

**MINNESOTA  
DEPARTMENT OF EDUCATION**

**AFFIRMATIVE ACTION PLAN**

2008-2010

Upon request this plan will be made available in alternative format; i.e., large print, cassette tape.

## **INTRODUCTION**

Equal employment opportunity and affirmative action are the law. They are mandated by federal, state and local legislation, executive order, and definitive court rulings. The policy of the Minnesota Department of Education, in accordance with the State of Minnesota policy, is to provide equal opportunity and affirmative action in employment and to support and promote the spirit of the law. This affirmative action plan describes the programs and processes by which the law will be implemented.

Equal employment opportunity means guaranteeing that to every job applicant and employee the same opportunities in hiring, promotion, compensation, benefits, transfer, layoff, return from layoff, in-service training, tuition assistance, and social and recreational programs will be administered without regard to race, color, sex, disability, creed, religion, national origin, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or age.

Affirmative action means ensuring that certain groups historically denied equal access to employment--defined in Minnesota law as minorities, women, and persons with disabilities will be more effectively represented on the agency staff in numbers reasonably related to their presence in the available work force, while at the same time complying with constitutional limitations in this area.

It is of primary importance that all employees of the Department of Education understand that affirmative action does not mean the hiring of unqualified people. Affirmative action does not imply that any group will be deprived of its rights or be subjected to any unfair kinds of treatment. Affirmative action is defined as a positive mechanism to attempt to utilize the large reservoir of untapped human resources and skills among protected classes (minorities, women, and persons with disabilities). Consequently, an effective affirmative action program not only will benefit those who have been denied equal employment opportunity in the past, but will benefit the entire department.

For information, contact the Affirmative Action Officer Designee, Bev Barnick at (651) 582-8227.

## COMMISSIONER'S STATEMENT OF COMMITMENT

As Commissioner of the Department of Education, I am committed to the implementation of the Affirmative Action Plan, to the state's affirmative action efforts, and to the providing equal employment and promotional opportunities to all department employees and to all applicants for department positions.

It is the policy of the Department of Education to comply with and implement executive orders and federal and state laws by conducting all personnel activities in a manner that ensures equal employment opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees and related to specific jobs without regard to race, color, sex, disability, creed, religion, national origin, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or age.

In carrying out this policy, the Department of Education will administer in a nondiscriminatory manner all personnel activities. These activities include, but are not limited to: all recruitment, selection, hiring, assignment, training, promotion, compensation, transfers, fringe benefits, leaves of absence, disciplinary actions, and layoffs affecting all employees and applicants. The department is committed to retaining protected group employees and strives to provide a workplace that is free from discriminatory practices. Periodic review of job qualifications, standards, policies and procedures will be made in order to identify and eliminate development of discriminatory practices within the day-to-day interpretations or within the framework of existing personnel policies and procedures. In addition, the department will work affirmatively to see that members of protected classes are represented in a way that is reasonably proportionate to their numbers in the work force.

As Commissioner of the Department of Education, I strongly support the ethics of equal employment opportunities for all. I expect to have my firm commitment to equal opportunity and affirmative action reflected throughout the department by all managers and supervisors. I also invite employee cooperation in ensuring that the Department of Education is free of barriers to equal employment opportunity.



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Commissioner  
Department of Education

July 8, 2008

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Date

## **AFFIRMATIVE ACTION RESPONSIBILITIES**

### **COMMISSIONER**

#### **Responsibility:**

The Commissioner has final responsibility to direct the overall administration of the Department's affirmative action program and to set forth the principles of equal opportunity in departmental policy.

#### **Duties:**

- To designate the Department Affirmative Action Officer Designee.
- To approve and sign the Department Affirmative Action Plan and all other policies relating to affirmative action.
- To take action, if needed, on complaints of discrimination.
- To make final determination on employee complaints of discrimination.

#### **Accountability:**

The Commissioner shall be accountable directly to the Governor and indirectly to the Commissioner of the Department of Employee Relations and the Director of the Office of Diversity and Equal Opportunity for all equal employment opportunity and affirmative action matters.

### **ADMINISTRATIVE SERVICES MANAGER**

#### **Responsibility:**

The Administrative Services Manager has responsibility to review personnel policies and practices in order to ensure that all employees are treated fairly and equitably in terms of the conditions of employment.

#### **Duties:**

- To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationships to job performance.
- To oversee all openings in each division and section and publicize both competitive and promotional examinations throughout the Department.
- To recruit and retain protected group persons for any opening within the Department, especially in areas where disparities exist.
- To investigate complaints of harassment so that complaints are addressed and resolved at the earliest possible stage with a minimum of adverse publicity and consequence for the Department.

#### **Accountability:**

The Administrative Services Manager is directly accountable to the Commissioner on all matters relating to Affirmative Action.

### **AFFIRMATIVE ACTION OFFICER DESIGNEE**

The Affirmative Action Officer Designee for the Department is Beverly Barnick.

