

**MINNESOTA DEPARTMENT OF CORRECTIONS
AFFIRMATIVE ACTION PLAN
2004 - 2006**

04 - 0593

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For persons with disabilities, this plan can be provided to you in alternative format. Please call 651-642-0340/Voice or 651-643-3589/TTY

Introduction

State law requires each agency in the executive branch to develop an affirmative action plan. There are a number of specific requirements for the plan outlined in the Department of Employee Relations' Rules and Administrative Procedures, and M.S. 43A.191, subdivision 2. The plan is revised biennially and submitted for review and approval to the Department of Employee Relations' Office of Diversity and Equal Opportunity. The plan is the cornerstone of the Department of Corrections' Affirmative Action Program.

The purpose of affirmative action is to correct the effects of discrimination, whether intentional or unintentional, and to avoid present and future practices that may have an unfair, adverse impact on ethnic/racial minorities, women and people with disabilities.

Affirmative action does **not** mean the hiring of unqualified people. It does **not** mean that any group shall be deprived of their rights or be subjected to unfair treatment. Affirmative action means positive steps taken by an employer which contribute toward greater employment opportunities for ethnic/racial minorities, females, and people with disabilities.

The Department of Corrections' Equal Opportunity and Affirmative Action Office is responsible for providing leadership and monitoring the activities of the Affirmative Action Plan.

Affirmative Action Officers Designees have also been identified to represent central office, the Community Services Division, MCF-Faribault, MCF-Lino Lakes, MCF-Stillwater, MCF-Shakopee, MCF-St. Cloud, MCF-Oak Park Heights, MCF-Red Wing, MCF-Rush City MCF-Thistledew Camp, and MCF-Willow River/Moose Lake.

Communication of the Affirmative Action Plan

This plan will be provided in alternative format upon request to individuals with disability.

Internal Dissemination

1. The Affirmative Action Plan is available on line at www.doc.state.mn.us.
2. The Affirmative Action Plan will be prominently displayed on employee bulletin boards at all work locations. In addition to the Affirmative Action Plan, the name and phone number of the Affirmative Action Officer Designee serving that location will also be posted.
3. New employees during their orientation will be informed of the department's Affirmative Action Plan, the name of their Affirmative Action Officer Designee, the existence of Diversity Committees, and the availability of the Affirmative Action Plan.
4. Managers and supervisors will be responsible for notifying their staff of revisions to the plan and where they can access the plan for review.

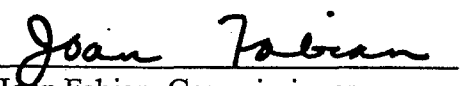
External Dissemination

1. A copy of the Affirmative Action Plan will be furnished to employee bargaining units.
2. A copy of the Affirmative Action Plan will be provided to individuals upon request.
3. The phrase *Equal Opportunity Employer* will be included on agency letterhead and in all recruitment advertisements.

Statement of Commitment

I strongly support the work for equal opportunity in the Minnesota Department of Corrections. Throughout my career, I have supported an aggressive recruitment program to build a diverse workforce and supported a selection process that ensures all individuals equal access to vacancies, assignments, and promotions. Without this, we cannot have a workforce that reflects the diversity of Minnesota's working age population, and it is critical to our operations.

We also need to discuss how we can retain good employees and to identify behaviors that have a negative impact on employee retention. I also believe that our work environment must be void of all forms of harassment and I will take prompt and appropriate action to address all such complaints. I encourage all employees to carefully review the Anti-Discrimination and Sexual Harassment Policy found in this plan. It is imperative for managers and supervisors to fully understand their responsibility for this policy. I also expect managers and supervisors to carry out the intent and spirit of the Affirmative Action Plan. Our combined effort will ensure a successful equal opportunity and affirmative action plan.


Joan Fabian, Commissioner
July 30, 2004

**July 1, 2004 – June 30, 2006
(FY2005)**

Central Office

Program Objective 1: Understand diversity experience and attitude data by means of conducting a **Diversity Experience and Attitude Assessment Survey** of all Central Office employees.

Action Steps:

1. Develop draft survey and seek administrative approval
2. Administer survey and present results to staff
3. Use information gathered to help define future goals and objectives
4. Create a variety of ongoing means to collect staff input

Target Dates: July 2004 - ongoing.

Persons Responsible: Diversity Committee members

Evaluation: Employees will have the opportunity to provide input to the Diversity Committee so that the committee can plan meaningful training and activities.

Program Objective 2: Actively participate in October National Diversity Awareness Month.

Action Steps:

1. Develop diversity educational themes for each week in October
2. Plan a Diversity Celebration Potluck (decide “theme” or activities for this year’s potluck – i.e., recipe cards, map, etc.
3. Distribute educational materials - TBD

Target Dates: July 1, 2004 - October 31, 2004

Persons Responsible: Diversity Committee members

Evaluation: Increased participation in annual potluck.

Program Objective 3: Increase awareness of Diversity Issues and opportunities for Diversity Training.

Action Steps:

1. Plan a minimum of two diversity training events at Central Office during FY05 (work with employee development to ensure training credit)
2. Seek out and distribute information and encourage staff to attend diversity training opportunities - i.e. Ramsey County’s “B/4 it” seminars, Hennepin County, and other state agency trainings
3. Monthly e-mails about different diversity issues

Target Dates: July 1, 2004 – June 20, 2005

Persons Responsible: Diversity Committee members

Evaluation: Staff will be aware of training opportunities at DOC and in the community.

Program Objective 4: Work to create a more Aesthetically Diverse Work Environment at Central Office

Action Steps:

1. Begin conversation about the importance of having a work environment that is aesthetically diverse i.e. artwork, displays, published materials
2. Identify resources for diverse materials - i.e. MCF inmate artwork, grantees, community organizations
3. Purchase diversity posters and frames for display at Central Office

Target Dates: July 1, 2004 – June 20, 2005

Persons Responsible: Diversity Committee members

Evaluation: Inclusive artwork will be displayed.

Program Objective 5: Actively work with Other Committees at Central Office.

Action Steps:

1. Seek and develop partnerships with the Central Office Wellness Committee, Holiday Committee and other groups working at Central Office.
2. Invite and offer to cosponsor events that develop for staff at Central Office
3. Offer to be a resource for diversity sensitivity to other groups at Central Office as they plan activities

Target Dates: July 1, 2004 – June 20, 2005

Persons Responsible: Diversity Committee members

Evaluation: Increased collaboration between the diversity committee and other planning groups.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

COMMUNITY SERVICES

Program Objective 1: Display the AA Plan in each Community Services office throughout the state.

Action Steps:

1. Ensure and maintain that each office has a copy of the AA plan posted.
2. Publicize the current list of Diversity Committee members.
3. Publicize a description of the role of AA designees and of the Diversity Committee members.
4. Replace AA plan if removed from designated office locations.

Target Dates: January 2005

Persons Responsible: Diversity Committee members

Evaluation: Each office has been contacted to receive verification that the AA plan is on display.

Program Objective 2: Enhance communication and information sharing.

Action Steps:

1. Promote multi-district staff meeting with diversity curriculum.
2. Develop quarterly newsletter.

Target Dates: January 1, 2005 – June 30, 2006

Persons Responsible: Diversity Committee Members
Community Services staff
District Supervisors
Regional Supervisors

Evaluation: Each district has been contacted to verify that multi-district staff meetings have occurred to promote diversity. The newsletter has been created and forwarded to staff on a quarterly basis.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF- Faribault

Program Objective 1: To continue to partner with the Faribault Diversity Coalition to increase awareness of cultural differences within the community as well as the institution.

Action Steps:

1. Have a Diversity Chair/designee attend the Faribault Diversity Coalition meetings, acting as a liaison between the two groups.
2. Invite staff to participate in a Faribault Diversity Coalition meeting.
3. Promote and advertise community events open to the public.
4. Participate at the local area schools to provide information regarding the field of corrections.
5. Provide the local area high schools social studies class the opportunity to hear and discuss with an offender-speaking group on the topic of economics of crime.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Affirmative Action Officer Designee
Diversity Committee
Human Resources Director

Evaluation: Enhance community relations.

Program Objective 2: Increase the visibility of the Diversity Committee, so that staff may gain a greater understanding of the Affirmative Action Plan and an awareness of how diversity impacts all staff members in their jobs.

Action Steps:

1. To increase awareness, the Diversity Chair/Affirmative Action Officer/designee will meet with new employees during orientation.
2. Post the Diversity Committee brochure, meeting minutes, and related policies on the MCF-FRB Intranet Site for all staff to read and become knowledgeable of committee activities.
3. Maintain the Diversity Committee bulletin board so that it is visible for all staff.
4. Use the Daily Rap Sheet as a means of distributing information regarding diversity events to all staff.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Affirmative Action Officer Designee

Diversity Committee
Human Resources Director

Evaluation: Increase staff participation in diversity events.

Program Objective 3: To inform staff of the policy and procedures for respect in the work place.

Action Steps:

1. The Affirmative Action Officer/Diversity Chair/designee will meet with new employees during orientation.
2. Continue to provide training to all staff regarding diversity, sexual harassment, and respect. (On-line or classroom.)
3. Department Policy and Procedures encourage all managers and supervisors to maintain a professional and respectful work environment with opportunities for all employees to achieve their highest employment potential.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Affirmative Action Officer Designee
Diversity Committee
Human Resources Director

Evaluation: Decrease in harassment complaints.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF– Lino Lakes

Program Objective 1: To increase the retention of protected group members.

Action Steps:

1. Report on trends and patterns that limit promotional opportunities.
2. Implement action plan to eliminate barriers
3. Collect and analyze hiring, termination, and promotional data on a quarterly basis.
4. Make recommendations based on results to address adverse termination and promotional data.

Target Dates: July, 2004 – June 30, 2006

Persons Responsible: Warden
Affirmative Action Officer Designee
Human Resource Management Director
Diversity Committee

Evaluation: Increased retention of protected group employees.

Program Objective 2: To develop recruiting strategies and methods to increase the number of applicants applying for jobs.

Action Steps:

1. Participate in community outreach activities, festivals and job fairs.
2. Use electronic and print mediums for job advertisement.
3. Use internal job posting for advertisement.
4. Participate in career days at colleges, universities and high schools to attract prospective applicants.
5. To expand applicant pool for temporary positions (clerical and professional).

