

DEPARTMENT OF HUMAN RIGHTS, 1999

GUIDE TO

MINNESOTA

*Department of
Human Rights*

1999

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November 1998

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ARNE H. CARLSON
GOVERNOR

STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

Dear Commissioner:

Welcome to state government and to the Department of Human Rights. This briefing book has been assembled to assist the incoming administration during this period of executive branch transition. We hope you will find it valuable.

You will see by the material contained in the attached briefing that the Department of Human Rights has accomplished much during this important last decade of the century and also that there are many ideas for future service refinements.

Please feel free to call upon the resources of this administration as you begin to familiarize yourself with your new responsibilities.

I wish you much success.

Warmest regards,

A handwritten signature in black ink that reads "Arne H. Carlson".

ARNE H. CARLSON
Governor



Minnesota Department of Human Rights

To the new Commissioner:

The Minnesota Department of Human Rights is a small, but critical agency in the state's Executive Branch. Its 60 plus staff has worked with your predecessor's management team to create an impartial enforcement organization, devoted to fulfilling its mission and vision. Working with the supervisors and managers as part of the Executive Team has enabled us to create an impartial enforcement organization, devoted to fulfilling its mission and vision.

We have production standards, revised job descriptions, an equitable hiring process, diverse staff and new computer system. We have a thoroughly researched Administrative Manual, which all staff received and reviewed, a Case Processing Manual and documented Training Manual Series. All new and continually revised.

I have enjoyed the challenge of working with the supervisors and managers and staff to make the necessary changes which enable the Minnesota Department of Human Rights (MDHR) to meet the State Supreme Court mandate and legislative requirements. I have urged MDHR legislative committee chairs to continue the semi-annual reporting requirements as a means to remind the legislature that the department is meeting its mandates.

I hope the information in the agency Briefing Book will assist you in understanding MDHR. Please call me if you need additional background information. Although MDHR is a complex organization, you have many skilled professionals to assist you in leading it to be the best human rights organization in this region.

Sincerely,

A handwritten signature in cursive script that reads "Dolores H. Fridge".

Dolores H. Fridge

DHF/slb

AN EQUAL OPPORTUNITY EMPLOYER

The history of the Minnesota Department of Human Rights

1967. The Department of Human Rights was established to succeed the State Commission Against Discrimination. Specific procedures for enforcement of Minnesota State Act Against Discrimination were established, including investigation, conciliation, public hearings, and appeal.

1969. Minnesota State Act Against Discrimination was amended to prohibit discrimination on the basis of sex in employment. A provision to require a charging party to post a security bond was repealed. It is illegal for an employer to maintain an employment system that unreasonably excludes applicants on the basis of a protected class status.

1973. Act renamed Minnesota Human Rights Act (formerly MSAAD, M.S. 363). Act amended to extend prohibitions on sex discrimination to housing, public accommodations, public service, and education. Discrimination in employment, housing, and education prohibited on the basis of marital status, disability, or status with regard to public assistance. Denial of credit prohibited on the basis of sex (marital status in 1975).

1974. Case production standards established. Management information and some case processing functions computerized. Contract compliance function restructured and procedures revised.

1977. MHRA prohibits discrimination in employment and education on the basis of age, and clarifies that discrimination because of pregnancy constitutes sex discrimination.

1979. A provision enacted by the legislature requires the department to provide respondents with written statements of the alleged facts in support of the department's finding of probable cause.

1981. Contract compliance portion of the Act amended. The Department is given responsibility for affirmative action in the construction of the Metrodome.

1982. Comparable worth legislation passed to provide equal pay for dissimilar work of comparable value performed by state employees. The impetus for this legislation was the report issued in 1981 by the Council of the Economic Status of Women.

1983. Certain employers required to provide reasonable accommodations to disabled persons. State and local government agencies required to provide physical and program access to disabled persons. Public transit operators required to make transit services accessible to disabled persons by December, 1986.

1984. Charging parties may request a hearing directly before the ALJ, if the department has not reached a determination of either probable cause or no probable cause on their charge within 180 days of the date that the charge was filed. Attorney's fees may also be awarded suffered by the charging party who prevails in an administrative hearing. Civil actions may be filed within 45 days after the department dismisses the case because the Commissioner has determined that further use of department resources is not warranted. Charging parties who appeal a determination of no probable cause have 45 days after the Commissioner reaffirms the no probable cause determination in which to file a civil claim.

