



# Minnesota Department of Human Rights

05 - 0077

January 12, 2005

Heidi Holste, Senior Policy Advisor  
Legislative & Cabinet Affairs  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Dear Heidi Holste,

The Minnesota Department of Human Rights (MDHR) submits its semi-annual report to the Legislature summarizing the results of its investigation and resolution of human rights complaints. Documents detailing the Department's activities during the period of July 1, 2004 to December 31, 2004 are attached. Highlights of complaint activity are as follows:

- The number of new charges filed increased 9% from the previous six-month period.
- MDHR closed 694 cases.
- On December 31st there were no cases in inventory older than 1 year.
- The average time from filing a charge to issuing a determination of no probable cause was 324 days; the average time from filing a charge to issuing a determination of probable cause was 340 days.
- 95% of dismissals were accomplished within six months of the charge-filed date.
- The average caseload per enforcement officer remained at 25.

Highlights of alternative dispute resolution (ADR) are as follows:

- 206 cases pending determination were referred to ADR.
- Mediations were conducted for 56 cases, resulting in 24 settlements.
- 26 undecided cases were resolved through negotiated predetermination settlements or withdrawal by the charging party.
- MDHR recovered approximately \$1 Million for charging parties.

I am very pleased to report that MDHR has continued its high level of performance and has met its statutory objectives.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "V. Korb".

Velma J. Korb  
Commissioner

VJK:drmz

Attachment

AN EQUAL OPPORTUNITY EMPLOYER

**MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

**CASE MANAGEMENT SUMMARY REPORT**

Report Period: July 1, 2004—December 31, 2004

CASE ACTIVITY	July 1, 2004— Dec. 31, 2004	Jan. 1, 2004— June 30, 2004	Change (Percent)
<b>New Charges Filed</b>	673 charges	616 charges	+9%
% of, above, still awaiting determination	69%	75 %	-8%
<b>Total # Cases Closed/Disposition %</b>	694 cases	644 cases	+8%
Dismissed: Lack of Merit	41%	39%	+5%
Dismissed: other, incl. Lack of Cooperation	18%	19%	-5%
Withdrawn ( <i>excludes</i> settled cases)	5%	4%	+25%
<b>Closed after Probable Cause (PC)</b>	6%	5%	+20%
<b>Closed after No Probable Cause (NPC)</b>	22%	26%	-15%
<b>Closed after split (PC/NPC) determination</b>	1%	1%	0%
Pre-determination Resolution*	4%	5%	-20%
ADR-resolved (settled/withdrawn)	3%	2%	+50%
Avg. # days to issue <b>PROBABLE CAUSE</b> determination/Number issued	343 days/ 31 PC cases	340 days/ 27 PC cases	+<1% +15%
Avg. # days to issue <b>NO PROBABLE CAUSE</b> determination/Number issued	324 days/ 150 NPC cases	315 days/ 161 NPC cases	+3% -7%
Avg. # days to issue <b>PROBABLE CAUSE/NPC</b> <b>(split) determination/Number issued</b>	360 days/ 2 PC/NPC cases	361 days/ 3 PC/NPC cases	-<1% -33%
Avg. # days to issue dismissal	108 days	136 days	%
% of DWR Dismissals within 6 months	95%	86%	+10%
Avg. # Cases per fte Enforcement Officer	25 cases	25 cases	0%

\* Includes predetermination settlements and non-ADR withdrawals due to satisfactory resolution.

**INVENTORY: Cases Pending, as of: December 31, 2004: 705**

**June 30, 2004: 723**

Cases needing initial determination: 649

654

Probable Cause cases:

Conciliation status with Attorney General: 49

62

Administrative review requested by party: 7 cases pending (88 requests)

7 cases pending (94 requests)

**Pre-determination Inventory, by Case Age (days from filing, less tolling):**

**Case count and percentage of inventory,**

**as of December 31, 2004:**

1 – 90 days:	307	47%
91 – 180 days:	187	29%
181 – 270 days:	90	14%
271 – 365 days:	65	10%
366 or more days:	0	0%
<b>Total:</b>	<b>649</b>	<b>(100%)</b>

