



DEPARTMENT OF LABOR AND HUMAN RIGHTS

Legislative Recommendations within the Human Rights Act and Housing Discrimination Act

December 31, 2018

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The Department of Labor and Human Rights (Department) is required to publish in even-numbered years a written report recommending legislative or other action to carry out the purposes of the Human Rights Act and the Housing Discrimination Act under N.D.C.C § 14-02.4-22 and N.D.C.C. § 14-02.5-15. This report is intended to meet these requirements.

2019 Legislative Recommendations

The Department recommends legislative approval of the Governor's proposed budget, which represents the Department's budget request and provides the funding necessary for the Department to continue its human rights and fair housing enforcement and educational activities. The Department further recommends legislative approval of a bill to grant the Commissioner the authority to subpoena records to aid in the investigation of wage claims (N.D.C.C. § 34-14-05) and to prevent the expiration of the floor and ceiling for wage claims found at N.D.C.C. § 34-14-09 (this bill has not been assigned a bill number as of the issuance of this report).

Staff Training

The Human Rights Director and all compliance investigators attend and complete coursework at the National Fair Housing Training Academy (as available) in order to become certified fair housing investigators. Thus far, the Human Rights Director and four of the Department's compliance investigators have completed the five-week program. Two investigators have completed three weeks of the five-week program. One compliance investigator has completed one week of the five-week program. Finally, all of the Human Rights Division staff has completed basic training in civil mediation and will continue to attend training as necessary to keep their skills current.

Educational Activities

Educating the public about human rights and fair housing is important to carrying out the declared purpose of the Human Rights Act and Housing Discrimination Act. The Department's actions in this area will include:

- Maintaining the Department's current education materials, which include: posters, brochures, and materials available on the Department's website.

- Providing speakers for presentations on human rights and fair housing to various groups and associations throughout the state.
- Hosting booths to disseminate educational materials on human rights and fair housing at conferences.
- Sponsoring events focusing on human rights and fair housing.
- Emphasizing education as part of the conciliation process.

Caseload

The Department currently has the authority to investigate discrimination alleged in the areas of employment, housing, public service, public accommodations, and credit transactions. While the protected categories differ depending on whether the allegations are made under the Human Rights Act or the Housing Discrimination Act, they are race, color, religion, sex, national origin, age, disability, marital status, receipt of public assistance, familial status, status as a victim of domestic violence and lawful activity.

The number of Equal Employment Opportunity (EEO) charges of discrimination and complaints of retaliation under N.D.C.C. § 34-01-20, handled by the Department has decreased during this biennium. The Department received 463 complaints during the 2015–17 biennium compared to 280 complaints through November 30, 2018. At this pace, the Department is on track to receive approximately 395 complaints in the current biennium. This would represent a 15% decrease over the previous biennium. In the 2015-17 biennium, the Department closed 564 cases and is on track to close 476 this biennium. The average days to close a case has decreased during this biennium.

In the 2015-17 biennium, 77 housing discrimination complaints were filed with the Department. In the current biennium, the Department has received 40 housing discrimination complaints through November 30, 2018. These numbers have remained fairly steady from the previous biennium. All complaints are being handled in a timely manner and there is no concern about aged cases.

Finally, with respect to other human rights complaints under the North Dakota Human Rights Act, specifically under public accommodations, public services, and credit transactions, the Department's caseload has decreased. The Department received 38 of these types of complaints in the 2015-17 biennium. In the current biennium, the Department has received 10 complaints through November 30, 2018.