

03 - 0395

State of Minnesota

Board of Electricity

Affirmative Action Plan

2002 - 2004

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such as large print, Braille, or on audiotape, by calling (651) 642-0800.**

Board of Electricity
2002 - 2004 Affirmative Action Plan

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Statement of Commitment

The Board of Electricity is committed to Minnesota's statewide affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies, which provide that:

- Discrimination against employees, applicants, or eligibles on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated;
- The Board of Electricity is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- The Board of Electricity will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- The Board of Electricity is committed to the retention all qualified, talented employees, including protected group employees.

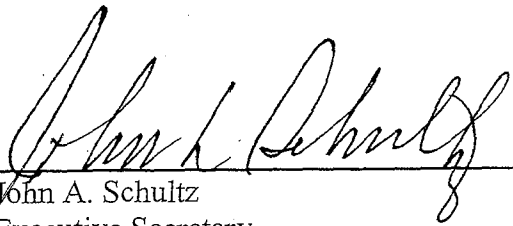
Gail M. Peterson will act as the Board of Electricity's Affirmative Action Officer designee and ADA Coordinator designee. She is responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the Board's affirmative action plan or who has concerns about affirmative action or equal opportunity issues, may request a copy of the plan from Gail M. Peterson.

It is the policy of the Board of Electricity to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve the Board of Electricity. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.

731-03

Date


John A. Schultz
Executive Secretary

Harassment Policy

Statement of Policy

It is the policy of the Board of Electricity to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint with the Board of Electricity's Affirmative Action Officer designee, or contact the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations for information. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer designee will be expected to keep the Board of Electricity and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer designee is also responsible for:

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin".

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment, including sexual harassment, to occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Board of Electricity's Affirmative Action Officer designee, or contact the Office of Diversity and Equal Opportunity at the Department of Employee Relations for information. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible of the Board of Electricity who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in the Board of Electricity's affirmative action plan.

Internal Discrimination Complaint Procedure

The Board of Electricity has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure.

Who May File

Any employee, applicant, or eligible of the Board of Electricity who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation, however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

The Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of the Board of Electricity's nondiscrimination policy within the agency. Employees, applicants, and eligibles are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. These agencies do have time limits for filing complaints, so individuals should contact these agencies for more information.

Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation (s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if they want information about filing a complaint.

2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - a) If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
 - b) If the complaint **is** related to discrimination, the Affirmative Action Officer designee will, within 10 working days, contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer designee shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer designee shall then review the findings of the investigation.
 - a) If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - b) If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint(s) is filed. The complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
 - a) Interviews or written interrogatories with all parties involved in the complaint, e.g., complainant(s), respondent(s), and their respective witnesses; officials having pertinent records or files, etc.
 - b) All records pertaining to the case i.e., written, recorded, filmed, or in any other form.

8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

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COMPLAINT OF HARASSMENT/DISCRIMINATION (Form)

Please Read Before Completion of Form

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager
Respondent (Person Who Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

The Complaint	
Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	
Date most recent act of harassment/ discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate piece of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case

Name	Work Address	Work Telephone
1.		()
2.		()
3.		()

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

This complaint is being filed on my honest belief that the State of Minnesota has harassed/discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature	Date
-----------------------	------

Affirmative Action Officer Signature	Date
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Reasonable Accommodation Policy

Policy

The Board of Electricity is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Board of Electricity to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definitions

1. Person with a Disability

For purposes of this policy, a person with a disability is one who has a physical or mental impairment that substantially or materially limits one or more major life activities.

2. Reasonable Accommodation

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- a) To assure equal opportunity in the employment process;
- b) To enable a qualified individual with a disability to perform the essential functions of a job; and
- c) To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure-Current Employees and Employees Seeking Promotion

1. The Board of Electricity will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform the ADA Coordinator designee of the need for an accommodation.
3. The ADA Coordinator designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a) Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b) Determine the precise job-related limitation.
 - c) Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d) Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Board of Electricity is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator designee will work with the employee to obtain technical assistance, as needed.
6. The Board of Electricity will provide a decision to the employee within a reasonable time line.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator designee shall work together to determine whether reassignment may be an appropriate accommodation.
8. If a request for accommodation is not approved, the ADA Coordinator designee shall inform the employee of the reason(s) for denial.

Procedure-Job Applicants

1. The job applicant shall inform the ADA Coordinator designee of the need for an accommodation. The ADA Coordinator designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations

Funding must be approved by the Board of Electricity for accommodations that do not cause an undue hardship (M.S. 43A.191(c)).

Definition

Undue Hardship. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Board of Electricity.

Procedure for Determining Undue Hardship

1. The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.
2. The ADA Coordinator designee will review undue hardships by considering:
 - a) The nature and cost of the accommodation in relation to the size, the financial resources,
 - b) and the nature and structure of the operation; and
 - c) The impact of the accommodation on the nature or operation of the Board of Electricity.
3. The ADA Coordinator designee will provide a decision to the employee.

Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure as outlined in this plan.

Supported Work

The Board of Electricity will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER.

The Board of Electricity will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

Weather Emergencies

A copy of the most recent Department of Employee Relation's Notification Regarding Weather Emergencies/Closure of Facilities is included in this plan.

