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2004 - 2006

**AFFIRMATIVE ACTION PLAN**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**AND**  
**OFFICE OF ENVIRONMENTAL ASSISTANCE**

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(651) 296-7348 or (651) 282-5332 (TTY).

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**STATEMENT OF POLICY AND COMMITMENT BY THE COMMISSIONER/DIRECTOR**

As Commissioner of the Minnesota Pollution Control Agency (MPCA) and Director of the Minnesota Office of Environmental Assistance (OEA), we are firmly committed to the state's policy of both equal opportunity and affirmative action employment. It is our responsibility to ensure that the MPCA and OEA provide equal opportunity employment to both current and prospective employees without regard to race, color, creed, religion, age, sex, disability, marital status, status with regard to public assistance, membership or activity in a local commission, national origin, or sexual orientation. This policy applies to all conditions of employment, including, but not limited to, recruitment, selection, placement, advancement, retention, transfer, demotion, layoff, recall, termination, disciplinary action, compensation and employee development.

Because protected group members in our society have been denied equal opportunity in the past, we strongly support and will actively pursue a policy of affirmative action employment and retention for those classes and goal units experiencing underutilization in the agencies. Protected groups are defined in Minnesota Statutes, Chapter 43A, as women, minorities, and persons with disabilities. We endorse affirmative action as a viable and proper approach to ensuring that the work force of these agencies reflects the same configuration as the related work force as a whole.

Because equal employment cannot exist in the presence of discrimination in any form, efforts will be made to provide a work environment free of discrimination and harassment. Accordingly, the agencies fully support the non-discriminatory provisions of all state and federal laws, rules and regulations which form the legal framework for affirmative action and equal opportunity.

As employers, the agencies are responsible for the actions of their employees and may be held liable for failure to investigate allegations of harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees. Consistent with this policy, therefore, no employee of these agencies will be allowed to engage in any form of harassment of other employees. Any employee who, after investigation, is found to have engaged in any form of harassment of other employees will be subject to disciplinary action. Although the agencies are responsible for maintaining a working environment free from discrimination and discriminatory harassment, each and every employee plays a part by affirmatively raising the subject, expressing strong disapproval and adhering to the provisions of this policy and Affirmative Action Plan.

We are personally committed to the goals and provisions outlined in this Affirmative Action Plan. The primary responsibility for implementation of this policy falls to each manager and supervisor. We have directed that each of these individual's position descriptions list affirmative action as an "A" priority and have informed them that their performance will be closely monitored with regard to this responsibility. As a management team we are committed to implementing all provisions of this Plan

Denise Legato, Human Resources Manager, has been designated as the Agencies' Affirmative Action Officer and the Americans with Disabilities Act (ADA) Coordinator for the MPCA and the OEA. Ms. Legato will report to Commissioner Corrigan and Director Dunn for resolution of any and all complaints referenced in this plan. Together we will ensure implementation of the Plan.

By   
Sheryl Corrigan, Commissioner  
Minnesota Pollution Control Agency

By   
Art Dunn, Director  
Office of Environmental Assistance

Dated: July 20, 2004

## AGENCY CONTACTS AND THEIR RESPONSIBILITIES

### Commissioner of MPCA – Sheryl Corrigan

### Director of OEA – Art Dunn

Responsibility: To provide leadership in implementing the provisions of this Plan and to ensure that the agencies are in compliance with all applicable laws and regulations.

1. To designate an Affirmative Action Officer (AAO).
2. To issue a written statement to all employees affirming support for the agency's Affirmative Action Plan.
2. To include accountability for the administration of the agencies' Affirmative Action Plan in the officer's position description.
3. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
4. To act promptly and appropriately to any and all complaints of discrimination.
5. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective equal opportunity and affirmative action progress.
6. To report annually to the Governor, and the legislature through the Commissioner of Employee Relations, the agencies progress in affirmative action.

Accountability: To the Governor for MPCA Commissioner. To the MPCA Commissioner for OEA Director.

### Affirmative Action Officer and Americans with Disabilities Coordinator – Denise Legato

Responsibility: To develop, implement and monitor the agencies' Affirmative Action Plan.

