

03 - 0465

Affirmative Action Plan

2002 - 2004

**MINNESOTA DEPARTMENT
OF HUMAN RIGHTS**

July 2003

This material can be given to you in alternative formats such as large print, Braille, or on tape.
To request another format, please call 651.296.9044 (voice) or 651.296.1283 (TTY).

Department of Human Rights 2002-2004 Affirmative Action Plan

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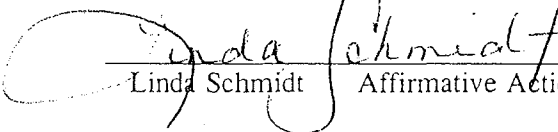
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**Affirmative Action Plan
Transmittal Form
Fiscal Years 03 and 04
For Department of Human Rights**

1. Our review of the goal units listed below revealed underutilization of the following protected group(s): None

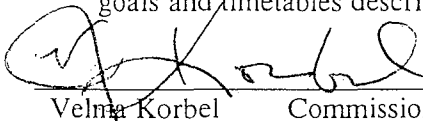
JOB GROUP	PROTECTED GROUPS		
	FEMALE	MINORITIES	DISABLED
Officials and Managers			
EEO Professionals			
Office/Clericals			

2. The Affirmative Action Plan is distributed in the manner described in the Affirmative Action Plan, and is available in the Human Resources Director's Office and the Commissioner's Office so that every employee is aware of the Department of Human Rights' commitments in affirmative action for the year.
3. This plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure and the Department of Human Rights' affirmative action goals for this fiscal year.


7/15/03

 Linda Schmidt Affirmative Action Officer Date

4. This plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.


7/15/03

 Velma Korb Commissioner Date

5. This plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

 Director, Office of Diversity and Equal Opportunity

 Date

Statement of Commitment

The Minnesota Department of Human Rights is committed to the provision of equal opportunity to all its employees and applicants for employment and will act in accordance with all equal opportunity/affirmative action laws, directives, orders and regulations of the State of Minnesota. The Minnesota Department of Human Rights has a commitment to affirmatively retain protected group employees.

The department will not discriminate against or harass any employee or applicant for employment because of race, creed, color, sex, national origin, age, marital or family status, disability, status with regards to public assistance, religion, sexual orientation, or membership or activity in a local commission.

I will act affirmatively to prevent discriminatory employment practices from taking place in the department and I will direct department managers and supervisors to do so as well. Affirmative Action considerations will be applied to employment practices including hiring, promotion, demotion, transfer, recruitment (including advertising), layoff, discipline, termination, compensation, assignment and training.

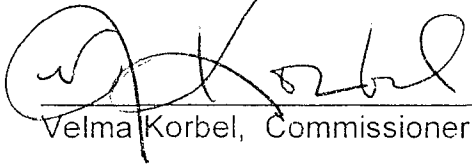
One of the goals of the department is to eliminate the barriers to the employment of qualified persons with disabilities, minorities and women in the State of Minnesota. In keeping with this goal, the department will review, update and maintain its Affirmative Action program in order to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified persons with disabilities, minorities and women. The Department of Human Rights has a commitment of affirmatively retrain protected group members/employees.

Any department employee who is found to have violated the department's equal employment opportunity policies and procedures as stated in this Affirmative Action plan will be subject to discipline.

I have appointed Linda Schmidt as the department's Affirmative Action Officer and ADA Coordinator. She is responsible for updating and maintaining the department's Affirmative Action Plan; for monitoring all equal employment opportunity activities within the department; and for reporting the effectiveness of the Affirmative Action program as is required by state law. Linda Schmidt is responsible to me for administering the department's Affirmative Action Plan.

Statement of Commitment (continued)

Any department employee or applicant for employment who believes that he/she has been discriminated against may contact Linda Schmidt. Her telephone number is 651.296.9044; TTY 651.296.1283, she may also be contacted by mail at the department's mailing address. Discrimination complaints may also be filed with the Equal Employment Opportunity Commission.