All employees will be notified as described in this document.

All employees with hearing impairments who need special notification will receive such notification in a timely manner. If the employee is at work, the supervisor or designated backup staff will provide notification in the case of an emergency. If the employee is not at work and uses a TTY for telephone communication and an emergency is called, the supervisor will contact the employee using the Minnesota Relay Service at (800) 627-3529 to inform the employee of the emergency.

Building Evacuation Procedures

The board has established evacuation procedures for all employees and posted such notice on the employee bulletin board.

Notification of Others

Anyone noticing a condition that appears to be a threat to the physical safety of the occupants of this building shall immediately notify the senior staff person present in the office space. In the case of imminent danger, such as heavy smoke or fire, the senior staff person shall initially and immediately notify other staff using the office intercom system or group-paging feature. In addition, the notification shall be personally communicated to each individual, especially those persons with mobility or sensory impairments. The senior staff person shall ensure that all occupants of the office space have been notified of the emergency. The senior staff person shall be responsible for ensuring that all office staff has been evacuated safely from the building.

Evacuation Route

If the main building corridor at the front of the office space does not constitute a hazard, exit by the front office door and immediately proceed to the left to the end of the corridor. Proceed to the right through the vestibule and the main exit for the building. If the corridor to the main building exit constitutes a hazard, immediately turn to the right upon leaving the office space and proceed to the first available building exit corridor. All exit doors in the office space are identified with exit signs and all building corridors are identified with illuminated exit signs. Persons in either the conference room or the examination room should use the doors that open directly into the main building corridor and follow this same procedure.

The exit doors from the employee lunchroom and main file storage room should only be used if the main building corridor at the front of the office space constitutes a hazard.

If impaired persons are present, the senior staff person shall recruit others to help remove such persons from the building along a safe evacuation route.

If any hazard limits visibility, the senior staff person shall determine the safest route and all persons present shall exit by the same route at the same time as a group. No staff person shall leave the building grounds without permission of the senior staff person. Employees shall assemble to ensure that all persons have been evacuated and that every person is present and accounted for. If there are personal injuries, the senior staff person shall be responsible for rendering first aid or seeking medical assistance, or both. If the building alarm system has not annunciated the alarm and emergency personnel are not present, every effort shall be made to notify emergency authorities by calling 911.

[weather/top include.htm]

Weather Information Home

State office closures by county

Current weather information

Emergency policies

Current road information

State bus services

Safety information and resources

Notification Regarding Weather Emergencies/Closure of Facilities

Notification of Agencies

Agency heads or their designees will be notified by DOER when a weather emergency is declared. This notification may be made by telephone, by fax or by any combination of those methods. Agencies must determine the methods which their leadership personnel are to be notified of facility closures due to weather emergencies, and inform DOER of the notification methods they choose and the members who are to be notified.

Agencies Must Provide Contact Information to DOER

To inform DOER of the manner in which leadership personnel are to be notified of state facility closures due to weather emergencies, **state agencies must fill out and** submit a DOER Emergency Notification System Registration Form (PE-00666) (*pdf format).

IMPORTANT NOTE: When changes in location, personnel, telephone numbers, e-mail addresses, etc. occur, agencies must provide DOER with updated information. To update information that has been previously sent to the Employee Relations, send a memo to the attention of Mary Ferguson at DOER outlining the contact information for your agency that must be changed or updated. When adding new personnel to the existing weather emergency contact list, the list must be complete and submit an additional DOER Emergency Notification System Registration form (PE-00666). Completed forms should be sent to Mary Ferguson at DOER or emailed to her at mary.ferguson@state.mn.us

Agencies Must Have Internal Notification Procedures

All state agencies **MUST** have an internal procedure established for notifying employees at their affected offices and work locations about facility closures due to weather emergencies. Although DOER supplies weather emergency/closure information to the media, we have found that some employees do not receive notification from that source in a timely fashion.

Agencies should also have a procedure in place for informing deaf and hearing-impaired employees about weather emergencies. If a deaf or hearing-impaired employee has a TTY (telecommunication device for the deaf) machine, a supervisor can contact him/her through Minnesota Relay Service (MRS), providing weather emergency/closure information to deaf or hearing-impaired employees through MRS, [click here](#).

Public Notification Through the Media

If a weather emergency is declared, DOER will provide an announcement on **Radio (830 AM), WMNN Radio (1330 AM), KSTP-TV, WCCO-TV a**

TV, and the Associated Press (the AP will transmit the announcement o for use by radio stations in Greater Minnesota). These media outlets will t the announcement to provide public notification of the weather emergency closure. [Click here to read the standard text of DOER's weather emergenc announcement.](#)

DOER's Weather Emergency/State Facilities Closure Website

This Internet page, the **DOER Weather Emergency/State Facilities Clo Website**, provides complete and updated information for state agencies an employees. For an example of the kind of information provided by this we [here to review State Office Closures Page.](#)

Information Updates During Weather Emergencies

In a weather emergency, DOER will continue to monitor conditions throu Emergency Management Division. If changes in the emergency designati warranted, they will be announced through direct notification to agencies, public notification through the media, and on the DOER Weather EmERGE Facilities Closure Website. Agencies should use their own internal weathe notification procedures to relay updated information provided by DOER.

[[weather/subincl.htm](#)]