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Minnesota Department of
HUMAN RIGHTS

MINNESOTA DEPARTMENT OF HUMAN RIGHTS

2011 - 2012 BIENNIUM REPORT



INVESTIGATIONS —●

COMPLIANCE —●

EDUCATION —●



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Minnesota Department of Human Rights

2011 - 2012 Biennium Report

Prepared by the Minnesota Department of Human Rights
February 2013

LETTER FROM THE COMMISSIONER

Over the past 45 years, the issues surrounding civil and human rights have evolved, and yet, the basic principles of the Minnesota Human Rights Act have remained central to the mission of the Minnesota Department of Human Rights. The Minnesota Human Rights Act provides that it “is the public policy of this state to secure for persons in this state, freedom from discrimination (as) such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy.”

The Minnesota Department of Human Rights has played and continues to play a vital role in Minnesota as the state administrative agency responsible for implementing the Human Rights Act.

In ensuring implementation of the Human Rights Act, the Human Rights Department has several tools at its disposal. The Human Rights Department may investigate claims of discrimination, may bring parties together to resolve differences or may seek to educate the broader community about policies that have a disparate impact upon other individuals.

Governor Mark Dayton is committed to “the idea of improving government [as] people who live and do business in Minnesota rightly expect government to work faster, better and more efficiently.” During the past biennium, the Department has sought to work faster, better and more efficiently in all areas of its operations.

Most notably, the Department has been more efficient in processing more charges of discrimination and reducing the average length of time to process a discrimination charge. As discussed throughout this report, the Department has also tirelessly worked to convene parties together to address challenges to opportunities in job creation, business development, education and health care.

I have greatly appreciated the opportunity to serve the citizens of the state of Minnesota as the Commissioner of the Department Human Rights. We are committed to empowering all with the ability to contribute and enjoy the benefits of society. On behalf of everyone at the Department, we look forward to continuing to provide outstanding service to all Minnesotans.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Lindsey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kevin M. Lindsey
Minnesota Department of Human Rights Commissioner

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INTRODUCTION

Department of Human Rights' unique role in making Minnesota discrimination free

The Minnesota Department of Human Rights' (MDHR) mission is to make Minnesota discrimination free. The Minnesota Legislature has identified three primary duties for the commissioner under the Minnesota Human Rights Act:

- Enforcement, investigating claims of discrimination
- Contract compliance, ensuring workforce opportunities on state contracts
- Education and public policy

The Department's role in providing services that support this mission is unique, vital and not provided by any other local, state or federal agency.

- The Department is the only agency in the state that investigates not only employment discrimination, but discrimination in housing, education, public services, public accom-

modations and other areas. In contrast, the federal Equal Employment Opportunity Commission (EEOC) covers only employment discrimination.

- The Department has jurisdiction throughout the entire state to investigate charges and consistently has active matters in the majority of the counties within the state.
- MDHR, because of the breadth of the Human Rights Act, in certain instances provides greater protection than federal law for some individuals as a result of their marital status, sexual orientation, or public assistance status.

The Department provides these services in a manner that is efficient and highly cost-effective, for example:

- Through a work-share agreement with the EEOC, MDHR investigated and closed 402



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

charges from October 1, 2011, to September 30, 2012. This collaboration eliminates duplication of effort.

- The Department reduces the demand on Minnesota's judicial system by investigating and settling charges of discrimination more quickly and at far less expense than if such cases were pursued through the courts.
- In addition, proactive efforts such as education, conference and conciliation can stop discrimination before it starts.

Over 45 Years with the Human Rights Department

The Minnesota Department of Human Rights began in 1967 when the Department of Human Rights was established to succeed the State Commission Against Discrimination. At the same time, specific procedures for enforcement of the Minnesota State Act Against Discrimination were established, including investigation, conciliation, public hearings and appeal.

In 1973, the Act was renamed the Minnesota Human Rights Act. It was amended to extend prohibitions on sex discrimination to housing, public accommodations, public service and education. Additionally, discrimination in

MDHR CASES HIGHLIGHTED IN THIS REPORT

DISABILITY DISCRIMINATION

An employer's failure to provide an employee with an accommodation after receiving documentation from a doctor led to a \$100,000 settlement.

REPRISAL

Police Chief's retaliation against a female police officer for filing a sexual harassment claim resulted in a \$60,000 settlement.

RACE

After finding probable cause, the Department negotiated a \$20,000 settlement for an African American shopper subjected to racial profiling and falsely accused of theft.

RELIGION

A woman was informed by a governmental official that she would not be allowed to pray. Case led to an apology, policy changes and a nominal settlement.

DISABILITY

In a Rocket Docket case, the Department quickly resolved and obtained a settlement for a woman with a disability when her service animal was not allowed in a restaurant.

AGE DISCRIMINATION

A 43-year-old Director of Nursing was terminated after she raised concerns about age discrimination. The Department found probable cause.

SEXUAL HARASSMENT & REPRISAL IN HOUSING

After finding probable cause, the Department is pursuing a sexual harassment and reprisal discrimination action against a landlord.

MEDIATION RESOLVES TERMINATION DISPUTE

A wrongful termination sexual orientation dispute was resolved through the Department of Human Rights' mediation program.

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 (marital status in 1975).

Over its 45-year history, the Department has done significant, groundbreaking work that has ensured freedom from discrimination for Minnesotans and influenced human rights policies and legislation nationally:

- In 1984, the U.S. Supreme Court ruled in a unanimous decision that the United States Jaycees must comply with the Minnesota Human Rights Act to grant women full membership rights in what had been an all-male organization. The historic finding determined that the Jaycees was a public accommodation as defined by the Minnesota Human Rights Act.
- In a 1980 court case (*Continental Can Co. v. State of Minnesota*), the Minnesota Supreme Court ruled that the prohibition against sex discrimination in the Minnesota Human Rights Act included 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*.
- Minnesota was the setting for the nation's first class action lawsuit relating to workplace sexual harassment, *Jensen v. Eveleth Taconite Company* (on which the book "Class Action" and the film "North Country" were based). This famous and drawn out case began in 1984 with Jensen's filing of a complaint with the Minnesota Department of Human Rights, followed by the filing of a class action lawsuit in 1988. Eventually, the 15 women settled with Eveleth Mines for a total of \$3.5 million.
- 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-

MDHR ENFORCEMENT QUICK FACTS

- There is no fee to file a charge of discrimination with the Department of Human Rights.
- The most common discrimination charges filed with the Department are employment discrimination charges which in recent history have accounted for 60 percent of all charges filed.
- In approximately 15 percent of all employment discrimination charges, the charging party alleges retaliation.
- The most common types of discrimination theories in employment in 2012 were disability, race, sex and age.
- The most common non-employment charges of discrimination filed with the Department are public accommodation, public services and housing.
- An attorney is not required to file a charge with the Department, although a party may hire an attorney.

