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**2014-15 Governors Budget - Human Rights**

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### **Mission:**

The mission of the Department of Human Rights (MDHR) is to ensure that people in Minnesota are free from discrimination in education, employment, housing and real property, in public accommodations and in public services because discrimination threatens the rights and privileges of all and undermines our democracy.

### **Statewide Outcome(s):**

Human Rights supports the following statewide outcome(s).

People in Minnesota are safe.

Minnesotans have the education and skills needed to achieve their goals.

A thriving economy that encourages business growth and employment opportunities.

### **Context:**

Human Rights functions in a very fluid environment where the agency has to be responsive to a wide variety of issues, varied substantive areas of law and many different viewpoints as it enforces the Minnesota Human Rights Act, Chapter 363A and develops statewide human rights best practices.

The agency serves a varied customer base. Individuals alleging discrimination, those accused of discrimination, the legal community, and state vendors are the primary customers and/or clientele. The customer base includes individuals, school districts, businesses, attorneys, local government, state agencies, local human rights commissions, and local and federal human rights enforcement agencies, schools, state administrative agencies and individuals.

The Enforcement Unit seeks to ensure all individuals are free from discrimination in areas of public goods and public accommodation by drafting discrimination complaints, investigating discrimination charges and determining whether the allegations of discrimination warrant a formal investigation in a timely manner. If the Department makes a probable cause finding of discrimination and is unable to successfully conciliate the matter, the Commissioner may proceed with legal recourse. Filing a complaint of discrimination can be done by telephone, in person or online. For additional information regarding the Complaint Handling Process, please visit: <http://www.humanrights.state.mn.us/intake/index.html>

The Contract Compliance Unit seeks to ensure that all individuals have an opportunity for gainful employment on state projects by monitoring state contractor compliance with applicable affirmative action provisions for select contracts over \$100,000, by providing technical assistance to state contractors and when appropriate by initiating administrative proceedings to ensure compliance with Minnesota law. In 1985, Minnesota law established that the Commissioner of Human Rights issue goals and timetables for minority and female utilization in state funded construction projects. The hiring goals for the seven county metropolitan area were updated on April 4, 2012, to more accurately reflect Minnesota's increasing diversity.

The Commissioner seeks to ensure that all individuals are not limited in pursuing opportunities by intentional or unintentional acts of discrimination. The Commissioner, through education, negotiation and persuasion, facilitates this work by analyzing practices, policies and customs in collaboration with a variety of stakeholders.

Funding for the agency is through legislative appropriation.

### **Strategies:**

The Enforcement Unit in the past fiscal year made several changes to improve performance and streamline the process of filing and investigating a charge of discrimination. The Department eliminated the practice of mailing questionnaires to people seeking to file charges of discrimination and implemented an initiative to draft charges of discrimination within one week of initial contact with the charging party. As a result of eliminating the use of questionnaires, the Department shortened the length of time of drafting charges of discrimination by

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approximately 90 days. The Department also provided training to Enforcement Officers on a variety of topics related to conducting investigations, analyzing claims under the Minnesota Human Rights Act and drafting investigation memoranda. Finally, the Department provided more authority to enforcement officers to make decisions concerning requesting documents and being able to draft no probable cause determination decisions earlier in the process if the charge clearly lacks merit.

During the last quarter of the fiscal year, the Department began to systematically analyze how to improve its processes related to the issuance of certificates of compliance, conducting desk audits and on-site audits and issuing regular technical assistance to contractors and administrative agencies.

The Commissioner has been active in eliminating discriminatory practices and disparate outcomes in education during the past fiscal year by serving on the Governor's School Bullying Task Force, partnering with the Commissioner of Education Brenda Cassellius to convene the first Native American Education Summit, and to hold an Educational Listening Session with all of the State Councils. The Commissioner has also been active, through service on the Diversity & Inclusion Council, in implementing best practices related to the State's Affirmative Action Program and Contracting Program.

### **Results:**

The Enforcement Unit is committed to ensuring that charges are processed within one year by improving all aspects of the investigative process. Specifically, the agency is achieving this goal by:

- Empowering Enforcement Officers to draft no probable cause determination decisions early in the process if the charge clearly lacks merit.
- Providing more than ten training opportunities for Enforcement Officers.
- Restructuring the Enforcement Unit

The Contract Compliance Unit is committed to providing meaningful technical assistance and information to contractors and administrative agencies to achieve the goals set forth within their contracts. The Compliance Unit's goals include:

- 90% of certificates of compliance are issued on a timely basis;

Performance Measures	Previous	Current	Trend
Investigative Memorandums Completed	181	429	Improving
Average number of days to Complete No Probable Cause Determinations	406	336	Improving
Total Charges Filed	835	752	Stable
Compliance – New Contractors Certified	121	114	Stable
Compliance – Contractors Renewed	560	680	Improving
Compliance Audits	50	61	Improving

Performance Measures Notes:

The Department has identified the total charges filed trend as stable due in part to the government shutdown limiting the number of charges that could be drafted during the fiscal year. The Performance Measures reflect FY 2011 (previous) and FY 2012 (current).