1987. It is an unfair discriminatory practice to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of sex or marital status. When filed, a charge must be served within 10 days and the respondent must submit an answer within 20 days.

1988. No department or agency of the State shall receive, enter into, or accept any bid or proposal for a contract nor execute any contract for goods, services, or the performance of any functions, or any agreement to transfer funds for any reason in excess of \$50,000 with any person having more than 20 full-time employees in Minnesota at any time during the previous 12 months, unless the person has an affirmative action plan for the employment of minority person, women and the disabled that has been approved by the Commissioner of Human Rights. If the respondent fails to respond within 30 days after service of the charge, and service was consistent with Rule 4 of the Federal Rules of Civil Procedure, the Commissioner, on behalf of the complaining party may bring an action for default in District Court pursuant to Rule 55.01 of the Minnesota Rules of Civil Procedures.

1989. In defining “Disability,” the degree to which a major life activity must be limited by a physical, sensory or mental impairment was changed from “substantially” to “materially.”¹ Familial status was expanded to include any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority. Except when based on a bona fide occupation qualification, it is an unfair employment practice to require or request a person to undergo a physical examination, unless it is the “sole and exclusive” purpose of national security or compliance with the Public Contracts Act. In real property, discrimination was expanded to include: a refusal to permit, at the expense of the disabled person, reasonable modifications of the premise to allow the disabled person full enjoyment of the premises. Public accommodations was amended to include that it is an unfair discriminatory practice for a place of public accommodation not to make reasonable accommodations for the “known” physical disability. Credit discrimination includes sex and marital status, as well as, race, color, creed, religion, disability, and national origin. Race, color, creed, religion, disability, and national origin were under public accommodation; these items were moved to credit discrimination in order to clarify that these classes were protected. Court actions, suits by private parties and intervention. A person may bring a civil suit within 45 days after “receipt of notice” after the commissioner determines there is no probable cause to the complaint.

1990. The legislature added that it was not only an unfair practice to “require” but to “request” a person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability or age. The legislature also added that it is an unfair practice to engage in an intentional refusal to do business with, to refuse to contract with, or to discriminate because of a person’s race, color, sex, or disability unless alleged refusal or discrimination is because of a legitimate business purpose.

1993. Sexual orientation was added as a protected class in the areas of employment, housing, public accommodations, public service, educational institutions, credit, and business discrimination. The legislature added that it in no way condoned homosexuality or bisexuality, or an equivalent lifestyle, or authorized persons of the same sex the right to marry.

¹The Minnesota Supreme Court held that a physical or mental impairment does not constitute a disability unless its severity is such that it results in a substantial limitation of one or more major life activities. See *State by Cooper v. Hennepin County*, 441 N.W.2d 106 (Minn. 1989). Because of this ruling, the Human Rights Act was amended and the definition of “disability” was changed from “impairment which substantially limits ...” to “impairment which materially limits one or more major life activities.” The new language is intended to lower the threshold for establishing disability as a protected status.

1994. Marital status was added as a protected class that could not be discriminated against in public accommodations.

1995. Educational institutions were prohibited from making use of a written or oral form in order to elicit information of a person’s race, color, national origin, sex, age or marital status of persons seeking admission *unless the information is collected for the purposes of evaluating the effectiveness of recruitment, admissions, or other educational policies* and is maintained separately from the admission application.

1997. No department or agency shall engage in any contract or agreement for goods and services in excess of \$100,000 with any business having more than 40 full-time employees on a single working day during the previous 12 months unless the firm or business has an affirmative action plan submitted to the Commissioner of Human Rights for approval.

Minnesota Department of Human Rights
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St. Paul, MN 55101
651-296-5665

The Department of Human Rights is responsible for processing, investigating and resolving allegations of unlawful discrimination and for reviewing and monitoring the affirmative action steps and certifying the compliance with state laws of firms seeking to do business with the state.

Organizational history

Three commissioners led the department since 1991: Frank Gallegos, May 17, 1991 – October 27, 1991; David Beaulieu, October 28, 1991 – October 13, 1996; and Dolores Fridge, October 14, 1996 – present.

