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DEPARTMENT OF HUMAN RIGHTS

CHARGE PROCESSING

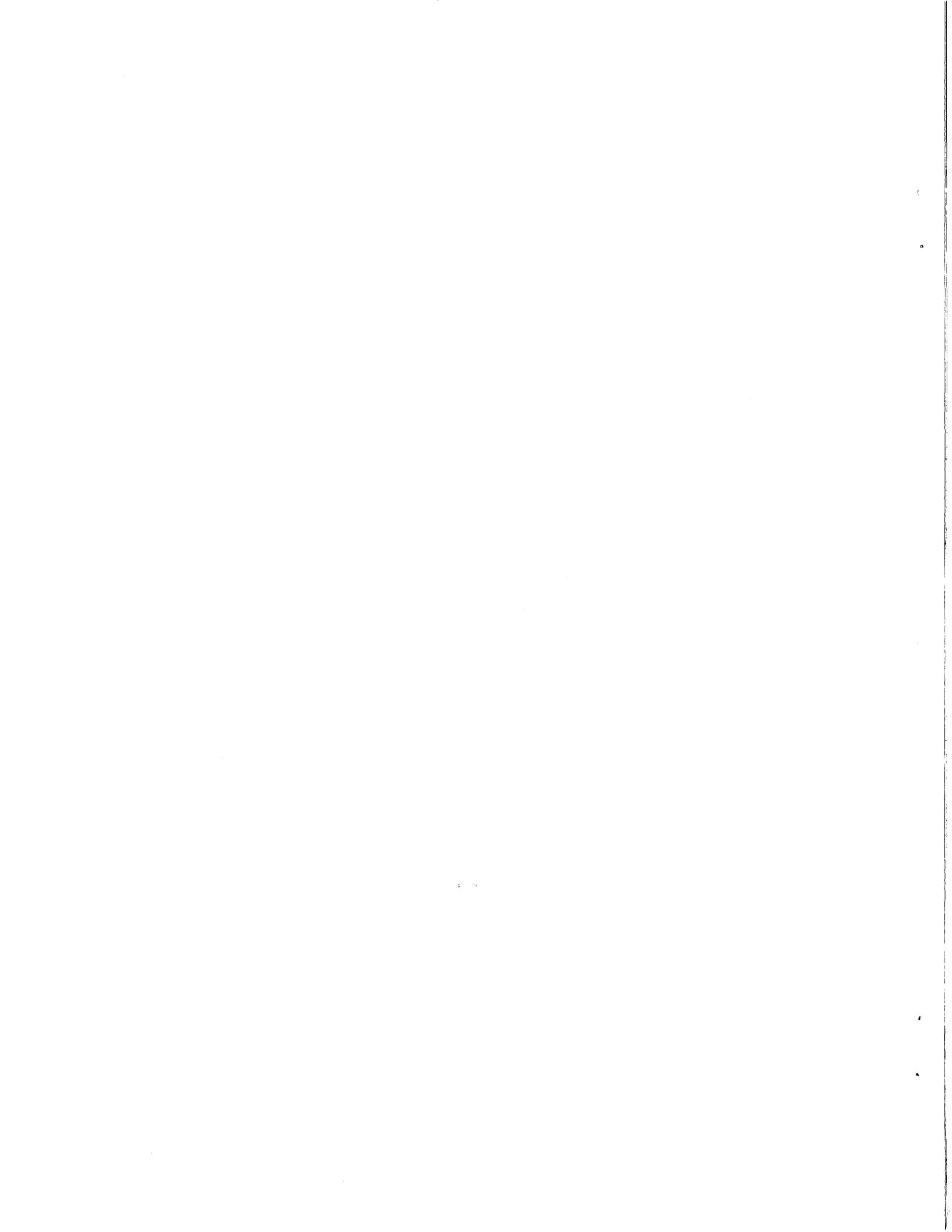
POLICIES

MARCH 1, 1984

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Pursuant to 1983 Laws, ch 301, sec 42 -