#### **Responsibilities:**

To provide ongoing direction and implementation of the Department's Affirmative Action Program.

#### **Duties:**

- To review and recommend changes in policies, procedures and programs to ensure affirmative action is implemented throughout the Department.
- To participate in recruiting efforts and the selection process and promote compliance with affirmative action goals.
- Ensure that Department staff is aware of the affirmative action goals and guidelines.
- Draft the Department Affirmative Action Plan and ensure that pursuit of the objectives and goals in the Plan for approval of the Commissioner.
- Prepare periodic affirmative action reports as required.
- Counsel and assist employees in specific instances of alleged harassment and/or discrimination.

#### **Accountability:**

The Affirmative Action Officer Designee is directly accountable to the Commissioner of the Department of Education with regard to affirmative action responsibilities.

## **DISSEMINATION PLAN**

### **Internal Communication**

The Affirmative Action Officer Designee will distribute the full Affirmative Action Plan to each Assistant Commissioner and inform them that copies of the Plan may be obtained from the Affirmative Action Officer Designee or the Human Resources Office.

The Affirmative Action Officer Designee will ensure the Affirmative Action Plan and its information is disseminated by:

- Including information in packets distributed at new employee orientations;
- Prominently displaying the Plan on the employee bulletin board located on the lower level of the building;
- Providing training to managers and supervisors on affirmative action;
- Prominently displaying Affirmative Action posters on employee bulletin boards located throughout the agency; and
- Providing information in the Department newsletter.

### **External Communication**

The commitment of the Department to affirmative action will be aggressively publicized through a variety of media so that minority, female and applicants with disabilities are encouraged to seek employment and promotion in the Department. A copy of the 2008-2010 Affirmative Action Plan will be posted on the Department of Education website.

The Affirmation Action Officer Designee will work closely with the Administrative Services Manager, to develop and oversee a recruitment structure within the Department that will be responsible for assuring that protected group applicants are aware of opportunities for employment and promotion by advertising in protected group media, forming relationships with protected group organizations, attending career/job fairs, and other appropriate recruitment efforts.

All advertisements shall contain the statement, "AA/EOE". All employment opportunities announcements distributed or mailed from the Department will contain the statement, "The Department of Education has a strong commitment to diversity. In that spirit, we are particularly interested in receiving applications from a broad spectrum of people, including women, members of racial and ethnic minority groups and persons with disabilities."

**DISCRIMINATION/DISCRIMINATORY HARASSMENT POLICY**

The Department of Education Discrimination/Discriminatory Harassment Policy is attached as Appendix A

## GOALS AND TIMETABLES

Job Group	Women			Minorities			People with Disability		
	Number Under-Utilized	Goal	Time table	Number Under-Utilized	Goal	Time table	Number Under-Utilized	Goal	Time Table
Officials and Administrators	0			0			2	1	2008-10
Professionals	0			7	4	2008-10	16	8	2008-10
Technicians	0			0			0		
Paraprofessionals	0			0			0		
Office Clerical	0			0			0		

Our utilization analysis indicates that we are not underutilized for women. According to the utilization analysis, our agency workforce is underutilized in the Professional job group for seven minority persons. Since we are under a state imposed hiring restriction, it is not anticipated there will be much growth in this job group. We do expect to do some hiring in this job group, however do not anticipate growth that would allow us to set a goal to include all seven persons. As we are able to fill vacancies, we will make a good faith effort to recruit and hire four minority employees.

According to the utilization analysis, our agency workforce is not underutilized for persons with a disability in the Technicians, Paraprofessionals, and Office Clerical job groups. We are underutilized in the Officials and Administrators job group by two people with a disability. We do not anticipate growth in this job group in the next two years, but as openings occur, we will make a good faith effort to recruit and hire a person with a disability in this job group.

According to the utilization analysis, our agency's workforce is underutilized in the Professionals job group by sixteen persons with a disability. Since we are under a state imposed hiring restriction, it is not anticipated there will be much growth in this job group. We do expect to do some hiring in the job group, however do not anticipate growth that would allow us to set a goal to include all sixteen persons with a disability that we are underutilized. We will make a good faith effort to recruit and hire eight persons with a disability in the Professionals job group in the next two years.



## **PROGRAMS AND PROGRAM OBJECTIVES**

The Affirmative Action Officer Designee will make every effort to keep abreast of EEOC guidance, new policies and procedures and trends within the field in order to effectively implement affirmative action at the agency.

### Action Steps:

- Regularly visit the EEOC/DOJ/Department of Human Rights web sites to research policy changes.
- Review Department policies and procedures at least yearly to ensure currency and compliance.
- Contact DOER, Office of Diversity and Equal Opportunity with any questions or concerns pertaining to any of the above topics.

These activities occur on an on-going basis.

The agency will continue to hire affirmatively and will include affirmative action consideration in the hiring process for all hires where a disparity exists.

### Action Steps:

- For all hires in which a disparity exists, Human Resources will thoroughly conduct a pre-hire review prior to the interview process.
- The Human Resources office will maintain files with documentation on affirmative and justified hires.