Target Dates: July 1, 2004 – June 30, 2006

Persons Responsible: Warden
Affirmative Action Officer Designee
Human Resource Management Director
Diversity Committee
Recruiting Committee

Evaluation: Increased number of applicants for all jobs at MCF-Lino Lakes.

Program Objective 3: To establish MCF-Lino Lakes (MCF-LL) as a leader in diversity initiatives.

Action Steps:

1. Develop new training initiatives that enhance our ability to manage a diverse workforce.
2. Maintain existing communication venues to disseminate diversity program objectives and activities.
3. Incorporate diversity into the work culture/environment by educating staff on global cultures, through communication.
4. Solicit feedback and input from employees participating in diversity classes, seminars and activities.

Target Dates: July 1, 2004 – June 30, 2006

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee
Training Director
Managers and Supervisors

Evaluation: Increased awareness and respect for diversity leading to an inclusive work environment for all employees.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF-Oak Park Heights

Program Objective 1: Continue recruiting efforts to increase the number of protected group members at MCF-Oak Park Heights. Seek to eliminate disparities of protected group members.

Action Steps:

1. Maintain an active Diversity Committee, which will promote diversity in the workplace and assist in educating staff on various diversity issues. The Diversity Committee will meet quarterly, or when deemed necessary by the Diversity Committee Chair.
2. Encourage staff participation in community based cultural events to increase awareness of cultural differences within the community.
3. Encourage committee members to participate in training on affirmative action, prevention of harassment, and diversity training to include attending the Diversity Symposium.
4. Solicit new members for participation on the Diversity Committee as needed.

Target Dates: July 1, 2004 – December 31, 2006

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee Members (STW & OPH)
Warden

Evaluation: Employees will be given the opportunity to participate in cultural diversity training, which will help them gain awareness of cultural differences in the workplace and some of the advantages of a diverse workforce.

Program Objective 2: To improve retention of protected group employees at MCF-Oak Park Heights.

Action Steps:

1. Encourage Mentor Program volunteers to be involved in recruiting and retention efforts, in order to assist in increasing the number of protected group members and help to eliminate disparities of protected group members.
2. The MCF-OPH Diversity Committee will combine efforts with the MCF-STW Diversity Committee whenever feasible.

Target Dates: July 4, 2004 – December 31, 2006

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee Members (STW & OPH)
Employee Development Department
Warden

Program Objective 3: Increase visibility and provide training on diversity related issues such as ADA, harassment, and cultural diversity in order to promote diversity interest and awareness among staff.

Action Steps:

1. The Diversity Committee will work with Employee Development Department to incorporate diversity related training into the annual in-service training offered to employees. Encourage employees to participate in cultural diversity events in the workplace.
2. The MCF-OPH Diversity Committee will work with the MCF-STW Diversity Committee to establish joint training efforts whenever feasible.

Target Dates: July 1, 2004 – December 31, 2006

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee Members (STW & OPH)
Employee Development Department
Warden

Evaluation: Committee members will be encouraged to attend all committee meetings. The committee will determine the required agenda to meet the above goals. Available training for committee members will be communicated and scheduled.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF-Red Wing

Program Objective 1: To facilitate staff understanding of an inclusive work environment through a visible and active diversity committee.

Action Steps:

1. Committee will meet bimonthly on a consistent basis to be effective in retaining current members and to recruit new members.
2. Committee will share diversity topics in the all-staff weekly newsletter and update MCF-RW Info site to include Diversity topics
3. Arrange half or full day training opportunities to enhance our sensitivity and understanding of diverse cultures/environments.
4. Be active participants in the local City of Red Wings Annual Diversity Festival.

Target Dates: January 1, 2005-December 2006

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee

Evaluation: Staff becomes more aware of the opportunities to contribute to the functions of the Diversity Committee. Staff who have not previously represented the facility will be encouraged to participate in job fairs.

Program Objective 2: Continue to foster community contacts and resources to increase the amount of qualified applicants, to assure an inclusive and diverse workforce. Seek to eliminate disparities of protected groups.

Action Steps:

1. Maintain connections with multiple community resources.
2. Expand community resources to enhance a diverse workforce.
3. Continue to strengthen our hiring pool with Service Learning students through State Universities and Colleges.
4. Assist Department of Corrections Intern Coordinator in the recruitment of a diverse selection of interns.

Persons Responsible: Affirmative Action Officer
Diversity Committee
Human Resources

Target Dates: January 1, 2005-December 2006

Evaluation: Staff will be aware of their opportunity to participate in job fairs and will receive necessary training. The quality and value of materials provided to potential employees or interns will continue to be updated and improved.

Program Objective 3: Continue to provide training and learning opportunities that fosters an inclusive work environment.

Action Steps:

1. Target management and supervisory personnel to become involved so that they encourage their staff to participate in diversity training and activities.
2. To increase participation in diversity activities by 20%
3. Present diversity agenda calendar for the supervisors quarterly meetings to promote attendance.
4. Offer diversity training to all staff annually with topic to be determined at later date.
5. Plan and host diversity day for MCF-Red Wing employees annually.
6. Educate staff on issues of sexual orientation to eliminate biases based on "homophobia" in the work place.
7. Increase the amount and availability of training materials available to staff.

Target Dates: January 1, 2005-December 2006

Persons Responsible: Affirmative Action Officer
Diversity Committee
Training Director

Evaluation: All staff will have updated sexual harassment prevention training, and will be made aware of opportunities for additional learning.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF-RUSH CITY

Program Objective 1: To create a culture at MCF-Rush City where interactions between staff will be respectful and encourage a professional environment.

Action Steps:

1. Adopt the goals and objective outlined by the Executive Team.
2. Promote collaboration between levels of management.
3. Teamwork on all levels of management.
4. Diversity staff training instructors.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Associate Wardens
Middle Managers
Diversity Committee
All Staff

Evaluation: Staff will be able to identify a “Rush City” culture. Environment will be supportive. Staff morale will be high.

Program Objective 2: Improve recruitment and retention by expanding community relationships.

Action Steps:

1. Organize a social event, such as a picnic where DOC staff who are established in the community bring a non-DOC friend to meet and mingle with DOC staff new to the area.
2. Participate in community events/food shelf/toys for tots.
3. Develop a speaking program to go into schools.
4. Invite local organizations to participate in special monthly events such as Native American History, Black History, Women’s History, Gay Pride, Mental Awareness, etc.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Training,
Diversity Committee

Evaluation: Success will be evaluated through attendance at these functions and feedback from those attending.

Program Objective 3: Create increased communication and respect between staff.

Action Steps:

1. Provide training on positive communication to all staff.
2. Provide extended diversity training focusing on respect and differences.
3. Provide cultural/historical tapes for staff viewing, allowing training credit.
4. Identify communication issues among staff.
5. Invite Warden/Exec leadership to occasional diversity meetings.
6. Promote personalized exit interviews as a tool for providing input and collecting data.

Target Dates: July 1, 2004 through June 30, 2006

Persons Responsible: Warden
Training
Diversity Committee

Evaluation: Low level of conflict between staff and higher retention rate.

Program Objective 4: Celebrate Diversity and increase staff awareness of diversity through various activities.

Action Steps:

1. Maintain a Diversity bulletin board.
2. Drawings for tickets to culturally diverse events.
3. Contests for tickets.
4. Diversity Fair with food and cultural display.

Persons Responsible: Diversity Committee
Employee FUN'D Committee

Evaluation: Higher general knowledge of current cultural events among staff. Attendance and participation in contests/events will be evaluated.

DEPARTMENT WIDE PROGRAM OBJECTIVES

Program Objectives: To promote and cultivate an inclusive work environment.

1. Establish a mentoring program for new employees (**all** job classes) throughout the department.
2. Initiate open forum meetings on a quarterly basis at each Facility for all shifts and all staff.
3. Create methods for 2-way communication between administration and staff.
4. Developing innovative initiatives through worksite focused groups to leverage our diversity.

Target Dates: August 1, 2004 through July 31, 2006

Persons Responsible: All Diversity Committees

Evaluation: Improved workforce retention.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF- St. Cloud

Program Objective 1: The institution Diversity Committee will work with the institution Affirmative Action Officer to **educate** staff on issues related to diversity and the history of Affirmative Action (including federal and state laws and DOC policies, procedures and goals, etc.).

Action Steps:

1. Diversity Committee members and the institution Affirmative Action Officer will receive training on an as-needed basis to become well informed on issues of diversity and Affirmative Action.
2. Diversity Committee members and the institution Affirmative Action Officer will make Affirmative Action education available to all staff in a hard copy manual that will be available in the staff lounge and in the MCF-SCL electronic diversity folder in report wizard. These resources will be updated regularly.
3. Diversity Committee members and the institution Affirmative Action Officer will be a resource for training and education related to Affirmative Action and diversity issues (i.e. DOC training, diversity information, community events, etc.) at the institution level as well as the department level.
4. The institution Affirmative Action Officer will work with the training director to speak to all new staff as a part of their orientation to the institution upon hire.

Evaluation:

1. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document all training requested and / or received by Diversity Committee members and/or the Affirmative Action Officer.
2. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the development and updating of the diversity manual and electronic folder.
3. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document any committee member involvement, direct or indirect, in the provision of training and/or education related to diversity.
4. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the number of new staff at the institution each quarter and the number addressed by the AAO.

Program Objective 2: The institution Diversity Committee and the institution Affirmative Action Officer will work together to gather information for the purpose of **monitoring** the progress of the institution goals related to Affirmative Action. The information will be used to keep staff informed of current institution and DOC activities and trends related to Affirmative Action.

Action Steps:

1. The Human Resource Director/designee will update the Diversity Committee quarterly on issues related to employment: disparities, vacancies, new hires, promotions, separations, missed opportunities and any other employment information pertinent to Affirmative Action and diversity issues and/or goals.
2. The Mentor Program Director/designee will update the Diversity Committee quarterly on the progress of the Mentor Program.

3. The institution Affirmative Action Officer will attend the bimonthly Affirmative Action meetings at central office where information about recruitment, hiring, training, retention and promotion will be made available. This information will be available on the DOC Affirmative Action website and communicated to the MCF-SCL Diversity committee on a quarterly basis.
4. The institution Affirmative Action Officer and Diversity Committee Chairperson will meet with the Warden on a quarterly basis to review and discuss issues and goals related to the DOC Affirmative Action Plan and Diversity.