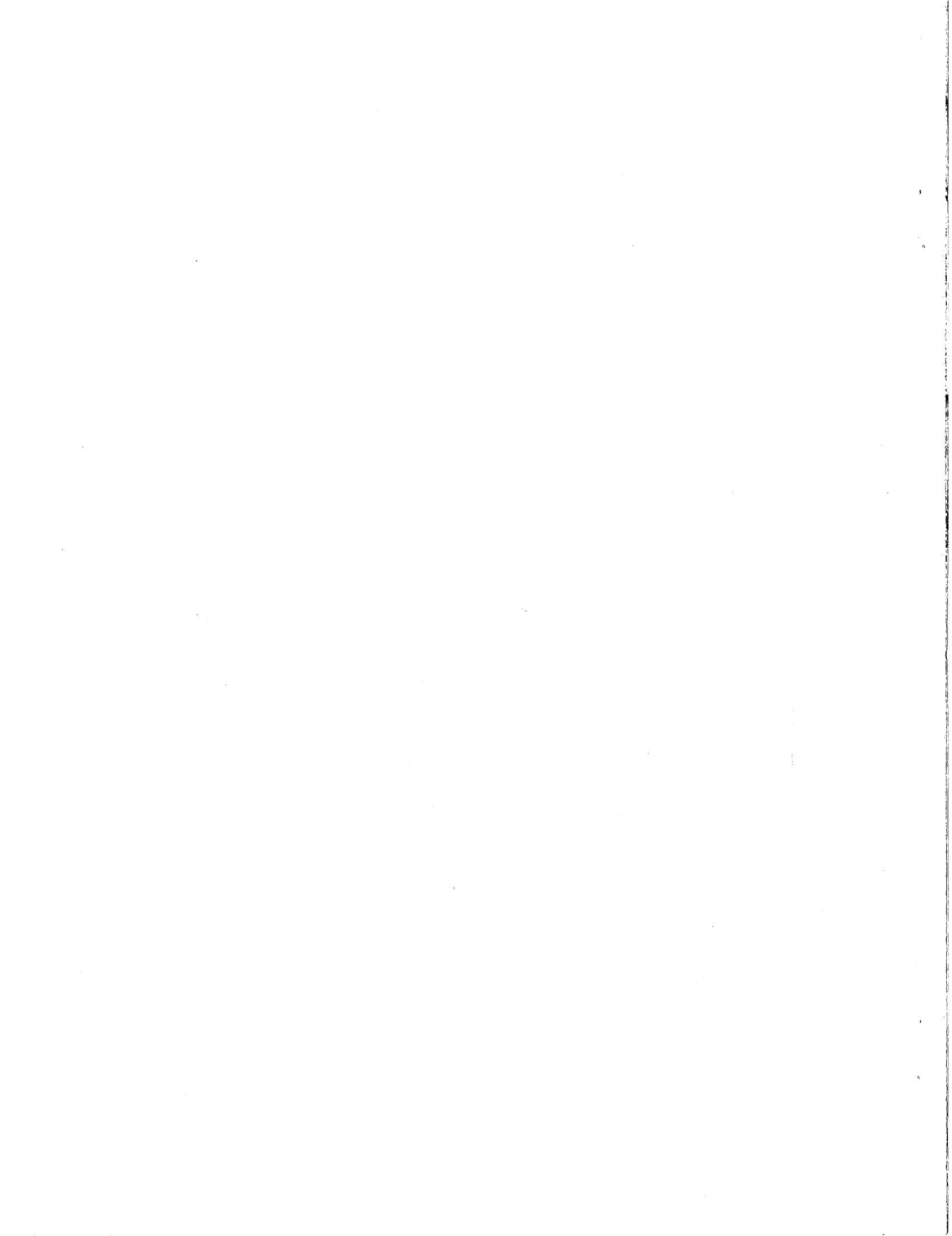


DEPARTMENT OF HUMAN RIGHTS

CHARGE PROCESSING

POLICIES

MARCH 1, 1984





STATE OF MINNESOTA  
DEPARTMENT OF HUMAN RIGHTS

500 BREMER TOWER  
7TH PLACE AND MINNESOTA STREET • SAINT PAUL, MINNESOTA 55101  
(612) 296-5663

March 7, 1984

The Honorable Rudy Perpich  
Governor  
130 State Capitol Building

Mr. Patrick E. Flahaven  
Secretary of the Senate  
231 State Capitol Building

Mr. Edward A. Burdick  
Chief Clerk  
House of Representatives  
211 State Capitol Building

Gentlemen:

The enclosed report, "Department of Human Rights Charge Processing Policies" was completed pursuant to 1983 Laws of Minnesota, Chapter 301, Section 42. The report documents progress since February 6, 1984. The agency has made major strides in:

- o designing and documenting procedures
- o defining enforcement policies
- o training staff

The short-term changes which have been made coupled with longer term changes which will be made by the end of FY '84, will result in an effectively and efficiently run agency which will be current with its caseload within 2.5 years.

Respectfully submitted,

  
Kathryn R. Roberts  
Acting Commissioner

cc: Mr. Gerald L. Willet  
Chairman, Senate Finance Committee  
121 State Capitol Building

Mr. Carl W. Kroening  
Chairman, State Departments' Subcommittee  
of Finance  
G-24 State Capitol Building

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cc: Mr. James I. Rice  
Chairman, House Appropriations Committee  
245 State Office Building

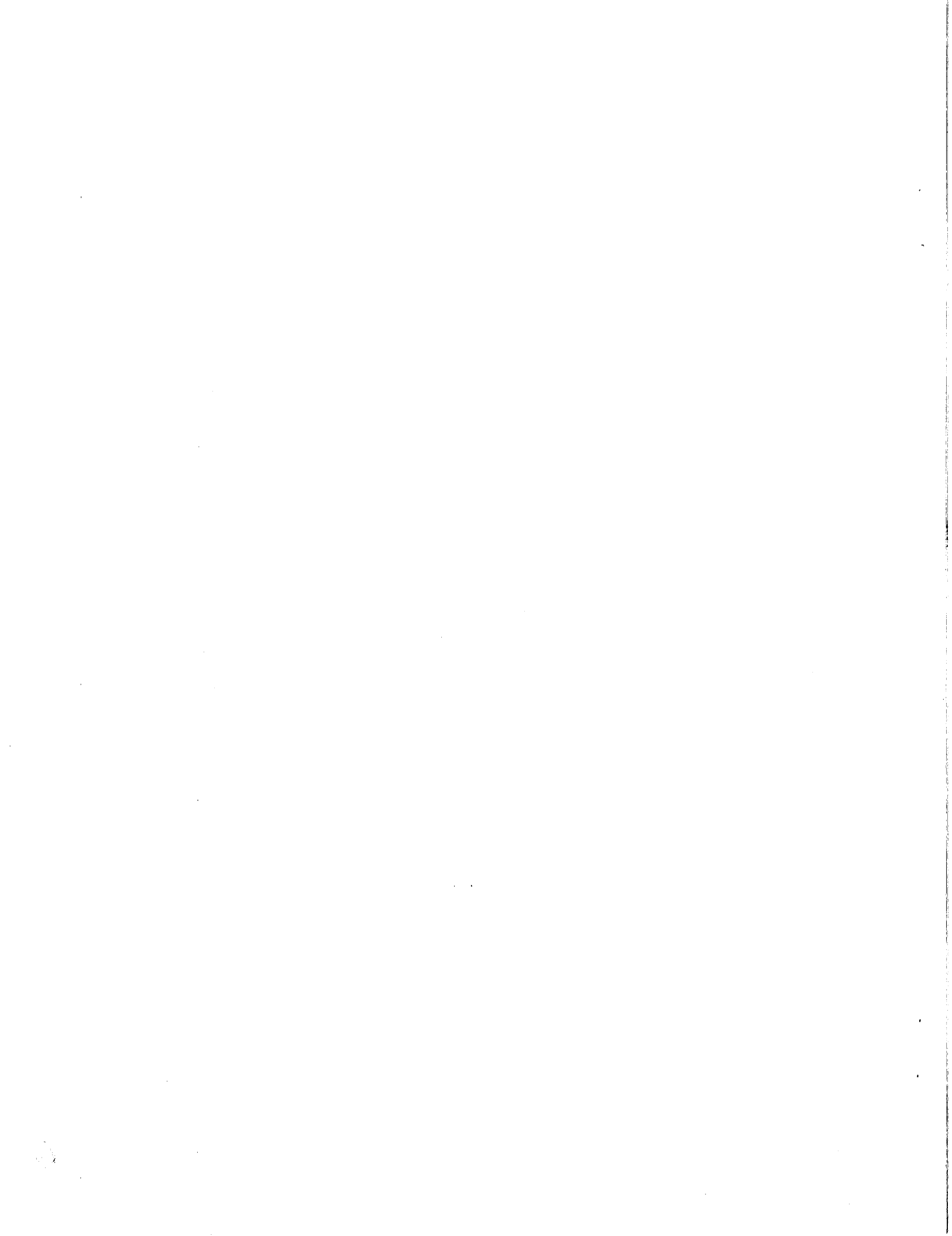
Ms. Phyllis Kahn  
Chair, State Departments Division  
House Appropriations Committee  
235 State Office Building

DEPARTMENT OF HUMAN RIGHTS

CHARGE PROCESSING

POLICIES

MARCH 1, 1984





## I. INTRODUCTION

This report responds to the 1983 legislative mandate (1983 Laws of Minnesota, Chapter 301, Section 42) which states:

"By February 1, 1984, the commissioner shall report to the legislature on the charge-processing policies that have been adopted."

The policies and procedures which have been implemented are based on the recommendations made by the Department of Administration in its 1984 report "An Operational Analysis of the Department of Human Rights."

## II. BACKGROUND

In the 1983 legislative session, the Commissioner of Human Rights was directed to work with the transition team assigned by the Commissioner of Administration to "review or develop charge intake or charge processing policies." Recommendations were jointly developed by the two departments and presented by the Department of Administration on January 24, 1984. The (then) Commissioner of Human Rights resigned effective February 2, 1984 before initiating development activity. Draft policies and procedures which are in this report have been made since the Acting Commissioner assumed her duties on February 6, 1984 and are based on the recommendations made by the Department of Administration in its report. Not all policies and procedures which are necessary have been implemented. In line with the recommendations of the Department of Administration's report, short-term changes were made concurrent with the reorganization of the department. On a longer-term basis, all enforcement procedures are being evaluated and may be modified. Short-term and potential long-term changes are discussed in separate sections below.

