

Minnesota Department of Human Rights: Complaint Resolution Process

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February 28, 2020

Overview

- Key findings
- Background
- Timeliness
- Workload management
- Investigation standards
- Issues in law
- Recommendations

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Key Findings

- Large backlog of cases
- Investigations have not been timely
- No effective process to allocate limited resources
- Few investigation policies or standards
- Aspects of the Minnesota Human Rights Act unclear

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Minnesota Human Rights Act

- Intended to protect Minnesotans from discrimination
- Law lists protected “areas” and “classes”
- Law protects all Minnesotans

Protected Classes

Age, color, creed, disability, familial status, marital status, membership or activity in a local human rights commission, national origin, public assistance status, race, religion, sex, sexual orientation

Protected Areas

Employment, real property, public accommodations, public services, educational institutions, credit, business

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MDHR Overview

- MDHR enforces the Minnesota Human Rights Act.
- The law prioritizes three areas for MDHR:
 - Education
 - Contract compliance
 - Investigation

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MDHR's Investigation Process

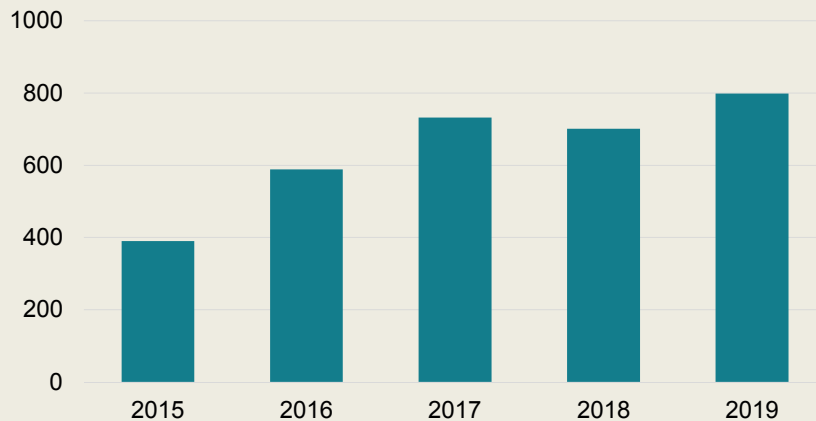


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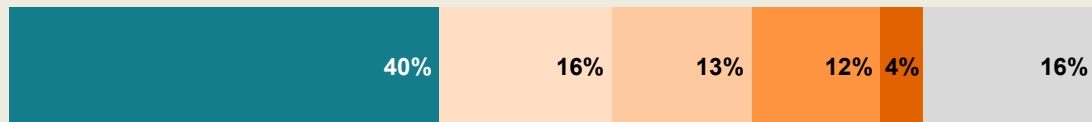
The number of cases awaiting determination has grown in recent years.



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MDHR did not issue a timely determination for the majority of discrimination cases filed in recent years.



■ On time

■ 90 days late or less

■ 91-180 days late

■ 181-365 days late

■ More than 365 days late

■ Determination pending

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MDHR does not have an effective process to allocate its limited resources.

Before accepting a case

- MDHR conducted minimal complaint screening prior to 2019.

After accepting a case

- MDHR did not consistently prioritize cases as required by law.
- MDHR does not have a case triage process to mitigate total workload.

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MDHR has adopted few investigation policies or standards.

- MDHR investigators have been somewhat inconsistent in how they conduct investigations and make determinations.
- Attorneys questioned the thoroughness of MDHR investigations and staff's interpretation of law.

56%

of attorneys responding to our survey said they were satisfied or somewhat satisfied with the quality of MDHR investigations.

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MDHR should:

- Ensure complaints meet at least the basic screening criteria.
- Prioritize cases as required by law.
- Establish a case triage process.
- Develop a plan for meeting timeliness requirements and submit it to the Legislature.
- Adopt clear standards for investigation activities.

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Some aspects of the Minnesota Human Rights Act are unclear.

- Statutes do not outline requirements for appeals made by the responding party.
- Timeliness requirements for some types of cases are unclear.

The commissioner shall:

- *“make an immediate inquiry...”*
- *“give priority to investigating and processing...”*

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The Legislature should:

- Amend statutes to include the responding party's right to appeal.
- Clarify the timelines by which MDHR must issue determinations for priority cases.

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www.auditor.leg.state.mn.us

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