



Department of Employee Relations

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November 29, 2004

Ann O'Brien AAO
Department of Finance
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St. Paul, MN 55155

RE: 2004-2006 Affirmative Action Plan

Dear Ann O'Brien:

Congratulations, your agency's 2004 – 2006 Affirmative Action Plan has been reviewed and approved by the Department of Employee Relations (DOER)!

Please forward six (6) additional copies of the plan to the Legislative Reference Library at:

State Office Building, Sixth Floor
100 Constitution Avenue
St. Paul, MN 55115

Thank you for your cooperation!

Martha Brechlin
State Affirmative Action Officer
Department of Employee Relations
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Equal Opportunity Employer

**Minnesota Department of Finance
Affirmative Action Plan
July 2004-July 2006**

TABLE OF CONTENTS

Introduction.....	2
Affirmative Action Policy.....	3
Responsibilities, Duties and Accountability.....	4
Communication of the Affirmative Action Plan:.....	7
Goals and Timetables.....	8
Pre-Hire Review.....	9
Programs, Objectives and Goals.....	11
Recruitment Plans.....	13
Retention.....	13
Auditing, Evaluating and Reporting Program Success.....	15
Anti-Discrimination and Harassment Policy.....	16
ADA and Reasonable Accommodation.....	23
Notice To The Public.....	29
Employee Request for Reasonable Accommodation.....	30
Zero Tolerance of Workplace Violence.....	31
Emergency and Evacuation Plan.....	34
Weather Emergencies.....	34

**Minnesota Department of Finance
Affirmative Action Plan
Fiscal Years 2004-2006**

Introduction

The 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 Finance's 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 that contribute toward greater employment opportunities for ethnic/racial minorities, females, and people with disabilities.

The Department of Finance Human Resource Office is responsible for providing leadership and monitoring the activities of the Affirmative Action Plan.

Affirmative Action Officer

Date

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

Commissioner

Date

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

Director of Equal Opportunity

Date

Minnesota Department of Finance Affirmative Action Policy

It is the policy of the Department of Finance to provide equal employment opportunities to all employees on the basis of merit and fitness without regard to race, color, sex, creed, religion, age, physical and mental disability, marital status, sexual orientation, public assistance status, membership or activity in a local commission, or national origin. This policy applies to all phases of employment, including, but not limited to, recruitment, selection, placement, retention, advancement, demotion, transfer, layoff, recall, termination, disciplinary action, rates of pay or other forms of compensation, and agency sponsored training and tuition assistance.

The Department of Finance is committed to affirmative action and its goals 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.

To effect the policies stated above, the Department of Finance will:

- analytically approach the identification and elimination of any discriminatory practices;
- ensure that program administrators and supervisors do not inhibit employment, retention and promotional opportunities for protected class individuals. All supervisors will be briefed on the affirmative action plan;
- evaluate progress towards hiring goals and take corrective action as necessary;
- provide a means for hearing and settling complaints of discrimination;
- post copies of the department's Affirmative Action Plan on the Intranet site;
- require a pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals.

To ensure compliance with these principles, the department has appointed Ann O'Brien, Human Resource Director, as the Affirmative Action Officer. She is delegated the responsibility and full authority for ensuring that an affirmative action program is developed, promoted and implemented in the department.

Affirmative action will benefit the department by a fuller utilization of the skills and abilities of protected group members and by providing equal employment conditions for all employees.

As commissioner, I am strongly committed to the principles and policies of effective affirmative action. All management and supervisory staff have responsibility for progressive affirmative action in their positions, and I enlist all employees to assist in the effort to achieve and maintain equal opportunity within the department.

Peggy Ingison, Commissioner

Responsibilities, Duties and Accountability

A. ALL EMPLOYEES

Responsibility: To conduct themselves in accordance with the policies and procedures of this plan. Employees are expected to communicate in a respectful, non-discriminatory manner regardless of one another's race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, status with regard to public assistance, or membership or activity in a local commission.

B. COMMISSIONER

1. **Responsibilities:** The Commissioner of Finance is responsible to provide leadership and ensure that the agency is in compliance with M.S. 43A.19, the American's with Disabilities Act, Title VII of the Civil Rights Act and M.S. 363. and regulations regarding equal employment and opportunity.
2. **Duties:**
 - a. To appoint an individual to be responsible for the administration of the agency's Affirmative Action Plan.
 - b. To issue a written statement to all employees affirming support for the department's Affirmative Action Plan.
 - c. To hold senior staff, managers, and supervisors responsible for the effectiveness of the affirmative action activities under their respective jurisdiction via specific program objectives in their position descriptions.
 - d. Take necessary action on complaints of discrimination.
 - e. Make decisions and changes in policies, procedures or physical accommodations as may be needed to facilitate effective affirmative action.
3. **Accountability:** The Commissioner of Finance is directly accountable to the Governor and indirectly to the Commissioner of Employee Relations.

C. AFFIRMATIVE ACTION OFFICER/HUMAN RESOURCE DIRECTOR

1. **Responsibilities:** To implement and direct the department's Affirmative Action Program and all related activities. 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.
2. **Duties:**
 - a. To develop and administer the department's Affirmative Action Plan.
 - b. To revise, as necessary, the policies and procedures contained within the Affirmative Action Plan.
 - c. To provide consultation to managers and supervisors on their responsibilities as outlined in the Affirmative Action Plan.