## III. DRAFT POLICY CHANGES ADOPTED BY THE DEPARTMENT OF HUMAN RIGHTS

Draft policy changes which have been made address the following issues presented by the Department of Administration in its report:

- o Procedures
- o Distribution of workload/resources
- o Investigation
- o Federal Contract

Policies have been initiated or changed in the following specific cases:

- o Combining charge intake and case investigation
- o Remaining current with new charges
- o Investigative plans
- o Case review meetings
- o Allocation of positions to enforcement
- o Training
- o Referrals
- o Alternative dispute resolution
- o Priority and Commissioner's charges
- o Review of appealed determinations
- o Treatment of contract cases

Table 1 shows the issues addressed by each policy change. The appendix to this report contains the specific policy statements and procedures supporting each policy.

#### IV. POLICY CHANGES BEING DEVELOPED BY THE DEPARTMENT OF HUMAN RIGHTS

The commissioner has activated a task force which will, by the end of June 1954, review all enforcement policies and procedures used by the department and make recommendations for changes which will make them more effective and efficient.

The task force has been specifically charged to:

- o develop performance standards for enforcement officers
- o develop policies and procedures for early screening of charges
- o clearly define the requirements for probable cause and no probable cause determinations
- o reduce request for information response times for charging parties and respondents
- o develop policies and procedures for the review of completed cases.

TABLE 1

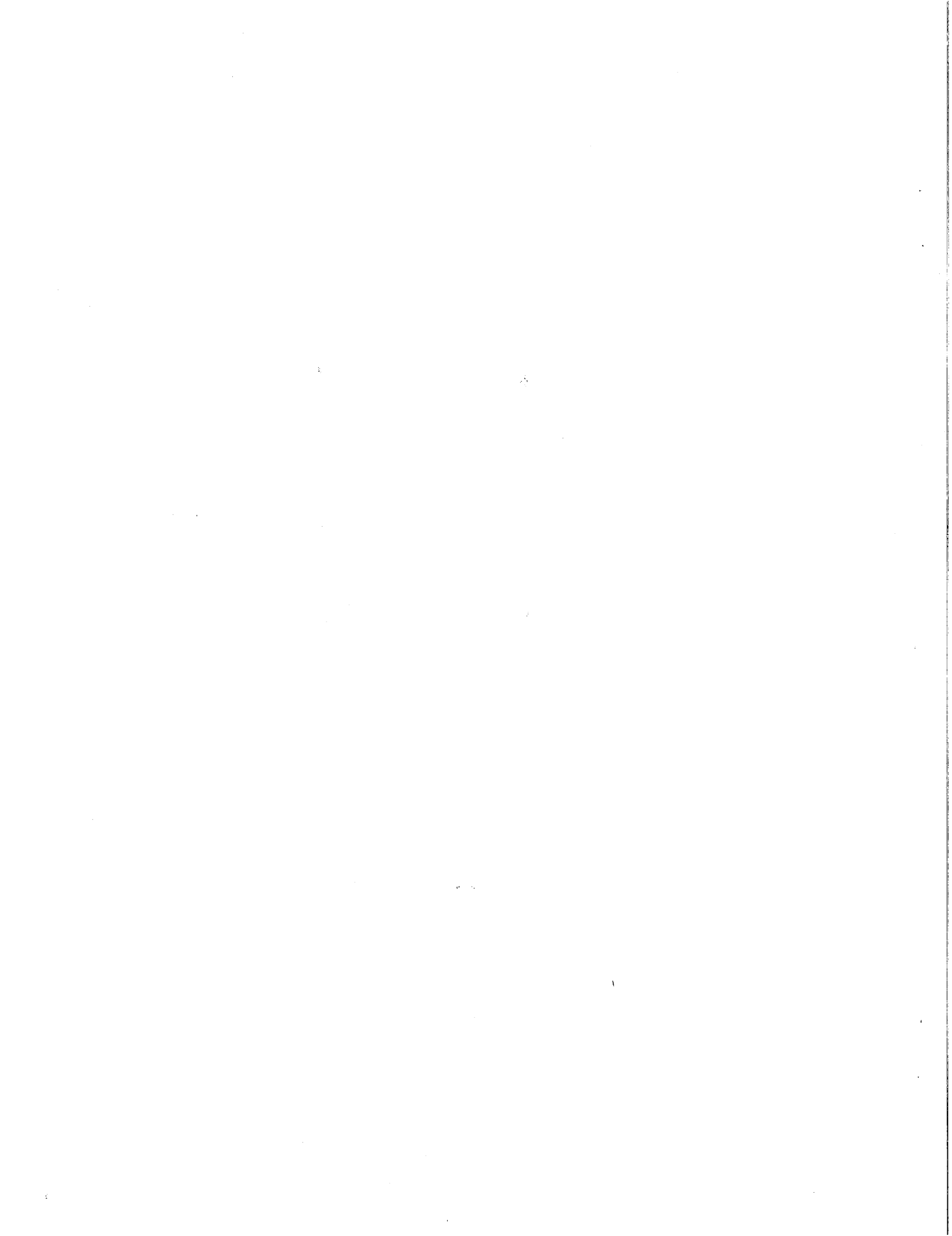
ISSUES ADDRESSED BY DRAFT POLICY CHANGES

<u>POLICY CHANGES</u>	<u>ISSUES</u>			
	PROCEDURES	DISTRIBUTION OF WORKLOAD/RESOURCES	INVESTIGATION	FEDERAL CONTRACT
1. Combine Intake and Investigation	X	X	X	X
2. Remain Current with new Charges		X		X
3. Develop Investigative Plans	X		X	
4. Hold Case Review Meetings	X		X	
5. Allocation of Positions to Enforcement		X		X
6. Training	X		X	
7. Contract Cases		X	X	X
8. Referrals		X		X
9. Alternative Dispute Resolution Options		X		X
0. Commissioner's Charges	X			
1. Review of appealed Determinations	X		X	



**APPENDIX 1**

**DRAFT POLICIES**



**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER: 1

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**POLICY STATEMENT:**

Charge intake and case processing functions will be performed by the same unit. Intake of a charge will be done by the investigator who will investigate the case (See Attachment A, steps B1 - E8, for detailed procedures).

**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER: 2

---

**POLICY STATEMENT:**

The agency will remain current with new charges filed with the agency as its first priority; as a second priority, the agency will reduce its open caseload. Staff within Case Processing Units will be assigned to work on new charges based on the average number of charges docketed per year over the past five years. Remaining enforcement staff will be assigned to work to reduce the open caseload. As the agency reduces its open caseload, staff will be reassigned from working on old to working on new cases enabling the agency to reduce the amount of time needed to investigate and close a case.

Remaining current with new charges means that charges will be investigated and a determination made within 90 days of filing, on an average.



STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS

ENFORCEMENT POLICY NUMBER: 3

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**POLICY STATEMENT:**

Investigators will complete an investigative plan (attached) for each case that they receive either through the intake process (for new charges) or through assignment by the supervisor (for old charges). The plan will be developed by the investigator and approved by the supervisor within one week of receipt of the case.

