



Minnesota Department of Human Rights

Biennial Report 1983-1984



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Minnesota Department of Human Rights

Biennial Report 1983-1984

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Minnesota Department of Human Rights
Fifth Floor, Bremer Tower
Seventh Place and Minnesota Street
Saint Paul, Minnesota 55101

(612) 296-5663
(Toll-free) 1-800-652-9747

Foreword

The 1983-84 biennium was a time of change for the Department of Human Rights. One of the changes involved a change of leadership, the third passing of the guard when Dr. Linda C. Johnson assumed the leadership from Acting Commissioner Dr. Kathryn R. Roberts. Acting Commissioner Roberts had held the position from February 6, 1984 to July 31, 1984.

Commissioner Johnson reaffirmed the department's commitment to its mission statement, the prompt resolution of charges of discrimination and the advocacy of human rights for all the citizens of the State of Minnesota. In keeping with the mission statement, Commissioner Johnson outlined the following priorities:

- (1) Eliminate the backlog at the rate of approximately 360 cases per quarter, assuming current staffing level and no turnovers
- (2) Close current cases at the rate the department opens them, assuming current staffing level and charges at the rate of previous two years
- (3) Adopt permanent contract compliance rules
- (4) Implement charge processing policies and procedures
- (5) Improve the image of the department
- (6) Establish and/or improve linkages with

local human rights commissions and other organizations which serve the same clientele

- (7) Administrative reorganization
Redefine the management team
- (8) Establish and implement quantitative and qualitative performance standards for all staff
- (9) Establish a permanent set of rules for the Department of Human Rights

Webster defines crises as opportunities for change for better or worse. The 1983-84 crises within the Department of Human Rights caused much needed resources to be added in critical departmental areas.

As Commissioner of Human Rights I make a commitment on behalf of the department to the citizens of Minnesota to make the 1983-84 crises an opportunity for better protection of human rights in 1984-85. We shall deliver on the commitment by accomplishing the priorities.



Linda C. Johnson
Commissioner
Appointed: May 10, 1984
Assumed Office: August 1, 1984



Capsule Summary

The 1983-1984 biennium was a period of crisis and change for the Minnesota Department of Human Rights. The fall of 1982 was a time to complete work which had been underway for preceding months and a time to plan for the future. Outgoing Commissioner Marilyn E. McClure formed a staff committee to facilitate a smooth transition from her administration to the new one. The committee, composed of supervisors and staff responsible for budget and personnel matters, met for several weeks and developed papers to inform newly-appointed Commissioner Irene Gomez-Bethke of the operations and activities of the department.

January, 1983 brought the appointment of a new four-member administrative team for the department. The first major project faced by the new managers was the legislative session. 1983, an odd-numbered year, meant that the legislature would be in session from January through May and would approve new budgets for the 1984-1985 biennium. The department faced especially tough scrutiny during this session. Legislators had become very concerned about the department's ability to handle its growing caseload. Particular concern was voiced about the continuing build-up of the backlog, cases which were filed prior to September 1, 1983, and the lack of action on these cases. In addition to receiving the funds to hire six enforcement officers to conduct investigations, the department was allotted \$50,000 above the governor's original departmental budget request to aid in reducing the backlog. The legislature also appropriated enough money for the second year of the biennium to continue the employment of the six new staff and added \$150,000 for staff to reduce the backlog. However, the legislature required the department to submit a report by March 1, 1984, of its activities, accomplishments, and plans for the future in order to receive its fiscal year 1985 allocation.

The 1983 session also saw the adoption of amendments to the Human Rights Act. These amendments helped to clarify and strengthen provisions related to disability discrimination. In addition language was passed requiring the department to adopt temporary rules relating to case processing policies and to implement an exemption from the age provisions in the act for some apprenticeship programs.

The department was the subject of four external investigations. The 1983 legislature mandated a study by the Management Analysis Division in the Department of Administration, the governor appointed a Blue Ribbon Task Force, the Legislative Audit Commission updated its 1983 report of the department, and the WCCO-TV I-Team investigated the agency. Except for the LAC's analysis, all of the investigations began in the summer of 1983 and culminated in reports which were issued in January, 1984. The LAC began reviewing the department in February, 1983 and released its report in August of that year.

In the spring of 1983, the commissioner appointed a ten-member staff committee to develop new administrative rules and revise existing ones. The committee drafted temporary rules during the summer and early fall of 1983 to comply with the legislature's directives.

During the fall of 1983 the agency initiated several projects. The department implemented the first two phases of a backlog reduction project, laid initial plans for reorganization of the staff, sponsored a Human Rights Day conference in December and began planning a conference on the new amendments to the Act related to disability discrimination.

After release of three of the four investigative studies, Irene Gomez-Bethke resigned as commissioner. The three other top officials of the department also resigned. All three studies criticized the management's leadership of the department. The governor appointed the director of the Management Analysis Division, Kathryn R. Roberts, as Acting Commissioner, while a search committee, headed by Lieutenant Governor Marlene Johnson, recruited and recommended a candidate to fill the vacancy.

During February and March, 1984, the agency's structure was changed and the process was begun to develop new case processing policies and procedures. A program of staff training for new employees was instituted and veteran employees were given supplemental training. During the short legislative session, the department's fiscal year 1985 monies were released for expenditure. In early March the governor announced plans to urge area lawyers to volunteer assistance in clearing up the backlog.

A variety of statutory changes were made

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by the 1984 legislature. Individuals were given a longer period in which to file charges, and charging parties were given the right to go directly to a public hearing if the department does not complete its investigation of their charge and make a determination within six months of the date the charge was filed. The hearing examiner must award compensatory damages of up to three times the actual amount. In addition, credit card issuers and businesses may not discriminate against married women who use their former surname, and apprenticeship programs may no longer set a maximum age limit for entry into their programs.

In May the governor announced the appointment of Dr. Linda C. Johnson as commissioner. Dr. Johnson would begin her assignment on August 1. Later that month the department sponsored its conference on the 1983 disability amendments. In May and June plans were developed to implement another phase of the backlog reduction project.

Although the past two years have been a time of scrutiny, criticism, and change, the department ends the biennium stronger than before and in a growth stage. With the addition of more staff, changes in internal structure and operation, and the commitment of the citizens of the state, the department stands stronger than ever before to investigate all incoming charges in a timely manner and clear up the 1436 backlog cases.

Role & Organization

The opportunity to obtain employment and housing and the full and equal utilization of public accommodations, public services and education without discrimination is recognized and declared by state statute to be a civil right. The primary function of the Department of Human Rights is to protect all persons in the state from discrimination because of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability and age. A second function of the agency is the prevention and elimination of unlawful discrimination through education, research and technical assistance.

Established as a state agency in 1967 with the passage of the Minnesota Human Rights Act, the department operates from offices in the Bremer Tower in St. Paul. This office accepts charges from all parts of the state. Northern Minnesota residents can also file charges of discrimination through the Consumer Division of the Attorney General's Office in Duluth. Charges accepted by the Duluth office are forwarded to St. Paul for processing.

As a result of an operational analysis of the agency, a reorganization of the department was recommended. Effective February, 1984 the agency was reorganized into two divisions, Enforcement and Management Services. Intake and case processing, previously two separate departmental units, were combined into a single function. Intake staff were transferred to case processing, resulting in an increase in department personnel assigned to actual investigation of charges. The restructuring also resulted in the elimination of steps which had been duplicated by the two separate units, and a reduction in the amount of time required to process a charge. The other major change brought about by the reorganization was the transfer of the compliance unit, formerly under the enforcement division, to the new Management Services Division.

Organization of the Agency

The department has two major organizational divisions, Enforcement and Management Services. The department is administered by a commissioner appointed by the governor with the consent of the senate. The four-year term of the commissioner runs concurrently with that of the governor.

From January, 1983 until February, 1984, Irene Gomez-Bethke served as Commissioner of the Department of Human Rights. Upon her resignation, Governor Perpich appointed Dr. Kathryn R. Roberts of the Department of Administration to serve as acting commissioner. In May, 1984, Dr. Linda C. Johnson was selected to succeed Dr. Roberts as agency head effective August 1.

Enforcement Division

The Enforcement Division of the department is divided into four case processing units, each of which is responsible for investigating new cases involving employment discrimination and one or more additional types of discrimination. Each unit consists of a supervisor, an intermediate enforcement officer, an aide and an assigned number of enforcement officers. A support services staff performs clerical duties for the division. Intake functions are performed by each unit assigned to new cases. The same enforcement officer who handles the intake conducts the investigation of the charge.

Investigation is the means by which a determination is reached and a resolution to the charge is accomplished. The role of the investigator in the enforcement process is to conduct an objective, comprehensive and timely inquiry into the allegations made. Early resolution of charges is encouraged through mediation and other means prior to a formal investigation by the department. Should attempts at mediation or early negotiated settlement fail, the department conducts an investigation into the allegations to determine whether a violation of the Human Rights Act has occurred. A finding of probable cause is followed by attempts to conciliate. If those attempts are not successful, the case is referred to one of the special assistant attorneys general assigned to the department who prepares the case for a public hearing before an administrative law judge.

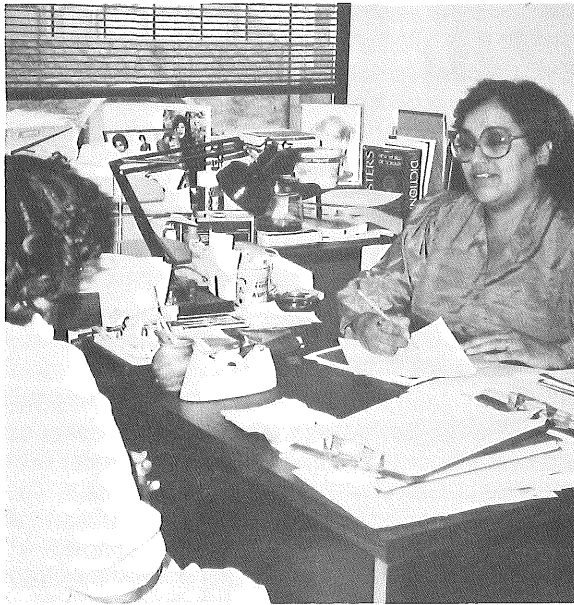
Management Services Division

The recently created Management Services Division comprises several areas of the department's work, and provides a variety of services to the public and to the department. The Management Information System which has been in

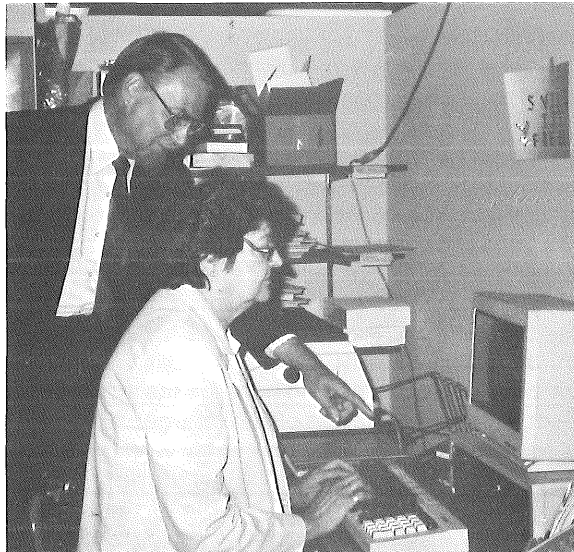
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An enforcement officer interviews a charging party.