- d. To manage complaints that allege violations of the policies contained within the Affirmative Action Plan.
 - e. To prepare reports on the diversity of the department's workforce, a staff separation analysis, and revise hiring goals.
 - f. To ensure that the department's Affirmative Action Plan is accessible to all staff.
 - g. To oversee the department's pre-hire review process.
 - h. To act as liaison for the department with the Office of Diversity and Equal Opportunity on all matters relating to equal opportunity, affirmative action and diversity.
 - i. To act as liaison for the department with the Department of Human Rights.
 - j. To determine the need and recommend training in the areas of equal opportunity and affirmative action and diversity.
 - k. To oversee the administration of policies contained in the Affirmative Action plan.
 - l. To review and recommend changes in the department's policies, procedures, programs and practices to facilitate affirmative action, equal opportunity and a diversity program.
 - m. To participate in the recruitment and selection of protected group members for employment, promotion and training opportunities where there are disparities in occupational categories.
 - n. To maintain records of requests for reasonable accommodation missed opportunities and complaints of discrimination or discriminatory harassment.
 - o. Report to the Commissioner of Finance on the progress of the Affirmative Action Plan as contained in the reporting system section.
 - p. Act as ADA coordinator for the Department.
 - q. To provide leadership to the Human Resources staff to adhere to affirmative action and equal opportunity principals in the decision making process of all personnel actions.
 - r. To advise managers and supervisors of the need to do protected group recruitment to fill vacancies where disparities exist.
 - s. 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.
 - t. To ensure that all job opportunity and training notices are properly posted and made available to all staff.
 - u. To identify problems that inhibit equal employment opportunity and to discuss resolutions with the Commissioner and Assistant Commissioner.
3. **Accountability:** the Affirmative Action Officer is directly accountable to the Commissioner, and Assistant Commissioner.

D. MANAGERS/SUPERVISORS

- 1. **Responsibilities:** To ensure compliance with the department's Affirmative Action Plan and the policies it contains.

2. Duties:

- a. To promote a respectful working environment for all employees and to take appropriate steps to correct conflict situations that can lead to discriminatory conduct.
- b. To work with the Affirmative Action Officer/Human Resource Director to identify and resolve problems that involve discriminatory conduct and eliminating barriers that inhibit equal employment opportunity.
- c. To hire and promote qualified protected group members where disparity exists, and to ensure equal treatment in all aspects of employment for all employees. If protected group members are certified eligible and not hired in an occupational group where disparity exists, inform Affirmative Action Officer/Human Resource Director in writing prior to making a job offer of the reasons for not hiring a protected group member.
- d. To communicate and demonstrate a personal commitment to the department's affirmative action plan.
- e. To discuss career planning goals and training needs with employees during their annual performance evaluation.
- f. To respond promptly to all complaints of discrimination brought to their attention.
- g. To include accountability for the implementation of the department's Affirmative Action Plan in his/her position description.
- h. To hold supervisors under their jurisdiction responsible for the effectiveness of their affirmative action efforts via specific program objectives in their position descriptions.
- i. To make decisions and changes in policies, procedures or physical accommodations as may be needed to facilitate effective equal employment opportunities.
- j. Assign employees to attend equal employment opportunity related training sessions as offered.

3. Accountability: Managers and supervisors are directly accountable to their supervisors.

Communication of the Affirmative Action Plan:

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

Internal Dissemination

- The Affirmative Action Plan is available on line on the Intranet site at <http://insidefinance.state.mn.us/policies/index.html>
- In addition, the Affirmative Action Plan will be available in the human resource office and posted on employee bulletin boards.
- New employees will be informed of the Affirmative Action Plan as a part of their orientation, the policies and procedures of the plan, and where they may view and obtain copies of the Plan.
- The Affirmative Action Officer/Human Resource Director will notify staff of revisions to the plan and where they can access the changes.
- Managers and supervisors are responsible for ensuring staff are informed of and following the policies and procedures in the plan.

External Dissemination

- A copy of the Affirmative Action Plan will be furnished to employee bargaining units.
- A copy of the Affirmative Action Plan will be provided to individuals upon request.
- All publications and employment advertisements of the department shall contain the words "An Equal Opportunity Employer."

Goals and Timetables

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

The method for establishing goals changed in two important ways: instead of bargaining units we now use EEO-4 Job Categories; and a 2 -factor analysis is now used instead of the 8-factor analysis. The 2 factors used are external availability and internal availability. Goals are based on the metro recruiting area, which is the 11 county Standard Metropolitan Statistical Area (SMSA), as established by the MN department of Economic Security.

Affirmative Action Goals Minnesota Department of Finance 2004-2006

Job Group	Goal for Females	Goals for Minorities	Goals for Disabled	Notes
Officials & Administrators	0	1	0	
Professionals	4	0	4	
Technicians	0	0	0	
Office Clerical	No goal	0	0	No goal for females. Female dominated profession

The state is facing a budget shortfall and continues to be challenged to reduce costs and run operations more efficiently. This involves the reduction of staff and positions. Because layoffs and position abolishments are anticipated, the Commissioner will review all position filling activities for appropriateness. We will continue to recruit a diverse work force to fill vacancies that are not filled by individuals facing layoff.

Pre-Hire Review

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 will be made for positions where a disparity exists and a protected group member is available until the Commissioner of Finance reviews and is satisfied with the rationale given for not hiring a member of the protected group who has met the minimum qualifications for the position.