Two important legislative changes made during this period enhance the department’s ability to carry out its responsibilities. The first change came about at the urging of Commissioner Dolores Fridge. Under it, parties to a discrimination charge are now protected from public disclosure of their identities until after the facts have been gathered by the agency. This minimizes the potential for a “trial by the media,” which had tended to happen when a charge was filed but not yet proven or disproven.

The second change was the 1993 legislature’s action making discrimination based on a person’s sexual orientation unlawful. This change to the Minnesota Human Rights Act made Minnesota one of only a dozen states that protect its citizens from discrimination in employment, housing and other services on the basis of sexual orientation.

Agency accomplishments

- Achieved, for the first time in agency history, the goal of completing 98 percent of the investigations of discrimination charges no longer than one year after the charges are filed.
- Eliminated the agency backlog of cases by July 1, 1997. A finding was made on all older pending cases. In addition, the case processing system was redesigned to prevent future delays in investigations, and the agency received an additional legislative appropriation of \$200,000 to provide sufficient staff to maintain its charter.
- Initiated in 1995 a formal training program for new investigators to ensure that all cases are investigated in a professional, impartial manner. Caseloads have dropped to 25 per person as a result of the increase in trained investigators.
- Adopted the Alternative Dispute Resolution program in 1997 through which up to half of all cases sent to it are resolved without using agency resources. The agency contracted with the Bureau of Mediation Services to implement the program, which is funded by an additional legislative appropriation of \$100,000 for the biennium.
- Successfully argued before the Minnesota Court of Appeals that the Human Rights Act was intended to protect people from unwelcome sexual contact regardless of their gender or sexual orientation. The court's adoption of this argument extends protection from sexual harassment in the workplace to all individuals.
- Achieved through litigation the inclusion of AIDS and HIV-positive status in the definition of a disability for purposes of the Human Rights Act.

Awards and recognition

Received the "Partners in Diversity Award" from the International Foundation for Gender Education in 1996 for the agency's role in achieving legislation that extends the protection against discrimination to transgender individuals.

Mission

The Department of Human Rights works to foster a society which respects, supports and is enriched by each member of our increasingly diverse population, and works toward a

future in which our children will not experience discrimination.

Vision

The Minnesota Department of Human Rights seeks to provide citizens the opportunity to resolve alleged unlawful discrimination through fair and timely action of the agency, as well as providing increased employment opportunities by reviewing and monitoring affirmative action steps taken by firms doing business with the State of Minnesota.

Overview

The Department of Human Rights is responsible for two program areas:

- Processing, investigating and resolving allegations of unlawful discrimination, and
- Reviewing affirmative action plans submitted by firms seeking to do business with the state of Minnesota and certifying their compliance with state laws to the Department of Administration.

These programs are means to fulfilling Minnesota's commitment to non-discrimination, by providing individuals who believe they have been discriminated against an opportunity for impartial investigation into the facts, and by using the state purchasing power to increase employment opportunities for groups whose members have often historically had their employment opportunities restricted due to discrimination.

Vision for the year 2000

Reputation

The Department of Human Rights will be known for its success in fighting illegal discrimination. The staff will provide excellent service, conduct fair and impartial investigations, effectively monitor affirmative action efforts, and be respected experts in human rights law, education and enforcement. The department will be known for its top-quality staff and outstanding achievements, and will be regarded as a leader among states.

Customer Service

The public will know and understand the department's mission. All written materials will be updated regularly and be easy to use and understand. Telephone inquiries will be handled promptly and callers will be given accurate information. The department's processes will be clearly explained to everyone involved.

The department will have an active and visible outreach and education effort. People will look to the department as the primary source of information on illegal discrimination. It will be valued by stakeholders.

Resources

The department will have enough staff to do its work effectively and efficiently. The computer system will support the staff in carrying out their duties. Other private and public sources will contribute to the department to help it reach its goals.

