



020394
Minnesota Department of Human Rights

July 10, 2002

The Honorable Jane Ranum
Chair, Senate Crime Prevention
and Judiciary Budget Division
120 State Capitol
75 Constitution Avenue
St. Paul, MN 55155-1298

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Dear Senator Ranum:

The Minnesota Department of Human Rights (MDHR) submits a semi-annual report to the Legislature summarizing the results of its investigation and resolution of human rights complaints. Reports detailing the Department's activities during the period of January 1, 2002 to June 30, 2002 are attached to this letter.

From January 1, 2002– June 30, 2002, MDHR the number of new charges filed increased 20% from the previous six-month reporting period. During the current reporting period, the department closed a total of 823 cases. On June 30, of the 856 cases needing a determination, no cases (0%) were older than 12 months. The average investigator caseload per enforcement officer (does not include the cases dismissed or resolved through mediation) remained manageable, at 25 cases per full-time equivalent.

Meeting our statutory directive to make a determination on a case within one year of filing, while maintaining manageable caseloads, remains a top priority. During this reporting period, the average time from filing a charge to issuing a determination of no probable cause was 329 days, and from filing to a probable cause determination was 327 days.

The Legislature also tasked the Department to achieve 75% of Department dismissals within six months. I am pleased to report that during this reporting period, 87% of our dismissals were accomplished within six months of the charge filed date.

Due to budget limitations, the Department did not renew its mediation contract with the Office of Dispute Resolution (ODR) and brought administration of the program in-house in August of 2001. The Department has continued to work with, and expand, the pool of volunteer mediators previously utilized by the ODR. The attached report shows that from January 1, 2002 to June 30, 2002, 80 cases (10% of the total number of cases filed) were referred to mediation rather than being immediately assigned for extended investigation. Mediations were conducted on 15 cases resulting in 9 settlements. The Department is waiting for withdrawal forms from the charging parties in 3 additional cases settled during the reporting period; and as of June 30, 8 more cases were being scheduled for mediation sessions.

—1997 Minn. Laws Chap. 239
Art. 1 Sec. 15 Subd. 1

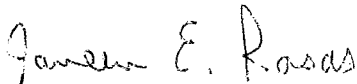
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During the reporting period, MDHR recovered over \$2.5 million for aggrieved charging parties and their representatives. In addition, MDHR has modified its procedures to promote increased use of predetermination settlements (PDS) to expedite case processing and recovery of damages. Since January 1 of this year, 50 cases have been satisfactorily resolved prior to a determination. This is an increase of 20%, compared to the preceding six months; and as of June 30, 20 cases without determinations were in PDS status (i.e. settlement negotiations are underway).

The attached reports detail our case activity during the past six months. If you have any questions or concerns, please contact my office.

Sincerely,



Janeen E. Rosas
Commissioner

JER:pme
Attachment

c: Senator John Marty
Representative Steve Smith
Representative Rich Stanek
Legislative Reference Library ✓

DEPARTMENT OF HUMAN RIGHTS

CASE MANAGEMENT SUMMARY REPORT

Report Period: January 1, 2002—June 30, 2002

CASE ACTIVITY	January 1, 2002 – June 30, 2002	July 1, 2001 – Dec. 31, 2001	Change (Percent)
New Charges Filed	787 charges	658 charges	+20%
% of, above, pending determination	98%	82%	+20%
Total # Cases Closed/Disposition %	823 cases	713 cases	+15%
Dismissed: Lack of Merit	33 %	36%	-8%
Dismissed: other, incl. Lack of cooperation	15%	20%	-25%
Withdrawn (<i>excludes</i> settled cases)	3%	2%	+50%
Closed after Probable Cause (PC)	8%	7 %	+14%
Closed after No Probable Cause (NPC)	33%	27%	+22%
Closed after split (PC/NPC) determination	1%	0.04%	+150%
Pre-determination Resolution*	6%	5%	+20%
ADR-resolved (settled/withdrawn)	1%	2%	-50%
Avg. # days to issue PROBABLE CAUSE determination/Number issued	327 days (67 cases)	363 days (49 cases)	-10% (+37%)
Avg. # days to issue NO PROBABLE CAUSE determination/Number issued	329 days (236 cases)	361 days (249 cases)	-9% (-5%)
Avg. # days to issue PC/NPC (split) determination/Number issued	364 days (6 cases)	336 days (7 cases)	+8% (-14%)
Avg. # days to issue dismissal	131 days	124 days	+6%
% of DWR Dismissals within 6 months	87%	86%	+1%
Avg. # Cases per fte Enforcement Officer	25 cases	28 cases	-11%

