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Affirmative Action Plan 2008-2010

Office of Higher Education

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Office of Higher Education
2008 - 2010 Affirmative Action Plan

Table of Contents

Statement of Commitment1

Affirmative Action Officer: Designee and Duties2-5

Communication and Dissemination of Affirmative Action Plan.....5-6

Complaint Procedure7-8

Programs and Program Objectives.....9-11

Methods of Auditing, Evaluating, Reporting Program Success11-14

Weather Emergencies14-15

Reasonable Accommodation15-18

Retention Plan18-19

Analysis of Separation Patterns20

AppendicesA1-A7

Statement of Commitment

The Office of Higher Education (OHE) fully recognizes and supports the State of Minnesota's Equal Opportunity Policies and Statewide Affirmative Action efforts. The OHE is committed to the policy of implementing and maintaining an affirmative action program designed to identify and correct imbalances of protected groups in the work force and to foster correction of any imbalances which may exist.

The OHE is supportive of efforts to provide equal opportunity to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, membership or activity in a local human rights commission, or status with regard to public assistance. To ensure equal opportunity of all protected groups, the OHE will ensure that all positions are accessible to all qualified persons and will make efforts to recruit, hire, retain and support qualified protected group members.


The OHE fully supports the non-discriminatory provision of all state and federal laws, rules, regulations, policies, and guidelines regarding non-discrimination and equal opportunity.

As Chief Executive Officer of the Office of Higher Education, I am strongly committed to the principles and policies of effective affirmative action. All management and supervisory staff have responsibility for progressive affirmative action in the performance of their responsibilities and I enlist the assistance of all employees in the effort to achieve equal opportunity for all groups within this agency.

The designated OHE Affirmative Action Officer is Mary Lou Dresbach, Director of Community Outreach, Human Resources and Agency Services.

I encourage employees of the Office of Higher Education to take an active role in the support of this policy as we continuously strive to improve service to our customers and to fulfill the mission of this agency.

6/26/08
Date



Susan Heegaard, CEO/Director
Office of Higher Education

Affirmative Action Officer: Designee and Duties

A. Director of the Office of Higher Education

The Director of OHE is responsible for the overall direction of the agency's Affirmative Action Plan in compliance with existing federal and state laws, rules and regulations. The Director will take the appropriate actions to remove all artificial barriers to equal opportunity within the agency.

Accountability

The Director of OHE is accountable to the Governor, the Legislature, and the Commissioner of Finance & Employee Relations for the implementation and maintenance of the agency's Affirmative Action Plan.

Duties of the Director

1. To designate a top OHE management executive as the agency's Affirmative Action Officer.
2. To take action on complaints of alleged discrimination.
3. To issue a statement affirming support of the State's equal opportunity policy for the OHE and to ensure that such a statement is disseminated to all employees.
4. To make such decisions and changes in policy or procedure as may be needed to facilitate affirmative action goals and policies within the agency.
5. To ensure the submission of reports, as directed by the Commissioner Finance & Employee Relations, regarding the agency's efforts in meeting affirmative action goals and progress resulting from those efforts.

B. Affirmative Action Officer/Designee

The Affirmative Action Officer/Designee is responsible for the overall implementation, administration, and maintenance of the Affirmative Action Plan.

Accountability

The Affirmative Action Officer is accountable directly to the OHE Director for all affirmative action matters, including directing and implementing the agency's affirmative action plan.

Duties of the Affirmative Action Officer

1. To write and update the agency's affirmative action plan.
2. To coordinate and monitor the plan.
3. To investigate or arrange for an investigation of complaints of discrimination and to ensure report findings with recommendations to the OHE Director.
4. To ensure that all affirmative action reporting requirements as prescribed and required by the Office of Diversity and Equal Opportunity [ODEO]-- Department of Finance & Employee Relations are completed.
5. To ensure the communication and dissemination of the agency's Affirmative Action Plan.
6. To act as the liaison between the OHE and the ODEO--DFER, for purposes of affirmative action.
7. To review, respond to, and facilitate approved requests for reasonable accommodation from employees and prospective employees in a fair and equitable manner.
8. To determine the need for affirmative action training within the agency and to facilitate opportunities for such training with the assistance of the ODEO, and the Training Center -- Department of Administration (Management Analysis Division), the Office of the Attorney General, and outside resources, as necessary.
9. To review and recommend changes in policies, procedures, and programs to facilitate affirmative action and the achievement of affirmative action goals contained in this plan.

10. To support and participate in the recruitment, selection, retention and support of members of a protected class as employees with the OHE.
11. To maintain contact with protected group resources for recruitment purposes.
12. To notify all contractors and subcontractors, with whom the agency does business, of their affirmative action responsibilities.