## Human Rights

### Current, Base and Governor's Recommended Expenditures

(Dollars in Thousands, Biennial Totals)

	General Funds	Other State Funds	Federal Funds	All Funds
Current Biennium Expenditures (FY 2012-13)	\$6,339	\$196	\$3	\$6,538
Current Law Expenditures (FY 2014-15)	\$6,336	\$272	\$0	\$6,608
Governor's Recommended Expenditures (FY2014-15)	\$6,594	\$272	\$0	\$6,866
\$ Change from FY 2014-15 Current Law to Governor's Rec	\$258	\$0	\$0	\$258
% Change from FY 2014-15 Current Law to Governor's Rec	4%	0%	0%	4%

**Human Rights**  
**Sources and Uses**  
(Dollars in Thousands)

	Biennium FY14-FY15			
	General Funds	Other State Funds	Federal Funds	Total Funds
BALANCE FORWARD IN	\$0	\$522	\$0	\$522
REVENUE		\$462	\$220	\$682
APPROPRIATION	\$6,594	\$0	\$0	\$6,594
<b>SOURCES OF FUNDS</b>	<b>\$6,594</b>	<b>\$984</b>	<b>\$220</b>	<b>\$7,798</b>
BALANCE FORWARD OUT	\$0	\$712	\$0	\$712
TRANSFERS OUT		\$0	\$220	\$220
EXPENDITURES	\$6,594	\$272	\$0	\$6,866
PAYROLL EXPENSE	\$5,346	\$216		\$5,562
OPERATING EXPENSES	\$1,234	\$50	\$0	\$1,284
OTHER FINANCIAL TRANSACTIONS	\$14	\$6		\$20
<b>USES OF FUNDS</b>	<b>\$6,594</b>	<b>\$984</b>	<b>\$220</b>	<b>\$7,798</b>

# Human Rights

## Governor's Changes

(Dollars in Thousands)

		FY 14	FY 15	FY 14-15 Biennium	FY 16	FY 17	FY 16-17 Biennium
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### Ensure Good Faith Efforts of State Vendors through Contract Compliance

The Governor recommends adding two Enforcement Officers exclusively dedicated for contract compliance. This activity reviews and audits all state contracts over \$100,000 for compliance with required affirmative action plans. Large projects such as the People's Stadium, the St. Croix Lift Bridge, and the Light Rail Project, are included.

#### Performance Measures:

The department will be able to assure compliance on both larger and smaller contracts with the state in a timely manner.

General Fund	Expenditure	129	129	258	129	129	258
	<b>Net Change</b>	<b>129</b>	<b>129</b>	<b>258</b>	<b>129</b>	<b>129</b>	<b>258</b>

### Modify Certificate of Compliance Fee and Renewal Period

The Governor recommends changes to the Certificate of Compliance fee and collection period. The current \$75 fee is charged every two years for firms doing more than \$100,000 business with the state. The change would double the fee to \$150, but it would be collected every four years instead of every two. Firms would only have to apply for the Certificate of Compliance once every four years.

#### Performance Measures:

The department will be able to streamline and reduce its administrative processes to focus more of its resources on activities that positively impact the employment opportunities of historically disenfranchised groups.

Other Funds	Revenue	55	55	110	(55)	(55)	(110)
	<b>Net Change</b>	<b>(55)</b>	<b>(55)</b>	<b>(110)</b>	<b>55</b>	<b>55</b>	<b>110</b>

Net All Change Items	General Fund	129	129	258	129	129	258
	Other Funds	(55)	(55)	(110)	55	55	110
	<b>Net Change</b>	<b>74</b>	<b>74</b>	<b>148</b>	<b>184</b>	<b>184</b>	<b>368</b>

Human Rights  
All Funds FTE by Program

	Current	Forecast Base	Governor's Recommendation
Program	FY 2013	FY 2015	FY 2015
Program: Human Rights Enforcement	29.6	29.6	31.6
Human Rights	29.6	29.6	31.6

**Human Rights**  
**Revenue Summary**  
(Dollars in Thousands)

		Biennium FY14-15			
		General Fund	Other State Funds	Federal Funds	All Funds
Dedicated	FEDERAL GRANTS			0	0
	DEPARTMENTAL EARNINGS		220		220
	ALL OTHER		242	220	462
	Subtotal		462	220	682
	<b>Total</b>		<b>462</b>	<b>220</b>	<b>682</b>