Velma Korb, Commissioner

7-15-03

Date

Responsibilities for Affirmative Action

Commissioner

1. Responsibilities

The Commissioner will be responsible for the establishment of affirmative action programs, including goals and time-tables and compliance with all federal and state laws and regulations relating to discrimination.

2. Duties

The duties of the Commissioner shall include, but not be limited to, the following:

- a. to designate an Affirmative Action Officer (AAO) and include accountability for affirmative action in his/her position description.
- b. to take action, if needed, on complaints of discrimination.
- c. to issue a statement affirming the department's commitment to affirmative action/equal employment opportunity and to ensure that such a statement is disseminated to all employees.
- d. to make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the department.
- e. to actively promote equal employment opportunity.
- f. to report annually to the Governor and the Legislature through the Commissioner of Employee Relations the department's progress in affirmative action.
- g. to notify all contractors and sub-contractors with the department of their affirmative action responsibilities.

3. Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of Employee Relations and the Director, Office of Diversity and Equal Opportunity for affirmative action matters.

Responsibilities for Affirmative Action (continued)

Affirmative Action Officer

1. Responsibilities

The Affirmative Action Officer (AAO) is responsible for the development, implementation and monitoring of the departmental affirmative action program.

2. Duties

The duties of the AAO shall include, but not be limited to, the following:

- a. to coordinate and monitor the day-to-day affirmative action activities.
- b. to investigate complaints of discrimination and submit findings to the Commissioner.
- c. to fulfill all affirmative action reporting requirements.
- d. to disseminate the Affirmative Action policy.
- e. to hold exit interviews with all employees to determine reasons for turnover.
- f. to act as the liaison between the department and the Department of Employee Relations (DOER), Office of Diversity and Equal Opportunity (ODEO).
- g. to determine the need for affirmative action training within the department and to initiate the development of such training programs with the assistance of the Training and Development Coordinator, ODEO and Human Resource Development Services divisions at DOER and outside resources as necessary.
- h. to review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action.
- i. to support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- j. to notify the Commissioner of all formal written complaints when received.

Responsibilities for Affirmative Action (continued)

3. Accountability

The AAO is accountable directly to the Commissioner.

Supervisors

1. Responsibilities

Supervisors are responsible for the implementation of affirmative action in their organizational unit and for equal treatment of all employees and applicants for employment.

- a. to assist the AAO in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- b. to communicate the department's affirmative action policy to assigned staff.
- c. to include responsibility statements for affirmative action/equal employment opportunity in their position descriptions.
- d. to carry out their supervisory responsibilities in accordance with affirmative action/equal employment policies embodied in this plan.
- e. to communicate the department's affirmative action policy to assigned staff.
- f. to maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
- g. to provide positive environment in the work place.
- h. to refer complaints or complaints involving another supervisor to the respective division head.

Responsibilities for Affirmative Action (continued)

2. Accountability

Supervisors are accountable directly to the Deputy Commissioner.

Managers

1. Responsibilities

Managers are responsible for the implementation of affirmative action in their division and for equal treatment of all employees.

- a. to assist in the identification of problem areas and eliminating barriers which inhibit equal employment opportunity.
- b. to communicate equal employment policy and affirmative action program to all employees assigned to their division.
- c. to assist the AAO in conducting periodic audits of training programs, hiring and establish promotion patterns to remove impediments to the attainment of goals and objectives.
- d. to hold regular discussions with supervisors and employees to ascertain that the department's EEO policies are being followed.
- e. to inform and evaluate supervisors on the basis of their equal employment opportunity efforts and results in addition to other criteria.

2. Accountability

Managers are accountable directly to the Commissioner/Deputy Commissioner.

