

AFFIRMATIVE ACTION PLAN
 2006 – 2008
 For
Explore Minnesota Tourism

1. In July, 2006 a review of the goal units listed below revealed underutilization of the following protected group(s).

GOAL UNITS	Protected Groups		
	Women	Minorities	Disabled
Officials & Administrators			
Professional	X	X	X
Paraprofessional			
Office/Clerical		X	X

2. This annual plan will be posted at all locations so that every employee is aware of the office's commitments in affirmative action for the year.
3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as our department's affirmative action goals for this fiscal year.

 Operations and Consumer Services Senior Manager

 Date

4. This annual 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.

 Director

 Date

5. The annual plan meets the rules governing Affirmative Action, MCAR Chapter 3905.0600, Statutory Authority 43 A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive.

 DOER AA Coordinator

 Date

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I. STATEMENT OF COMMITMENT

Explore Minnesota Tourism is committed to the State's affirmative action efforts and to a policy of providing equal employment opportunity to all persons without regard to race, creed, color, sex, sexual orientation, membership or activity in a local commission, national origin, age, marital status, disability, status with regard to public assistance, or religion. This policy will apply to all conditions of employment including, but not limited to: recruitment, selection, placement, advancement, transfer, demotion, layoff, recall, termination, disciplinary action, compensation, and employee development. Additionally, Explore Minnesota Tourism is committed to affirmatively retain protected group employees.

The Director will carry out his obligations under the nondiscrimination provision of all laws, rules and regulations that form the legal framework for equal employment opportunity and affirmative action.

In accordance with the above stated commitment, all standards, policies, and procedures will be reviewed periodically to identify and eliminate barriers to equal employment opportunity.

It is also the policy of the State of Minnesota that no applicant, employee, client or vendor will be discriminated against because he or she may have Acquired Immune Deficiency Syndrome (AIDS) or the AIDS-related condition ARC. The State of Minnesota is committed to hiring individuals with disabilities who can perform the essential job functions with or without reasonable accommodations.

Explore Minnesota Tourism is committed to the implementation of this affirmative action plan, and has charged supervisors and managers with the responsibility for ensuring implementation of this policy. I have directed that each of these individual's position description list affirmative action as an "A" priority. I have designated Char Vaughan, Senior Manager of Operations and Consumer Services as the Office's Affirmative Action Officer to ensure implementation and retention of the Affirmative Action Plan. In addition, Explore Minnesota Tourism through an inter agency agreement, contracts with the Department of Employment and Economic Development (DEED) for human resources services and assistance on various paraprofessional and technical work, professional services, training advice, and counsel including Office of Diversity Services.

Explore Minnesota Tourism's Office's Affirmative Action Plan takes positive steps to hire and retain qualified group members. This plan receives my full endorsement and strong support. Further, I urge all employees to become acquainted with Explore Minnesota Tourism's Affirmative Action plan and to join me in a continuing effort to make equal employment opportunity a reality.

By _____
John Edman, Director

Date

II. RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY

Director:

Responsibilities: To establish and maintain an ongoing program of affirmative action within Explore Minnesota Tourism which includes timetables and goals in compliance with federal and state laws, rules and regulations.

Duties:

- ❑ To designate an affirmative action officer.
- ❑ To include accountability for the administration of the affirmative action plan in the affirmative action officer's position description.
- ❑ To make decisions on and changes in policy and procedures to facilitate equal opportunity and affirmative action progress.
- ❑ To direct that all reasonable accommodations necessary are made for people with disabilities.
- ❑ To follow up and take necessary action upon receipt of complaints of discrimination.
- ❑ To report bi-annually to the Commissioner of Employee Relations regarding the progress achieved in meeting the affirmative action goals.

Accountability: The Director is directly accountable to the citizens of Minnesota, and will report on progress to the Commissioner of Employee Relations.

Affirmative Action Officer:

Responsibilities: To administer the agency's affirmative action plan and revise the plan as needed in conjunction with the Department of Employment and Economic Development through an interagency agreement for Human Resources services.

Duties:

- ❑ Write and update the agency's affirmative action plan.
- ❑ Monitor the plan for compliance and correct deviations from the plan.
- ❑ Fulfill all affirmative action reporting requirements.
- ❑ Oversee and monitor the Pre-Hire Review Process and provide guidance to agency supervisors and managers on fulfilling their affirmative action responsibilities.
- ❑ Identify and work to resolve affirmative action problems that inhibit equal opportunity; including providing reasonable accommodations for applicants and employees with disabilities.
- ❑ Investigate allegations of discriminations or harassment in a manner equitable to all parties involved.
- ❑ Furnish detailed reports to the Director as to the findings of any investigation.
- ❑ Disseminate affirmative action information to managers, supervisors, employees and applicants.

Accountability: Affirmative Action Officer is directly responsible to the Director

Managers and Supervisors:

Responsibilities: To perform all position responsibilities in compliance with the agency's affirmative action plan and to ensure equal employment opportunity for all applicants and employees.

Duties:

- ❑ To assist the affirmative action officer in identifying and resolving affirmative action problems and eliminating barriers that inhibit equal employment opportunity, including providing reasonable accommodations for applicants and employees with disabilities.
- ❑ To communicate the agency's affirmative action plan to all staff.
- ❑ To follow the pre-employment review process.
- ❑ To take steps necessary to prevent harassment or other discriminatory actions by:
 - Detailing for employees state and federal anti-discrimination and anti-harassment laws;
 - Emphasizing the employees' right to work in an atmosphere that is free of discrimination or harassment; and,
 - Informing employees that disciplinary action will be taken against any worker that engages in discriminatory or harassing behavior at the workplace.
- ❑ To notify the Affirmative Action Officer immediately upon being made aware of a discrimination or harassment complaint.
- ❑ To assist the Affirmative Action Officer in fully investigating complaints of discrimination or harassment.
- ❑ To establish procedures whereby those employees with disabilities, who need assistance during a weather emergency, are notified of such emergencies and receive needed assistance.

