

# Affirmative Action Plan

July 30, 2008 - July 31, 2010

Department of Finance and  
Employee Relations

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Affirmative Action Plan  
 Transmittal Form  
 Plan Years 2008-2010  
 For  
 Department of Finance & Employee Relations

1. Review revealed underutilization of the following protected group(s) in the following goal units.

GOAL UNITS	PROTECTED GROUPS		
	WOMEN	MINORITIES	DISABLED
Officials/Administrators		2	3
Professionals			13
Office/Clerical			
Technicians			

2. Once approved, this plan will be available at the following central location so that every employee is aware of the department's commitments in affirmative action for the year.

Department of Finance and Employee Relations Intranet Site

3. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as our department's affirmative action goals for this year.

\_\_\_\_\_

Affirmative Action Officer (651-201-8005)
Date

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

\_\_\_\_\_

Signature of Agency Head
Date

5. This affirmative action plan meets the statutes and rules governing affirmative action, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

\_\_\_\_\_

Deputy Commissioner
Date

**Affirmative Action Plan  
July 2008-July 2010**

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**Minnesota Department of Finance & Employee Relations  
Statement of Commitment**

The law requires each agency in the executive branch to develop an affirmative action plan. This plan has been developed as part of the Equal Employment Opportunity and Statewide Affirmative Action efforts to provide equal opportunity in employment to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, and disability, status with regard to public assistance, membership or activity in a local human rights commission. The provisions of this plan apply to all phases of employment, including, but not limited to, recruitment, selection, placement, retention, advancement, demotion, transfer, layoff, recall, termination, disciplinary action, rates of pay or other forms of compensation, and agency sponsored training and tuition assistance. To ensure a diverse workforce representative of all protected groups, the Department of Finance and Employee Relations will ensure that positions are accessible to all qualified persons and will make every effort to recruit, hire, retain, and support qualified protected group members.

Managers and supervisors are the individuals who can ultimately make the most impact on this program and they will be accountable for ensuring that Affirmative Action Programs are implemented. Each manager and supervisor shall have a statement in his/her position description describing affirmative action responsibilities.

The plan is revised biennially and submitted for review and approval to the Department of Finance and Employee Relations Office of Diversity and Equal Opportunity.

The HRD is also the Affirmative Action Officer for this agency and is responsible to monitor and implement the activities of the Affirmative Action Plan.

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Affirmative Action Officer Date

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

As commissioner, I am strongly committed to the principles and policies of effective affirmative action. I enlist all employees to assist in the effort to achieve and maintain equal opportunity within the department.

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Commissioner Date

This affirmative action plan meets the statutes and rules governing affirmative action and contains goals and timetables as well as methods for achieving those goals which are reasonable and sufficiently aggressive to deal with the identified disparities.

---

HRD Date

## **Responsibilities, Duties and Accountability**

### **ALL EMPLOYEES**

**Responsibilities:** Conduct themselves in accordance with the provisions of this plan. Employees are expected to communicate in a respectful, non-discriminatory manner regardless of race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, status with regard to public assistance, or membership or activity in a local commission.

### **COMMISSIONER**

**Responsibilities:** Establish the Affirmative Action and ADA programs and maintain compliance with federal and state laws.

**Duties:**

- Designate Affirmative Action Officer and include accountability in his/her position description.
- Take action, as needed, on complaints of discrimination..
- Hold senior staff, managers, and supervisors responsible for the effectiveness of the affirmative action objectives and activities.
- Issue a statement affirming the department's commitment to affirmative action/equal employment opportunity.
- Report the department's progress to the Governor and Legislature.

**Accountability:** Accountable directly to the Governor.

### **AFFIRMATIVE ACTION OFFICER/HRD**

**Responsibilities:** Administer the department's Affirmative Action and ADA Programs and all related activities. Ensure that human resource policies and procedures are administered fairly and are uniformly applied to take positive action toward removal of all barriers to equal employment opportunity within the Department.

**Duties:**

- Write, update, implement and monitor the affirmative action plan.
- Provide status reports as required.
- Advise on the pre-employment review process and the submission of the Quarterly Reports.
- Arrange for investigation of alleged charges of discrimination and report a summary of findings to the appointing authority.
- Disseminate affirmative action and ADA information to managers, supervisors, employees, and applicants.
- Ensure the department's affirmative action plan is available to all staff.
- Act as liaison for the department with the statewide office of Diversity and Equal Opportunity.
- Determine the need and recommend training in the areas of equal opportunity, affirmative action and diversity.