C. Division Directors, Managers, and Supervisors

Division Directors, Managers, and Supervisors are responsible for supporting the agency's Affirmative Action Plan and ensuring the equal treatment of all employees.

Accountability

Division Directors are directly accountable to the OHE Director. Managers and supervisors are accountable to Division Directors.

Duties of Division Directors, Managers, and Supervisors

1. To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
2. To assist the agency's Affirmative Action Officer and agency human resources staff in recruiting, hiring, retaining and supporting members of a protected class.
3. To select candidates for positions or promotional opportunities on the basis of experience, skills, training/education, the agency's affirmative action goals, and in consultation with the Affirmative Action Officer as per the pre-employment review process.
4. To advise the Affirmative Action Officer of all requests for reasonable accommodation by employees and prospective employees under their supervision.
5. To ensure that the agency's Affirmative Action plan is communicated to all OHE employees and that copies of the agency's Affirmative Action Plan are made available to all employees under their supervision.

6. To assist the agency's Affirmative Action Officer by advising employees under their supervision of the availability of training and improvement opportunities, as appropriate.
7. In conjunction with the Affirmative Action Officer, acknowledge receipt of complaints related to discrimination and/or harassment within ten (10) working days, and to ensure that no reprisals are made against an employee for filing a discrimination complaint.

Communication and Dissemination of Affirmative Action Plan

The 2008-2010 Affirmative Action Plan will be distributed to all agency staff and staff will be given an opportunity to get any questions answered. The copies of the Affirmative Action Plan will include a cover memo explaining the responsibility of all employees to read, understand, support and implement the Plan, and will also include an *Acknowledgment of Receipt* form which each employee is to sign and return to the Human Resources Director once he/she has read the Plan and has had his/her questions answered. As new staff join the agency, agency Human Resources staff will give each new staff person a copy of the Plan, and ensure that the employee's questions are answered. Additional copies of the Affirmative Action Plan will be available from the OHE Human Resources unit and will be placed on the agency intranet. The Plan can be made available in alternative formats such as large print, Braille or on audio tape upon request to the OHE Human Resources staff.

The OHE Affirmative Action Officer/Designee will ensure that all employees receive a copy of the OHE Affirmative Action Plan, and are advised of the policy of non-discrimination, reasonable accommodation and the procedure for filing a complaint.

Internal Communication of Affirmative Action Plan

1. Copies of this plan will be given to current agency staff and staff will be given an opportunity to have questions answered. Future employees will receive copies of the Plan at their agency employment orientation sessions.
2. The Plan will be posted on the agency intranet.
3. All managers and supervisors will be responsible for assisting in the communication of the policy and spirit of the Plan to employees under their supervision.

Office of Higher Education
2008-2010 Affirmative Action Plan

4. All position announcements will contain material identifying the agency as an equal opportunity employer committed to affirmative action and workplace diversity.
5. The agency's commitment will be communicated in reports, employee orientation materials, and agency policy manuals, the job postings, and other such notices.
6. Revisions/updates to the Plan will be provided to all employees.

Communication of Affirmative Action Plan to External Customers

1. All contracts and agreements will contain equal opportunity provisions, as appropriate.
2. A mailing list consisting of community groups and publications serving protected group persons will be maintained and utilized to inform such entities of agency activities and employment/position opportunities.
3. All public relations and promotional materials will be reviewed for equal opportunity content and contain statements identifying the agency as an equal opportunity employer. In addition, the agency's commitment will be communicated in newsletters, publications, and other appropriate published materials.
4. The agency's Affirmative Action Plan is posted on the agency intranet and also the agency's internet.

Discrimination/Harassment Complaint Procedure

The Management Planning Team [MPT] seeks to maintain a working environment free from discrimination, discriminatory harassment or hostility; and where open, honest communication is encouraged.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer or investigator for information and for access to data and records for the purpose of enabling the Affirmative Action Officer or investigator to carry out responsibilities under this complaint procedure.

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Who May File

Any employee, applicant, or eligible of the Office of Higher Education who believes that s/he has been discriminated against by reason of 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 may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for up to a year subsequent to the actual separation date.

The Complaint Process:

An employee, a group of employees, and/or job applicants, including eligible candidates (hereafter referred to as "complainant"), with a complaint of discrimination or harassment, may file a complaint using the following procedure:

- 1) The complainant shall meet with the Human Resources Director to describe the nature of the complaint, the facts upon which it is based and the relief requested.*
- 2) The Human Resources Director determines if the complaint is one of a discriminatory nature based on one or more of the protected characteristics, sexual harassment or general harassment. The Human Resources Director notifies the complainant of the determination and investigatory implications within ten (10) working days after the submission of the complaint.

