



January 27, 2023

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 submits its semi-annual report to the legislature (pursuant to 1997 Minnesota Session Law, Chapter 239, Article 1, Section 15), which summarizes investigation results and the resolution of complaints that were filed with the Department from July 1, 2022, to December 31, 2022.

Introduction

The Minnesota Department of Human Rights is proud to be Minnesota's civil rights enforcement agency. The Department's mission is to make Minnesota discrimination free, so that residents can lead lives of dignity and joy. The work of the Department is essential in protecting the civil rights of Minnesotans.

The Minnesota Human Rights Act is the foundation of the Department's work. The Act, passed into law in 1967, protects the civil rights of all Minnesotans. The Act tasks the Department with important enforcement duties in employment, housing, education, credit, public accommodations, and public services based on their protected class, such as: race, religion, disability, national origin, sex, marital status, familial status, public assistance status, age, sexual orientation, and gender identity.

The Act also tasks the Department with regulating state contractors to ensure men and women are compensated equally for equal work, and to ensure that contractors are making good faith efforts to maintain inclusive and equitable workforces so that the companies' employees reflect Minnesota's vibrant communities.

This report summarizes the Department's investigatory results with respect to the following areas: new cases, case inventory, alternative dispute resolution, case conclusions (which includes determinations, mediations, and dismissals), and case closures.

New Cases¹

Minnesotans filed 272 new charges of discrimination during this reporting period from July 1, 2022, through December 31, 2022. Of these 272 cases, 96% are open, either in mediation or the investigatory process. In this reporting period:

- The most common areas of discrimination overall were:
 - Employment (61.9%)²
 - Public Accommodations (7.3%)
 - Housing/Real Property (5.6%)
- For employment claims specifically, the most common types of employment related charges were:
 - Race (19.8%)
 - Sex (18.8%)
 - Religion (17.8%)
- The most common bases of discrimination, regardless of area were:
 - Race (21.6%)
 - Disability (21.1%)
 - Sex (17.5%)

Case Inventory

In this reporting period, 606 cases were pending a determination. Of the cases pending determination, 72.6% of cases are less than a year old. The inventory breaks down as follows:

- 440 cases are less than a year old
 - 134 cases are less than 90 days old
 - 116 cases are between 91-180 days old
 - 106 cases are between 181-270 days old
 - 84 cases are between 271-365 days old
- 166 cases are over 365 days old. Importantly, this is the lowest number of cases over 365 days old since the Department's January 2019 legislative report.
- MDHR has 13 active investigators in this reporting period, each with an average caseload of 47 cases.

¹ Note that one case can have multiple charges. This is why there are more charges than cases filed.

² An additional 8.9% of charges were related to reprisals in employment.

Alternative Dispute Resolution

By utilizing mediation, the Department helps parties move forward in a mutually beneficial manner. During this reporting period:

- 47 total cases (64% of total cases) were referred to mediation
- 52 cases were scheduled for mediation for this reporting period³
- 23 cases were settled through mediation⁴
- 18 cases were returned from mediation to investigation⁵
- The average time a case was in mediation was 117 days⁶

Case Closures

The Department closed 235 cases in this reporting period. Of the closed cases:

- 23 cases (9.79%) were settled through mediation, a favorable resolution for both parties⁷
- 172 cases (72.76%) resulted in a favorable determination for the respondent:
 - 149 cases were closed with a no probable cause determination
 - 23 cases were dismissed by the department
- 27 cases (11.5%) resulted in a favorable determination for the charging party:
 - 15 cases were probable cause or split probable cause determinations⁸
 - 12 cases were resolved prior to a full investigation and formal determination
- 13 cases (5.53%) were withdrawn by charging party before a determination was reached

Case Conclusions

The total number of days to conclude a case is down 8% since the previous reporting period. The average time for a case to reach a conclusion by the Department through dismissal, mediation, or determination was 515 days.

³ A mediation is only scheduled when both parties agree to participate in the mediation process. Additionally, some may be scheduled out in the next reporting period.

⁴ This includes cases where a mediation was both scheduled and settled within this reporting period.

