
ANNUAL PERFORMANCE REPORT

1994

MINNESOTA
DEPARTMENT
OF
HUMAN RIGHTS

Prepared: September 15, 1994

Questions, comments should be directed to:

Name: Tracy Elftmann

Title: Deputy Commissioner

Minnesota Department of: Human Rights

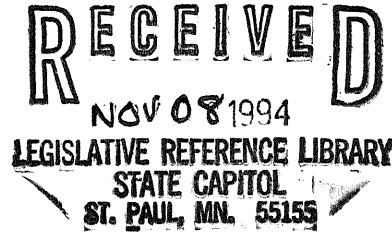
Address: 500 Bremer Tower

7th Place and Minnesota Street

St. Paul, MN 55101

Phone: (612) 296-5667

CONTENTS/INDEX
 Department of Human Rights



Page

AGENCY SUMMARY

01

PROGRAM 01: Contract Compliance

Summary

Percentage of state contractors that have certified affirmative action plans	05
Percentage of certified contractors evaluated for good faith implementation compliance	06
Percentage of deficient contractors that take corrective action	07

PROGRAM 02: Complaint Processing

Summary

Percentage of contacts resulting in filed charges	10
Percentage of requests for department services resulting in filed charges	10
Dispositions issued within one year	11
Percentage of internal appeals filed compared to dispositions issued	11
Findings upheld on internal appeal and court rulings	12
Charges positively resolved through settlement and litigation	13
Proactive, non-monetary remedies obtained in settlement of sustained charges	14

PROGRAM 03: Education and Outreach

Appendix

16

AGENCY: Human Rights, Department of

MISSION:

The mission of the Minnesota Department of Human Rights (MDHR) is to promote, create and maintain an environment free from discrimination.

GOALS:

- to identify, eliminate and remedy the impact of unlawful discrimination;
- to motivate organizations and individuals to comply with the Minnesota Human Rights Act;
- to encourage a climate free of historic discriminatory barriers to employment of people of color, women and persons with disabilities;
- to act as a leader in the area of human rights;
- to identify and anticipate changes in the social environment that affect human and civil rights issues;
- to educate the public about discrimination issues;
- to prevent discriminatory situations from arising; and
- to ensure that state agencies do business only with equal opportunity/affirmative action employers

Table 1: Agency Financial Summary

<u>Program</u>	<u>Estimated Expenditures (\$ in Thousands)</u>	<u>Percent of Total</u>	<u>FTE Staff Positions</u>	<u>Percent of Total</u>
Contract Compliance	\$ 354	11 %	10	16 %
Complaint Processing	2,279	69 %	35	55 %
Education and Outreach	0	0 %	1.0	0 %
Management Services and Administration	663	20 %	18	29 %
<u>Totals</u>	<u>\$3,296</u>	<u>100 %</u>	<u>100 %</u>	<u>100 %</u>

ORGANIZATION:

The department is organized into three programmatic areas: 1) Contract Compliance; 2) Complaint Processing; and 3) Education and Outreach. A fourth program, Management Services and Administration, provides operational and managerial support to the other three programs and is not reported upon within this document. Service delivery for the Contract Compliance and Complaint Processing Programs is driven by customer demand and statutory mandate. The department works with the federal Equal Employment Opportunity Commission to prevent duplicative processing of discrimination complaints which are jurisdictional to both agencies.

WAYS TO IMPROVE PROGRAM OUTCOMES:

- Outcomes for the three department programs could be improved with the development and implementation of a supportive information system/computerized database. The agency has no effective way to project future targets because it does not have reliable data regarding current performance. The agency did receive appropriations last legislative session to begin implementation of phase one of a three-year information systems development plan.
- Due to funding limitations, the department has not been able to systematically develop and implement an effective education and outreach program. Current funding and staffing levels combined with the demands for the department's contract compliance and complaint processing services have resulted in a lack of resources to devote to this program.

SUMMARY

AGENCY: Human Rights, Department of
PROGRAM: 01 - Contract Compliance

EXPENDITURES AND STAFFING (F.Y. 1994)

(\$ in Thousands)

Total Expenditures:	\$	354	11 % of department's budget
From State Funds	\$	354	
Number of FTE Staff:		10	16 % of department's staff

PROGRAM GOALS:

- To foster and encourage a climate free of historic discriminatory barriers to employment opportunities; and
- To increase employment opportunities for women, minorities and persons with disabilities (M.S. 363.073, Minn. Rules 5000.3410, subpart 1)

DESCRIPTION OF SERVICES:

Contract compliance services exist to promote public policy that state agencies do business only with equal opportunity/affirmative action employers and to increase the employment of certain people who have faced historical discriminatory barriers to employment.

