



# AFFIRMATIVE ACTION PLAN

## 2010-2012

JULY 30, 2010

Prepared by the Office of Diversity and Equal Opportunity (ODEO)  
Minnesota Department of Employment and Economic Development

This document is available in an alternative format from the Office of Diversity and Equal Opportunity,  
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*An equal opportunity employer and service provider.*

**Affirmative Action Plan  
Biennium 2010 - 2012  
Minnesota Department of Employment and Economic Development  
(DEED)**

**Table of Contents**

A. Transmittal Sheets.....	2
B. Commissioner’s Statement of Commitment .....	4
C. Description of the Minnesota Department of Employment and Economic Development.....	5
D. Responsibility, Duties and Accountability of Implementing the plan .....	6
E. Communication and Dissemination.....	10
F. Goals and Timetables.....	12
G. Strategic Program Objectives .....	13
H. Methods of Auditing, Evaluating and Reporting Program Success.....	18
a. Pre-Hire Review Process .....	18
b. Auditing the Program.....	22
I. DEED Policies .....	23
a. Emergency Procedures.....	23
b. Reasonable Accommodation Policy and Procedure .....	30
c. Discrimination & Discriminatory Harassment Policy.....	36
J. Recruitment Plan .....	44
Utilization Numbers.....	49
K. Retention Plan.....	52
Separation Analysis for FY 2009 and 2010.....	53

## A. Transmittal Sheets

Underutilization of protected groups in DEED's workforce.

### State Wide

EEO Job Group	Women	Minorities	People with a Disability
Officials/Managers	X	X	X
Professionals			X
Technicians			
Office/Clerical			X
Service/Maintenance	X		

### Metro Area<sup>1</sup>

EEO Job Group	Women	Minorities	People with a Disability
Officials/Managers	X	X	X
Professionals			X
Technicians	X		X
Office/Clerical			X
Service/Maintenance	X		

### Greater Minnesota

EEO Job Group	Women	Minorities	People with a Disability
Officials/Managers	X		
Professionals	X		X
Technicians	X		
Office/Clerical			X
Service/Maintenance			

<sup>1</sup> Includes Minnesota Counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright and Wisconsin Counties: Pierce and St. Croix

## DEED Affirmative Action Plan 2010 - 2012

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Once approved, DEED's Affirmative Action Plan will be available at several central locations and on the internet so that every employee is aware of the Department's commitment to Affirmative Action for the biennium. If requested, the Office of Diversity and Equal Opportunity will make the plan available in alternative formats.

- Department of Employment & Economic Development Web Site  
[http://www.positivelyminnesota.com/About\\_Us/Notices\\_Announcements/Equal\\_Opportunity/index.aspx](http://www.positivelyminnesota.com/About_Us/Notices_Announcements/Equal_Opportunity/index.aspx)
- DEED's Office of Diversity and Equal Opportunity
- DEED's Human Resources Office
- DEED's Commissioner's Office

This plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee is aware of this procedure as well as our department's Affirmative Action goals for this fiscal year.

Kathy Mullarky  
Equal Opportunity Director

7-26-10  
Date

This plan contains clear designation 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.

Jan McElroy  
Commissioner

7-23-10  
Date

This Affirmative Action Plan meets the statutes and rules governing affirmative action, MCAR Chapter 3905.0600 and statutory authority 43A.04, and contains goals and timetables as well as methods for achieving them that are reasonable and sufficiently aggressive to deal with the identified disparities.

\*

\_\_\_\_\_  
MN Management and Budget

\_\_\_\_\_  
Date





October 6, 2010

Karen Lilledahl  
Employment & Economic Development

**RE: 2010-2012 Affirmative Action Plan**

Dear Karen Lilledahl:

**Congratulations!** Your agency's 2010 – 2012 Affirmative Action Plan has been approved by Minnesota Management & Budget (MMB).

Upon receipt of this letter, please forward an electronic copy of the plan to the Legislative Reference Library at [reports@lrl.leg.mn](mailto:reports@lrl.leg.mn) and two (2) paper copies to the Minnesota Legislative Reference Library at 645 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul, MN 55155-1050 or use interoffice mail.

