

Minnesota Department of HUMAN RIGHTS

08 - 0571

July 11, 2008

Legislative Reference Library ATTN: Acquisitions Department 645 State Office Building St. Paul, MN 55155

Attn: Acquisitions Department

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, 2008 to June 30, 2008 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 459 cases.
- The average time from filing a charge to issuing a determination of no probable cause was 389 days. The average time from filing a charge to issuing a determination of probable cause was 329 days.
- On June 30 there were 7 cases in inventory older than 1 year.
- 88% of dismissals were accomplished within six months of the charge-filed date.
- The average caseload per enforcement officer during this report period decreased from 28 to 22.

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

- 138 cases pending determination were referred to ADR.
- 85% of all cases designated for investigation this report period were first referred to ADR.
- Mediations were conducted for 33 cases, resulting in 16 resolutions during this report period.
- MDHR recovered approximately \$208,132 for charging parties via its ADR program.

In summary, MDHR has continued its high level of performance during the period covered by this report.

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

Yours truly,

Velma J. Korbel Commissioner

Attachment

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### MINNESOTA DEPARTMENT OF HUMAN RIGHTS

CASE MANAGEMENT SUMMARY REPORT

Report Period: January 1, 2008-June 30, 2008

CASE ACTIVITY	January 1, 2008— June 30, 2008	July 1, 2007— December 31, 2007	Change (Percent)
New Charges Filed	420 charges	384 charges	+9%
% of, above, still awaiting determination	69%	74%	-7%
Total # Cases <u>Closed</u> /Disposition %	459 cases	411 cases	+12%
Dismissed: Lack of Merit	42%	47%	-11%
Dismissed: other, incl. Lack of Cooperation	20%	15%	+33%
Withdrawn (excludes settled cases)	5%	5%	0%
Closed after Probable Cause (PC)	8%	4%	+100%
Closed after No Probable Cause (NPC)	17%	21%	-19%
Closed after split (PC/NPC) determination	2%	1%	+100%
Pre-determination Resolution*	3%	2%	+50%
ADR-resolved (settled/withdrawn)	3%	5%	-40%
Avg. # days to issue PROBABLE CAUSE	329 days/	429 days/	-23%
determination/Number issued	34 PC cases	31 PC cases	+10%
Avg. # days to issue PC/NPC (split)	413 days/	478 days/	-14%
determination/Number issued	4 PC/NPC cases	4 PC/NPC cases	0%
Avg. # days to issue NO PROBABLE CAUSE	389 days/	449 days/	-13%
determination/Number issued	88 NPC cases	91 NPC cases	-3%
Avg. # days to issue dismissal	166 days	249 days	-33%
% of DWR Dismissals within 6 months	88%	29%	+203%
Avg. # Cases per fte Enforcement Officer	22 cases	28 cases	-21%

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

INVENTORY: Cases Pending, as of:	<u>June 30, 2008</u>	<u>December 31, 2007</u>
Cases needing initial determination:	428	476
<i>Probable Cause</i> or <i>Split</i> cases: Conciliation/Litigation with Attorney General	: 81	90
Administrative review requested by party:	5 pending (32 requests)	14 cases pending (65 requests)

Post-determination cases:

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

## Case count and percentage of inventory, as of

<u>June 30, 2008</u> :			December 31, 2007:	
1 – 90 days:	206	48%	1 – 90 days: 188	39.5%
91 – 180 days:	97	23%	91 – 180 days: 112	23.5%
181 – 270 days:	66	15%	181 – 270 days: 74	15.6%
271 – 365 days:	52	12%	271 – 365 days: 75	15.8%
366 or more days	: 7	2%	366 or more days: 27	5.7%
Total:	428	100%	Total: 476	100%

#### Entire Inventory, by Case Status, as of June 30, 2008:

#### *Pre*-determination cases:

Initial Inquiry:	176	Policy Director Review:	4
Case Screening:	46	Remand Inv./Negotiations:	6
Investigation:	157	NPC/Split Appeal Period:	26
PDS Pending:	4	Attorney General's Office:	81
Determination Review:	18	OAH (180-day hearing):	0
ADR:	21	Remand Review	0
Withdrawal Pending:	6	Appeal/Reopen Pending:	5
Total:	428	Total:	122

## MINNESOTA DEPARTMENT OF HUMAN RIGHTS

### ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAM

### Report Period: January 1, 2008—June 30, 2008

#### ADR Program activity:

#### Number of cases referred to ADR from Enforcement Inventory: 138

(This is 33% of the *number* of charges filed during period.)

68 of the cases referred to ADR were *filed* during the January 1, through June 30, 2008, report period. (This is 16% of all charges filed during the period.\*)

85% of all cases designated for investigation this report period were first referred to ADR.

#### ADR Case activity, 1/1/08—6/30/08:

Invitation *declined* by one or both parties; case returned to Investigation Unit: 55 cases

Both parties <i>accepted</i> ADR invitation:	31 cases
Mediation held; resolved & closed:	16 cases (avg. of 77 days in ADR status)
Mediation held; awaiting withdrawal:	4 case/s
Mediation/s held; no agreement:	13 cases
Mediation cancelled; no agreement:	2 cases
<b>NPP inventory</b> as of 6/20/09:	

### ADR inventory, as of 6/30/08:

Awaiting response to ADR invitation:	11 cases
Mediation being scheduled:	3 cases
Mediation session scheduled:	3 cases
Resolved/awaiting withdrawal:	4 cases
Total:	21 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 three and six months from the filing date; however, if the parties are interested, cases under investigation also may be referred to mediation.

# MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Settlement Summary			
Closure Date of January 1, 2008—June 30, 2008			
Summary by Settlement Type:			
Settlement Term	Total(s) #'s	Total(s) \$'s	
Combined CP/Attorney Award	4	\$67,000.00	
Conduct Training	15	\$0.00	
CP Attorney Fees	5	\$35,774.37	
CP Damages Awarded	13	\$149,487.00	
CP Mental Anguish/Suffering	1	\$10,000.00	
Implement Policy Change	11	\$0.00	
Promotion	1	\$0.00	
Punitive Damages	1	\$8,500.00	
Send Letter or Other Positive Reference	3	\$0.00	
Terms Confidential	16	\$208,132.00	
Unspecified Lump Sum	1	\$3,500.00	
Total	82	\$482,393.37	
Summary by Closure Type:			
Closure Type			
ADR	16	\$208,132.00	
Conciliation Settlements	55	\$214,499.67	
Withdrawal - Satisfactorily Adjusted	5	\$3,500.00	
Litigation	6	\$56,261.70	
Total	82	\$482,393.37	
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Total number of cases with reported sett	iements:	82	