Methods for Communicating the Department of Human Rights Affirmative Action Plan

The Department of Human Rights Affirmative Action Officer (AAO) will ensure that all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

Methods for Communicating the Affirmative Action Plan Internally

1. The AAO will distribute to all supervisory staff, a copy of the full AA plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Human Resources Office will post the following documents on the department bulletin board in the employee breakroom:
 - a. the Department of Human Rights Affirmative Action Plan
 - b. the Minnesota Equal Opportunity policy, and
 - c. the name and phone number of the agency's Affirmative Action Officer.
3. Additional copies of the AA plan will be available to employees upon request from the Human Resources Office.

Methods of Communicating the Affirmative Action Plan Externally

1. The Department of Human Rights will include the statement, "an equal opportunity employer," on agency letterheads, job announcements and training opportunity bulletins.
2. A notice of the department's Equal Employment Opportunity policy will be posted in the main lobby, providing an opportunity for everyone doing business directly with the Department of Human Rights to be made aware of the policy.
3. The department's Internet Home Page will include the statement, "an equal opportunity employer."

Policy Prohibiting Harassment/Discrimination

Definition

Harassment is any behavior, which is not welcome, which is personally offensive, which therefore, may adversely affect morale and interfere with the employee's ability to perform his/her job responsibilities.

According to the EEOC: "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

It is the policy of the department to prohibit verbal and physical harassment of its employees based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local commission. Any employee subjected to harassment on any of these basis should file a written complaint with the department's AAO.

The department has posted this policy and will publish it in the employee handbook given to each employee upon hiring. In addition, the AAO will present the policy in orientation to all new employees. The following complaint procedure is part of the employee handbook.

Internal Harassment/Discrimination Complaint Procedure

The Department of Human Rights has established the following discrimination complaint procedure to be used by all employees, applicants, or eligible. 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 Department of Human Rights 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 Department of Human Rights' 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. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if s/he wants information about filing a complaint.

Internal Harassment/Discrimination Complaint Procedure (continued)

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.
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 Project.
 - A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer will inform the complainant, in writing, within ten (10) working days.
 - B. If the complaint **is** related to discrimination, the Affirmative Action Officer 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 shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer 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.

Internal Harassment/Discrimination Complaint Procedure (continued)

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 and 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.

IDEAL GOALS

Job Group	Total Employees in Job Group	Women					Annual % Goal
		Utilization		Availability		Number Under-utilized	
		Number	%	%	Number		
Officials and Managers	3	2	66.7	37.58	2		
Professionals	36	20	55.6	50.83	18		
Office/Clerical	11	11	100.0	79.88	9		
Totals	50	33			29	0	

Job Group	Total Employees in Job Group	Minorities					Annual % Goal
		Utilization		Availability		Number Under-utilized	
		Number	%	%	Number		
Officials and Managers	3	2	66.7	6.27			
Professionals	36	7	19.4	11.06	4		
Office/Clerical	11	4	36.4	4.92	1		
Totals	50	13			5	0	

Job Group	Total Employees in Job Group	Disabled					Annual % Goal
		Utilization		Availability		Number Under-utilized	
		Number	%	%	Number		
Officials and Managers	3	1	33.3	11.31			
Professionals	36	7	19.4	10.88	4		
Office/Clerical	11	1	9.1	11.56	1		
Totals	50	9			5	0	

The AAO and the Commissioner review vacancies and anticipated turnover for the fiscal year. This information combined with the information on existing disparities within units is the basis for goals for the fiscal year.

Given the current projections and anticipated staffing, the department foresees hiring will be on a replacement only basis as business necessity and fiscal constraints permit.

The State of Minnesota and the Minnesota Department of Human Rights has a commitment to recruiting and hiring individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

Programs and Program Objectives

Program: Affirmative Action Education

Objective: Continue to provide education to department supervisors and managers about Affirmative Action and about responsibilities in implementing the Affirmative Action Plan.

Responsibility: Affirmative Action Officer and Human Resources Office.

Completion Date: Annually.

Action Steps:

1. Educate/refresh supervisors and managers about their role in implementing the Affirmative Action Plan, creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members.

Objective: The Affirmative Action Officer will keep the staff informed, updated and aware of Affirmative Action and Equal Opportunity policies, news, training and events.