1. To recommend policy, procedure or program changes.
2. To administer pre-employment review policy and provide guidance to managers and supervisors in exercising their affirmative action responsibilities throughout the year as well as reviewing the plan with them at the beginning of each fiscal year.
3. To monitor the activities of the agencies' Affirmative Action Plan and complete all affirmative action reports as required.
4. To keep the Commissioner and Director informed of the agencies' progress in affirmative action.
5. To act as primary liaison between the agencies and the Office of Equal Opportunity and Diversity of the Department of Employee Relations.
6. To ensure that the agencies' EEO policy and Affirmative Action Plan are disseminated to employees, managers and supervisors, posted on the Human Resources Office bulletin board, made available in the library and on the Intranet.
7. To identify, investigate, and mediate discrimination complaints within the agencies.
8. To assist in affirmative action training and programs designed to inform employees about affirmative action issues as well as ensure that all new employees receive a copy of the Statement of Policy and Commitment and understand harassment and discrimination policy and complaint procedures.
9. To offer all separating employees an opportunity to discuss any affirmative action issues they may have.
10. To promote affirmative action in all matters and conditions affecting employees.

11. To keep abreast of developments and decisions in affirmative action and equal opportunity that affect the agencies and inform managers and supervisors of any changes.
12. To participate in the recruitment of protected class persons for employment, promotion and training opportunities by advertising in protected group publications, by including the phrase "An Equal Opportunity Employer" in all advertisements, and by soliciting support and assistance from the Office of Equal Opportunity and Diversity of DOER as well as from advocacy groups outside the agencies.
13. To ensure compliance with the Americans with Disabilities Act, and all applicable laws, procedures and policies.

Accountability: Commissioner

**Managers and Supervisors**

Responsibility: To ensure compliance with statewide and agency Affirmative Action Plans and programs; and to ensure equitable treatment of all employees and applicants for employment.

- Duties:
1. To promote a respectful positive environment for employees and applicants in the work place.
  2. To communicate and demonstrate personal commitment to the agencies' Affirmative Action Plan.
  3. To carry out their supervisory and managerial duties in accordance with affirmative action/equal employment opportunity policies contained within the agencies' Affirmative Action Plan.
  4. To ensure that policies and procedure are administered fairly and are uniformly applied to all employees.
  5. To hire and promote qualified protected group members in goal units where underutilization currently exists.
  6. To assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunities.
  7. To include responsibility statements for affirmative action/equal employment opportunity in position descriptions.
  8. To receive and investigate informal discrimination complaints brought by assigned staff and to communicate decision(s) to the employee within a reasonable time.
  9. To refer formal complaints to respective Division Director or Affirmative Action Officer.

Accountability: To next level management.

**Human Resources Staff**

Responsibility: To ensure that human resources policies and procedures are designed to remove barriers to equal employment opportunity within the agencies.

- Duties:
1. To provide leadership to managers and supervisors in applying Affirmative Action principles to decisions regarding personnel actions.
  2. To provide guidance to hiring supervisors in the development and utilization of selection criteria to ensure, to the extent possible, that they are objective, uniform, and job related.
  3. To advise hiring supervisors regarding the need to recruit qualified candidates to reflect the diversity of the population.
  4. To ensure that all job opportunities are properly posted and made available to all staff.

5. To identify and communicate systemic problems within agency policies and/or practices that inhibit equal employment opportunity.

Accountability: To Human Resources Manager/Affirmative Action Officer

**Employees**

Responsibility: Every employee is responsible for conducting her/himself in accordance with the policies outlined in this Plan. Employees are expected to communicate in a respectful, non-discriminatory manner regardless of one another's race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, status with regard to public assistance, or membership or activity in a local commission.

Accountability: To Supervisor

## COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

### Methods for Communicating the Affirmative Action Plan Internally

1. The Affirmative Action Officer will distribute to all managerial and supervisory staff, a copy of the full Affirmative Action Plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Human Resource Office will post the following documents on their bulletin board and make them available on the Intranet and in the Library:
  - The agencies' Affirmative Action Plan.
  - The State of Minnesota Equal Opportunity Policy.
  - The name and phone number of the agencies' Affirmative Action Officer and ADA Coordinator.
3. Additional copies of the Affirmative Action Plan will be available to employees upon request from the Human Resource Office. A notice of such availability will be placed on the Human Resources Office bulletin board.
4. New employees will receive copies of the Affirmative Action Statement of Policy and Commitment.

