

5000.0400 CHARGES.

Subpart 1. **Content.** A verified charge shall contain:

- A. the name and address of the person filing the charge;
- B. the name and address of the person against whom the charge is filed;
- C. a clear and concise statement of the facts that, in the judgment of the person filing the charge, may constitute the alleged unfair discriminatory practice;
- D. the signature under oath or affirmation of the person filing the charge; and
- E. any other information required by the commissioner.

Subp. 1a. **Who may file.** A person who claims to be aggrieved by an unfair discriminatory practice may file a charge with the department. The charge of an allegedly aggrieved minor or ward must be filed by a parent or guardian.

Subp. 1b. **Time for filing.** A charge must be filed within one year of an alleged unfair discriminatory practice. Filing is accomplished by delivery of the charge to the department's office before one year has elapsed. Time is computed under Minnesota Statutes, sections 645.15 and 645.151.

Subp. 2. **Filing.** A statement of grievance received by the department must be filed as a verified charge pursuant to Minnesota Statutes, section 363A.28, subdivision 3.

Subp. 2a. **Cross-filing with other agencies.** A charge filed with the department that alleges violation of antidiscrimination laws administered by EEOC or HUD will automatically be filed by the department with the EEOC or HUD.

A charge filed with EEOC or HUD may be referred to the department. The charge is considered filed on the date the department receives from the federal agency sufficient material for a charge to be considered filed under part 5000.0400.

Subp. 3. **Service.** A copy of the charge and a form that describes additional information requested to supplement the initial response to the charge shall be served by the commissioner upon a respondent either by personal delivery or by mail within ten days after it has been filed with the department.

Subp. 4. **Withdrawal.** A charge may be withdrawn at any time before a complaint is issued by the commissioner.

Subp. 5. **Amended charges.** A charge may be amended:

- A. to cure technical defects or omissions;
- B. to allege additional facts if they relate to or grow out of the facts alleged in the original charge;
- C. to add, remove, or change a party; or

D. if the purposes of the act will be served thereby.

Subp. 6. **Supplemental information.** It is the continuing responsibility of a charging party to provide the department with written information sufficient to allow it to communicate with the charging party by phone or in writing during the pendency of a charge or any complaint issued thereto. If a charging party fails to comply with this requirement, the commissioner may terminate any proceedings related to that charge; provided, however, that 30 days before the termination the commissioner shall direct a notice of the intention to so act to the charging party by mailing a certified letter to the charging party's last known address.

Statutory Authority: *MS s 363.05; 363A.06*

History: *11 SR 740; 13 SR 2825; 17 SR 1279*

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