Office of Higher Education
2008-2010 Affirmative Action Plan

- 3) The applicant, eligible candidate, or employee is informed of other options for resolving the complaint. These options include: the Department of Finance & Employee Relations; the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights; or the civil court system.
 - 4) The Human Resources Director investigates or makes arrangements for an outside investigator to investigate the complaint. A report of findings and a recommendation for resolution is presented to the Agency Director.
 - 5) The Human Resources Director, or outside investigator, informs the complainant of the determination within sixty (60) calendar days after the formal complaint is filed.
 - 6) If the complainant remains dissatisfied, the complainant may file a complaint with the Equal Employment Opportunity Commission (EEOC), or the Minnesota Department of Human Rights within one (1) year of the incident.
 - 7) The Commissioner of Finance and Employee Relations is to be advised within thirty (30) days after final resolution.
- * If the Human Resources Director is the alleged offending person, the employee may go directly to the Agency Director, who will make arrangements for an independent investigation.

Programs and Program Objectives: 2008-2010

Program: Affirmative Action Education

Objective: To encourage division directors, managers, supervisors, and employees to learn more about types of harassment and discrimination, cultural diversity, and other issues relating to affirmative action.

Responsibility: Affirmative Action Officer, other agency Human Resources staff, Management Planning Team (MPT)

Action Steps:

1. Work with the ODEO--Department of Finance & Employee Relations, the Office of the Attorney General and the state HR Directors Partnership to identify educational opportunities and resources that agency staff can access to learn more about topics and issues related to affirmative action.
2. Work with the ODEO-- Department of Finance & Employee Relations, and the Office of the Attorney General to facilitate on-going opportunities to learn about diversity related topics and issues.
3. Emphasize to supervisors and managers their role in implementing the Affirmative Action Plan, fostering diversity and respect in the workplace, and creating an atmosphere that contributes to retention of members of a protected class.
4. Include coverage of the agency Affirmative Action Plan as part of the agency orientation/information session with newly hired staff.
5. Continue agency membership in the Multicultural Development Center (MCDC) which provides workshops, events, trainings, and information around cultural diversity, and specific strategies for recruitment and retention of a diverse workforce.

Completion Date: Ongoing.

Program: Affirmative Action Hiring

Objective: To continue to attempt to hire affirmatively and include Affirmative Action considerations in the hiring process.

**Office of Higher Education
2008-2010 Affirmative Action Plan**

Responsibility: Affirmative Action Officer and Human Resources staff

Action Steps:

1. The Director of Human Resources and Human Resources staff will collect, maintain and provide current information regarding disparities to division directors, managers, and supervisors.
2. Prior to assisting supervisors and managers with the hiring process, the Human Resources staff will check Affirmative Action data, identifying disparities that exist within the agency.
3. When a disparity exists, the Human Resources staff will remind supervisors and managers that the pre-employment review procedure must be used prior to interview activities. The Pre-employment Review Procedure is followed for recruitment and all hiring decisions especially for goal units with unmet affirmative action goals.
4. OHE Human Resources staff will maintain files on hiring situations where a protected group candidate was not hired and a disparity existed.

Completion Date: Ongoing.

Methods of Auditing, Evaluating, Reporting Program Success

Pre-employment Review Procedure

In order to meet the agency's affirmative action goals, the following actions will be taken:

A. Consultation with Managers

Managers will be advised of the goals and disparities for the various bargaining units by the Affirmative Action Officer/designee whenever a vacancy occurs.

B. Selection Process

1. A vacant position is created due to a resignation, promotion, transfer, leave of absence, termination, or establishment of a new position. The director or manager of the affected division/program may or may not request to fill the position.

Office of Higher Education
2008-2010 Affirmative Action Plan

2. If a decision is made to fill the vacancy, the Affirmative Action Officer/designee will be notified. Based on the agency's affirmative action goals, the AAO/designee will determine if a disparity exists in the bargaining unit that the vacancy occurs and will work closely with the director, manager and/or supervisor in each step of the hiring and/or promotional process which includes the following initial steps:
 - a. A position analysis is completed for the vacant position.
 - b. The position description is reviewed and revised, if needed.
 - c. The Human Resources staff establishes the method of filling the vacant position as follows:

Classified Position:

A classified position will be filled according to the appropriate bargaining unit contract.