Work Environment

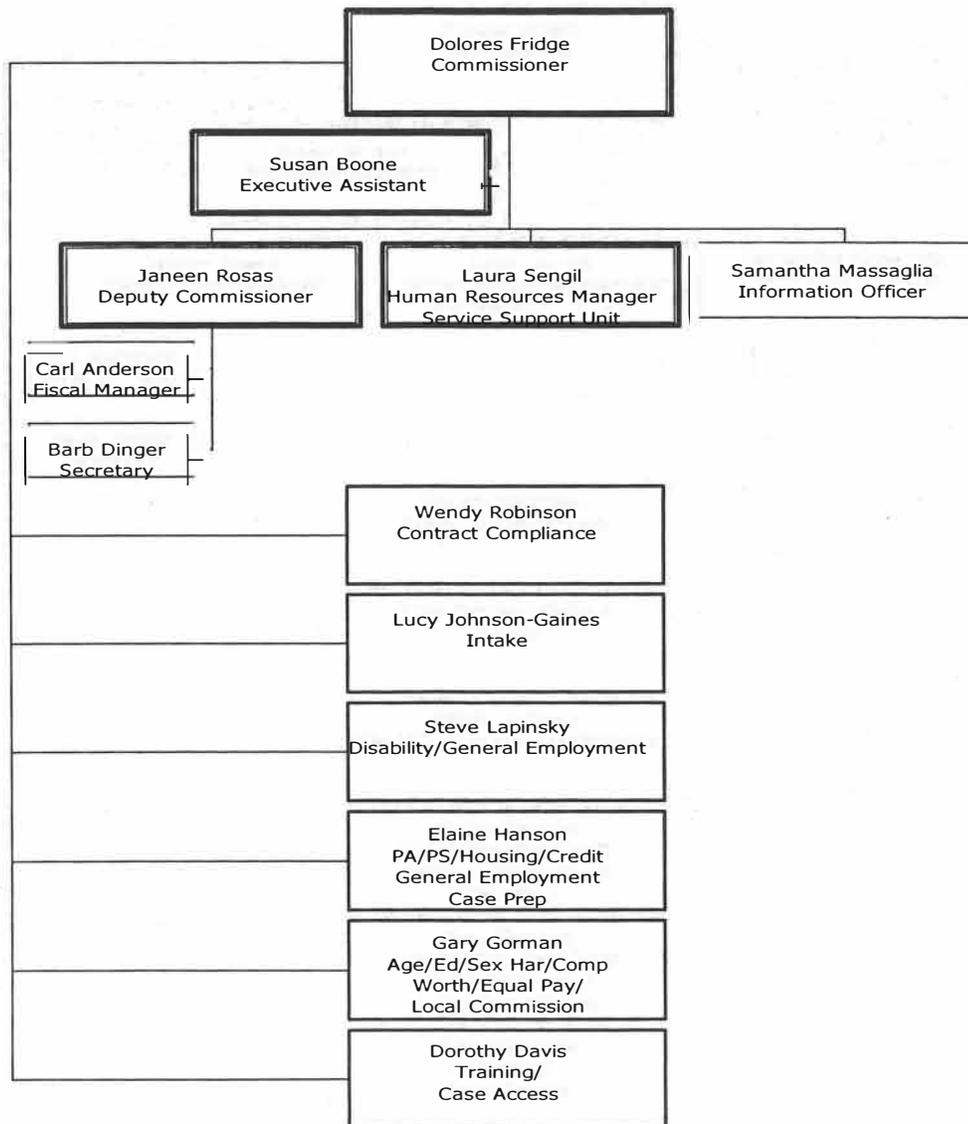
All department employees will know that their work is appreciated and valued. They will understand how their respective roles contribute to the department's success. The physical environment will support the staff's work. A cooperative and respectful working relationship will exist among all employees, allowing forums for issue discussion, problem solving, information sharing, and idea generation. All employees will take pride in their individual, unit and department accomplishments. The department's reputation will continue to attract superior applicants for staff positions.

Minnesota Department of Human Rights Organizational Chart

62 Total Personnel

(58 fulltime, 4 law student interns)

The function of the Department of Human Rights is to enforce Statute 363 and
Rules 5000 covering Human Rights and Affirmative Action



The organization

Enforcement

Enforcement consists of three case processing units responsible for investigating charges and making recommendations on charge findings and case disposition. The case processing units are all responsible for investigating discrimination in employment in addition to investigating a specific type of discrimination in one or more specialty areas, including:

- disability
- housing, public services, public accommodations
- education, equal pay, sexual harassment

Intake

The Intake Unit is responsible for providing information about the provisions of the Human Rights Act and the services of the department to individuals who contact the department for assistance. It is also responsible for screening potential charges of discrimination, and accepting those charges which are appropriate for investigation.