Accountability: To the Director, and indirectly, to the Affirmative Action Officer.

Employees:

Responsibilities: Comply with all provisions of the Affirmative Action Plan.

Duties:

- ❑ To refrain from participating in discriminatory or harassing behavior.
- ❑ To treat other employees, job applicants and members of the public in a non-discriminatory manner.
- ❑ To immediately inform any employee engaging in harassing behavior that his or her conduct is objectionable and that it should stop.
- ❑ To cooperate fully in any investigation of discrimination or harassment.
- ❑ To keep records of instances of discrimination or harassment including dates, time, locations, and names of any witnesses.

Accountability: To the Director, and, indirectly, to the Affirmative Action Officer.

III. INTERNAL AND EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION PLAN

In order to assure the greatest impact of the Affirmative Action Plan, the following methods will be used to communicate the plan and its goals to our employees, recruitment sources, protected group applicants, and other interested persons.

Internal Dissemination:

- ❑ The Affirmative Action Plan will be distributed to all employees and available electronically.
- ❑ The Affirmative Action Plan will be posted on an easily accessible bulletin board in each work location.
- ❑ Routine changes in the plan, if any, will be posted on the bulletin boards indicated above. A notice of any changes to the plan will be made to all staff.
- ❑ The Manager/Supervisor will advise all new employees of the existence and posting location of the Affirmative Action Plan.
- ❑ The Affirmative Action plan will be made available to managers, supervisors and employees for their reference.

External Dissemination:

- ❑ The phrase "An Equal Opportunity Employer" will be included on advertisements for employment.
- ❑ Managers and supervisors seeking applicants will advertise their vacancies to protected groups.

IV. DISCRIMINATION POLICY

Discrimination because of, based on, or directed at an individual's protected class characteristic is a violation of Title VII of the Civil Rights Act of 1964, as amended; Chapter 363 of the Minnesota Human Rights Act; the American with Disabilities Act (ADA); and the Age Discrimination in Employment Act (ADEA).

This text provides guidelines for dealing with discrimination in Explore Minnesota Tourism facilities. Any employee or customer who believes they have been subject to harassment based on discrimination should file a complaint internally with their manager or supervisor under this policy and procedure. Or, if they choose, they may file a complaint externally with the Minnesota Department of Human Rights, the U.S. Equal Opportunity Commission, or through other legal channels.

All employees should be informed that harassment based on discrimination is unacceptable behavior. Each employee is responsible for the application of this policy.

Definitions:

Discrimination: To segregate, treat differently, or make an employment decision on the basis of an individual's protected class characteristics, i.e. race, color, creed, religion, national origin, sex (including sexual harassment), marital status, status with regard to public assistance, disability, sexual orientation, age, or membership in a Human Rights Commission.

Discriminatory Harassment: Verbal or physical conduct/communication of a discriminatory nature. It is:

- ❑ When submission to that conduct/communication is either explicitly or implicitly a term or condition of obtaining employment, public accommodations, or public services.
- ❑ When submission to, or rejection of, that conduct/communication is used as a factor in decisions affecting the obtaining of employment, public accommodations, or public service.
- ❑ When that conduct/communication has the purpose or effect of substantially interfering with the obtaining of employment, public accommodations, or public services; or creating an intimidating, hostile, or offensive environment when obtaining employment, public accommodations, or public services. In the case of employment, the employer knows or should know of the existence of the discriminatory harassment and fails to take timely and appropriate action.
- ❑ Discriminatory harassment may take these forms: repeated disparaging, belittling, demeaning or insulting remarks, repeated jokes about an employee or characteristic unique to the employee, or sabotage of an employee's character, reputation, work effort, or property. It may be further defined by:

Sexual

- ❑ Any of the above behavior that is of a sexual nature that the recipient or bystander finds unwelcome.
- ❑ Unwanted sexual comments, looks, innuendoes, or suggestions about one's body or sexual activity.
- ❑ Unwanted, unnecessary touching, brushing against one's body, patting, or pinching.
- ❑ Demanding sexual favors, accompanied by implies or overt threats concerning conditions of employment.
- ❑ Displaying pictures or objects depicting nude or scantily clad women or men in work areas.
- ❑ Use of language implying inferiority based on sex.
- ❑ The deliberate or careless reaction of an atmosphere of sexual harassment or intimidation.
- ❑ Note: the Minnesota Human Rights Act defines sexual harassment as: Behavior that includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:
 - Submission to that conduct or communication is made either explicitly or implicitly a term or condition of obtaining employment, public accommodations, or public services.
 - Submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment, public accommodations, or public services.
 - That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations, or public services; or creating an intimidating, hostile, or offensive employment, public accommodations, or public services; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Race, Color, Sex, or National Origin

- ❑ Any behavior previously listed that is applied to one's race, color, sex, or national origin.
- ❑ Telling jokes or making derogatory remarks about one's race, color, sex, or national origin.
- ❑ Use of language implying inferiority of a race, sex, or national origin.

Religion, Disability, Age, or Sexual Orientation

- ❑ Any behavior previously listed that is directed at an individual's religion, disability, age, or sexual orientation.
- ❑ Use of demeaning, derogatory remarks in reference to an employee's religion, disability, age, or sexual orientation.

