS

There are approximately 40 local human rights commissions in Minnesota. The work of the local human rights commissions is generally exclusively limited to the area of education and community outreach. The human rights commissions in the cities of St. Paul and Minneapolis are the exceptions to the general rule as they investigate complaints of discrimination and have a contractor certificate program structure similar to the structure administered by MDHR.

The Department regularly meets with local human rights commissions to provide information on statewide initiatives such as ending homelessness, increasing opportunities for people with disabilities, tribal consultation and reducing recidivism. Local

human rights commissions also request that the Department provide technical assistance on diversity and inclusion best practices as well as best practices in civic engagement. The Department also partners with many local human rights commissions to provide know your rights events for the public.

MDHR, the Equal Employment Opportunity Commission and the human rights commissions in St. Paul and Minneapolis partnered during the biennium to also provide seminars for employers and contractors on providing equal employment opportunities. The Minnesota Human Rights Act protects the rights of Minnesotans to participate in human rights commission activity.

## HOMELESSNESS TASKFORCE

The Minnesota Interagency Council on Homelessness leads the State’s work to prevent and end chronic homelessness through the collaboration of 11 state agencies. Made up of key agency leaders, the council’s 11 commissioners identified 12 strategies and associated actions to combat the issue.

The Interagency Council Plan focuses on housing stability as the foundation for the State’s goals of a Minnesota whose residents are healthy, educated, and employed. MDHR has led the committee dedicated to implementing equity as a cross-cutting priority in the plan and has participated on the legislative committee.

The council partners with Heading Home Minnesota, a private-public collaboration to combat homelessness. Heading Home Minnesota is a statewide initiative to end homelessness and is the umbrella organization for 22 local initiatives. The efforts have made an impact. There has been a 7% drop overall in homelessness, a 20% drop for people with families and a 20% drop in Veterans.

In March 2017, the Southwest Continuum of Care announced an end to chronic Veteran homelessness in their 18-county region in southwest Minnesota.

## OLMSTEAD SUBCABINET

The Olmstead Subcabinet is responsible for the implementation of the Olmstead Plan, which seeks to provide individuals with disabilities an opportunity to live, work, and be served in the most integrated community setting in Minnesota. The Olmstead Plan is named after the seminal United States Supreme Court case, *Olmstead v. L.C.*, which held that states are obligated to eliminate the unnecessary segregation of persons with disabilities in state institutions and ensure that people with disabilities receive services in the most integrated setting appropriate to their needs under Title II of the Americans with Disabilities Act.

Governor Dayton established the Olmstead Subcabinet by Executive Order in 2013. MDHR, in seeking to further the subcabinet goal of increasing employment opportunities for people with disabilities, has taken steps to ensure all state contractors are aware of the referral services for people with disabilities that the Department of Employment and Economic Development can provide to them.

Also consistent with the Olmstead Plan, MDHR has sought to ensure that people with disabilities are aware of their rights. The Department issued press releases on issues involving employment, public service, and contracts during the biennium to raise the awareness of people with disabilities as to their legal rights. The Olmstead Implementation Office and MDHR partnered during the biennium to provide individuals with disabilities information about how they can successfully advocate for themselves and work on public policy issues that matter to them. MDHR is also collaborating with disability rights advocates and organizations to increase opportunities for people with disabilities to serve on state boards and commissions.

## REDUCING RECIDIVISM TASKFORCE

The Minnesota Statewide Initiative to Reduce Recidivism, led by the Minnesota Department of Corrections, is a collaborative initiative between state and county systems, community service providers, and other stakeholders. Minnesota's recidivism rate,



*API Day: (Top) Commissioner Kevin Lindsey and Council on Asian Pacific Minnesotans Executive Director, Sia Her, with CAPI group February, 2017.*



*API Day: (Left to right) MDHR Public Policy Director Scott Beutel, Representative JoAnn Ward, and Representative Rena Moran presenting on the House Floor for API Day.*



*Bridge Event: (Left to right) DOC Commissioner Tom Roy, Senator Scott Dibble, MCF-Lino Lakes Warden Vicki Janssen, former Lieutenant Governor Tina Smith, Representative Raymond Dehn and Commissioner Lindsey at the Bridge event in Lino Lakes, January 2016.*