Responsibility: Affirmative Action Officer

Completion Date: Weekly/biweekly/monthly/quarterly

Action Steps:

1. Post Affirmative Action Plan on staff bulletin board and on the website.
2. Distribute weekly/biweekly/monthly/quarterly publications announcing training, conferences, events, etc.

Program: Affirmative Action Improvements

Objective: Seriously pursue hiring a supported employment worker.

Responsibility: Affirmative Action Officer/Human Resources Director

Completion Date: After current hiring freeze

Programs and Program Objectives (continued)

Action Steps:

1. Contact Department of Employee Relations, State ADA/Disability Coordinator for more information about the Supported Employment Program.
2. Contact local rehabilitation/vocational organizations for assistance in conducting a job analysis.
3. After completion of a job analysis, identify possible job duties that could constitute a supported employment worker position.
4. Recruit for this position by building relationships with regional rehabilitation/vocational organizations and advertising in publications directed to people with disabilities.
5. Complete a request to employ form and submit to DOER.
6. Interview and hire a supported employment worker.

OBJECTIVE: Individual Development Plan Worksheets are used to determine specific training and/or development opportunities to assist with retaining employees.

Responsibility: Affirmative Action Officer, Human Resources Director/Training Coordinator, Managers and supervisors.

Completion Date: Annually

Action Steps:

1. Individual Development Plan Worksheets are completed at the time of employees' annual performance evaluation.
2. The Human Resources Director/Training Coordinator reviews the Individual Development Plan Worksheets.
3. The Human Resources Director/Training Coordinator consults with individual supervisors and employees to determine how to most effectively address their needs.

Pre-Employment Review Process

The Department of Human Rights will make a good-faith effort to reach the goals of the Affirmative Action Plan; the procedure laid out below will be followed when hiring.

Consultation with Managers

Managers will be kept advised of the goals and disparities for the various occupational categories under their supervision by the AAO.

Selection Process: Pre-employment Review

1. When management decide to fill a vacancy, the AAO/Human Resources Director will be notified.
2. Once notified of the effort to fill a vacancy where a disparity exists, the AAO/Human Resources Director will work closely with the hiring manager, monitoring and collecting data each step of the hiring or promotional process.
3. The Human Resources Director and the supervisor/manager will develop a position description and determine the necessary job-related criteria: knowledge, skills, and abilities.
4. The Human Resources Director determines whether any bargaining unit employees are eligible to bid on the position. If so, the job will be posted for the required length of time. If an employee bidding on the job is successful, the job will be filled in accordance with the union contract.
5. The Human Resources Director ascertains whether a job announcement is necessary.
6. If a job announcement is necessary, management, with assistance from AAO/Human Resources Director, will recruit affirmatively for the position. The Human Resources Director will maintain complete documentation of the recruiting to monitor the Department's progress.
7. The AAO/Human Resources Director will ascertain whether the applicant pool contains candidates who will help the agency reduce the disparity and will insure that the selection procedures used will not result in discrimination against protected groups.

Pre-Employment Review Process (continued)

8. The manager will devise a list of uniform job-related questions. The AAO/Human Resources Director will make sure that they are uniform, appropriate and job-related. However, if the AAO/Human Resources Director is a potential candidate for the vacancy, the Commissioner will review the questions.
9. The résumés of all candidates will be reviewed by the manager and compared to the qualifications stated in the job announcement. Those candidates who most closely match the qualifications stated in the job announcements will be selected as the pool of candidates to be interviewed.
10. Prior to offering a position to a candidate, the manager will discuss the anticipated selection the AAO to ascertain that the selection is consistent with the Department's Affirmative Action Plan goals. These two parties will discuss who will be and who will not be hired by considering candidates on the basis of their knowledge, skills and abilities.
11. If the AAO is dissatisfied with the manager's decision to reject a protected group member, the manager will explain in writing why the protected group person was not selected. The AAO and the Deputy Commissioner will review copies of the written rejection. No selection will be made until such written reasons have been reviewed if the AAO and the Deputy Commissioner believe that the reasons for rejection are insufficient, the selection will be referred to the Commissioner, whose decision is final.
12. The AAO/Human Resources Director will keep documentation on the selection process for all appointments. Data on every appointment, where there is a disparity, will indicate how much opportunity the Department had to act affirmatively and what was actually done.
13. Protected group status is not identified as public data according to the Minnesota Government Data Practices Act. Therefore, information pertaining to the protected group status of applicants and employees will not be disclosed.

