



# Minnesota Department of Human Rights

03 - 0342

July 11, 2003

Senator Don Betzold  
Minnesota State Senate  
111 State Capitol Building  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

RECEIVED

JUL 16 2003

LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MN 55155

Dear Senator Betzold,

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 January 1, 2003 to June 30, 2003 are attached. Highlights of complaint activity are as follows:

- The number of new charges filed decreased 17% from the previous six-month period. This resulted in a net 6% increase from the previous fiscal year.
- MDHR closed 829 cases.
- On June 30<sup>th</sup> only 8 (less than 1%) of the 829 cases were older than 12 months.
- The average caseload per enforcement officer remained at 25.
- The average time from filing a charge to issuing a determination of no probable cause was 343 days; the average time from filing a charge to issuing a determination of probable cause was 369 days.
- 87% of dismissals were accomplished within six months of the charge-filed date.

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

- 98 cases pending determination were referred to ADR.
- Mediations were conducted for 21 cases, resulting in 14 settlements.
- 28 undecided cases were resolved through negotiated predetermination settlements or withdrawal by the charging party.
- MDHR recovered over \$1.6 Million for aggrieved charging parties.

Please note that MDHR continued a high level of performance despite the loss of enforcement personnel due to mandatory budget reductions.

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

Yours truly,

Velma J. Korbel  
Commissioner

VJK:kf  
Attachment

AN EQUAL OPPORTUNITY EMPLOYER



**DEPARTMENT OF HUMAN RIGHTS  
CASE MANAGEMENT SUMMARY REPORT**

**Report Period: January 1, 2003—June 30, 2003**

<b>CASE ACTIVITY</b>	<b>January 1, 2003— June 30, 2003</b>	<b>July 1, 2002— Dec. 31, 2002</b>	<b>Change (Percent)</b>
<b>New Charges Filed</b>	697 charges	837 charges	-17%
% of, above, pending determination	79%	81%	-2%
<b>Total # Cases Closed/Disposition %</b>	829 cases	750 cases	+11%
Dismissed: Lack of Merit	40%	34%	+18%
Dismissed: other, incl. Lack of Cooperation	20%	16%	+25%
Withdrawn ( <i>excludes</i> settled cases)	3%	3%	0%
<b>Closed after Probable Cause (PC)</b>	6%	8%	-25%
<b>Closed after No Probable Cause (NPC)</b>	23%	32%	-28%
<b>Closed after split (PC/NPC) determination</b>	1%	0%	---%
Pre-determination Resolution*	4%	6%	-33%
ADR-resolved (settled/withdrawn)	2%	2%	0%
<b>Avg. # days to issue PROBABLE CAUSE determination/Number issued</b>	369 days (40 cases)	338 days (39 cases)	+9% (+.03%)
<b>Avg. # days to issue NO PROBABLE CAUSE determination/Number issued</b>	343 days (214 cases)	280 days (241 cases)	+23% (-11%)
<b>Avg. # days to issue PC/NO PROBABLE CAUSE (split) determination/Number issued</b>	387 days (10 cases)	324 days (9 cases)	+19% (+11%)
<b>Avg. # days to issue dismissal</b>	141 days	134 days	+5%
<b>% of DWR Dismissals within 6 months</b>	87%	92%	-5%
<b>Avg. # Cases per fte Enforcement Officer</b>	25 cases	25 cases	0%

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

<b>INVENTORY: Cases Pending, as of:</b>	<b>June 30, 2003</b>	<b>December 31, 2002</b>
Cases needing initial determination:	813	956
Probable Cause cases:		
Conciliation status with Attorney General	56	76
Administrative review requested by party	19 cases pending (104 requests made)	6 cases pending (82 requests made)

**Inventory, by Case Age (days from filing, less tolling), as of June 30, 2003**

Case count and percentage of pre-determination inventory:

1 – 90 days:	305 cases	38%
91 – 180 days:	263 cases	32%
181 – 270 days:	128 cases	16%
271 – 365 days:	109 cases	13%
366 or more days:	8 cases	1%
<b>Total:</b>	<b>813cases</b>	<b>(100%)</b>