Thank you for your cooperation!

Sincerely,

A handwritten signature in blue ink, appearing to read "Kazoua Kong-Thao".

Kazoua Kong-Thao  
State Affirmative Action Program Coordinator  
Minnesota Management & Budget  
[kazoua.kong-thao@state.mn.us](mailto:kazoua.kong-thao@state.mn.us)

## **B. Commissioner's Statement of Commitment**

The Minnesota Department of Employment and Economic Development (DEED), an employer and a provider of public services, is firmly committed to the application of the principles of Affirmative Action, Equal Opportunity and Diversity. DEED fully supports the non-discriminatory provisions of all local, state and federal laws, rules and regulations that form the legal framework for affirmative action and equal opportunity.

Minnesota Statute defines women, minorities and persons with disabilities as protected groups. We strongly support and actively pursue a policy of affirmative action, recruiting, employment and retention in areas where we are experiencing an underutilization of members in protected groups.

As the Commissioner of DEED, I am committed to supporting our Affirmative Action Plan and endorse the State of Minnesota's affirmative action efforts. It is DEED's policy that no one be denied an opportunity to participate in our programs or services or in any aspect of employment based on race, color, creed, marital status, status with regard to public assistance, disability, genetic information, sexual orientation, age, religion, national origin, sex or membership in a local Human Rights Commission. DEED continuously reviews policies and practices in order to identify and eliminate any barriers to Equal Opportunity.

All DEED employees have the responsibility to promote and apply the principles of Equal Opportunity in their work and to cooperate with DEED's affirmative action initiatives. We use affirmative action as a tool to achieve and sustain diversity. Thank you for joining me in my commitment to make DEED the best it can be.

I have designated Kathy Mullarky as our Equal Opportunity Officer and Affirmative Action Coordinator with full oversight authority in developing, implementing, and monitoring compliance of the DEED affirmative action program. Anyone interested in reviewing DEED's Affirmative Action Plan, or has concerns about affirmative action, equal opportunity, or believe they have been subject to discrimination should contact the DEED Office of Diversity and Equal Opportunity (ODEO) at 651-259-7094 or 651-282-5174 (TTY).

  
\_\_\_\_\_  
Dan McElroy, Commissioner

7-23-10  
\_\_\_\_\_  
Date

## **C. Description of the Minnesota Department of Employment and Economic Development**

The Minnesota Department of Employment and Economic Development (DEED) is the state's principal economic development agency, with programs promoting business recruitment, expansion, and retention; workforce development; international trade; and community development. The agency's mission is to support the economic success of individuals, businesses, and communities by improving opportunities for growth. DEED's organizational structure aligns with its mission.

Commissioner Dan McElroy leads the agency. The following divisions administer the agency's services:

### *Business and Community Development*

The Business and Community Development Division provides a variety of financial and technical services to businesses, communities and economic development professionals. The division promotes and assists in the expansion of exports, works with companies to locate and expand in Minnesota, and helps communities with capacity building and infrastructure financing.

### *Workforce Development*

The Workforce Development Division works with local and statewide partners to provide training and support to unemployed and dislocated workers, and financial assistance for businesses seeking to upgrade the skills of their workforce. Additional services include State Services for the Blind, Rehabilitation Services, Business Services, and Disability Determination Services. Minnesota WorkForce Centers, located throughout the state provide many of these services.

### *Unemployment Insurance*

The Unemployment Insurance Program provides a temporary partial wage replacement to those Minnesota workers who become unemployed through no fault of their own. It is an economic stabilizer and stimulator during economic downturns and helps maintain an available skilled workforce.

### *Communications, Analysis and Research*

The Communications, Analysis and Research Division coordinates DEED's information resources and provides centralized services in the areas of communications, marketing, publications, economic analysis, and labor market and other research.



## **D. Responsibility, Duties and Accountability of Implementing the Affirmative Action Plan**

Every employee of the Minnesota Department of Employment and Economic Development (DEED) is responsible for adhering to the Department's policies relating to affirmative action, equal opportunity and diversity. Furthermore, DEED expects all employees to demonstrate respect for each other, our customers, clients and stakeholders. Specific responsibilities and duties within DEED are delegated to various positions and outlined as follows:

### ***DEED's Commissioner***

The Commissioner oversees and ensures implementation and compliance of DEED's Equal Opportunity Policy and Affirmative Action Program and all existing federal and state laws, rules, and regulations.