**as of June 30, 2004:**

1 – 90 days:	319	49%
91 – 180 days:	169	26%
181 – 270 days:	98	15%
271 – 365 days:	68	10%
366 or more days:	0	0%
<b>Total:</b>	<b>654</b>	<b>(100%)</b>

**Entire Inventory, by Case Status, as of December 31, 2004**

*Pre-determination cases:*

Initial Inquiry:	304
Case Screening:	58
Investigation:	218
PDS Pending:	7
Supervisor Review:	33
ADR:	29
<b>Total:</b>	<b>649</b>

*Post-determination cases:*

NPC appeal period:	24	Remand Review:	4
Appeal/Reopen pending:	5	Remand Investigation:	1
Attorney General's Office:	49	Policy Director Review:	2
OAH (180-day hearing):	0	Referred to EEOC:	1
		<b>Total:</b>	<b>86</b>

**DEPARTMENT OF HUMAN RIGHTS**  
**ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAM**

**Report Period: July 1, 2004—December 31, 2004**

**ADR Program activity** during the report period:

**Number of cases referred to ADR from Enforcement Inventory: 206**

This is 31% of the *number* of charges filed during period.

Eighty-eight of the cases referred to ADR were *filed* during the July 1, through December 31, 2004, report period. This is 13% of all charges filed during the period.\*

Awaiting response to ADR invitation: 10 cases

Invitation declined by one or both parties: 123 cases

Accepted ADR invitation:

Mediation being scheduled: 12 cases

Mediation pending: 6 cases

Mediation cancelled; no agreement: 0 cases

Mediation held; resolved: 24 cases (avg. 94 days in ADR status)  
*Includes closure of one case, in which session was held in previous report period.*

Mediation held; awaiting withdrawal: 1 case

Mediation held; no agreement: 31 cases

ADR inventory, as of 12/31/04: 29 cases

Returned to Enforcement Inventory: 213 cases

\* Cases are typically sent directly to ADR after the answer and rebuttal are received and the case has been screened for merit, which generally occurs between 3 and 6 months from the filing date; however, if the parties are interested, cases under investigation also may be referred to mediation.

MN Dept of Human Rights  
Settlement Data  
July 1, 2004 to December 31, 2004

Summary by Settlement Type:	Jul-Dec 2004	
Settlement Type	Total(s) #'s	Total(s) \$'s
Back Wages/Pay	8	\$ 91,346.69
Benefits	1	\$ 1,800.00
Civil Penalties	1	\$ 40,000.00
Combined CP/Atty Award	18	\$ 378,500.00
Conduct Training	6	\$ -
CP Attorney Fees	8	\$ 46,741.66
CP Damages Awarded	12	\$ 113,949.33
Expunge Personnel Files	1	\$ -
Implement Policy Change	4	\$ -
Mental Anguish/Suffering	1	\$ 11,400.00
Other	2	\$ -
Other Monetary	1	\$ 1,342.70
Post EEO Notice	2	\$ -
Re-hire	2	\$ 56,800.00
Send Letter or Other Positive Reference	1	\$ -
Terms Confidential	25	\$ 420,759.00
Unspecified Lump Sum	9	\$ 51,000.00
Total	102	\$ 1,213,639.38
<b>Summary by Closure Type</b>		
ADR	24	\$ 420,759.00
Conciliated Settlement	48	\$ 391,342.69
Litigated Settlement	4	\$ 208,000.00
Predetermination Settlements	6	\$ 21,444.32
Withdrawal - Satisfactorily Adj	20	\$ 172,093.37
Total	102	\$ 1,213,639.38
Number of cases with settlements:	71	