This plan will be used as the tool by which progress on investigations will be monitored.

**D R A F T**  
**CASE PLAN**

EO: \_\_\_\_\_  
SUPV: \_\_\_\_\_

D  
A  
T  
A

CASE: \_\_\_\_\_  
          \_\_\_\_\_ vs \_\_\_\_\_  
          \_\_\_\_\_

CHARGE  
NUMBER: \_\_\_\_\_  
DATE  
FILED: \_\_\_\_\_  
REFERRAL/  
LOCAL COMMISSION: \_\_\_\_\_

PROJECTED DATE OF DETERMINATION: \_\_\_\_\_

ALLEGED VIOLATION  
OF MS 363.03 SUBD: \_\_\_\_\_

I  
S  
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S

-----  
QUESTIONS THAT MUST BE ANSWERED TO MAKE A DETERMINATION:

1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_
  5. \_\_\_\_\_
- 

P  
L  
A  
N

CP DOCUMENTS	Date Expected	Date Received/Action
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INTERVIEWS	HOW	Date Scheduled	Date Completed/Action
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RESPONDENT DOCUMENTS	Date Expected	Date Received/Action
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INTERVIEWS	HOW	Date Scheduled	Date Completed/Action
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TRACKING

EEOC/HUD # _____	PDS _____ Date	FFC _____ Date Sch	INTERVIEWS _____ Date Sch	WRITING _____ Date Sch
	Results	Date Held	Date Held	Date Compl.

**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER: 4

---

**POLICY STATEMENT:**

Supervisors will hold weekly case review meetings with their staff in order to review progress and identify problems and potential problems.

Meetings will be used to:

- a) review the status of the investigation of all cases in the unit against the investigator's plan
- b) strategize on the approach to be taken on complex cases
- c) solve problems encountered on difficult cases
- d) identify general problem or training need areas for investigators

The results of these meetings will form the basis for monthly status meetings between the enforcement supervisors and the commissioner or his/her designee.

STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS

ENFORCEMENT POLICY NUMBER: 5

-----  
**POLICY STATEMENT:**

All positions which become vacant in the agency will be reviewed to determine a) whether the function is needed and b) whether the position can be reassigned to the enforcement division.

STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS

ENFORCEMENT POLICY NUMBER: 6

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**POLICY STATEMENT:**

All enforcement staff will receive formal training in investigative techniques.

A set of current training materials based on IAOHRA<sup>1</sup> investigative techniques will be maintained by the agency. All new investigators will be trained on investigative techniques and the procedures of the agency within one month of their start date. All enforcement staff in the agency will have recieved consistent training by March 31, 1984.

Training will be the responsibility of the Management Services Division.

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<sup>1</sup>IAOHRA (International Association of Official Human Rights Agencies) materials were chosen because they provide a synthesis of the formats of all 706 (EEOC) agencies. The training they provide is both uniform and consistent.

**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER: 7

-----  
**POLICY STATEMENT:**

All cases, regardless of their contract status, will be treated equally by the agency. Cases will not be given preferential treatment because the agency will be reimbursed under its EEOC or HUD contracts. Cases will be investigated as they are recieved in the department.

**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER: 8

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**POLICY STATEMENT:**

Whenever possible, cases will be referred to local human rights agencies or commissions. The Department of Human Rights will actively use local human rights agencies and commissions to facilitate our timely disposition of cases. Staff will use the procedures outlined in Attachment A, steps C5 - C9.

**STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS**

ENFORCEMENT POLICY NUMBER:   9  

-----  
**POLICY STATEMENT:**

All charging parties will be made aware of, and encouraged to use, alternative dispute resolution options available to them including the No Fault Grievance Project and the Mediation Project. Staff will use the procedures outlined in Attachment A, steps C5 - C9 and E1 - E8. Monitoring of the activities will be the responsibility of the Management Services Division.



STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS

ENFORCEMENT POLICY NUMBER: 10

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**POLICY STATEMENT:**

Charges will not be given special attention as commissioner's charges until a panel appointed by the commissioner has reviewed the charge, concurs on its importance, and makes such a recommendation to the commissioner.

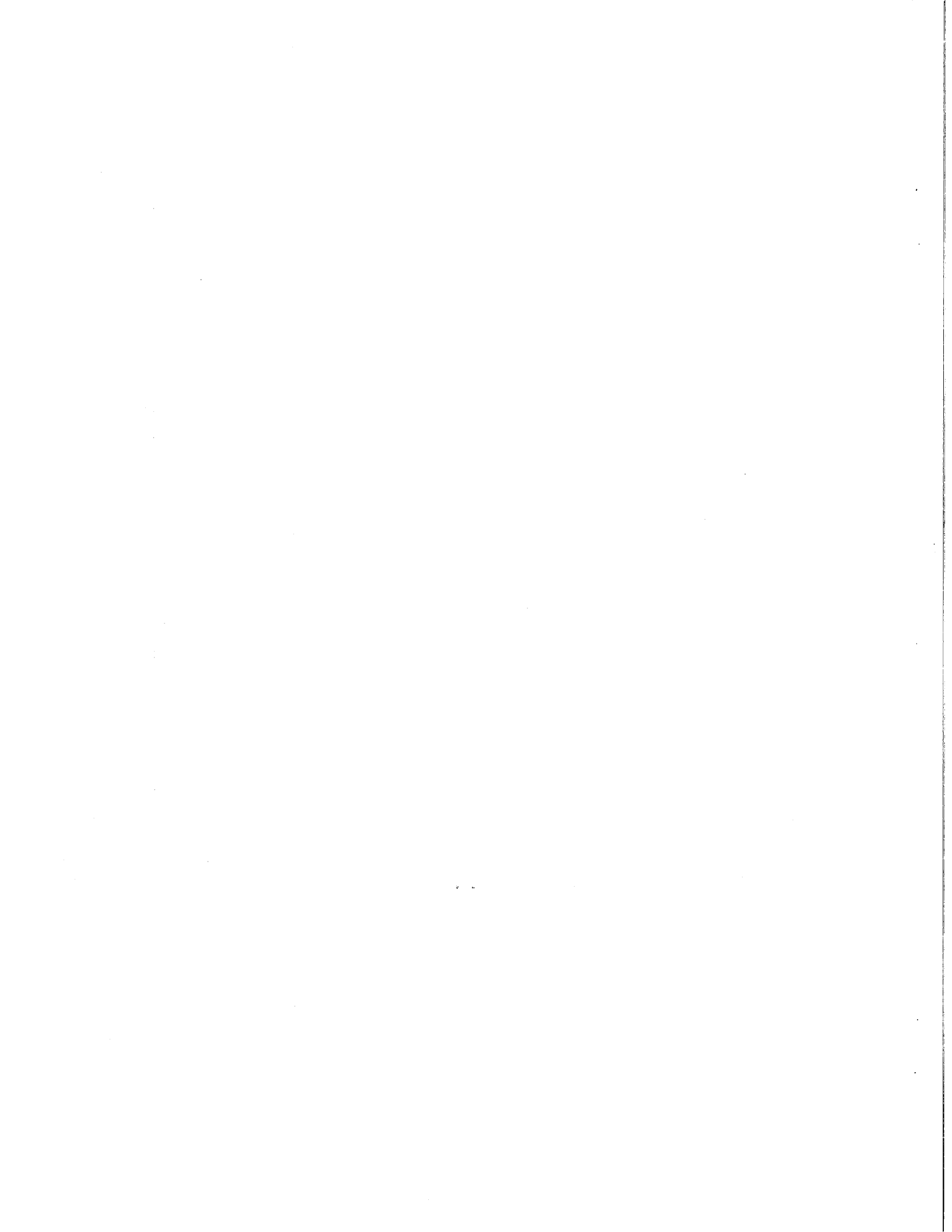
STATE OF MINNESOTA DEPARTMENT OF HUMAN RIGHTS

ENFORCEMENT POLICY NUMBER: 11

-----  
**POLICY STATEMENT:**

No case on which an appeal has been filed or on which a recommendation for closure as Frivolous or Without Merit has been made will be closed in that manner unless the specified procedures have been followed. (Procedures will be completed by 3/13/84).