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, the Department 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.

While the Human Rights Act is only 45 years old, the state of Minnesota has been committed to human rights since its inception. The Minnesota state constitution in 1857 declared that “no member of this state shall be disenfranchised or deprived of any of the rights or privileges secured to any citizen thereof... .”

Today, the Department remains dedicated to making Minnesota discrimination free by continuing to investigate charges of discrimination, focusing on business inclusion in the workforce and striving through education, conciliation and public policy to empower every person to participate fully in our society.

CASE FILE: MEDIATION RESOLVES TERMINATION DISPUTE

At a Twin Cities take-out restaurant, a gay employee was accused of engaging in an inappropriate conversation with a co-worker, in front of customers. The gay employee was fired but his heterosexual co-worker accused of the same behavior was not. The case was resolved through the Department of Human Rights' mediation program. (More at mn.gov/mdhr.)

INVESTIGATIONS

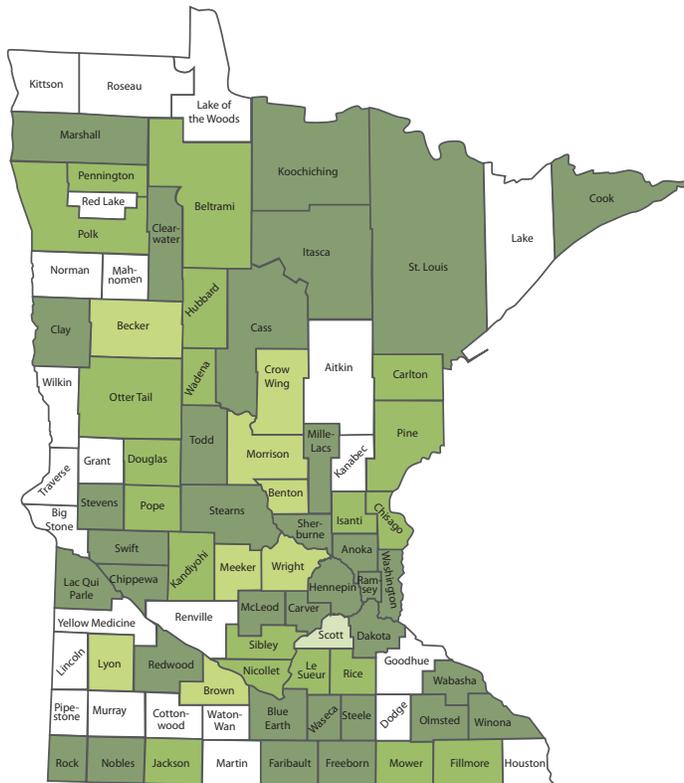
Serving All Minnesotans

The Minnesota Human Rights Act (Minn. Statutes, Chapter 363A), the state's comprehensive civil rights law, declares that certain types of differential treatment are unfair, discriminatory and against the law. The Act prohibits discrimination in employment, housing and real property, public accommodations, public services, education, credit services and business.

The Human Rights Act prohibits discrimination based on race, color, creed, religion, national origin, sex, sexual orientation, marital status, physical or mental disability, receipt of public assistance, age, family status (housing only), and Human Rights Commission activity (employment only). These personal characteristics are also called “protected classes.” The Human Rights Act protects everyone in Minnesota, because everyone has a race, sex, and many of the other characteristics that are covered.

The enforcement division is charged with drafting and investigating charges to determine whether there is probable cause, or no probable cause, to believe the Human Rights Act has been violated. When probable cause is determined, the Department works to seek a resolution through a variety of means including restorative justice, conciliation and mediation. The Department may also choose to litigate a case. In some cases, charging parties choose to withdraw their cases after a probable cause determination to pursue private litigation or settlement.

MDHR Serves Minnesotans throughout the State



2012 Charges as Ratio of Population Range in Minnesota Counties

- 24 Counties with zero charges
- 1 county with one charge per 44,400
- 8 counties with one charge per pop range of 23,300 - 38,500
- 20 counties with one charge per pop range of 10,000 - 18,900
- 34 counties with one charge for pop range of 2,400 - 9,800

Population figures rounded to nearest 100

Better Government Reform Efforts

In March 2011, Commissioner Kevin Lindsey began a review of the Department's investigation efforts to increase efficiency, streamline processes, reduce the backlog of cases and reduce the length of time to complete investigations. Commissioner Lindsey and senior management of the Department also conducted extensive training sessions throughout the biennium with investigators.

During the biennium, the Department eliminated sending out questionnaires to individuals as part of the charge drafting process. The elimination of questionnaires has resulted in the

Department completing the drafting of more than 95 percent of its initial charges in less than a week.

The Department also sought to expand the use of alternative dispute resolution processes to resolve disputes. The Department's early use of conciliation and mediation has resulted in the Department having more time to conduct investigations.

The Department also, during the biennium, initiated the Rocket Docket program. The Rocket Docket program has allowed the Department to identify and quickly resolve non-complex charges, charges where imminent harm is present and charges involving governmental entities.

INVESTIGATING ALL CHARGES OF DISCRIMINATION

Upon assuming leadership of the Department, Commissioner Lindsey announced that the Department would investigate all charges of discrimination filed as part of MDHR's commitment to delivering better service. Previously, the Department dismissed some charges without investigating under a process called "Docket and Dismiss." In this process, the Department would accept a charge but dismiss it without investigating, due to lack of resources. Charging parties could then pursue their cases through the court system, a process that could be more expensive for both charging parties and respondents and one that many charging parties would not be able to afford.

Although the Department retains the legal authority to dismiss charges due to limited resources, Commissioner Lindsey made the decision to investigate all charges. "If we are going to be committed to ending discrimination in Minnesota, we should be investigating

CASE FILE: RACE

An African American woman accused of shoplifting at a suburban discount store was subjected to illegal discrimination because of her race, the Department of Human Rights found, in a case that led to a \$20,000 settlement. (More at mn.gov/mdhr.)

all legitimate complaints," Lindsey said. "If someone believes they have been discriminated against and it appears to be a legitimate complaint over conduct that would violate the Minnesota Human Rights Act, we are going to take on that case and investigate it."

ROCKET DOCKET

To resolve charges of discrimination more quickly, certain cases are now expedited in a process called "Rocket Docket." This process allows the Department to reach a determination of probable cause or no probable cause in a much shorter time.