The Management Information System stores and retrieves information on cases filed with the agency.



operation in the department for eight years has the capability of storage and retrieval of information on cases filed with the agency. The system also generates form letters at various stages of case processing, compiles statistics, projects caseloads for future budgeting, and studies trends and patterns of discrimination.

Ongoing training of department staff, public information, education, and policy analysis are other areas within the Management Services Division. Public information materials are prepared and produced for dissemination by the staff, including the department's biennial report, the Human Rights Act, and specialized brochures dealing with various aspects of the department's work. Management Services Division personnel respond to telephone and written inquiries from the public. Personnel and accounting functions are also handled by this division. The compliance unit was transferred from the Enforcement Division to the Management Services Division.

The responsibilities of the compliance unit of the Management Services Division are threefold. A primary responsibility of the compliance unit is the issuance of certificates of compliance to contractors. State law requires that a contractor proposing business with a state agency for goods or services in excess of \$50,000 and having more than 20 full time employees in Minnesota during the previous 12 months submit for approval an affirmative action plan for the employment of minority persons, women and the disabled. The issuance of a certificate of compliance signifies that the firm or business has an affirmative action plan that has been approved by the commissioner. This unit is also responsible for the monitoring of settlements achieved through case processing. Complaints alleging violation of settlements are directed to the compliance unit for investigation by enforcement officers within the unit.

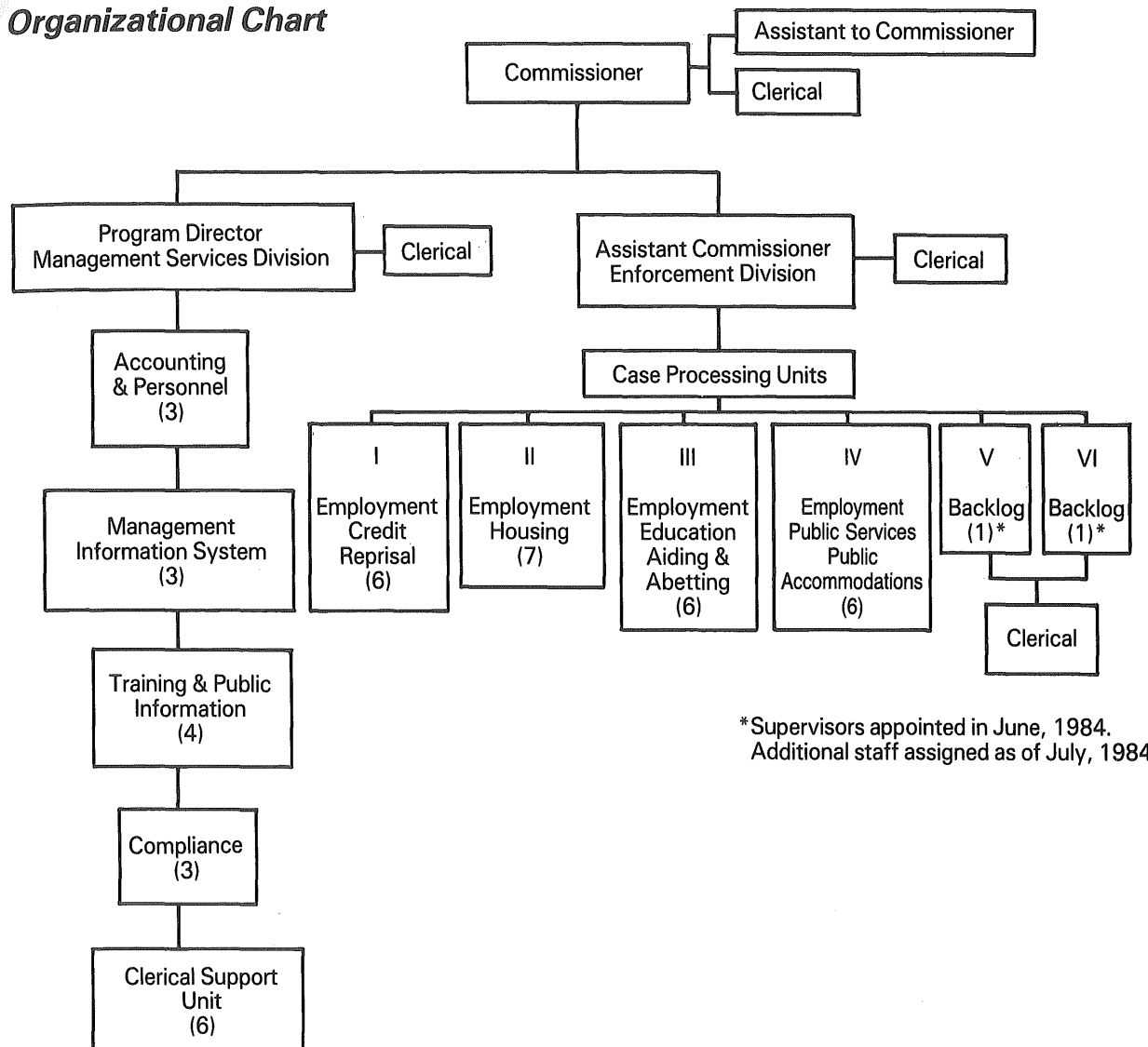
A third duty of the unit is the issuance of housing exemption certificates to owners of rental property. In certain situations, rental property owners may, through prior designation, exclude families with minor children. Property owners are granted certificates of exemption if they meet the criteria for exemption established under the law.

External Relationships

The department maintains external relationships with other organizations in an effort to assist in carrying out the agency's mandate. The department has working relationships with the United States Equal Employment Opportunity Commission (EEOC), the United States Department of Housing and Urban Development (HUD), the Minneapolis Department of Civil Rights, the St. Paul Human Rights Department, local human rights commissions and other organizations which serve protected class persons.

Organizational Chart

Role and Organization



*Supervisors appointed in June, 1984.
Additional staff assigned as of July, 1984.

As a result of its relationship with the EEOC, the department receives a reimbursement for each charge of discrimination it processes which comes under the jurisdiction of both agencies. EEOC enforces Title VII of the 1964 Civil Rights Act, as amended, and the Age Discrimination in Employment Act. EEOC has jurisdiction over employment cases alleging discrimination on the basis of race, national origin, sex, religion, and age. Charges in any of these categories filed with the department are jointly filed with EEOC. The department receives reimbursement at the point of case closure. Each year the department contracts with EEOC to process a designated number of jointly-filed charges. During federal fiscal year 1982 the department closed 624 cases and in federal fiscal year 1983, 543 charges were closed.

Under a contract with HUD, the department processes housing discrimination cases which allege a violation of both the Human Rights Act

and Title VIII of the 1968 U.S. Civil Rights Act. The department receives reimbursement for each jointly filed housing charge closed within 90 days of the day it is filed. The department closed 38 cases in federal fiscal year 1983 and 7 in federal fiscal year 1984.

As a result of written agreements between the department and the cities of Minneapolis and St. Paul certain charges filed with the department are referred to the civil rights agencies in those cities. Charges filed with the department may be referred to the St. Paul or Minneapolis department if they allege a form of discrimination covered by the city ordinance and if the alleged act occurred within the city's limits. Once the local agency completes its work on the case, it forwards the file to the department for review and final determination. In fiscal year 1983 the department referred 39 cases to the Minneapolis Civil Rights Department and 67 cases to the St. Paul Human Rights Department. Eighty-nine

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Jurisdiction

Reason	Category	Employment	Housing	Public Accommodations	Public Services	Education	Aiding, Abetting	Reprisal	Credit
Race		●	●	●	●	●	●	●	
Color		●	●	●	●	●	●	●	
Creed		●	●	●	●	●	●	●	
Religion		●	●	●	●	●	●	●	
National Origin		●	●	●	●	●	●	●	
Sex		●	●	●	●	●	●	●	●
Marital Status		●	●			●	●	●	●
Disability		●	●	●	●	●	●	●	
Public Assistance		●	●		●	●	●	●	●
Age		●				●	●	●	
Familial Status			●				●	●	
Local Commission Status		●					●	●	

charges were referred to Minneapolis and 93 to St. Paul in fiscal year 1984.

In addition to establishing relationships with federal and city enforcement agencies, the department works with local human rights commissions through the No Fault Grievance Program. Under this program commissions created by local ordinances and composed of volunteer members attempt to resolve discrimination complaints before they become formal charges. The department provides training to commission members on the Human Rights Act and issues certificates of completion at the conclusion of the training program. The department refers individuals who believe they have experienced discrimination to a local commission if one exists in their community. A commission member then attempts to resolve the individual's complaint in order to avert the need to file a formal charge. If the commission is unable to resolve the matter two months prior to the expiration of the individual's statute of limitation for filing with the department, the commission refers the case back to the department. Twenty-six commissions were active in the No Fault Grievance Program during the biennium.

Profile of Caseload

The primary work of the department is the investigation of charges of discrimination.

During the 1983-1984 biennium the department received a total of 2826 charges. Sex was the most frequent type of discrimination alleged during the two-year period, with a total of 1018 charges filed on that basis. Age charges ranked second in fiscal year 1983 (274 charges) and race was the third highest in that period (257 charges). In fiscal year 1984 this was reversed, with race the second largest area (311) and age dropping to third (224). The fourth largest category during both fiscal years was that of disability discrimination, increasing from 166 charges filed in fiscal 1983 to 224 in fiscal 1984.