State law prohibits state agencies from accepting any bid or proposal for a contract in excess of \$50,000 with any business having more than 20 full-time employees unless the business has an affirmative action plan that: a) promotes employment opportunities for minorities, women and persons with disabilities; and b) has been approved by and received a certificate of compliance from the Commissioner of the Department of Human Rights.

The department reviews affirmative action plans that are submitted by businesses wishing to contract with the state and, if the plans meet statutory and rule requirements, issues a certificate of compliance. In reviewing affirmative action plans that are submitted, the department identifies any deficiencies in the plan and recommends to the business corrections that would bring the plan into compliance. This technical assistance role is critical to improving the equal opportunity efforts made by employers, and encompasses approximately 80% of the work performed by employees in the Compliance Unit.

The department is also required to monitor whether businesses with certified affirmative action plans are making good faith efforts to implement the recruitment and hiring goals set forth in those plans. The department has authority to impose sanctions against contractors that do not meet requirements of good faith implementation of their affirmative action plans or contractors that refuse or fail to take corrective action.

BACKGROUND INFORMATION:**MEASURES OF ACTIVITIES (A), WORKLOAD (W), UNIT COSTS (UC), OTHER DATA (O)**

<u>Type</u>	<u>Measure</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>
A	Number of affirmative action plans submitted for agency review	1000 (approx.)	1000 (approx.)
A	Number of submitted affirmative action plans reviewed	1000 (100%) (approx.)	1000 (100%) (approx.)
W	Average review time of each affirmative action plan	4 hours	4 hours
A	Number of on-site monitoring visits conducted to determine compliance with affirmative action plan goals	30	30
A	Number of certified contractors evaluated for making good faith efforts to implement approved affirmative action plans		

PROGRAM DRIVERS:

- **Control over other State Agency Contracting Procedures.** The department has no control over the contracting procedures used by other state agencies. This means that another state agency could accept bids from contractors which do not have a certificate of compliance or even an affirmative action plan. The department has no authority to intervene in the contracting process to prevent non-certified businesses from bidding on or being awarded state contracts. The department can, however, void contracts with non-certified contractors if it has information that the successful contract holder is not certified as required by law.
- **Willingness of Businesses to Correct Deficient Affirmative Action Plans.** The department does not have authority to require that businesses with deficient affirmative action plans make the recommended corrections or submit amended plans for further department review and approval. Thus, the willingness of businesses to correct their affirmative action plans is critical to achieving the goal of creating a climate free of historic discriminatory barriers to employment.
- **Meaningful Monitoring of Good Faith Efforts.** Determining whether businesses are implementing their affirmative action plans and practicing equal employment recruitment and hiring is dependent on the department's ability to conduct on-site reviews to monitor actual business practices. Budget-driven staffing levels and the volume of affirmative action plan review and certification activities prevent the department from engaging in meaningful monitoring activities.

AGENCY: Human Rights, Department of
PROGRAM: Contract Compliance (01)

OBJECTIVE, MEASURE

Objective 1: All affirmative action plans submitted by state contractors meet statutory and rule compliance requirements.

Measure (1): Percentage of state contractors that have certified affirmative action plans.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
---------------------------	-------------------------	-------------------------	-------------------------	-------------------------	-------------------------	-------------------------

Data is not collected.

DEFINITION, RATIONALE, DATA SOURCE:

This measure will show the percentage of businesses bidding on state contracts in excess of \$50,000 that have affirmative action plans certified by the department.

State law prohibits state agencies from accepting any bid or proposal for a contract in excess of \$50,000 with any business having more than 20 full-time employees unless the business has an affirmative action plan that: a) promotes employment opportunities for minorities, women and persons with disabilities; and b) has been approved by the Commissioner of the Department of Human Rights (M.S. 363.075).

The department reviews affirmative action plans that are submitted by contractors and, if the plans meet statutory and rule requirements, issues a certificate of compliance. This outcome measure demonstrates whether state agencies only do business (in excess of \$50,000) with equal opportunity/affirmative action employers as required by law. If all businesses bidding on state contracts have certified affirmative action plans, then all state contracts will be awarded to equal opportunity/affirmative action employers.