*Humphrey Fellows: Commissioner Lindsey with Humphrey Fellowship students.*



*Rochester Luncheon: Panelists discuss inclusive hiring practices at the Rochester Luncheon CLE.*

the return to incarceration for a new offense within three years of release, has remained consistently between 35–37%. To reduce recidivism, the taskforce worked to identify practices and policies that:

- Focus on the people most likely to commit crimes
- Use evidence-based programs proven to work and ensure the delivery of high quality services
- Deploy supervision policies and practices that balance sanctions and treatment
- Target places with high crime and recidivism rates

MDHR has collaborated with chambers of commerce throughout the state and has partnered with advocacy organizations such as We Are All Criminals, HIRED, Ujamaa Place and Goodwill Easter Seals to create opportunities for individuals to obtain employment, housing and the right to vote.

## SCHOOL SAFETY TECHNICAL ASSISTANCE COUNCIL

The Safe and Supportive Minnesota Schools Act works to strengthen bullying prevention and intervention efforts in Minnesota schools. MDHR Commissioner Lindsey serves as co-chair with Education Commissioner Brenda Cassellius on the 23 member, School Safety Technical Assistance Council, which provides leadership and guidance in the following areas:

- Establishment of norms and standards for prevention, intervention and support around the issues of prohibited conduct
- Advancement of evidenced-based policy and best practice related to bullying issues
- Development and sharing of resources and training
- Development of policies and procedures for services provided by the School Safety Technical Assistance Center

## TRIBAL CONSULTATION

The Department has developed a tribal consultation policy with Minnesota’s eleven Tribal Nations. The tribal consultation policy consistent with Executive Order 13–13 seeks to improve relationships and collaboration with Minnesota’s 11 Tribal Nations. The Executive Order requires the state’s executive agencies to annually consult with each Tribal Nation, designate at least one person to assume responsibility for implementing the consultation policy and provide training for staff responsible for implementing the tribal consultation policy.

The Department has been actively seeking to grow opportunities in the construction industry within the Minnesota Tribal Nations. In addition to hosting multiple construct for tomorrow construction events, the Mille Lacs band hosted one of MDHR’s community conversations on adjusting construction workforce participation goals. The Department looks forward to further aligning educational and employment opportunities among state contractors with Tribal Nations.

# CONCLUSION

*“Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering, and struggle – the tireless exertions and passionate concern of dedicated individuals.”*

- Dr. Martin Luther King, Jr.

The greatness of America comes from the aspiration set forth within the Declaration of Independence that all are created equal and have the right to life, liberty, and pursue their vision of happiness. Minnesota has long recognized that unabated discrimination threatens the rights and privileges of the people in Minnesota and undermines the institutions and foundations of our democracy.

Eradicating discrimination, removing barriers, and empowering all to reach for their dreams comes with many challenges. Fifty years ago, Governor LeVander asked Minnesotans to lead on human and civil rights. As we take time to appreciate the hard work of our predecessors during our golden anniversary, we are grateful for their determination and commitment to making Minnesota inclusive for all.

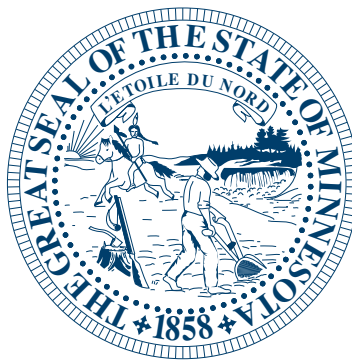
Today, Governor Dayton and leaders within the Minnesota Legislature have asked us to build upon our rich legacy. We are therefore appreciative of the additional responsibilities given to the Department to grow entrepreneurial opportunities for all, preventing school children from bullying, and providing second chances for those previously incarcerated.

We look forward to continuing the work so that Minnesota can remain a leader in the United States on civil and human rights where equality and right to life, liberty and pursuit of happiness is a reality for all.

*“Actions speak louder than words. If you look at the words that founded this country you’ll see words like: created equal, unalienable rights, life, liberty... the actions of this country have not kept up with these words. We’ve made a lot of progress. We still, unfortunately, have so much more that needs to be done.”*

- Governor Mark Dayton





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