**Entire Inventory, by Case Status, as of June 30, 2003**

<b>Pre-determination cases:</b>	<b>Post-determination cases:</b>
Initial Inquiry: 378	NPC appeal period: 41
Case Screening: 90	Appeal/Reopen pending: 20
Investigation: 256	Attorney General's Office: 56
Supervisor Review: 61	Remand Investigation: 3
PDS Pending: 2	Remand Review: 2
ADR: 26	OAH (180-day hearing): 3
<b>Total: 813</b>	<b>Total: 125</b>



Area / Basis for Charges Filed  
January 1 - June 30, 2003

Count	Area											
	Aiding, Abetting, or Obstructing	Business/ Contract	Credit	Education	Employment - Employer	Employment - Agency	Employment - Union	Housing/ Real Property	Public Accommodations	Public Services	Reprisal	Grand Total
Age				1	79	1						81
Color								1		1		2
Creed										1		1
Disability	2		1	6	165	1	2	13	9	11	1	211
Familial Status								2				2
Marital Status			2		24			4		1	1	32
National Origin		2	1	6	69	1	1	5	4	11	4	104
No Basis	18										161	179
Public Assistance Status					2			2		2		6
Race			2	9	119	2		5	29	23	1	190
Religion					21			1	3	1		26
Reprisal					4						20	24
Sex	6	1	1	5	176	2	1	2	2	3	3	202
Sexual Orientation				2	12							14
Grand Total	26	3	7	29	671	7	4	35	47	54	191	1074
<b>Total number of Charges Filed: 697</b>												
Note: There can be more than one Area and/or Basis per charge filed.												



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

**Report Period: January 1, 2003—June 30, 2003**

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

Cases **referred** to ADR Program: 98 (This is 14% of the *number* of charges filed during period.)

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.

Cases **returned** (process completed) by ADR Program: 73 (avg. time at ADR: 34.5 days)

**Outcomes:**

Mediation opportunity <b>declined</b> :	52 cases (avg. <b>time at ADR</b> : 28 days)
Mediation held; <b>settlement/withdrawal</b> :	14 cases (avg. <b>time at ADR</b> : 69 days)
Mediation held; <b>no agreement</b> :	7 cases (avg. <b>time at ADR</b> : 86 days)

ADR Program case **inventory**, as of June 30, 2003: 26 cases

Mediated; awaiting withdrawal:	1 cases
Mediation in progress:	2 cases
Mediation being scheduled:	1 cases
Mediation being considered:	22 cases

Avg. **case-age** (less tolling); entire ADR Program inventory: 182 days (26 cases)

Avg. **case-age** (less tolling; *unsettled* ADR cases, only): 169 days (25 cases)





**Settlements Report**

**Closure Date of 1/1/03 - 7/1/03**

<b>Summary by Settlement Type:</b>		
<b>Settlement Type</b>	<b>Total #</b>	<b>Total \$</b>
Back Wages/Pay	6	\$64,316.76
Combined CP/Atty Award	16	\$456,375.00
CP Damages Awarded	33	\$550,348.30
Conduct Training	1	\$0.00
CP Attorney Fees	5	\$15,973.00
Expunge Personnel Files	1	\$0.00
Implement Policy Change	4	\$0.00
Mental Anguish/Suffering	3	\$22,733.00
Send Letter of Apology	3	\$0.00
Send Letter or Other Positive Reference	1	\$0.00
Modify Job to Accommodate Disability	1	\$0.00
Restore/Establish Seniority	1	\$0.00
Benefits	4	\$13,736.90
Severance	5	\$43,506.58
Promotion	1	\$27,040.00
Other	15	\$183,874.00
Other Monetary	10	\$156,202.00
Terms Confidential	7	\$0.00
Unspecified Lump Sum	7	\$142,562.00
<b>Total</b>	<b>124</b>	<b>\$1,676,667.54</b>
<b>Summary by Closure Type:</b>		
<b>Closure Type</b>		
ADR	14	\$256,374.00
Conciliation Settlements	63	\$1,140,875.00
Litigation Settlement	1	\$9,000.00
Predetermination Settlements	17	\$66,580.08
Withdrawal - Satisfactorily Adj	28	\$203,838.46
<b>Total</b>	<b>123</b>	<b>\$1,676,667.54</b>
<b>Total number of cases with settlements: 77</b>		