**Accountability:** Accountable to the Commissioner and Deputy Commissioner

## MANAGERS/SUPERVISORS

**Responsibilities:** Implement the affirmative action program and ensure equal treatment to all applicants and employees.

**Duties:**

- Communicate the department's affirmative action policy to assigned staff,
- Carry out supervisory and managerial responsibilities in accordance with the affirmative action/equal employment policies embodied in this plan,
- Create and provide a positive work environment and maintain a system for equitable evaluation, recognition, development, and rewarding of employees.
- Promote a respectful working environment for all employees and take appropriate steps to correct conflict situations that can lead to discriminatory conduct.
- Hire and promote qualified protected group members where disparity exists, and to ensure equal treatment in all aspects of employment for all employees

**Accountability:** Accountable to Division Managers or the Commissioner..

## **Communication of the Affirmative Action Plan**

Upon request, this plan will be provided in alternative format to individuals with a disability.

### **Internal Dissemination**

- The Affirmative Action Plan will be posted on the intranet site of the agency.
- The AA plan will be available in the human resource office and posted on employee bulletin boards.
- As part of orientation, new employees will be informed of the AA plan, the policies and procedures of the plan, and where to view or obtain copies of the plan.
- The Affirmative Action Officer/HRD will notify staff of revisions to the AA plan and where to access the changes.
- Managers and supervisors will receive a cover letter to remind them of their responsibility to read, understand, support and implement the AA plan.
- Additional copies of the AA plan will be provided to employees upon request.

### **External Dissemination**

- A copy of the Affirmative Action Plan will be provided to individuals upon request.
- All publications and employment advertisements of the department shall contain the words "An Equal Opportunity Employer."
- A copy of the Affirmative Action Plan will be posted on the agency internal website.

## Goals and Timetables

### Minnesota Department of Finance & Employee Relations 2008-2010

The State of Minnesota as an employer is concerned with reducing the size of government and continues to challenge agencies to reduce costs and run operations more efficiently. This process typically involves the reduction of staff and positions. In order to maintain the lowest staffing level possible, the Commissioner of Finance & Employee Relations will review all position filling activities for appropriateness. The agency HR office, supervisors and employees will recruit a diverse applicant pool so that when a vacancy is approved for hire, the most qualified candidate will provide an affirmative hire.

The Department of Finance & Employee Relations has established the following goals and timetables for the correction of the underutilization of minorities and people with disabilities.

The utilization analysis did not reveal any underutilization for women in any of the job groups.

The department is underutilized 2 in the minority category for the Officials and Administrators job group. If there are vacancies, the agency will make a good faith effort to correct this underutilization in the plan year 2008-2010.

The department is underutilized 3 people with a disability in the Officials and Administrators group and 13 people with disabilities in the Professional job group. If there are vacancies, the agency will conduct additional recruitment efforts to work towards correcting the underutilization in the plan years 2008-2010.

Job Group	Goal for Females	Goals for Minorities	Goals for Disabled	Notes
Officials & Administrators	0	2	1	
Professionals	0	0	3	
Technicians	0	0	0	
Office Clerical	0	0	0	



## Pre-Hire Review Process

Objective: To establish action steps to be taken during the selection process in order to meet the department's affirmative action goals when filling classified and unclassified vacancies. A pre-hire review is required for all hiring decisions for occupational categories for which statistics indicate a disparity for a protected group.

**No offer of employment will be made for positions where a disparity exists and a protected group member is available until the Deputy Commissioner of Finance & Employee Relations reviews and approves written rationale for not making an affirmative hire.**

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

Officer and the Deputy Commissioner with the job-related reasons for the decision. **This documentation will include a copy of the structured interview questions, ratings of the protected group and the selected candidate, resumes for the protected group and selected candidate, a copy of the position description, and a memo explaining the rationale for the decision.**

7. The Deputy Commissioner will make a determination on whether to allow or deny a justified non-affirmative hire or a missed opportunity. The Human Resource representative will notify the supervisor of the decision. A selected candidate may then be notified with a job offer.

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

### **Pre-Review Process for Lay-Off**

The Department of Finance does not anticipate layoffs in the next two years. In the event that department layoffs become necessary, the HR Director/Affirmative Action Officer will review procedures to ensure that the terms of the applicable bargaining contracts and plans are followed. An analysis will be conducted to determine the impact on the diversity of the workforce.