REFORM QUICK FACTS

MDHR has introduced a series of steps consistent with Governor Dayton's commitment to reform state government to deliver services more efficiently. These strategies are enabling the Department to resolve many charges of discrimination more quickly than in the past and ensure the Department fulfills its commitment to ending discrimination in Minnesota. Specifically:

- The Department no longer dismisses certain charges due to lack of resources, as was the practice previously; MDHR now investigates all charges.
- MDHR has instituted a "Rocket Docket" strategy to give expedited attention to cases that can be resolved quickly.
- MDHR has eliminated unnecessary paperwork – lengthy questionnaires that were previously required before a charge could be filed.
- The average length of time for completing an investigation dropped by 76 days in 2012 from the previous year while the number of investigations completed went from 241 to 596.

Rocket Docket is appropriate where cases have few issues, few witnesses to interview and where the law is clear. Implementing Rocket Docket has allowed the Department to more quickly identify and resolve non-complex matters which in turn has improved the Department's overall efficiency.

Reform Results

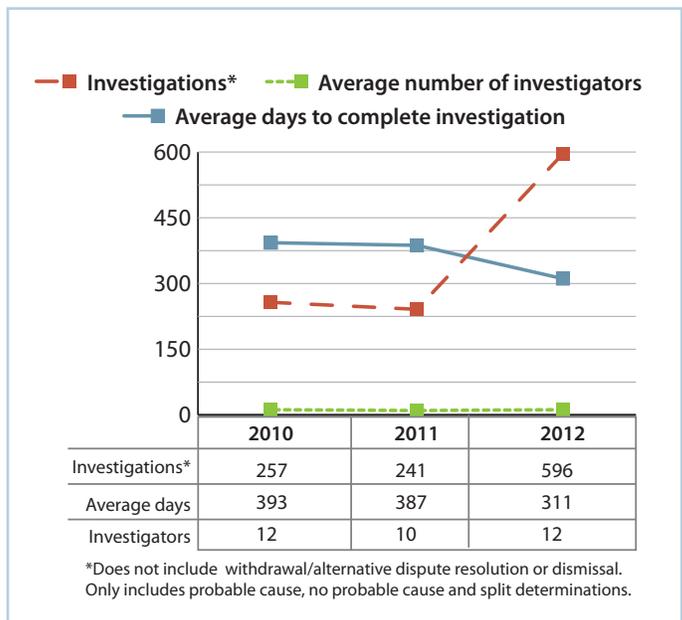
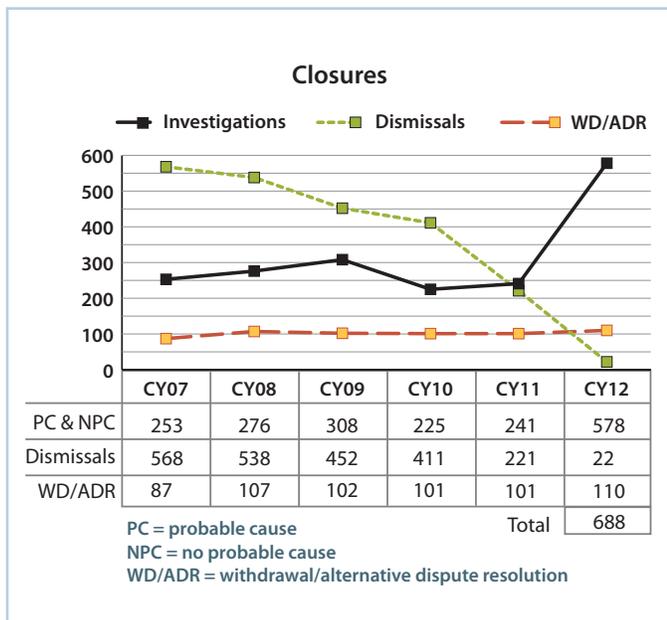
Resolving more charges and reducing the time it takes to investigate charges

The Minnesota Department of Human Rights substantially increased the number of investigations it conducted during the biennium. In 2010, the Department conducted 225 investigations and took on average 393 days to complete an investigation. During calendar year 2012, the Department conducted 578 investigations while reducing the average time to complete an investigation to 311 days.

While the Department has made significant progress, the Department still has a significant number of older cases and a large inventory of cases. Currently, the average caseload for an investigation is 76 cases.

"Our goal is to provide excellent service to all citizens every day in every aspect of our operations," said Commissioner Lindsey. "One way we accomplish our goal is by streamlining the Department's operations to conduct more investigations in a timely manner, examining how we can more effectively use mediation and, when appropriate, seek to conciliate disputes before initiating an investigation. We are achieving success in all three areas and I'm excited by the work of the investigations unit."

Over the past year, the Minnesota Department of Human Rights achieved increased efficiency through common-sense reforms. The MDHR conducted more investigations, reduced the timeframe to reach a determination on charges and reduced the backlog of its older cases.



COMPLIANCE

MDHR's contract compliance division ensures that businesses seeking state contracts are in compliance with equal opportunity requirements, and issues certificates of compliance to those businesses that have an affirmative action plan approved by the commissioner of Human Rights. Certification is required for organizations that have more than 40 full-time employees, before a state contract or agreement for goods or services in excess of \$100,000 can be executed.

In 1985, state law established that the commissioner of Human Rights issue goals and timetables for minority and female utilization in state funded construction projects. The hiring goals for the greater seven-county metro area and Twin Cities were updated on April 4, 2012, to more accurately reflect Minnesota's increasing diversity.

Demographics: Minnesota's Changing Workforce

Minnesota's workforce is changing as our population is getting older and new entrants to the workforce are becoming more ethnically diverse. In the United States, 10,000 baby boomers are expected to retire every day for the balance of this decade and well into the next decade. The United States Census Bureau is now projecting that before 2045 more than half of all people in the United States for the first time will identify themselves as a member of an ethnic group.

In the Twin Cities metropolitan area, over the next 20 years, the number of people over 65 is

expected to double. At the same time, the number of immigrants is expected to double. For people 55 and over, 10 out of 11 of them are white (not of Hispanic origin) and more than 30 percent of school-age children in the Twin Cities metropolitan area are identified as people of color. More so than at any other time in our history, Minnesota's future prosperity depends on businesses seizing the opportunity to train, educate and shape a future workforce that reflects our state's increasing diversity.

State agencies and businesses can prepare for this future by creating and implementing best human resource practices that maximize identifying and retaining a highly skilled diverse labor force. Businesses that realize the value of a diverse and skilled labor force will be better prepared for Minnesota's changing demographics.