Methods of Auditing, Evaluation, and Reporting Program Success

To ensure that progress in implementing the agency's affirmative action plan can be monitored and evaluated, the following methods will be used:

The following documentation will be maintained by the agency's Affirmative Action Officer and retained for at least five years. (All documentation will contain, at a minimum, information regarding an individual's job classification, race, sex, and handicap.)

1. Copy of the affirmative action plan.
2. Copies of tracked resumes' used to fill positions during the preceding twelve month period.
3. A record of all promotions, transfers, new hires, and terminations, along with a record of all temporary, seasonal, or provisional hires.
4. A record of any disciplinary actions taken
5. A record of all discrimination complaints filed.

The Affirmative Action Officer will annually review and analyze the above documentation to determine compliance with affirmative action goals and prepare a summary of hiring practices and disciplinary action to be included in the agency's annual affirmative action report to the Department of Employee Relations.

The Affirmative Action Officer will report any internal complaints to the Commissioner of the Department of Employee Relations within 30 days of final determination.

Any layoff decisions will be reviewed by the Deputy Commissioner and the Human Resources Director/Affirmative Action Officer prior to implementation to determine their effect on agency affirmative action goals and timetables.

Reasonable Accommodation Policy

The Department of Human Rights 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 Department of Human Rights to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definitions

1. **Disability.** For purposes of determining eligibility for a reasonable accommodation, 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.
1. **Reasonable accommodation.** An accommodation is any 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. This accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.

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:

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

Reasonable Accommodation Policy (continued)

Procedure for Requesting a Reasonable Accommodation - Current Employees

1. The Department of Human Rights will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator of the need for an accommodation.
3. The ADA Coordinator 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:
 - Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - Determine the precise job-related limitation
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - 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 Department of Human Rights 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 will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.

Reasonable Accommodation Policy (continued)

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 shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure for Requesting a Reasonable Accommodation - Job Applicant

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

The Funding of Accommodations

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

Procedure for Determining Undue Hardship

1. The employee will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
 - the nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - the impact of the accommodation on the nature or operation of the Department of Human Rights.

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.

Retention Program

The Affirmative Action Officer, Linda Schmidt, Human Resources Director, is responsible for overseeing the retention activities for the Department of Human Rights.

The department is making every effort to retain protected group employees. The Affirmative Action Officer will continue to conduct exit interviews of all staff leaving the department. Information from the exit interviews, along with statistical data from SEMA4 regarding turnover and retention will be compiled, analyzed, and presented to management with the intent of retaining specific groups.

The department will continue to create and maintain a respectful environment for all employees by offering annual training to all employees, and requiring training for new employees, on the following topics: Migrant Farm Community; Aged Community; Gay/Lesbian/Transsexual Community; Sexual Harassment; Somali Community; African-American Community; Individuals with Disabilities; Hate Crimes; Equal Employment Opportunity Commission (significant case law); Attorney General's Office (definition of disability and significant case law pertaining to Human Rights). Supervisors and managers are educated about their role in creating and maintaining a healthy and humane workplace and about specific supervisory responsibilities that contribute to retention of protected group members.

Mentoring is provided for new staff. Assignments are made upon completion of the trainee period or within two weeks of hire, whichever is applicable.

Retention Program (continued)

Separation Analysis

Separation data, for the period of July 1, 1999 – December 31, 2002, was collected and analyzed. Data includes unlimited classified and unlimited unclassified positions.