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

INVENTORY: Cases Pending, as of: June 30, 2002

December 31, 2001

Cases needing initial determination:	856	855
Probable Cause cases: conciliation/ litigation status with Attorney General:	80	82
Administrative review requested by party:	7 pending (91 requests made)	13 pending (85 requests made)

Inventory, by Case Age (days from filing, less tolling), as of June 30, 2002

Case count and percentage of pre-determination inventory:

1 – 90 days:	373 cases	(43.5%)
91 – 180 days:	260 cases	(30.3%)
181 – 270 days:	146 cases	(17.0%)
271 – 365 days:	79 cases	(9.2%)
366 or more days:	0 cases	(0.0%)
Total:	858 cases	(100%)

Entire Inventory, by Case Status, as of June 30, 2002

Pre-determination cases:	Post-determination cases:
Initial Inquiry: 348	NPC appeal period: 27
Case Screening: 134	Appeal/Reopen pending: 7
Investigation: 285	Attorney General's Office: 80
Supervisor Review: 46	Remand Investigation: 8
PDS Pending: 24	Remand Review: 2
ADR: 21	Total: 124
Total: 858	

DEPARTMENT OF HUMAN RIGHTS
ALTERNATIVE DISPUTE RESOLUTION (ADR) PROJECT

Report Period: January 1, 2002—June 30, 2002

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

Cases **referred** to ADR Project: 80 cases (This is 10% of the *number* of charges filed during report period.) Cases are typically sent to ADR between 3 and 4 months from their filing date, generally after the answer and rebuttal are received and the case is screened for merit.

33 of the cases referred (41% of total) were actually *filed* during the January 1, 2002, through June 30, 2002 report period. This is 4% of all charges filed during the period.

Cases **returned** by ADR Project: 58 cases (avg. time at ADR: 30 days)

Outcomes:

Mediation opportunity declined :	43 cases (avg. time at ADR : 21 days)
Mediation held; settlement/withdrawal :	9 cases (avg. time at ADR : 46 days)
Mediation held; no agreement :	6 cases (avg. time at ADR : 70 days)

ADR case **inventory**, as of June 30, 2002: 21 cases

Mediated; awaiting withdrawal:	3 cases
Mediation in progress:	0 cases
Mediation being scheduled:	8 cases
Mediation being considered:	8 cases
Returned; assign to investigation:	2 cases

Avg. case-age (less tolling); entire ADR project inventory:	128 days (21cases)
Avg. case-age (less tolling); <i>unsettled</i> ADR cases, only:	122 days (18 cases)

Settlements Report
Closure Date of 1/1/02 - 6/30/02

Summary by Settlement Type:

Settlement Type	Total Number of Cases	Total Award Amount
Combined CP/Atty Award	28	\$643,500.00
Conduct Training	1	\$0.00
CP Attorney Fees	2	\$48,000.00
CP Damages Awarded	24	\$255,130.04
Implement Policy Change	1	\$0.00
Other	4	\$0.00
Other Monetary	2	\$22,500.00
Send Letter or Other Pos Ref	2	\$0.00
Unspecified Lump Sum	26	\$1,390,011.00
Mental Anguish/Suffering	1	\$120,000.00
Re-hire	1	\$0.00
Severance	1	\$2,565.33
Back Wages/Pay	1	\$30,000.00
	94	\$2,511,706.37

Summary by Closure Type:

Closure Type		
ADR	9	\$127,995.00
Conciliation Settlements	41	\$777,500.00
Litigation	9	\$1,180,603.04
Predetermination Settlements	23	\$197,277.00
Withdrawal - Satisfactorily Adj	12	\$228,331.33
	Total	
	94	\$2,511,706.37

Total number of cases with settlements: 83