Workforce Goals

The environment for meaningful workforce opportunity improved

The Department of Human Rights issued revised goals for the hiring of minorities and women on state-funded construction projects, effective April 4, 2012. The revised goals more accurately reflect Minnesota's changing demographics and increasing diversity. The goals ensure that Minnesota will have a capable workforce to build and maintain a 21st century infrastructure.

- The new goals target minority participation in Hennepin and Ramsey counties at 32 percent.
- The new goals target minority participation in Anoka, Carver, Dakota, Scott and Washington counties at 22 percent.

The goals apply to contracts in excess of \$100,000 and to employers with more than 40 full-time employees.

The goals are based, in part, on an analysis of demographic data from the American Community Survey (ACS) for 2006-2010, conducted by State Demographer Susan Brower. U.S. Census Data tells us that 32 percent of the minority workforce in the cities of Minneapolis and St. Paul identifies themselves as being a member of the construction industry. In addition:

- By 2040, minorities will make up 43 percent of the metro area population, compared with 24 percent in 2010. These trends will have significant implications for the region's future workforce.
- By 2040, the number of white working-age adults ages 25-64, will shrink by 21 percent, while the population of people of color in the same age group will more than double.
- The share of people of color will increase from 20 percent of working-age residents in 2010 to 43 percent in 2040. (Metropolitan Council 2012 Report).

In addition, Commissioner Lindsey considered training apprentice programs and the increasing number of people of color enrolling in these programs. In setting the goals, Commissioner Lindsey also considered other relevant data, including oral and written accounts of the history of discrimination in the United States and in the Twin Cities, as well as systematic patterns of discrimination in the construction industry.



WHAT ARE GOOD FAITH EFFORTS?

In monitoring compliance with workforce construction goals, the Department of Human Rights measures good faith efforts to reach these goals.

Good faith efforts are specific actions a contractor takes to improve equal opportunities for minorities and females.

To meet good faith effort requirements, a contractor must create and maintain an action plan, which outlines the specific steps that the contractor will take to correct

disparities in its workforce. Documentation for the action steps is part of fulfilling good faith efforts. Additionally, a contractor must make substantially uniform progress toward meeting the workforce participation goals.

Minnesota Administrative Rule 5000.3470 sets forth the requirements for contractor compliance and good faith efforts. The rules say "a 'good faith effort' means a reasonable effort undertaken by a contractor to accomplish the goals and implement the corrections identified in the self-analysis."

SPOTLIGHT: CREATING 21ST CENTURY INFRASTRUCTURE

Unbundling Contracts

During the North Minneapolis Economic Summit, Governor Dayton heard from small business owners and entrepreneurs about the need to create more opportunities for them to secure business contracts by unbundling large state contracts into smaller contracts. Members of the administration responded to the concerns raised by the business owners and as a result the Metropolitan Council, the Minnesota Department of Transportation (MnDOT), the Sports Facilities Commission have been more proactive in unbundling large construction contracts.

Light Rail

Commissioner Lindsey attended several community meetings concerning the Central Corridor Light Rail Transit project during the biennium. The Department appreciates the ongoing collaborative efforts of the Metropolitan Council during the construction of Light Rail. The contractors retained by the Metropolitan Council for the Light Rail Transit project are on pace to achieve their hiring equity goals of women and minorities.

People's Stadium

Commissioner Lindsey provided input to the Metropolitan Sports Facilities Authority on the creation of an equity plan to facilitate more workforce and business inclusion opportunities for women and minorities beyond the building of the People's Stadium. The new 65,000-seat Viking's stadium is a \$975 million project authorized by the legislature in a bill signed by Governor Dayton in 2012. The construction is expected to take about 4.25 million work hours

and employ 7,500 workers by the time the stadium opens in 2016.

An equity plan was released in February 2013. The plan outlines goals of 11 percent participation from women-owned businesses and 9 percent participation from minority-owned businesses. Workforce goals for the project have been set at 32 percent for minorities and 6 percent for women.

St. Croix Lift Bridge

Commissioner Lindsey serves as an active participant on the Minnesota Department of Transportation sub-cabinet collaborative led by Project Engineer John Gigilio. This major project will replace the 80-year-old Stillwater Lift Bridge with a four-lane bridge that will connect expressways on both sides of the St. Croix River. The bridge is expected to cost between \$280 million and \$310 million with the total cost for the project estimated at between \$571 million and \$676 million.

Increased Engagement with State Construction Projects

MDHR increased its engagement with all stakeholders involved in construction hiring including administrative agencies, construction trade associations, construction companies, unions and vocational training centers. This is a vital collaboration.

MDHR supports the new Department of Labor initiative concerning vertical construction projects. The initiative includes administrative agencies, construction companies, unions and vocational training centers. Together these organizations and businesses are working to build an environment that is inclusive and prepares our state to have a strong and stable workforce in the construction industry.



Top to bottom:
Commissioner Lindsey
and Steve Peterson,
Executive Director
of Development for
IRRRB (Iron Range
Resources and
Rehabilitation Board)
on tour of the Hibtac
Mine in Hibbing.



Commissioner Lindsey
participated in a
roundtable with Hilda
Solis, Secretary of U.S.
Department of Labor
to discuss workforce
issues. The event was
at the Minneapolis
Central Library.



Commissioner Lindsey
and U.S. Rep. Keith
Ellison at a job fair.

Commissioner Lindsey
and other panelists
discuss workforce
inclusion during
taping of the Al
McFarlane Show.



PUBLIC POLICY AND COMMUNITY ENGAGEMENT

*Engagement to reduce
discrimination and
disparate outcomes*

MDHR is committed to facilitating better dialog between administrative agencies and advocacy organizations, state ethnic councils, the State Council on Disability and community organizations.

GOVERNOR DAYTON JOB SUMMIT

Commissioner Lindsey led a panel discussion with several business and government officials on developing best practices in reducing employment and business disparities at the Job Summit hosted by Governor Dayton in October 2011. The Job Summit brought dozens of private- and public-sector experts and hundreds of attendees together to discuss economic growth, competitiveness and job creation in Minnesota.

The summit was the foundation for continued collaboration and dialog with several state agencies throughout 2012 on the following issues:

*"I enjoyed your talk on the Al
McFarlane show recently about voting
rights. Thank you for your work."*

- Increase access to capital for new businesses, small businesses and small business expansion.
- Align our education system to prepare Minnesotans for the jobs in demand.
- Continue to streamline government regulations.
- Invest in state infrastructure, such as roads, bridges and border-to-border high-speed Internet.
- Continue reform efforts under Better Government for a Better Minnesota, improving services and reducing costs.
- Increase exports for state products, coupled with an effort to entice foreign investment in Minnesota.
- Close the educational achievement and employment gap by working to end disparities based on race, class and place in Minnesota.