ATTACHMENT A  
INTAKE / INVESTIGATION PROCEDURES



STAGE	PROCEDURES/STEPS	COMMENTS
<p>Pre-System</p>	<ol style="list-style-type: none"> <li>1. Set-up schedules for ODs:                             <ol style="list-style-type: none"> <li>a. ODs will serve for one week intervals.</li> <li>b. Back-up ODs will come from unit of assigned OD, to be chosen by the Supervisor of that unit, in the event the unit's OD is absent.</li> <li>c. System will assume two persons from each unit will initially be assigned to OD duty. Such EOs shall be designated "A" and "B"; schedules are set for "A" weeks and "B" weeks.</li> <li>d. Receptionists will be notified of OD assignments and of any changes by the respective unit supervisors.</li> </ol> </li> <li>2. Location of EO offices:                             <ol style="list-style-type: none"> <li>a. Prior to remodeling and regardless of unit to which EOs are assigned on 2/22, all EOs and supervisors will remain in current office locations.</li> <li>b. Remodeling will permit all case processing units to be located on fifth floor.</li> </ol> </li> <li>3. Set up phone system:                             <ol style="list-style-type: none"> <li>a. Phone system will be changed when remodeling is finished. Until then, the present system will be used as is. All EOs and EO/ODs will have present phone numbers.</li> <li>b. Future system will provide for lighted call indicator for receptionist showing which lines are busy and for each EO, an intercom line as well as own phone number.</li> </ol> </li> <li>4. Identification and redistribution of existing case-loads.</li> <li>5. Assignment of unit EOs to backlog, intake/OD or other types of EO duties.</li> <li>6. Revision and creation of necessary forms and letters                             <ol style="list-style-type: none"> <li>a. Intake Questionnaires. To be done later. Will begin with present forms.</li> <li>b. EO phone log. Will also record all OD contacts &amp; indicate pending nature of contacts.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1.                             <ol style="list-style-type: none"> <li>b. Back-ups do not need to be scheduled ahead of time.</li> <li>c. Sample schedule attached (Exh. A) Schedule can be expanded to reflect "C" and "D" weeks, etc.</li> </ol> </li> <li>2.</li> <li>3.                             <ol style="list-style-type: none"> <li>a. Will generate a number of messages for ODs. ODs will have to be certain messages are collected and returned.</li> <li>b. Other features to meet needs of system.</li> </ol> </li> <li>4. To be done. MIS can identify assignment, type and age of all cases in dept.</li> <li>5. Requires assimilating new hires into full range of Case Processing EO responsibilities. To be done.</li> <li>6.                             <ol style="list-style-type: none"> <li>a. May want to develop two forms: Mail &amp; In-person.</li> <li>b. See Exh. B. Will not be central unit logs.</li> </ol> </li> </ol>