### Methods for Communicating the Affirmative Action Plan Externally

1. The agencies will include the statement, "an equal opportunity employer," on agency letterheads, job announcements and training opportunity bulletins.
2. The agencies' internet home page will include the statement, "an equal opportunity employer".
3. Nondiscrimination clauses are contained in all union contracts.
4. A copy of the Affirmative Action Plan will be provided to individuals, upon request.

## DISCRIMINATION AND DISCRIMINATORY HARASSMENT POLICY AND DEFINITIONS

### Policy

The MPCA and OEA will take all necessary measures to attain and maintain a working atmosphere free of discrimination, discriminatory insult, intimidation, sexual harassment and any other form of harassment. Each employee plays a large part in maintaining a working environment free from harassment and discrimination by affirmatively raising the subject, expressing strong disapproval of discrimination and discriminatory harassment and adhering to the approved guidelines on harassment and discrimination.

The agencies will not tolerate work place harassment, sexual harassment or discrimination based on an individual's race, color, sex, age, creed, religion, disability, sexual orientation, marital status, status with regard to public assistance status, national origin, or membership or activity in a local commission. As employers, the agencies are responsible for the actions of their employees and may be held liable for failure to investigate allegations of discriminatory harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees.

Consistent with this policy, no employee of these agencies will be permitted to engage in any form of harassment of other employees. If, after an investigation, an employee is found to have engaged in any form of harassment or discrimination against another employee, the agencies will impose disciplinary action. This policy does not apply to strictly private behavior outside the workplace except where that behavior affects the workplace or the workplace environment.

### Definitions:

Discrimination is any differential treatment that is based on a consideration of an individual's protected class status.

Harassment is any behavior that disturbs another person. Behavior, verbal and physical conduct of co-workers, supervisors, or management that is unwelcome, personally offensive, insulting or demeaning, which has the purpose or effect of affecting the work environment.

The Equal Employment Opportunity Commission defines sexual harassment as:

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 of 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.



## PROCEDURE FOR COMPLAINTS OF HARASSMENT OR DISCRIMINATION

### Background

This procedure is designed to address complaints which are not generally able to be resolved under a collective bargaining agreement, plan or other method. Complaints must be filed within 365 days from the event which precipitated the complaint. Employees also have the right to file a complaint with the Minnesota Department of Human Rights and/or the U.S. Equal Employment Opportunity Commission (EEOC) regardless of whether a complaint under this procedure is filed.

1. This complaint procedure is established as a means for considering and resolving disputes with the MPCA or OEA raised by employees, applicants, or eligibles\* and which is based on the belief that s/he has been discriminated against in employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age; or that s/he has been harassed or discriminated against because of the above factors or any other factor. Complaints will be responded to by the Affirmative Action Officer within 30 working days from the date the complaint was received.
2. Matters relating to the content or general administration of the Affirmative Action Plan will be referred to the Affirmative Action Officer. Complaints which are covered exclusively under provisions of a valid collective bargaining agreement or plan remain subject to those provisions.
3. Any retaliatory action of any kind taken by an employee of the MPCA or OEA against any other employee as a result of that person filing a complaint under these procedures, cooperating in an investigation, or otherwise participating in any action under these procedures is prohibited and will be regarded as a separate and distinct matter subject to disciplinary action.  
  
Retaliatory action or reprisal includes but is not limited to any form of intimidation, retaliation or harassment. Examples of actions which may be considered retaliation include but are not limited to: refusal to hire an individual; departure from any customary employment practice; transfer or assignment of the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has engaged in opposing a forbidden practice, filed a charge, testified, assisted, or participated in an investigation, proceeding or hearing; associated with a person or group who is disabled, of a different race, color, creed, religion, sexual orientation, national origin, sex, marital status, status with regard to public assistance, membership activity in a local commission or age.
4. This complaint procedure will not be construed as limiting, in any way, an employee's right to file a complaint with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.
5. For purposes of this Affirmative Action Plan and these complaint procedures the Human Resources Manager, Denise Legato, serves as the Affirmative Action Officer for the MPCA and OEA.

