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July 14, 2009

Robbie LaFleur Director Minnesota Legislative Reference Library 645 State Office Building 100 Rev. Dr. Martin Luther King Jr.Blvd St. Paul, MN 55155-1050

Dear Robbie LaFleur:

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, 2009, to June 30, 2009, are attached.

Highlights of complaint activity are as follows:

- The number of new charges filed increased 16% from the previous six-month period.
- MDHR closed 462 cases.
- The average time from filing a charge to issuing a determination of no probable cause was 308 days. The average time from filing a charge to issuing a determination of probable cause was 331 days.
- On June 30 there was 1 case in inventory older than 1 year.
- 95% of dismissals were accomplished within six months of the charge-filed date.
- The average caseload per enforcement officer during this report period remained at 23 cases per Enforcement Officer.

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

- 221 cases pending determination were referred to ADR.
- Mediations were conducted for 56 cases, resulting in 27 resolutions during this report period.
- MDHR recovered \$345,510 for charging parties in total settlements.

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

#### CASE MANAGEMENT SUMMARY REPORT

Report Period: January 1, 2009—June 30, 2009

CASE ACTIVITY	January 1, 2009— June 30, 2009	July 1, 2008— December 31, 2008	Change (Percent)
New Charges Filed	523 charges	451 charges	+16%
% of, above, still awaiting determination	71%	71%	0%
Total # Cases Closed/Disposition %	462 cases	452 cases	+2%
Dismissed: Lack of Merit	34%	37%	-8%
Dismissed: other, incl. Lack of Cooperation	19%	18%	+6%
Withdrawn (excludes settled cases)	3%	4%	-25%
Closed after Probable Cause (PC)	10%	10%	0%
Closed after No Probable Cause (NPC)	22%	20%	+10%
Closed after split (PC/NPC) determination	2%	1%	+100%
Pre-determination Resolution*	3%	4%	-25%
ADR-resolved (settled/withdrawn)	6%	5%	+20%
Avg. # days to issue PROBABLE CAUSE	331 days/	356 days/	-7%
determination/ <b>Number</b> issued	32 PC cases	23 PC cases	+39%
Avg. # days to issue PC/NPC (split)	296 days/	402 days/	-26%
determination/Number issued	8 PC/NPC cases	8 PC/NPC cases	0%
Avg. # days to issue NO PROBABLE CAUSE	308 days/	339 days/	-9%
determination/Number issued	122 NPC cases	79 NPC cases	+54%
Avg. # days to issue dismissal	103 days	105 days	-2%
% of DWR Dismissals within 6 months	95%	90%	+6%
Avg. # Cases per fte Enforcement Officer	23 cases	23 cases	0%

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

INVENTORY: Cases Pending, as of:	<u>June 30, 2009</u>	<u>December 31, 2008</u>
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Cases needing *initial* determination: 492 450

Probable Cause or Split cases:

Conciliation/Litigation with Attorney General: 40 64

Administrative review requested by party: 18 pending (73 requests) 8 pending (60 requests)

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

# Case count and percentage of inventory, as of

<u>June 30, 2009</u> :	#	%	<u>December 31, 200</u>	<u>8</u> : #	%
1 – 90 days:	223	45%	1 – 90 days:	222	49%
91 – 180 days:	145	29%	91 – 180 days:	108	24%
181 – 270 days:	69	14%	181 – 270 days:	61	14%
271 – 365 days:	54	11%	271 – 365 days:	59	13%
366 or more days:	1	<1%	366 or more days:	0	0%
Total:	492	100%	Total:	450	100%

# Entire Inventory, by Case Status, as of June 30, 2009:

#### Pre-determination cases: Post-determination cases:

Initial Inquiry:	179	Remand Review:	0
Case Screening:	66	Remand Inv./Negotiations:	2
Investigation:	194	NPC/Split Appeal Period:	35
PDS Pending:	4	Attorney General's Office:	40
Determination Rev	view: 8	OAH (180-day hearing):	0
ADR:	40	Appeal/Reopen Pending:	18
Withdrawal Pendir	<u>ng: 1</u>	Legal Affairs Mgr. Review:	0
Total:	492	Withdrawal pending/post-P0	<u> </u>
		Total:	98

Settlement Summary								
Closure Date of January 1, 2009—June 30, 2009								
Summary by Settlement Term:	Total(s) #'s	Total(s) \$'s						
Combined CP/Attorney Award	1	15,900.00						
Conduct Training	9	00.00						
Write/Update AA/EEO Plan	1	00.00						
CP Attorney Fees	0	00.00						
CP Damages Awarded	4	25,000.00						
CP Mental Anguish/Suffering	1	20,000.00						
Back Wages/Pay	2	27,000.00						
AG Legal Fees/Court Costs	0	00.00						
Implement Policy Change	6	00.00						
Punitive Damages	0	00.00						
Send Letter or Other Positive Reference	0	00.00						
Send Letter of Apology	0	00.00						
Terms Confidential	31	218,610.00						
Unspecified Lump Sum	1	1,000.00						
Other	2							
Rehire	1	37,500.00						
Other Monetary	1	500.00						
Total	60	\$345,510.00						
Summary by Closure Type:								
Summary by Closure Type:  ADR	27	240 640 00						
		218,610.00						
Conciliation Settlements	25	88,400.00						
Withdrawal - Satisfactorily Adjusted	6	38,500.00						
Litigation  Productormination Settlement	2	00.00						
Predetermination Settlement	0	00.00						
Total	60	\$345,510.00						

# **ALTERNATIVE DISPUTE RESOLUTION (ADR) PROGRAM**

Report Period: January 1, 2009—June 30, 2009

### **ADR Program activity:**

Number of cases referred to ADR from Enforcement Inventory: 221

(This is 42% of the *number* of charges filed during period.)

103 of the cases referred to ADR were *filed* during the January 1, through June 30, 2009, report period. (This is 20% of all charges filed during the period.\*)

97% of all cases designated for investigation this report period were first referred to ADR.

## **ADR Case activity**, 1/1/09—6/30/09:

Invitation declined by one or both parties;

returned to Case Processing Unit: 151 cases

Both parties accepted ADR invitation: 56 cases

Mediation held; resolved & closed: 27 cases (avg. of 73 days in ADR status)

Mediation held; awaiting withdrawal: 2 cases

Mediation/s held; no agreement: 20 cases

Mediation cancelled; no agreement: 3 cases

#### **ADR inventory**, as of 6/30/09:

Awaiting response to ADR invitation: 27 cases

Mediation being scheduled: 4 cases

Mediation session scheduled: 7 cases

Resolved/awaiting withdrawal: 2 cases

Total: 40 cases

<sup>\*</sup> 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.

BASIS – AREA – FILING File Date Range: 1/1/09—6/30/09

BASIS/ AREA	Aid, Abet & Obstruct	Business	Credit	Education	Employ.	Employ./	Employ./ Union	Real	Public	Public Services	Reprisal	Total
	& Obstruct				Agency	Employer	Union	Property	Accom.	Services		
Age	1					70						71
Disability				9		157		9	9	3	1	188
Marital Status						7						7
None	24										137	161
National Origin				7	1	47			8	6		69
Public Assistance						2		5				7
Race			1	7	1	87	1	5	29	12		143
Religion				1		14				4		19
Reprisal											24	24
Sex	4	1		2	1	111			6	2		127
<b>Sexual Orientation</b>						11	1		1			13
Total	29	1	1	26	3	506	2	19	53	27	162	829

Total # of cases filed: **523**