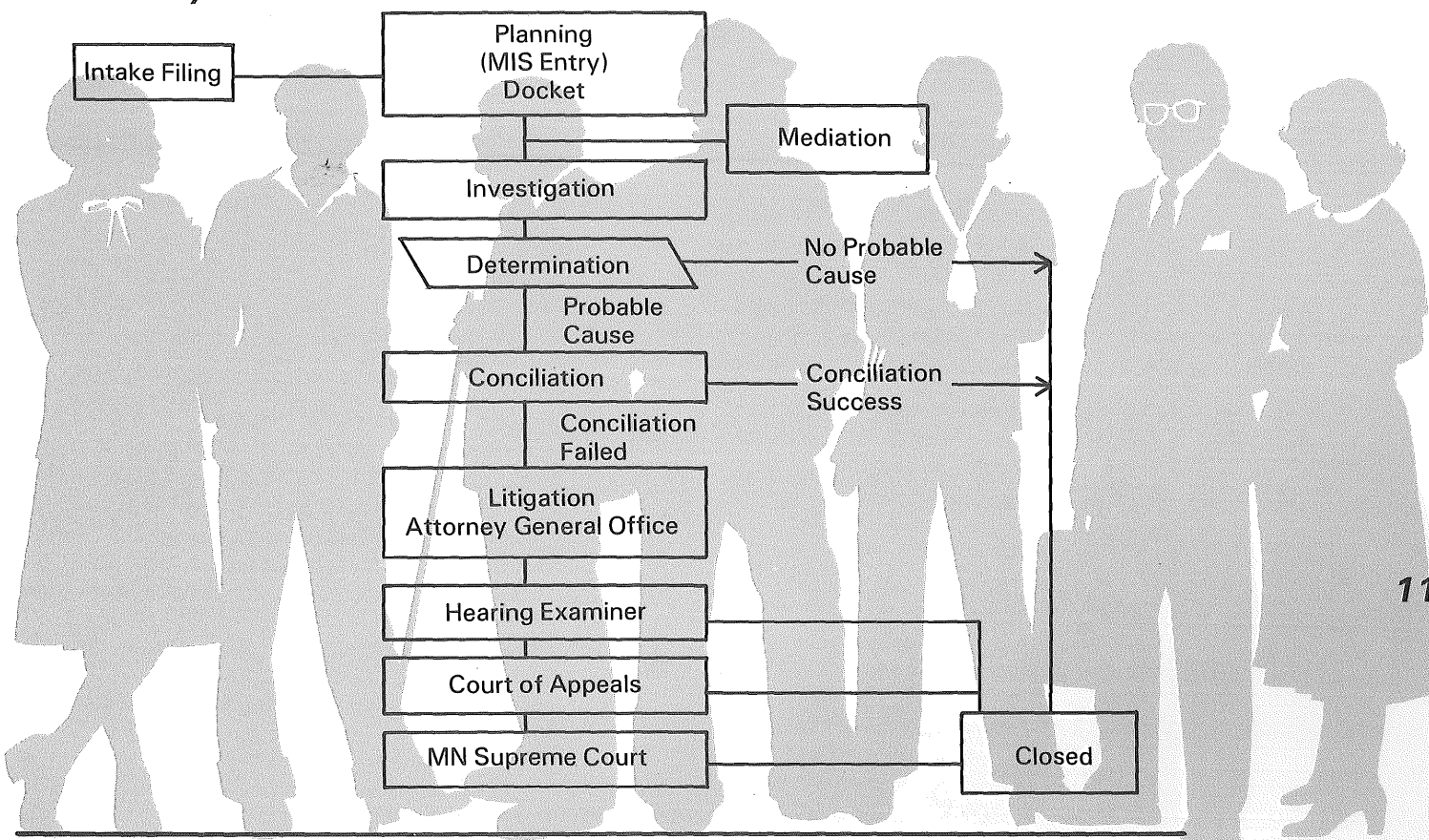
The biennium saw the largest number of cases filed in the area of employment, 1120 in

fiscal year 1983, and 1206 in fiscal year 1984. The most frequent allegations made by charging parties in employment cases were those of illegal termination and refusal to hire.

Housing charges during the biennium period totaled 120. Fifty-six were filed in fiscal year 1983 and 64 in fiscal year 1984. Refusal to rent and illegal evictions were the most frequently cited allegations in housing charges during the two-year period.

The largest number of charges (597 in fiscal year 1983 and 586 in fiscal year 1984) came from the fourth judicial district in Hennepin County. The second judicial district in Ramsey County ranked second highest with 285 charges in fiscal year 1983 and 309 in fiscal year 1984.

Case Life Cycle



Accomplishments

Case Closures

A total of 2567 cases were closed by the department during the biennium. Nine hundred and twenty-nine cases alleging sex discrimination were closed during the biennium while 542 cases of race discrimination were closed in the same period. Charges alleging age discrimination accounted for the third highest group of closures with 445 and disability discrimination (316) was the fourth highest category.

No probable cause (992) was the leading type of closure in the biennium and 413 cases were closed as satisfactorily adjusted during that time. In fiscal year 1983, closures due to private right of action withdrawals were the third highest with 140 and in fiscal year 1984, closures due to the department's inability to locate the charging party were the third highest with 173. Eighty-two charging parties withdrew their cases in 1983 and 152 individuals did so in fiscal year 1984.

Closures of employment cases numbered 2073 for the biennium. In fiscal year 1983, reprisal ranked second in closures with 80 and in fiscal year 1984, the second category was housing with 106 closures.

An enforcement officer contacts charging parties as part of the backlog reduction project.



Backlog Reduction Project

In October, 1983, the department launched the first phase of an effort to reduce the number of cases in the backlog. The project included 1049 cases older than eighteen months as of October 1, 1983, which had not been sent to litigation. The project involved contacting charging parties to inform them that their charges were still open as well as reviewing cases which had been referred to the Equal Employment Opportunity Commission, the Minneapolis Civil Rights Department, and the St. Paul Human Rights Department for processing.

For two and one half weeks five staff worked full time on a rotating basis attempting to contact charging parties. Charging parties who could be located were told their cases would be investigated if they still wished to pursue them. Eighty-eight individuals chose to withdraw their charges and eight persons decided to file a private lawsuit. The department was unable to locate 44 charging parties after efforts to find the charging party by telephone, first class and certified letters, failed. Another 18 cases were closed because charging parties failed to provide information required by the department to process their case. Forty-five cases were closed when the charging party and the respondent were able to resolve the issues in the case. A total of 203 cases were closed as a result of the first phase of the project.

A finding of no probable cause was made in 36 of the cases reviewed and a lack of jurisdiction determination was made in one case. The department reached pre-determination agreements in three other charges. Altogether 40 cases were closed as a result of the review process.

The second phase of the project began in February, 1984, and addressed 293 cases which were between twelve and eighteen months old as of October 1, 1983. Staff members succeeded in contacting 246 persons who wanted to proceed with their charge. Twenty-eight persons chose to withdraw and 17 case files were closed either because staff could not locate charging parties or because charging parties failed to provide required information. A total of 47 cases were closed at the conclusion of the second phase of the project.

The final phase of the project called for the investigation of all cases in which the charging parties could be located and wished to proceed with their charges. The total number of cases to be investigated was 1436.

Volunteer Attorney Program

In response to a personal letter from Governor Perpich to approximately 200 members of the Minnesota State Bar Association, 50 attorneys volunteered to assist the department in dissolving the backlog. Volunteer attorneys reviewed, mediated and conciliated selected open cases.

One group of volunteer attorneys reviewed cases in the department's backlog to identify those which were ready for determination or for administrative closure.

Cases which were not deemed ready for closure or a determination on the merits were identified by reviewers. The reviewers recommended the steps to be taken by an investigator before a recommendation of probable cause or no probable cause could be made to the commissioner.

Approximately 35 volunteer attorneys conciliated cases in which the department had found probable cause and/or mediated predetermination cases from the backlog. Mediator attorneys worked in conjunction with the Mediation Center in Minneapolis.

An expansion to the original proposal brought volunteers from the Duluth area who agreed to mediate and/or conciliate cases from that part of the state. The Northland Mediation Center provided assistance to the volunteer attorney program. The project may be extended still further, utilizing the services of volunteers from the Minnesota Justice Foundation at the University of Minnesota Law School, to research a number of unresolved legal issues which continue to impede the processing of certain cases.

There are mutual benefits for the attorneys and the department. The program permits the attorneys the opportunity to learn more about the administration of discrimination law, and the department receives the services of the attorneys. The program represents a successful cooperative venture which benefits the department, its constituency and the legal community.

Revision of Rules

A revision of the department's administrative rules which interpret parts of the Human Rights Act was undertaken during the biennium. Originally issued in 1975, the rules had not been updated over the years. A task force was formed in the spring of 1983 to draft changes. Some of the new rules related to procedures or steps

which the department will follow when investigating charges, while others related to requirements which must be fulfilled by persons protected by or subject to the Act. As part of the 1983 appropriations bill, the legislature required the department to adopt a rule to implement an exemption for apprenticeship programs from the age provisions of the law. In 1984, the legislature deleted the exemption from the Act, thereby nullifying the new rule.

The department was granted authority to adopt temporary rules; that is, rules that need not go through the entire rulemaking process. The department issued temporary rules in February, 1984. During the 1985-86 biennium, the department will promulgate permanent rules.

Training Program for New Enforcement Officers

In the past two years the department has instituted a formal training program for new enforcement officers. New enforcement officers have received a coordinated, comprehensive period of training at the beginning of their employment. These new staff members spend their first month learning departmental procedures, interviewing skills, investigative techniques, theories of discrimination, and case law. New investigators have become productive more quickly as a result of receiving formal training before being assigned cases.

Updated Informational Materials

In partial fulfillment of the mandate set forth in the Human Rights Act to maintain an ongoing public information program, the department undertook a project to update existing public information brochures and develop new ones. Brochures are one method by which the department disseminates information about the Human Rights Act and the functions of the agency. Requests for printed information about the department and the Human Rights Act average one hundred per month.

In 1983 a general information pamphlet on the agency was prepared as well as a revised edition of a brochure dealing with the area of employment. The department assisted in revising the Department of Economic Security's Guidelines for Preventing Discrimination in Hiring. The Guidelines are available upon request from either agency.

As a result of expanded protection for victims of disability discrimination, the agency updated its brochure on the topic. Individuals may obtain this brochure in Braille as well as in print.

The department also provides upon request copies of the Human Rights Act. Also available is an information pamphlet on the legal rights of pregnant employees. Legislative changes ne-

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cessitate annual revision of the Act and all public information brochures.

Human Rights Day

December 10, 1983 marked International Human Rights Day. To commemorate the event the department sponsored Minnesota Human Rights Day. Attendees participated in a day-long series of sessions dealing with human rights legislation, housing, employment, education, and police and community relations. The conference provided a platform for information and dialogue among participants involved in enforcing and promoting human rights in the state.

In recognition of the occasion Governor Rudy Perpich issued a proclamation acknowledging Minnesota as a historical leader in guaranteeing freedom from discrimination for citizens of the state. Representatives from the offices of the mayors of St. Paul and Minneapolis presented proclamations encouraging all Minnesotans to work to preserve and enhance human rights in our state.

New Case Processing Policies and Procedures

A task force was appointed in March, 1984, to develop policies and procedures for case processing. This project was undertaken as a

result of one of the major recommendations made by the Management Analysis Division of the Department of Administration in its study of the department. The study found that the department did not have a written manual of policies and procedures on the investigation of charges. Task force members drafted policies to reflect current practices and recommended new or revised policies or practices. The work of the task force will result in the publication of a manual on case processing policies and procedures. In addition to containing policies and procedures, the manual will include common form letters and investigative formats. Having a manual ensures greater consistency and efficiency in the investigation of charges.

Disability Conference

On May 18, 1984, the department, with assistance from the Minnesota State Council for the Handicapped, sponsored a one day conference on the 1983 amendments to the Human Rights Act relating to disability discrimination. The seminar included presentations and panel discussions by department and council staff, group discussions, a slide presentation produced by the council, and a theatrical workshop by CLIMB. (CLIMB is a locally-based theater group which develops scripts in response to a client's specific issues or problems.)