Base Data

Minnesota Department of Human Rights											
BASIS - AREA - FILING											
File Date Range: from 7/1/04 to 12/31/04											
Total Charges Filed for Date Range: 673											
Basis/Area	Aid/Abet	Contract	Education	Empl Agency	Emp/Emp	Emp/Unn	Housing	PA	PS	Reprisal	Total
Age	1	0	1	2	94	0	0	0	0	0	98
Color	0	0	0	0	0	0	2	0	0	0	2
Disability	0	1	10	2	177	0	8	15	10	1	224
Familial Status	0	0	0	0	0	0	2	0	0	0	2
Marital Status	0	0	1	0	16	0	0	0	0	0	17
No Basis	27	0	0	0	0	0	0	0	0	160	187
National Origin	0	0	2	3	48	0	7	1	8	0	69
Public Assistance Status	0	0	2	0	1	0	1	0	1	0	5
Race	4	4	14	3	124	0	10	14	27	1	201
Religion	0	0	0	3	21	0	0	0	1	0	25
Reprisal	3	0	2	0	13	1	1	0	0	18	38
Sex	6	4	7	1	153	1	11	8	3	2	196
Sexual Orientation	0	2	0	0	14	1	0	3	0	0	20
Total	41	11	39	14	661	3	42	41	50	182	1084
Note: There can be more than one Area and/or Basis per charge filed											

Percent by Category

Minnesota Department of Human Rights											
BASIS - AREA - FILING											
File Date Range: from 7/1/04 to 12/31/04											
Total Charges Filed for Date Range: 673											
Basis/Area	Aid/Abet	Contract	Education	Empl Agency	Emp/Emp	Emp/Unn	Housing	PA	PS	Reprisal	
Age	1%	0%	1%	2%	96%	0%	0%	0%	0%	0%	98
Color	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	2
Disability	0%	0%	4%	1%	79%	0%	4%	7%	4%	0%	224
Familial Status	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	2
Marital Status	0%	0%	6%	0%	94%	0%	0%	0%	0%	0%	17
No Basis	14%	0%	0%	0%	0%	0%	0%	0%	0%	86%	187
National Origin	0%	0%	3%	4%	70%	0%	10%	1%	12%	0%	69
Public Assistance Status	0%	0%	40%	0%	20%	0%	20%	0%	20%	0%	5
Race	2%	2%	7%	1%	62%	0%	5%	7%	13%	0%	201
Religion	0%	0%	0%	12%	84%	0%	0%	0%	4%	0%	25
Reprisal	8%	0%	5%	0%	34%	3%	3%	0%	0%	47%	38
Sex	3%	2%	4%	1%	78%	1%	6%	4%	2%	1%	196
Sexual Orientation	0%	10%	0%	0%	70%	5%	0%	15%	0%	0%	20
Total											1084
Note: There can be more than one Area and/or Basis per charge filed											

Percent by Total

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: from 7/1/04 to 12/31/04

Total Charges Filed for Date Range: 673

Basis/Area	Aid/Abet	Contract	Education	Empl Agency	Emp/Emp	Emp/Unn	Housing	PA	PS	Reprisal	
Age	2%	0%	3%	14%	14%	0%	0%	0%	0%	0%	98
Color	0%	0%	0%	0%	0%	0%	5%	0%	0%	0%	2
Disability	0%	9%	26%	14%	27%	0%	19%	37%	20%	1%	224
Familial Status	0%	0%	0%	0%	0%	0%	5%	0%	0%	0%	2
Marital Status	0%	0%	3%	0%	2%	0%	0%	0%	0%	0%	17
No Basis	66%	0%	0%	0%	0%	0%	0%	0%	0%	88%	187
National Origin	0%	0%	5%	21%	7%	0%	17%	2%	16%	0%	69
Public Assistance Status	0%	0%	5%	0%	0%	0%	2%	0%	2%	0%	5
Race	10%	36%	36%	21%	19%	0%	24%	34%	54%	1%	201
Religion	0%	0%	0%	21%	3%	0%	0%	0%	2%	0%	25
Reprisal	7%	0%	5%	0%	2%	33%	2%	0%	0%	10%	38
Sex	15%	36%	18%	7%	23%	33%	26%	20%	6%	1%	196
Sexual Orientation	0%	18%	0%	0%	2%	33%	0%	7%	0%	0%	20
Total	41	11	39	14	661	3	42	41	50	182	1084
Note: There can be more than one Area and/or Basis per charge filed											