**Accountability:** The Commissioner is accountable to the Governor, directly, and the Commissioner of Minnesota's Management and Budget indirectly.

#### ***Duties:***

- Appoint or designate the Equal Opportunity Officer(s). Review and assess the Affirmative Action Plan for effectiveness.
- Ensure position descriptions of the Commissioner and his direct reporting staff contain accountability for administering the Affirmative Action Plan.
- Require managers and supervisors to be accountable for affirmative action, equal opportunity, diversity, and non-discrimination principles in their annual objectives and hiring procedures.
- Take action by following the affirmative action complaint procedure on complaints of discrimination.
- Issue a written statement to all employees of DEED's affirming support of the State's Equal Opportunity Policy and DEED's Affirmative Action Program.
- Make decisions about policy, procedures, or reasonable accommodation as needed to assist in effective Affirmative Action.

### ***DEED's Equal Opportunity Officer(s)***

The Equal Opportunity Officer(s) responsibilities include developing and administering the Affirmative Action Plan, Equal Opportunity, Diversity programs and monitoring progress and results on behalf of the Commissioner of DEED.

**Accountability:** The Equal Opportunity Officer(s) is accountable to the DEED Commissioner, the Deputy Commissioner, and the Human Resources Director.

#### ***Duties***

- Monitor day-to-day activities of the Affirmative Action Program.
- Assist managers and supervisors in fulfilling their Affirmative Action and Equal Opportunity responsibilities.
- Advise the Commissioner on all matters relating to Affirmative Action, Equal Opportunity and Diversity.
- Investigate alleged discrimination complaints and submit a written summary of the issues, findings, conclusions, and recommendations to the appropriate staff. Staff may include the Commissioner, Human Resources Director and program managers.
- Establish annual hiring goals and revise DEED's Affirmative Action Plan as required by Minnesota Management & Budget.
- Ensure the Affirmative Action Plan's is available to all agency staff, in alternate formats and electronically.
- Oversee and monitor DEED's Pre-Hire Review process.
- Monitor employee exit surveys and investigate survey complaints possibly based on the former employees protected class status.
- Serve as a liaison between DEED and the Office of Diversity and Equal Opportunity at the Department of Minnesota Management and Budget (MMB) and the U.S. Department of Labor's Civil Rights Center.
- Determine the need for equal opportunity and diversity training. Initiate the development of appropriate training programs.
- Develop and conduct training for DEED and partner staff including such topics as Preventing Harassment in the Workplace, the Americans with Disabilities Amendment Act (ADAAA), cultural diversity and the Workforce Investment Act (WIA) Non-Discrimination and Equal Opportunity requirements.
- Oversee system-wide implementation of the equal opportunity and non-discrimination sections of the Workforce Investment Act.
- As DEED's ADA Coordinator, review policies, procedures, programs and reasonable accommodations for persons with disabilities. Recommend necessary changes to the Commissioner so DEED complies with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendment Act (ADAAA).
- Ensure the administration of all DEED programs, services and activities are conducted in an unbiased manner according to local, state and federal civil rights legislation.
- Develop strategies to recruit protected class persons for employment, promotion and training opportunities.
- Maintain contacts with protected group recruitment resources and community organizations to keep informed of new developments in the areas of affirmative action, equal opportunity, and diversity.
- Maintain records for reasonable accommodations, missed opportunities and complaints of discrimination.
- Advise DEED management of the requirement to provide contract assurances of equal opportunity and non-discrimination to vendors, grantees, partners and contractors.



### ***Directors, Managers, and Supervisors***

DEED expects directors, managers, and supervisors to comply with DEED's Affirmative Action Program and Policies and to ensure fair and equal treatment of all applicants and employees.

Accountability: Supervisors and managers are accountable to their managers and directors and indirectly to DEED's Commissioner and Deputy Commissioner. Directors are accountable directly to DEED's Commissioner and Deputy Commissioner.