Panelists explain
1983 amendments
at a department
sponsored conference.



The conference was geared toward employers, public service agencies, and disabled persons. Over 100 persons participated in the seminar.

The aim of the conference was to inform participants of the basic statutory requirements imposed on employers and governmental agencies and the new protections afforded disabled persons. A discussion of the specific amendments appears in the Changes in the Law section of this report.

Mediation

Mediation is an informal process in which a trained mediator helps parties involved in a dispute to reach a mutually satisfactory settlement in an effort to avoid costly and time-consuming investigation and litigation. It continues to be the philosophy of the department to encourage parties to a dispute to voluntarily settle their differences. The expanded use of mediation has become an important part of the ongoing process of case resolution in the department.

Following the filing of a charge of discrimination the charging party and the respondent are offered the opportunity to engage in mediation. This option is currently reserved for situations occurring in the seven-county metropolitan area and in the northeastern part of the state. Selected cases are referred to the Mediation Center, a non-profit corporation supported by grants

from private foundations and businesses and staffed by attorneys trained in discrimination law and dispute resolution. The function of the mediators is to promote and facilitate resolution of charges. The center does not represent the Human Rights Department, the charging party or the respondent. There is no cost to participants, and persons engaging in mediation may withdraw at any time. The decision to withdraw has no adverse impact on the processing of the charge or on its final disposition since all discussions are "off the record."

From May 4, 1983 to June 30, 1984, 130 cases had been sent to the Mediation Center by the department. Of the 130 cases referred to the center, 56 of the cases were satisfactorily resolved.

Increased Staff Training

In an effort to promote greater consistency in staff procedures and performance, department staff received extensive training in the second half of fiscal year 1984. The department reorganization required investigators and unit aides to receive training in investigative techniques, while intermediate investigators and supervisors learned mediation and conciliation techniques to prepare them for these new responsibilities. In addition, enforcement officers who had previously been assigned exclusively to intake were taught investigative techniques

Accomplishments



when they transferred to case processing units.

Regular monthly training sessions covered topics such as the Minnesota Government Data Practices Act, the department's temporary rules, and changes in the Human Rights Act.

Individual staff members have been sent to training conferences on management skills, training techniques, EEOC investigation procedures, and HUD housing discrimination training.

Workshop for American Indians

The department contracted with the Indian Affairs Intertribal Board to present a two and a half day work workshop for American Indians June 21-23, 1983, at Grand Portage, Minnesota. The workshop was designed to provide educational services to American Indians in the state as required by the Human Rights Act. Representatives from eleven reservations located throughout Minnesota were invited to attend.

Participants learned about the areas of coverage provided by the Human Rights Act and how to recognize practices which might be illegal. Department procedures were explained, particularly those related to filing a charge of discrimination. Discussions centered on the problems faced by American Indians in the areas of housing, employment, and public accommodations and how the department could be of assistance in addressing them.

Staff members participated in small group training sessions.



Rulings & Settlements

U.S. Supreme Court Rules in Department's Favor

The United States Supreme Court, in a unanimous decision, ruled that the United States Jaycees must comply with the Minnesota Human Rights Act and grant women full membership rights in all the male organization. The Court found that the Jaycees is a public accommodation as defined by the Human Rights Act and that the state law does not violate the Jaycees' constitutional right to freedom of association. The Jaycees had argued that the state law violated its constitutional rights. In its arguments the department compared the organization to a business that sells leadership training as its product and therefore would be considered a public accommodation and subject to the Human Rights Act prohibition of sex discrimination in public accommodations.

In arriving at its decision the U.S. Supreme Court stated: "We are persuaded that Minnesota's compelling interest in eradication of discrimination against its female citizens justifies the impact that application of the statute to the Jaycees may have on the male members associational freedoms."

The origins of the dispute go back to the mid-1970's when the St. Paul and Minneapolis chapters of the Jaycees began to accept women as full members which violated the rules of the national organization permitting women to be only associate members and denying them the right to vote in organization matters. Proceedings were begun by the national group to revoke the charters of the two chapters and the women filed discrimination charges with the department. The department found the Jaycees to be in violation of the Human Rights Act which prohibits sex discrimination in public accommodations, and a hearing examiner upheld the department's position.

Following the decision, the U.S. Jaycees filed suit in federal court claiming it is not a public accommodation and that its constitutional right to freedom of association had been violated. The question of whether the Jaycees is a public accommodation was referred to the Minnesota Supreme Court by the U.S. District Court for resolution before deciding the constitutional issue. The Minnesota Supreme Court in May, 1981

ruled that the Jaycees is a public accommodation as defined in the Human Rights Act. Ten months later the federal district court ruled against the Jaycees' claim to constitutional freedom of association. An appeal by the group to the Eighth Circuit Court of Appeals resulted in a finding that the Jaycees is not a public accommodation and that it has the right to exclude women as guaranteed under the First Amendment. The department filed an appeal with the U.S. Supreme Court.

Athletic Club Discriminates on Basis of Religion, Sex, and Marital Status

In April, 1984, a state hearing examiner ordered Sports and Health Club, Inc. to stop its practice of making decisions about employment and membership on the basis of religion, sex, and marital status. The hearing examiner found that the club had refused employment, denied promotions, and terminated employees because the individuals did not subscribe to the religious beliefs of the management or because they were single and female. Job applicants were asked questions relating to their religious beliefs and practices such as whether they attended church, prayed, or believed in God. Employees were denied promotions and/or were discharged if they did not approve of bringing religion into the workplace or did not attend bible study meetings.

Women applicants were asked if they were single, if they lived with their fathers or husbands, or with persons of the opposite sex. They were asked if they had permission from either their father or their husband to work. Women applicants who were divorced were queried about the reason for the breakup of their marriage. One member was harassed and ridiculed because of her religious beliefs.

The hearing examiner ordered Sports and Health to pay compensatory damages to employees and applicants who were victims of discrimination; however, the amount of the damages to be paid was not determined. Another hearing will be held to determine the amount of damages to be paid. Compensatory damages will include damages for mental pain and suffer-

ing for three of the individual charging parties, the hearing examiner ruled. Compensatory damages in the amount of \$230 will also be paid to a member of the club who experienced discrimination. This amount represents the membership refund denied.

This case originated with charges filed by ten persons, including former Commissioner Marilyn E. McClure. The case became a class action. Members of the class include all persons who either sought employment with or who were employed by Sports and Health, Inc. as of September 24, 1979. Sports and Health, Inc. has appealed the hearing examiner's decision to the Minnesota Court of Appeals.

First Damages for Mental Pain and Anguish Awarded

A state hearing examiner ordered the International Union of Operating Engineers, Local #35 to pay a union member punitive damages in the amount of \$2,000 and damages for mental anguish and suffering in the amount of \$500. In November, 1983 the hearing examiner ruled that the respondent had engaged in reprisal against charging party Larry Moore, a black male employed by the Metropolitan Waste Control Commission.

Initially Mr. Moore had filed a grievance with his union alleging that the management of the treatment plant had failed to take appropriate action in response to threats made against Mr. Moore by two off-duty employees. The two employees were issued written reprimands. Moore claimed that management had treated the two leniently because they were white, whereas when Mr. Moore had been accused of wrongdoing on a previous occasion, he had been suspended for seven days. Moore was not satisfied with the results of the grievance and filed a charge of discrimination against Local #35 with the department. He alleged that the union had failed to fairly represent him in the grievance procedure because of his race.

The Commissioner of Human Rights dismissed the matter based upon a determination of no probable cause that discrimination had occurred. Soon after, Mr. Moore was charged by the union for "intentionally attempting to destroy the interest and harmony of the local." He was advised of an impending hearing. Mr. Moore believed the union was retaliating against him for having filed a charge of discrimination, and on this basis he filed a charge of reprisal with the department.

The department investigated the alleged reprisal, found probable cause to believe Local #35 had committed an unfair discriminatory practice, and issued a Notice and Order for Hearing and a Complaint in the matter. The hearing examiner found the actions of Local #35 showed a willful indifference to Larry

Moore's rights and that it had set out to penalize him because he filed a human rights charge against the local. The examiner held that should such a reprisal go unpunished, employees and union members would be intimidated and discouraged from asserting their rights guaranteed under Minnesota law.

Department Reaches Agreement With U.S. Steel in Class Action Case

The Department of Human Rights reached a tentative agreement with United States Steel Corporation in a class action case involving charges of discrimination on the basis of disability. U.S. Steel paid a total of \$675,000 in compensatory damages to members of the class and in addition agreed to change its physical examination procedures. More than 100 persons were identified as part of the class. Class members include all persons who have been or will be denied employment at U.S. Steel, Minnesota Ore Operations as of July 19, 1976, based on the company's physical examination system.

A hearing examiner agreed with the department's position that the company had engaged in illegal discrimination by requiring applicants to undergo x-rays of the lower back and then rejecting those whose x-rays showed defects or anomalies of the back without considering the applicants' previous medical and employment histories.

As a result of the class settlement U.S. Steel will take lower back x-rays only when the company has reason to believe from the physical and medical history that the applicant has a back condition which might prevent the performance of the job in question and poses a serious threat to his/her own safety or the safety of other employees.

The monies were deposited into an interest-bearing account by the department and will be distributed to class members in accordance with a plan developed by the department and approved by the hearing examiner.

Department Reaches Partial Settlement of Correctional Counselor Sex Discrimination Case

Twelve female correctional counselors employed at the Lino Lakes, Stillwater, Oak Park Heights and St. Cloud correctional facilities brought charges against the Minnesota Department of Corrections between December, 1979 and February, 1982. The women alleged they had been illegally excluded from certain positions because of their sex, that they had been subjected to sexual harassment and that reprisal had been taken against them because of their opposition to discriminatory practices.

The women had been assigned to monitor living quarters of two facilities until then Commissioner Jack Young issued a memo declaring that the presence of women invaded inmate privacy. The privacy policy also resulted in women being prevented from obtaining promotions to higher classifications. Following extensive investigation, the Department of Human Rights found probable cause to credit the allegations of discrimination. Negotiations took place between the parties and as a result the Department of Corrections and the Department of Human Rights entered into a consent decree which replaced the former policy with a new policy removing the prohibition on women serving as correctional counselors in living units and other areas. The new policy provides for specified exceptions for correctional counselor positions whose primary duties are conducting strip searches, urine analyses, shower checks and pat searches. The new policy minimizes the number of single sex positions by use of the sharing of duties. The departments reached an agreement on the initial implementation of the new policy at each of the four institutions involved, specifying the number of single sex positions, description of post or area of institution, and types of duties which require single sex designation of posts.

The two other claims in the case involving allegations of sexual harassment and reprisal re-

main unresolved. The hearing examiner ordered the two parties to attempt to reach settlement and to report their progress.