The governor convened the summit after hosting nine regional jobs meetings statewide, in which he asked local officials and business leaders how best to boost the state's economy.

INCREASING DIVERSITY AND INCLUSION IN GOVERNMENT

Governor Dayton signed Executive Order 91-14 reaffirming the commitment of the state to provide equal employment and business opportunities for every citizen of the state. The executive order calls for the state to:

- Analyze and assess current participation levels,
- Identify and assess best practices in hiring and contracting,
- Identify barriers to utilization of best practices,
- Suggest possible short-term and long-term

solutions to diversifying hiring and contracting.

The executive order also contemplates the state seeking input and advice from the various state ethnic councils, the Commission on the Economic Status of Women, and the State Council on Disability.

GOVERNOR DAYTON NORTH MINNEAPOLIS ECONOMIC DEVELOPMENT SUMMIT

After Governor Dayton's visit to North Minneapolis, Governor Dayton asked several of his commissioners to undertake administrative actions to enhance the business environment for entrepreneurs and individuals looking for business opportunities and employment with the state.

As a result, the Department of Administration hosted a Target Group Business Seminar and the Minnesota Trade Office hosted an Exports Seminar in North Minneapolis. Commissioner Lindsey was invited and attended both seminars. MnDOT reestablished a working capital fund to provide loans to small businesses that work on MnDOT construction projects.

The commissioner of the Department of Employment and Economic Development (DEED) re-launched the Urban Initiative Board (UIB) which is designed to create job and business opportunities in technologically innovative industries, value-added manufacturing and information industries. Commissioner Lindsey was invited and has attended UIB Board meetings.

Governor Dayton also asked MDHR to undertake an assessment of the diversity efforts of the cabinet level administrative agencies prior to his administration taking office.

THE STATE AS AN EMPLOYER

At the request of Governor Dayton, MDHR assessed the diversity of Minnesota's state agencies, reviewed employment best practices and identified opportunities for improvement. The Department spoke with and obtained information from all the state ethnic councils and the State Council on Disability as part of its review of the state's diversity efforts in hiring.

In 2011, the number of employees retiring from Minnesota state government set an annual record. The number of employees retiring from Minnesota state government will continue to increase in the near future as roughly one-third of state employees reached the median retirement age of 60 during the last decade. The wave of future retirements and how to replace those workers poses a significant challenge to Minnesota state government.

Prior to the Dayton Administration assuming office, approximately 10 percent of the state's workforce was comprised of people of color. The state therefore faces a significant workforce challenge in the very near future if it is unable to successfully enhance its recruitment efforts of ethnically diverse candidates with the impending changing demographics in society.

CASE FILE: DISABILITY

The family had made reservations at a restaurant for Mother's Day. But when the manager learned that a family member would be accompanied by her service dog, he said the dog would have to remain outside, despite the requirements of the Americans with Disabilities Act (ADA). (More at mn.gov/mdhr.)

In reviewing best practices within administrative agencies, the Department found that some agencies were recruiting as early as high school as part of their broader branding effort that a career in government can be exciting and rewarding. Some agencies have opted for the other end of the workforce spectrum by targeting individuals who might be interested in a second career. Some agencies have been aggressive in targeting candidates who would be classified as hard to employ.

While no one human resources strategy fits every administrative agency, the Department believes that valuable insight might be gained if best practices and strategies were shared. The Department has begun to work with administrative agencies that have implemented innovative human resources strategies to convene an event where agencies can discuss what is working for their agency.

The Department is continuing to work with the governor's office and administrative agencies to develop short-term and long-term strategies to better position the state of Minnesota as an employer of choice. The Department is appreciative of Governor Dayton's leadership on this issue.

In the seven-county metropolitan area, state governmental agencies are projecting that 43 percent of the population will be a member of a racially and ethnically diverse community.

CERTIFICATION GATEWAY PROJECT: STREAMLINING REGULATIONS FACING SMALL BUSINESS

Commissioner Lindsey during meetings with legislators, business owners and members of the Urban Initiative Board that one of the

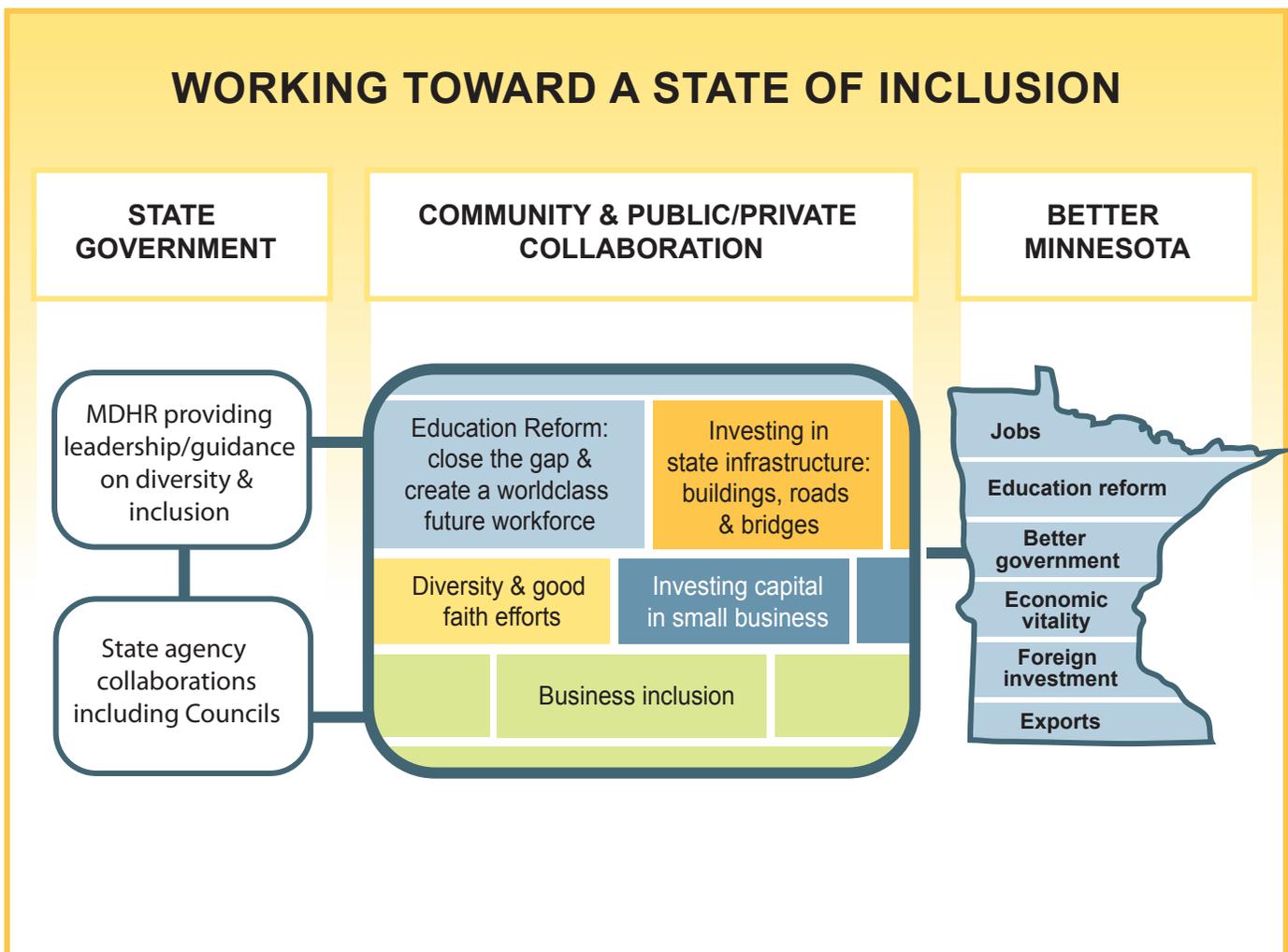
challenges facing small businesses owners seeking to do business with governmental entities is the cumbersome business certification process.