Contract Compliance

The Contract Compliance Unit is responsible for administering the contract compliance provisions of the Human Rights Act, Minnesota Statutes §363.073 and 363.074, which require businesses having over 20 employees to have Certificates of Compliance in order to bid on or be awarded contracts of over \$50,000. Certificates of Compliance are issued by the Commissioner when an Affirmative Action Plan, submitted by the contractor, has been reviewed and approved. The unit is also responsible for giving technical assistance to contractors in developing Affirmative Action Plans, and monitoring Affirmative Action efforts through desk audits and internal reviews. This unit is now computerized and networked.

Service Support Unit

Responsible for:

- Receptionist Desk (answer/forward calls; incoming and outgoing mail)
- New charges processed for timely filing

- Charge closures
- Maintain central records
- Prepare photocopy requests
- Clerical support for enforcement division
- Maintain case processing database with new information and updates
- Provide case processing statistics/reports
- Keep records, prepare proper forms/reports to assure department meets the obligations for which the department is paid approximately \$300,000 to contract with the Equal Employment Opportunity Commission
- Respond to inquiries from staff, charging parties, respondents, general public, attorneys and representatives about department and case processing procedures
- Liaison with the Equal Employment Opportunity Commission

Fiscal Services and Management Information Systems

Fiscal Services support the various business units in the MDHR by providing accounting, procurement, payroll services, Communication Systems and office equipment and department maintenance. Additionally, Fiscal Services is also responsible for monitoring and controlling all fiscal activities including expenditures and procurements to ensure they conform to accounting standards, procedures and Minnesota Statutes.

MIS provides support to the business units by managing, storing and maintaining the departmental databases and NT servers. MIS is also responsible for the Department Web Page, Internet and Intranet connectivity including all software, hardware, firmware, computers and peripherals, maintenance and repairs.

Human Resources Division

The Human Resources Division provides consultative services department-wide in staffing (recruitment, job classification, examination, job evaluation), compensation, staff development, labor relations and employee safety and insurance. All hiring decisions must be coordinated with the human resources director. The human resources director is the Affirmative Action Officer and the ADA (Americans with Disability Act) Coordinator. Human resources maintains the Administrative Policy and Procedures Manual and the strike plan.

Meetings

The states' human resources directors meet monthly. The human resources director works closely with DOER (Department of Employee Relations) staff, particularly with the Staffing and Labor Relations Divisions.

Union contracts

There are three collective bargaining agreements and two plans (AFSCME, MAPE, MMA and Managerial and Commissioner's Plan) between the State of Minnesota and its employees. Any employee action (i.e., hiring, termination, discipline, grievances, etc.) must not violate the agreements or plans. All employee action must be coordinated with the human resources director.

The AFSCME (American Federation of State, County, and Municipal Employees) agreement covers the clerical support and technical staff. The MAPE (Minnesota Association of Professional Employees) agreement covers the professional employees. Supervisors are covered by the MMA (Middle Management Association) agreement. The Managerial Plan includes the commissioner, deputy commissioner, and division director. The Commissioner's Plan covers the human resources staff and other confidential employees (i.e., support staff to the commissioner, deputy commissioner and division director).

Trainee Program for Enforcement Officers (Training Unit)

A training program was developed because there is little opportunity to gain journey-level professional experience outside the Department of Human Rights. The hiring process follows the civil service hiring procedures and provides the opportunity to hire qualified applicants for Human Rights Enforcement Officer 1 positions. Trainees follow a set schedule of training to acquire the necessary knowledge, skills and abilities. Supervisors and other department staff provide the training in classroom-type settings. The trainees demonstrate the acquired knowledge and skill through on-the-job assignments. After completing a nine-month training program, the trainees serve a three-month probationary period.

Appeals

Appeals are handled by Melissa Rosenbaum. Her phone number is (651) 296-9063. To find out the status of an appeal, check with Barb Dinger (phone number (651) 296-9056). She will be able to tell you if the case is being reviewed or waiting to be reviewed. For more specific information about where the appeal is in the review process, see Melissa.