## Programs, Objectives and Goals

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

**Responsibility:** Affirmative Action Officer /HRD, Managers and Supervisors

**Completion Date:** Ongoing

**Action Steps:**

1. The AAO will maintain and provide current information regarding disparities to members of the Senior Staff and to department supervisors and managers on a quarterly basis.
2. For all hires where a disparity exists, the pre-hire review process will be completed.
3. The Human Resource Office will require supervisors to receive approval from the Deputy Commissioner for justified non-affirmative hires.

**Program Objective #2: Train Employees on Equal Opportunity Topics including Respect in the Workplace:** Continue to educate staff on the policy requirements and benefits of a respectful workplace.

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

**Completion Date:** Ongoing

**Action Steps:**

1. A member of the HR unit will meet with new employees during orientation to provide information about equal employment opportunity policy and procedure.
2. The agency HR office will ensure that all staff receives training regarding the prevention of sexual harassment at least once every three years.
3. Managers and supervisors will be expected to provide a positive role model for behavior and maintaining a professional and respectful work environment for all employees.

**Program Objective #3: Affirmative Action - Retention** Human Resource staff will work with Statewide Workforce Planning Coordinator to analyze turnover in order to better understand the reasons behind turnover among protected group members. Part of this analysis will include separation questionnaire and exit interview data collection to identify necessary changes in agency procedures, processes and environment.

**Responsibility:** HRD/Managers and Supervisors

**Completion Date:** Ongoing

**Action Steps:**

1. Collect, review and analyze separation data out of SEMA4 system.
2. Review statistical data, analyze for patterns, and identify strategies for improvement based on data.
3. Communicate findings with senior staff and supervisors.
4. Work with managers and supervisors to evaluate and address the issues that arise out of the exit interview process.

**Program Objective #4: Hiring Goals** Develop recruitment strategies to work toward meeting the agency hiring goals in all categories.

**Responsibility:** HRD/Managers and Supervisors

**Completion Date:** Ongoing

**Action Steps:**

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

## Utilization Analysis for 2008-2010

	<b>Protected Group – Women</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>EEO Job Group</b>	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	39	18	46.15	37.8	15	0
Professionals	179	109	60.89	53.8	97	0
Technicians	6	4	66.67	63.1	4	0
Office/Clerical	20	16	80.00	67.7	14	0
<b>Total</b>	245	147				

	<b>Protected Group - Minorities</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>EEO Job Group</b>	Total Number in Group	Total Number of Minorities in Group	% Minorities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	39	0	0.00	5.1	2	2
Professionals	179	24	13.41	8.0	14	0
Technicians	6	0	0.00	6.8	0	0
Office/Clerical	20	3	15.00	8.2	2	0
<b>Total</b>	245	27				

	<b>Protected Group - People with Disabilities</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>EEO Job Group</b>	Total Number in Group	Total Number of People with Disabilities in Group	% People with Disabilities in the Group	Availability %	Availability Number	Number Underutilized
Officials and Administrators	39	1	2.56	11.31	4	3
Professionals	179	7	3.91	10.88	20	13
Technicians	6	0	0.00	11.52	0	0
Office/Clerical	20	2	10.00	11.56	2	0
<b>Total</b>	245	10				

## **Recruitment Plans**

A limited number of positions were filled last year. At this time, a statewide hiring restriction is in place so that only essential positions are posted for application. Zero dollars were spent on advertising last year. However, Human Resources staff of the agency has made a connection with the statewide recruiter. The recruiter understands the type of work in our agency and provides recruiting assistance for hard to fill jobs. When vacancies are posted, the agency uses multiple areas that have no cost associated with the job posting, i.e. City of St. Paul and Minneapolis; Hennepin and Ramsey Counties. Free advertising of jobs with identified professional organizations, such as NASBO and GFOA is also done. Agency representatives attend the Accounting Auditing annual conference and some targeted job fairs.

## **Employee Retention Plan**

The Affirmative Action Officer/HR Director will collaborate with the Statewide Workforce Planning Director to oversee the department's retention activities.

- The AAO/HRD will analyze separation data to determine the impact on protected groups and all staff.
- The HR office will offer exit questionnaires/interviews to all employees who are leaving the department.