Commissioner Lindsey asked the City of St. Paul, Ramsey County, City of Minneapolis, Hennepin County, the University of Minnesota, Minnesota Department of Transportation, Metropolitan Council, Department of Administration, Metropolitan Airports Commission and Metropolitan Economic Development Association to meet on a regular basis to discuss how to streamline the business certification process. The above stakeholders have subsequently met on several occasions.

CASE FILE: SEXUAL HARASSMENT AND REPRISAL IN HOUSING

A female tenant consistently rejected her landlord's sexual advances, but the harassment didn't stop. MDHR investigated her charge and found probable cause – as well as evidence the landlord had sexually harassed other tenants. After it issued its findings, the Department found that the landlord engaged in reprisal by making a false criminal complaint against her. (More at mn.gov/mdhr.)

WORKING TOWARD A STATE OF INCLUSION



SPOTLIGHT: SHAPING REFORM

One Minneapolis

One Minneapolis, a program of The Minneapolis Foundation, is a platform for promoting racial equity. The program was created to help the community better understand, track and improve how all of its neighbors are faring across 25 community indicators.

Commissioner Lindsey served as a panelist for a session on “Strategies and Best Practices for Closing Disparities in Employment” for the One Minneapolis: A Call to Action Conference in December 2011.

Panelists from the business community discussed the challenges to find qualified skilled workers and the need to eliminate the education achievement gap. Commissioner Lindsey shared with the audience the FastTRAC initiative of the Department of Employment and Economic Development which integrates work, occupation and college readiness skills leading to an industry-recognized credential certificate. Additionally, Commissioner Lindsey discussed the strategic alignment between the Department of Education and Minnesota State Colleges and Universities (MnSCU) to ensure students have the skills they need to succeed.

Everybody In

A Blue Ribbon Commission was convened in May 2011 to study racial disparities in employment, in response to data indicating that the Saint Paul/Minneapolis metropolitan area has one of the highest racial employment disparities in the nation. The commission presented its finding and recommendations in *Everybody In: A Report to Reduce Racial Employment Disparities in the Ramsey*

County Metropolitan Area. The commission’s recommendations call for increased investment to be undertaken by all employers; for changes in federal, state and local policies; and for increased investments in community and government programming. Commissioner Lindsey has served during the planning phase as the chair of the Communications Committee.

STEM Initiative

DEED, the Minnesota High Tech Association and the Department of Education took steps to promote more STEM (science, technology, engineering and math) programs and activities in schools including co-hosting an event in North Minneapolis. Commissioner Lindsey was invited and attended the event as a speaker.

Collateral Consequences

Governor Dayton heard the concern about collateral consequences in employment when he went to North Minneapolis. Collateral Consequences refers to the challenges individuals face to become employed after having been arrested or convicted of committing a crime. Commissioner Lindsey followed up on this concern by meeting with City of Minneapolis officials, Congressman Ellison and other stakeholders.

Commissioner Lindsey attended a listening session organized by the Office of Congressman Keith Ellison in August 2012. The event brought together constituents who have criminal records, advocates and members of the business community to discuss finding solutions to the challenges facing individuals with criminal backgrounds in securing employment and reintegrating into society.

In April of 2012, the Equal Employment Opportunity Commission issued new guidance to employers concerning the possible liability for race discrimination arising from the use of

arrest and conviction records. Subsequent to the publication of the new guidance, the Department has been working with the Council on Crime and Justice to prepare training information seminars for employers.

In support of the new guidance issued by the EEOC, the Department of Justice's Bureau of Justice Statistics estimates that "92 million individuals have a criminal history on file" and that even when controlling for the fact that some individuals have criminal records in multiple states that "it is clear that a significant share of the nation's adult population – estimated at about one in three or four adults – has a criminal record on file."

Because of the shrinking number of working-age adults due to the number of baby boomers retiring well into the next decade, Commissioner Lindsey anticipates that this will be an issue to be addressed in the near future.

Housing

Commissioner Lindsey met with the Minnesota Public Housing Agency Commissioner Mary Tingerthal, Metropolitan Council Chair Susan Haigh, executive directors of Public Housing Authorities, senior officials of Housing and Urban Development in the Twin Cities and advocacy groups to discuss how to create more sustainable affordable housing and how to reduce homelessness. He served as a keynote speaker for an event sponsored by the Minnesota Coalition for the Homeless. Commissioner Tingerthal has asked Commissioner Lindsey to serve on a task force to address ending homelessness in Minnesota.

Export Trade

Commissioner Lindsey met with the executive director of the Minnesota Trade Office to discuss how to create more collaboration

between the Trade Office and small minority-owned, women-owned and disabled-owned businesses in an effort to facilitate more export opportunities for Minnesota businesses.

Health Care

Commissioner Lindsey has participated in meetings and discussions with Health Commissioner Ed Ehlinger, Human Services Commissioner Lucinda Jesson, area Foundations and variety of health care advocates on strategies to reduce health care disparities.