During this period, 48 employees left the agency on their own volition, through lay-off or through discharge. Twenty one employees were unclassified, temporary or student workers whose appointments ended. Of this group, 11 were male, 37 were female; 17 were minorities and 3 people had disabilities. Including all women, minorities and persons with disabilities, 42 were protected group members.

Of the 27 permanent employees who terminated, there were 20 females. Nine of the females left specifically to accept other positions within state service; one retired; one relocated to Florida; one relocated to Philadelphia; two were dismissed; and 6 left for personal reasons not related to the positions. Of the six males (one individual left and came back and resigned a second time); two transferred to other state agencies; one had his work visa expire; and three voluntarily resigned to accept positions outside of state government.

Analysis of this data appears to show that separation patterns of non- and protected group employees are not significantly different and that the primary reasons for separation is that employees are moving on to other positions for promotional opportunities or their temporary appointment ends. Relative to other state agencies, positions within the department are classified at a mid-level and since this is the smallest department and with limited positions, employees may need to go elsewhere for advancement and other experiences. In addition, the work of this department frequently exposes employees to experiences/ opportunities with other state agencies, other governmental entities and private sector firms.

Mobility And Career Advancement

Employees receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs), the ability to access the state opportunities via the DOER website; and the posting of other career opportunities with other governmental entities.

Recruitment Program

Recruitment Activities – 2000-2002

Sources Used

State of Minnesota Career Opportunities Bulletin; State of Minnesota World Wide Web - Internet Job Listing; agency website; State of Minnesota Telephone/TTY Job Information Line; Various publications (Star Tribune, St Paul Pioneer Press, Asian-American Press, The Spokesman, Native American Press, Focus Point, La Prensa)

Costs Incurred

Cost of ad placement \$1,930 (to recruit for Executive 2)

Results

Approximately 188 résumés were received for the Executive 2 position; of which approximately 20 were well qualified and given further consideration. This position was not filled due to budgetary considerations. The Minnesota Department of Human Rights is proud of its' very diverse workforce where no disparities exist.

Job Fairs Attended/Projected

None attended. We do not anticipate attending any job fairs in the near future. When job opportunities are available, the Department of Human Rights receives ample resumes' and job interest.

Strategies

We project little or no turnover in the next year. Strategies to recruit for projected vacancies and resources to be used to improve recruitment of persons with disabilities will include sending job announcements to: Access Press (a publication which targets people with disabilities); Vocational Rehabilitation and State Services for the Blind (divisions of the Department of Economic Security); and the State Council on Disability.

Recruitment Program (continued)

Internship Program Opportunities

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Human Resources staff to formalize and implement the specific internship arrangement in accordance with the Administrative Procedure 21E.

Recruitment

The Human Resources Director is responsible for recruitment efforts, such as overseeing the recruitment of qualified candidates. In regard to recruitment of persons with disabilities, we are currently complying with the requirements of the Americans With Disabilities Act in our recruitment activities by making materials available in alternate formats and meeting locations are accessible.

Building Evacuation Procedures

In the event of an emergency, the Department will provide for the safe exit of all individuals, both employees of the agency and those visiting the agency in accordance with the Emergency Procedures Manual for the Sibley Square at Mears Park Building (formally Army Corps of Engineers Centre) and the Emergency Action Plan in the Department's Administrative Policies and Procedures Manual, which is attached to this plan.

Weather Emergencies

The memorandum from the Commissioner of the Department of Employee Relations regarding Winter/Weather Emergencies is posted on the Department of Human Rights Bulletin Board. The Department's Administrative Policies and Procedures Manual, which is distributed to all employees, also lists the procedure on weather emergencies.

In case of emergency all employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are deaf or hard of hearing can obtain official notification by watching weather broadcasts on KSTP, WCCO or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or hard of hearing prefer, they may arrange for notification at home from their supervisor or designee. If an emergency, which affects the employee, is called, the supervisor or designee may use the Minnesota Relay Service (1-800-627-3529) to contact the employee using the TTY.