The data source for this measure needs to be developed.

DISCUSSION OF PAST PERFORMANCE:

The department has no control over the contracting procedures used by other state agencies. This means that another state agency could accept bids from contractors which do not have a certificate of compliance or even an affirmative action plan. The department has no authority to intervene in the contracting process to prevent non-certified businesses from bidding on or being awarded state contracts. Additionally, the department currently does not require other state agencies to submit information regarding businesses that have bid on or received contracts in excess of \$50,000.

PLAN TO ACHIEVE TARGETS:

Targets cannot yet be established because the department does not collect or maintain data that provides information to establish current, accurate baseline performance of this measure.

OBJECTIVE, MEASURE

Objective 2: Increase number of state contractors make good faith efforts to implement their affirmative action plans.

Measure (1): Percentage of certified contractors evaluated for good faith implementation compliance.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
--------------------	------------------	------------------	------------------	------------------	------------------	------------------

No data currently exists.

DEFINITION, RATIONALE, DATA SOURCE:

The definition of this measure is total number of certified contractors compared to the number of businesses that have certified affirmative action plans and are evaluated and monitored by the department to determine their efforts at implementing those plans.

The department is required to monitor whether businesses with certified affirmative action plans are making good faith efforts to implement the recruitment and hiring goals set forth in those plans, which in turn will increase the employment opportunities for women, minorities and persons with disabilities. This measurement tracks the ability of the department to monitor and evaluate implementation efforts, which indirectly motivates contractors to make these efforts.

Data Source: None currently exists but the department is in the process of developing and implementing a supportive database that will assist in collecting this information.

DISCUSSION OF PAST PERFORMANCE:

Budget-driven staffing prevents the department from engaging in meaningful monitoring of certified contractors. The department also lacks a computer system that supports compliance activities. All tracking and monitoring is done manually, and there is no database from which the Compliance Unit can even retrieve a list of contractors that have an approved affirmative action plan. Consequently, the department does not have data measuring past performance of this objective.

PLAN TO ACHIEVE TARGETS:

Targets cannot be established until agency can determine its current, baseline performance of this measure.

Measure (2): Percentage of deficient contractors that take corrective action.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
--------------------	------------------	------------------	------------------	------------------	------------------	------------------

No current data exists.

DEFINITION, RATIONALE, DATA SOURCE:

This measure constitutes the percentage of certified contractors who are evaluated and determined to be out of compliance that take the corrective action recommended by the department to bring them into compliance.

This outcome measure demonstrates the effectiveness of the department's monitoring efforts and the technical assistance provided by the department in recommending corrective action to contractors which are not meeting requirements of good faith effort implementation of their affirmative action plans. For every contractor determined to be out of compliance in this area, the department identifies the specific type of corrective action the contractor should make to bring it into compliance. The department cannot require contractors to correct identified deficiencies except through the imposition of sanctions.

No data is currently maintained or analyzed. The department is in the process of developing and implementing a supportive database that could be programmed to collect and organize this information.

DISCUSSION OF PAST PERFORMANCE:

No information has been kept to measure past performance in this area.

PLAN TO ACHIEVE TARGETS:

Targets cannot be established until the agency can determine its current, baseline performance of this measure.

SUMMARY

AGENCY: Human Rights, Department of
PROGRAM: 02 - Complaint Processing

EXPENDITURES AND STAFFING (F.Y. 1994)

(\$ in Thousands)

Total Expenditures:	\$	2,297	69% of department's budget
From State Funds	\$	2,297	
Number of FTE Staff:		35	55% of department's staff

PROGRAM GOALS:

- To issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing (M.S. 363.05, subd. 8)
- To attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state (M.S. 363.05, subd. 10)

DESCRIPTION OF SERVICES:

Complaint processing services enable the agency to carry out its statutory mandate to identify, investigate, eliminate and remedy unlawful discrimination.

The Intake activity screens hundreds of contacts daily from individuals wishing to file charges of discrimination or seeking some other type of assistance that they believe the agency can provide. This activity screens all of these contacts, sometimes referring people to other state agencies, community support groups or other sources, and for all other contacts determines whether the individual has presented facts which create a potential violation of the Minnesota Human Rights Act warranting agency investigation. The Intake activity drafts and files discrimination charges, which are then referred to the Case Processing activity.