- a. The Human Resources staff will determine whether any bargaining unit employees are eligible to bid on the position and the position will be posted for the required length of time in accordance with the contract.
- b. The position will be posted on the Department of Finance and Employee Relations website. The selection of employees to fill a posted vacancy shall be made from among eligible bidders in order of classification seniority, provided the senior employee's ability and capacity to perform the job are relatively equal to that of other bidders.
- c. Next, the selection shall be made from employees on the Seniority Unit Layoff List, provided by Department of Finance and Employee Relations.
- d. Claiming is the next selection criteria. Prior to accepting a claim, the agency has the option of filling the vacancy with a seniority unit employee who has received notice of permanent layoff and has more state seniority than any claimer.
- e. Class layoff is the next selection criteria. If the vacancy is not filled through the claiming Process or with a seniority unit employee who has received notice of permanent layoff, selection shall next be made from among employees on the Class Layoff List.
- f. Other: If the vacancy remains unfilled, the Human Resource division shall have the option of filling the vacancy by the use of any of the following:
 1. Eligible List—a promotion can be made from a list of same employees from the same seniority unit (list provided by the Department of Finance and Employee Relations); or
 2. Voluntary Demotion; or

Office of Higher Education
2008-2010 Affirmative Action Plan

3. Voluntary Transfer; or
4. Reinstatement; or
5. Multi-source Recruitment and Selection System; or
6. Worker's Compensation Referrals; or
7. Other – Human Resources may use any other appointment procedure pursuant to statute.

Unclassified Position:

- a. An announcement and/or advertisement of the position is created by the division director/supervisor and submitted for review to the Human Resources staff.
- b. The Human Resources staff, with the assistance of the AAO/Designee will advertise and recruit affirmatively for the position. The Human Resources staff will inform the supervisor/manager/interviewer of any disparities that currently exist in the agency for this classification type.
- c. Job-related questions will be devised by the interviewer and reviewed by the AAO/Designee/Human Resources staff to ensure they are uniform, appropriate, and job-related. Interviews will be conducted uniformly using the job-related questions.
- d. The interviewer will review each candidate's application/resume and compare his/her qualifications to those stated in the position description and/or position announcement.
- e. The candidates selected as finalists will be contacted per a telephone call and/or letter to confirm the candidate's availability and interest in the position and to schedule an interview. The interviewer should document in writing the conversation with each candidate contacted (i.e., interviewed, stated lack of interest in the position, candidate's current employment status).
- f. The interviewer will contact the Human Resources staff or Director of Human Resources to coordinate interview times and dates with finalists.
- g. The interviewer will create written documentation related to the interview process, including the interview questions, the responses by candidates, individual resumes submitted by the candidates, etc. that support the selection of the best candidate for the position based on the candidate's knowledge, skills and abilities. Such documentation will be submitted to the AAO/Designee and an offer of employment cannot be made until such written documentation has been reviewed and approved. If the AAO/Designee determines that the reasons for selection of the candidate are insufficient, the decision will be discussed with the division director and interviewer.

- h. If the decision to not hire a protected group candidate is not satisfactorily resolved, the matter will be referred to the OHE Director for review and resolution prior to an offer of employment being made. The OHE Director will document all decisions in writing and provide a copy to the AAO/Designee for the OHE Human Resources files.
- i. All candidates will be notified of the hiring decision.
- j. Documentation (i.e., copies of letters, telephone responses, comments by interviewees, etc.) related to the selection process, will be retained for all appointments for a period of at least one calendar year from the date of appointment. Data on appointments, where a disparity exists, will include the agency's documented efforts to act affirmatively.

Pre-review Procedure - Layoffs

An Appointing Authority may "layoff" an employee by reason of abolition of the position, shortage of work or funds, or other reasons outside the employee's control which do not reflect discredit on the service of the employee. The OHE would follow the layoff procedures specified in the bargaining unit agreements under which OHE employees serve. The impact on agency affirmative action goals and timetables, due to layoffs, will be documented in writing by Human Resources staff. The AAO, in conjunction with the OHE Director, will determine how the agency's affirmative action goals and timetables could be addressed under the current employment situation.

Recordkeeping and Evaluation

Data regarding hires is recorded on the Protected Group Report forms.

Evaluation documentation is maintained in the central files located in the OHE Human Resources work unit, including:

- Affirmative Action Plan and any related materials
- OHE Employment Form
- records for recruitment fees paid and documentation on specific recruitment activities
- Affirmative Action complaints
- ADA complaints

Weather Emergencies & Evacuation

Weather emergencies are declared by the Department of Finance & Employee Relations. The communication from the N Department of Finance & Employee Relations relating to weather emergencies and will be followed by employees of the Office of Higher Education [Appendix A-2].

In case of an emergency, all employees who have a disability will receive notification, if at work, by the supervisor or designated backup staff person. If a weather emergency is called after work hours, employees who are deaf or who have a hearing disability can obtain notification by watching weather broadcasts on KSTP, WCCO, or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or who have a hearing disability prefer, they may arrange for notification at home from their supervisor or designee. The supervisor or designee may use the Minnesota Relay Service (1800-627-3529) to contact the employee using the TTY.

