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# Department of Human Rights Takes Too Long to Investigate Discrimination Cases

## SUMMARY

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According to a study by the Legislative Auditor, the Department of Human Rights (DHR) is not investigating and resolving charges of discrimination in a timely way, and the department's inventory of open cases is growing. The Legislature requested the study because questions about the department's performance were raised during the 1995 legislative session.

The study found that over the past three years, the department received an average of 1,350 charges per year but only closed an average of 1,235 cases a year. This has resulted in an inventory of open cases that has grown about 30 percent in two years. As of June 1995, the department had nearly 1,800 open cases, a caseload that would take the department about one-and-a-half years to clear, if no new cases were filed.

The department spent an average of 427 days, or more than 14

months, to investigate and resolve charges of discrimination. Many cases have taken far longer. The Human Rights Act sets a deadline of 12 months to close a case or make a determination. The study found that the department

failed to meet the statutory deadline in about 45 percent of cases. Delays in case investigation hamper the department's effectiveness because cases become harder to investigate as participants disappear, memories fade, and the stakes involved in settling a case rise.

The report also showed that the department found allegations of unfair discrimination worth pursuing in only about 6 percent of cases. DHR ended up dismissing about two-thirds of all cases because they lacked sufficient evidence to sustain the original charge. Yet these dismissals still took more than 400 days on average. The report recommends that the department find ways

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**Department of Human Rights**  
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**Key Findings:**

- On average, DHR takes over 14 months to investigate and close discrimination cases.
- More than 3/4 of the department's cases are dismissed or withdrawn.
- Nearly all state contractors have affirmative action plans approved by DHR, but the department is not monitoring the implementation of those plans.

**Recommendations:**

- DHR should screen and prioritize cases more aggressively in order to curtail the growth in its inventory of open cases.
- The Legislature should change the contract compliance requirements so that the department can focus its enforcement efforts on larger state vendors.

*For copies of the full report, call 612/296-4708.*

to identify these low-potential cases earlier in the investigative process. The Minnesota Human Rights Act gives the department the authority to prioritize cases and choose which cases to investigate. Prompt dismissal of weak cases should allow the department to focus its attention on stronger cases, as well as those with greater potential impact.

The study identified a number of factors that have compounded the department's performance problems. DHR investigators, who each carry about 75 cases at a time, have caseloads that are too large to allow timely investigation of each case. Inadequate employee training, low staff morale, and poor information systems have also affected DHR's productivity.

In addition, the study evaluated the performance of the department's contract compliance program, which determines whether bidders on state contracts have adequate affirmative action plans. The study found that 95 percent of state contractors covered by state requirements had adequate affirmative action plans, a significant improvement over past years. In

most cases, the department reviewed submitted plans in a timely manner, but the department is doing little to monitor whether businesses are making a good-faith effort to implement those plans.

The report recommends that the Legislature increase the minimum contract size for contract compliance from \$50,000 to \$100,000, and raise the vendor threshold from 20 employees to 40 or 50. These actions would reduce the number of affirmative action plans submitted to the department, freeing resources for more on-site visits to businesses and closer monitoring of affirmative action plan implementation.

Copies of the report, entitled *Department of Human Rights*, may be obtained from the Office of the Legislative Auditor. A summary may be found on the World Wide Web at <http://www.auditor.leg.state.mn.us/humrts.htm>. For further information, contact Elliot Long or Roger Brooks at the Office of the Legislative Auditor (612/296-4708).



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