Local Human Rights Commission: An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal

ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

Marital Status: Whether a person is single, married, remarried, divorces, separated, or a surviving spouse; and, in employment cases, includes protection against discrimination on the basis of identity, situation, actions, or beliefs of a spouse or former spouse.

National Origin: The place of birth of an individual or any of the individual's lineal ancestors.

Person with a Disability: A person who:

- ❑ Has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activities
- ❑ Has a record of such an impairment
- ❑ Is regarded as having such an impairment
- ❑ Note: The Minnesota Human Rights Act Defines a “qualified person with a disability” as:
 - With respect to employment, a person with a disability who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and
 - With respect to public services, a person with a disability who, with or without reasonable modifications to rules, policies, or practices, removal of architectural, communications, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services, meets the essential eligibility requirements for receipt of services and for participation in programs and activities provided by the public service. For this purpose, disability excludes any condition resulting from alcohol or drug abuse that prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.
- ❑ If a respondent contends that the person isn't a qualified person with a disability, the burden is on the respondent to prove that it is reasonable to conclude the person with the disability, with reasonable accommodation, couldn't have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

Religion: A commitment or devotion to a religious faith or observance. Religion includes all aspect of religious observance, practice, and belief. An employer is obligated to reasonably accommodate the religious observances or practices of employees and applicants, unless to do so would cause an undue hardship on the context of its business.

Sex: Includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

Sexual Harassment: See “Discriminatory Harassment.”

Sexual Orientation: Having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person; or having or being perceived as having an orientation for such attachment; or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” doesn’t include a physical or sexual attachment to children by an adult.

Status with Regard to Public Assistance: The condition of being a recipient of federal, state, or local assistance –including medical assistance- or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.

Policy:

EMT prohibits harassment of its employees and customers based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create an intimidating, offensive, or hostile work environment.

EMT will ensure and maintain an environment that is free of discrimination and discriminatory harassment at all EMT sites and facilities.

Complaints:

For the purposes of this policy, a complaint is a dispute or disagreement raised by an employee, applicant, a person eligible for consideration for employment, or a customer. The allegation must be based on discrimination.

The complaint procedure may be used by an employee, applicant, a person eligible for consideration for employment, or a customer whose dispute or disagreement is based on the belief they have been discriminated against. The complaint procedure can also be used by any employee, applicant, a person eligible for consideration for employment, or customer who believes they are the victim of retaliatory action by an EMT employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

The complaint procedure doesn’t in any way limit an employee’s, applicant’s, or customer’s right to file a formal complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, the Department of Labor Civil Rights Center, or the appropriate court of law.

General Provisions:

In the course of a complaint, all documentation associated with the complaint will be considered confidential; the status of the complaint, however, is public.

Coercion, reprisal, or intimidation against those filing a complaint (“the complainant”) or serving as a witness is prohibited.

The complainant, through the Director, will be advised of his/her right to file a charge of discrimination within 365 days after the occurrence with the Minnesota Department of Human Rights or within 300 days with the Equal Employment Opportunity Commission; or to file with an attorney in private practice.

Regardless of the outcome of an investigation, EMT will take no adverse or retaliatory action against a complainant who reports conduct she or he considers to be a violation of EMT’s policy against discrimination.

Complaint Process:

Before filing complaints, employees may bring discrimination concerns to their supervisors to try to reach a satisfactory resolution; supervisors must give the complainants an oral or written answer within a timely manner. Or, complainants (including employees, applicants, a person eligible for consideration for employment, and customers) may formally present complaints directly to the Director. This is the complaint process:

Complainant

- At the time of filing provide all supporting evidence; sign a written charge; and submit materials to the Supervisor/Manager/Director. Complaints should be brought within one year after the last occurrence of the alleged discriminatory act.

Director

- Determine within 30 days of receiving the complaint, whether the complaint alleges discrimination against the individual’s protected class characteristic and if the complaint is timely and proper for resolution through this complaint procedure.
 - If it’s determined that the complain is in fact a discrimination complaint, continue to the next step.
 - If it’s determined that the complaint isn’t related to discrimination, but rather general harassment, refer to the complainant’s supervisor, the Human Resources staff, the site manager, or the proper administrative agency for investigation.
 - Note: If the complainant is suffering irreparable harm in the absence of immediate action, the Human Resources staff, or the Director, may take

whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

- ❑ Investigate the complaint. This may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers, and a review of all pertinent records or documents relating to the complaint.
- ❑ Upon completion of the investigation, prepare a written report determining if the complaint was sustained. The claim may also be dismissed as unsubstantiated due to lack of evidence to conclude that discrimination has occurred.

Appropriate Management Staff

- ❑ Review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

A written determination of the investigative findings will be provided to the complainant and respondent at the conclusion of the investigation. Management is responsible for corrective and disciplinary action, follow-up inquiries, and any training that is felt necessary.

The file is confidential and kept separate from an employee's personnel file; it can only be accessed as permitted by the Minnesota Data Practices Act.

Appeal Process:

If the disposition of the complaint isn't satisfactory to the complainant, it may be appealed to the Director in writing within ten workdays following notification of the disposition of the complaint.

The Director or his/her designee will review the appeal and discuss with the complainant as necessary. The Director will give a written decision to the complainant within a reasonable period. The Director's decision is final.

V. AFFIRMATIVE ACTION ANNUAL GOALS

EEO Job Group	Women			Minorities			People with Disability		
	#Under Utilized	Goal	Timetable	#Under Utilized	Goal	Timetable	#Under Utilized	Goal	Timetable
Officials & Administrators	0			0			0		
Professionals	2			1			2		
Paraprofessionals	0			0			0		
Office/Clerical	0			1			3		

According to the utilization analysis, Explore Minnesota Tourism's workforce is underutilized in the areas highlighted above.