If a fire or weather emergency occurs during normal work hours, OHE emergency monitors are responsible for the safe evacuation of individuals with disabilities to a safe location. If necessary, emergency monitors will seek assistance from police or fire personnel in the evacuation of individuals with disabilities. [See Appendix A-3 for basic Fire evacuation procedures at the OHE main office building space.]

Employees of the Office of Higher Education will follow the procedures outlined in [Appendix A-4] for weather emergencies. Included in this Affirmative Action Plan is a copy of the State Administrative Procedure 5.4 regarding time off in emergencies [Appendix A-5], and also the OHE Policy for Time-off due to Natural Disaster or Emergency [Appendix A-6].

Reasonable Accommodation

It is the state's policy to reasonably accommodate qualified individuals with physical or mental disabilities in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. The Office of Higher Education is committed to the fair and equal employment of individuals with disabilities, and understands reasonable accommodation is often a key factor in the employment and retention of individuals with disabilities.

The Director of Community Outreach, Human Resources and Agency Services, Mary Lou Dresbach, [ADA Coordinator/AAO] and the OHE Personnel Aide Sr, Lynne Richárd, are responsible for ADA compliance. 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.

Definitions

1. For purposes of determining eligibility for a reasonable accommodation, a **person with a disability** is a person who has a physical or mental impairment that substantially or materially limits one or more major life activities.
2. **Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is eliminating the barrier and does not cause an undue hardship.
3. **Undue hardship.** 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 agency.

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 for Requesting a Reasonable Accommodation: Current Employees and Employees seeking Promotion

1. The employee will inform his/her supervisor of the need for an accommodation. The employee or the supervisor, if requested by the employee, will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan [See Appendix A-7]. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor/manager will, in consultation with the employee:
 - discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step analysis);
 - determine the precise job-related limitations;
 - identify potential accommodations and assess the effectiveness of each; and
 - select and implement the most appropriate accommodation for both the individual and the employer. While an individual's preference will be given consideration, the OHE is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
3. The supervisor and/or employee may seek technical assistance from the agency ADA coordinator/AAO as needed.
4. The supervisor, in consultation with the ADA Coordinator, will provide a decision to the employee within a reasonable amount of time.
5. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation. Options to be considered include:
 - Look for a vacant position that is equivalent to the one held by the employee.
 - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case the agency is not required to maintain an employee's salary at the previous level.
 - Look for transfer, mobility, non-competitive and competitive opportunities.

Procedure for Requesting a Reasonable Accommodation: Job Applicant

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator and the appropriate OHE supervisor/manager will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator and the OHE supervisor/manager will make a decision regarding the request for accommodation.
3. If the request is approved, the supervisor/manager will make sure that the accommodation is provided. If the request is not approved, the ADA Coordinator/AAO will inform the applicant in writing within three (3) working days of receiving the written request.

The Funding of Accommodations

Funding will be approved by the Office of Higher Education for reasonable accommodation which do not cause undue hardship (MN Statutes 43A.191(c)). The supervisor, division director and/or the agency CFO will determine the funding source at the time of the request.

Procedure for Determining Whether Requested Accommodation is an Undue Hardship

1. If, in the opinion of the supervisor receiving the request for accommodation, the cost or scope of the accommodation might alter the nature or operation of the work unit or division, the supervisor and Affirmative Action Officer/ADA Coordinator will meet with the division director to review the requested accommodation(s), and will consider:
 - a) the nature and cost of the accommodation in relation to the size and financial resources of the state as an employer; and
 - b) the impact of the accommodation on the nature or operation of the department.
2. If the division director determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the OHE Director within ten (10) working days following the employee's request or within three (3) working days following an applicant's request.

3. The OHE Director will provide a decision in writing to the AAO, supervisor, division director, and the employee or applicant within three (3) working days after receipt of the analysis and recommendation.

Appeals relating to Accommodation Requests

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the OHE Director, 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 as outlined in this plan.

Retention Plan

Mary Lou Dresbach, Director of Human Resources/Affirmative Action Officer, is responsible for overseeing the Office of Higher Education retention activities.

The OHE Personnel Aide Sr., Lynne Richárd, in conjunction with the Department of Finance & Employee Relations through use of the SEMA4 system, will monitor and analyze separation and layoff patterns of all employees at the OHE to determine the impact on protected group members.

Methods and Activities to Retain OHE Employees: both protected and non-protected staff

1. Document the reasons behind turnover among protected and non-protected employees to identify and understand relevant issues for further analysis.
 - Review and revise the current exit interview process, as necessary to collect useful information related to employment at OHE.
 - Request protected group employees to assist in the revision of the exit interview process.