Termination Due to Pregnancy Illegal

As a result of a decision of a hearing examiner in a sex discrimination case, Mary Jo Luna was awarded \$17,678 in back wages and punitive damages.

Luna had been employed as a bartender at Kelly's Restaurant in St. Paul. When she was six months pregnant she was terminated from her employment and filed a charge with the department alleging that she had been unfairly dismissed due to her pregnancy. Following an investigation of the charge, probable cause was found to credit Luna's allegation of sex discrimination.

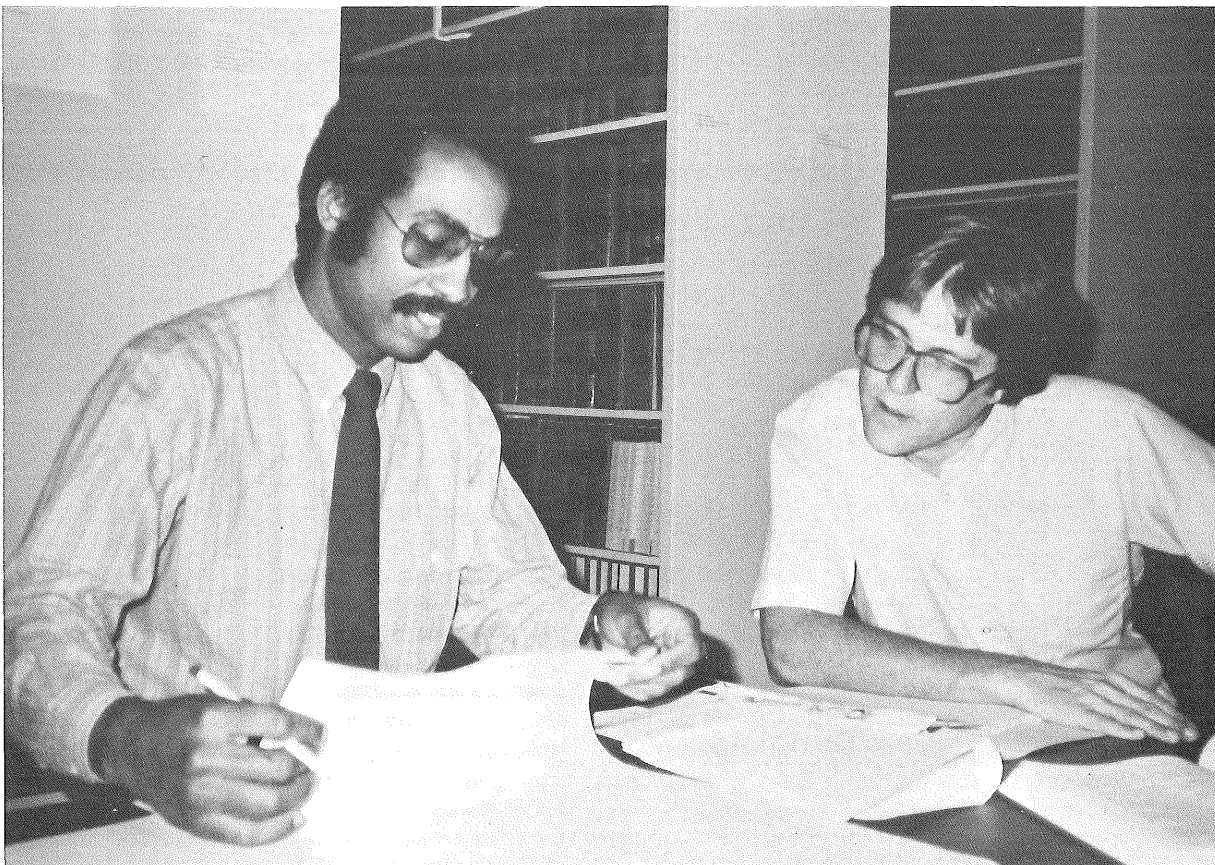
In an effort to avoid a costly and lengthy appeal the parties negotiated a settlement of \$15,000.

Age Discrimination Case Resolved

Two terminated employees of Coldwell Banker Spring filed charges of discrimination alleging the respondent had unlawfully discriminated against them on the basis of age.

Richard D. Linaker and C. Lee Viviano, aged

Rulings and Settlements



A human rights enforcement officer reviews a case with a special assistant attorney general.

Changes in the Law

Listed below are the major changes which the legislature made in the Minnesota Human Rights Act.

1983

Use of pre-employment medical examinations and other tests clarified.

Certain employers required to provide reasonable accommodation to disabled persons.

State and local governmental agencies required to provide physical and program access to disabled persons.

Public transit operators required to make transit services accessible to disabled persons by December, 1986.

Hearing examiner required to assess civil penalty against violators of the Act.

Department required to issue rules implementing the exemption for apprenticeship programs from the age provisions of the Act.

Department authorized to adopt temporary rules to formalize the agency's policies and practices relating to investigation of charges. Department's advisory committee abolished and the commissioner authorized to establish a task force.

1984

Time for filing a charge extended from six months to 300 days.

Contracts and leases may not contain provisions waiving an individual's right to protection under the Act. Priority must be given to cases which meet one of six criteria listed in the Act.

Hearing examiner must adopt policies to provide sanctions for charging parties or respondents to a charge who cause frivolous intentional delay of an investigation or a hearing.

Charging parties may request a hearing directly before the hearing examiner if the department has not reached a determination of either probable cause or no probable cause on their charge within six months of the date the charge was filed.

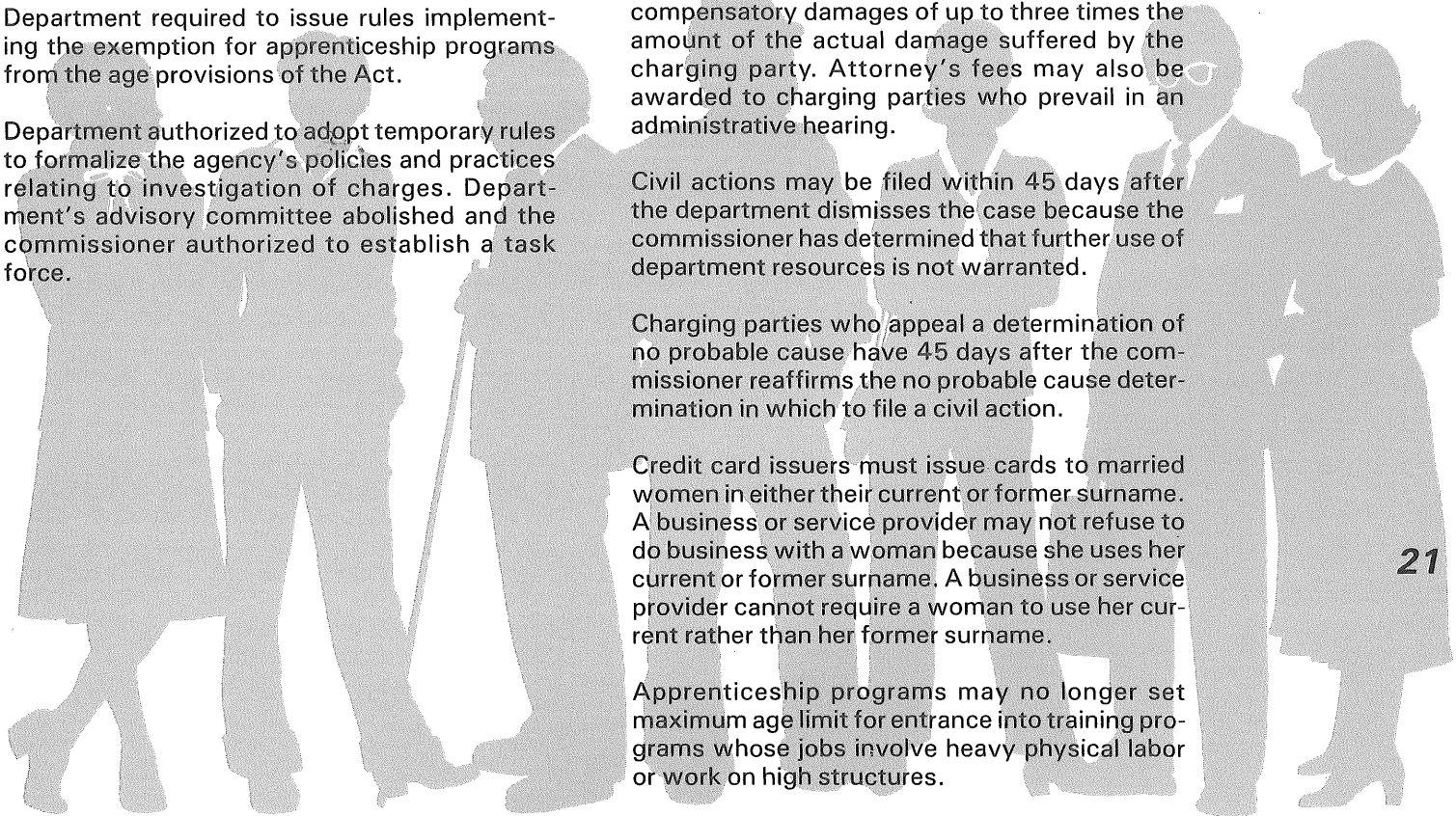
Hearing examiner shall order the payment of compensatory damages of up to three times the amount of the actual damage suffered by the charging party. Attorney's fees may also be awarded to charging parties who prevail in an administrative hearing.

Civil actions may be filed within 45 days after the department dismisses the case because the commissioner has determined that further use of department resources is not warranted.

Charging parties who appeal a determination of no probable cause have 45 days after the commissioner reaffirms the no probable cause determination in which to file a civil action.

Credit card issuers must issue cards to married women in either their current or former surname. A business or service provider may not refuse to do business with a woman because she uses her current or former surname. A business or service provider cannot require a woman to use her current rather than her former surname.

Apprenticeship programs may no longer set maximum age limit for entrance into training programs whose jobs involve heavy physical labor or work on high structures.



50 and 60 respectively, charged that Coldwell Banker Spring had terminated them from their positions as sales managers due to their age. The charging parties also alleged that the respondent had engaged in a pattern and practice of terminating older managers of the company and replacing them with younger, less experienced managers.

An investigation of the charges resulted in probable cause determinations to credit the allegations of Linaker and Viviano. In a settlement agreement reached between the parties, Linaker received \$15,000 and Viviano \$6,000.

Court of Appeals Affirms Hearing Examiner's Decision

Lael Adaer Maas of Alexandria, Minnesota was awarded \$13,483 when the Minnesota Court of Appeals concurred with a state hearing examiner's decision in a sex discrimination charge filed by Ms. Maas against the Office of the Douglas County Auditor.

Ms. Maas had applied for the position of deputy county auditor. She was considered the most qualified of the six finalists and was offered the position at a monthly salary of \$700. Maas declined the offer based on the salary quoted to her. Upon reconsideration the applicant called the county auditor who had made the offer and advised him she would be willing to accept the position at the stated salary. She was advised that the job had been filled. When Ms. Maas learned soon after that the position had been offered to a less qualified male for \$800 a month, she filed a charge with the department.