If any openings occur, we will make a good faith effort to recruit and hire from an underutilized group.

VI. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In the ongoing effort to eliminate discriminatory employment practices and barriers to equal employment opportunity, Explore Minnesota Tourism is committed to achieving the following objectives:

Objective 1: To ensure that all employees are knowledgeable about and aware of the Americans' with Disabilities Act (ADA) and can act upon their responsibilities.

Action Step: Identify possible training sources, asses their value and costs and implement training program.

Responsibility: Affirmative Action Officer in conjunction with DEED

Target Date for Completion: On-going

Objective 2: Ensure new managers and supervisors are properly trained in the importance of, and their roles and responsibilities for, equal employment opportunity, sexual harassment prevention and affirmative action.

Action Step: Identify possible training sources, asses their value and costs and implement training programs for equal employment and affirmative action. Provide mandatory sexual harassment prevention training from DOER to all new employees.

Responsibility: Affirmative Action Officer

Target Date for Completion: On-going

Objective 3: To identify and eliminate possible problems in Explore Minnesota Tourism with regard to equal employment opportunity and affirmative action.

Action Step: Continue to utilize the exit interview process developed by DEED.

Responsibility: Affirmative Action Officer in conjunction with DEED.

Target Date for Completion: On-going revisions.

VII. RECRUITMENT

Office Policy

Explore Minnesota Tourism is committed to removing barriers to employment opportunities and achievement. Explore Minnesota Tourism will actively recruit protected group members for employment opportunities.

Recruitment Plan

All of the positions within Explore Minnesota Tourism, except for the elected official and his or her appointees, are civil service positions, hired through the civil service process, the majority of which are clerical positions.

In the event of a hiring opportunity, will advertise in local protected group newspapers and media outlets, and will work to develop and implement recruitment strategies for specific hiring opportunities through the Department of Employment and Economic Development.

Sources Used

DOER
Minneapolis Star Tribune
St. Paul Pioneer Press
State of MN World Wide Web – Internet Job Listing
State of MN Telephone/TTY Job Information Line
MN Job Service – Department Employment and Economic Development

Strategies

We project little or no turnover in the next year. We will continue to use Resumix in conjunction with other strategies.

Internships and Supported Employment

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with DEED to formalize and implement the specific internship arrangement. The Director will work with DEED and educational institutions to recruit and hire interested individuals.

Explore Minnesota Tourism will review positions to determine if there are those that may be used for supported employment. If it is determined that a position(s) is identified, the AAO will work with the Department of Employee Relations' Disability Coordinator in the referral and filling process through the Department of Employment and Economic Development.

Responsibilities

Explore Minnesota Tourism will work through the Department of Employment and Economic Development, Human Resources for all recruitment efforts.

VIII. RETENTION

The Affirmative Action Officer in conjunction with DEED will be responsible for ensuring a retention plan exists to retain state employees through agency and DOER activities. Additionally, these initiatives will improve productivity and guide employees of all backgrounds and descriptions toward promotional opportunities.

Objective: Better understand and document the reasons behind turnover among employees, including those members of protected groups.

Completion Date: Ongoing

Action Step: Offer exit interviews to all employees who are leaving the department. Review results and make recommendations for changes as appropriate.

Objective: Continue to create and maintain a worker-friendly environment for all employees.

Completion Date: Ongoing

Action Steps: Educate supervisors and managers about their role in creating and maintaining a healthy and humane workplace, and specific supervisory responsibilities in our employee retention efforts.

To have periodic discussions at supervisors' meetings regarding different courses of action to remain educated, such as training, seminars or divisional activities.

Objective: Analyze separation and layoff patterns as they are available to determine the impact on protected group members.

Completion Date: Ongoing

Action Steps: Determine impact on protected groups and need for action and make appropriate recommendations.

IX. METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

Pre-Employment Review

The rules governing statewide affirmative action programs require that methods of auditing, evaluating and reporting program success be established for all agencies. This includes a procedure that requires a pre-employment review of all hiring decisions for goal units with unmet affirmative action goals. Therefore, when a vacancy occurs in a goal unit with unmet affirmative action goals, the procedure below will be followed before an employment offer is made.

The Affirmative Action Officer notifies the supervisor that a disparity exists in the goal unit to which the vacancy belongs. The Affirmative Action Officer advised the supervisor of his/her affirmative action responsibility as outlined in the procedure below.

After interviews have been conducted, no job offer can be made to any candidate until approval is received. The supervisor must provide a rationale explaining his/her decision to the Affirmative Action Officer.

The Affirmative Action Officer reviews the rationale and either approves or denies the justification. The Affirmative Action Officer notifies the supervisor of the decision.

If the rationale is denied, the Affirmative Action Officer notifies the Director (or designee) of that determination and indicates what remedial action is recommended.

The Director will determine final action.

Nothing in the above process shall be considered as an obstruction to hiring decisions based on the priority in appointment clauses (e.g., seniority, recall from layoff, etc.).

Pre-Review Procedure of All Layoff Decisions

To ensure that affirmative action goals are considered when layoff decisions are made, the Affirmative Action Officer, in conjunction with the Department of Employment and Economic Development, shall be responsible for reviewing all pending layoffs to determine their effect on agency affirmative action goals and timetables.

Methods of Auditing, Evaluating Program Success

The Affirmative Action Officer will maintain records reflecting hires, turnovers and any complaints regarding such activity.