4th World Conference on Remedies to Racial and Ethnic Economic Inequality

Commissioner Lindsey spoke at the 4th World Conference on Remedies to Racial and Ethnic Economic Inequality on October 11, 2012, at the Humphrey School of Public Affairs at the University of Minnesota. The conference brought together world leaders including the prime minister of Norway, leaders of communities of color, academics, nonprofit leaders and public policymakers to harness the wisdom and research of the world's top thinkers on economic inequality to seek practical results.

Human Rights Symposium at the Minnesota Humanities Center

MDHR sponsored a symposium for community leaders at the Minnesota Humanities Center on May 15, 2012. The event featured presentations by Commissioner Lindsey, Health Commissioner Edward Ehlinger, DEED Commissioner Mark Phillips, MnSCU Chancellor Steven Rosenstone, and Metropolitan Council Director of Diversity Wanda Kirkpatrick, addressing a range of issues from health care to education and workforce needs.

SUMMER INTERNSHIP OPPORTUNITIES

The Department of Human Rights in partnership with the Office of Management and Budget collaborated with the city of Minneapolis' STEP-UP Achieve program to increase the participation level of state administrative agencies in the STEP-UP program as part of a long-term strategy to diversify the state's workforce. STEP-UP Achieve interns work 15- to 40-hours per week from mid-June to mid-August with a minimum wage of \$7.25 per hour after completing a work-readiness program. The collaboration resulted in several summer interns working within administrative agencies over the summer.

Summer internships provide businesses and state agencies with extra help during the summer months and build a skilled workforce for Minnesota's increasingly knowledge-based global economy. Internships prepare talented young professionals to offset the growing ranks of retirees. Of the STEP-UP Achieve supervisors, 96 percent state the program is a great success at their organizations.

Native American Education Summit

On January 9, 2012, the Minnesota Department of Education hosted the first-ever American Indian Education Summit, aimed at reducing barriers facing the state's Indian students. The event came about after Minnesota Education Commissioner Cassellius hosted a listening session last fall on the state of Indian education in Minnesota. Participants identified a need for a deeper dialogue on ways to develop more effective policies and strategies for Indian students. Commissioner Lindsey

CASE FILE: AGE DISCRIMINATION

A 43-year-old Director of Nursing was terminated when she raised her concerns regarding age discrimination in hiring and termination practices. The Department found probable cause and the charging party is pursuing private action. (More at mn.gov/mdhr.)

delivered one of the keynote speeches. Governor Dayton delivered opening remarks.

Education's Listening Session with State Ethnic Councils and the State Council on Disability

On Thursday, April 19, 2012, the five Minnesota state councils came together for their first spring retreat in partnership with the Minnesota Department of Education and the Minnesota Department of Human Rights.

The Chicano Latino Affairs Council, the Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Minnesota Indian Affairs Council and Minnesota State Council on Disability, along with guests from the education, non-profit and business communities, gathered at the Minnesota Humanities Center in Saint Paul for a day-long meeting to share success stories and propose ideas to improve educational outcomes for Minnesota's underserved youth. Commissioner of Education Brenda Cassellius and Commissioner of Human Rights Kevin Lindsey kicked off the day, which was punctuated by presentations from each council, the Somali American Parent Association and a visit from Governor Dayton.

MDHR Education Diversity Task Force

The Education Diversity Task Force was convened as an organized effort to help align the most pressing public policy issues affecting constituents of the state ethnic councils and the State Council on Disability with the governor's seven priorities for education.

The Education Diversity Task Force was established in partnership with the Minnesota Department of Education.

The Education Diversity Task Force is comprised of member representatives from the Council on Black Minnesotans, the Chicano Latino Affairs Council, the Minnesota Indian Affairs Council, the Council on Asian-Pacific Minnesotans, the State Council on Disability as well as other community and government stakeholders.

To date, the task force has developed a list of common priorities and concerns affecting their member constituents, including: closing the achievement gap; increasing cultural competency and sensitivity courses for teachers; developing a skilled workforce; increasing Early Childhood Education funding; disaggregating student achievement data; increasing integration to ensure inclusion among general education and special education teachers and increased funding for public schools.

In 2013, MDHR will continue to convene the task force and other key stakeholders including the Minnesota Department of Education and the Minnesota Department of Employment and Economic Development, in an effort to strategically select and narrow priorities for possible action during this or next Minnesota legislative session. The task

CASE FILE: RELIGION

A Somali female was meeting with her caseworker at the county government center when, according to the requirements of her Muslim religion, it was time to pray. A county employee's alleged refusal to allow her to do so would lead to a \$1,500 settlement, an apology and a review of the county's policies. (More at mn.gov/mdhr.)

force met once a month at the Minnesota Department of Education.

School Bullying Task Force

Governor Dayton established the Task Force on the Prevention of School Bullying by Executive Order 12-01 on February 21, 2012. The task force hosted listening sessions across the state to hear from Minnesota students, educators and community members on the issue of bullying and school climate.

The task force submitted its report in August, which included seven recommendations to the governor and legislature for further action. The recommendations included strengthening Minnesota anti-bullying statute to enact a strong, specific anti-bullying policy directive for all Minnesota school districts.



Prevention of School Bullying Task Force



Commissioner Lindsey traveled to several communities in late summer and early fall 2012 to discuss the impact of Minnesota's changing demographics on jobs and education as well as the two proposed constitutional amendments.



Top to bottom: Commissioner Lindsey, Bob Grytdahl, Duluth Human Rights officer and other participants at Duluth community forum; Commissioner Lindsey addresses attendees at Winona forum; New Ulm community forum; District Court Judge Jon Maturi and Chair of Grand Rapids Human Rights Commission Barb Sanderson with Commissioner Lindsey at Grand Rapids forum.



Engaging in Human Rights Discussions Regarding Amendments

Last fall, Commissioner Lindsey engaged in debate around the state on the gay marriage and voter ID constitutional amendments that Minnesotans were asked to vote on in November 2012.

In engaging in these discussions, Commissioner Lindsey participated in approximately 20 community forums in cities around the state, organized by local human rights commissions and other local civic organizations. Guest speakers representing opposing viewpoints were invited as well, and panel discussions provided a range of perspectives from those supporting and opposing both amendments. These civil conversations offered Minnesotans an opportunity to learn more about the arguments for and against these proposed changes to our constitution.