STAGE	PROCEDURES/STEPS	COMMENTS
Pre-System.	<p>6. (con't)</p> <ul style="list-style-type: none"> <li>c. OD (white) file cards</li> <li>d. NFG forms: "CP/Grievant" form, letter to local commission chairs, OD (yellow) file cards.</li> <li>e. Cover letters to accompany signed charges, questionnaires or requests for more information.</li> <li>f. Revised "Data Practices" explanation.</li> <li>g. One page intake assistance form/check-list to aid ODs</li> <li>h. Revise other pre-charge letters, including No Jurisdiction and Referral letters.</li> <li>i. Revise CP Guidelines</li> </ul> <p>7. Revised charge letters</p> <p>8. Interview and conference rooms:</p> <ul style="list-style-type: none"> <li>a. Existing rooms available for FFCs and Interviews are the following:               <ul style="list-style-type: none"> <li>1/ small room next to Xerox (5th Floor)</li> <li>2/ Library (5th Floor)</li> <li>3/ Former ACE office (4th Floor-needs some rearranging)</li> <li>4/ small room, next to J. Robinson's office (4th Floor-not for FFCs)</li> <li>5/ Archive Room (4th Floor - needs tables, chairs and rearranging)</li> <li>6/ Lunch room (4th Floor)</li> </ul> </li> <li>b. Assignment of rooms to units or other means of scheduling rooms/space.</li> <li>c. After remodeling, EOs will be able to conduct interviews in their offices.</li> </ul>	<p>6.(con't)</p> <ul style="list-style-type: none"> <li>c. Exh. C</li> <li>d. Exh. D-1 (CP's), D-2 (LHRC) and D-3 (Yellow card)</li> <li>e. To be completed.</li> <li>f. To be completed.</li> <li>g. Exh. G.</li> <li>h. To be done.</li> <li>i. To be done.</li> </ul> <p>7. To combine contents of present charge and unit assignment/PDS letters. Notice of Mediation Project will accompany all Twin Cities' Employment charges. Exh H-1 (CP), H-2(R) and H-3 (notice of mediation project).</p> <p>8.</p> <ul style="list-style-type: none"> <li>a.               <ul style="list-style-type: none"> <li>1/ and 2/ to be scheduled</li> <li>3/ may not be available a days</li> <li>4/, 5/ and 6/ on first or first serve basis, 1. won't be scheduled.</li> <li>6/ emergencies.</li> </ul> </li> <li>b. Needs to be done.</li> </ul>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>Pre-System</p>	<p>9. Assignment of Intake "Backlog" (i.e. questionnaires returned and in need of drafting, signed charges sent before reorg.) Will be done as follows:</p> <ul style="list-style-type: none"> <li>a. Questionnaires currently in the dept. will be assigned by the Coordinator to units. Speciality areas to appropriate units, employment divided among units. Supervisors will assign cases to EOs.</li> <li>b. Signed charges and questionnaires returned after the reorg (2/27), will go to the Coord. who will then assign to units, per above.</li> </ul> <p>10. Identification and clarification of intake issues.</p> <p>11. Identify needed training.</p> <p>12. Create or Update Referral list. OD's will have page of most frequent referrals and MDHR will have master file updated.</p>	<p>9.</p> <p>10. Needs to be done. Intake staff (current) to be surveyed for most frequent unresolved issues. Will require policy decisions on how ODs are to handle these situations.</p> <p>11. Needs to be done.</p> <p>12. To refer persons to <del>the</del> other agencies/sources when MDHR Lacks Jurisdiction. Being done.</p>
<p>3. Potential CP contacts DHR is connected w/ OD for jurisdictional determination.</p>	<p>1. Supervisors provide receptionists with identity of unit ODs for the week. Supervisors will notify receptionists of any changes due to illness or other absence of scheduled OD.</p> <p>2. EO/OD will maintain own logs of contacts (phone, mail, etc.) which s/he will maintain. OD will take phone calls, return messages, talk with walk-ins and interview persons during his or her own week. If necessary, ODs will interview persons during non-OD weeks.</p> <p>EO IS RESPONSIBLE FOR CONTACT THROUGHOUT PROCESS, if contact leads to a charge, that EO/OD responsible for investigation, attempting settlement. I.e. that contact becomes an assigned pending or actual case of the EO who took the initial contact as OD.</p>	<p>1. Requires Supervisors to furnish names of ODs to receptionist before 8a.m. on Mondays. Supervisors should notify receptionists of replacements as soon as possible. In the event of an absence and supervisor has not yet named replacement, receptionist will rotate calls through available ODs.</p> <p>2.</p>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>3. Potential CP contacts DHR, is connected w/ OD for jurisdictional determination.</p>	<p>3. <u>Phone contacts:</u> The receptionist will rotate calls to the four ODs.</p> <p>At the receptionist's desk (5th Floor), the receptionist will keep track of who took the last call. If OD next in line is on the 4th floor, the receptionist will attempt to directly connect the caller to the OD. If the phone line is busy (or OD does not answer), whomever gets call (may well be former unit clerical b/c of present phone system) will take intake message, or the 4th floor recept. if call comes back to that desk. If call comes back to 5th floor recept, s/he will take message for OD. Message is for the OD who would otherwise have received the call. OD is then responsible for that caller regardless of when the message is returned. ODs will have to make certain to check with receipts. (both 4th and 5th floor, if ODs on 4th floor) Others receiving messages for ODs because of phones, will have to make certain messages are delivered.</p>	<p>3. Only determination receipt will make is that caller is interested in filing a charge.</p> <p>Will keep track by using system, e.g. hash mark so whomever on receipt desk will know immediately which OD should get next call or message.</p> <p>Recept. treats attempt to transfer call to OD and/or message as a "call" for that OD. Next call to next OD.</p> <p>This eliminates any tendency not to return messages b/c know won't be OD next day.</p>
<p>(con't)</p>	<p>4. <u>Walk-ins:</u> The receptionist will rotate walk-ins to the four ODs and will keep track of who had the last walk-in. Rotation of walk-ins is separate from rotation of phone calls. When walk-in arrives, receptionist will first have walk-in fill out brief walk-in form. If indicates a speciality area, to that unit's OD. Otherwise to next OD in line for a walk-in.</p> <p>If all ODs are busy, the walk-in will have to wait until OD available or can leave message for OD to contact (then treated as phone message in determining who gets next message or call). Same if speciality area issue and that OD busy.</p>	<p>4.</p> <p>Using present walk-in form for time being.</p> <p>While OD is interviewing walk-in or other, calls will be rotated through remaining ODs.</p> <p>If emergency SOL situation, and no OD available, might be taken by unit aide.</p>
	<p>5. <u>Mail Inquiries:</u> The receptionist will identify mail as "intake". Except for mail addressed to a particular EO, all intake nature mail will go to the Coordinator. The Coordinator will sort out intake mail which identifies a non-employment speciality area and give such mail to the unit aide. Coordinator then divides employment-related intake inquiries into fourths and gives ¼ to unit aide. Mail is logged in unit by aide and given to the OD. OD is responsible for all mail coming in on his/her OD days. OD records disposition of letters, in same manner as phone calls, on EO/OD log.</p>	<p>5.</p> <p>Might be done by the clerical or Aide assigned to Coordinator.</p> <p>This will include questionnaires sent out before 2/27.</p> <p>Current mail logs used by unit clericals to be reviewed by Scott and revised for standardization, if necessary.</p>



