



July 31, 2018

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 2018.

**Summary:**

Since the Department's last report, MDHR has continued to see an increase in case closures, with a significant jump from the prior period's 292 closures, up to 361 closures. This has resulted in more cases being closed than opened, reducing the Department's overall inventory of cases slightly. Increased productivity per employee has accounted for the increase in case closures.

The Department's inventory of cases has decreased to 701 total cases, down from 717 cases in the January 2018 report. For comparison, at the end of December 2012, the Department had 842 cases in its inventory. For the last six months of the year, 319 cases were filed which is relatively consistent with historical trends for filings.

During the reporting period, the Department settled 22 cases for \$55,700 in money recovered. In the second half of 2017, the Department settled 75 cases for a total of \$266,988.50 in money recovered. The Department currently has no cases pending in litigation with the Attorney General. During this period, the Department had two cases that had been referred to the AG that settled for a total of \$11,375 in money recovered.

**Case Inventory:**

- 701 cases were pending determination as of June 30, 2018. As of June 30, 2018, MDHR had closed 361 cases and filed 319 new charges. The average caseload for an investigator was 58 cases.

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- 95% of cases filed in the last six months are open; 72% of cases are less than a year old.
  - 182 cases less than 90 days old
  - 127 cases between 91-180 days old
  - 84 cases between 181-270 days old
  - 111 cases between 271-365 days old
  - 197 cases over 365 days old

#### **Closures & Determinations:**

- 21.33% of closed cases resulted in a favorable outcome or were withdrawn by the charging party. Of these, 10 cases resulted in a probable cause determination (2.77%), 31 cases were resolved prior to a formal determination (8.59%), 22 cases were withdrawn by the charging party (6.09%), and in 14 cases the Department reached a settlement prior to investigation (3.88%).
- 78.67% of determinations resulted in a favorable outcome for the respondent. The Department closed 268 cases (74.24%) with a no probable cause determination and 16 cases (4.43%) were dismissed by the Department.
- The average time to reach a determination increased 73 days from the prior reporting period to 442 days.
  - Average time to dismiss a case was 361 days (13 cases), an increase of 109 days from the last reporting period.
  - Average time to reach a no probable cause determination was 442 days (220 cases), an increase of 55 days from the last reporting period.
  - Average time to reach a probable cause or split determination was 476 days (33 cases), an increase of 201 days from the last reporting period.
  - This overall average time to reach a determination does not include case closures where the matter is resolved through mediation or withdrawn by the case party. Including all closures the average time to close a case is 410 days.
  - Staff turnover, training time for new staff, and an increase in complex cases has impacted case closure times, but based on increased case closures in the past six months these issues are being positively resolved. Overall staffing for MDHR remains lower than in 1996, when the OLA reported MDHR had 56 staff. Today, MDHR has 3 additional major statutory duties than in 1996.

#### **Alternative Dispute Resolution:**

- The Department pursued mediation in 118 total cases. Of these, 83 (70.3%) were from the 319 charges filed within this reporting period. MDHR successfully scheduled 30 mediations in which 14 cases reached settlement.
- The average time for a mediation to reach settlement was 62 days, providing a quicker resolution for both parties.
- Currently, there are 10 charges in some phase of the mediation process. During this period, 74 cases were returned from mediation for investigation.

## Trends:

- Employment charges continue to constitute the largest number of charges filed with the Department. During the reporting period, 183 employment related charges were filed, which constitutes 57.5% of all charges filed. Of this subset of charges, sex (43.7%), disability (37.7%), race (27.9%), and age (21.9%) were the most common types of employment charges.<sup>1</sup> Sex claims overtook disability claims as the most common type of employment charge, sex discrimination includes sexual harassment cases.
- The most common bases of discrimination, without regard to subject area, are disability (28%), sex (27%), race (22%), age (9%), and national origin (7%). The number of sex discrimination charges increased during this period for the second six-month period in a row. Disability claims fell slightly from 30% in the prior period to 28%, but continuing as the most common basis for a charge before the Department.

In the most recent six-month reporting period, the Department saw a significant increase in our rate of case closures. This will have positive long term impact on the time it takes to issue determinations and the Department's inventory of cases.

Sincerely,



Kevin M. Lindsey  
Commissioner

Enclosure: Case Distribution Report

cc:

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

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<sup>1</sup> Percentages add up to more than 100% because some charging parties allege more than one claim of discrimination.

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: January 1, 2018 to June 30, 2018

Total Charges Filed During Date Range: 319

AREA	BASIS										Percentage
	Age	Color	Disability	Familial Status	Marital Status	National Origin	Race	Religion	Sex	Sexual Orientation	
Aiding, Abetting, or Obstructing (Employment)									4		0.8%
Business/Contract	1					1	3		4		1.8%
Education		3	11			3	10		3		6.0%
Employment - Employer	40	6	69	2	6	21	51	7	80	5	56.9%
Employment - Employment Agency			2				1				0.6%
Housing/Real Property			15			3	6	2	1		5.4%
Public Accommodations			17			2	10	2	4		6.9%
Public Services			7			2	3		2	1	3.0%
Reprisal (Education)									1		0.2%
Reprisal (Employment)	3		16			4	23	2	36	2	17.1%
Reprisal (Housing/Real Property)			4								0.8%
Reprisal (Public Accommodations)			1				2				0.6%
Percentage	9%	2%	28%	0%	1%	7%	22%	3%	27%	2%	

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.