Responsibility: Affirmative Action Officer, Personnel Aide Sr.

2. Continue to create and maintain a respectful working environment for all OHE employees.
 - Encourage employees to assist in identifying opportunities for increasing staff knowledge and participation in events which celebrate the diversity of both internal and external customers.

Office of Higher Education
2008-2010 Affirmative Action Plan

- Facilitate opportunities for managers and supervisors to learn more about their role and responsibilities in creating and maintaining a respectful work environment for all staff, and also to learn more about how their actions and behaviors contribute toward the retention of protected group members.
- Inform and facilitate training/learning opportunities for staff to fulfill their training/development goals, and support such opportunities with a work-related training budget.

Responsibility: All OHE employees

3. Analyze separation and layoff patterns to determine the impact on protected group members.
 - Collect available separation and layoff data.
 - Determine impact on protected groups.
 - Ascertain whether any action is necessary and if so, develop recommendations.

Responsibility: Personnel Aide Sr., Affirmative Action Officer

4. Continue the agency's diversity education training opportunities for staff.
 - Work with agency Management Planning Team (MPT) in identifying, supporting and actively engaging in diversity training opportunities.
 - Work with Department of Finance and Employee Relations, the Office of the Attorney General, the OHE Diversity Leadership Team, and outside consultants/organizations to address diversity related issues within the agency.
 - Communicate information about workshops, trainings, events, including those offered by the Multicultural Development Center (MCDC).

Responsibility: MPT, Affirmative Action Officer, Personnel Aide Sr.

**Office of Higher Education
2008-2010 Affirmative Action Plan**

Analysis of Separation Patterns:

The following is an analysis of separation and layoff patterns for impact on protected class members for FY2006 and FY2007:

Note: There were no layoffs during FY 2006 or FY2007.

FY2006

Bargaining Units	Resignation, Termination, Retirement	Protected Class	Non-Protected Class
OHE Unclassified Staff	Resignations-8, Terminations-11*, Retirement-1	13*	7*
MAPE	0	0	0
AFSCME	0	0	0
Commissioners Plan	0	0	0

*The federal grant for one program ended during FY2006. All positions ended when the grant cycle ended. A new grant cycle began when the agency was awarded a new federal grant for that program in FY2007, with some staff rehired under the new federal grant period.

FY2007

Bargaining Units	Resignation, Termination, Retirement	Protected Class	Non-Protected Class
OHE Unclassified Staff	Resignations-3, Terminations-1	2	2
MAPE	0	0	1 (death)
AFSCME	1 Retirement	1	0

The above separations had an impact on the agency or its work environment in terms of filling of vacant positions to ensure that the agency continues to focus on maintaining a diverse workforce.

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Appendix A-1

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

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

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

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

places, etc.). Use a separate sheet of paper if needed and attach to this form.


Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		()
2.		()
3.		()

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

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

Complainant Signature	Date
-----------------------	------


Affirmative Action Officer Signature	Date
--------------------------------------	------

DOER Department
of Employee
Relations 

200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155-1603
651.297.1184
TTY 651.282.2699
www.doer.state.mn.us

October, 2007

TO: Agency Heads
Deputy Commissioners
HR Directors/Designees

FROM: Pat Anderson 
Commissioner

RE: Weather Emergency Notifications and Declarations

The purpose of this memo is to remind you that this is the time of year when severe winter weather situations may develop within the state. The issues of whether or not to declare a weather emergency, close state offices, and release employees with pay is taken seriously and monitored closely by the Department of Employee Relations.

As background, weather emergencies may be declared when a number of conditions exist. The primary factors that are considered are listed below:

- Road maintenance:** Are state highways open and snowplows operating?
- Transit operations:** Are local transit systems running?
- Additional conditions:** Is wind, cold, or ice a factor?
- Other considerations:** Are power or heating systems affected?

This office receives notification from the Duty Officer within the Department of Public Safety, if a severe weather situation is occurring anywhere in the state. The Duty Officer, as well as Homeland Security Emergency Management, provide us with information regarding the status of road conditions, snowplowing, and transit operations. We consider all of the information to determine if, and when, it is necessary to declare an emergency, and to close state offices.

The decision to declare an emergency can be statewide, or limited to a specific portion of the state. Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency. These employees are considered *weather essential* and must report to work. Some examples of *weather essential* employees are those who work in our direct patient care facilities, correctional facilities, and other operations which require their physical presence.

Equal Opportunity Employer

Minnesota Department of Employee Relations

If your agency has *weather essential* employees, you are encouraged during the onset of the winter season to issue a communication regarding the determination of weather essential status of your employees, and remind them of their obligations to report to work.