- Each supervisor/manager who determines to fill a vacancy must, from his/her knowledge of the job and from the written position description, decide which duties are most important for successful job performance. For each of the major job duties the supervisor/manager must decide what knowledge, skills and abilities are necessary for successful job performance. The supervisor will review the position description to ensure that essential functions are reviewed and identified.
- A representative of the Human Resource office will provide a list of candidates and applications to the supervisor. The supervisor will review the applications for the position and make a determination which candidates to further assess in an interview process and provide a list of individuals to consider to the Human Resource representative. The Human Resource representative will confer with the Affirmative Action Officer, and the supervisor, if necessary, to determine if the selected pool of interviewees includes a representative group of protected group members. The Affirmative Action Officer will review the candidate pool and determine if removal of protected group candidates is justified or if candidates need to be added to the interview pool. If the Affirmative Action Officer determines to add candidates to the interview pool, the supervisor will interview the additional candidates. If the Affirmative Action Officer determines the non-inclusion of protected group members is justified, she will document the decision for the position-filling file.
- Structured interviews will be conducted for the filling of all classified positions. The supervisor establishes written questions consistent with the identification of necessary knowledge and skills to assess the applicant's job related knowledge, skills, abilities and other job related factors. All questions developed must be job related and asked of each applicant interviewed. A final draft of the questions will be given to the human resource representative to review and approve.
- Applicants are rated on an interview rating form. This may be a form developed by the supervisor/manager. The rating form for each applicant interviewed is turned into the Human Resource Office. The interview rating forms will be kept on file for one year to provide the documentation required for affirmative action. All applicants must be interviewed by a minimum of two persons. Sufficient time must be allowed to permit each candidate to give complete answers to all questions.
- The hiring supervisor will conduct a reference review on all final candidates. The hiring supervisor will notify the Human Resource representative to contact the human resource office of the selected candidate for an hr reference check prior to an employment offer. Final candidates will also undergo a criminal history review. The Affirmative Action Officer will review any job related criminal histories with the Commissioner.
- The Affirmative Action Officer must approve all hiring decisions affected by this plan before a candidate is notified of his/her selection. If the supervisor makes a final selection that will result in a missed opportunity, the supervisor will provide written documentation to the Affirmative Action Officer and the Commissioner with the job-related reasons for the decision. The documentation includes a copy of the structured interview questions, ratings of the protected group and the selected candidate interview ratings, a copy of the protected group and selected candidates application and

resume, a copy of the position description, and a memo explaining the rationale for the decision.

- The Commissioner will make a determination on whether to allow or deny a missed opportunity. The Human Resource representative will notify the supervisor of the decision. A selected candidate may then be notified with a job offer.
- Documentation will be kept for one year.

The Minnesota Data Government Practices Act, Section 13.43, Subdivision 2 defines protected group status as non-public data. As a result, this information will not be shared with hiring supervisors. Supervisors are not to disclose information to anyone regarding the protected group status of the selected candidates.

Pre-Review Process for Lay-Off

The Department of Finance does anticipate layoffs in the next two years. Should the department layoffs become necessary, the HR Director/Affirmative Action Officer will review procedures to see that the terms of the applicable bargaining contracts and plans are followed. An analysis will be conducted to determine the impact on the diversity of the workforce.

Programs, Objectives and Goals

Program Objective #1: Affirmative Action Hiring The department will continue to hire affirmatively and will include Affirmative Action consideration in the hiring process for all hires where a disparity exists.

Responsibility: Affirmative Action Officer /Human Resource Management/Managers and Supervisors

Action Steps:

1. The AAO will maintain and provide current information regarding disparities to members of the Senior Staff and to department supervisors and managers on a monthly basis.
2. For all hires where a disparity exists, a member of the Human Resource Office will conduct a pre-hire review prior to the interview process.
3. The Human Resource Office will require supervisors to receive approval for missed opportunities from the Commissioner following written justification.
4. The Human Resource Office will maintain files with background materials/documentation on any missed opportunities.
5. The Human Resource office will provide training on the finalized process to all supervisors and managers.
6. The Human Resource office will provide written instructions to supervisors to be kept in their supervisory manuals.

Program Objective #2: Training for Employees on Equal Opportunity Topics including Respect in the Workplace To continue to educate staff on the policy requirements and benefits of a respectful workplace.

Responsibility: Affirmative Action Officer /Human Resource Management/Managers and Supervisors

Completion Date: Ongoing

Action Steps:

1. A member of the HR unit will meet with new employees during orientation regarding policies and procedures.
2. Continue to provide training to staff on respect in the workplace.
3. Hold managers and supervisors accountable for providing positive role modeling behaviors and maintaining a professional and respectful work environment for all employees.
4. Continue to investigate and take appropriate action regarding complaints of behavior that is contrary to policies.

5. Provide a topic at the annual Slice of Summer event to provide insight and information on a topic of equal opportunity.

Persons Responsible: HR director
Managers and Supervisors

Program Objective #3: Affirmative Action - Retention To better understand and to document the reasons behind turnover among protected group members. To continue to improve the exit interview and data collection process and to implement an analysis of data to identify necessary changes in our procedures, processes and environment.

Responsibility: Human Resource Director/Managers and Supervisors

Action Steps:

1. Continue to collect separation data out of SEMA4.
2. Review statistical data, analyze for patterns, and identify strategies for improvement based on data.
3. Communicate findings with senior staff and supervisors regarding our progress in retention.
4. Continue the exit interview process and procedures staff leaving the department.
5. Work with managers and supervisors to evaluate and address the issues that arise out of the exit interview process.

Program Objective #4: Hiring Goals To work toward meeting the department's goals in all categories.