### Discussion

The agencies acknowledge that until issues are resolved, the work place can become a stressful environment. Therefore, the agencies are committed to resolving complaints as quickly as possible.

Any employee subjected to harassing or disrupting behavior is encouraged to talk to the person whose behavior is offensive or discriminating and ask that the behavior cease. However, knowing that it can be difficult to raise this subject directly with another employee, the affected employees are also given the option of bringing their concerns to their supervisor, manager, director, the Affirmative Action Officer or a Human Resource Consultant. Please use the following procedure as a guide.

\*ELIGIBLES are applicants for employment who have successfully passed an experience and training rating (E & T) or whose names are on an eligible list for employment with the State of Minnesota.

**Procedure:**

<b><u>Who takes the step:</u></b>	<b><u>Step</u></b>	<b><u>Action</u></b>
Person Offended	1	If you are comfortable doing so, advise the other person that his or her behavior is objectionable and ask that it stop. If unable to advise the offending party, or if after asking the offending party to stop, the behavior continues, a more formal complaint may be initiated.
Offended Person / Complainant	2	Seek out one of the following people: your supervisor, your manager, your division director, the offending party's supervisor, the Affirmative Action Officer, or a Human Resource Consultant with whom you feel comfortable.
Offended Person / Complainant	3	Attempt to maintain a written record of all dates of, times of, and witnesses to the offensive behavior.
First Person Contacted	4	Listen to complaint; inform complainant that you will take the appropriate steps to ensure that the issue is addressed promptly and that the Affirmative Action Officer will be immediately informed.
First Person Contacted	5	Discuss the issue/complaint with the Affirmative Action Officer (AAO)/ Human Resource Manager immediately; if you must leave a message, indicate that it is urgent.
Affirmative Action Officer/H.R. Manager	6	Make an initial determination within 10 working days of the receipt of the complaint as to whether the complaint pertains to discrimination and is appropriate to be addressed in this process. If appropriate, initiate investigation. Provide information and advice to the supervisor, manager or director.
Affirmative Action Officer/H.R. Manager	7	Inform the direct supervisors of the complainant and the offending party of the complaint and ongoing investigation.
Affirmative Action Officer/H.R. Manager	8	Conduct and complete an investigation within 30 working days of receiving the complaint. Prepare a record of findings and recommendations.
Affirmative Action Officer/H.R. Manager	9	Convene a meeting of the offending party's supervisor, manager, and/or division manager (or designee). Recommend a course of action and help facilitate a decision.
Division Management	10	Decide on a course of action and inform offending party of such action within 5 working days of meeting with Affirmative Action Officer.
Affirmative Action Officer/H.R. Manager	11	Inform offended person/complainant that investigation has been completed and, to the extent possible under the Minnesota Data Practices Act, that action has been taken. Also inform complainant of his/her right to file an appeal under this procedure or to file a complaint with the Minnesota Human Rights Department, a complaint with the U.S. Equal Employment Opportunity Commission or file with the appropriate court.

<u>Who takes the step:</u>	<u>Step</u>	<u>Action</u>
Offended Person / Complainant	12	If not satisfied with result, may appeal decision to the MPCA Commissioner/OEA Director (or Designees) within 5 working days of meeting with the Affirmative Action Officer.
Commissioner, Director or Designee	13	Review all available information and attempt to resolve issue with the complainant within 60 working days of the original written complaint. The decision of the Commissioner/Director (or Designee) is the final decision of the MPCA/OEA.
Affirmative Action Officer/H.R. Manager	14	File disposition of complaint with Office of Diversity and Equal Opportunity within 30 working days of determination.