Evaluation:

1. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the communication between the Human Resource Director/designee and the committee. The HR report will be attached.
2. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the communication between the Mentor Program Director/designee and the committee. The Mentor Program report will be attached.
3. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the institutions AAO attendance at the bimonthly DOC AAO meeting at central office. The meeting minutes will be attached.
4. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the occurrence of the meetings between the Warden, the Diversity Committee chairperson and the Affirmative Action Officer.

Program Objective 3: The institution Diversity Committee and the institution Affirmative Action Officer will actively participate in promoting and supporting the promulgation of a healthy, productive and diverse workforce and organizational culture.

Action Steps:

1. The Diversity Committee members and the institution Affirmative Action Officer will work with the DOC Human Resources Department to organize, facilitate and/or support recruitment efforts at job fairs, community events, institutes of education, etc.
2. The Diversity Committee at MCF-SCL will identify one meeting a quarter as the “participatory” meeting at which all staff will be invited. This will be done in an effort to update staff on the progress of the committee as well as to provide an opportunity for the committee to get feedback. This meeting will have a theme and will encourage interaction, discussion and socialization around issues of diversity.
3. The Diversity Committee members and the Affirmative Action Officer will participate in and provide information about community events/learning opportunities related to diversity. This would include committee member’s regular participation in the Moving Forward on Diversity Task Force’s monthly meeting in the St. Cloud community.
4. The Diversity Committee members and the Affirmative Action Officer will be available to participate in any institution or DOC activity where they can serve to promote and support a healthy, diverse workforce and overall organizational culture (i.e. interview panels, promotion efforts, communication efforts, etc.)

Evaluation:

1. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the opportunities that were available as well as the number of times committee members participated and/or supported recruitment efforts.

2. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the quarterly “participatory” meetings and outline the details of each meeting via a short summary.
3. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document the attendance of the monthly Moving Forward on Diversity Task Force meeting and committee member’s participation in any other event.
4. The Affirmative Action quarterly report as well as the Diversity Committee meeting minutes will document opportunities afforded for which the committee members have been called upon to participated in organizational activities that promote and support diversity.

Note: The MCF-SCL Diversity Committee meeting minutes and the MCF-SCL Affirmative Action quarterly report will be made available to all staff via the MCF-SCL electronic diversity folder, the DOC Affirmative Action website and in hard copy form available in the staff lounge.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF-Shakopee

Program Objective 1: To create a workplace that is receptive and accepting of diversity and one that promotes respect.

Action Steps:

1. Sponsor an annual diversity event for all staff.
2. Continue to develop and provide diversity training to staff by implementing a mandatory training session for a diverse workplace.
3. Delivery of a monthly e-mail announcing diversity and cultural events.
4. Provide staff with an effective diversity video and book library.
5. The Affirmative Action Office Designee will meet with all new employees to provide information regarding diversity and Affirmative Action.
6. The Diversity Committee will distribute a quarterly newsletter.

Target Date: July 1, 2004-June 30, 2005

Persons Responsible: Warden
Human Resources Director
Employee Development Specialist
Affirmative Action Officer Designee
Diversity Committee

Evaluation: Increased awareness and respect for diversity, creating an inclusive work environment for all employees.

Program Objective 2: Increase the visibility of the Diversity Committee and maintain membership participation. To be a viable source for all staff in communication, promoting an increasing effectiveness on diversity issues.

Action Steps:

1. Schedule bi-monthly committee meetings that are compatible that are compatible with the daily work schedule.
2. Meeting minutes will be sent out to all staff via e-mail.
3. Committee members will be easily identifiable. A list of current members will be available on quarterly diversity newsletter and on diversity e-mails that are distributed to the facility.
4. Offer affirmative action, sexual harassment, and diversity training to all committee members.

Target Date: July 1, 2004-June 30, 2005

Persons Responsible: Diversity Committee Co-Chairs
Affirmative Action Officer Designee
Diversity Committee
Employee Development Specialist

Evaluation: Staff will be able to identify the Diversity Committee members and know where to get information on related issues.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF- Stillwater

Program Objective #1: Maintain an active Diversity Committee that will promote diversity in the work place.

Action Steps:

1. The Diversity Committee will offer diversity related activities that staff may participate in such as training, learning games, etc.
2. The MCF-STW Diversity Committee will work with the MCF-OPH Diversity Committee to establish joint training efforts where feasible.
3. The Diversity Committee will continue to meet each month, or as often as deemed necessary by the committee chair, and keep staff informed of the committee's activities.
4. The Diversity Committee will strive to keep staff informed of diversity related events in surrounding communities and encourage staff participation.
5. The Diversity Committee will solicit new members for participation on the committee as needed.

Program Objective #2: The MCF-STW Diversity Committee will work with and support the newly created Recruitment Team.

Action Steps:

1. The Diversity Committee will assist the Recruitment Team in various recruitment activities as needed such as job fairs, material production, etc.
2. The Diversity Committee will assist the Recruitment Team in soliciting new applicant referrals from current employees.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF- Thistledew Camp

Program Objective 1: Provide formal and informal diversity training for Thistledew Camp staff to increase awareness of the diversity of individuals employed in the workforce as well as those we encounter in the course of performing our jobs, and to create sensitivity to others.

Action steps:

1. The Diversity Committee will sponsor activities that may include guest speakers, performances, presentations, communication, or ethnic celebrations.
2. Provide training to all staff regarding diversity, sexual harassment and respect.
3. Arrange for off-site training/job shadowing opportunities to enhance our sensitivity and understanding of diverse cultures/environments.
4. The Affirmative Action Officer Designee will meet with all new staff to describe the Affirmative Action Plan.

Target Dates: January 1, 2005-December 31, 2006

Persons responsible: Diversity Committee Members
Affirmative Action Office Designee

Evaluation: Employees will gain awareness of cultural differences.

Program Objective 2: To develop recruiting strategies and methods to increase the number of protected group applicants for Thistledew camp positions.

Action Steps:

1. Develop a recruitment presentation, which can be used at job fairs, colleges and universities and other PR-related events.
2. Prepare and maintain an up-to-date recruitment packet to be mailed to college and university job placement offices.
3. Participate in job fairs, and other community recruitment efforts.
4. Continually update the Thistledew Camp website with recruitment and internship opportunities.

Target dates: January 1, 2005- December 31, 2006.

Persons responsible: Superintendent
Thistledew Camp Human Resource Office
Diversity Committee

Evaluation: Increased number of applicants for positions at Thistledew Camp.

Program Objectives
July 1, 2004 – June 30, 2006
(FY2005)

MCF-Willow River/Moose Lake

Program Objective: 1 Provide affirmative action training for all staff, improve recruitment and retention strategies for protected group members. Combine affirmative action training with diversity recruitment efforts to strengthen departmental awareness and eliminate disparities.

Action Step:

1. The Affirmative Action Officer Designee, Training Department, Human Resources Director, and the Diversity Committee will work together in the following areas: staff training, recruitment and employee retention, and new staff training and orientation.
2. Provide community based programming designed to heighten awareness of employment opportunities within the department. Coordinate with the statewide Recruitment Committee in recruitment at job fairs, vocational programs and cultural organizations.
3. Actively monitor protected class groups during monthly meetings.
4. Develop and monitor a questionnaire interview for staff changing work locations, shifts internally and transferring to other facilities.

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

Persons Responsible: Affirmative Action Officer Designee
Diversity Committee
Human Resources Director
Training Director
Managers and Supervisors

Evaluation: The Training Department will continue monitoring staff in completing mandatory training requirements. Records of recruitment events attended or sponsored will be maintained by the MCF-WR/ML Training Department.

Program Objective 2: Develop and maintain open communication between all staff of the MCF-WR/ML workforce, to understand and build on each other's strengths to ensure all staff realizes that they are our most valued resource.

Action Steps:

1. Encourage job shadowing within all facility positions and work areas.
2. Diversity awareness issues discussed openly with all staff.
3. Offer diversity training in various topics to all staff annually.
4. The Human Resources Director will update the Diversity Committee on disparities, vacancies, and employment issues.
5. Support and maintain an active Mentorship program.
6. Support the goals and values of the Conflict Resolution Initiative at MCF-WR/ML to develop and repair relationships within the acceptable norms of the institution.
7. Administration will conduct quarterly meetings in an open forum setting available for all staff to attend.

Persons Responsible: Warden/Designee

Affirmative Action Officer Designee
Diversity Committee
Training Director
Supervisors and Managers

Evaluation: The Affirmative Action Officer Designee will monitor and evaluate written summaries of the job shadows and the quarterly meetings. The Training Director, supervisors and managers will monitor that all staff complete mandatory diversity training requirements.

Program Objective 3: Heighten staff awareness of Diversity through various activities.

Action Steps:

1. Maintain Diversity Bulletin Board
2. Sponsor "Special Events" for all facility staff.
3. Develop and maintain a partnership with community groups to bridge involvement between MCF - WR/ML staff and the surrounding community.
4. Support other committees within the facility and department.

Persons Responsible: Diversity Committee

Evaluation: Increase awareness and general knowledge of diversity amongst staff. Attendance and participation at events will be the evaluative measurement.

III. Director for the Office of Diversity

Responsibilities: Direct the Department of Corrections' Equal Opportunity and Affirmative Action program.

- Duties:**
1. To develop and administer the department's Affirmative Action Plan.
 2. To revise, as necessary, the policies and complaint procedures contained within the Affirmative Action Plan.
 3. To provide consultation to managers and supervisors on their responsibilities as outlined in the Affirmative Action Plan.
 4. To manage complaints that allege violations of the Discrimination/Sexual Harassment Policy.
 5. To prepare annual reports on the diversity of the department workforce, a staff separation analysis, and revise the hiring goals.
 6. To oversee and provide a committee chair to the department's Affirmative Action Officer designees.
 7. To ensure that the department's Affirmative Action Plan is accessible to all staff.
 8. To oversee the department's pre-hire review process.
 9. To oversee the liaison for the department with the Department of Employee Relations on all matters relating to equal opportunity, affirmative action and diversity.
 10. To determine the need and recommend training in the areas of equal opportunity, affirmative action and diversity to the Director of the Employee Development Unit.
 11. To review and recommend changes in the department's policies, procedures, programs and practices to facilitate affirmative action, equal opportunity, and a diversity program.
 12. To oversee the administration of the Americans with Disabilities Act.
 13. To maintain records of requests for reasonable accommodation, missed opportunities to hire affirmatively, and complaints of discrimination or discriminatory harassment.
 14. To oversee the administration of the Internship Program.