Agency heads or their designee will be notified when an emergency is declared. The Department of Employee Relations is using a system called Alertcast. The Alertcast emergency notification service is a time saving service that enables us to easily contact a large number of people in an emergency. It works by allowing us to record a message from any touch-tone phone and then simultaneously broadcast it to everyone we need to reach. This lets us contact the people we need to, quickly and effectively in any situation. The emergency notification contact person for your agency should have the information and directions on receiving an Alertcast message.

It is imperative that your agency has an internal procedure for relaying emergency closure information to all of your offices.

We recognize there may be unique individual situations due to an employee's location that makes it impossible for that employee to get to work even though an emergency has not been declared. In those circumstances, supervisors are encouraged to allow the employee to make up the lost time or use compensatory time or vacation leave.

The Administrative Procedure 5.4, *Time off in Emergencies*, is attached and provides details on responsibilities in emergency situations. Also attached, you will find a Frequently Asked Questions information sheet regarding winter weather emergencies. Please feel free to share this document with your employees.

Please note that Minnesota State Colleges and Universities (MnSCU) has statutory authority to close their facilities.

How to find out about a weather emergency:

If a weather emergency is declared during the night, we will provide the following announcement to WCCO 830 radio, KSTP TV, WCCO TV, and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP), to be placed on the news wire for radio stations in greater Minnesota. The DOER website (www.doer.state.mn.us) will also be updated with this information.

The following statement will be provided to the media prior to the start of the normal workday (8:00am).

"A weather emergency has been declared by the Commissioner of the Department of Employee Relations. As of [time and date], all Minnesota state offices will be closed in the following area(s): [list geographic location(s)]. This does not apply to employees who are required by their agency to work during a weather emergency."

During a weather event, we will continue to monitor the weather conditions through the Duty Officer and Homeland Security Emergency Management, and if changes in the emergency designation are warranted, they will be made as the day progresses.

If an emergency is declared during the business day, the agency head or their designee will be notified by telephone and/or e-mail prior to the declaration. We will also notify the media of the declaration and post the closure information on our website.

If you have employees who are deaf or hard of hearing, and who do not have access to the DOER website or one of the television stations listed above:

If the employee has a TTY machine (telecommunications device for the deaf or hard of hearing), the supervisor may get the employee's number and contact the employee in the following way:

- A. Supervisor (or other assigned co-worker) calls the Minnesota Relay Service (MRS) at 7-1-1 or 1-800-627-3529, and the MRS operator dials the employee's number.
- B. Supervisor gives the operator the same message about the weather emergency that is posted on the website;
- C. MRS Operator then types the message to the employee and relays any information from the employee back to the supervisor.

The supervisor, and the deaf or hard of hearing employee, may arrange in advance an alternate method for the employee to be contacted about a weather emergency if the employee does not have a TTY machine.

Several days following a weather emergency, you will receive a written notification from my office which will include the time, date, and geographic location of the emergency declaration, along with information relating to processing payment to employees.

I hope this information helps you understand how emergencies for state employees are determined and announced. Please feel free to share this information with your employees. Additional information about weather emergencies can be found on our website at www.doer.state.mn.us

Attachments

Administrative Procedure 5.4—Time off in Emergencies
Winter Weather Emergencies—Frequently Asked Questions

WHAT TO DO IN A FIRE EMERGENCY

1. If you discover a fire, hear an explosion, or see or smell smoke in the building, immediately telephone 9-911 and report the incident. Then, **SOUND THE ALARM – ACTIVATE THE CLOSEST MANUAL PULL ALARM.** These alarms are located by all stairwell exits in the building.
2. When a fire alarm sounds, **COMPLETE EVACUATION IS REQUIRED.** Agency emergency monitors should begin checking their designated areas and instruct employees and visitors on evacuation procedures. When evacuating a room, employees should close doors behind them.
3. **DO NOT USE ELEVATORS DURING A FIRE EMERGENCY.**
4. Upon exiting the building, leave all walks and driveways open for arriving fire fighters. Do not return to the building until directed to do so by fire department personnel or a building authority. The silencing of the audible alarms or horns does not mean it is safe to enter the building.
5. Notify fire fighters on the scene if you suspect someone may be trapped inside the building.
6. Agency emergency monitors upon exiting the building should proceed to the West parking lot and notify the designated Agency staff that their assigned areas within the building have been cleared.

DO

- DO** immediately leave the building and close doors behind you.
- DO** use the stairwells to evacuate the building.

DON'T

- DO NOT** attempt to fight the fire.
- DO NOT** use the elevators.
- DO NOT** return to the building until told to do so.

Winter Weather Emergencies

Answers to questions about state office closure due to severe winter weather

Who declares a winter weather emergency?