The Affirmative Action Officer Designee will monitor the agency's Pre-Employment review procedure in a consistent and fair manner, ensuring that hiring personnel do not have access to protected group information.

### Action Steps:

- Meet with hiring personnel to review and suggest recruitment methods and to identify whether there is a disparity for any of the three protected groups.
- Review hiring responsibilities and procedures with managers and supervisors.

These activities are carried out on a regular basis.

The Affirmative Action Officer designee will work with DOER's Office of Diversity and Equal Opportunity to develop a comprehensive workforce/utilization analysis in order to develop affirmative action goals and timetables.

### Action Steps:

- Update current workforce/utilization analysis for the new affirmative action plan.
- Develop new hiring goals and timetables for approval in the agency's affirmative action plan.
- Disseminate information about job classifications for which there are disparities to all hiring personnel.

These activities are done on a biennial basis for the agency's Affirmative Action Plan.

Educate all managers and supervisors about their affirmative action responsibilities.

Action Steps:

- Develop informational materials outlining the hiring process for vacancies in which a disparity exists directly addressing the role of the manager/supervisor.
- Develop informational materials specifically addressing the manager/supervisor's role in implementing the affirmative action plan and specific supervisory responsibilities that contribute to the retention of protected group members.
- Inform all managers and supervisors of external training pertaining to affirmative action/equal opportunity and Americans with Disabilities Act.
- Work with Training Coordinator to ensure that all managers and supervisors have attended Core training, which includes affirmative action, Americans With Disabilities Act and discrimination/discriminatory harassment training.

The Affirmative Action Officer Designee will keep the agency employees informed, updated and aware of Affirmative Action, Equal Opportunity and Diversity policies, news, training and events.

Action Steps:

- Post Affirmative Action plan in multiple visible locations throughout the agency and on the web site.
- Distribute information announcing training, conferences, events, etc.

The Affirmative Action plan is posted on bulletin boards and is available in the Human Resources Office. We are working to include this information on the Agency's web site and on the internal Intranet. Information on training, conferences and events is regularly posted on the agency's electronic bulletin board.

Evaluate recruitment process used to hire for classified employees to determine if methods are effective in recruiting protected group applicants.

Action Steps:

- Survey persons inquiring about position regarding where they heard about the position.
- Investigate other advertising and recruiting methods.

## **METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS**

### **PRE-EMPLOYMENT PROCESS:**

The Minnesota Department of Education is an equal opportunity employer. The Department's affirmative action plan states that:

State rules governing the statewide affirmative action program specify that a procedure must be developed in each agency which "requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals."

### **Policy:**

When an established affirmative action goal for a specific goal unit is not being met and a vacancy occurs which is to be filled from an eligible list containing interested protected group members of disparate groups, the supervisor's hiring recommendation shall be reviewed by the affirmative action officer designee.

### **Procedures:**

When a vacancy occurs in a category which has unmet affirmative action goals, the following procedures shall apply:

The Human Resources Office shall:

- Work with supervisors to effectively recruit disparate group candidates for the position.
- Notify the supervisor that affirmative action goals are not being met for one or more protected groups and that members of those groups are on the eligible list.
- Advise the supervisor of their responsibility to use objective criteria in making their decisions on interviewing and hiring and to provide this information to the affirmative action officer designee.

The Supervisor shall:

- Establish objective criteria for determining candidates to interview for the position.
- Prior to making an offer to a selected candidate, prepare written rationale based on knowledge, skills and abilities outlined in the vacancy position description to justify the interviewing and hiring decision.
- Send this rationale and copies of the position description, the application of the candidate being considered for hire, all interview materials including the established criteria, and the eligibility list to the affirmative action officer designee.

The Affirmative Action Officer Designee shall:

- Review the rationale submitted by the supervisor, requesting additional information if necessary.
- If necessary, discuss the implication of bypassing candidates who fill the disparity with the Administrative Services Director.
- Make recommendation to the supervisor, division manager, and Administrative Services Manager of approval/disapproval of hiring decision.

The Division Manager shall:

- Review recommendations, determine what action to take, and inform the Affirmative Action Officer Designee of the final decision.

The Commissioner shall:

- If the Department has over 25% missed opportunities, the final decision on each hire rests with the commissioner after consultation with the appropriate division manager and the Affirmative Action Officer Designee.

### **PRE-LAYOFF PROCESS**

The manager of Administrative Services and the Affirmative Action Officer Designee will review all layoff plans to determine their effect on agency affirmative action goals and timetables and inform management. If layoff plans have a negative effect on the agency's affirmative action goals, the Manager of Administrative Services and the Affirmative Action Officer Designee shall inform management of alternatives available which are in keeping with applicable collective bargaining agreements and plans.