Action Steps:

1. Advertise vacancies in multiple resources to attract protected group members
2. Notify supervisors of disparities so that they can work toward accomplishment of goal.
3. Increase recruitment activities to attract protected group individuals to employment.

Recruitment Plans

Positions at the Department of Finance have been held due to budget constraints in the past couple of years. Therefore, we have done limited recruitment since we have been holding positions vacant. In 2002 our advertising costs were \$2259.84. This was for advertising in the Star and Tribune and the Pioneer Press for Executive Budget Officer.

We expect to continue to hold positions and fill only if they are determined to be essential. In the event that a position is filled, we will advertise as necessary in the local newspapers as well as in identified professional organizations, such as NASBO and GFOA and local higher education institutions. We will also attend the Accounting Auditing annual conference and attend targeted job fairs. We will continue to use an internship program. We will consider the use of supported workers when appropriate.

Partnerships between the Department of Finance and protected group organizations are established and maintained. Every effort is made to include protected group employees on interview panels when filling vacancies.

Retention

The Department of Finance is committed to retaining our workforce. The following methods continue to be utilized.

- **Mediation Services:** Provide employees with mediation services for conflict resolution through the Minnesota Alternative Dispute Resolution Office. Mediation is a productive way to address and resolve employee conflicts.
- **Training:** Provide training opportunities for staff in the area of diversity, equal opportunity and affirmative action.
- **Exit Interview program:** Interview employees who are leaving the agency to determine and address those issues that may contributing to the loss of staff.

Action Steps:

The Human Resource Staff will analyze separation and layoff patterns of all employees to determine the impact on protected group members. Compare the percentage of protected group members for a 2-year period to the non-protected group members to determine if a disparity exists. Retain data for 2-year period. Evaluation is maintained in the Human Resource Office, and includes, copies of the Affirmative Action Plan and any comments received in writing which pertain to the Plan, recruitment documentation such as purchase orders for fees paid and notes on specific recruitment activities, Affirmative Action complaints, ADA complaints and missed opportunities. The Human Resource Director is responsible for the retention plan.

Separation Analysis

Separation rates for DOF employees in 2002-2004 were determined incorporating all voluntary resignations per State of Minnesota guidelines developed by DOER. This is in conjunction with nationally used statistics as defined in the Governing magazine. This does not include retirements, non-certifications, or transfers to other state agencies.

5.17 of the total DOF workforce resigned in calendar year 2002.

5.49% of female employees resigned.

0 racial/ethnic minorities resigned.

0 persons with disabilities resigned.

Auditing, Evaluating and Reporting Program Success

Recordkeeping

The Human Resource Office will gather and maintain applicable affirmative action records reflecting interview processes and procedures, the hiring process, turnover and separation and any complaints of harassment or discrimination. A report of this information will be submitted to the Commissioner on an annual basis.

Evaluation

The Affirmative Action Officer shall evaluate the affirmative action plan by:

- Reviewing monthly statistics reflecting the current complement based on protected class status and availability data
- Reviewing disciplinary actions taken during the past quarter, including a review of job classification, bargaining unit and protected group status.
- Reviewing recruitment sources and strategies used and the results of those efforts to help fill future vacancies for which there was under-representation.
- Reviewing formal discrimination complaints filed in the past quarter.
- Reviewing training provided to employees to analyze for upward mobility impact including job assignment, job progression, promotion, and transfer by job classification, bargaining unit and protected group status.

Auditing and Reporting Structure

Ann O'Brien, Human Resource Director/Affirmative Action Officer, will review the affirmative action plan for the Minnesota Department of Finance. She will monitor the procedures to evaluate progress and ensure that the nondiscrimination policy is carried out. A summary of the accomplishments for the prior year's affirmative action program objectives will be completed and included in the next biennial affirmative action plan.

The documents or reports that will be maintained, reported, and used as an audit guide will include, but is not limited to the following:

- Affirmative action plan and workforce availability analyses
- Underutilization data
- Recruitment documentation such as advertising sources, amount spent, specific recruitment activities.
- Discrimination/harassment complaints
- ADA reasonable accommodations
- Missed opportunity (quarterly reports)
- Separation and layoff patterns

Anti-Discrimination and Harassment Policy

Introduction:

The Department of Finance intends to have a workplace free of harassment and discrimination and, therefore, will not tolerate actions by employees that are harassing or discriminatory. Employees are expected to conduct themselves with dignity and respect for others.

Policy:

The Department of Finance prohibits harassing or discriminatory actions by any of its employees. The department will take prompt and appropriate action in response to complaints of alleged discrimination, including sexual harassment. Any person who feels they are being subjected to discrimination or sexual harassment in any form or believes they have witnessed illegal discrimination or sexual harassment, should promptly report it to one or more of the following people: their supervisor/manager, the Assistant Commissioner for their division, or the Affirmative Action Officer/Human Resource Director. This includes employees, applicants, candidates for employment and independent contractors. If an investigation into a complaint of discrimination/sexual harassment finds evidence that discrimination or harassment has occurred, prompt and remedial action will be taken. Retaliation will not be tolerated against any employee who has participated as a complainant or as a witness in any departmental proceedings involving discrimination or sexual harassment. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse. Coercion, reprisal or intimidation of anyone filing a complaint or serving as a witness under this procedure is prohibited. Employees violating this policy may receive discipline 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 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 immediately take corrective action, even if no complaint is made.

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:

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

Physical harassment: prohibited actions include, but are not limited to, (1) display of posters, signs, pictures, cartoons, symbols, written statements or other materials that advocate a religious or creed viewpoint, or that belittles or discriminates against any individual(s) based upon their protected class characteristic(s). (2) non-verbal behaviors include gestures and facial expressions.

