

John Hoeven
Governor

Mark D. Bachmeier
Commissioner



State Capitol - 13th Floor
600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

www.state.nd.us/labor
E-mail: labor@state.nd.us

August 2, 2002

Sent by fax to (701) 478-4452

Cheryl Bergian, Director
North Dakota Human Rights Coalition
P.O. Box 1961
Fargo, ND 58107-1961

RE: NDHRC Requests

Dear Cheryl:

In response to your July 24, 2002 fax:

1. We have recently discussed the advisory committee proposal again and are giving it thorough consideration. I fully expect to provide an answer to you soon. While others have reviewed the proposal, it is ultimately my responsibility to get an answer to you. I recognize how pressing you feel this is and I am sorry for not being more prompt in my responses. I have felt it necessary and appropriate to prioritize work related the continued development of our case management processes. Implementing our new responsibilities under the 2001 legislation and our efforts to integrate all of our case management work has virtually required my continuous attention during most of the past year. You should always feel free to contact the Governor's office with your concerns about my job performance. The Governor's Constituent Services person is Monty Ann Rauser, the Governor's Policy Advisor for our area is Duane Houdek, and the Chief of Staff is William Goetz. Any of these people can be reached at 328-2200.
2. Regarding reasonable cause:
 - a. I refer you to my April 2, 2002 letter for a discussion of the reasons I believe it is impracticable to issue a formal determination in every complaint. I believe that our current approach to the resolution of complaints is appropriate, effective, consistent with the intent of our laws, and consistent with the approaches of other human rights agencies. I do not believe that a change in policy is necessary.
 - b. I am completely confident that we apply the proper "probable cause" standard in our determinations in human rights cases. I attempted in my April 2, 2002 letter to clarify the intent of my November 25, 2001 comments on this topic. I submit again that the Department of Labor has maintained a work-sharing agreement in excellent standing with the EEOC for fifteen years. During that time, the EEOC

has reviewed the department's dispositions in hundreds of cases. Moreover, we recently underwent our second successful fair housing performance evaluation by HUD officials and will soon be entering into our third annual work-sharing agreement with that agency. Our eligibility to share work with these agencies has been and continues to be dependent upon our application of standards for the resolution of complaints that are consistent with theirs. As I have previously noted, we will include a clarifying, operational definition of probable/reasonable cause in administrative rules but I have no doubt whatsoever that we are applying the proper standard in our work today.

3. The survey results are a priority for me. As I am beginning to be able to increasingly delegate day-to-day responsibilities to our new Human Rights Director, I anticipate being able to turn greater attention to the survey project shortly.

Thank you for your correspondence, as well as your time and patience. Please continue to feel free to contact me any time.

Sincerely,



Mark D. Bachmeier