Minnesota Pollution Control Agency / Office of Environmental Assistance  
 520 Lafayette Road North  
 St. Paul, MN 55155-4194  
 (651) 296-7348 or (651) 282-5332 (TTY)

**COMPLAINT OF HARASSMENT/DISCRIMINATION**

**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 You Believe 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):
- Race    Color    Disability    Sexual Orientation  
 Sex    Creed    Marital Status    Status with Regard to Public Assistance  
 Age    Religion    National Origin    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 sheet 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.

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
--------------------------------------	------

## HIRING GOALS and TIMETABLES

The MPCA and OEA continually strive to increase workforce representation of women, members of ethnic/racial minority groups, and persons with disabilities in order to achieve parity.

Goals and timetables have been established as an integral part of our affirmative action program. To understand the concept of goals and timetables, and the State's use of them, it is important to understand the terms.

Protected Groups: These are defined in Minnesota Statutes 43A.02, subd. 33 as women, minorities (Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander) and persons with disabilities.

EEO Job Groups: The MPCA and OEA have employees in the following EEO Job groups: Officials and Administrators, Professionals, Technicians, and Office / Clerical. The definitions of these job groups are as follows:

### **1. Officials and Administrators**

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis.

### **2. Professionals**

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

This is the largest job group for the MPCA and OEA. The MPCA has identified sub-categories within this category for specialized jobs. These sub-categories include: Engineers, Scientists / Hydrologists, and Information Technology; goals have been established for each of these sub-categories based on census data for specific occupations. MPCA professional jobs that are not included in one of these three specialized categories fall in the broad sub-category of "General Professional"

### **3. Technicians**

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.

### **4. Office/Clerical**

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and paperwork required in an office.

Underutilization: This is the employment of fewer qualified protected group members than would reasonably be expected from their labor force participation in the labor market area. This is also sometimes referred to as a "disparity". Labor force participation was identified through statewide 2000 Census data for sex, race, and disability by occupation and occupational group. In the EEO Job Group of Officials and Administrators, the internal labor market (agency employees in the Professional category) was also considered; for the MPCA, the external labor market (using census data) and the internal labor market were considered in a two-factor analysis; for OEA, only the internal labor market was considered.

Goals: The MPCA and OEA establish hiring goals for every EEO job group in which members of protected classes are underutilized. The purpose of establishing such goals is to correct underutilization and, ideally, each hiring goal should equal the underutilization number. Correcting the underutilization over a two year period may not be realistic, however, and the hiring goals are less than the underutilization for some groups. The MPCA and OEA have considered such factors as anticipated vacancies and the ability to recruit qualified protected group members in setting the goals.

Timetable: This is the target date set for reaching identified goals in any EEO Job Group for which there is underutilization. Timetables established in this plan are based on the fiscal years represented by the Plan.

The following utilization information and hiring goals for the MPCA and for the OEA apply to Fiscal Years 2004-2006:

MPCA

EEO Job Group	PROTECTED CLASS								
	Women			Minorities			People with a Disability		
	Number Underutilized	Goal	Time Table	Number Underutilized	Goal	Time Table	Number Underutilized	Goal	Time Table
Officials	0			1	1	2006	1	1	2006
Professionals:	NA			NA			26	9	2006
- Engineers	0			0			NA		
- Information Technology	0			3	1	2006	NA		
- Scientist / Hydrologist	2	1	2006	0			NA		
- General	54	15	2006	9	3	2006	NA		
Technicians (include paraprofessionals)	5	2	2006	0			2	1	2006
Office / Clerical	0			0			0		

OEA

EEO Job Group	PROTECTED CLASS								
	Women			Minorities			People with a Disability		
	Number Underutilized	Goal	Time Table	Number Underutilized	Goal	Time Table	Number Underutilized	Goal	Time Table
Officials	1	1	2006	0			0		
Professionals:	6	2	2006	4	1	2006	4	1	2006
Office / Clerical	0			0			1	1	2006

## PROGRAM OBJECTIVES AND GOALS

**Objective**                    **Conduct self-identification survey and update employee EEO records.**

Responsibility:    AAO

Target Date:        January 1, 2005 – December 31, 2006

- Action Steps:
1.        Develop employee self-identification survey on minority and disability status.
  2.        Inform agency leadership on survey purpose and process.
  3.        Conduct survey.
  4.        Enter updated information in employee SEMA4 record.