Accountability: The Commissioner

IV. Managers and Supervisors

Responsibilities: To ensure compliance with the department's Affirmative Action Plan, including the Anti-Discrimination/Sexual Harassment Policy and the Reasonable Accommodation Policy.

- Duties:**
1. To promote a respectful working environment for all employees and to take appropriate steps to correct conflict situations that can lead to discriminatory conduct.
 2. To work with the Director for the Office of Diversity, which includes Equal Opportunity and Affirmative Action Office and the Affirmative Action Officer Designee to identify and resolve staff problems involving discriminatory conduct.
 3. To hire and promote qualified protected group individuals when a disparity exists, and to ensure equal treatment in all aspects of employment for all employees.
 4. To communicate and demonstrate a personal commitment to the department's Affirmative Action Plan.
 5. To discuss career planning goals and training needs with employees during their annual performance evaluation.
 6. To ensure the department Affirmative Action Plan is available in the work unit and is an agenda item at a staff meeting at least twice a year.
 7. To facilitate the participation of staff who serve on the Diversity Committee.
 8. To include accountability for the implementation of the department's Affirmative Action Plan in his/her position description.
 9. **Wardens and Superintendents of Correctional Facilities** have several additional duties including:

To appoint a staff member to serve as the Affirmative Action Officer Designee for the facility and to meet with them on a regular basis.

Accountability: The Deputy Commissioner, Assistant Commissioners, and indirectly to the Commissioner.

V. Human Resource Director

- Responsibilities:** To ensure that human resource policies and procedures are administered fairly and are uniformly applied to all employees, and to take positive action to remove all barriers to equal employment opportunity within the Department.
- Duties:**
1. To provide leadership to the Human Resources staff to adhere to affirmative action principals in the decision making process of all personnel actions.
 2. To advise managers and supervisors of the need to do protected group recruitment to fill vacancies where disparities exist.
 3. To provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that they are objective, uniform, and job related.
 4. To ensure that all job opportunity and training notices are properly posted and are made available to all staff.
 5. To identify problems that inhibit equal employment opportunity and to discuss resolutions with the department's Director of Office of Diversity.
- Accountability:** Assistant Commissioner of Management Services, and indirectly to the Deputy Commissioners and Commissioner

VI. Affirmative Action Officer Designees

- Responsibilities:** The designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is appointed by their respective Superintendent, Warden, and Field Services Director, and is directly accountable to him/her for matters relating to affirmative action. Indirectly, the designees are accountable to the department's Director of the Office of Diversity.
- Duties:**
1. To monitor the administration of the affirmative action plan at their work location by monitoring the Goals for Hiring for their work location.
 2. To fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
 3. To ensure dissemination of all relevant affirmative action information to appropriate staff and to post the Affirmative Action Plan on the official bulletin boards.
 4. To serve as ex-officio member of the diversity committee at their work location.
 5. To serve as a member of the department-wide Affirmative Action Officers Committee.
 6. To determine the need for diversity training and recommend training at their respective work location.
 7. To review policies, procedures, and practices and to recommend changes to the director of the Office of Diversity.
 8. To receive employee complaints of discriminatory harassment, advise employees of the department policy and complaint process, and promptly notify the Office of Diversity Director of complaints received.
 9. To serve as ex-officio member of the Recruitment Team at their work locations.
- Accountability:** Warden, Superintendent, or Director of Field Services, and indirectly to the Director of the Office of Diversity.

| | | |
|------------------------|-----------------|---|
| Policy: | 103.300 | Title: Anti-Discrimination and Sexual Harassment |
| Issue Date: | 12/17/03 | |
| Effective Date: | 12/17/03 | |

AUTHORITY: Title VII of the Civil Rights Act of 1964, as amended, and the Minnesota Human Rights Act, Executive Order 11246, the Age Discrimination and Employment Act of 1967, the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act.

PURPOSE: To ensure that the department's employment practices are free from discrimination and that all employees have a working environment free from discrimination based on their race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, status with regard to public assistance, membership or activity in a local commission (protected class characteristics).

APPLICABILITY: Applicants, eligible, employees, contractors and volunteers of the department.

POLICY:

A. Summary of Discrimination/Sexual Harassment Policy

The department will not tolerate discriminatory behavior toward applicants, employees, contractors and volunteers based on their protected class characteristic(s). Managers, supervisors and employees who violated this policy will be subject to discipline, up to and including discharge.

The department believes that discrimination is a serious violation of an employee's rights and that false accusation of discrimination can cause serious problems to the subject of the complaint. These two problems can be minimized by prompt, confidential, and thorough investigations.

It is the responsibility of applicants, employees, contractors and volunteers to report incidents of discrimination against themselves or other employees to any supervisor/manager, Affirmative Action Officer designee, Human Resources Director or the Assistant Commissioner for Support Services.

The Assistant Commissioner for Support Services will ensure a prompt investigation of all complaints that allege a violation of this policy. The appointing authority will take appropriate corrective action when the investigation findings determine that a policy violation has occurred. The Assistant Commissioner for Support Services will ensure that confidentiality is preserved to the degree possible in order to encourage the filing of valid complaints by protecting the privacy of the complainant, as well as to protect the reputation of any employee who might wrongfully be accused of discrimination/harassment.

Retaliation is strictly forbidden against complainants who report harassment or individuals that cooperate in an investigation. Any employee, manager or supervisor who is found to have taken adverse action against an individual because of that person's good-faith report of discrimination/ harassment is subject to discipline, up to and including discharge.

B. Discrimination/Sexual Harassment Policy

The department will maintain non-discriminatory employment practices and a work environment free from all forms of discrimination based on an individual's protected class characteristic(s).

Discrimination and harassment based upon an employee's protected class characteristic(s) is illegal under federal and state laws as it subjects employees to an unfair employment practice and is not related to an employee's work performance, an applicant's qualifications for employment or a promotion in the department.

The department will not tolerate the harassment of its employees, nor will it tolerate reprisals against any employee who makes a complaint of discrimination or cooperates in an inquiry or investigation of a complaint. Supervisors, managers and others violating this policy are subject to disciplinary action, up to and including discharge.

Any supervisor or manager who receives a complaint of discrimination and fails to report it to the Affirmative Action Officer designee, Human Resource Director, or the Assistant Commissioner for Support Services is subject to disciplinary action, up to and including discharge. Performance evaluations of managers and supervisors will include consideration of the individual's compliance with and support for this policy.

All managers and supervisors are responsible for the implementation of this policy and for ensuring that all employees have knowledge and understanding of this policy.

All managers and supervisors must take immediate and appropriate corrective action to ensure compliance with the intent of this policy. Upon observing words or actions that may violate this policy, managers and supervisors must take prompt and appropriate action to address the conduct, even if no complaint has been made.

Sanctions and/or Corrective Action - Appropriate disciplinary action will be taken against individuals found to be engaging in conduct based on an applicant or employee's protected class characteristic(s). Appropriate disciplinary action will also be taken against supervisors and managers who fail to take timely and appropriate action when conduct that violates this policy is brought to their attention. Some forms of harassment are also criminal acts that may be referred to local law enforcement. Corrective action will be taken when necessary to build and/or restore a respectful work environment.

Definitions and Prohibited Acts:

Discrimination

To act on the basis of prejudice, intentional or unintentional, because of an individual's or group's protected class characteristic(s) with respect to hiring, tenure, compensation, terms, conditions, facilities or privileges of employment, except when based on a bona fide occupational qualification.

Conduct based upon protected class characteristics is prohibited if or when any of the following occurs:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- Such conduct is intended to interfere or results in interference with an employee's work performance, or **creates an intimidating, hostile, or offensive work environment.**

Physical harassment - prohibited actions include, but are not limited to: (1) Display of posters, signs, pictures, cartoons, symbols, written statements or other materials that demeans, or that belittles or discriminates against any individual's protected class characteristic(s). (2) Non-verbal behaviors also include gestures and facial expressions.

Verbal harassment - unwelcome statements, name-calling, or other verbal conduct. Prohibited statements include using derogatory names or terms when referring to individuals or groups of individuals.

Sexual Harassment

A form of discrimination that includes unwelcome sexual advances, requests for sexual favors, or **verbal or physical conduct of a sexual nature** when any of the following occurs:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion or other condition of employment. This may occur by acts or words that are stated clearly, or acts or words that are implied.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- Such conduct is intended to interfere or results in interference with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harasser - a harasser may be a male harassing a female; a female harassing a male; a male harassing a male; or a female harassing a female, and the harassment is sexually based.

Physical sexual harassment - prohibited actions include, but are not limited to: touching oneself or another person in a sexually suggestive way; physical contact or positioning so as to invade personal privacy; or intentional touching of anatomy that is private such as breasts, genital areas, or buttocks. Also included are intentional movements/actions made in an attempt to look at another person's breasts, genital areas or buttocks. Also prohibited are physical acts such as hitting, pushing and making physical gestures of a sexual nature such as hip-grinding or grabbing motions.

Verbal sexual harassment - examples of prohibited statements include, but are not limited to: derogatory or vulgar comments of a sexual nature; sexually vulgar language; remarks about a person's physical anatomy or characteristics; "dirty" jokes; sexual innuendo; sexually explicit language; lascivious tones; threats of physical harm; and distribution or display of written or graphic sexual materials.

The fact that an employee does not openly object to others' actions or words does not suggest it was welcome. Harassment may occur even if the individual originally remains silent or failed to show disapproval. Acts and statements that may not be offensive to some people may be extremely offensive to others. As a result, all employees must conduct themselves professionally in their interaction with others in the workplace.

Other examples of sexual harassment - also prohibited in the workplace are nude and semi-nude pictures, sexually orientated magazines or posters, sexually offensive cartoons, and other words or pictures of a sexually suggestive nature.

PROCEDURES:

- A. Complaint Procedure The department encourages employees to use the following procedure but employees are not prohibited from filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights. Any employee, contractor or volunteer who believes s/he is sexually harassed or discriminated against because of his/her protected class characteristic(s) should follow the procedure below. Although the department recommends the following procedure as an effective method of dealing with harassment, Steps 1 and 2 may be omitted.
- Step 1. Politely, but firmly, confront the perpetrator and ask him or her to stop the offensive conduct. Be specific about the exact behavior you want stopped. If practical, have a witness such as a co-worker present to hear your complaint and the harasser's response. After the face-to-face meeting, write a memo or note outlining what you said and the response of the harasser. Date the memo and keep it. Written evidence of your complaint is helpful if the harasser does not stop the offensive behavior.