Minnesota's Human Rights Week

As Governor Dayton proclaimed December 2-8, 2012 as Human Rights Week in Minnesota, the Department collaborated with community-based partners to offer a week-long smorgasbord of human rights events. A series of conferences, workshops and community meetings providing Minnesotans with the opportunity to learn about the latest human rights developments and participate in ongoing conversations about critical issues.

Beginning with a symposium on December 3 sponsored by the Department, Human Rights Week events also included:

“I am glad to live in a state where state employees are not just empowered but actually charged with opposing discrimination... Thank you and keep up the good work.”

- A forum on the Criminal Justice System In Minnesota: Youth And Employment at University of St. Thomas Law School, focused on efforts to reduce the barriers to employment for those with prior conviction records.
- A panel discussion on Business Inclusion: Ensuring Opportunities For Minority Enterprises at the Humphrey School of Public Affairs.
- A presentation by Commissioner Lindsey to the Hennepin County Bar Association in Minneapolis on current trends in bullying, intimidation and harassment in Minnesota schools.
- An event at Carlson World Headquarters in Minnetonka with Chairman Marilyn Carlson Nelson hosting Commissioner Lindsey and discussing the need for more private and public partnerships.

THE HUMAN RIGHTS SYMPOSIUM

Nearly 200 human resources professionals, employment attorneys, students and human rights advocates attended the Department's Human Rights Symposium at the University of Minnesota on December 3.

The all-day symposium provided must-have information on the latest trends and legal developments in employment, criminal justice and public policy. Symposium workshops covered the following topics:

- Sexual harassment
- Reprisal



Above: Dr. Josie Johnson was awarded the Humanitarian Award on Dec. 5 as part of Human Rights Week.



Right: Commissioner Lindsey spoke at the Bloomington City Council meeting in honor of International Human Rights Day on Dec. 3, 2012 and also attended the Omar Bonderud Award Reception and Ceremony in honor of award recipient Robert (Bob) Peters. Pictured left to right: Metropolitan Council member Steve Elkins, Robert (Bob) Peters, Commissioner of Human Rights Kevin Lindsey.



Bottom: Commissioner Lindsey joined a panel for a forum on business inclusion at the University of MN, Humphrey School of Public Affairs on Dec. 5. The panelists discussed strategies on how to expand opportunities for minority and women-owned businesses to participate in our economy.

- Employers' use of criminal background checks
- Barriers to people with disabilities in the courtroom
- School bullying
- Voting rights
- Social media and hiring
- Reducing disparities in employment and contracting
- The Department of Homeland Security's Secure Communities program
- Dos and Don'ts for charging parties and respondents.

MINNESOTA DEPARTMENT OF HUMAN RIGHTS HUMANITARIAN AWARD

During Human Rights Week, the Department honored Dr. Josie Johnson with its Humanitarian Service Award for her lifelong commitment to equity, social justice and human dignity.

Dr. Johnson, who is 82 years old, has been at the forefront of civil and human rights for more than 50 years. She was the first African American to serve on the University of Minnesota's Board of Regents, appointed to

"Please pass on a warm thank you to Commissioner Lindsey for coming to our college yesterday. There is lots of conversation on campus – and in the community."

the board in 1971. She accepted the award and reflected on her life in the civil rights movement before the overflow crowd in a ceremony at the Minneapolis Urban League on December 5.

Commissioner Lindsey said in presenting the award, "The challenge of leadership is to be strong, but not rude; be kind, but not weak; be bold, but not bully; be thoughtful, but not lazy; be humble, but not timid; be proud, but not arrogant; have humor, but without folly, and Dr. Johnson's leadership over the years epitomizes this type of leadership."

Education is a Key Role for Human Rights Commissions

Spotlight: Grand Rapids

In the struggle to end discrimination in Minnesota, local human rights commissions play an important role. While commissions may engage in a variety of activities, from sponsoring student essay contests to mediating local disputes, most focus their limited resources on education and encouraging a positive environment in their communities.

The Grand Rapids Human Rights Commission is a case in point. For the past nine years, the Grand Rapids Commission has worked to

CASE FILE: SEXUAL HARASSMENT AND REPRISAL IN HOUSING

When a female police officer in a city in east-central Minnesota charged the chief of police with sexually harassing her, the Department of Human Rights could not find sufficient evidence to support her claim. But the Department found that the manner in which her employer allegedly treated her after she accused the chief amounted to illegal reprisal. The case led to a \$60,000 settlement. (More at mn.gov/mdhr.)

educate about human rights and promote diversity in a city in which 95 percent of the 10,000 or so residents are Caucasian.

The challenge of talking about diversity in this homogeneous community on the edge of the Mesabi Iron range continues to present the commission's nine members with a challenge. "We find ways to spread the word in this community," says Commission Chair Barb Sanderson. "I think that's a big thing, to just let people know that we always advance and improve when we meet people who are different than we are."

She believes the community is becoming more accepting of differences – slowly. There is more acceptance of gays and lesbians, she says, citing one example. "It's not as tough to be a little different in this community as it is in some other communities," she says. "But it's tough, anyway."

The commission's recent activities include:

- Co-sponsoring a forum on the marriage amendment at Itasca Community College with a panel that included representatives on all sides of the issue.
- Co-sponsoring a training session on the human rights of ex-offenders. This workshop for employers, public service providers and businesses was co-sponsored by the Council on Crime and Justice and the Minnesota Department of Human Rights.
- Participating in the Blandin Foundation-sponsored Circle of Healing group, which works with the Native American community on historical trauma.
- Bringing accessibility issues to the attention of local businesses by proving posters and other materials, and through a direct mailing to 500 businesses, with the help a Blandin Foundation grant.

CASE FILE: DISABILITY DISCRIMINATION

Based on his doctor's orders, an employee suffering from anxiety missed several weeks of work. Although he kept his employer informed and supplied several notes from his doctor, his employer fired him. The employee claimed that was discrimination and the Department of Human Rights agreed, in a case that led to a \$100,000 settlement. (More at mn.gov/mdhr.)

"We basically said, hey, you're losing a lot of customers when you don't make your buildings accessible," Sanderson explained. "We made them aware of how difficult it was for people with disabilities to access their businesses and buildings. As a result, I know that there have been some improvements and upgrades in the community."

Change is coming to Grand Rapids, says Sanderson, but the demographic shifts that have brought sudden change to some Minnesota communities are happening more slowly here. Still, she says, it's important for Grand Rapids to be ready for the inevitable arrival of people from different places.

"That's one of the reasons we started a human rights commission," says Sanderson, "to help our community be a welcoming place for all people."

"Your Commissioner's comments were very insightful and helpful and it's always good to remind groups such as ours of the big picture and all that the MDHR does."



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