### **AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS**

The Department keeps records on hires, monitoring the hiring process reports, purchase orders for advertising and recruitment fees, persons leaving employment and on complaints received. As a representative for the Affirmative Action Office, the office of Human Resources and its personnel will gather and maintain applicable affirmative action records reflecting interview processes and hires, turnovers, and any complaints regarding such hiring and retention activities.

Evaluation:

The Affirmative Action Officer designee shall evaluate the Affirmative Action Plan by:

Reviewing monthly statistics reflecting current complement based on protected classes and availability data.

Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, gender, and disability 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, racial/ethnic group, gender, and disability status.

Audit and Reporting Structure:

The Affirmative Action Plan for the Department of Education will be reviewed by the Commissioner. The Department's Affirmative Action Officer Designee will monitor the procedures to evaluate progress and ensure that the nondiscrimination policy is carried out.

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

- Affirmative Action Plan and workforce analysis data
- Recruitment documentation such as advertising sources, amounts spent, specific recruitment activities
- Affirmative action/discrimination complaints
- ADA complaints
- Missed opportunities
- Separation and layoff patterns and statistics

## **DATA PRACTICES**

The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43, Subd. 2) governing the collection and disclosure of all government data, including personnel data, and shall not be disclosed.

Documentation will be kept on the selection process for all appointments for at least two (2) years, in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43)

## **Emergency & Evacuation Plan**

The Department of Education Emergency and Evacuation Plan are attached as Appendix B.

### **Reasonable Accommodation Policy**

The Department of Education Reasonable Accommodation Policy is attached as Appendix C. The agency ADA Coordinator is Sandi Helle.

## **RETENTION PLAN:**

The Director of Administrative Services is responsible for the retention plan. The Department feels that the retention effort begins with the employees first day on the job. We have developed a checklist for supervisors to use for working with new employees. This checklist includes various suggestions for welcoming and orienting new employees to the Department. These suggestions include the use of a mentor to help the employee on a day-to-day basis with the work and the processes and procedures used in their office.

The Department has implemented a performance management system with an increased emphasis on individual development plans. Employees must have a development plan incorporated in their annual performance review. This development plan is a cooperative effort on the part of the employee and the supervisor.

Recently, budget restraints have prohibited us from providing in-house training on diversity and harassment. We are exploring the use of interactive internet training as an economical means to ensure employees receive training on a continuing basis. Employees have completed the on-line Sexual Harassment training on the DOER website.

## **SEPARATION ANALYSIS:**

Separation data for fiscal year 2007 was analyzed. Data includes unlimited classified and unclassified positions.

During this period, forty-nine employees left the agency because of dismissal or non-certification, retirement, resignation, or death or layoff. Of this group, 53.1% (26) were female, 20.4% (10) were minorities and 4.1% (2) were persons with disabilities.

Of the 26 females, 50% (13) retired, 42% (11) resigned to accept other positions or for unknown reasons, and 8% (2) were not certified at the end of their probationary period. Of the 10 minority employees who left the agency, 10% (1) retired, 80% (8) resigned to accept other positions or for unknown reasons, and 10% (1) was placed on lay off. The 2 people with disabilities retired.

Analysis of this data appears to show that separation patterns of non and protected group employees are not significantly different. The Department is approximately 74.41% female which would explain the larger number of female employees separating from employment. It appears that the most common reasons for separation are retirement or because employees are taking other positions, frequently promotions.



**APPENDIX A**

**DEPARTMENT OF EDUCATION**

**DISCRIMINATION/DISCRIMINATORY HARASSMENT POLICY AND COMPLAINT FORM**

# 1. Discrimination/Discriminatory Harassment

## Policy

The Department of Education is committed to providing a working environment that is free from discrimination and discriminatory harassment. The Department will take prompt and appropriate action in response to complaints of alleged discrimination and discriminatory harassment, including sexual harassment.

## Standards and Definitions

### Standards

- Retaliation or discrimination 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.
- Employees are responsible for treating co-workers in a manner consistent with this policy.
- Supervisors have the responsibility to maintain a work environment free of harassment for all employees under their supervision.
- Employees are encouraged, but not required, to request offensive behavior to stop.
- No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse.

### Definitions

**Discrimination** is differing treatment of an individual in any term or condition of employment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, status with regard to public assistance or membership or activity in a local human rights commission. Discrimination may also include conduct by a supervisor or co-worker that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

**Discriminatory Harassment** is harassment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, status with regard to public assistance or membership or activity in a local human rights commission.

**Sexual Harassment** is a form of discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact or communication of a sexual nature when: 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; 2) 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 3) 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.

**Third Party Harassment** involves discrimination where the harasser is not an employee of our agency, but is a customer, vendor, subcontractor or member of the general public. If you should feel harassed by any of these people, you should complain in the same manner as if you were harassed by a co-worker or supervisor.

The **AAOD** is the Affirmative Action Officer Designee, located in the Administrative Services Office.

The **Complainant** is the person filing the complaint.

The **Respondent** is the person or persons named in the complaint.