## **Separation Analysis**

In FY2007, the Department of Finance had a total of 8 separations. Five (62.5%) were resignations, 3 (37.5%) were retirements. Of those 8 employees who separated, the Professional EEO-4 job group had 5 employees leave: 4 resignations and 1 retirement. The Officials and Administrators EEO-4 job group had 3 employees leave: 1 resignation and 2 retirements.

The Department of Employee Relations had a total of 11 separations. Seven (63.6%) were resignations, 2 (18.2%) retirements, 1 (9.1%) were dismissal or non-certification and 1 (9.1%) were layoffs. Of those 11 employees who separated, the Professional EEO-4 job group had 7 employees leave: 4 resignations, 1 dismissal or non-certification, 2 retirements. The Officials and Administrators EEO-4 job group had 1 employee leave – by resignation. The Office/Clerical EEO-4 job group had 2 employees leave: 1 resignation and 1 layoff. The Office/Clerical EEO-4 job group had 1 employee leave – by resignation.

## **Evaluation and Report on Program Success**

### **Recordkeeping**

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

### **Evaluation**

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

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

### **Auditing and Reporting Structure**

The HRD/Affirmative Action Officer will review the affirmative action plan for the Minnesota Department of Finance and Employee Relations. The AAO/HRD will monitor the procedures to evaluate progress and ensure that the nondiscrimination policy is carried out. A summary of the accomplishments for the prior year's affirmative action program objectives will be completed and included in the next biennial affirmative action plan.

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

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

## **Anti-Discrimination and Harassment Policy**

### ***Introduction:***

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

### ***Policy:***

It is the policy of the Department of Finance and Employee Relations to prohibit discrimination and/or harassment of its employees and applicants based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local human rights commission. This prohibition of discrimination or harassment includes overt acts as defined by the Equal Employment Opportunity Commission (EEOC) as well as acts which create a negative or hostile work environment. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each manager and supervisor is responsible for application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance of this policy. All employees will be informed that harassment is unacceptable behavior and each supervisor will be responsible for ensuring that all employees have knowledge and understanding of this policy. The Affirmative Action Officer (AAO) will keep the agency informed of any changes in the law or its interpretation regarding this form of discrimination. In this agency, the Human Resources Director (HRD) is the AAO designee.

The department will take prompt and appropriate action in response to complaints of alleged discrimination, including sexual harassment. If an investigation into a complaint of discrimination/sexual harassment finds evidence that discrimination or harassment has occurred, prompt and remedial action will be taken. Retaliation will not be tolerated against any employee who has participated as a complainant or as a witness in any departmental proceedings involving discrimination or sexual harassment. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse. Coercion, reprisal or intimidation of anyone filing a complaint or serving as a witness under this procedure is prohibited. Employees violating this policy may receive discipline up to and including discharge.

Any supervisor or manager who receives a complaint of discrimination and fails to report it to the HRD is subject to disciplinary action. Appropriate disciplinary action will also be taken against supervisors and managers who fail to take timely and appropriate action when conduct that violates this policy is brought to their attention. Performance evaluations of managers and supervisors will include consideration of the individual's compliance with and support for this policy.

All managers and supervisors must take immediate and appropriate corrective action to ensure compliance with the intent of this policy. Upon observing words or actions that may violate this policy, managers and supervisors must immediately take corrective action, even if no complaint is made. Managers and supervisors are also expected to protect anyone who initiates a complaint from reprisal, retaliation or intimidation.



Employees who experience sexual harassment from coworkers can choose to state directly to the coworker that such behavior is offensive and ask him or her to stop the offensive conduct or the employee may instead bring the matter to the attention of his/her supervisor or the agency HRD.

Under the laws of sexual harassment, the fact that an employee does not openly object to others' actions or words does not suggest it was welcome. Harassment may occur even if the individual originally remains silent or failed to show disapproval. Acts and statements that may not be offensive to some people may be extremely offensive to others.

Employees who engage in sexual harassment such as making an offer or threaten to use the power of his/her position to control, influence, or affect the career, salary, or job of another employee (or prospective employee such as an applicant) in exchange for sexual favors will be subject to serious disciplinary action, up to and including discharge.

Appropriate disciplinary action will be taken against individuals found to be engaging in discriminatory conduct based on an applicant or employee's protected class characteristic(s). Some forms of harassment are also criminal acts that may be referred to local law enforcement. Corrective action will be taken when necessary to build and/or restore a respectful work environment.