The Case Processing activity investigates discrimination charges and seeks positive resolution of identified discrimination through conciliation, settlement or litigation. The Case Processing activity also seeks to positively resolve discrimination charges through persuasion prior to a complete investigation. The Minnesota Human Rights Act states that the agency must complete investigation of discrimination charges within one year of filing.

BACKGROUND INFORMATION:

<u>MEASURES OF ACTIVITIES (A), WORKLOAD (W), UNIT COSTS (UC), OTHER DATA (O)</u>			
<u>Type</u>	<u>Measure</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>
	Intake		
A	No. of contacts	23,150	23,737
A	No. of requests for agency services	12,335	13,639
A	No. of discrimination charges drafted	1,468	1,641
A	No. of discrimination charges filed	1,241	1,395
	Case Processing		
W	Caseload per investigator	48.5	71.3
A	Average investigation time	305	246
A	No. of cases closed	1,264	1,022
UC	Cost per case investigated	\$1,405	\$2,127

PROGRAM DRIVERS:

- **Increase in Discrimination Charges Filed.** Historically, the department has experienced a 5-10% increase each year in the number of discrimination charges filed for agency investigation. Without accompanying increases in budget and staff, the department faces a production ceiling and will be unable to investigate and close cases in a timely manner.
- **Changing Population Demographics.** Recent census data reveals that Minnesota is becoming more diverse as various racial and ethnic groups move into the state. A more diverse population will lead to more discrimination issues, which requires active department participation and oversight.
- **Control over Discrimination Charges Filed.** The department is required by law to accept any charge that meets minimal jurisdictional elements, regardless of the department's assessment of whether the charge warrants use of limited resources. As a result, approximately 70% of all discrimination charges filed are ultimately dismissed after substantial investigation time has been expended. Lack of control over charges accepted for investigation causes the agency to continue to expend its limited resources on cases not warranting full services, which in turn takes resources from substantive, high impact discrimination issues.

AGENCY: Human Rights, Department of
PROGRAM: Complaint Processing (02)

OBJECTIVE, MEASURE

Objective 1: Identify potential statutory violations of the Minnesota Human Rights Act.

Measure (1): Percentage of contacts resulting in filed charges.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
		6 %	6 %			

Measure (2): Percentage of requests for department services resulting in filed charges.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
	12 %	10 %	11 %			

DEFINITION, RATIONALE, DATA SOURCE:

The department is charged with investigating complaints of alleged unlawful discrimination, and is required by statute and rule to accept for filing any charge that meets minimal jurisdictional requirements. In order to focus its investigative efforts only on those charges of discrimination that meet jurisdictional prerequisites, the department must rigorously screen each contact to first determine if the individual is seeking services the agency provides. The next phase of screening involves examining each potential charge to determine if it meets jurisdictional prerequisites. The number of contacts that result in the department drafting and ultimately filing discrimination charges measures the effort of the intake function and relates directly to the department's goal of identifying potential statutory violations.

The data source for this measure is handwritten tallies of Intake staff that show the number of contacts received and screened, the number of charge drafts written, and the number of charges accepted for filing.

DISCUSSION OF PAST PERFORMANCE:

The Intake activity's screening and drafting of potential discrimination charges is focused on accepting for investigation only those claims that meet the jurisdictional requirements of the Human Rights Act. By maintaining charge filings at 6% of all contacts and 11% of all requests for department services, it appears that the Intake screening is successfully eliminating a large number of nonjurisdictional issues at an early stage of the complaint processing program. However, the department does not control whether a drafted discrimination charge is returned for filing and investigation; the charging party controls this function. The department also is required to accept for filing all jurisdictional discrimination charges regardless of substance or merit, and thus has little control over the volume of cases it must investigate.

OBJECTIVE, MEASURE

Objective 2: Investigation of potential violations are concluded in a timely manner.

Measure (1): Dispositions issued within one year.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
---------------------------	------------------	------------------	------------------	------------------	------------------	------------------

No data currently exists.

DEFINITION, RATIONALE, DATA SOURCE:

The department is required by law to complete its processing of discrimination charges within one year of the filing date. This measure demonstrates the department's efforts to meet that goal and indirectly measures the manner in which the department utilizes its resources devoted to case processing. Data for this measure is not currently collected or organized but can be tracked.