### **Reporting Discrimination/Discriminatory Harassment**

Employees are strongly encouraged to report acts of discrimination or discriminatory harassment or suspected acts of such conduct by anyone in the workplace to the manager/supervisor or to the AAOD. Reporting by employees is essential in order to take appropriate corrective action and achieve the goals of this policy.<sup>1</sup>

Managers/supervisors shall refer complaints to the AAOD and shall report immediately to the AAOD if they have any knowledge, or have reasonable suspicion of any discrimination or discriminatory harassment, including sexual harassment.

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<sup>1</sup> Employees should be aware that Minn. Statutes 181.932 and 363.03, Sub. 7 may apply to reports. These statutes provide protection from conduct that may constitute reprisal, including discharge, discipline, threats, or other discrimination against an employee that makes such reports.

Any employee, applicant, eligible candidate for a position, contractor, or volunteer who feels they are being discriminated against or harassed in employment matters within the scope of this policy is encouraged to take immediate and appropriate actions to address the situation, including filing a complaint under these procedures. Filing of a complaint under these procedures does not preclude the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) the Minnesota Department of Human Rights, or pursuing other legal channels.

## **Procedure**

### **Filing Complaints**

Complaints should be made in writing on the department's Discrimination/Discriminatory Harassment Complaint form available in the Human Resources Office and filed with the AAOD. If a complaint is made orally, the AAOD shall help the individual fill out the complaint form prior to making a request for information.

### **Preliminary Review**

The AAOD and the Administrative Services Manager will conduct a preliminary review of the complaint and, within three business days of receiving the complaint, if possible, shall determine if the complaint falls within the area of discrimination/discriminatory harassment.

If the complaint falls within the area of discrimination/discriminatory harassment, the AAOD, the Manager of Administrative Services, and the Assistant Commissioner of Finance & Administrative Services shall determine the appropriate avenue of investigation. They will take appropriate intervening action to deal with the situation, including, but not limited to, an investigatory suspension or temporary reassignment, until such time as the complaint is investigated fully, there is a finding, and corrective action, if required, is implemented. When appropriate, the AAOD shall notify the complainant's union representative that a complaint has been filed unless requested by the complainant that they not be notified.

If the complaint does not fall within the scope of this policy, the complainant will be notified so that s/he may use another grievance or resolution process.

### **Investigation**

If an investigation is required, the AAOD shall initiate it within ten (10) business days of receipt of the complaint, if possible. The AAOD shall notify the complainant and respondent of the investigation. The notice to the respondent shall include the substance of the allegations contained in the complaint, and if the respondent is a member of a bargaining unit, notification of their right to representation. If requested by the member,

the subsequent procedure shall be open to the exclusive representative's participation.

The investigation 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.

In compliance with the Minnesota Data Practices Act, the identity of individuals making complaints or providing information in the course of an investigation shall be disclosed only as needed to properly investigate and resolve the complaint. No discrimination or retaliation against any employee participating in any investigation involving discrimination or sexual harassment will be tolerated.

Upon completion of the investigation, and no later than 60 days after the filing of the complaint, the AAOD/investigator shall prepare a written report to the appropriate Assistant Commissioner.

The AAOD shall notify the complainant and the respondent when final action has been taken, subject to the terms of the Data Practices Act.

Disposition of the complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination.

### **Remedy**

The appropriate Assistant Commissioner, the Manager of Administrative Services, and the Assistant Commissioner for the Office of Finance & Administrative Services shall make the final determination for resolving the complaint and shall take action to remedy the complaint based on severity and recurrence of similar behaviors.

### **Discipline**

If disciplinary or remedial action is taken pursuant to this procedure, it may consist of, but need not be limited to, training, oral or written reprimand, suspension, or termination.

If at any time during the review or investigation, the AAOD establishes that a complainant made a false report in bad faith, the Department reserves the right to take employment or disciplinary action against the complainant, including but not limited to training, oral or written reprimand, suspension, or termination.

### **Other Options**

If a complainant is not satisfied with the process and/or outcome of the investigation, or has not pursued external options, they may pursue other options including filing a complaint with the Minnesota Department of

Human Rights or the Equal Employment Opportunity Commission, or other legal remedies.

The respondent has rights to appeal disciplinary action under the grievance provisions of the applicable collective bargaining agreement or plan.

#### **Data Privacy and Records Retention**

The Department shall maintain the privacy of all records consistent with the requirements of the Data Practices Act. Information gathered in the course of an investigation, including the identity of individuals, is considered to be private data on individuals and shall be disclosed only as needed to properly investigate and resolve the complaint. All complaints and related material shall be retained in accordance with applicable Department record retention policies. When disciplinary action has been taken on the basis that a complaint was made in bad faith, such information will be maintained in accordance with applicable collective bargaining agreements/plans.

