



Minnesota Department of Human Rights (MDHR): Complaint Resolution Process

Update to 2020 Evaluation Report

February 2022

Problems Identified

- **Lack of Clarity in Law.** State law outlines certain requirements pertaining to MDHR's investigations of alleged discrimination cases. However, aspects of the law were unclear. For example, it was not clear how MDHR should prioritize certain types of cases, nor was it clear how quickly MDHR must issue determinations for certain cases.
- **Delayed Investigations.** In our 2020 report, we found that MDHR issued timely determinations as required by law for only 40 percent of cases of alleged discrimination in our review period. MDHR recently reported that the agency had not improved the rate with which it issued timely determinations in 2021.
- **Significant Case Backlog.** At the end of Fiscal Year 2019, nearly 800 cases of alleged discrimination were awaiting determination. Investigators had high caseloads and the number of cases awaiting determination had increased in recent years.

Changes Implemented

- **Certain Statutes Revised.** In 2021, the Legislature clarified certain aspects of the Minnesota Human Rights Act. For example, the Legislature amended statutes to indicate that responding parties have a right to appeal MDHR's determinations and removed the requirement that MDHR make an immediate inquiry into frivolous cases.
- **Reduction in Case Backlog.** At the end of 2021, MDHR reported a backlog of just over 600 cases, down from nearly 800 cases at the end of Fiscal Year 2019. MDHR also reported a reduction in investigator caseloads.

Actions Needed

- **Further Update the Minnesota Human Rights Act.** While the Legislature made important revisions to the Minnesota Human Rights Act in 2021, aspects of the law remain unclear. The Legislature should clarify how quickly MDHR must issue determinations for certain cases and consider eliminating the option for charging parties to request a contested case hearing in certain circumstances.
- **Address Ongoing Investigation Delays.** MDHR has not improved the timeliness with which it issued determinations for cases of alleged discrimination. Similarly, while MDHR has made positive strides, the agency still has a large backlog of cases. The agency should develop a clear plan for meeting statutory timeliness requirements and submit it to the Legislature for review. The Legislature should review MDHR's plan for meeting statutory timeliness requirements and ensure it reflects the needs and priorities of the state.