STAGE	PROCEDURES/STEPS	COMMENTS
<p>Potential CP contacts DHR, is connected w/ OD for jurisdictional determination.</p> <p>(con't)</p>	<p>6. All calls relating to intake problems (e.g. unreturned messages, etc.) and to the status of precharges or where the caller cannot identify the person to whom s/he has spoken about a charge, will also be referred to the Coordinator. Coordinator will also connect any post-contact mail, where EO/OD not named, with the proper OD/EO.</p>	<p>6.</p> <p>Coordinator will do so utilizing card file system described below at point C-10.</p>
<p>3. CP contact w/ OD to signed charge.</p>	<p>1. OD makes contact w/ potential CP via mail, phone call, walk-in or referral from other unit. Unless person is transferred to another specialty area unit, OD is responsible, i.e. assigned to that person throughout process</p> <p>If mail inquiry requires additional information, OD has appropriate letter sent requesting further information. Letter goes out under signature of OD. OD creates pending file-keeps in alphabetical order.</p> <p>When pending file "dies" or becomes a charge, file is sent to Coordinator.</p> <p>2. OD inquires whether caller has spoken to anyone else in the dept about his/her situation. OD also asks whether the caller has already filed with Mpls, St. Paul, EEOC or HUD.</p> <p>3. If written contact and there is no jurisdiction, OD has no jurisdiction letter sent, with brief explanation of why MDHR lacks jurisdiction. If it is possible to refer persons to other agencies or likely source of help, OD should do so. If a written contact, letter is sent to person, returning their materials sent to the dept. and identifying potential agency.</p>	<p>1. Purpose of initial contact is to establish jurisdiction and other appropriate actions.</p> <p>If letter is sufficient to indicate area which is not speciality of OD's unit, OD should transfer it to appropriate unit and that unit's OD would follow up. Original OD log to reflect transfer.</p> <p>2. To help prevent potential overlap/duplication within dept. from callers who have left more than one message. May want to have receipt. tactfully advise callers to give the OD time (24 hrs?) to return call.</p> <p>Asking about other filings may help prevent inter-agency duplication.</p> <p>3.</p> <p>ODs will need ready access to referral list. Will have list of most frequent referrals, phone #s at desk. Will have master referral list available.</p> <p>Referral agency will not be sent copy of the NJ/referral. Initiative is up to the person to contact.</p> <p>Suggest someone from EEOC train staff about EEOC</p>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>CP contact w/ OD to signed charge</p>	<p>4. If call/contact is jurisdictional, but outside of the speciality area of the unit, the OD will first attempt to transfer a caller to the appropriate unit's OD and, if transfer cannot be made, will take a message for the appropriate unit's OD. Mail also will be referred to the appropriate unit. EO log to reflect transfers.</p> <p>5. If mail contact, by itself, states a situation which sufficiently alleges a violation of Chap. 363, the OD will expedite processing of the charge, with opportunity for CP approval.</p> <p><b>** EXPEDITED PROCESS:</b></p> <p>a. OD/EO will draft a "perfected" charge statement, based upon CP's statement, on MDHR's "charge" form.</p> <p>b. The MDHR form and the CP's statement (or portion sufficiently alleging the violation and other information needed under 102(a)) constitute the actual charge. Under the expedited procedure, both will be sent to the respondent immediately (without CP signing dept. form) as the charge.</p> <p>c. Prior to sending charge to Coordinator (for Planning, etc.), OD will contact CP, by phone, to see if CP has any objection to the written original statement being sent to the respondent. CP will be advised by the OD that, if CP does not want to use expedited procedure, CP's charge will not be considered filed until signed MDHR charge form is returned to dept. by CP. Memo to file to reflect CP did not chose to use expedited process.</p> <p>d. If OD cannot contact CP by phone, for approval, OD will have letter sent to CP, with perfected charge form. Letter will explain process and inform CP of following:</p> <p>1/ CP has four (4) days to contact dept. and/or return signed perfected charge, to let dept. know CP does not want original statement sent to respondent.</p> <p>2/ If nothing is received from CP, or no contact to inform OD not to proceed, within the four days, original statement and perfected, unsigned charge form will be sent to R as notification of the charge.</p> <p>3/ Dept. should be notified if CP does not wish to file</p> <p>(con't)</p>	<p>4.</p> <p>5.</p> <p>Purpose of process is to eliminate the five-day notice problem which occurs whenever the dept. receives the sufficient legal statement which is used by the dept as the filing date but the signed form is not docketed and sent to R until later.</p> <p>OD will have to be certain original statement is legally sufficient.</p> <p>2/ requires letter to be drafted.</p> <p>Supervisors will need to check absent EO's pending log to avoid delay</p>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>CP contact w/ OD to signed charge (con't)</p>	<p>5. (con't)</p> <p>(Expedited Procedure explained - con't)</p> <p>e. If nothing heard from CP or CP gives approval, OD sends form and original statement to Coord. as if form had been signed. Both are sent out as the actual <u>charge</u>. Signature line on charge will state: Signature appears on attached statement. OD/EO should make copy of statement, or portion thereof, to be used, to aid planning.</p> <p>6. Contacts (callers, mail or walk-ins) approaching expiration of their SOLs are to be given priority, in keeping with the proximity of the SOL expiration date.</p> <p>7. Caller may describe a situation occurring in either Mpls or St. Paul, which falls within their respective jurisdictions, but not MDHR's. Or caller may inquire about those agencies. OD will inform caller about these agencies.</p> <p>Presently, this information will not be solicited by the OD. Eventually, ODs will routinely inquire/ask all Mpls or St. Paul eligible callers if they are interested in filing w/ Mpls or St. Paul.</p> <p>8. If the call is jurisdictional and involves an action occurring in a city which has the No Fault Grievance Process (NFG) and the action has occurred within four months or less of the contact w/ OD, the OD will discuss the possibility of the caller using the NFG process and explain process. NFG will be encouraged. EO log will reflect whether contact was interested in NFG.</p> <p>If the "CP/Grievant" decides to use NFG, the OD will provide the numbers of two contact persons from the LHRC. The OD will have a letter sent to the chair of the local commission; this letter will contain a form to be returned to the dept. indicating what happened. The OD will also send a letter to the "CP/Grievant" reminding him/her of the right to file a charge with MDRB if the NFG process does not yield a satisfactory settlement</p> <p>(con't)</p>	<p>5(con't)</p> <p>6. Need to determine how to handle walk-ins very close to SOL. Aides may need to be used in emergencies and will require appropriate training.</p> <p>7. EOs will need to know jurisdictions of these agencies, remedies and make certain action occurred within actual city limits. Possible training area.</p> <p>8. At desk, each OD/EO will have list of NFG cities. Each unit will have list of the contact persons and phone numbers for each NFG city.</p> <p>see D-1 (LHRC)</p> <p>see D-2 ("CP")</p>

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STAGE	PROCEDURES/STEPS	COMMENTS
C. CP contact with OD to signed charge (con't)	<p>8. (con't)</p> <p>If a NFG referral is made, the OD will fill out a yellow file card, showing the "CP's" name, EO's name, commission to which referred, date of referral, etc. CP will also assign an "N" number to the referral and indicate the number on the file card. Eventually, the "N" number to be tracked by MIS.</p> <p>If known NFG returns to Dept, is given back to original OD.</p> <p>9. If the call is jurisdictional and the caller is able to come in for a personal interview, OD schedules interview. OD lets receptionist know time of interview, etc. who marks on his/her calendar or appointment book for interviews. 4th Floor ODs/EOs will need to let both 4th and 5th floor receptionists know of interviews. If caller cannot come in for personal interview, OD conducts interview by phone, using questionnaire. If written contact, or phone interview otherwise impossible, OD sends out questionnaire with intent to draft charge from returned questionnaire. Questionnaires sent out will have OD's name and unit number on them.</p> <p>When questionnaire is returned, and provides written, signed statement sufficiently alleging violation and meeting 102(a), expedited procedure kicks in.</p> <p>10. Regardless of action taken and anticipated follow-up OD will fill out a white file card for any person for whom a second contact is expected (interview, mail return, second phone call, etc.) Cards will show contact's name, EO's name, date of contact and expected action/action taken. These cards will be given to the Coordinator at the end of each day (or by 8a.m. next morning). Coord. will maintain cards in alphabetical card file. Cards are retained by the coordinator as "active", until charge filed or otherwise pending file is dead(or considered inactive).</p>	<p>8 (con't)</p> <p>see D-3 (card)</p> <p>"N" numbers will be sequential by unit. Unit will keep track of last "N" number assigned, to be part of the EO/OD's "intake packet"</p> <p>9.</p> <p>Receptionists may be able to coordinate this information</p> <p>If written contact, OD first attempts phone interview.</p> <p>Questionnaires might be designed to facilitate process (so that entire questionnaire not sent to R) and to inquire as to whether CP is willing to have questionnaire/portion of sent to R.</p> <p>10. To facilitate status calls on pre-charge contacts. Coord. will get such calls. Card files and EOs logs will provide continuous tracking of pre-charge contact and provide information on problems.</p> <p>Info on cards may be potentially transferred to MIS.</p>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>C. CP contact w/ OD to signed charge (con't)</p>	<p>11. OD interviews CP in person or by phone, drafts charge and has CP sign .</p> <p>When correspondence is received or contact made to create file, requiring further info or other return from CP, OD sends appropriate cover letter. OD will mark due date of 30 days from date of OD correspondence on EO/OD's log and on file and anticipate CP's returned correspondence (etc.) within the thirty days. If correspondence is not returned within the 30 days, file is not considered "active". Six months after the due date, files may be pulled and sent to Coordinator for "Closed/Intake" files which will be kept by Coordinator.</p> <p>OD solicits information about possible companion charges.</p> <p>12. <u>CP Present:</u></p> <p>OD drafts charge, reviews with CP for CP's approval. Draft is approved by supervisor or other person designated by the unit; if person responsible for approval not available, intermediate or other EOs could approve draft. Draft checked for identification of issues, proper statutory citation and grammar. After draft approved, charge is typed. During interval while charge being typed, OD can discuss predetermination settlement and other procedures with CP. At this time, any of CP's documentation can be copied</p> <p>OD must proof typed charges before CP signs.</p> <p>13. <u>CP not present:</u></p> <p>OD drafts charge from questionnaire filled out during phone interview. If questionnaire returned but insufficient to file, CP contacted and rest of information obtained to permit charge to be drafted. EO attempts to contact CP to approve draft language. Review of draft as above (C-12). Charge typed and sent to CP. CP signs and returns charge.</p>	<p>11. Expedited procedure to be used with returned questionnaires, if appropriate.</p> <p>Pending files kept in EO's office.</p> <p>Coordinator will decide whether white cards to reflect due dates or date file actually sent to coordinator.</p> <p>12.</p> <p>To avoid amendments.</p> <p>CP not be charged for copying of documents (If many, OD may want to screen for relevancy).</p> <p>13.</p> <p>Expedited procedure for "sufficient questionnaires (C-5)</p> <p>Prior CP approval will help eliminate amendments.</p>
<p>Post-signature</p>	<p>1. Unit OD completes required information on CCS (charge classification sheet), this will include county where CP located (for MIS to trigger appropriate attorney referral service), number of R</p>	<p>1. See Ex. _____ for sample CCS and required information from each stage for CCS.</p>

