

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 14-14

Providing for Increased State Employment of Individuals with Disabilities

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

Whereas, the State of Minnesota, the state's largest employer, can serve as a model for the employment of individuals with disabilities through improved recruitment, hiring, and retention;

Whereas, the Governor's Workforce Development Council identified individuals with disabilities as an underutilized source of talent necessary to meet workforce needs;

Whereas, the percentage of state employees self-identified as having a disability declined from approximately 10% in 1999 to less than 4% in 2013;

Whereas, the State of Minnesota has the responsibility to ensure that its workforce reflects the diversity of the state's population and is able to meet projected workforce shortages by ensuring all qualified individuals are recruited and retained;

Whereas, to be competitive in the global economy, the State of Minnesota must use the talents and important contributions of all workers, including individuals with disabilities; and

Whereas, Executive Order 13-01 appointed and charged an Olmstead Sub-Cabinet to swiftly implement standards set forth in the Olmstead decision and the mandates of Title II of the Americans with Disabilities Act (ADA) through coordinated efforts of designated State agencies. These efforts must ensure that all Minnesotans have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

Now, Therefore, I hereby order that:

- 1) In accordance with Minnesota Statutes, section 43A.19, all Executive Branch Agencies use their best efforts to comply with the Affirmative Action Goals set by Minnesota Management and Budget (MMB) stating that state agencies are to increase employment for people with disabilities to at least seven percent by August, 2018.
- 2) Within 120 days of this order, the Commissioner of MMB, Assistant Commissioner of Enterprise and Human Resources, and the State Director for Equal Opportunity, Diversity and Inclusion will design a model for recruitment and hiring strategies to increase employment of people with disabilities. These strategies will include required training programs for hiring managers and human resources personnel, and are to include clear benchmarks to ensure implementation of this order.
- 3) Each Executive Branch Agency develops an agency plan for promoting employment opportunities for individuals with disabilities. The plans are to include specific recruitment and training programs for employment. Plans should be developed in consultation with the Commissioner of MMB, and are to include clear performance targets and goals.
- 4) In implementing their plans, Executive Branch Agencies, to the extent possible and permitted by law, should use an on-the-job demonstration process pursuant to Minnesota Statutes, section 43A.15, subdivision 14. Additionally, MMB will work with Executive Branch Agencies to increase awareness of supported work and the 700-hour program which provides trial work experience, internship, and student worker opportunities for persons with significant disabilities.
- 5) Through the implementation of revised hiring processes, MMB should collaborate with Minnesota IT Services to update hiring tools and ensure accessibility and usability for all people with disabilities applying for state jobs.
- 6) Within 120 days, the Commissioner of MMB shall implement a system for reporting quarterly to the Governor on the progress of individual Executive Branch Agencies in implementing their plans. MMB, to the extent permitted by law, shall compile and post on its website government-wide statistics on the progress made toward achieving the goals set forth in this order.
- 7) In keeping with the direction of the Olmstead Sub-Cabinet, every Executive Branch Agency will continue to report on competitive employment hiring financed by federal and state funding. This information should be compiled and shared publically on each agency's website.
- 8) Members of the State Disability Agency Forum are to serve as advisors to the Commissioner of MMB, monitor the progress of the order, and make recommendations that help the state achieve its recruitment, retention, and hiring goals.

9) MMB should develop a procedure for Executive Branch Agencies to consult with MMB for final resolution prior to denying any applicant or employee reasonable accommodation due to lack of funding. MMB will work with agencies to improve the agencies' understanding of their responsibilities under the Americans with Disabilities Act and Minnesota Statutes, section 43A.191, subdivision 2(b)(3). The cost of reasonable accommodations and accessibility should not be a deterrent to hiring qualified individuals.

10) General Provisions

- a. This order should be implemented consistent with Minnesota Statutes, section 43A.19. It should not be constructed to require any state employee to disclose disability status involuntarily.
- b. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Minnesota, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 4th day of August, 2014.



Mark Dayton
Governor

Filed According to Law:



Mark Ritchie
Secretary of State