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

- Reviewing monthly statistics reflecting current complement based on protected class
- Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex, and disability status.
- Reviewing recruitment sources and strategies used and the results used to fill specific vacancies for which there was under representation.
- Reviewing formal discrimination complaints filed in the past quarter.

X. REASONABLE ACCOMMODATION POLICY

Introduction:

Explore Minnesota Tourism is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodations, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of EMT to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with Section 504 of the Federal Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act; and the Minnesota Human Rights Act, state agencies are required to provide reasonable accommodation to people with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

EMT's reasonable accommodation policy covers all qualified employees and applicants for EMT employment.

Definitions:

Essential Functions: Tasks that are basic, necessary, or fundamental to accomplish duties of the job. They may vary with individual job descriptions and include physical, mental, and interpersonal activities necessary to effectively achieve anticipated job performance.

Person with a Disability: for purposes of this policy, someone who:

- ❑ Has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activities (e.g. a person who has epilepsy or bipolar disorder would be considered to have an impairment if substantially limited in a major life activity.)
- ❑ Has a record of such impairment (e.g. a person has a history of cancer, heart disease, or psychiatric condition, whose illness is either cured, controlled, or in remission).
- ❑ Is regarded as having such an impairment (e.g. an individual with a facial scar who, despite having no limitations, is perceived and treated as a person with a disability).

Qualified Person with a Disability: A person with a disability who meets the necessary prerequisites for the job and who can perform the essential function of the job, with or without reasonable accommodation.

Reasonable Accommodation: Any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy equal opportunity employment. Reasonable accommodation applied to three aspects of employment:

- ❑ Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a position.
- ❑ Modifications or adjustments to the work environment, or to the manner of circumstances under which the position held or desired to customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position.
- ❑ Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment.

Examples of accommodations may include:

- ❑ Job restructuring, such as modifying work hours and/or changing marginal job duties while retaining the basic job functions.
- ❑ Job site modification, such as adjusting equipment height, rearranging furniture and equipment, widening doorways, providing parking facilities, and modifying or enhancing lighting systems.
- ❑ Additional equipment purchase or modification, such as “talking” calculators, one-handed keyboards, adjustable desks and storage files, TTY communication equipment, earphones, and audiovisual aids.
- ❑ Support services, such as interpreters and readers.
- ❑ Transfer to a vacant position.

These are not accommodations:

- ❑ Elimination of essential functions.
- ❑ Lower production standards.
- ❑ Provisions of personal-use items such as glasses or hearing aids.

Undue Hardship: An action that is unduly costly, extensive, substantial, disruptive, or fundamentally alters the nature of the operation of EMT.

Policy:

EMT will reasonably accommodate qualified individuals with physical or mental disabilities unless to do so would impose undue hardship. Reasonable accommodations will be provided to individuals with disabilities when such accommodations are directly related to performing essential functions of a job or to enjoying equal benefits and privileges of employment.

Procedure:

Note: All tangible accommodations purchased by EMT are the property of the State of Minnesota. EMT will be responsible for maintenance of any equipment.

Requesting Reasonable Accommodations:

Qualified employees with disabilities should follow this procedure when requesting an adjustment or change at work because of a medical condition. Qualified applicants for EMT employment must be advised of the availability of reasonable accommodation when contacted about a job opening; they should be assisted in processing a request.

This is an interactive process and requires participation of both the individual with a disability and the supervisor. It may be ongoing and require periodic reviews to determine the effectiveness of the accommodations implemented.

Note: To help facilitate the process and/or provide technical assistance, any party may contact the Operations & Consumer Services Manager at any step in the process.

Requestor:

- Inform the supervisor of a need for an adjustment or change at work because of a medical condition. Complete a “Reasonable Accommodation Request” form (appendix a) and give it to the supervisor.
- Note: Submitting a medical provider’s recommendation may be the starting point for this process; however, that recommendation might not be the accommodation implemented.

Supervisor:

- If certain the requestor’s medical condition meets the definition of disability (the prerequisite for the requestor to be entitled to reasonable accommodation) proceed to the *Supervisor and Requestor* step.
- If not certain the requestor’s medical condition meets the definition of disability; contact the Operations & Consumer Services Manager for determination of coverage. If the disability isn’t obvious, the Operations & Consumer Services Manager may ask the requestor to provide reasonable documentation (not a medical history) or sign a limited release of medical information. This determination is essential to the process.

Supervisor and Requestor:

- Once a determination is made that the requestor’s medical condition meets the definition of disability, discuss the requestor’s duties and identify:
 - The essential functions.
 - How the current duties are performed.
 - Which essential functions can’t be fully performed.
 - Barriers to successful completion of essential functions.
 - How the impairment affects the job. Medical information may be helpful in identifying functional limitations and the effect of the impairment on job duties; the requestor must complete a “Reasonable Accommodation Medical Release” form (appendix b) and give it to the supervisor so the medical provider can be contacted.

- Note: any medical documentation must be collected and maintained on separate forms and in separate files. Medical information is available only on a “need to know” basis.

Supervisor:

- Make a decision whether to approve the request
- If approving the request:
 - Select the accommodation that’s effective and appropriate for both the requestor and EMT (while a requestor’s preference will be given consideration, it’s the supervisor’s decision to make; EMT is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide).
 - Document the steps that lead to the decision.
 - Send a copy of the approved requests and all supporting documentation to the Operations & Consumer Services Manager, who maintains a record for reporting purposes. The Operations & Consumer Services Manager may review the selected accommodation with the supervisor.
 - Implement the accommodation.