**DEPARTMENT OF EDUCATION**

**DISCRIMINATION/DISCRIMINATORY HARASSMENT COMPLAINT  
FORM**

The information on this form is collected so that the Department may review your complaint under its Discrimination/Discriminatory Harassment Policy, administer that Policy, and monitor compliance with it. You are not legally required to provide this information, but the Department may not be able to review your complaint if you do not provide sufficient information. The information collected is private personnel data on you. It will, however, be disclosed, as needed within the agency to the Affirmative Action Officer Designee, Administrative Services Manager, appropriate managers or assistant commissioners, and the Commissioner. During any investigation the data remains personnel data on you, but it may also be disclosed subject to the limitations imposed by Minn. Stat. Sec. 13.43, subd. 8, to any individual who may have information on the matter, the employee against whom or on whose behalf the complaint is made or to the Minnesota Department of Human Rights or the Equal Employment Opportunity Commission.

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**Information on the Complainant** *(person filing the complaint):*

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Work Location: \_\_\_\_\_ Division: \_\_\_\_\_

Supervisor: \_\_\_\_\_

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

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_ Division: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Names of any secondary respondents involved in this complaint:

_____	_____
_____	_____
_____	_____

**I believe I was discriminated against because of:**

- Race     Color     Creed     Religion     Disability  
 Age     Marital Status     National Origin     Sexual Orientation  
 Status with regard to Public Assistance     Membership or Activity in a Local Commission  
 Sex

Date most recent act of discrimination/discriminatory harassment occurred \_\_\_\_\_

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

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Witnesses:

Work Address/Phone:

_____	_____
_____	_____
_____	_____
_____	_____

*(Please use the space below to continue with witnesses if necessary).*

*Relief requested:*

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

\_\_\_\_\_  
Complainant's signature

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Did you file this complaint with another Agency?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, which agency? \_\_\_\_\_

**APPENDIX B**

**DEPARTMENT OF EDUCATION  
WEATHER EMERGENCY PROCEDURES**

# Department of Education Emergency Action Plan

## Emergency Procedures

### Introduction

This plan is designed to provide guidelines for responding to emergencies within the Department of Education (MDE). Remember, not all emergencies fall within the parameters of a defined plan; sometimes individual judgment will be your best guide. Your preparedness, awareness and self-discipline are keys to an orderly and safe emergency response.

This plan is designed to provide the employees of MDE with the basic principles and procedures that should be used in the event of an emergency. The plan will provide:

- A chain of command to disseminate information and coordinate authority in time of emergency.
- The mechanism for training selected personnel in emergency procedures.
- An organized routine for evacuating all or part of the building.
- A list of alternative ideas and procedures to assist in the orderly handling of emergencies.

### General Duties of Emergency Personnel

#### Security Officers

- Provide continuity of emergency administration within MDE.
- Primary authority for emergencies requiring medical, fire, or other assistance not contained within the individual units, divisions or buildings.

#### Building Emergency Director

**Tammy McGlone, Director of Administrative Services**

- Primary authority for developing and maintaining the MDE building emergency plan, procedures and communications network.
- Primary authority for fire safety and evacuation requirements of the MDE building.
- Primary authority for issuing emergency and emergency-related information to MDE staff.

#### Building Emergency Coordinators

## **Natalie Chinander and Wendy Rumpel, Administrative Services**

- Ensure that Emergency Monitor positions are always filled.
- Schedule meetings of Emergency Monitors and relay information pertaining to emergency routines or special instructions.
- Ensure that the testing and checking of emergency equipment is completed according to building safety regulations.
- Address issues related to emergency procedures for persons with disabilities by ensuring that employees have the opportunity to inform the agency of any special needs they may have.
- Ensure that the Emergency Action Plan is kept current and distributed to all employees.
- Ensure that Evacuation Route Maps are kept current and posted within MDE.
- Schedule periodic practice drills for evacuation and relocation procedures.
- Assist the Building Emergency Director in emergency situations.

### **Emergency Monitors**

- Serve as a contact person for their area in the event of an emergency. Attached to this plan is a current list of Emergency Monitors.
- Assist the Security Officers during medical emergencies by keeping the immediate area clear of onlookers.
- Help to maintain clear aisles and stairwells during regular working hours as well as period of emergency.
- Keep employees in their area informed of safety procedures.
- Maintain an up-to-date roster of the employees they are responsible for and be able to account for those employees during an emergency.
- Identify and inform staff of evacuation routes and relocation areas. Designate a meeting site for employees.
- Be aware of persons with disabilities in their area and ensure they have designated “Buddies” and a plan for evacuation/relocation.
- Assist with evacuation/relocation procedures by ensuring all individuals in their assigned area have safely evacuated/relocated.
- Communicate any issues with evacuation/relocation procedures to the Building Emergency Coordinators.

### **“Buddies” for Persons with Disabilities**

- Employees with disabilities will make the determination about how they want to be evacuated and will select two “buddies” to provide assistance to them during an emergency. Employees with disabilities and their “buddies” should form a plan to meet in a specific area of the workplace for all emergencies to eliminate lost time spent looking for each other before actually evacuating the area.