Although a face-to-face meeting with the harasser is desirable, if you feel uncomfortable with it, write the harasser a memo or letter detailing the acts or statements you consider harassment and demand that it be stopped. Sign and date the memo or letter, and keep a copy for possible future use if the harassment does not stop.

If you feel uncomfortable with a face-to-face meeting or a written letter, omit step one and make your first complaint using the procedures listed in Step 3.

Step 2. Document the incidents of the harassment. Write down what was said and done, who might have witnessed it, and the date. Keep any related letters, memos, or written documentation.

Step 3. If uncomfortable with Step 1, or the harassment continues after you complain to the harasser, or if you feel the harassment is likely to cause you a direct employment problem such as demotion, pay increase denial, or discipline, immediately report it to the manager of your work area, the Affirmative Action Officer designee, Human Resources Director or the Assistant Commissioner for Support Services. You may be asked to complete a complaint form at this time. You should also submit a copy of any written documentation or a written summary of what has occurred.

B. Process for Managers and Supervisors

1. A supervisor or manager that receives a complaint or becomes aware of a violation of this policy will immediately notify and forward any written documentation to his/her Affirmative Action Officer designee, Human Resource Director, or the Assistant Commissioner for Support Services.
2. Within two working days after receiving the complaint, the Affirmative Action Officer designee or the Human Resource Director will take the following actions.
 - a) Review the complaint.
 - b) If the complaint alleges a violation of this policy, the Assistant Commissioner for Support Services will be notified by the Affirmative Action Officer designee or the Human Resource Director that a discrimination/sexual harassment complaint has been received. The written complaint and all documentation will be forwarded to the Assistant Commissioner for Support Services.

C. Procedure for Handling Complaints

1. The Assistant Commissioner for Support Services will direct the Labor Relations Manager to establish a record of the complaint in the agency Investigation Tracking System.
2. The Assistant Commissioner for Support Services will review the complaint and determine whether to initiate an investigation. All complaints will be handled in a timely and confidential manner. The complainant or information related to the complaint will not be disclosed to anyone that does not have a business reason to know.
3. No person is permitted to discuss the complaint, the identity of the person complaining, or any other facts, except where necessary for investigating the complaint or deciding a dispute. All managers, supervisors and employees are subject to disciplinary action if they unnecessarily disclose information about the complaint, the investigation, allegations, or facts concerning the discrimination/harassment complaint and investigation.
4. The Assistant Commissioner for Support Services will notify the complainant(s) and the respondent(s) in writing that the complaint will be investigated.

5. Upon filing of a complaint, the Assistant Commissioner for Support Service, and during the investigation process, the investigator will assure the complainant that department policy and the law prohibits any reprisal for making a good-faith complaint, even if it is later determined that a violation of the policy did not occur.
6. For all complaints warranting an investigation the Assistant Commissioner for Support Services will notify the Labor Relations Manager, who will be responsible for documenting it in the Agency Investigation Tracking System.
7. The Assistant Commissioner for Support Services will assign an investigator who will:
 - a) Take a verbal statement from the complainant.
 - b) Inform the respondent of the complaint and the investigative procedure.
 - c) Obtain the respondent's side of the story or explanation (this may occur at any time during the investigative process).
 - d) Obtain additional evidence or facts by reviewing relevant files, documentation, interviewing possible witnesses, other alleged victims and co-workers, while disclosing as little about the case as is feasible to preserve confidentiality; and
 - e) *Prepare a thorough written report of the findings and submit it to the Commissioner for Support Services and warden (if a facility investigation) within 60 days after a formal complaint is filed.*
8. *The Assistant Commissioner for Support Services will review the report and share the report with the Assistant Commissioner for Facilities (if a facility investigation) and the Labor Relations Manager. The Assistant Commissioner for Support Services will determine whether a violation of this policy has taken place.*
9. If the investigation findings **do not** support that a violation of this policy occurred, the Assistant Commissioner for Support Services will notify in writing the complainant(s) and respondent(s) of that fact.
10. If the investigation findings support that a violation of this policy or another policy has occurred, the Assistant Commissioner for Support Services will notify the appointing authority and the Labor Relations Manager.
11. The appointing authority will direct the Regional Human Resource Director/designee to prepare a recommendation for appropriate corrective action, pursuant to the Work Incident Review Policy.
12. The appointing authority's decision must be discussed by the Assistant Commissioner for Support Services, the Labor Relations Manager/designee and the appropriate division head.
13. The Assistant Commissioner for Support Services, in consultation with the Commissioner, will review for authorizing the corrective action to be administered and will communicate this authorization to the appointing authority and the Labor Relations Manager. Discipline cannot be carried out until authorized by the Assistant Commissioner for Support Services.
14. The Labor Relations Manager will document the corrective action in the department's Investigation Tracking System.
15. The appointing authority will promptly administer the corrective action.

16. The Assistant Commissioner for Support Services/designee will promptly notify the complainant(s) that the investigation has been completed and appropriate action taken.

17. Disposition of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination. (Personnel Rules 3905.0500)

D. Harassment by Customers, Contractors and other Non-employees

1. If a non-employee harasses an employee, the employee should take the same steps outlined in the preceding section of this policy.
2. Upon validation of the complaint of harassment, the appointing authority will take steps to stop the harassment. However, the appointing authority may delegate this duty when another agency or entity will be more effective.
3. Possible remedial action will be promptly taken and can include, but is not limited to, a written warning to the subject of complaint or his/her employer, prohibiting the individual from returning to the department's premises, or refusal to continue doing business with the individual or his/her employer.
4. Regarding harassment by offenders, please refer to Policy 303.010, "Offender Discipline" and Policy 303.030, "Offender Materials (Display of)."

REVIEW: Annually

REFERENCES: Policy 303.010, "Offender Discipline."
Policy 303.030, "Offensive Materials (Display of)."
ACA standards 2-CO-1C-09, 2-CO-1C-11, 2-CO-1C-12, 3-4054-1, 3-JTS-1C-07-1.

SUPERSESSSION: Policy 103.300, "Discrimination/Sexual Harassment," 10/1/02.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Discrimination/Sexual Harassment Complaint form

/s/
Harley W. Nelson, Deputy Commissioner
Community and Support Services

Dennis L. Benson, Deputy Commissioner
Adult Facility Services

Minnesota Department of Corrections
Sexual Harassment/Discrimination Complaint Form
Information on the Complainant (*person filing the complaint*):

Name: _____ Job Title: _____ Phone: _____

Work Location: _____ Division: _____

Supervisor: _____

Information on the primary respondent (*person against whom you are filing the complaint*):

Name: _____ Job Title: _____

Work Location: _____ Division: _____

Supervisor: _____

Names of any secondary respondents involved in this complaint:

I believe I was discriminated against because of:

☐ Race ☐ Gender ☐ Color ☐ Creed ☐ Religion ☐ Disability

☐ Age ☐ Marital Status ☐ National Origin ☐ Sexual Orientation

☐ Reliance on Public Assistance ☐ Membership or Activity in a Local Commission

☐ Sexual Harassment

Date most recent act of discrimination/sexual harassment occurred: _____

Describe the incident(s) in detail, beginning with the most recent incident. Include names, types of behavior, location, dates, and witnesses. (*Attach additional sheets if necessary*).

Witnesses:

Work Address/Phone:

- 1.
- 2.
- 3.
- 4.
5. _____ *(please use the space below to continue with witnesses if necessary).*

Relief requested:

This complaint is being filed on my honest belief that I have been discriminated against. 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's Signature

Date

Received by: _____

Date:

Did you file this complaint with another Agency? ☐ Yes ☐ No

If yes, which agency? _____

| | | |
|------------------------|----------------|--|
| Policy: | 103.310 | Title: Reasonable Accommodation |
| Issue Date: | 12/1/01 | |
| Effective Date: | 1/1/02 | |

AUTHORITY: The Americans with Disabilities Act of 1990 and The MN Human Rights Act.

PURPOSE: To reasonably accommodate qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or to enjoy equal benefits and privileges.

APPLICABILITY: All qualified applicants, current employees, and employees seeking promotion who have a physical or mental impairment that substantially limits one or more major life activities. This policy does not pertain to persons with non-ADA qualifying medical conditions.

POLICY: The accommodation must provide an opportunity for the person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of a similarly situated employee without a disability.

Funding for accommodations is provided by the department unless the accommodation causes an undue hardship or poses a direct threat to the health or safety of others in the workplace.

DEFINITIONS: A reasonable accommodation is any change 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 equal employment opportunities.

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.

PROCEDURES:

I. Job Applicants

- A. When an applicant submits a request for accommodation, the Human Resources Director will consider the request and discuss possible alternatives with the applicant.
- B. The Human Resources Director will make a decision regarding the request for accommodation and, if approved, take the necessary steps to ensure the accommodation is provided.
- C. If the accommodation can not be provided, the Human Resources Director will inform the applicant in writing of the reason within a reasonable time period.

II. Existing Staff

- A. The employee will inform his/her supervisor, manager, or ADA Coordinator of the need for an accommodation, preferably by completing the Employee Request for Reasonable Accommodation form (attached). While we prefer your initial request to be in writing, it is sufficient for you to tell your supervisor/manager, or ADA Coordinator that you have a disability and require assistance to perform your job.

- B. If the supervisor, manager or ADA Coordinator is aware of the employee's disability and the need for reasonable accommodation is readily apparent, he/she should initiate discussions with the employee regarding the need for possible reasonable accommodation as outlined in this policy.
- C. Accommodation form to provide more information to facilitate the process.
- D. At the facilities the Human Resources Director serves as the ADA Coordinator. For Community Services staff and Central Office staff, the ADA Coordinator is located in the Office of Diversity.
- E. The ADA Coordinator may request medical documentation of the employee's functional limitations to support the request. Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions specified in the Americans with Disabilities Act.
- F. The ADA Coordinator shall, in consultation with the employee and supervisor:

1. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
2. Determine the precise job-related limitations.
3. Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.
4. Select and implement the accommodations that are the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the department is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

G. If an accommodation agreement cannot be reached, the ADA Coordinator will forward the written request for accommodation along with his/her recommendation to the department's Director for the Office of Diversity, who will review the request for accommodation, along with recommendations, and advise management.

H. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause an undue hardship (see III) on the operation of the business or pose a direct threat (see IV) to the health or safety of others in the workplace, the employee and the supervisor shall work together to determine whether reassignment may be an appropriate accommodation.

1. The Human Resources Office shall first look for a vacant position in the department equivalent to the one presently held by the employee in terms of pay and other job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or a position the department knows will become vacant within a reasonable period of time) the department may, as a reasonable accommodation, assign the employee to a lower grade vacant position for which the individual is qualified. If this occurs, the department is not required to maintain the individual's salary at the previous level.
2. The Human Resources Office will look at transfer opportunities, mobility opportunities, noncompetitive and competitive opportunities (MS 43A).
3. The department is not required to create a new job or to bump another employee from a job in order to provide an accommodation.

I. If an accommodation can not be made, the Director for the Office of Diversity shall inform the employee of the reason(s) for nonapproval, in writing, within a reasonable time period.

III. Undue Hardship

Undue Hardship is defined as an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department. In determining undue hardship:

A. The Diversity Director and Assistant Commissioner for the respective division will meet with the Deputy Commissioner to discuss the requested accommodation.

B. They will determine undue hardship by considering factors as outlined in 29 CFR Sec. 1630.2 including (p) 2. These factors include:

1. The nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the Department's operation.

2. The impact of the accommodation on the nature or operation of the Division.

C. If the accommodation is considered to impose an undue hardship, an analysis and recommendation will be sent to the commissioner.

D. The Commissioner will provide a decision in writing to the Diversity Director. The employee requesting the accommodation will be immediately notified of the final determination in writing.

IV. Direct Threat

Direct Threat means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. In determining Direct Threat:

A. Management must make an individualized determination of an individual's present ability to safely perform a job's essential functions. These determinations must be based on objective information and cannot be based on myths or stereotypes about a given disability. They shall:

1. Demonstrate that there is a high risk of substantial harm.
2. Identify the specific risk.
3. Demonstrate the risk is current, as opposed to speculative or remote.
4. Support the risk assessment with objective medical evidence related to the particular employee.
5. Consider whether the risk can be eliminated or reduced below the level of a "direct threat" by reasonable accommodation.

REVIEW: Annually

REFERENCES: DOC Policy 103.001
ACA 2-CO-1C-09
ACA 2-CO-1C-11
ACA 2-CO-1C-12

SUPERSESION: 2-218

ATTACHMENTS: Minnesota Department of Corrections Employee Request for Reasonable Accommodation

This document is available in alternative formats to individuals with disabilities by calling (651) 642-0340 (v) or (651) 643-3589 (TTY).

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 | |
| <p>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.</p> <p>2. How does it affect your ability to perform your job?</p> <p>3. Type of accommodation requested:</p> <div> <div> <div>___ Making facilities readily accessible</div> <div>___ Job restructuring</div> <div>___ Part-time or modified work schedule</div> <div>___ Acquisition of equipment or devices</div> </div> <div> <div>___ Modification of equipment or devices</div> <div>___ Qualified reader or interpreter</div> <div>___ Other (specify): _____</div> </div> </div> <p>Please describe in detail the accommodation you are requesting:</p> | | |
| <p>4. Has your medical provider recommended the accommodation? Yes No</p> | | |
| <p>5. How will the requested accommodation be effective in allowing performance of the essential job function(s)?</p> | | |
| <p>6. Has your job been altered? When was it altered? Please describe how and why it has altered:</p> | | |
| <p>Additional Comments:</p> | | |
| Signature of Employee: | | DATE: |

Distribution:

Employee

Supervisor

Division Head

ADA Coordinator's file

Office of Diversity

For Office Use Only:

☐ ADA Qualifying

☐ non ADA

Date: _____

revised 8/98

Goals and Timetables

The department is continually striving to increase the number of ethnic/racial minority persons, females, and persons with disabilities in order to reach parity.

The method for establishing goals changed to EEO4 Job Categories and a 2-factor analysis. The two factors used are external availability and internal availability. Goals for Central office and MCF-STW, MCF-OPH, MCF-SHK and MCF-LL are based on the metro recruiting area, which consists of the 13 county Standard Metropolitan Statistical area as established by the MN Depart of Economic Security. Goals for MCF-FRB, MCF-RW, MCF-RC, MCF-STC, MCF-TC, and MCF- WR/ML were established using counties within a 35-mile radius of the facility. Statewide population numbers were used to establish Central office goals and MN and WI population numbers were used to establish Central Office Non-St. Paul goals. 2000 Census data by county on occupations by sex and race was used to determine the percentage of working-age population with requisite skills in the recruiting area. DOER established goals for persons with disabilities, using 2000 Census data.

The agency continues to be challenged to reduce costs and lower adult institution per diems. Continuing cost-cutting initiatives include reduction of staff. Because layoffs are anticipated, all vacancies will first be offered to lay off employees. It is anticipated that there will be Corrections Officer openings as a result of retirements and turnover, and we will continue to recruit a diverse workforce to fill those vacancies.

Revised Goals and Timetables for Minnesota Department of Corrections, July 2004

* Job classes with less than 5 employees do not require a goal

** Job groups that are traditionally female-dominated do not require a female goal

| Female | | | | | | | | | | | | | |
|--------------------------------|---------------|-----------------|--------------|------------|-------------|------------|------------|-------------|-------------|-------------|------------|---------------|------------|
| EEO Job Group | CO - Metro | CO-non Metro | MCF - FRB | MCF- LL | MCF- OPH | MCF- RW | MCF- RC | MCF- SCL | MCF- SHK | MCF- STW | MCF- TC | MCF- WR/ML | Total |
| Officials/Managers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Professionals | 3 | 12 | 0 | 0 | 0 | 0 | 0 | 6 | 1 | 2 | 3 | 0 | 27 |
| Technicians | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 2 |
| Office/Clerical | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Skilled Craft | 0 | 0 | 2 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 8 |
| Protective Service-Supervisors | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Protective Service | 2 | 1 | 15 | 31 | 26 | 10 | 25 | 32 | 5 | 48 | 2 | 10 | 207 |
| Para-Professional | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Service/Maintenance | 5 | 12 | 4 | 2 | 2 | 0 | 1 | 5 | 0 | 7 | 0 | 2 | 40 |
| TOTAL | 10 | 25 | 21 | 33 | 29 | 11 | 27 | 45 | 6 | 59 | 6 | 13 | 285 |

| Minority | | | | | | | | | | | | | |
|--------------------------------|---------------|-----------------|--------------|------------|-------------|------------|------------|-------------|-------------|-------------|------------|---------------|-----------|
| EEO Job Group | CO - Metro | CO-non Metro | MCF - FRB | MCF- LL | MCF- OPH | MCF- RW | MCF- RC | MCF- SCL | MCF- SHK | MCF- STW | MCF- TC | MCF- WR/ML | Total |
| Officials/Managers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Professionals | 0 | 6 | 4 | 0 | 1 | 2 | 2 | 3 | 0 | 0 | 0 | 2 | 20 |
| Technicians | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 7 |
| Office/Clerical | 0 | 3 | 1 | 2 | 0 | 1 | 0 | 0 | 1 | 2 | 0 | 2 | 12 |
| Skilled Craft | 0 | 0 | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 8 |
| Protective Service-Supervisors | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Protective Service | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 1 | 5 |
| Para-Professional | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Service/Maintenance | 2 | 4 | 3 | 0 | 2 | 1 | 2 | 3 | 1 | 2 | 0 | 3 | 23 |
| TOTAL | 2 | 13 | 12 | 4 | 5 | 4 | 9 | 8 | 3 | 6 | 0 | 11 | 77 |

Revised and Timetables Goals for Minnesota Department of Corrections, July 2004

* Job classes with less than 5 employees do not require a goal

** Job groups that are traditionally female-dominated do not require a female goal

| Disability | | | | | | | | | | | | | |
|--------------------------------|---------------|-----------------|--------------|-------------|--------------|-------------|-------------|--------------|--------------|--------------|-------------|----------------|------------|
| EEO Job Group | CO - Metro | CO-non Metro | MCF - FRB | MCF - LL | MCF - OPH | MCF - RW | MCF - RC | MCF - SCL | MCF - SHK | MCF - STW | MCF - TC | MCF - WR/ML | Total |
| Officials/Managers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Professionals | 3 | 0 | 0 | 0 | 3 | 5 | 0 | 0 | 1 | 1 | 2 | 0 | 15 |
| Technicians | 0 | 0 | 2 | 0 | 2 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 5 |
| Office/Clerical | 5 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 10 |
| Skilled Craft | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 4 |
| Protective Service-Supervisors | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Protective Service | 2 | 0 | 7 | 17 | 12 | 8 | 18 | 11 | 5 | 23 | 1 | 16 | 120 |
| Para-Professional | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Service/Maintenance | 1 | 3 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 9 |
| TOTAL | 11 | 5 | 11 | 18 | 20 | 16 | 20 | 15 | 7 | 24 | 4 | 17 | 166 |

Note: Goals for minority and females were established by the Office of Diversity; Minnesota Department of Corrections incorporating Data provided by DOER. 2000 Census data was used.

Goals for Persons with Disabilities were established by DOER, for use by all state agencies. 2000 Census data was used.