If the department learns through an exit interview or other means that an employee alleges sexual harassment or discrimination, the HRD will conduct an inquiry.

### ***Definitions:***

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

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

**Harassment:** Any behavior which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. When the basis of harassment is race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local human rights commission, it is illegal.

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

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

Sexual harassment may include such actions as:

- \* Sex-oriented verbal kidding or abuse
- \* Subtle or overt pressure for sexual activity
- \* Physical contacts such as patting, pinching, or constant brushing against another's body

- \* Demands for sexual favors which affect an individual's employment status or consideration
- \* Derogatory or vulgar comments of a sexual nature, sexually vulgar language, remarks about a person's physical anatomy or characteristics, "dirty" jokes, sexual innuendo, sexually explicit language, lascivious tones
- \* Threats of physical harm; and distribution or display of written or graphic sexual materials, nude and semi-nude pictures, sexually orientated magazines or posters, sexually offensive cartoons, other words or pictures of a sexually suggestive nature.

***Procedures:***

**Who May File:**

Any employee, job applicant or individual qualified for appointment who believes that s/he has been harassed or discriminated against may file a complaint. Employees who separate from employment at the agency must file their complaint within a reasonable amount of time after actual separation.

**Discrimination/Sexual Harassment Complaint Procedures:**

The agency has established the following complaint procedure to be available to all employees. This procedure is designed to provide an opportunity to resolve complaints internally and employees are encouraged to use this procedure before seeking redress from an outside authority. However, all employees have the right, at any point in the process, to file a charge with the EEOC, the Minnesota Department of Human Rights or other agencies.

**Internal Procedure for Handling Complaints**

1. Any employee of the agency who believes he/she is being subjected to discrimination or harassment in any form or believes he/she has witnessed discrimination or sexual harassment, should promptly report it to his/her supervisor/manager, the Assistant Commissioner for the division or the HRD.
2. A supervisor or manager who receives a complaint or becomes aware of a violation of this policy will immediately notify and forward all written documentation to the HRD.
3. The HRD and Assistant Commissioner will review the complaint and determine whether a violation of this policy has taken place. Within five (5) working days of receipt of the complaint, the HRD will determine if the complaint falls within the area of discrimination/sexual harassment. If it does not, the employee will be notified of the determination. If it is determined that an investigation is warranted, the Deputy Commissioner will authorize an investigation.
4. The HRD will identify an investigator, notify the complainant, the assistant commissioner of the division of the complainant and respondent and the appropriate bargaining unit representative that an investigation into alleged discriminatory conduct will commence.
5. All complaints will be handled in a timely and confidential manner. The complainant or information related to the complaint will not be disclosed to anyone who does not have a business need to know.
6. No person is permitted to discuss the complaint, the identity of the person complaining, or any other facts, except where necessary for investigating the complaint or determining a resolution. All managers, supervisors and employees are subject to disciplinary action if they unnecessarily

disclose information about the complaint or the investigation.

7. Upon filing a complaint, and during the investigation process, the complainant should be assured that department policy and the law prohibits any reprisal for making a good-faith complaint, even if it is later determined that a violation of the policy did not occur.
8. The investigator will notify the complainant of his/her right under the collective bargaining agreement to request union participation at his/her request.
9. The investigator will take statements from the complainant, and respondent, and any witnesses, obtain additional evidence or facts by reviewing relevant files, documentation, interviews of other alleged victims and co-workers, while disclosing as little about the case as is feasible to preserve confidentiality and prepare a thorough written report of the findings and submit it to the HRD.
10. The HRD will review the report, confer with legal authority when necessary and determine whether a violation of this policy has taken place.
11. If the investigation findings do not support violation of this policy, the HRD will notify the complainant and respondent of those findings.
12. If the investigation findings support a violation of this policy, the HRD will notify the complainant and the assistant commissioner of the respondent's division. The assistant commissioner and HRD will determine the corrective action to be taken and notify the respondent and appropriate bargaining unit.
13. The agency is required to complete the investigation notify the complainant of the final disposition within 60 days of receipt of the complaint. All efforts will be made to comply with this; however, there may be circumstances that extend the timeline.
14. The HRD will file final disposition of complaints with the Commissioner of the Department of Finance and Employee Relations within 30 days of final determination.
15. All data collected may, at some point, become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. Investigative data may include, but is not limited to, the following types of data: interviews or written interrogatories with all parties involved in the complaint (i.e. complainant, respondent, witnesses, officials providing pertinent records or files); and all records pertaining to the case (i.e., written, recorded, filmed, etc.).
16. All documentation associated with a complaint will be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint is public. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