When severe weather affects any part of the state, the Commissioner of the Department of Employee Relations (DOER) confers with the Duty Officer in the Emergency Management Division at the Department of Public Safety and may receive input from the State Patrol, the Department of Transportation, and local law enforcement. If conditions warrant a state office closure, the DOER commissioner will then declare it.

What conditions are assessed?

A number of conditions must exist to warrant state office closure. These factors are considered to determine whether an emergency should be declared in affected areas:

- Are state highways open and snowplows operating?
- Are local transit systems running?
- Is wind, cold, or ice a factor?
- Are power or heating systems affected?

Where are weather emergencies declared?

Weather emergencies can be declared statewide or may be limited to specific portions of the state. Weather emergencies are declared wherever a number of conditions exist to warrant state office closure.

When and how will I know an emergency has been declared?

Agency heads (or an appointed designee) will be notified. All state agencies should have an internal procedure developed to relay office closure information to their employees.

If an emergency is declared during the night, the media will be notified prior to the start of the normal work day (8:00 a.m.). An announcement detailing the date, time, and geographic location of the closure will be given by DOER to WCCO (830) and WMNN (1330), KSTP, WCCO, and KARE TV for broadcast. The announcement will also be forwarded to radio stations in greater Minnesota. Broadcast stations will announce updates in the emergency declaration.

You can get basic information about DOER-declared weather emergencies and state office closures 24 hours per day, by visiting DOER's Office Closure Website at <http://www.doer.state.mn.us/weather/index/asp>.

Which state employees are affected by DOER-declared weather emergencies?

All state employees in the Executive Branch Offices, except:

- Minnesota State Colleges and Universities (MnSCU) employees. MnSCU has statutory authority to close their facilities.
- Employees who are required by their agency to work during a weather emergency.

What if a weather emergency is NOT declared, but I cannot get to work?

There may be times that an emergency is **not** called for your area but, due to distances you must travel between home and job location, you may not be able to get to work. In these cases, supervisors should consider allowing employees to make up lost time, use compensatory time, or take annual leave.

If you have questions regarding weather emergencies, please contact your agency's human resources office.

DEPARTMENT OF EMPLOYEE RELATIONS
ADMINISTRATIVE PROCEDURE 5.4

STATUTORY
REFERENCE 43A.05
Subd. 4

PAGE NO 1 OF 4
EFF. DATE 12-23-82
REV. DATE 02-01-01

COMMISSIONER'S SIGNATURE Julien C. Carter /s/

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

Minnesota Office of Higher Education (Agency)

TIME OFF DUE TO NATURAL DISASTER OR EMERGENCY

In the event of a natural disaster or man-made emergency situation, the following provisions will be followed:

- 1) The emergency will be declared and verified by the Commissioner of Employee Relations (DOER), after consultation with the Commissioner of Public Safety, as stated in DOER Administrative Procedure 5.4.
- 2) If an emergency is declared and it is determined that State of Minnesota agencies should be closed, the decision to close the Agency will be determined by the Agency Director (651-642-0502) or Designee. The decision to close the Agency will be relayed to each Division Director. The Division Director is responsible for notifying his/her staff.
- 3) When feasible, during an emergency situation, a recorded message will be made to respond to Agency telephone calls.
- 4) If the agency is closed due to an emergency during normal working hours (8:00 a.m. – 4:30 p.m.), no staff members will be required to remain at their work stations.
- 5) Emergency payment of wages will be determined and authorized by the Commissioner of Employee Relations in accordance with DOER Administrative Procedure 5.4.
- 6) The internal operating procedures during a natural disaster or man-made emergency which requires employees to remain in the Energy Technology Center building are coordinated with building management, the Director of the Minnesota Office of Higher Education, the Director of Financial Services, and the Director of Human Resources and Agency Services.
- 7) The primary agency contact person responsible for implementing this Plan is the Director of Financial Services (651-642-0567), and the Director of Human Resources and Agency Services is backup (651-642-0530).

Employee Request for Reasonable Accommodation Minnesota Office of Higher Education

This information will be used by the Minnesota Office of Higher Education 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.

Please Print or Type:

Attach additional sheets as necessary to answer the questions below.

Employee Name:	Date of Request:
1. Describe the nature of your limitations, what life activity it substantially limits, and how this life activity is substantially limited.	
2. Type of accommodation requested to perform essential job functions:	
3. Which essential functions of your job will the requested accommodation allow you to perform?	
4. Why is the requested accommodation necessary to perform the essential job function?	
5. How will the requested accommodation be effective in allowing performance of the essential job function?	
Signature of Employee:	Date:
Signature of Supervisor/Manager:	Date:
Signature of Division Director:	Date:
Additional Comments:	

*Information on this form shall remain confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. P.I. 101-336, Sec. 102C.