Minnesota Department of
HUMAN RIGHTS

July 29, 2016

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) submits its semi-annual report to the Legislature summarizing investigation results and the resolution of complaints filed with the Department for the first six months (January-June) of 2016.

Summary:

MDHR continues to see gains in its multi-year effort to improve its investigation process effectiveness and in reducing average investigation time. In the past six months, we have seen an increase in the number of charges filed with the Department, from 336 in the second half of 2015 to 386 in the first half of 2016. This is now the third report in a row with increased filings, reflecting more effective public education efforts and increasing public confidence in the Department's work.

The Department's average time to reach a determination during this period was 247 days, down seven days from the January 2016 report. This decline is part of a steady downward trend over the past three and a half years. MDHR now only has 38 cases older than one year. The Department is making progress in this area. At the end of June 2012, there were 228 cases over one year old.

Since the last report, the Department's inventory of cases has risen modestly to 588 cases from 472 cases at the end of December 2015, reflecting primarily an increase in the number of charges filed over the past six months. For comparison, at the end of December 2012, the Department had 842 cases in its inventory in comparison to the 588 cases in the inventory at the end of June 2016.

During the reporting period, the Department settled 22 cases for a total of $250,380 in damages. In the latter half of 2015, the Department settled 45 cases for a total of $303,870 in damages. The Department has three cases currently in litigation. An additional 20 cases are in conciliation or are in the process of being filed before the Office of Administrative Hearings or in district court. The work of the Department post-probable cause determination is beginning to impact the capacity of the Department to investigate charges of discrimination.

Case Inventory:

- 588 cases were pending determination as of June 30, 2016. As of June 30, 2016, MDHR had closed 268 cases and filed new 386 charges. The average caseload for an investigator is 53 cases.
- 94% of cases filed in the last six months are open; 94% of cases are less than a year old.
    - 185 cases less than 90 days old
    - 185 cases between 91-180 days old
    - 93 cases between 181-270 days old
    - 87 cases between 271-365 days old
    - 38 cases over 365 days old

Closures & Determinations:

- 29.48% of closed cases resulted in a favorable outcome or were withdrawn by the charging party: 15 cases resulted in a probable cause determination (5.60%), 16 cases were resolved prior to a formal determination (5.97%), 32 cases were withdrawn by the charging party (11.94%), and in 16 cases the Department reached settlement prior to investigation (5.97%).
- 70.52% of determinations resulted in a favorable outcome for the respondent. The Department closed 182 cases (67.91%) with a no probable cause determination and seven cases (2.61%) were dismissed by the Department.
- The average time to reach a determination decreased seven days from the prior reporting period to 247 days.
    - Average time to dismiss a case was 260 days (seven cases), an increase of 59 days from the last reporting period.
    - Average time to reach a no probable cause determination was 186 days (186 cases), a decrease of 60 days from the last reporting period.
    - Average time to reach a probable cause or split determination was 249 days (16 cases), a decrease of 216 days from the last reporting period.

Alternative Dispute Resolution:

- The Department pursued mediation in 127 total cases. Of these, 77 (19.95%) were from the 386 charges filed this reporting period. MDHR successfully scheduled 29 mediations in which 16 cases reached settlement. The average time for a mediation to reach settlement was 54 days. Currently, there are 11 charges in some phase of the mediation process. During this period, 106 cases were returned from ADR for investigation.

Trends:

- Employment charges continue to constitute the largest number of charges filed with the Department. During the reporting period, 225 employment related charges were filed, which

constitutes 58.5% of all charges filed. Of this subset of charges, disability (46%), race (32%), age (27%) and sex (24%) were the most common types of employment charges.[1]

- The most common bases of discrimination, without regard to subject area, are disability (28%), race (23%), sex (15%), age (11%) and national origin (9%).

The work of MDHR's staff over the last several years has resulted in the Department reducing its case inventory by 254 cases from December 2012 to June 2016, reducing its inventory of cases older than one-year to 38 from over 228 (June 2012), and significantly reducing the average length of time to reach a determination. In the last year, the average time to reach a determination has dropped 19 days to an average of 247 days. Process improvements have translated into faster determinations and better service provided to the Minnesotans who interact with the Department.

Sincerely,

Kevin M. Lindsey
Commissioner

Enclosure: Case Distribution Report

cc: Senator Ron Latz
Senator Warren Limmer
Representative Sarah Anderson
Representative Sheldon Johnson
Dolkar Tenzin, Office of Governor Mark Dayton

[1] Percentages add up to more than 100% because some charges are filed in with multiple bases.

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2016 to June 30, 2016

Total Charges Filed During Date Range: 386

	BASIS											
AREA	Age	Color	Disability	Familial Status	Marital Status	National Origin	Public Assistance Status	Race	Religion	Sex	Sexual Orientation	Percentage
Aiding, Abetting, or Obstructing (Employment)								2				0.3%
Aiding, Abetting, or Obstructing (Public Accommodations)						1		1	1			0.5%
Business/Contract			6					3		1	1	1.7%
Credit					1	1						0.3%
Education	1		3			1		13		4	3	3.8%
Employment - Employer	60	6	104	6	24	38	1	72	12	55	9	58.5%
Employment - Employment Agency			2					2		1		0.8%
Employment - Union								1				0.2%
Housing/Real Property			14	5		3	4	9	2	2	3	6.3%
Public Accommodations			6			3		12	2	2	4	4.4%
Public Services			13			2		5	3			3.5%
Reprisal (Business/Contract)								1				0.2%
Reprisal (Education)			1					1				0.3%
Reprisal (Employment)	10	1	21			7		24	6	33	4	16.0%
Reprisal (Employment - Agency)			1					1				0.3%
Reprisal (Housing/Real Property)			4					1				0.8%
Reprisal (Public Accommodations)			2						1		2	0.8%
Reprisal (Public Services)			6			2		1	1			1.5%
Reprisal (Union)								1				0.2%
Percentage	11%	1%	28%	2%	4%	9%	1%	23%	4%	15%	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.