# Minnesota Department of Finance & Employee Relations

## COMPLAINT OF DISCRIMINATION/HARASSMENT FORM

### Please Read Before Completion of Form

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

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

<b>The Complaint</b>	
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 <input type="checkbox"/> General Harassment – Hostile Work Environment	
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 or discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

<b>Information on Witnesses Who Can Support Your Case</b>		
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.

<b>Additional Information</b>

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

Minnesota Department of Finance & Employee Relations, 658 Cedar, St. Paul, MN 55155 (651)-201-8005 05/08

# ADA and Reasonable Accommodation

## *Policy*

It is the policy of the Department of Finance and Employee Relations to reasonably accommodate qualified individuals, as defined by the Americans with Disability Act (ADA) with known physical or mental disabilities, to enable them to compete in the selection process and/or to perform the essential functions of the job unless the accommodation would impose an undue hardship on the state or pose a direct threat to the health and safety of others in the workplace.

This agency's reasonable accommodations policy applies to all qualified applicants, current employees and employees seeking promotion who have a physical or mental impairment that substantially or materially limits one or more major life activities. This policy does not pertain to persons with non-ADA qualifying conditions.

Communication with job applicants regarding job vacancies will indicate the willingness of the agency to make reasonable accommodations to the known physical or mental disability and will invite the applicant to contact the agency for the needed accommodation.

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

Examples of accommodations may include but are not limited to: acquire or modify equipment or devices, modify examinations and training materials, make facilities readily accessible, job restructuring, modify work schedules, provide qualified readers or interpreters and/or reassignment to a vacant position.

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

## *Definitions*

**ADA Coordinator:** Human Resources Director (HRD)

**Direct threat:** a significant risk to the health or safety of the individual with a disability or others in the workplace that cannot be eliminated by reasonable accommodation.

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

**A reasonable accommodation:** any 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.

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

**Interactive Dialogue:** Discussion between the person requesting the accommodation and the employer who will provide the accommodation.

### ***Procedure to Request an Accommodation***

#### **A. JOB APPLICANTS**

1. A job applicant will indicate to Human Resources or the supervisor conducting interviews that he/she may require an accommodation in order to compete for the job or in the interview process. The individual notified of the request will contact the HRD immediately. In order to ensure that the accommodation is provided at the interview (if needed), requests shall be handled in a timely manner.
2. The HRD or designee shall contact the job applicant to discuss the needed accommodation and possible alternatives.
3. If the accommodation is approved, the HRD or designee will take the necessary steps to see that the accommodation is provided.
4. If the accommodation cannot be provided, the HRD will inform the applicant in writing of the reason within a reasonable time.

#### **B. EMPLOYEES**

1. The employee will inform his/her supervisor or HRD of the need for an accommodation. The employee will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan. If necessary, the supervisor will work with the employee and the HRD to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the HRD, in consultation with the employee and supervisor, will participate in interactive dialogue so that all parties can work together towards a successful outcome.
3. The HRD will:
  - Discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
  - Determine the precise job-related limitations;
  - Identify potential accommodations and assess the effectiveness of each;
  - Consider if the accommodation will create an undue hardship for the agency;
  - Review the situation to determine if a direct threat exists; and/or
  - Select and implement the accommodations that are the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the agency may consider equally effective accommodations and may choose the one that is less expensive or easier to provide.
4. If the accommodation considered may impose an undue hardship according to the factors outlined in ADA law, an analysis and recommendation including the nature and cost of the accommodation in relation to the size, the financial resources, nature and structure of the agency operation and the impact of the accommodation will be sent to the Deputy Commissioner.