The ensuing investigation resulted in a finding by the department of probable cause to credit Maas' allegation of sex discrimination. Attempts to conciliate the matter were unsuccessful and the department issued a Complaint requiring the county auditor to be present at a hearing. The hearing examiner found the respondent's reasons for offering the male applicant a higher salary than was offered to the charging party to be a pretext for illegal sex discrimination and ordered the respondent to pay Maas \$11,111 in lost wages, \$2,122 in interest on the lost wages and \$250 in punitive damages. The respondent was also ordered to cease and desist from discriminating against job applicants on the basis of their sex.

Levitz Furniture Pays Charging Party \$6,250 in Race Discrimination Case

A black female employee and the Levitz Furniture Company of St. Paul reached a settlement in a charge alleging race discrimination.

Following an investigation, the department determined there was probable cause to credit

the allegations of Loraine Shelton that she had been treated unfairly due to her race. Shelton alleged that she had been denied raises and was reprimanded and ultimately terminated for soliciting Tupperware sales on the job. In her charge Shelton stated that white employees had also engaged in product solicitation with no resulting reprimands.

Levitz agreed to pay the charging party \$6,250 to resolve the charge of discrimination.

Sexual Harassment Case Settled

The City of Blooming Prairie paid Carol Cram \$13,500 to settle a case of sexual harassment. Ms. Cram worked as a bartender in the municipal liquor store from September, 1979 to September, 1980.

In her charge filed with the department she alleged that she was terminated from her job because her supervisor and the liquor commissioner wanted a male bartender. She also alleged that she was sexually harassed by a male co-worker. Investigation revealed that the co-worker had made remarks about her sex life and had touched her in ways that she found offensive. She informed her supervisor, the store manager, about the harassment; however, he refused to take any steps to eliminate the harassment. The department concluded at the end of its investigation that Ms. Cram had been terminated because of her sex and that she had been subjected to sexual harassment. The case was referred for litigation after the department issued its determination of probable cause. A settlement was reached before a public hearing was held.

\$39,000 Paid in Disability Discrimination Case

In March, 1978, Michael Duffee applied for a job as dock-worker/driver with Consolidated Freightways. He was told he had a back condition which would prevent the company from employing him in this position. He sought a second opinion from a bone specialist at the Veterans Hospital. This specialist examined Duffee and concluded that he could perform the duties of the job. Duffee submitted the specialist's report to Consolidated Freightways. The company still refused to employ him.

Michael Duffee filed a charge of disability discrimination with the department and an investigation was conducted. Probable cause was found to credit his allegations and the case was referred for litigation. As a result of a settlement agreement reached between Consolidated Freightways and the department, and approved by a hearing examiner, Consolidated paid Michael Duffee \$39,000.

**Minnesota
Department
of Human
Rights**

**Biennial
Report
1983-1984**

Governor Rudy Perpich signs into law the disability amendments passed by the 1983 Legislature.



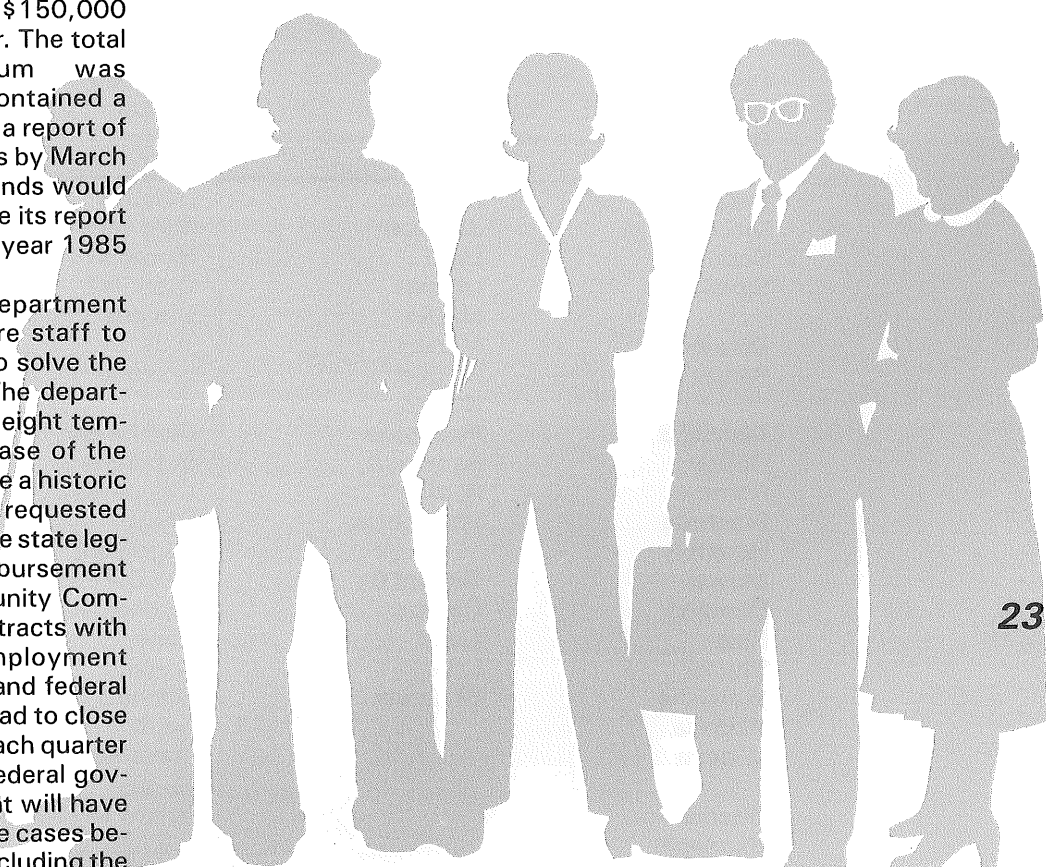
Fiscal Resources

The department is funded through an appropriation from the state legislature and through contracts with the federal government. The legislative appropriation supports the general operations of the department while the receipts from the federal contracts reimburse the agency for its costs for processing charges of discrimination. The governor recommended an increase of \$330,000 for the 1984-85 biennium. Included in this budget request was a request for six new enforcement officer positions. In the course of budget hearings in both the house and the senate, there was much discussion about significantly increasing the agency's budget to permit the staff to address some or all of the cases in the backlog. Concern was also expressed by legislators about the ability of the department to manage its operations and fulfill its mandate. After concluding its debate, the legislature appropriated \$200,000 over the governor's recommendation for the biennium. \$50,000 was allocated for the first fiscal year and \$150,000 was appropriated for the second year. The total appropriation for the biennium was \$2,804,300. The budget bill also contained a stipulation that the department make a report of its activities, achievements, and plans by March 1, 1984, before the second year's funds would be released. The department did make its report by that date and did receive its fiscal year 1985 monies.

During the 1984 session the department sought supplemental funding to hire staff to work on reducing the backlog, and to solve the department's cash flow problems. The department received \$300,000 to employ eight temporary staff as part of the third phase of the backlog reduction project. To eliminate a historic cash flow problem, the department requested and received advance funding from the state legislature to cover the expected reimbursement from the Equal Employment Opportunity Commission (EEOC). The department contracts with EEOC to process jointly-filed employment charges which fall under both state and federal law. In the past the department has had to close a certain number of specified cases each quarter before receiving payment from the federal government. In the future the department will have the funding necessary to complete the cases before the actual work must be done. Including the

supplemental funding, the legislature appropriated a total of \$2,211,000 for fiscal year 1985.

The department has contracted with the Equal Employment Opportunity Commission and the Department of Housing and Urban Development to process employment and housing cases respectively. In federal fiscal year 1983 the department received \$271,500 in reimbursements from EEOC and in federal fiscal year 1984 the agency was paid \$312,500. In federal fiscal year 1983 EEOC reimbursed the department at the rate of \$375 per case. This rate was increased to \$400 per case in federal fiscal year 1984. The U.S. Department of Housing and Urban Development paid the department \$21,000 and \$22,000 for the same two years. The HUD reimbursement rate was \$500 per case.



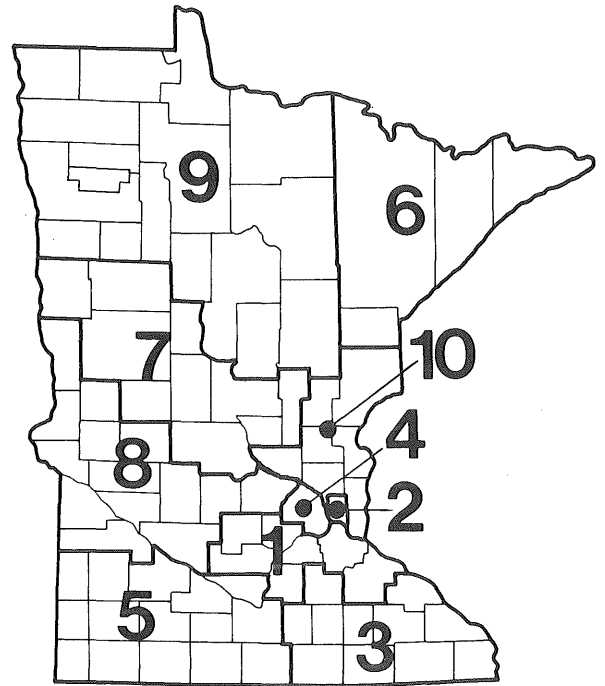
Statistical Charts

Distribution of Charges by Judicial District

62.9% of total charges filed came from Districts 2 and 4

19.6% of charges filed came from Districts 1, 6, and 10

17.5% of charges filed came from Districts 3, 5, 7, 8, and 9



Minnesota Judicial Districts

District 1

Carver
Dakota
Goodhue
LeSueur
McLeod
Scott
Sibley

District 2

Ramsey

District 3

Dodge
Fillmore
Freeborn
Houston
Mower
Olmsted
Rice
Steele
Wabasha
Waseca
Winona

District 4

Hennepin

District 5

Blue Earth
Brown
Cottonwood
Faribault
Jackson
Lyon
Lincoln
Martin
Murray
Nicollet
Nobles
Pipestone
Redwood
Rock
Watsonwan

District 6

Carlton
Cook
Lake
St. Louis

District 7

Becker
Benton
Clay
Douglas
Mille Lacs
Morrison
Otter Tail
Stearns
Todd
Wadena

District 8

Big Stone
Chippewa
Grant
Kandiyohi
Lac Qui Parle
Meeker
Pope
Renville
Stevens
Swift
Traverse
Wilkin
Yellow Medicine

District 9

Aitkin
Beltrami
Cass
Clearwater
Crow Wing
Hubbard
Itasca
Kittson
Koochiching
Lake of the Woods
Mahnommen
Marshall
Norman
Pennington
Polk
Red Lake
Roseau