DISCUSSION OF PAST PERFORMANCE:

The department has no authority to refuse to accept charges of discrimination that meet the minimal jurisdictional prerequisites for filing but are obviously lacking in merit. The department spends an enormous amount of time and energy processing charges that lack merit before they can be dismissed as not warranting further use of department resources. The department has developed several early dismissal policies designed to minimize the amount of processing time devoted to charges that lack merit or where the evidence is leading to a finding of no discrimination. The effect of these efficiency measures has not yet been determined. Given the sheer volume of charges filed each year, the limited staffing levels the department can maintain with its legislated budget, the statutory mandate that the department process all jurisdictional charges and the department's desire to conduct thorough, quality investigations, there is a limit to the department's ability to close all cases within one year of the date the charge was filed.

OBJECTIVE, MEASURE

Objective 3: Investigative findings are supported by facts.

Measure (1): Percentage of internal appeals filed compared to number of dispositions issued.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
---------------------------	------------------	------------------	------------------	------------------	------------------	------------------

No data currently exists.

DEFINITION, RATIONALE, DATA SOURCE:

Procedural rules allow a party to appeal the department's determination of probable cause, no probable cause or dismissal of a case. This measure reflects the number of case dispositions made by the department which are appealed internally by a charging party or respondent compared to the total number of dispositions issued by the department, and provides an indication of the frequency with which charging parties and respondents believe the department's findings are inaccurate.

This information is not currently collected but the department will begin manually tracking the internal appeal rate beginning F.Y. 1995.

Measure (2): Findings upheld on internal appeal and court rulings.
--

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
--------------------	------------------	------------------	------------------	------------------	------------------	------------------

No data currently exists.

DEFINITION, RATIONALE, DATA SOURCE:

Any finding or case closure issued by the department can be appealed by law and rule through the department's administrative appeal process. Findings of No Probable Cause and findings of Probable Cause can be appealed, as can cases closed because the department has determined that they do not warrant further use of the department's resources. A department finding or closure can be reversed on administrative appeal if the appellant can show any number of quality-related factors: that the determination was not based on facts, was based on an erroneous interpretation of the law, was the result of a biased or incomplete investigation, or because the appellant uncovered new facts not available during the investigation. This outcome measure demonstrates the quality of department determinations and closures by tracking the rate at which appealed cases result in reversed findings.

For the same reason, tracking the rate at which department findings are upheld by court order demonstrates the quality of department investigations.

The department does not currently collect complete data reflecting the number and types of internal appeals received and the number and basis of reversals on internal appeal.

The data source for court orders upholding department decisions needs to be developed and systemized. The department does receive copies of decisions by judges in cases which the department has brought to court, but has never systemically recorded or tracked the rate at which department findings are upheld by court order. The department does not receive copies of judicial orders in cases withdrawn by the charging party and taken to court after the department has reached its decision. There is a statutory provision that allows the department to request the Department of Administration to require all state courts to provide the department with copies of any decision relating to the Human Rights Act. The department will request this of the Department of Administration. However, this requirement applies only to state courts and would not cover decisions by federal courts, nor would it necessarily identify which of those state decisions involved charges originally filed with the department.

OBJECTIVE, MEASURE

Objective 4: Increase the number of discrimination charges are positively resolved through settlement and litigation.

Measure (1): Charges are positively resolved through settlement and litigation.

Actual Performance	<u>F.Y. 1992</u> 24 %	<u>F.Y. 1993</u> 23 %	<u>F.Y. 1994</u> 25 %	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
--------------------	--------------------------	--------------------------	--------------------------	------------------	------------------	------------------

DEFINITION, RATIONALE, DATA SOURCE:

The number of total charges filed compared to the number of charges resulting in pre-determination settlements, post-determination probable cause settlements or court order favoring the charging party.

The department is required by law to engage in conciliation and persuasion activities to resolve discrimination charges. Similarly, the department attempts to conciliate settlements in charges that result in probable cause findings and, if conciliation fails, may pursue remedies through litigation. Additionally, charging parties often retain private attorneys who withdraw a charge after the department issues a probable cause finding to pursue private litigation.

This measure demonstrates the department's efforts to positively resolve charges before a determination is issued through conciliation efforts, and measures the success rate of obtaining remedies for charges that result in probable cause findings. However, the department cannot force parties to a charge to settle. The agency's role in any settlement effort is one of conciliator, not mediator or arbitrator. Therefore, the success of obtaining positive remedies in sustained charges depends to a great extent on the willingness of the parties to negotiate reasonable settlement terms.