5. If the HRD and the supervisor are unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with her/his recommendation to the division manager within five working days of the employee's request. The division manager and Deputy Commissioner, working with the agency's HRD, will make the decision and provide the response to the employee within 10 working days after receiving the request.
6. The HRD fills out the Reasonable Accommodations Agreement Form and obtains necessary signatures.
7. If the accommodation is approved and involves purchase of equipment or assistive services, the HRD will complete and submit appropriate purchasing documents to the purchasing agent.
8. If an accommodation cannot be made, the ADA Coordinator/HRD will provide the employee with written notification explaining the reasons(s) for denying approval.
9. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause an undue hardship (see section C) to the operation of the agency or pose a direct threat (see section D) to the health or safety of others in the workplace, the employee and the supervisor will work together to determine whether reassignment may be an appropriate accommodation:
  - HRD will first look for a vacant position in the agency equivalent to the one presently held by the employee in terms of pay and other job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position or no equivalent vacant position exists, the agency may, as a reasonable accommodation, reassign the employee to a vacant position in a lower classification for which the employee is qualified. If this occurs, the agency is not required to maintain the employee's salary at the previous level.
  - HRD will examine transfer, mobility, or other employment options for the employee.

The agency will not be required to create a new job or bump another employee from a job in order to provide an accommodation.

### ***Funding for Reasonable Accommodations***

This agency will make funds available in order to provide reasonable accommodations to employees/job applicants with disabilities. Requests will be complied by the HRD and approved by the Deputy Commissioner.

### ***Purchase and Maintenance of Accommodations***

While an employee's preference will be given consideration, the agency may consider equally effective accommodations and may select the one that is less expensive or easier to provide.

All tangible accommodations purchased by this agency will be the property of the State of Minnesota and shall be used only for job related functions. The maintenance of equipment will be the responsibility of the agency and projected maintenance costs will be a factor in the initial decision to provide the accommodation.

### ***Documentation of Accommodation Process***

All requests for reasonable accommodation will be documented and kept on file by the HRD. A copy



of the document that approves or denies the request for reasonable accommodation will be given to the supervisor. The HRD will notify the employee of the decision and how the accommodation will be implemented. If the accommodation is denied, the HRD will inform the employee of his/her right to appeal and to file with other government agencies such as Human Rights and the Equal Employment Opportunity Commission.

### ***Appeal of the Accommodation Decision***

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

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

### ***ADA Grievance Procedure***

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

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

Complaints relating to the Department of Finance & Employee Relations should be sent to: HRD/ADA Coordinator, 400 Centennial Building, 658 Cedar Street, St. Paul, MN 55155. Voice telephone: 651-201-8005; Minnesota Relay Service telephone number: 1-800-627-3529 V/TTY.

1. Complaints should be filed in writing and contain the name and address of the complainant, a brief description of the violation and accommodation sought. The complaint shall be filed within 15 working days after the complainant becomes aware of the alleged violation. Within 10 working days of the receipt of the written complaint, the HRD will review the complaint for completeness and validity, make all parties to the complaint aware of the allegation, obtain additional information related to the complaint if necessary, and attempt to resolve the complaint.
2. If the complaint is not resolved, the HRD shall schedule a meeting, which will include the HRD, representative(s) of the agency and the complainant within 15 working days. The HRD will respond in writing to the complainant detailing any action taken or proposed by the agency within 15 working days of the meeting.
3. Nothing in this procedure prevents individuals who believe they have a grievance under the ADA from contacting the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, the U.S. Department of Justice or a private attorney.

# Minnesota Department of Finance & Employee Relations

## Americans with Disabilities Act

### NOTICE TO THE PUBLIC

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

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

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

<b>Name:</b>	Angie Dressen
<b>Department/Agency:</b>	Finance & Employee Relations
<b>Address:</b>	Centennial Office Building 658 Cedar Street St. Paul, MN 55155
<b>Telephone Numbers:</b>	Voice: (651) 201-8005 MN Relay Service: (651) 297-5353 1-800-627-3529

## Employee Request for Reasonable Accommodation Form

### Department of Finance & Employee Relations

*Please Print or Type*

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

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

*Rev: 07/06 Department of Finance & Employee Relations*

## **Emergency and Building Evacuation Plan**

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

The Department of Finance and Employee Relations has developed building evacuation procedures so that in the event of an emergency, all individuals will be ensured safe exit from the area of danger or from the building.