Attorney General

North Central Tower, 12th Floor

Rick Varco
Assistant Attorney General
Manager, Human Rights Division
651-296-9417

Andrea Kircher
Assistant Attorney General
651-296-7860

Norma Meleen
Secretary to Rick and Andrea
651-296-1538

Erica Jacobson
Assistant Attorney General
651-296-3546

Jackie Gryc
Secretary to Erica
651-296-1353

Jill Klausung
651-296-9058

Nancy Triplett
651-296-9200

Inez Dawson
Receptionist
651-296-1353

Legislative committees

Key Legislators

House of Representatives

- Representative Mary Murphy
Chair, House Judiciary Finance Division
- Representative Andy Dawkins
Chair, House Civil and Family Law Division

Senate

- Senator Randy Kelly
Chair, Senate Crime Prevention and Judiciary Budget Division
- Senator Jane B. Ranum
Chair, Senate Judiciary Committee
- Senator Ember Reichgott Junge
Assistant Majority Leader

Key Legislative Committees

House of Representatives

- Civil and Family Law Division
Chair – Andy Dawkins
Vice-Chair – Satveer Chaudhary
- Judiciary Finance Division
Chair – Mary Murphy
Vice-Chair – Michael Paymar

Senate

- Crime Prevention and Judiciary Budget Division
Chair – Randy C. Kelly
- Judiciary Committee
Chair – Jane B. Ranum
Vice-Chair – Don Betzold

Minority councils

Ilean Her, Director
Council on Asian-Pacific Minnesotans
200 University Avenue West, Suite 100
St. Paul, MN 55103
Phone: 296-0538
Fax: 297-8735

Lester Collins, Director
Council on Black Minnesotans
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Joe Day, Director
Indian Affairs Council
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Fax: 643-3077

Director
Chicano Latino Affairs Council
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St. Paul, MN 55103
Phone: 296-9587
Fax: 297-1297

Clel Hemphill, Director
Council on Disability
121 East 7th Place, Suite 107
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Phone: 296-6785
Fax: 296-5935

Aviva Breen, Director
Economic Status of Women
State Office Building, Room 85
St. Paul, MN 55155
Phone: 296-8590
1-800-657-3949
Fax: 297-3697

EEOC worksharing agreement

The department contracts with the federal Equal Employment Opportunity Commission (EEOC) for the processing of cases in the jurisdiction of both agencies. When either receives a case that also comes within the jurisdiction of the other, the receiving agency accepts it for filing on behalf of the other agency also. Generally, the case is processed by the agency with which it is first filed. EEOC has authority to process charges alleging violations of Title VII, ADEA, and ADA (acronyms listed below), provided they are filed within 300 days of the practice complained of. A charge alleging a violation based on a federally protected factor and one not covered only by DHR would be accepted by EEOC and referred to the department for processing. There are occasionally other wrinkles in deciding which agency will process a given case, and they are ironed out by our EEOC liaison. The liaison administers all aspects of our dual-filing system, case tracking and record keeping related to worksharing.

Due to a Minnesota Supreme Court decision several years ago, DHR cannot investigate certain charges of disability discrimination, where the disability at issue arises from a situation where the employer may be subject to a claim for Worker's Compensation. EEOC processes all such cases. A more recent Eighth Circuit Court of Appeals decision states that EEOC cannot process charges under the ADEA if the employer is a government entity; all such cases in our jurisdiction will be processed by the department.

EEOC's Milwaukee District Office administers our contract, and cases are reviewed by the Minneapolis Area Office to assure they comply with EEOC's technical processing criteria. Each of our agencies accords the other's findings "substantial weight" when a determination is issued, and adopts that finding, subject to an appeal by the charging party.

Appeals of our closures based on EEOC "no cause" findings or other dismissals are reviewed by Marlene Burgess, EO2 assigned to Policy and Legal Affairs activities (Marlene reports to Elaine Hanson, Enforcement Supervisor of Case Prep Unit and Case Processing Unit B). If the EEOC investigation file is available in the Minneapolis Area Office, Marlene goes there periodically to conduct the reviews. If the file is at the Milwaukee District Office, we will have a copy sent to us. The reviewer determines

whether the process followed and conclusion reached by EEOC are consistent with what would have occurred had the file been processed here and a decision made under Minn. Stat. §363. If so, the closure will be reaffirmed. If there is case law interpreting the MHRA differently from the way federal case law or agency policy is applied, we will assess whether a different result should be reached given the same facts (or as developed by additional investigation). In such cases, our dismissal will be vacated and the case reopened and remanded for a new determination. EEOC does not always provide the charging party with a copy of the respondent's answer, as is required by Minn. Stat. §363.06, subd. 8. When this has not been done, we reopen the case as a matter of policy to give the charging party the opportunity to submit a rebuttal. The case is then reviewed as though it were at screening, and a decision made whether to dismiss it as not warranting further use of resources, or refer it to investigation.