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.

Protected class: Those characteristics which are covered by Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act which includes race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, public assistance or membership/activity in a local commission.

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 that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment.

Sexual harasser/perpetrator: 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.

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.

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. 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.

Unwelcome and offensive: under the laws of sexual harassment, 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 maybe extremely offensive to others. As a result, all employees must conduct themselves professionally in their interaction with others in the workplace.

Procedures:

Discrimination/Sexual Harassment Complaint Procedures:

- A. To bring forth a complaint of discrimination or sexual harassment, employees are offered step 1 and 2 as an option. However, they are not prohibited from filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights. Department employees or contractors who believe they have been sexually harassed or discriminated against because of their protected class characteristics, or who have witnessed such behavior among other employees, are urged to use this procedure. Although the department offers the following procedure as an effective method of dealing with harassment, steps 1 and 2 may be omitted.

- Step 1.** If you are willing, 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 complaint using the procedures 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/Human Resource Director or the Assistant Commissioner. 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.

Process for Managers and Supervisors

1. A supervisor or manager who receives a complaint or becomes aware of a violation of this policy will immediately notify and forward all written documentation to the Affirmative Action designee/Human Resource Director.
2. Within two working days after receiving the complaint, the Affirmative Action designee/Human Resource Director will take the following actions.
 - a. Review the complaint

- b. If the complaint alleges a violation of this policy, the AAO/Human Resource Director will determine whether to initiate an investigation.

Procedure for handling complaints

1. 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 who does not have a business need to know.
2. 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.
3. Upon filing a complaint, and during the investigation process, the complainant should be assured 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.
4. If the department learns through an exit interview or other means that an employee has left department employment because of alleged sexual harassment or discrimination, the Human Resource Director will conduct an inquiry.
5. The Human Resource Director and Assistant Commissioner will review the complaint and determine whether a violation of this policy has taken place. Within five (5) working days of receipt of the complaint, the Human Resource Director will determine if the complaint falls within the area of discrimination/sexual harassment. If it does not, the employee will be notified so that s/he may use another grievance or procedure for resolution. If it is determined that an investigation is warranted, the Assistant Commissioner will authorize the Human Resource Director to begin the investigation.
6. The Human Resource Director will identify an investigator, notify the complainant, the assistant commissioner of the division where the complainant and respondent work, and the appropriate bargaining representative that an investigation into alleged discriminatory conduct will commence.
7. The investigator will notify the complainant of their right under the collective bargaining agreement to request union participation at their request.
8. The investigator will take statements from the complainant, and respondent, and any witnesses, obtain additional evidence or facts by reviewing relevant files, documentation, interviews of other alleged victims and co-workers, while disclosing as little about the case as is feasible to preserve confidentiality and prepare a thorough written report of the findings and submit it to the Human Resource Director.
9. The Human Resource Director will review the report and determine whether a violation of this policy has taken place. The Human Resource Director will confer with legal authority when necessary.
10. If the investigation findings do not support violation of this policy, the Human Resource Director will notify the complainant and respondent of that fact.

11. If the investigation findings support a violation of this policy, the Human Resource director will notify the complainant and the assistant commissioner of the respondent's division. The assistant commissioner and human resource director will determine the corrective action to be taken and notify the respondent and appropriate bargaining unit.
12. The requirement is that the investigation will be completed and complainant notified of the final disposition within 60 days. All efforts will be made to comply with this; however, there may be circumstances that extend the timeline.
13. The Affirmative Action Officer/Human Resource Director will file dispositions of complaints with the Department of Employee Relations commissioner within 30 days of final determination.

Minnesota Department of Finance

COMPLAINT OF DISCRIMINATION/HARASSMENT

Please Read Before Completion of Form

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

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

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

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

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

Information on Witnesses Who Can Support Your Case

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

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

Additional Information

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

Complainant Signature

Date

Affirmative Action Officer Signature

Date

ADA and Reasonable Accommodation

Policy:

It is the policy of the Department of Finance to reasonably accommodate qualified individuals (as defined by the Americans with Disability Act-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. An accommodation must provide an opportunity for a person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of an average, similarly situated employee without a disability.

The department provides funding for accommodations unless the accommodation causes an undue hardship or poses a direct threat to the health and safety of others in the workplace.

This agency's reasonable accommodations policy applies to 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 conditions.

Accommodations will not be required for non-job related personal needs of individuals even though they may be a qualified individual with a disability. In such cases, questions may arise as to whether the accommodation is personal or job related. The primary factors in evaluating an accommodation is whether the accommodation will enable the person to perform the job on an equal basis in the most cost effective manner and in the most integrated setting possible.

Transportation to and from work is the responsibility of the employee. This agency will not provide transportation to and from work as part of reasonable accommodation.

This agency will provide accommodations to qualified disabled employees/job applicants/eligibles when such accommodations are directly related to performing a job or competing for a job on an equal basis.

Definitions:

ADA coordinator - the Human Resource Director, Ann O'Brien.

Direct threat - a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

A person with a disability for purposes of this policy is anyone who has a physical or mental impairment that substantially or materially limits one or more of such person's major life activities.

A reasonable accommodation - 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.

Undue hardship - an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the department.