Operations & Consumer Services Manager

- If an accommodation can’t overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, work together to determine whether reassignment may be an appropriate accommodation; this is considered only when no other accommodation is available.
- EMT may look at transfer mobility, appointment, noncompetitive, and competitive opportunities (Min. Stat.43A). EMT isn’t required to create a new job or to bump another employee from a job in order to provide a reassignment as reasonable accommodation.

XI. Emergency Procedures

Introduction:

The safety of all of our employees is extremely important!

When an emergency situation occurs, it is important for Explore Minnesota Tourism (EMT) employees to know what action to take. There are two basic types of emergencies which affect employee health and safety:

1. Environmental emergencies that affect everyone in the building, such as threatening weather, community disasters, fires, bomb threats, power outages, and other potentially dangerous situations; and
2. Medical emergencies that usually endanger only one person.

This policy applies to all EMT locations.

Definitions:

Building Alarm: The very loud, continuous horn sound heard throughout a building that signals an emergency. Instructions are provided by loudspeaker.

Civil Defense Siren: The siren sounded by local authorities to warn 1) that a tornado or other threatening weather is in the area, or 2) of some other dangerous situation outside.

Emergency Leave: Paid leave approved by the Department of Employee Relations (DOER) commissioner when a natural or man-made emergency threatens the health or safety of employees and results in unavailability of work until the emergency has passed.

Environmental Emergency: Any situation in which employees' health or safety might be endangered if they remained at their workstations.

Evacuation: A fast, orderly vacating of office space by all occupants. Sounding of a building alarm is the signal for an evacuation to begin. Stairways are used instead of elevators in a multi-storied building.

Medical Emergency: The sudden onset of a serious illness or injury to someone in a building. In the case of any medical emergencies call 911 or the appropriate local authorities.

Policy:

Each EMT work location must have a written set of emergency procedures and evacuation plans, and employees must have knowledge of, and are trained in, the emergency procedures applicable to the office in which they work.

Managers/Supervisors and TIC staff may temporarily close their locations if the health and safety of their employees/clients are threatened because of potential emergency conditions, but they may not authorize emergency leave without DOER's approval.

Employees can choose to take vacation leave or leave without pay when conditions prevent them from working. If vacation leave is taken during this time, the leave will be reimbursed based on approval of the Emergency Leave Form (appendix d). Emergency situations are reviewed on a case-by-case basis and Department of Employee Relations has the final approval. Further information can be found at www.doer.state.mn.us/index.asp

Employees:

- ❑ Know and follow all emergency procedures for their location.
- ❑ Know where the fire extinguishers are located and how to use them. Respond immediately to sirens, alarms, or loudspeaker instructions.
- ❑ Attend all assigned training. NOTE: Employees trained in cardiopulmonary resuscitation (CPR) and other first-aid procedures should inform managers and others responsible for handling emergencies, as they may be asked to assist in emergency situations.
- ❑ Watch for dangerous situations and follow emergency procedures. Immediately inform the Building Office or the building supervisor of any situation that is potentially dangerous, before the situation becomes an emergency.

Supervisors:

- ❑ Know and follow all emergency procedures. Ensure that all employees know and follow emergency procedures for their location. Inform new employees of emergency procedures.
- ❑ Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- ❑ Follow-up on reports of hazardous conditions.

Procedures:

Evacuation plan for individuals with disabilities: Individuals using wheelchairs or mobility devices and others needing assistance with an emergency evacuation should notify their supervisors. Some options for assisting with the evacuation of individuals with disabilities include the use of a buddy system and/or reporting to a designated "area of rescue" to wait for fire department or other emergency personnel. The only information an individual must provide is the type of assistance needed; it will not be necessary to indicate the nature of the disability.

Weather Emergencies:

Employees are expected to put personal safety first and leave work or stay home during hazardous weather that result in dangerous road conditions. When the highway patrol or local sheriff advises no travel, employees are encouraged to stay home until conditions improve.

The Commissioner of Employee Relations (DOER) has the authority to declare a weather emergency situation (i.e., tornado, snow storm, etc.), close the office, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. (Please see Administrative Procedure 5.4)

When the weather appears to be getting severe, the Commissioner of Employee Relations keeps in close touch with the Emergency Services Division of the Department of Public Safety. On the basis of their information and in consultation with the Commissioner of Public Safety, the Commissioner of DOER makes the determination of whether or not conditions are so hazardous that a weather emergency should be declared.

If severe weather develops during the night, the Commissioner of DOER will make a determination prior to 5:00 a.m.

After determination is made that offices should close the following is done:

- DOER will provide an announcement to WCCO Radio (830 AM), KSTP-TV, WCCO-TV and KARE-TV, and the Associated Press (the AP will transmit the announcement on its newswire for use by radio stations in Greater Minnesota).
 - These media outlets will then broadcast the announcement to provide public notification of the weather emergency/state facility closure.
- Updated information is provided on the DOER Weather Emergency/State Facilities Closure Website for state agencies and their employees.

TIC Closing: In the event of deteriorating weather conditions or prolonged lack of essential services TIC employees must use their own judgment and make a decision if and when to close the travel center. When these situations occur during the workday, employees must take the following steps:

- Obtain and post road condition information and phone numbers for travelers
- Post a sign near the TIC counter stating that the travel center is closed
- Notify the appropriate Supervisor and Operations and Consumer Services Senior Manager, of the early closing via phone or email
- Leave an adequate supply of brochures in the public are of the building for travelers who stop when the TIC is closed. Leave a supply of maps and brochures with the Greenview staff.
- Travel home before conditions become dangerous
- When submitting your time sheet, include a completed Emergency Leave Form (appendix d).