Evaluations:        Updated employee records.

**Objective**                    **Organize committee to increase targeted recruiting of candidates in protected classes for intern, student worker, and entry level professional positions.**

Responsibility:    AAO

Target Date:        January 1, 2005 – December 31, 2006

- Action Steps
1.        Present program objective to leadership and organize committee of hiring supervisors/managers.
  2.        Develop committee mission statement and plan.
  3.        Implement recruiting plan.

Evaluations:        Increased recruitment methods and candidate diversity.

**Objective**                    **Participate in the State of Minnesota's Alliance for Cooperation and Collaboration in Employment and State Service (ACCESS).**

Responsibility:    AAO

Target Date:        January 1, 2005 – December 31, 2006

- Action Steps:
1.        Agency representative will attend monthly meetings.
  2.        Agency will incorporate ACCESS initiatives into agency practices as appropriate.
  3.        Agency will participate in ACCESS work groups as feasible.
  4.        Agency will publicize diversity events and training that are co-sponsored by ACCESS.

Evaluations:        Increased awareness of diversity issues, training and actions.



**Objective**                      **Incorporate Affirmative Action in agency training for supervisors and managers.**

Responsibility: AAO

Target Date: January 1, 2005 – December 31, 2006

- Action Steps:
1. Present Affirmative Action plan to managers.
  2. Include Affirmative Action in training to be presented to field offices.

Evaluations: Increased awareness in affirmative action.

**Objective**                      **Increase employee awareness of Affirmative Action and diversity**

Responsibility: AAO

Target Date: January 1, 2005 – December 31, 2006

- Action Steps:
1. Seek out and publicize information about external training events.
  2. List training opportunities on agency training calendar.
  3. Seek management support for staff attendance at diversity training events.
  4. Explore interest in employee diversity committee.

Evaluations: Increased participation in diversity events.

## METHODS OF AUDITING, EVALUATING, & REPORTING PROGRAM SUCCESS

### Pre-Hire Review Process

Whenever a vacancy is to be filled, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the vacancy occurs. If it does, the following will apply:

1. The Human Resource Office will provide training regarding the hiring process and the legal aspects of the process.
2. The Human Resource Office will provide expanded candidate lists when necessary.
3. Supervisors or managers who intend to make an offer of employment to a candidate, who is not a member of an underutilized group, must provide a detailed written explanation to the Affirmative Action Officer.
4. The internal transfer of Agency employees and all provisions in collective bargaining agreements based on the "seniority in appointment" clause supersedes this process.

### Pre-Review Layoff Process

Whenever a layoff is to occur, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the layoff occurs.

### Methods of Auditing, Evaluating, & Reporting Program Success

In order to ensure that Affirmative Action Goals are sufficiently monitored and reported upon, the Affirmative Action Officer will ensure that the following actions are taken.

1. Data regarding hires is recorded on the Monitoring the Hiring Process Forms. A statistical analysis will be completed on an annual basis to evaluate the progress of the program goals.
2. Data regarding retention will be tracked and analyzed.
3. Data regarding complaints will be recorded and preventative measures will be instituted to minimize the occurrence of future complaints.
4. Recruitment strategies will be reviewed, in order to enlist strategies to increase under representation.

## WEATHER EMERGENCIES, EMERGENCY ACTION PLANS & EVACUATION OF WORK AREAS

### Weather Emergencies

In the event of a weather emergency, the Commissioner of the Department of Employee Relations (DOER) is responsible for making the determination as to the official closing of state offices. During work hours, employees will be notified via the agencies computer system (e-mail or system-wide message), loud speaker, telephones or floor wardens, if a weather emergency is called for their work area. During non-work hours, an announcement detailing the date, time and geographic location of the closure will be given by DOER to WCCO (830) and WMNN (1330) radio, KSTP, WCCO and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be placed on the news wire for radio stations in greater Minnesota. If changes in the emergency declaration are warranted, they will be broadcast as the day or night progresses. Deaf or hard of hearing employees can watch close captioned weather broadcasts on WCCO or KARE 11 television.