### **Employees**

- Respond to emergency situations in a calm and orderly fashion.
- Familiarize yourself with the location of all exits from the building. Evacuation Routes are posted in various locations throughout the building and posted in the Operations Manual on the Intranet website.
- Move as quickly as possible to the pre-assigned meeting site during evacuation or relocation.

## Emergency Procedures

### Medical

**If the situation is life threatening, designate someone in the area to call 911 (9-911) immediately. Send someone to the Main Lobby to guide the emergency personnel to the location of the emergency.**

If the situation is not life threatening, call the Lobby desk at 651-582-8625 and provide the following details:

- The exact location in the building where the medical emergency is taking place.
- The symptoms of the victim
- Your name and call back number
- Any other requested information

The Security Officer will determine whether emergency personnel need to be notified and will notify Human Resources of the emergency.

Support the victim's medical needs.

- For injury, do not move the victim; try to keep the victim still.
- For the locations of the nearest first aid kits refer to the signs posted by the storage cabinets.

If the emergency is due to a workplace injury, a First Report of Injury must be completed by the supervisor and forwarded to the Workers' Compensation Coordinator.

### Severe Weather Warnings

Notice of weather-related threats; e.g., tornadoes, severe storms or blizzards, will usually be initiated by the National Weather Service (NWS). Both the NWS and local radio broadcasts are monitored by the Security Officers, the Building Emergency Director and Coordinators, and designated Emergency Monitors. The Building Emergency Director will assign designated Emergency Monitors to monitor weather conditions. Once they become aware of severe weather conditions they are to stay tuned to the emergency weather radios to be aware of current conditions and be prepared to assist in the relocation of staff.

The Building Emergency Director is responsible for determining the need for relocation of all employees and visitors to safe areas. This decision will be communicated by an urgent e-mail message sent to all agency employees.

Once an emergency warning to relocate is issued within the building the Emergency Monitors are responsible for ensuring that this warning is communicated to staff and conference room participants located in their designated area. **The Security Officers are responsible for notifying staff and visitors in Conference Center B.**

Employees should proceed to an interior area of the building. **Suggested areas in each part of the building are interior offices; conference rooms; restrooms; corridors and enclosed stairwells.**

In the EAST BUILDING on the lower level, the southern wall area (towards the front of the building) and the hallway areas by Conference Room J-1 would be the most protected.

In the WEST BUILDING the Kitchen, Wellness Center, Sick Room, Distribution Center would be the most protected areas.

In CONFERENCE CENTER A, the hallway area near Conference Room 12, Kitchen, Wellness Center, Sick Room and Distribution Center or the conference rooms that do not have windows.

In CONFERENCE CENTER B, the lobby area away from the entrance doors, or conference rooms that do not have windows would be the most protected areas.

Due to the possibility of flying glass or debris, the atrium areas should be avoided. Elevators should not be used because of possible power outages.

When the weather threat has passed, the Building Emergency Director or a Department Emergency Coordinator will issue the “all clear” and normal operations may resume.

In the case of winter storms, all employees are asked to monitor WCCO Radio, 830 AM. The closure of state offices will be announced on the radio prior to shift start times. Closure after the start of the shift will be announced by the Building Emergency Director. Emergency Monitors should ensure that deaf employees are made aware of the closure of state offices (e.g., ensure that deaf employees have made arrangements with their supervisor, “buddies,” relatives or friends to be contacted through the use of the Minnesota Relay Service at (800) 627-3529 or some other means).

## **Bomb Threat**

If you receive a bomb threat, ask questions and attempt to determine:

- The location of the bomb.
- Time set for detonation.
- A description of the bomb.

- What type of explosive it is.
- Why the bomb was placed.
- Who placed the bomb (ask for the person's name or group).

Pay attention to:

- Background noises such as music, people talking, cars or trucks, airplane, children or babies, machine noise, typing, etc.
- Voice of the caller to help identify gender, age, whether under the influence of drugs or alcohol, etc.

Once you have received a threat immediately call the Main Lobby Security Officer at 651-582-8625, or Conference Center B Security Officer at 651-582-8516 to report the information you have obtained. If necessary, the Building Emergency Director will determine the need to evacuate the building. This determination will be communicated by an e-mail message to all employees to immediately evacuate the building.

## Fire

If you see fire or smoke and no alarm has been sounded, **immediately call the Lobby desk at 651-582-8625** and report the location and nature of the fire. The Security Officer will then initiate the fire alarm.

When the building fire alarm sounds, follow these procedures.

- Immediately evacuate via the nearest emergency exit. Do not use elevators. Do not try to return to your office.
- Close all doors.
- Emergency Monitors are to assist with evacuation and ensure that all individuals in their assigned area have safely evacuated.

