



U.S. Department of Justice
Civil Rights Division

*Employment Litigation Section – 4CON
950 Pennsylvania Ave. NW
Washington DC 20530
www.justice.gov/crt/emp*

July 10, 2025

Via Electronic Mail

Keith Ellison
Attorney General of Minnesota
445 Minnesota Street, Suite 600
St. Paul, MN 55101

Shireen Gandhi
Temporary Commissioner, Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155

**Re: Investigation of the Employment Practices of the State of Minnesota Pursuant to
Section 707 of Title VII of the Civil Rights Act of 1964, as Amended**

Dear Attorney General Ellison:

We are writing to inform you that the Department of Justice is opening an investigation to determine whether the State of Minnesota, including the Minnesota Department of Human Services, (Minnesota) is engaged in a pattern or practice of discrimination based on race and sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (Title VII). It is the responsibility of the Attorney General of the United States to enforce the provisions of Title VII with respect to state and local government employers. The Attorney General has delegated the authority to investigate compliance with these provisions to the Assistant Attorney General of the Civil Rights Division.

Title VII prohibits an employer from discriminating against an individual on the basis of race, color, religion, sex, or national origin. *See* 42 U.S.C. § 2000e-2. When the Attorney General has reasonable cause to believe that a state or local government employer is engaged in a pattern or practice of discrimination in violation of Title VII, it is the Attorney General's responsibility to take appropriate action to eliminate that violation, including presenting the matter to the appropriate court for civil proceedings. *See* 42 U.S.C. § 2000e-6(a).

Our investigation is based on information that Minnesota may be engaged in certain employment practices that discriminate against employees, job applicants, and training program participants based on race and sex in violation of Title VII. Specifically, we have reason to believe the Minnesota Department of Human Services is engaging in unlawful action through, among other things, the adoption and forthcoming implementation of its “hiring justification” policy.¹

¹ See Minnesota Department of Human Services, Hiring Justification (issued July 1, 2025), https://mn.gov/dhs/assets/hiring_justification_4100.250_tcm1053-694336.pdf.

This policy purports to require “hiring supervisors” to provide a “hiring justification when seeking to hire a non-underrepresented candidate when hiring for a vacancy in a job category with underrepresentation.”² The policy defines “underrepresented candidates” to include “females,” and racial “minorities” who are “Black, Hispanic, Asian or Pacific Islander,” “American Indian or Alaskan native.”³ Employees who fail to comply with this policy “may be subject to disciplinary action, up to and including termination.”⁴ This hiring justification policy appears to be just one component of a broader effort by Minnesota to engage in race- and sex-based employment practices pursuant to “affirmative action” objectives.⁵ Accordingly, I have authorized a full investigation to determine whether Minnesota is engaged in a pattern or practice of discrimination as set forth above.

We have not reached any conclusions about the subject matter of the investigation. We intend to consider all relevant information, and we welcome your assistance in helping to identify what that might be. We would appreciate your cooperation in our investigation.

I have assigned Acting Deputy Assistant Attorney General Eric Sell to this investigation. Mr. Sell will be in contact with you shortly to set up a mutually agreeable date and time to discuss the parameters of this investigation, including the scope of information that we will be seeking from you. He may be reached by email at Eric.Sell@usdoj.gov.

Thank you for your cooperation.

Sincerely,

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Eric A. Sell, Acting Deputy Assistant Attorney General, Civil Rights Division
Ana Voss, Civil Chief, Office of the United States Attorney, District of Minnesota

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See MN Statute 43A.19; see also Minnesota Office of Management and Budget, “Affirmative Action,” (last visited July 9, 2025), <https://mn.gov/mmb/employee-relations/equal-opportunity/affirmative-action/>.