⁵ This includes cases that may have been referred to mediation in a previous reporting period but were subsequently returned to investigation during this reporting period.

⁶ For mediations scheduled and closed in this reporting period, this covers from the day a case was referred to mediation up to when a mediation decision was finalized. This includes both when a case was settled and when a case was not settled.

⁷ This number includes some mediations scheduled during a previous reporting period, but settled in this reporting period.

⁸ A “split probable cause determination” is when an individual had multiple charges of discrimination, and the department found probable cause on some, but not all charges.

In this reporting period:

- Average time to reach a settlement through mediation was 66 days (23 total cases)
- Average time to dismiss a case was 451 days (22 total cases)
- Average time to reach no probable cause determination was 558 days (157 total cases)
- Average time to reach a probable cause or split determination was 739 days (22 total cases)⁹

Conclusion

The Minnesota Department of Human Rights ensures that the civil rights of Minnesotans are protected, as mandated by law. This report demonstrates that the Department is working diligently to fulfill its mission. Importantly, this report details a number of positive outcomes for the Department over this reporting period. Specifically, the Department has fewer cases in its inventory that are over one-year-old and a lower average time to conclude a case compared to previous reporting periods.

It is important to note that investigating cases of discrimination is just one of the Department's critical responsibilities. The Department is also required by law to monitor and enforce workforce and equal pay requirements on state-funded projects, as well as conduct education, outreach, and policy work. Combined, these responsibilities help Minnesotans to live their lives with dignity and joy, free from discrimination.

Sincerely,



Rebecca Lucero
Commissioner

cc:

Representative Jamie Becker-Finn
Representative Peggy Scott
Senator Ron Latz
Senator Warren Limmer
Eric Armacanqui, Office of Governor Tim Walz & Lt Governor Flanagan

Insert Area/Basis Chart

⁹ Determinations do not always match with closures for the reporting period because if a probable cause determination is issued, the case may be settled through conciliation or through litigation. Some cases with probable cause determinations from prior periods are closed in this period. Some cases with probable cause determinations from this period are still in the conciliation or litigation process.

Minnesota Department of Human Rights

BASIS - AREA - FILING

File Date Range: July 1, 2022 - December 31, 2022

Total Charges Filed During Period: 272

BASIS																
AREA	Age	Color	Creed	Disability	Familial Status	Local Comms'n Membrshp	Marital Status	National Origin	Public Assist Status	Race	Religion	Sex	Sexual Orientation	Blank/No Basis	TOTAL	%
Aiding, Abetting, or Obstructing (Employment)														1	1	0.1%
Aiding, Abetting, or Obstructing (Public Accommodations)															0	0.0%
Aiding, Abetting, or Obstructing												2			2	0.2%
Business/Contract															0	0.0%
Credit				1						1					2	0.2%
Education		2		12				2		10	4	6	1		37	4.3%
Employment - Employer	9	54	1	76	7		3	64		103	93	98	13		521	61.1%
Employment - Employment Agency								1		1					2	0.2%
Employment - Union															0	0.0%
Housing/Real Property		4		28					4	8		4			48	5.6%
Public Accommodations		2		27				3		22	5	3			62	7.3%
Public Services		3		6						8	1	4	1		23	2.7%
Reprisal				8						10	12	12	2	16	60	7.0%
Reprisal (Business/Contract)															0	0.0%
Reprisal (Education)															0	0.0%
Reprisal (Employment)				15				6		17	8	20	3	7	76	8.9%
Reprisal (Employment - Agency)															0	0.0%
Reprisal (Housing/Real Property)				7						1				7	15	1.8%
Reprisal (Public Accommodations)										3				1	4	0.5%
Reprisal (Public Services)															0	0.0%
Reprisal (Union)															0	0.0%
TOTAL	9	65	1	180	7	0	3	76	4	184	123	149	20		853	
%	1.1%	7.6%	0.1%	21.1%	0.8%	0.0%	0.4%	8.9%	0.5%	21.6%	14.4%	17.5%	2.3%			