District 10

Anoka
Chisago
Isanti
Kanabec
Pine
Sherburne
Washington
Wright

Charges Filed: By Judicial District and by Category, FY 1983, FY 1984

Category	Judicial District																						FY 83		FY 84	
	Fourth		Second		Tenth		First		Sixth		Seventh		Fifth		Third		Ninth		Eighth		Total	% of Total	Total	% of Total		
	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84						
Employment	495	480	231	247	88	76	71	95	69	80	44	70	39	39	35	60	33	41	15	18	1120	83.1	1206	81.5		
Reprisal	28	32	8	22	1	5	1	4	3	3	4	5	2	7	2	2	1	1	0	3	50	3.7	84	5.7		
Housing	26	19	18	16	5	7	0	2	2	0	3	2	0	11	0	4	0	2	2	1	56	4.2	64	4.3		
Aiding and Abetting	20	20	15	3	2	2	3	2	1	1	4	2	0	6	1	0	0	1	1	1	47	3.5	38	2.6		
Public Accommodations	10	19	2	10	0	2	4	5	1	2	1	4	3	1	2	0	1	1	0	0	24	1.8	44	3.0		
Public Services	11	7	8	5	3	4	0	2	0	0	1	0	1	2	0	0	0	2	5	0	29	2.2	22	1.5		
Education	5	9	1	5	1	0	2	1	0	1	5	2	0	0	0	0	0	2	0	0	14	1.0	20	1.3		
Credit	2	0	2	1	0	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	7	.5	1	.1		
Total	597	586	285	309	100	96	82	111	78	87	62	85	45	66	40	66	35	50	23	23	1347		1479			
% of Total	44.3	39.6	21.2	20.9	7.4	6.5	6.1	7.5	5.8	5.9	4.6	5.7	3.3	4.5	3.0	4.5	2.6	3.4	1.7	1.5	100.0		100.0			

Charges Filed: By Judicial District and by Category, Biennium

Judicial District

Category	Fourth	Second	Tenth	First	Sixth	Seventh	Fifth	Third	Ninth	Eighth	Total	% of Total
Employment	975	478	164	166	149	114	78	95	74	33	2326	82.3
Reprisal	60	30	6	5	6	9	9	4	2	3	134	4.7
Housing	45	34	12	2	2	5	11	4	2	3	120	4.3
Aiding and Abetting	40	18	4	5	2	6	6	1	1	2	85	3.0
Public Accommodations	29	12	2	9	3	5	4	2	2	0	68	2.4
Public Services	18	13	7	2	0	1	3	0	2	5	51	1.8
Education	14	6	1	3	1	7	0	0	2	0	34	1.2
Credit	2	3	0	1	2	0	0	0	0	0	8	.3
Total	1183	594	196	193	165	147	111	106	85	46	2826	
% of Total	41.9	21.0	7.0	6.8	5.8	5.2	3.9	3.8	3.0	1.6		100.0

Charges Filed: By Reason and by Category, FY 1983, FY 1984

Category	Reason																											
	Sex		Race		Age		Disability		Reprisal		Marital Status		National Origin		Religion		Public Assistance		Familial Status		Creed		Color		FY 83		FY 84	
	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	Total	% of Total	Total	% of Total
Employment	448	469	192	225	266	222	150	202	1	0	25	38	26	32	6	12	3	3	0	0	1	1	2	2	1120	83.1	1206	81.5
Reprisal	2	3	2	8	2	0	0	1	44	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50	3.7	84	5.7
Housing	7	5	22	29	0	0	3	3	0	1	3	16	1	1	1	0	7	3	12	6	0	0	0	0	56	4.2	64	4.3
Aiding and Abetting	26	20	11	10	5	2	2	2	1	1	0	1	0	2	0	0	2	0	0	0	0	0	0	0	47	3.5	38	2.6
Public Accommodations	7	12	10	15	0	0	5	10	0	0	0	0	0	5	2	0	0	0	0	0	0	0	0	2	24	1.8	44	3.0
Public Services	2	2	17	13	0	0	4	5	0	0	0	0	5	2	0	0	1	0	0	0	0	0	0	0	29	2.2	22	1.5
Education	7	4	3	11	1	0	2	1	0	0	1	1	0	2	0	1	0	0	0	0	0	0	0	0	14	1.0	20	1.3
Credit	3	1	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	7	.5	1	.1
Total	502	516	257	311	274	224	166	224	46	74	33	56	32	44	9	13	13	6	12	6	1	1	2	4	1347		1479	
% of Total	37.3	34.9	19.1	21.0	20.3	15.1	12.3	15.1	3.4	5.0	2.4	3.8	2.4	3.0	.7	.9	1.0	.4	.9	.4	.1	.1	.1	.3	100.0		100.0	

Charges Filed: By Reason and by Category, Biennium

Reason														
Category	Sex	Race	Age	Dis-ability	Repri-sal	Marital Status	National Origin	Religion	Public Assis-tance	Familial Status	Creed	Color	Total	% of Total
Employment	917	417	488	352	1	63	58	18	6	0	2	4	2326	82.3
Reprisal	5	10	2	1	116	0	0	0	0	0	0	0	134	4.7
Housing	12	51	0	6	1	19	2	1	10	18	0	0	120	4.3
Aiding and Abetting	46	21	7	4	2	1	2	0	2	0	0	0	85	3.0
Public Accommodations	19	25	0	15	0	0	5	2	0	0	0	2	68	2.4
Public Services	4	30	0	9	0	0	7	0	1	0	0	0	51	1.8
Education	11	14	1	3	0	2	2	1	0	0	0	0	34	1.2
Credit	4	0	0	0	0	4	0	0	0	0	0	0	8	.3
Total	1018	568	498	390	120	89	76	22	19	18	2	6	2826	
% of Total	36.0	20.1	17.6	13.8	4.2	3.2	2.7	.8	.7	.6	.1	.2		100.0

Charges Filed: By Sex of Charging Party and by Category, FY 1983, FY 1984

Category	Sex of Charging Party							
	Female		Male		FY 83		FY 84	
	83	84	83	84	Total	% of Total	Total	% of Total
Employment	652	696	468	510	1120	83.1	1206	81.5
Reprisal	25	46	25	38	50	3.7	84	5.7
Housing	38	41	18	23	56	4.2	64	4.3
Aiding and Abetting	33	28	14	10	47	3.5	38	2.6
Public Accommodations	10	22	14	22	24	1.8	44	3.0
Public Services	7	7	22	15	29	2.2	22	1.5
Education	13	8	1	12	14	1.0	20	1.3
Credit	6	1	1	0	7	.5	1	.1
Total	784	849	563	630	1347		1479	
% of Total	58.2	57.4	41.8	42.6		100.0		100.0

Charges Filed: By Sex of Charging Party and by Category, Biennium

Sex of Charging Party

Category	Female	Male	Total	% of Total
Employment	1348	978	2326	82.3
Reprisal	71	63	134	4.7
Housing	79	41	120	4.3
Aiding and Abetting	61	24	85	3.0
Public Accommodations	32	36	68	2.4
Public Services	14	37	51	1.8
Education	21	13	34	1.2
Credit	7	1	8	.3
Total	1633	1193	2826	
% of Total	57.8	42.2		100.0

**Statistical
Charts**

Charges Filed: By Race of Charging Party and by Category, FY 1983, FY 1984

Race of Charging Party

Category	Caucasian		Black		Other*		Indian		Hispanic		FY 83		FY 84	
	83	84	83	84	83	84	83	84	83	84	Total	% of Total	Total	% of Total
Employment	902	952	139	187	39	29	19	13	21	25	1120	83.1	1206	81.5
Reprisal	35	62	11	16	2	2	1	2	1	2	50	3.7	84	5.7
Housing	37	38	12	12	3	4	4	8	0	2	56	4.2	64	4.3
Aiding and Abetting	40	25	5	9	2	4	0	0	0	0	47	3.5	38	2.6
Public Accommodations	12	16	10	13	1	15	1	0	0	0	24	1.8	44	3.0
Public Services	8	6	11	8	4	1	4	4	2	3	29	2.2	22	1.5
Education	11	9	1	7	2	2	0	2	0	0	14	1.0	20	1.3
Credit	7	1	0	0	0	0	0	0	0	0	7	.5	1	.1
Total	1052	1109	189	252	53	57	29	29	24	32	1347		1479	
% of Total	78.1	75.0	14.0	17.0	3.9	3.8	2.2	2.0	1.8	2.2		100.0		100.0

* Asians, Pacific Islanders, Alaskan Natives and East Indians.

Charges Filed: By Race of Charging Party and by Category, Biennium

Race of Charging Party

Category	Caucasian	Black	Other	Indian	Hispanic	Total	% of Total
Employment	1854	326	68	32	46	2326	82.3
Reprisal	97	27	4	3	3	134	4.7
Housing	75	24	7	12	2	120	4.3
Aiding and Abetting	65	14	6	0	0	85	3.0
Public Accommodations	28	23	16	1	0	68	2.4
Public Services	14	19	5	8	5	51	1.8
Education	20	8	4	2	0	34	1.2
Credit	8	0	0	0	0	8	.3
Total	2161	441	110	58	56	2826	
% of Total	76.5	15.6	3.9	2.0	2.0		100.0

Most Frequent Allegations Cited in Charges Filed

Employment

Allegations	FY 83	FY 84	Biennium Total
Termination	649	582	1231
Failure to Hire	103	129	232
Lay Off	69	64	133
Harassment	63	64	127
Failure to Promote	39	68	107
Sexual Harassment	18	66	84
Unequal/Differential Treatment	57	23	80
Demotion	31	21	52
Leaves: Denied/Forced/ Return Refused	18	24	42

Housing

Allegations	FY 83	FY 84	Biennium Total
Refusal to Rent	23	26	49
Eviction	18	17	35
Harassment	9	6	15
Unequal Terms/Conditions	3	5	8
Redlining/Steering	3	2	5

Cases Closed: By Judicial District and by Category, FY 1983, FY 1984

Judicial District

	Fourth		Second		Tenth		First		Sixth		Seventh		Fifth		Third		Ninth		Eighth		FY 83		FY 84	
Category	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	Total	% of Total	Total	% of Total
Employment	485	458	229	245	53	52	69	68	56	56	31	40	35	41	44	36	25	27	9	14	1036	86.3	1037	76.0
Reprisal	39	38	23	20	4	3	7	3	1	4	0	0	3	5	0	3	2	0	1	1	80	6.7	77	5.6
Housing	15	38	2	38	2	5	1	4	0	4	0	3	0	9	0	0	0	0	1	5	21	1.7	106	7.8
Aiding and Abetting	28	18	6	12	2	2	2	3	2	2	0	4	1	2	0	0	0	0	1	0	42	3.5	43	3.1
Public																								
Accommodations	6	18	1	15	0	1	0	4	1	2	0	3	0	0	0	3	0	0	0	0	8	.7	46	3.4
Public Services	0	13	2	8	1	4	0	1	0	1	0	1	0	1	0	0	0	1	2	0	5	.4	30	2.2
Education	2	13	0	2	1	1	1	0	0	2	0	0	0	1	3	0	0	1	0	0	7	.6	20	1.5
Credit	0	4	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	.1	6	.4
Total	575	600	264	341	63	68	80	83	60	72	31	51	39	59	47	42	27	29	14	20	1200		1365	
% of Total	47.9	43.9	22.0	25.0	5.2	5.0	6.7	6.1	5.0	5.3	2.6	3.7	3.3	4.3	3.9	3.1	2.2	2.1	1.2	1.5	100.0		100.0	