### ***Fire Emergencies***

In the event of a fire in the building, audible and visual alarms will activate on the public address system. When the building alarm sounds or is activated, individuals should follow these procedures:

- Immediately evacuate via the nearest emergency exit. Do not use elevators.
- Close all doors.
- Evacuation Team members assist with evacuation and ensure that all individuals in the assigned area are safely evacuated.
- Individuals with mobility impairments who are identified in advance or who have requested assistance are assisted in moving into the stairwells or other safe, smoke-free areas of the building as previously arranged with fire authorities. Individuals with mobility impairments are accompanied by two “assistants” during all evacuations. A third helper immediately reports the location of individuals inside the building to the Building Emergency Director or his/her representative or the Fire Department representative on the scene.
- Individuals who are deaf or hard of hearing and who have not seen the alarm lights are notified of the evacuation by an individual from his/her work unit or the evacuation team.

Individuals who observe fires and other emergencies and no alarms have sounded should call Capitol Security immediately at 9-651-296-2100. Capitol Security will set off the alarm and will contact the Fire Department.

When it is safe to enter the building, the Building Emergency Director will issue the “all clear” and normal business may resume.

### ***Severe Weather***

The Building Emergency Director will be notified by Capitol Security or by the National Weather Service when the Capitol Complex is placed on a severe weather or tornado watch status and will notify the Department Emergency Coordinator. The Department Emergency Coordinator will monitor the weather conditions on a weather radio. If the watch is upgraded to a warning, the Building Emergency Director will determine the need for relocation of all employees and visitors to safe areas and will use the public address system to communicate that decision.

When the relocation order is given via public address system, the Department Emergency Coordinator(s) will monitor activities to ensure that “assistants” are in place procedures are followed as stated below:

- All individuals will be instructed to move away from windows and into assigned safe areas.
- Individuals with mobility impairments who are identified in advance or who have requested assistance are assisted in moving into the stairwells or other safe areas of the building. Individuals with mobility impairments are accompanied by two “assistants” during all relocations.

- Individuals who are deaf or hard of hearing and who are not aware of the public address announcement are notified of the relocation by an individual from his/her work unit or the evacuation team and assisted in relocating to assigned safe area or stairwell.

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

### ***Bomb Threats***

In the event of a bomb threat, the Department will make a public address announcement.

- A. **Yellow Alert.** This alert will indicate that a bomb threat has been received.
  - All employees should take note of and report suspicious packages, envelopes, or items.
  - If an item is discovered, DO NOT TOUCH OR MOVE IT. Notify Capitol Security immediately at 9-651-296-2100.
  - Individuals who are deaf or hard of hearing will be informed of the alert by “assistants” or their supervisor.
  
- B. **Blue Alert.** This alert will notify building occupants that an unidentified container or package has been found.
  - All individuals in the affected area will be instructed to move to a safe area.
  - Individuals who are deaf or hard of hearing will be assisted by an “assistant” or by their supervisor.
  - Individuals who have mobility impairments will be accompanied by two “assistants” and may use the elevators if it is safe to do so.
  
- C. **Red Alert.** This alert will notify building occupants that it is unsafe to remain in the building.
  - All occupants should evacuate the building until further notice.
  - Individuals who are deaf or hard of hearing will be assisted by an “assistant” or by their supervisor.
  - Individuals who have mobility impairments will be accompanied by two “assistants” and may use the elevators if it is safe to do so.
  
- D. **All Clear.** When it is safe to return to normal operation, the Evacuation Team members will announce the “all clear”.
  - Note: All employees should continue to be cautious of suspicious items and should contact the Department Emergency Coordinator at 9-651-259-3775 or Capitol Security at 9-651-296-2100 if concerned.

### ***Medical Emergencies***

- A. Call 9-651-296-2100 (Capitol Security) or 9-911 and give:
  - the exact location of the medical emergency, including the building address, floor and room number or name
  - the symptoms of the victim
  - your name; any other requested information

Do not hang up the phone until Capitol Security or the 911 operator ends the call.

- B. Support the victim's medical needs. Call for a first aid certified employee to help.
- C. Send someone to meet the paramedics and lead them to the scene.

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

### ***Weather Emergencies***

In the event of a weather emergency, the Commissioner of Finance and Employee Relations determines and declares the closure of state offices. S/he also notifies the local radio stations. The DFER Office of the Commissioner implements the Alertcast system. Alertcast initiates a phone call and/or email to the DFER senior staff, Human Resource staff, and key office staff, providing notice of the weather emergency.

The HR office staff will place a voice message on the HR unit phones explaining the weather emergency. Where there are employees who are deaf or hard of hearing, the employee's supervisor or designee will contact the employee to notify them of a building closure, using the Minnesota Relay Service at 1-800-627-3529.