Procedure

A. JOB APPLICANTS

1. Request for Reasonable Accommodation

- a. All initial communication with job applicant regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodations to the known physical or mental disability and shall invite the applicant to contact the agency for the needed accommodation.
- b. The individual contacted with the request shall contact the Human Resource Director immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
- c. The Human Resource Director or designee shall contact the job applicant to discuss the needed accommodation and possible alternatives.
- d. If the accommodation is approved, the Human Resource Director or designee will take the necessary steps to see that the accommodation is provided.
- e. If the accommodation cannot be provided, the Human Resource Director will inform the applicant in writing of the reason within a reasonable time.

B. EMPLOYEES

1. The employee will inform his/her supervisor, manager, or ADA Coordinator/Human Resource Director of the need for an accommodation, preferably by completing the Employee Request for Reasonable Accommodation (attached). While we prefer your initial request to be in writing, it is sufficient for you to tell your supervisor/manager, or the ADA Coordinator/Human Resource Director that you have a disability and require assistance to perform your job.
2. 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.
3. 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 the general personnel files as a separate, confidential medical record, available only under the limited conditions specified in the Americans with Disabilities Act.
4. The ADA Coordinator/Human Resource Director, in consultation with the employee and supervisor, will:
 - a. discuss the purpose and essential functions of the particular job involved and complete a step-by-step job analysis when necessary.
 - b. determine the precise job-related limitations

- c. identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
 - d. 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.
 - 5. If an accommodation agreement cannot be reached, the ADA Coordinator will forward the written request for accommodation, along with her recommendation, to the Assistant Commissioner, who will review the request for accommodation, along with the recommendations and make a final decision.
 - 6. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause an undue hardship (see section C) on the operation of the business or pose a direct threat (see section D) to the health or safety of others in the workplace, the employee and the supervisor will work together to determine whether reassignment may be an appropriate accommodation.
 - a. Human Resource Management will 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 level 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.
 - b. Human Resource Management will examine transfer, mobility, or other employment options for the employee
 - c. The department will not be required to create a new job or to bump another employee from a job in order to provide an accommodation.
 - 7. The decision is provided in writing to the supervisor within seven (7) working days after the agency makes the determination.
 - 8. The Human Resource Director fills out the Reasonable Accommodations Agreement Form (attached) and obtains necessary signatures.
 - 9. The ADA Coordinator submits appropriate purchasing documents to the purchasing agent if equipment, furniture or other assistive devices must be purchased.
 - 10. If an accommodation cannot be made, the ADA Coordinator/Human Resource Director will provide the employee with written notification explaining the reasons(s) for denying approval.
- C. UNDUE HARDSHIP: the following procedures will be followed when considering undue hardships.
- 1. The ADA Coordinator/Human Resource Director will consult with the Assistant Commissioner to discuss the requested accommodation.

2. They will determine undue hardship by considering the factors outlined in 29 CFR 1630.2, including: the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the department's operation and the impact of the accommodation on the nature and operation of the division.
3. If the accommodation is considered to impose an undue hardship, an analysis and recommendation will be sent to the commissioner.
4. The commissioner will provide a written decision to the ADA Coordinator/Human Resource Director. The Human Resource Director will notify the employee requesting the accommodation of the final determination in writing.

D. DIRECT THREAT: the following procedures will be followed when determining direct threat.

The assistant commissioner of the respective division of the employee request for reasonable accommodation will make an individualized determination of an individual's current ability to safely perform a job's essential functions. These determinations cannot be based on myths or stereotypes about a given disability. The determinations will demonstrate there is a significant risk of substantial harm, identify the specific risk, demonstrate the risk is current, as opposed to speculative or remote, support the risk assessment with objective medical evidence related to the particular employee, and consider whether the risk can be eliminated or reduced below the level of a "direct threat" by reasonable accommodation.

E. METHODS OF PROVIDING REASONABLE ACCOMMODATION

The following are some methods of providing reasonable accommodations to qualified individuals with disabilities. Other forms of reasonable accommodation may also be provided.

1. Modification of Equipment or Assistive Devices

The provision of equipment may include special telephone equipment, talking calculators, one-handed typewriters, closed circuit televisions, specifically designed desk and files, TTY communications equipment and other types of equipment to facilitate the performance of job duties. These items may include off-the-shelf devices as well as highly specialized, customized and/or prescription items.

2. Job Site Modification

The planning and provisions of accessibility to existing facilities may be required in order for individuals with disabilities to work in them. Modifications may include adjustments to equipment height, including desks, chairs, etc., addition of electrical outlets, rearrangement of furniture and equipment, widening doorways, reallocation of the job site to an accessible area, provision of special parking facilities, modifications of ventilation, heating, cooling and lighting systems, and other types of similar modifications. This agency will negotiate any changes with the Real Estate Management Division of the Department of Administration to determine costs involved.

3. Job Restructuring

The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Arrangements must be considered for full-time permanent and

intermittent employment. Job sharing and flexible work hours may permit disabled employees to meet such needs as medical appointments and medical dietary requirements.

4. Support Services

Support services such as interpreters for deaf or hard of hearing individuals, readers for blind, special attendants, etc., must be provided when it is clearly demonstrated that these services are required for employees with disabilities performance of the essential functions of the job. Support services may also be needed for job applicants during the interview process. This agency may directly or on a contractual basis with any agency outside the department provide the training necessary to allow staff members to provide support services when such training and the provisions of such support services are administratively feasible.

F. FUNDING FOR REASONABLE ACCOMMODATION

This agency will make funds available in order to provide reasonable accommodations to employees/job applicants with disabilities. (The amount will be determined by the ADA Coordinator and approved and signed by the Assistant Commissioner.)

G. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

1. 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.
2. All tangible accommodations purchased by this agency will be the property of the State of Minnesota and shall be used only for job related functions. The maintenance of equipment will be the responsibility of the department, and projected maintenance costs will be a factor in the initial decision to provide accommodations -- for example, repair of special office equipment.

H. DENIAL OF ACCOMMODATION

All denials of requests for reasonable accommodation will be documented and kept on file by the ADA Coordinator. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. The ADA Coordinator will notify the employee of the denial and inform the employee of his/her right to appeal and to file with other government agencies such as Human Rights and the Equal Employment Opportunity Commission.

I. APPEALS

An employee who is dissatisfied with the reasonable accommodation decision can appeal to the Commissioner with fifteen (15) working days of the decision.

The ADA Coordinator will convey written copies of the Commissioner's decision to the employee and supervisor. If the employee is still dissatisfied with the decision and feels that he/she has been discriminated against on the basis of disability, he/she may file a complaint internally through the agency's complaint procedure as outlined in this plan, or he/she may file with federal, state, and local human rights offices. Information will be provided in compliance with the Minnesota Government Data Privacy Act. Compliance agencies that are investigating complaints or request information from the agency head will be provided documentation relating to the denial of a request for reasonable accommodation.

ADA Grievance Procedure:

The State of Minnesota has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging any action that is prohibited by Title II of the Americans with Disabilities Act (ADA). This grievance procedure is to be used by persons with disabilities who are eligible for the services, benefits, programs or activities of this agency.

Title II states in part that "no otherwise qualified disabled person shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints relating to the Department of Finance should be sent to: ADA Coordinator, Ann O'Brien, 400 Centennial Building, 658 Cedar St. St. Paul, MN 55155. Voice telephone: 651-297-2429; Minnesota Relay Service telephone number: 1-800-627-3529 V/TTY.

1. A complaint should be filed in writing containing the name and address of the complainant, a brief description of the violation and accommodation sought. The complaint shall be filed within 15 working days after the complainant becomes aware of the alleged violation. Within 10 working days of the receipt of the written complaint, the ADA Coordinator shall review the complaint for completeness and validity, shall make all parties to the complaint aware of the allegation, obtain additional information related to the complaint if necessary, and shall attempt to resolve the complaint.
2. If the ADA Coordinator is not able to resolve the complaint in step 1, the ADA Coordinator shall schedule a meeting, which will include the ADA Coordinator, representative(s) of the agency and the complainant within 15 working days. The ADA Coordinator will respond in writing to the complainant detailing any action taken or proposed by the agency within 15 working days of the meeting.
3. Nothing in this procedure prevents individuals who believe they have a grievance under the ADA from contacting the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, the U.S. Department of Justice or a private attorney.
4. Any timelines established in these procedures may be waived by mutual consent. Complaints of discrimination based on disability in employment should be addressed through the complaint procedure found in the affirmative action plan.

Minnesota Department Of Finance

Americans with Disabilities Act

NOTICE TO THE PUBLIC

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

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. This department must communicate effectively with individuals with speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefiting from this department's programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights and remedies under the ADA, request a reasonable modification to this department's policies, practices or procedures, or file a written grievance with this department alleging non-compliance with the ADA, please contact the department's Designated Coordinator for the ADA listed below.

Name:	Ann O'Brien
Department/Agency:	Finance
Address:	400 Centennial Office Building 658 Cedar Street St. Paul, MN 55155
Telephone Numbers:	Voice: (651) 297-2429 MN Relay Service: (651) 297-5353 1-800-627-3529

Employee Request for Reasonable Accommodation

Department of Finance

Please Print or Type

Employee Name:	Classification/Division	Date of Request:
<i>Attach additional sheets for questions below if necessary.</i>		
1. Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it limits any major life activities.		
2. How does it affect your ability to perform your job?		
3. Type of accommodation requested: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Making facilities readily accessible <input type="checkbox"/> Job restructuring <input type="checkbox"/> Part-time or modified work schedule <input type="checkbox"/> Other (specify): _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Modification of equipment or devices <input type="checkbox"/> Qualified reader or interpreter <input type="checkbox"/> Acquisition of equipment or devices </div> </div>		
4. Describe in detail the accommodation you are requesting:		
5. Has your medical provider recommended the accommodation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
6. How will the requested accommodation be effective in allowing performance of the essential job function(s)?		
Signature of Employee:		Date:

This information will be used by human resource management or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.

Rev: 12/00 Department of Finance

Zero Tolerance of Workplace Violence

Introduction:

The Freedom from Violence Act mandates that each agency of state government adopt a goal of zero tolerance of violence in and around the workplace.

Authority:

M.S. 15.86

Policy:

It is the goal of the Minnesota Department of Finance to achieve a work environment that is free from threats and acts of violence. The department will not tolerate workplace violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees directed against department customers or other workplace visitors, and by department customers or visitors directed against department employees.

It is the responsibility of the department and its managers, supervisors and employees to maintain a workplace free from threats and acts of violence. The department will work to provide a safe workplace for employees and for visitors to the workplace. Each employee and everyone the department comes into contact with in its work deserves to be treated with courtesy and respect.