Underutilization as of 07/30/04

| Central Office | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | x | | |
| Technicians | | | |
| Office/Clerical | | | x |
| Skilled Craft | | | |
| Protective Services-Supervisors. | x | | x |
| Protective Services | x | | |
| Para-Professional | | | |
| Service Workers | x | x | x |

| Central Office-non St. Paul | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | x | x | |
| Technicians | | | |
| Office/Clerical | | x | x |
| Skilled Craft | | | x |
| Protective Services-Supervisors. | | | |
| Protective Services | | | |
| Para-Professional | | | |
| Service Workers | x | x | x |

| Fairbault | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | x | |
| Technicians | | | |
| Office/Clerical | | x | |
| Skilled Craft | x | x | |
| Protective Services-Supervisors. | | | |
| Protective Services | x | x | x |
| Para-Professional | | x | |
| Service Workers | x | x | x |

| Lino Lakes | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | | |
| Technicians | | x | |
| Office/Clerical | | x | |
| Skilled Craft | x | x | x |
| Protective Services-Supervisors. | | | |
| Protective Services | x | | x |
| Para-Professional | | | |
| Service Workers | x | | |

Underutilization as of 07/30/04

| Oak Park Heights | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | x | |
| Technicians | | x | x |
| Office/Clerical | | | |
| Skilled Craft | x | x | x |
| Protective Services-Supervisors. | | | x |
| Protective Services | x | | |
| Para-Professional | | | |
| Service Workers | x | x | x |

| Red Wing | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | x | |
| Technicians | | | |
| Office/Clerical | x | x | x |
| Skilled Craft | | | x |
| Protective Services-Supervisors. | x | | |
| Protective Services | x | | x |
| Para-Professional | | | |
| Service Workers | | x | x |

| Rush City | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | x | |
| Technicians | | x | x |
| Office/Clerical | | | x |
| Skilled Craft | x | x | |
| Protective Services-Supervisors. | | | |
| Protective Services | x | x | x |
| Para-Professional | X | x | |
| Service Workers | x | x | |

| St. Cloud | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | x | x | |
| Technicians | x | x | x |
| Office/Clerical | | | x |
| Skilled Craft | x | | x |
| Protective Services-Supervisors. | | | |
| Protective Services | x | x | x |
| Para-Professional | | | |
| Service Workers | x | x | |

Underutilization as of 07/30/04

| Shakopee | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | x | | |
| Technicians | | x | |
| Office/Clerical | | x | |
| Skilled Craft | | | x |
| Protective Services-Supervisors. | | | |
| Protective Services | x | x | x |
| Para-Professional | | | |
| Service Workers | | x | |

| Stillwater | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | x | | |
| Professionals | x | x | |
| Technicians | | x | |
| Office/Clerical | | | |
| Skilled Craft | x | x | |
| Protective Services-Supervisors. | | | |
| Protective Services | x | | x |
| Para-Professional | x | | |
| Service Workers | x | x | |

| Thistledeew | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | x | | |
| Technicians | | | |
| Office/Clerical | | | |
| Skilled Craft | | | |
| Protective Services-Supervisors. | | | |
| Protective Services | x | | x |
| Para-Professional | | | |
| Service Workers | | | x |

| Willow River/Moose Lake | | | |
|----------------------------------|-------|------------|----------|
| PROTECTED GROUPS | | | |
| EEO Job Groups | WOMEN | MINORITIES | DISABLED |
| Officials/Managers | | | |
| Professionals | | x | |
| Technicians | | x | |
| Office/Clerical | | x | |
| Skilled Craft | x | x | |
| Protective Services-Supervisors. | | | x |
| Protective Services | x | x | |
| Para-Professional | x | x | |
| Service Workers | x | x | |

Methods of Auditing, Evaluating and Reporting Program Success

Tracking of all agency hires is accomplished by requiring the completion of the Monitoring the Hiring Process form for all paid positions. Semi-annual reports are prepared on the total number of hires, number of affirmative action appointments, number of justified appointments, and the number of missed opportunities to hire affirmatively. This data identifies hiring trends for the department and shows recruitment and selection practices that require attention.

Semi-annual reports are completed by each work location, updating their progress toward meeting their program objectives.

An annual report is prepared to monitor workforce turnover in order to identify retention problems per work location.

Layoff Pre-review Procedure

Should layoffs become necessary, the Affirmative Action Officer will review the agency's procedure to determine if the terms of the applicable bargaining contract are followed. An analysis will be conducted to determine the impact on the diversity of the workforce.

Rev 07/01/04

Minnesota Department of Corrections

Pre-Hire Review Process

Managers and supervisors shall follow this process for all hiring decisions in which a disparity exists for classified and non-classified positions.

No offer of employment shall be made until the Commissioner of Corrections, or his/her designee in the commissioner's absence, is satisfied with the rationale given for not hiring a member of the protected group who has the minimum qualifications for the position.

Process: When an established affirmative action goal has not been met, the supervisor must request approval before appointing a non-protected class candidate. Therefore, the following process shall be used by the supervisor when requesting a missed opportunity to hire affirmatively. The director of the Equal Opportunity and Affirmative Action Office is available to discuss the request or provide assistance at any step of the procedure.

1. The supervisor requesting a missed opportunity will complete the *Missed Opportunity Request* form outlining:
 - a. The job classification.
 - b. The number of protected (disparate) group individuals on the list and available to fill the vacancy (protected group status: women, racial/ethnic minority, or person with a disability).
 - c. A copy of the structured interview questions, including ratings of the protected (disparate) group candidate(s) and the non-protected group individual that s/he wishes to hire.
 - d. A copy of the application and resume of the protected group candidate(s) and the non-protected group member(s) that he/she wishes to hire.
 - e. A copy of the position description.
 - f. Reasons for requesting a non-selection of the protected (disparate) group candidate(s). The supervisor must give a detailed explanation of the reasons the protected group candidate(s) is not the best choice for the position(s); e.g., the knowledge, skills and abilities that the protected group candidate(s) does not possess for the position.
2. The above will be submitted to the supervisor's respective manager. If the manager denies the supervisor's request for a missed opportunity hire, s/he will inform the supervisor within one working day. If each level of management agrees to the request to take a missed opportunity, the request will be forwarded to the Equal Opportunity and Affirmative Action Office Director for review and decision. However, no decision is final until the Commissioner gives his approval to take the missed opportunity.
3. If the decision is made to accept the missed opportunity request, the requesting supervisor will attach a copy of the written request to the protected group report submitted to the Human Resources office at the time of hire.
4. All candidates will be notified when the vacancy is filled.
5. Supervisors and managers are not to disclose information to anyone regarding the protected group status of the selected candidate. The protected group status of an individual is

Pre-Hire Review Process

Continued

identified as private data: in accordance to the Minnesota Government Data Practices Act(MN Stat. 13.43, Subd. 21), which governs the collection and disclosure of all government data, including personnel data.

6. Documentation will be kept on the selection process for all appointments for at least one year.

Minnesota Department of Corrections Missed Opportunity Request

This form is to be completed by the supervisor when requesting a missed opportunity, and the steps outlined in the pre-hire review process shall be followed.

Job classification: _____

Number of disparate members on list and available: Women # ____ Minority # ____ Disabled # ____

Checklist: Attach documentation listed below for disparate candidate(s) and candidate selected:

- _____ Position Description
- _____ Applications
- _____ Resumes (if Available)
- _____ Structured Interview Questions
- _____ Structured Interview Ratings
- _____ Eligible List

Reasons why the protected group member(s) was not qualified for the position. Provide reasons in detail and attach to this form.

Comments:

- | | |
|---|--|
| 1) _____ Supervisor's signature Date | 4) _____ Dis/Approved Date Director, Equal Opportunity and Affirmative Action Office |
| 2) _____ Dis/Approved Date Facility CEO signature, or Community Services division | 5) _____ Dis/Approved Date Commissioner/designee |
| 3) _____ Dis/Approved Date Executive Staff member/designee | |

Recruitment Strategies

The recruitment plan is a significant component of the DOC Workforce Planning initiatives. As part of the workforce planning process, we have begun to identify mission-critical occupations that will be most impacted by retirements, separations, and turnover. After analyzing recruitment survey data, recruitment methods of other organizations and correctional agencies nationwide we make the following recommendations:

- **Establish a centralized DOC recruitment program to ensure that our recruitment efforts are coordinated, standardized, and consistent agency-wide.**
Establish and maintain agency/facility recruitment teams and systematically train recruiters so they are knowledgeable regarding DOC and it's job opportunities, hiring processes, position qualifications, benefits/total compensation package, etc.
- **Increase the diversity of our applicant pool so that under represented groups can be attained and reflected in our workforce.**
Diversity and targeted recruitment are integrated into the overall department strategic workforce plan and recruitment plan.
- **Implement flexible recruitment strategies as needs are identified that can change and continually respond to changing business needs and labor market conditions.**
Initiate strategies identified to create "quality of life" flexibilities in the work environment and create and maintain an active presence of DOC in the community and at colleges and universities.
- **Conduct ongoing evaluations using identified recruitment performance measures**
Establish recruiting metrics to measure overall recruitment program.

The goal of the recruitment plan is to adopt human capital planning to ensure that recruitment efforts are successful. Effective human capital planning must clearly identify: what skills sets (and how many personnel hours) are needed to achieve the agency's mission today and tomorrow.

The following page is a report on our recruitment initiatives from January 2003 to June 2004. The Office of Diversity and the Central Office Staffing Division is responsible for protected group recruitment.

Diversity Recruitment Log

College Visits

| | |
|----------|-------------------------------|
| 11/18/03 | St. Bens College |
| 03/30/04 | St. Bens College |
| 06/17/04 | Rasmussen College |
| 06/21/04 | Metropolitan State University |

Speaking Engagements

| | |
|----------|-------------------------------|
| 01/21/04 | Coon Rapids High School |
| 02/24/04 | Pine River High School |
| 05/19/04 | St. Cloud School District 742 |
| 05/27/04 | Forest Lake High School |
| 06/23/04 | Buffalo Rotary |

Job Fairs

| | |
|----------|---|
| 04/2003 | LEO Job Fair |
| 05/2003 | Bemidji State University Corrections Job Fair |
| 07/2003 | RONDO Days |
| 09/24/03 | MN Workforce Center-Anoka County |
| 09/25/03 | St. Cloud Area Job Fair |
| 10/2003 | Winona State/St. Mary's College Job Fair |
| 10/2003 | Mankato State Behavioral Sciences Job Fair |
| 10/02/03 | Public Service and Non-Profit Career Fair |
| 10/10/03 | UND Career Fair |
| 10/16/03 | UW Career Fair |
| 03/03/04 | U of M Career in Law |
| 03/18/04 | Mankato State School of Nursing |
| 03/24/04 | St. Cloud State Criminal Justice Career Fair |
| 04/08/04 | LEO Job Fair |
| 04/14/04 | Fond du Lac Community College |
| 05/03/04 | Minneapolis Technical College Job Fair |
| 04/27/04 | Bemidji State University Corrections Job Fair |
| 06/19/04 | Junetenth Celebration |

Retention

The Department of Corrections is committed to retaining our workforce. The following methods have been initiated or being explored.