If an employee requires special notification he/she is encouraged to consult with his/her supervisor in advance to arrange a procedure that is most appropriate for her/him. If an employee requires notification by TTY, his/her supervisor will make contact via the Minnesota Relay Service (MRS) at 7-1-1 (metro) or 1-800-627-3529 (greater Minnesota.)

### Emergency Action Plans and Evacuation of Work Areas

At any time, it may be necessary for employees to evacuate work areas and/or seek shelter areas. Causes for evacuation or shelter could be fire, explosion, severe storm, tornado, and chemical release or spill or bomb threat.

This policy is established to ensure that staff are prepared for emergencies and that evacuation/shelter procedures are developed. Employees are to be provided with information and comprehensive training concerning the Agency's emergency action plans. Floor maps showing exits, alarms, and fire extinguisher locations will be prominently posted at center stairwells and available to staff at all times. A listing of emergency contact names and telephone numbers will be maintained and made available to staff as a part of the office emergency plan X:\Minutes\HR\Safetycommittee\Plans\COBldemergency.doc.

Plans for regional offices are available from Regional Managers or Regional Safety contacts.

#### A. Responsibilities

The Safety Administrator is responsible for the development of emergency action plans for the central office and warehouse facilities.

The /District/Sub district Managers, under the direction of the Safety Administrator, are responsible for development of emergency action plans for each regional office facility.

Supervisors are responsible for accounting for each staff person in their unit immediately following emergency evacuation or shelter procedures and will report missing persons to the Emergency Coordinator.

#### B. Employees and Customers with Disabilities

Employees with disabilities are responsible to contact their supervisor or the Safety Administrator regarding any special needs they may have for emergency evacuation plans. Supervisors are then responsible for providing the Safety Administrator with a list of those in their work unit who have identified the need for assistance during evacuation or shelter emergencies. Supervisors will work with the Safety Administrator and Affirmative Action Officer to develop plans to address the needs of such individuals.

Each Supervisor, coordinated with the Floor Warden, is responsible for insuring that a volunteer attendant has been assigned to assist persons with disabilities in his/her unit. People with mobility impairments or sensory impairments will be assisted in evacuating by the Floor Warden or assigned attendant. All people who need assistance evacuating should meet at the stairwell.

## REASONABLE ACCOMMODATION POLICY

### Policy

The agencies are 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 agencies 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 (ADA), 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.

An individual with a disability is defined for purposes of this policy as: a person who has physical or mental impairment that substantially or materially limits one or more major life activities.

A reasonable 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.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

The ADA Coordinator for the MPCA and OEA is Denise Legato, Human Resources Manager, (651) 296-6675.

### Requests for Reasonable Accommodations of Employees:

#### Procedure - Current Employees and Employees Seeking Promotion

1. The agencies will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee must 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 supervisor or ADA Coordinator will, 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 agency. While an individual's preference will be given consideration, the (MPCA/OEA) 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.
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 will work together to determine whether reassignment may be an appropriate accommodation.

#### Procedure - Job Applicants

1. The job applicant must 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.

#### Funding and Undue Hardship:

Funding will be provided for reasonable accommodations. The expenditure of funds for accommodations over \$350.00 must be approved by the MPCA Commissioner/OEA Director or designee. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors must be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- documented good faith effort to explore a less restrictive or less expensive alternative;
- the disruption or alteration to the nature or operation of the agencies.

#### Denial of Accommodations:

If the requested accommodation made by a job applicant or employee is denied, the ADA Coordinator will notify the requestor of the decision and inform the requestor of the right to file a complaint under the agencies' Affirmative Action Plan complaint procedure outlined in this plan or to file with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or other legal channels. All denials of requests for accommodation will be documented and kept on file by the ADA Coordinator.

**Employee Request For Reasonable Accommodation**

Give completed form to ADA Coordinator.