When weather conditions or road closures prohibit travel to the Center, employees must notify the appropriate TIC supervisor. The Supervisor in turn will notify the Operations and Consumer Services Senior Manager. If conditions improve and you are able to travel to work, notify the appropriate Supervisor and send an email to the Operations and Consumer Services Senior Manager and other TICs when you open the Center.

Staff at the Moorhead and Beaver Creek TICs should notify the Operations and Consumer Services Senior Manager directly by email or phone. During weekend, leave a recorded message.

Other Emergencies:

This section covers situations that are not DOER-declared emergencies, but may still cause an office or TIC to close for health or safety reasons. While managers and TIC staff may close offices at their own discretion, only the DOER commissioner can approve payment of emergency leave.

EMT staff should follow these steps for closing their offices and requesting approval of emergency leave:

- ❑ Determine whether to close the office due to emergency conditions; decision must be based on employee and client safety, not on whether emergency leave will be approved. (During severe weather conditions, be aware of local road conditions and be in contact with local law enforcement authorities regarding travel advisability before making a decision to close the office.)
- ❑ As soon as possible, contact the appropriate Manager when closing the office to request emergency leave authorization.
- ❑ Notify the appropriate manager of decision to close office. Notify all office employees that office is closing. Close the office.
- ❑ Try to contact scheduled clients to inform them of office closings.
- ❑ Remain at the office until the last employee has left.

Emergency Leave Limitations:

These limitations regarding emergency leave are from DOER Administrative Procedure 5.4, "Time Off in Emergencies":

1. Employees who reported to work at the start of their normal shift and were sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
2. Employees who were required by the appointing authority to remain at work should not be paid for more than their regularly scheduled hours or the actual number of hours worked including overtime.
3. Employees on any approved sick or prearranged vacation leave shall not have such leave restored to their balances.
4. Employees on any approved leave without pay shall not be paid for this emergency leave time.

5. Employees who called in, on the day of the emergency, for vacation time, compensatory time, or leave without pay will be credited with emergency leave from the point of the declaration of the emergency, as defined by the commissioner of DOER, to the end of the regular shift.
6. Time is to be reported as "Other Paid Leave" on the EMT Daily Time Distribution Report and as "Other Authorized Leave Taken" with a comment on the emergency in the remarks section on the Employee's Biweekly Time Report.
7. No employee will receive more than 16 hours of emergency pay during any emergency situation unless the commissioner of DOER authorizes a longer period.

APPENDIX

- A. Request for Reasonable Accommodation Form
- B. Reasonable Accommodation Medical Release
- C. Reasonable Accommodation Agreement
- D. Emergency Leave Form
- E. Administrative Procedure 5.4 – Time Off in Emergencies

Explore Minnesota Tourism Employee Request for Reasonable Accommodation

Name:	Request Date:
Classification:	Unit:

This information will be used by any 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.

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

2. How does it affect your ability to perform your job?

3. Type the accommodation you are requesting:

- | | |
|--|---|
| <input type="checkbox"/> Making facilities readily accessible
<input type="checkbox"/> Job restructuring
<input type="checkbox"/> Part time or modified work schedule
<input type="checkbox"/> Modification to a rule, policy or practice | <input type="checkbox"/> Modification of equipment or devices
<input type="checkbox"/> Qualified reader or interpreter
<input type="checkbox"/> Acquisition of equipment or devices
<input type="checkbox"/> Other |
|--|---|

Please describe in detail the accommodation you are requesting:

4. Will the requested accommodation be effective in allowing you to perform the essential functions of your job?

5. Additional Comments:

Signature of Employee: _____ **Date:** _____

**Explore Minnesota Tourism
Reasonable Accommodation Medical Release**

I, _____, give my permission to my
medical provider:

Name: _____

Address: _____

Phone Number: _____ **Fax Number:** _____

To discuss/disclose medical information about me, to the Explore Minnesota Tourism
representative listed below:

Operations and Consumer Services Senior Manager: _____;

or My Supervisor: _____.

The purpose of this disclosure is to provide sufficient information to determine the need
for a reasonable accommodation. I understand that the information disclosed will be
used only for this purpose and will be kept confidential.

The extent or specific nature of the information to be disclosed is:

This release will expire on _____, or upon receipt by Explore
Minnesota Tourism of my written notice to withdraw my consent.

Signature: _____ **Date:** _____

Explore Minnesota Tourism Reasonable Accommodation Agreement

The EMT Operations and Consumer Services Senior Manager completes this form after the reasonable accommodation decision has been made. The signatures at the bottom of this form indicate an agreement between the requestor and EMT about the specific accommodation.

Name of Requestor: _____ **Name of Supervisor:** _____

Location: _____ **Cost Center:** _____ **Division:** _____

The request for reasonable accommodation was: _____ **Approved** _____ **Denied**

If request was denied, justification for denial (indicate specific factors considered):

If request was approved, description of specific accommodation to be made:

Cost estimate of approved accommodation:

I agree with the approved accommodation indicated above. I understand that all tangible accommodation purchased by EMT are the property of- and will be maintained by-the State of Minnesota.

Requestor Signature

Date

Manager/Supervisor Signature

Date

Operations and Consumer Services Senior Manager Signature

Date

Explore Minnesota Tourism Emergency Leave Form

Date:
To:
From:

I was scheduled to work from _____ a.m. / p.m. to _____ a.m./ p.m. on (Month/Day/Year) _____. My actual hours worked were from _____ a.m. / p.m. to _____ a.m./ p.m. on that date. Due to the emergency I described below, I was unable to work as scheduled from _____ a.m. / p.m. to _____ a.m./ p.m. and am requesting leave with pay in accordance with the applicable collective bargaining agreement for _____ hours on that day. My timesheet reflects _____ hours of Vacation or Leave Without Pay (circle one) for that day.

