



July 31, 2017

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 2017.

Summary:

Since the Department's last report, MDHR has seen a significant increase in case filings and a growing number of complex cases. Increased education and outreach efforts, paired with more efficient and thorough investigations, have increased public confidence in the Department and lead to more charges being filed. If this trend of greater demand continues over time, it may necessitate additional resources being devoted to this work.

The Department's inventory of cases has increased to 732 cases, an increase of 147 cases since the January 2017 report. For comparison, at the end of December 2012, the Department had 842 cases in its inventory. An increase of nearly 100 more new charges filed, from 319 charges in the prior period (January 2017 report) to 412 charges in the current period, drove much of the increase in the Department's case inventory.

During the reporting period, the Department settled 34 cases for \$258,600 in damages. In the second half of 2016, the Department settled 28 cases for a total of \$188,000 in damages. Currently, the Department has 6 cases referred to the Attorney General for litigation.

Case Inventory:

- 732 cases were pending determination as of June 30, 2017. As of June 30, 2017, MDHR had closed 237 cases and filed 412 new charges. The average caseload for an investigator was 56 cases.
- 90% of cases filed in the last six months are open; 81% of cases are less than a year old.

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- 236 cases less than 90 days old
- 146 cases between 91-180 days old
- 111 cases between 181-270 days old
- 98 cases between 271-365 days old
- 141 cases over 365 days old

Closures & Determinations:

- 21.10% of closed cases resulted in a favorable outcome or were withdrawn by the charging party. Of these, 12 cases resulted in a probable cause determination (5.06%), 16 cases were resolved prior to a formal determination (6.75%), 8 cases were withdrawn by the charging party (3.38%), and in 12 cases the Department reached a settlement prior to investigation (5.91%).
- 78.90% of determinations resulted in a favorable outcome for the respondent. The Department closed 181 cases (76.37%) with a no probable cause determination and 6 cases (2.53%) were dismissed by the Department.
- The average time to reach a determination increased 42 days from the prior reporting period to 332 days.
 - Average time to dismiss a case was 316 days (6 cases), an increase of 82 days from the last reporting period.
 - Average time to reach a no probable cause determination was 337 days (203 cases), an increase of 42 days from the last reporting period.
 - Average time to reach a probable cause or split determination was 252 days (12 cases), a decrease of 15 days from the last reporting period.

Alternative Dispute Resolution:

- The Department pursued mediation in 112 total cases. Of these, 74 (66.07%) were from the 412 charges filed this reporting period. MDHR successfully scheduled 28 mediations in which 14 cases reached settlement. The average time for a mediation to reach settlement was 60 days. Currently, there are 7 charges in some phase of the mediation process. During this period, 74 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, 271 employment related charges were filed, which constitutes 65.9% of all charges filed. Of this subset of charges, age (35.42%), disability (30.26%), race (23.62%), and sex (21.40%) were the most common types of employment charges.¹
- The most common bases of discrimination, without regard to subject area, are disability (26%), race (18%), age (15%), sex (14%), and national origin (10%). The number of age

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

discrimination charges increased during this period, surpassing sex as the third most common charge bases.

In the most recent six-month reporting period, the Department saw an increase of nearly 100 new charges filed. As the Department's results have improved and the average time to complete cases has dropped over the past several years, demand for our services has grown from the public. This increased confidence in MDHR's work is positive, but it also puts additional pressure on the Department's staff resources. A continued upward trend in case filings could strain the Department's resources in the future.

The Department's St. Cloud Office is now staffed with 2 full time employees, one of whom is an investigator. This office initially received general fund support in the 2016 legislative session, with that support being renewed during the 2017 legislative session for the FY2018-2019 biennium. This satellite office has allowed us to better serve the people of Central Minnesota. It also offers a model that could be replicated in communities around the state, building partnerships with local governments, businesses, nonprofits, and communities to help address issues of discrimination and inclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Lindsey". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Kevin M. Lindsey
Commissioner

Enclosure: Case Distribution Report

cc:

Senator Warren Limmer
Senator Ron Latz
Representative Sarah Anderson
Representative Sheldon Johnson
Joane McAfee, Office of Governor Mark Dayton

Minnesota Department of Human Rights
BASIS - AREA - FILING
File Date Range: January 1, 2017 to June 30, 2017
Total Charges Filed During Date Range: 412

AREA	BASIS											Percentage
	Age	Color	Disability	Familial Status	Marital Status	National Origin	Public Assistance Status	Race	Religion	Sex	Sexual Orientation	
Business/Contract			1			1				2		0.6%
Credit			1									0.2%
Education			8			5		10		1	1	3.9%
Employment - Employer	95	10	81	5	48	34	3	64	11	58	10	65.6%
Employment - Employment Agency	1		1									0.3%
Employment - Union												0.0%
Housing/Real Property			15	1	1	3	2	4	1	1		4.4%
Public Accommodations		2	16			9		11	4	2	2	7.2%
Public Services		1	13			6		6	1	3		4.7%
Reprisal (Business/Contract)										1		0.2%
Reprisal (Education)			1									0.2%
Reprisal (Employment)	3		18		2	2		18	1	21	3	10.6%
Reprisal (Housing/Real Property)			8					1				1.4%
Reprisal (Public Accommodations)			2									0.3%
Reprisal (Public Services)						1		1		1		0.5%
Percentage	15%	2%	26%	1%	8%	10%	1%	18%	3%	14%	3%	

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.