STAGE	PROCEDURES/STEPS	COMMENTS
D. Post-Signature (con't)	<p>1. (con't)</p> <p>employees, indication of expedited notice, filing date. If using expedited process, unit will attach a copy of statement being sent with perfected charge form.</p> <p>2. By 8a.m. each day, previous day's charges will be sent to the Coordinator. Unit will maintain list of charges sent to Coord.</p> <p>3. Coordinator reviews face of charge and signs off as designated official.</p> <p>4. Coordinator designates type of contract, whether St. Paul or Mpls work-sharing referral and date charge sent to planning on CCS.</p> <p>5. Coordinator sends charges to Planning for MIS, etc. and maintains list of charges sent.</p>	<p>1. (con't)</p> <p>To aid Planning.</p> <p>Planning will identify R's contact person/CEO</p> <p>2. May want records to reflect when charges are returned to EOs.</p> <p>3.</p> <p>4. See sample CCS form. (Exh. _____)</p> <p>5.</p>
E. Planning and MIS through return to unit	<p>1. Planning assigns case number to charge and enters information on MIS. MIS generates appropriate letters. Planning assembles charge file.</p> <p>2. Planning sends charge letter generated by MIS to CPs and Rs. Charge letter will indicate EO and unit assignment (unit supervisor if unassigned) and will contain form for predetermination settlement proposals.</p> <p>Charge letters to CPs will refer CP to the county Legal Referral Service of CP's county or, if none available, to the Minnesota Bar Association. MIS will be programmed to designate such according to information on CCS as to CP's county.</p> <p>For Twin Cities area charges, involving employment, notice of Mediation Project option will be sent to both parties along with charge letters. EO will identify Mediation Project eligible charge on CCS.</p>	<p>1.</p> <p>2.</p>

STAGE	PROCEDURES/STEPS	COMMENTS
<p>E. Planning and MIS through return to unit  (Con't)</p>	<p>3. Charges sent to St. Paul and Mpls for investigation by Planning. Files for such charges will be retained in referral drawer until returned. Upon return, will go to original EO for review.</p> <p>4. Coordinator and Planning do necessary paper work for contract charges. Coordinator will be liason person for EEOC and HUD about contract charges. Any questions about those federal agencies regarding contract cases will go to the Coordinator.</p> <p>5. Coordinator will assign EEOC and HUD deferrals and cases investigated by those agencies but requiring review to the units. Supervisor assigns to EOs.</p> <p>6. Each day, planning will deliver docketed charges to the unit's "Charge In" box. Aide will log charges and deliver to individual EOs. Files will reflect date returned to EOs.</p> <p>7. Each week Coordinator (or MIS) will send to each unit Supervisor a list of charges filed that week (or previous week, on Monday) to help Supervisors identify possible companion charges.</p> <p>8. Potential commissioners charges (which do not arise from other charges already in unit) will be identified to Coordinator by Commissioner. Coordinator will assign to unit; unit supervisor assigns to EO for drafting, etc.</p>	<p>3. Planning procedures need to be checked, clarified and better defined with Barb McCarty and Planning staff.</p> <p>4. Some or all of HUD contract responsibilities might be better assigned to Unit 2/Housing Supervisor.</p> <p>No matter to whom HUD duties assigned, need to set-up HUD procedures.</p> <p>5. See Comment 4 above.</p> <p>6. Planning needs to be told where "in" boxes will be.</p> <p>7. MIS might be programmed to give monthly (or weekly) lists of cases filed by R, CP, area and/or allegations to help flag possible companions.</p> <p>8.</p>
<p>F. Investi- gation.</p>	<p>1. EO begins investigation. Possible approaches, depending on charge, include:</p> <p>a. FFC</p> <p>b. Information request</p> <p>c. CP or R interview</p>	<p>1.</p> <p>a. May want to have file reflect dat of FFCs.</p>

STAGE	PROCEDURES/STEPS	COMMENTS
F. Investigation	<ol style="list-style-type: none"> <li>1. (con't)                             <ol style="list-style-type: none"> <li>d. On-site</li> </ol> </li> <li>2. EO informs both parties of any settlement proposals and facilitates any settlements. EO makes arrangements for mediation, if applicable.</li> <li>3. Case may close for administrative reasons at any time, e.g:                             <ol style="list-style-type: none"> <li>a. W/D PRA</li> <li>b. 102(f), FTPRI</li> <li>c. NFS/PDS or W/D S/A</li> </ol> </li> <li>4. EO, based upon department guidelines, after first stage inquiry/investigation, may recommend that the Commissioner dismiss charge w/o prejudice (idea that EO believes case is such that further investigation is not best use of department resources given size of agency caseload, although case is not such that NPC recommendation, or no merit dismissal, can be recommended.</li> <li>5. EO, in file, keeps track of dates of significant actions.</li> <li>6. Units and EOs keep track of significant information:                             <ol style="list-style-type: none"> <li>a. Case load, case assignments (EOs)</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. (con't)                             <p>Purpose of this first stage is to determine whether worthwhile for dept. to proceed further (see below). Sufficient information may be obtained during this first stage of investigation to recommend PC or NPC or frivolous/no merit dismissal.</p> </li> <li>2.</li> <li>3.</li> <li>4. Dept. policies/guidelines for such must be developed to give EOs guidance on when recommendation is appropriate.                             <p>May need to request change in statute to clarify.</p> </li> <li>5. To be defined by supervisors, coordinator and management, according to informational needs.                             <p>Might be collectively shown on transmittal sheet, CC or sign-off sheet.</p> </li> <li>6.</li> </ol>



STAGE	PROCEDURES/STEPS	COMMENTS
Investigation (con't)	6. (con't)  b. Age of cases c. Date case to review (EO) d. Other significant dates.  7. Following completion of investigation, EO pre- pares summary and recommendation. If NPC recom- mendation, also prepares NPC memorandum for Commissioner to send out to parties. If PC (or split) rec., prepares short plain (PC) state- ment for Commissioner to send to parties and also proposed terms for conciliation (unless EO is going to recommend the case be sent directly to AGs for hearing). EO recommends, if PC, that case be conciliated or sent to hearing.	6(con't)  MIS could be programmed to generate information on age of all cases.  7.

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