The department's policies on work-related violence include the following:

- The department will actively work to prevent and eliminate acts of work-related violence.
- The department will respond promptly, positively, and aggressively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies when appropriate.
- The department hereby adopts and will work to enforce a policy of prohibiting possession of firearms and other dangerous weapons in the workplace.
- The department will treat incidents of work-related threats or acts of violence seriously. Reports of such acts will be promptly investigated, and management will take action as necessary to appropriately address each incident.
- The department will take strong disciplinary action, up to and including discharge from state employment, against employees of the department who are involved in the commission of work-related threats or acts of violence.
- The department will support criminal prosecution of those who threaten or commit work-related violence against its employees or against taxpayers and other visitors to its work environment.
- Employees who are the targets of threats of violence, or who are the victims of workplace-related violence, will be promptly referred to the appropriate aid, assistance and/or support resources.
- Pursuant to M.S. 15.86, this policy does not create any civil liability on the part of the state of Minnesota.

Procedures:

1. The department will provide a safe workplace. The department is committed to ensuring that the workplace provides for the safety of employees and guests and for reasonable protection from workplace violence.
2. The department will attempt to limit violence from external sources by positively affecting the attitudes and the behavior of its customers.
 - **Customer service.** Employees are responsible for greeting guests of the department, responding to their inquiries and providing directions, as appropriate, and otherwise using appropriate business etiquette in conducting department business. Employees must also be alert to the needs and presence of visitors to ensure that departmental business is conducted in a safe and efficient manner.
3. The department will attempt to reduce the potential for internal workplace violence by positively affecting the attitudes and the behavior of its employees.
 - **Creating a low-risk work environment.** Department managers and supervisors are expected to promote positive behavior and to lead by example by treating employees with the respect and dignity each person deserves. Emphasis will be placed on creating a workplace where established standards of conduct are clear, are communicated, and are consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.
 - **Employee training.** All employees will be given the opportunity to receive training in threat awareness and in appropriate responses to aggressive, threatening and violent behaviors. Assessment of additional training needs for employees will be made upon request of the unit supervisor, and appropriate training programs will be developed and presented.
 - **Employee counseling and assistance.** The department will encourage use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use the services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems, or other personal issues which could, if ignored, lead to threats or acts of violence.
 - **Self-help.** Informational brochures and other media are available to familiarize employees with the services offered by the EAP. Employees will be encouraged to utilize all available resources.
 - **Valuing and respecting diversity.** It is the department's policy and practice to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. Harassment is defined in the department policy on anti-discrimination and harassment. Management will continue to treat reports of harassment and discrimination seriously. Complaints of alleged discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken.

4. The department will effectively deal with threats of violence and with actual incidents of violence.

- **Supervisory responsibilities.** Department managers and supervisors have primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace and to protect people from harm. Supervisors will ensure that, when a threat is made or a violent incident occurs, appropriate incident response resources are notified immediately.
- **Incident Response Coordinator (IRC).** The department will appoint an Incident Response Coordinator (IRC), who will be responsible for coordinating responses to violent or threatening situations in the workplace. The IRC will assist managers and supervisors in the development of applicable training programs; serve as a resource referral agent and information source for supervisors and others with regard to workplace violence concerns; respond, as needed, to incidents involving threats or acts of workplace-related violence. While each situation will be unique, this will often require that the IRC: perform situation assessments and evaluations; assist with attempts to de-escalate/properly manage potentially violent situations when possible to do so; facilitate and coordinate response actions of appropriate resources, both internal and external; and ensure that appropriate follow-up action is taken (investigation, victim assistance, preventative and corrective actions, etc.). The IRC will carry out these responsibilities with the assistance of appropriate department, state and local government resources.

The department will work to eliminate dangerous weapons from the workplace. Effective immediately, the possession of any dangerous weapon, including any firearm, in any Department of Finance workplace by a person other than a law enforcement officer, is strictly prohibited. Department personnel are prohibited from possessing any dangerous weapon, including any firearm, while on official duty. For purposes of this policy, the following items are considered to be *dangerous weapons*:

- Any weapon which, per applicable law, is illegal to possess;
- Any firearms, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns (electronic incapacitation devices);
- Replicate firearms, as defined in M.S. 609.713;
- Knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service;
- Any "switchblade" knife;
- "Brass knuckles," "metal knuckles," and similar weapons;
- Bows, cross-bows and arrows;
- Explosives and explosive devices, including fireworks and incendiary devices;
- "Throwing stars," "numchucks," clubs, saps, and any other item commonly used as, or primarily intended for use as, a weapon;
- Any object that has been modified to serve as, or has been employed as, a dangerous weapon; any other item so designated by the commissioner of Finance.

References:

Finance Policy 301a-Office Security
 203a-Anti-Discrimination and Harassment

Emergency and Evacuation Plan

Building evacuation is a component of the Affirmative Action Plan because of its importance to employees with disabilities whose impairments may necessitate assistance in the event of a building evacuation.

The entire policy and procedure is found on the Department's Intranet site. A member of the HR staff meets with all new employees in their first week of employment to review a number of policies including the emergency and evacuation plans.

In the event of a fire in the building, audible and visual alarms will activate on the public address system. In the even 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, to plan to meet in the stairwell of the building during emergencies and informing the area floor monitor. The floor monitor will notify the floor warden who will notify the authorities where the individual is located.

Weather Emergencies

In the event of a weather emergency, the Commissioner of Employee Relations determines and declares the closure of state offices. S/he also notifies the local radio stations. The DOER Office of the Commissioner notifies the Department of Finance senior staff and division managers, Human Resource staff, and key office staff via the Alertcast system. The alertcast system sends an email and voice mail to the individuals on the alertcast notification list notifying them of the weather emergency.

The HR office staff will place a voice message on the HR unit phones explaining the weather emergency. Where 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 closure. The most effective method is to use the Minnesota Relay Service at 1-800-627-3529.