Please Print or Type

Employee Name:	Job Title:	Date Requested:
Division/Unit:	Note: Continue on back if you need more room for any of the following questions	
1. Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it substantially limits any major life activities.		
2. How does it affect your ability to perform your job?		
3. Type of accommodation requested:		
<input type="checkbox"/> Making facilities readily accessible	<input type="checkbox"/> Modification of equipment or devices	
<input type="checkbox"/> Job restructuring	<input type="checkbox"/> Qualified reader or interpreter	
<input type="checkbox"/> Part-time or modified work schedule	<input type="checkbox"/> Other (specify): _____	
<input type="checkbox"/> Acquisition of equipment or devices		
Please describe in detail the accommodation you are requesting:		
4. Has your medical provider recommended the accommodation?      Yes                      No		
5. How will the requested accommodation be effective in allowing performance of the essential job function(s)?		
6. Has your job been altered? When was it altered? Please describe how and why it has altered:		

Additional Comments:	
Signature of Employee:	Date:

Distribution: Employee  
Supervisor  
Division Director  
ADA Coordinator's file

For Office Use Only:  
 ADA Qualifying  
 non ADA  
Date: \_\_\_\_\_

### Accessibility for People with Disabilities

It is the policy of the MPCA and the OEA to comply with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C.A. Section 12101, and et. seq. The ADA prohibits discrimination against qualified individuals with disabilities on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities will not be excluded from participating in or be denied the benefits of any program, service or activity offered by these agencies.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. The MPCA and OEA will make every effort to communicate effectively with individuals who have speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefiting from these agencies' programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights or remedies under the ADA, request a reasonable modification to these agency policies, practices, or procedures, or file a written grievance with these agencies alleging non-compliance with the ADA, please contact the ADA Coordinator listed below:

Name: Denise Legato, MPCA Human Resources Manager

Address: Sixth Floor, 520 Lafayette Road  
St. Paul, MN 55155-4194

Telephone numbers:

Voice: (651) 296-6675

TTY: (651) 282-5332



## RETENTION PLAN

Person responsible for retention program initiatives: Denise Legato, MPCA Human Resources Manager

### Supervisor's New Employee Orientation & Development Program Tool Kit

A comprehensive process is outlined for supervisors involved in the hiring process, with step-by-step instructions on how to proceed in orienting and training new employees. This is key to the retention of good employees. The packet includes the following information and checklists:

1. Instructions before the employee's first day and on their first day
2. Comprehensive Orientation Checklist
3. Mentor Guide - includes definition, benefits, qualifications, and responsibilities
4. Mentor's Instructions for the Comprehensive Orientation Checklist
5. Employee Instructions for Comprehensive Orientation Checklist
6. First Day Checklist
7. Discriminatory Harassment Policy, Definition and Complaint Procedures
9. Affirmative Action Policy Statement and Commitment
10. Initial Probationary Review
11. Final Certification Review

Methods of Retention:

### Telecommuting and (Flexible) Compressed Time Policy

As a method of retaining all employees, agencies offer telecommuting and compressed time schedules. Upon supervisory approval, employees may telecommute or work flexible schedules which are in keeping with the agencies guidelines of eight, nine-hour days, one, eight-hour day and one day off per pay period.

### Employee Development through Work Plans/Training Plans:

It is the policy of the MPCA and OEA to link agency priorities to the work of staff and to facilitate communication between supervisors and staff about the accomplishment of agency priorities through the use of a work planning and review process. One of the purposes of work planning is to identify, discuss and agree on each employee's development needs and goals. By doing so, personal strengths can be capitalized and plans to address development needs can be mutually created. This process provides a continuous opportunity for dialogue and feedback between the supervisor and employee to ensure open communication and elimination of misunderstanding. Communication enhances the relationship between the supervisor and employee and encourages personal development which is key to an employee's job satisfaction.

### Analysis of Separation and Layoff Patterns

The MPCA and OEA experience a relatively low turnover among staff (approximately 5% annually). Agencies plan to monitor separations of members of protected groups to determine whether any pattern exists. Separating employees are asked to complete a questionnaire designed to elicit feed back regarding their employment experiences, which could be used to enhance recruitment and retention strategies. The MPCA and OEA utilize the statewide exit survey developed by DOER, to obtain data regarding the reasons for separation. Data will be collected, analyzed and reviewed, as appropriate, with management.