Manual department records of pre-determination settlements and post-determination settlements conciliated by the agency. The department needs to establish other data sources to compile information regarding the settlements reached through private efforts on withdrawn cases, the settlements reached through the efforts of the Attorney General's Office after the department refers a case for litigation, the remedies provided by private court action and the remedies provided in cases litigated by the Attorney General's Office.

DISCUSSION OF PAST PERFORMANCE:

The data above reflects that the percentage of charges that are positively resolved remains relatively stable despite the increase in total discrimination charges filed.

OBJECTIVE, MEASURE

Objective 5: Increase proactive, non-monetary remedies in settlements of sustained charges.

Measure (1): Percentage of department-negotiated settlements containing corrective action, training policies and other preventative measures.

Actual Performance	<u>F.Y. 1992</u>	<u>F.Y. 1993</u>	<u>F.Y. 1994</u>	<u>F.Y. 1995</u>	<u>F.Y. 1996</u>	<u>F.Y. 1997</u>
---------------------------	-------------------------	-------------------------	-------------------------	-------------------------	-------------------------	-------------------------

Data does not currently exist.

DEFINITION, RATIONALE, DATA SOURCE:

The measure for this objective consists of the total number of charges resolved through department conciliation efforts compared to the number of charges resolved through department efforts that contain non-monetary remedies that are designed to educate the party charged with discrimination, correct discriminatory conduct and prevent future discrimination. Examples of this type of remedy include requiring an employer to provide training to employees on sexual harassment, developing company policies aimed at eliminating and addressing discrimination issues, requiring a landlord to adopt non-discriminatory tenant screening processes.

The department is responsible for encouraging compliance with the Human Rights Act through settlement terms and conditions that go beyond providing a specific remedy to the charging party. The department recently began taking a more aggressive approach to seeking non-monetary remedies that are designed to not only correct discriminatory conduct, but to address and prevent potential violations of the law before they occur. For example, the department recently conciliated a settlement in a Commissioner's charge against a convenience store chain that contained aggressive requirements for the employer to hire an affirmative action officer, develop and implement non-discriminatory hiring and retention policies, train and educate all levels of employees on discrimination issues and submit regular information reports about employment practices to the department for tracking and monitoring.

This information has not been collected in the past. The department has begun tracking this data from manual records maintained by the department's management analyst beginning F.Y. 1994, and is working to develop a system of comprehensively recording and tracking efforts in this area.

SUMMARY

AGENCY: Human Rights, Department of
 PROGRAM: 03 - Education and Outreach

EXPENDITURES AND STAFFING (F.Y. 1994)

(\$ in Thousands)

Total Expenditures:	\$	0
From State Funds	\$	
From Federal Funds	\$	
 Number of FTE Staff:		 0

PROGRAM GOALS:

This program is unfunded and, consequently, undeveloped. The Minnesota Human Rights Act sets forth the goals of the Education and Outreach Program:

- To develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary (M.S. 363.05, subd. 11)
- To create such local and statewide advisory committees as will aid in effectuating the purposes of the department (M.S. 363.05, subd. 12)
- To develop such programs as will aid in determining the compliance throughout the state with the provisions of the Human Rights Act and to conduct and study discriminatory practices and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life.

APPENDIX

Part 4

Process Used: The Department met with its Worker Participation Committee prior to developing this report. Working under time constraints and lack of training regarding required reportage content, the committee members provided input regarding what the department's objectives and measurements should be working under severe time constraints. The committee spent a great deal of time trying to define the terms used in this report and struggled to conform its ideas to the required original draft format. Specific training that includes an explanation of the terms used in this report, how to tailor the agency programs to meet the reporting requirements, how to define objectives and measurements, how to reach a consensus and how to develop clear, precise measures that will actually reflect the success of agency programs would be most helpful as the department refines and improves upon its performance report. The committee was positive and is eager to continue working toward developing a complete performance report, but was cognizant of its own lack of knowledge about what is expected and required of this report.

After the Worker Participation Committee provided its input into objectives and measurements, the Management Team of the agency attempted to create a draft report that met the expectations of the law. The department wishes to emphasize that this report is incomplete, especially in the areas of providing measurement data and projected performance targets. The agency does not have a supportive information database that can collect and track most of the data required to measure the outcomes of any particular objective or program, and is relying on handwritten records that have been inconsistently maintained by agency supervisors.