The EEOC contract period coincides with the federal fiscal year, October 1 – September 30. We are paid \$500 per case, subject to each case satisfying the substantial weight review criteria. Revenue under this contract is not remitted to the department, but is paid into the general fund. Our budget appropriation anticipates this income, which is included as an "advance." A significant shortfall could thus have serious fiscal implications in the succeeding biennium, and could prompt both administrative and legislative scrutiny. The contract for FY 98 was for 627 cases (distributed among Title VII, ADEA, and ADA), which we met with no difficulty. The contract for FY 99 calls for 737. Occasionally there are adjustments to the number cases of each type within the contract, but we will not be paid for more than the number contracted and we can't carry cases closed in one contract period over to the next.

We haven't had a contract with HUD for worksharing on housing cases since 1991. The MHRA is deemed not substantially equivalent with regard to remedies, so we are not eligible to contract for reimbursement on housing cases.

Laws enforced by EEOC

Title VII – claims based on race, color, national origin, religion, sex, reprisal for opposition to discrimination, reprisal for association with person of another protected class; employer must have 20 or more employees [MHRA also protects on basis of creed, marital status, public assistance status, sexual orientation; no minimum number of employees]

ADEA – Age Discrimination in Employment Act; charging party must be age 40+, respondent must have 20 or more employees [MHRA covers from age of majority]

ADA – Americans with Disabilities Act – definition of disability is essentially same as MHRA; respondent must have 20 or more employees

Equal Pay Act – cited whenever EEOC takes a charge alleging wage differential based on gender; State does not have administrative enforcement mechanism for equal pay claims so we do not cite it, although HRA prohibits discrimination based on sex in compensation

Upcoming events and activity summary

Upcoming Events

Human Rights Day is an annual event commemorating Human Rights activities on the state, national and international level. The event is attended by individuals working or involved in the field of Human Rights including employees of federal, state or local Human Rights agencies, individuals working in fields related to or concerned about Human Rights issues, public and private employees, attorneys and concerned citizens. Conference attendance is generally in the range of 200-300 people. The Conference is co-sponsored by the Minnesota Department of Human Rights, Minneapolis Civil Rights Department, and the Minneapolis Office of Equal Employment Opportunity Commission. The date of this year's event is December 4th.

Activity Summary

During the past year and one-half our base budget was increased by \$300,000, allowing us to hire and train additional investigators and expand our alternative dispute resolution project. As a direct result, our caseloads have decreased to an average of 18 per investigator, and 99% of our cases are completed within the one-year goal set out in statute and reinforced by the Minnesota Supreme Court. The increase in staff provided by the increased budget and subsequent legislation in 1997 and 1998 has enabled us to move two additional compliance officers to MDHR's contract compliance unit. This unit will begin the important work of monitoring companies doing business with the state of Minnesota.

During the six months from January 1, 1998 to June 30, 1998, the department closed 762 cases. On July 1, of the 863 cases needing agency determination, only three were older than 12 months (03%). One of these cases is settled, but the attorney has not yet sent the closing documents. The other two cases, against the same Respondent, were substantially delayed by the Respondent's refusal to submit answers to the charges. However, a judge recently issued an order in our favor on this matter, and these cases are projected to have a determination by October 1998.

The department is monitoring case status on a regular basis to assure that cases are handled in a timely manner. Every effort is being made to have a determination made in 12 months for all cases. The average time from filing to a determination of no probable cause is 328 days; from filing to determination of probable cause is 340 days. During the past six months, 47 cases were referred to ADR.

As a result of MDHR's improved efficiency, we arranged to take 50 cases from the Minneapolis EEOC as of July 1, 1998. This will assist the EEOC in reducing its large caseloads as well as provide quicker service to these citizens of Minnesota who initially filed their charges federally. The Regional Director of EEOC publicly acknowledged the excellent quality of our work and the improvements in the MDHR.

As of 1998, the department has 24 enforcement officers: 14 investigators, 6 intake, and 5 contract compliance. The number of open cases as of June 30, 1998 was 1,095. The average age of these cases was 304 days. 863 of those cases are awaiting a determination.