Cases Closed: By Judicial District and by Category, Biennium

Judicial District

Category	Fourth	Second	Tenth	First	Sixth	Seventh	Fifth	Third	Ninth	Eighth	Total	% of Total
Employment	943	474	105	137	112	71	76	80	52	23	2073	80.8
Reprisal	77	43	7	10	5	0	8	3	2	2	157	6.1
Housing	53	40	7	5	4	3	9	0	0	6	127	5.0
Aiding and Abetting	46	18	4	5	4	4	3	0	0	1	85	3.3
Public Accommodations	24	16	1	4	3	3	0	3	0	0	54	2.1
Public Services	13	10	5	1	1	1	1	0	1	2	35	1.4
Education	15	2	2	1	2	0	1	3	1	0	27	1.0
Credit	4	2	0	0	1	0	0	0	0	0	7	.3
Total	1175	605	131	163	132	82	98	89	56	34	2565	
% of Total	45.8	23.6	5.1	6.4	5.1	3.2	3.8	3.5	2.2	1.3		100.0

Cases Closed: By Type of Closure and by Category, FY 1983, FY 1984

Type of Closure

Category	No Probable Cause		Satis- factory Adjustment		Private Right of Action		Charging Party Withdrawal		Dismissal		Predeter- mination Settlement		Lack of Jurisdiction/ Merit		Other		Settlement Agreement/ Conciliation		FY 83		FY 84	
	83 84		83 84		83 84		83 84		83 84		83 84		83 84		83 84		83 84		Total		Total	
	83 84		83 84		83 84		83 84		83 84		83 84		83 84		83 84		83 84		Total		Total	
Employment	514	426	140	185	118	95	68	106	31	85	57	51	42	46	49	31	17	12	1036	86.3	1037	76.0
Reprisal	36	30	17	19	10	6	1	6	4	6	3	0	3	8	4	2	2	0	80	6.7	77	5.6
Housing	7	33	1	15	0	3	7	16	2	30	3	1	0	3	1	2	0	3	21	1.7	106	7.8
Public Accommodations	1	7	1	7	2	0	1	6	0	21	0	1	0	4	3	0	0	0	8	.7	46	3.4
Aiding and Abetting	18	8	8	9	7	4	4	8	0	7	1	0	0	4	2	3	2	0	42	3.5	43	3.1
Public Services	0	6	1	2	2	0	1	5	1	16	0	0	0	1	0	0	0	0	5	.4	30	2.2
Education	2	4	1	6	0	1	0	2	0	6	0	0	3	0	1	0	0	1	7	.6	20	1.5
Credit	0	0	0	1	1	0	0	3	0	2	0	0	0	0	0	0	0	0	1	.1	6	.4
Total	578	514	169	244	140	109	82	152	38	173	64	53	48	66	60	38	21	16	1200		1365	
% of Total	48.2	37.6	14.1	17.9	11.7	8.0	6.8	11.1	3.2	12.7	5.3	3.9	4.0	4.8	5.0	2.8	1.7	1.2	100.0		100.0	

Statistical
Charts

Cases Closed: By Type of Closure and by Category, Biennium

Category	Type of Closure									Total	% of Total
	No Probable Cause	Satisfactory Adjustment	Private Right of Action	Charging Party Withdrawal	Dismissal	Predetermination Settlement	Lack of Jurisdiction/Merit	Other	Settlement Agreement/Conciliation		
Employment	940	325	213	174	116	108	88	80	29	2073	80.8
Reprisal	66	36	16	7	10	3	11	6	2	157	6.1
Housing	40	16	3	23	32	4	3	3	3	127	5.0
Public Accommodations	8	8	2	7	21	1	4	3	0	54	2.1
Aiding and Abetting	26	17	11	12	7	1	4	5	2	85	3.3
Public Services	6	3	2	6	17	0	1	0	0	35	1.4
Education	6	7	1	2	6	0	3	1	1	27	1.0
Credit	0	1	1	3	2	0	0	0	0	7	.3
Total	1092	413	249	234	211	117	114	98	37	2565	
% of Total	42.6	16.1	9.7	9.1	8.2	4.6	4.5	3.8	1.4		100.0

Cases Closed: By Reason and by Category, FY 1983, FY 1984

Category	Reason																											
	Sex		Race		Age		Disability		Reprisal		Marital Status		National Origin		Religion		Public Assistance		Familial Status		Creed		Color		FY 83		FY 84	
	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	83	84	Total	% of Total	Total	% of Total
Employment	465	374	200	180	227	205	92	201	1	0	14	39	31	23	6	9	0	5	0	0	0	0	0	1	1036	86.3	1037	76.0
Reprisal	5	6	8	9	3	1	1	1	63	57	0	2	0	0	0	0	0	0	0	0	0	0	0	1	80	6.7	77	5.6
Housing	3	2	10	53	0	0	1	4	0	0	2	18	0	6	0	1	1	10	4	12	0	0	0	0	21	1.7	106	7.8
Aiding and Abetting	27	24	10	9	4	3	0	1	0	1	0	2	0	1	1	0	0	2	0	0	0	0	0	0	42	3.5	43	3.1
Public Services	0	1	3	21	0	0	0	6	0	0	0	0	2	1	0	1	0	0	0	0	0	0	0	0	5	.4	30	2.2
Public Accommodations	3	6	4	23	0	0	1	6	0	0	0	0	0	9	0	0	0	1	0	0	0	1	0	0	8	.7	46	3.4
Education	1	9	4	7	1	1	0	2	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	7	.6	20	1.5
Credit	0	3	0	1	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	1	.1	6	.4
Total	504	425	239	303	235	210	95	221	64	58	17	63	33	41	8	11	1	18	4	12	0	1	0	2	1200		1365	
% of Total	42.0	31.1	19.9	22.2	19.6	15.4	7.9	16.2	5.3	4.3	1.4	4.6	2.8	3.0	.7	.8	.1	1.3	.3	.9	.0	.1	.0	.1	100.0		100.0	

Cases Closed: By Reason and by Category, Biennium

Category	Reason												Total	% of Total
	Sex	Race	Age	Dis-ability	Repri-sal	Marital Status	National Origin	Religion	Public Assistance	Familial Status	Creed	Color		
Employment	839	380	432	293	1	53	54	15	5	0	0	1	2073	80.8
Reprisal	11	17	4	2	120	2	0	0	0	0	0	1	157	6.1
Housing	5	63	0	5	0	20	6	1	11	16	0	0	127	5.0
Aiding and Abetting	51	19	7	1	1	2	1	1	2	0	0	0	85	3.3
Public Services	1	24	0	6	0	0	3	1	0	0	0	0	35	1.4
Public Accommodations	9	27	0	7	0	0	9	0	1	0	1	0	54	2.1
Education	10	11	2	2	0	0	1	1	0	0	0	0	27	1.0
Credit	3	1	0	0	0	3	0	0	0	0	0	0	7	.3
Total	929	542	445	316	122	80	74	19	19	16	1	2	2565	
% of Total	36.2	21.1	17.3	12.3	4.8	3.1	3.0	.7	.7	.6	.1	.1		100.0

Cases Closed: By Sex of Charging Party and by Category, FY 1983, FY 1984

Category	Sex of Charging Party							
	Female		Male		FY 83		FY 84	
	83	84	83	84	Total	% of Total	Total	% of Total
Employment	598	583	438	454	1036	86.3	1037	76.0
Reprisal	40	42	40	35	80	6.7	77	5.6
Housing	14	68	7	38	21	1.7	106	7.8
Aiding and Abetting	34	29	8	14	42	3.5	43	3.1
Public Accommodations	6	16	2	30	8	.7	46	3.4
Public Services	1	7	4	23	5	.4	30	2.2
Education	1	10	6	10	7	.6	20	1.5
Credit	1	5	0	1	1	.1	6	.4
Total	695	760	505	605	1200		1365	
% of Total	57.9	55.7	42.1	44.3		100.0		100.0

Cases Closed: By Sex of Charging Party and by Category, Biennium

Sex of Charging Party

Category	Female	Male	Total	% of Total
Employment	1181	892	2073	80.8
Reprisal	82	75	157	6.1
Housing	82	45	127	5.0
Aiding and Abetting	63	22	85	3.3
Public Accommodations	22	32	54	2.1
Public Services	8	27	35	1.4
Education	11	16	27	1.0
Credit	6	1	7	.3
Total	1455	1110	2565	
% of Total	56.7	43.3		100.0

**Statistical
Charts**

Cases Closed: By Race of Charging Party and by Category, FY 1983, FY 1984

Race of Charging Party

Category	Caucasian		Black		Other*		Indian		Hispanic		FY 83		FY 84	
	83	84	83	84	83	84	83	84	83	84	Total	% of Total	Total	% of Total
Employment	812	835	156	137	31	27	20	18	17	20	1036	86.3	1037	76.0
Reprisal	56	61	22	12	1	1	0	1	1	2	80	6.7	77	5.6
Housing	11	54	9	16	0	9	0	20	1	7	21	1.8	106	7.8
Aiding and Abetting	33	37	6	4	3	2	0	0	0	0	42	3.5	43	3.1
Public Accommodations	5	14	3	21	0	5	0	1	0	5	8	.7	46	3.4
Public Services	1	10	2	15	2	0	0	4	0	1	5	.4	30	2.2
Education	3	13	3	4	1	1	0	2	0	0	7	.6	20	1.5
Credit	1	4	0	2	0	0	0	0	0	0	1	.0	6	.4
Total	922	1028	201	211	38	45	20	46	19	35	1200		1365	
% of Total	76.8	75.3	16.7	15.4	3.2	3.3	1.7	3.4	1.6	2.6		100.0		100.0

* Asians, Pacific Islanders, Alaskan Natives and East Indians.

Cases Closed: By Race of Charging Party and by Category, Biennium

Category	Race of Charging Party					Total	% of Total
	Caucasian	Black	Other	Indian	Hispanic		
Employment	1647	293	58	38	37	2073	80.8
Reprisal	117	34	2	1	3	157	6.1
Housing	65	25	9	20	8	127	5.0
Aiding and Abetting	70	10	5	0	0	85	3.3
Public Accommodations	19	24	5	1	5	54	2.1
Public Services	11	17	2	4	1	35	1.4
Education	16	7	2	2	0	27	1.0
Credit	5	2	0	0	0	7	.3
Total	1950	412	83	66	54	2565	
% of Total	76.0	16.1	3.2	2.6	2.1		100.0

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