## Building Security

Building Security Officers are available during the following hours:

Monday – Friday	6:00 a.m. – 6:00 p.m.
Main Lobby Security Officer	651-582-8625
Conference Center A	651-582-8762
Conference Center B Security Officer	651-582-8516

### Building Emergency Monitors East Building 2008

**Suggested areas in the East Building in case of a weather emergency, is the lower level, the southern wall area (towards the front of the building) and the hallway areas by Conference Room J-1.**

**Commissioner's Office**

Jeanne Hall: 582-8204  
Kathy Karnuth: 582-8317

**Government Relations**

Margaret Tokar: 582-8666

**Board of Teaching**

Sandra Needham: 582-8739

**Educator Licensing**

Elaine Mattila: 582-8691

**Office of Finance and Administrative Services**

**Program Finance**

Mary Weigel: 582-8770  
Keri Lewis: 582-8480

**Information Technologies**

Wendy Rumpel: 582-8644  
Melody Pomerence: 582-8661  
Deb Meade: 582-1136

**Compliance & Assistance**

Joanie Pankonin: 582-8705  
Char Hagle: 582-8708

**Office of Academic Standards**

Academic Standards  
Lori Keene: 582-8804  
Deb Parkos: 582-8321

**Office of Library Development Services**

Mary Martin: 582-8791

**Human Resources**

Wendy Rumpel: 582-8644  
Melody Pomerence: 582-8661  
Deb Meade: 582-1136

**Accounting Services**

Melody Pomerence: 582-8661  
Wendy Rumpel: 582-8644  
Deb Meade: 582-1136

**School Choice**

Joy Moylan: 582-8616

**School Improvement**

Chelsea Goebel: 582-8824

**Building Emergency Monitors West Building  
2008**

**Suggested areas for West Building in case of weather emergency is the Kitchen, Wellness Center,  
Sick Room and Distribution Center**



**Program Accountability and Improvement**

Faye Lovell: 582-8402

LaDonna Mustin – 582-8832

**Early Learning**

Sophie Oliver: 582-8761

**Food and Nutrition**

Bill Walsh: 582-8553

Liane Jensen: 582-8556

**Special Education**

Patty Anderson: 582-8218

**Office of Assessment and Testing (Office of Assessment and Testing will go to Conf Center B in the case of a weather emergency)**

Diana Moore: 582-8231

Mary Jo Swanson: 634-2222

**NCLB Consolidated Programs**

Pat Olsen: 582-8784

Carrie Mammenga: 582-8512

Ann Iweriebor: 582-8352

**Adult Basic Education**

Alice Smith: 582-8446

**Suggested areas in Conference Center A in case of a weather emergency, the hallway area near Conference Room 12, Kitchen, Wellness Center, Sick Room and Distribution Center or the conference rooms that do not have windows.**

**Customer Service Center/Conference Center A**

Nancy Brooks: 582-8608

Deb Olson: 582-8797

**APPENDIX C**

**DEPARTMENT OF EDUCATION**

## **REASONABLE ACCOMMODATION POLICY AND REQUEST**

# 3. Reasonable Accommodations

## Policy

The Department of Education is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Department of Education to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

## Standards and Definitions

### Definitions

**Disability** - For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

**Reasonable accommodation** – A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

## Procedure

1. The Department of Education will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their manager/supervisor of their need for an accommodation and the manager/supervisor shall discuss alternatives with them.
3. The Manager/Supervisor **must** inform the ADA Coordinator of the request and submit a request for accommodation form (copy attached).
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
  - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - b. Determine the precise job-related limitation
    - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
    - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Department of Education is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator may request documentation from the employee's health care provider to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
6. The ADA Coordinator will work with the employee and the manager/supervisor to obtain technical assistance, as needed.
7. The ADA Coordinator will provide a decision to the manager/supervisor and the employee within a reasonable amount of time.

### **Request for Reasonable Accommodations for Job Applicants**

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

### **Funding for Reasonable Accommodation**

**Funding must be approved by the Department of Education for accommodations that do not cause an undue hardship (M.S. 43A.191(c)). An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Department of Education.**

The expenditure of funds for accommodations over the amount determined to be significant, must be approved by the Agency Head. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors will be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- documented good faith effort to explore a less restrictive or less expensive alternative.

### **Appeals**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure. Other options are also available. See Discrimination Policy for a description of those options.

## Supported Work

The Department of Education will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER. The Department of Education will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

<b>History and Contacts</b>
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*Previous Policy Number:*

*Reference:*

**Responsible Manager:**

*For More Information:*

# Employee Request for Reasonable Accommodation

Employee Name:

Job Title:

Date of Request:

Division:

This information will be used by the ADA Coordinator 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.

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 of accommodation you are requesting:

\_\_\_\_\_ Making facilities readily accessible

\_\_\_\_\_ Modification of equipment or devices

\_\_\_\_\_ Job restructuring

\_\_\_\_\_ Qualified reader or interpreter

\_\_\_\_\_ Part time or modified work schedule

\_\_\_\_\_ Acquisition of equipment or devices

\_\_\_\_\_ Modification to a rule, policy or practice

\_\_\_\_\_ Other (specify):

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

Signature of Employee \_\_\_\_\_ Date: \_\_\_\_\_