Please describe the emergency:

If the Commissioner of Employee Relations closed state facilities in the area, how and when did you hear about it? What time periods and counties were in the declaration? :

If the commissioner of Employee Relations did not close state facilities in the area, what information did you have and when and how did you receive it? :

If no travel was advised, who advised it and when? :

If you were advised to work or not to report to work, who gave you the advice and what was the time and date? :

Employee Signature: _____ **Date:** _____

I conclude that this employee is eligible for the requested leave and recommend that the employee is excused with pay for the hours requested.

Supervisor: _____ **Date:** _____

Manager: _____ **Date:** _____

Human Resources: _____ **Date:** _____

Department of Employee Relations: _____ **Date:** _____

TIME OFF IN EMERGENCIES

Description and Scope - M.S. § 43A.05, Subd. 4 permits the Commissioner of DOER to excuse employees from duty and to authorize appointing authorities in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the Commissioner has the authority to declare an emergency situation, close agencies, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. Appointing Authorities retain the authority to close or not close their facilities at any time.

Objective - To provide appointing authorities and employees with a clearly defined procedure to follow during emergency situations thus increasing and improving the capabilities of state government to function during natural or man-made emergencies.

Definitions - Key Terms -

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Time-off in Emergency Plan" is a comprehensive emergency procedure developed and implemented by each appointing authority.

Responsibilities -

Employees, appointing authorities, and DOER have responsibilities in emergency situations.

A. Employees:

1. If not needed to provide essential services, employees should take personal responsibility for own health and safety and coordinate with the appointing authority to be excused from work during natural or man-made emergencies.
2. To listen to local radio and television stations and/or follow their internal agency procedures prior to start of work shift to determine whether facilities in area have been closed due to natural or man-made emergencies.

B. Appointing Authorities:

- Determine if facilities should remain open or be closed as appropriate during situations that could impact the health and safety of their employees and results in temporary unavailability of work. The decision as to whether the employee absence is with pay as declared by DOER or charged to some other approved leave is secondary to the health and safety of the appointed authorities' employees.

- Develop and maintain a Time-off in Emergency Plan which specifies:
 1. Essential staffing requirements to be maintained during emergency situations.
 2. The name and phone number of the individual(s) who can make closure decisions.
 3. Steps/procedures to follow in making closure decisions.
 4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.
 5. Internal operating procedures to be followed during a natural or man-made emergency, including notification of closure for persons with hearing, vision, or other impairments.
- Keep current emergency contact lists used by agency and DOER in providing notification of emergency declarations.
- Request exemption from invocation of emergency leave for essential work units or employees.

C. Department of Employee Relations:

- Declare the emergency that may adversely impact the health and safety of employees and to ensure consistency among state agencies in a geographic area.
- Notify appointing authorities in the applicable geographic location of the declaration of the emergency.
- Authorize appointing authorities in the emergency area to pay employees for time off work as appropriate.
- Approve recommendations of Appointing Authorities as to which state agencies and/or facilities are to be exempted from the invocation of emergency leave.
- Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of appointing authority.
- Declare an end to the emergency.

D. Closing Facilities Due To Natural or Man-Made Emergencies:

A natural or man-made emergency may be declared by the appointing authority and/or DOER.

1. Appointing Authority Declared Emergencies

Provided essential services are adequately staffed, an appointing authority may close a facility without consultation with DOER if the appointing authority determines a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the facility; and,
- b) Results in unavailability of work until the emergency has passed.

If an appointing authority does close a facility due to a natural or man-made emergency, then employees shall cover the absence with annual leave, an adjusted work schedule, compensatory time, or leave without pay.

As soon as is practical, an appointing authority shall notify DOER of the closure. The appointing authority may request approval for emergency leave by submitting documentation supporting the reason for the closure to the Commissioner of DOER. If DOER approves and subsequently declares an emergency, then the absence from work due to the emergency shall be with pay.

2. DOER Declared Emergencies

Provided essential services are adequately staffed, DOER may close a facility or facilities in a geographic area if it is determined that a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the facility; and,
- b) Results in unavailability of work until the emergency has passed.

If an emergency is declared by DOER contemporaneously with or following declaration of the appointing authority, then the absence from work due to the emergency shall be with pay.

Process DOER shall follow in having a situation declared an emergency includes:

- a) Consulting with Commissioner of Public Safety regarding the emergency conditions and impact on health and safety of employees in geographic location.
- b) Consulting with appointing authority regarding availability of appropriate work for employees in geographic location of emergency.
- c) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
- d) Commissioner of DOER communicates decision to all affected Appointing Authorities.
- e) Commissioner of DOER authorizes emergency pay if appropriate.

E. Employees At Work When Emergency Declared by DOER:

- 1. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.

2. Employees who are required by their appointing authorities to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.

F. Employees On Leave When Emergency Declared by DOER:

1. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.
2. Employees on any approved leave without pay shall not be paid for any emergency leave time.
3. Employees who call in, on the day of an emergency, for vacation time, or compensatory time will be credited with emergency leave from the point of the declaration of the emergency declared by DOER to the end of the scheduled shift.

G. Amount Of Emergency Leave When Emergency Declared by DOER:

1. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of DOER authorizes a longer period.

H. Reporting Emergency Leave for DOER Declared Emergencies:

1. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" and record "MSL" to designate the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

M.S. § 43A.05, Subd. 4 - Time Off In Emergencies
Collective Bargaining Agreements