1. Conflict Resolution Initiative: Currently WR/ML has been a strong supporter of this initiative as they approach their 3rd year in this initiative. Some of the facilities are developing similar models based on this concept. The model is adjusted to fit the needs of the facility.
2. Training: The Employee Development Unit works with the Office of Diversity and the Diversity committee to provide a variety of training along with providing staff with information regarding community events and activities.
3. Task Force: The Department of Corrections along with the NAACP have formed a task force to work on a plan of action for improving the workplace and retaining employees. Person responsible: Assistant Commissioner – Chris Bray
4. Mentor Program: The Mentor Program has completed its expansion and improvement. Mentor staff at each of the facilities was provided additional training and changes and improvements were made in how the Mentor Program is administered. The mentors provide assistance to the new employees during their probationary period by providing support, listening, and helping with resources that will enable them to make professional, responsible decisions. Person responsible: Employee Development.
5. Mediation Service: Provide employees with another option for conflict resolution through the Bureau of Mediation Services. Mediation is a productive way to address employee conflicts. Conflict resolution mediation is recommended for situations with the potential of becoming formal complaints. Person responsible: An employee can talk to their supervisor or the HRM staff to discuss this option

Separation Analysis

Separation rates for DOC employees in 2002 and 2003 were determined incorporating all resignations, terminations and noncertifications. We did not include any retirements, deaths, lay-offs or internal transfers.

6.38% of the total DOC workforce resigned, were discharged or non-certified in calendar year 2002.

8.8% of female employees separated.

9% of ethnic/racial minorities separated.

3.2% of persons with disabilities separated.

2002 data was extracted from the 2003-2004 A.A. Plan

3.78% of the total DOC workforce resigned, were discharged or non-certified in the calendar year 2003.

5.2% of female employees separated

7% of ethnic/racial minorities separated

3.1% of persons with disabilities separated.

2003 data was taken from report "employees that left between 1/1/03 & 12/31/03."

Continued budget cuts resulted in staff cuts. Most of the reductions were accomplished by not filling vacant positions. Persons with sufficient seniority were able to claim vacant positions at other DOC facilities. Per the terms of the respective collective bargaining agreements, necessary layoffs were on the basis of inverse classification seniority.

Correctional Officer Duty Assignment Policy

Department of Corrections Policy #2-201.7

- A. Introduction** - The Minnesota Department of Corrections is an equal opportunity employer. The following is stated in the department's Affirmative Action Plan: "It is the policy of the Minnesota Department of Corrections to recognize the essential rights of all employees to be recruited, hired, trained and promoted without regard to race, color, religion, gender, or national origin."

The department fully recognizes the importance of actively supporting and implementing its Affirmative Action Plan through its personnel policies. The department also recognizes its duty and responsibility to provide safe, orderly and secure correctional institutions while at the same time protecting to the extent possible, the rights of its inmates and staff. The key to providing this lies in the development of effective security policies as well as in the hiring, retention and promotion of those who provide this security - correctional officers.

The fundamental job of a correctional officer is to maintain essential security, order and control and to enhance rehabilitative and treatment efforts of the correctional facility. The department recognizes that rehabilitation and treatment are enhanced by the presence of correctional officers of both genders.

- B. Policy** - Security has many facets, including but not limited to making security rounds and doing counts in living units and cell halls that can be performed equally well by correctional officers of either gender in a correctional facility. Bona Fide Occupational Qualifications based on gender shall apply to the following tasks which are expressly listed in this policy. Except in emergency situations, correctional officers of the opposite gender shall not be assigned to the doing of strip searches, body cavity searches (including visual body cavity searches) collection of urine samples, performing security checks of shower areas.

Consolidation of tasks or sharing or rotating of assignments shall be used to limit to the greatest possible the number of single gender correctional officer positions to carry out this policy e.g.:

- 1.) No position shall be limited based upon the need to do strip searches, body cavity searches and collect urine samples except where that is a routine function; e.g. security squad, shakedown room, visitor's room.
- 2.) Where corrections officers have posts in a cell hall which contains inmates of the opposite gender, rotation or sharing of duties with respect to shower checks shall be used to limit, to the greatest extent possible, the number of single gender corrections officer positions.
- 3.) In those institutions having hospital facilities, if an inmate objects to the presence of a correctional officer of the opposite sex during examination and treatment because the treatment or examination requires exposure of genital or anal areas or the discussion of such areas of the body, then the correctional counselors shall be rotated with counselors of the opposite sex.

June 8, 1984, Consent Decree between the Department of Human Rights and the Department of Corrections

Weather Emergencies

In the event of a weather emergency, the Commissioner of Employee Relations determines and declares the necessity to close State offices. Weather emergencies are announced online via Alertcast, at www.doer.state.mn.us and also on the DOC Emergency Weather phone line (651) 642-0258.

If there are employees who are deaf or hard of hearing, the employee's supervisor or designee will contact the employee to notify them of a building closing. The most effective means of accomplishing this is to consult with the deaf or hard of hearing employee to determine the communication method which best meets the particular needs of the individual. Possible effective communication techniques may include:

- calling the employee on a TTY
- calling the employee through the Minnesota Relay Service at (800) 627-3529
- contacting an individual designated by the employee who will convey the information.

Employees in the facilities are considered essential and are not included in this weather emergency policy.

Building Evacuation

Building evacuation is covered in the affirmative action plan because of its importance to employees with disabilities whose impairments may necessitate assistance in the event of a building evacuation.

Central Office:

In the event of a fire in the building, audible and visual alarms will activate and/or evacuation instructions will be issued over the public address system. In the event of a weather emergency or natural disaster, evacuation/relocation instructions will be announced over the public address system. To ensure appropriate evacuation, an employee with a disability must inform his/her supervisor of any special evacuation needs. In conjunction with the supervisor, the employee must designate a minimum of two co-workers to assist him/her in an emergency, forming a written plan to meet in a specific area of the workplace during emergencies and forwarding the written plan to the employee's supervisor and the Office Services Supervisor.

Facilities:

Building evacuation procedures have been developed for each facility. Staff and inmates with disabilities will be evacuated in an appropriate manner and in adherence with all security policies and regulations.

Community Services:

Building evacuation procedures for field offices have been established. Evacuation procedures ensure the safe evacuation of employees and clients with disabilities.

APPENDIX A

Equal Employment Opportunity Affirmative Action Glossary

Affirmative Action: Positive steps taken by an employer which contribute toward greater employment opportunities for qualified ethnic/racial minorities, women, and people with disabilities in job categories where they are under represented.

Affirmative Action Plan: Written plans for programs required by laws and regulations. Affirmation Action Plans usually contain initiatives for recruitment and retention to increase the representation of protected class members in those job categories where they have been under represented.

Complaint: The first step taken by an employee who believes he or she has been discriminated against. A complaint is an allegation of illegal discrimination that is handled through an administrative procedure. A complaint may result when an employee believes s/he has been unfairly treated because of race, color, etc. The allegation itself is not proof that illegal discrimination has taken place. The investigation that follows the filing of a complaint will determine if illegal discrimination has, in fact, occurred. A person who files a complaint is called a complainant.

Discrimination: The word discrimination is often used to mean illegal discriminatory acts. Discrimination simply means noticing the differences between things or people that are otherwise alike, and making decisions based on those differences. We discriminate when we buy one product over another, when we choose our friends, and when we make personnel decisions based on merit related factors. All these forms of discrimination are legal and necessary.

However, some types of discrimination in employment have been made illegal. Illegal discrimination is unfavorable treatment of a person by category, class, or group rather than objective treatment on the basis of merit. Discrimination can be intentional or unintentional. See Disparate Treatment and Disparate Impact.

Discriminatory Harassment: Any repeated behavior, or combination of behaviors, by one or more employees toward another employee or group of employees based on race, national origin, religion, sex, age, color, creed, marital status, disability, or sexual orientation, and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

Disparate Treatment: Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among other employees, is an example of disparate treatment. Such inconsistent application of rules often leads to complaints.

Disparate Impact: Under EEO law, less favorable effect for one group than for another. Disparate impact results when rules applied to all employees have a different and more inhibiting effect on persons with a disability, women, and ethnic/racial minorities than on the majority.

Disparity: The employment of fewer persons with disabilities, ethnic/racial minorities, and women in the agency's workforce than would reasonably be expected based on their availability in the labor market.

Equal Employment Opportunity: The goal of laws which make some types of discrimination in employment illegal. Equal employment opportunity will become a reality when each U.S. citizen has an equal chance to enjoy the benefits of employment. EEO is not a guarantee of employment for anyone. Under EEO law, only job related factors can be used to determine if an individual is qualified for a particular job. Ideally, EEO laws and Affirmative Action programs combine to achieve equal employment opportunities. See Affirmative Action and Affirmative Action Plan.

Managing Diversity: To respect individual differences and value the contribution each individual can make.

Merit Principles: The rules established by the Office of Personnel Management that the federal and state government follow in hiring, promotion, and all terms and conditions of employment. One of those rules states that the selection and advancement shall be made on the basis of an applicant's or employee's ability, knowledge, and skills in fair and open competition.

Numerical Goal: A numerical objective for the utilization of protected group members. A numerical goal is not a quota, as it may not be reached within the time frame. It does not permit the hiring or advancement of unqualified employees. Numerical goals provide a standard, which allows an activity to measure the effectiveness of its Affirmative Action Program. When numerical goals are reached, the percent of people with disabilities, women and racial/ethnic minority group members will be closer to their percentage in the labor market.

Person with a Disability: A person who has a physical or mental impairment that substantially limits one or more major life activity, a person who has a record of such impairment, or a person who is regarded as having such an impairment.

Protected Class/Protected Group: Those individuals identified as disabled, ethnic/racial minorities, and women, as defined by M.S. 43A.02, Subd. 33. See Appendix B

APPENDIX B

Protected Group Categories for Employment Purposes

These are three protected group categories. They include women, four ethnic/racial minority groups and persons with disabilities.

Ethnic/Racial Categories

1. **Black/African American, not of Hispanic Origin:** Persons having origins in any of the Black racial groups of Africa.
2. **Hispanic:** Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
3. **American Indian or Alaskan Native:** persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
4. **Asian or Pacific Islander:** persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Persons of mixed ethnic/racial background would choose the group with which they most closely identify.

Disabled Category

A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a record of such impairment, or a person who is regarded as having such an impairment.