#### ***Duties:***

- Assist the Equal Opportunity Officer(s) in eliminating barriers by identifying and resolving problems that inhibit equal employment opportunity.
- Recruit, hire, train, and promote qualified protected class members when a disparity exists, and ensure equal treatment in all aspects of employment for all employees.
- Communicate and demonstrate to all employees a personal commitment to DEED's Affirmative Action Plan.
- Consult with Equal Opportunity Officer(s) on Human Resource actions resulting in discipline and discharge of protected class employees.
- Assist, recommend and implement with the Equal Opportunity Officer(s) recruitment activities that include protected group individuals.
- Discuss and document career planning goals and training needs with each employee during scheduled performance reviews.
- Include responsibility and accountability statements about the plan and related policies in employees' position descriptions and annual performance reviews.
- Utilize DEED's Performance Development Communication policy (PPM 410.)

### ***Human Resources Director***

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove all barriers to equal employment opportunity within DEED.

Accountability: The Human Resources Director is accountable to DEED's Commissioner and Deputy Commissioner.

#### ***Duties:***

- Provide leadership to HR staff to ensure personnel decision-making processes adhere to affirmative action principles.
- Ensure pre-hire review process support from managers and supervisors.
- Include the Equal Opportunity Officer(s) in the decision making process of some personnel actions including hiring, promotion, disciplinary actions, reallocation, transfer and termination, department and division-wide classification studies.

- Initiate and report on specific program objectives that are incorporated into the Affirmative Action Plan.
- Include responsibility statements for Affirmative Action/Equal Employment Opportunity in position descriptions and annual performance objectives.
- Assist in recruiting members of protected classes and notifying managers and supervisors of existing disparities.
- Make available to the Equal Opportunity Officer(s) all records and data necessary to perform Affirmative Action duties.
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job related.

### ***DEED Employees***

- All employees are responsible for conducting themselves in accordance with the policies and procedures of DEED's Affirmative Action Plan. Employees are responsible for refraining from any actions that would adversely affect the performance of a co-worker with respect to their race, color, creed, religion, national origin, sex (including sexual harassment), marital status, public assistance status, disability, genetic information, sexual orientation, age, or membership activity in a local Human Rights Commission.

### **E. Communication and Dissemination of DEED's Affirmative Action**

DEED continues to be proactive in communicating and disseminating the Affirmative Action Plan. DEED is currently taking the following steps, both internally and externally, to relay the information in the Affirmative Action Plan.

#### ***Internal Dissemination***

- Make available a copy of DEED's Affirmative Action Plan at the DEED Commissioner's office, the Office of Diversity and Equal Opportunity, the Human Resources Director's office, and the DEED library.
- Provide the Affirmative Action Plan to the Commissioner's Office and Leadership Team.
- Make the Affirmative Action plan available to all staff, at all job sites and locations through the DEED external web site at:  
[http://www.positivelyminnesota.com/About\\_Us/Notices\\_Announcements/Equal\\_Opportunity/index.aspx](http://www.positivelyminnesota.com/About_Us/Notices_Announcements/Equal_Opportunity/index.aspx)
- Ensure Non-Discrimination and Equal Opportunity statements and posters are prominently displayed and available to employees and customers in areas available to employees and customers at all other Minnesota WorkForce Centers and DEED locations. ODEO oversees the statement and poster requirements at all DEED locations.
- Make the Affirmative Action Plan available via the Internet and/or in print copy to anyone who requests it. As requested, the Office of Diversity and Equal Opportunity will make the plan available in alternative format.
- The Office of Diversity and Equal Opportunity conducts a session during New Employee Orientation (NEO) informing new employees of DEED's commitment to Affirmative Action and Equal Employment Opportunity. The NEO includes information about the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability, relevant policies, complaint procedures, and the services provided by ODEO.
- Include Affirmative Action and Equal Employment Opportunity policies, procedures and practices in DEED's Policy and Procedures Manual. The Policy and Procedures Manual is updated biennially and is available on the DEED intraweb address at:  
<http://intraweb.deed.state.mn.us/ref/ppm/ppmhome.html>.<sup>i</sup>

#### ***External Dissemination***

- Statements and posters ensuring non-discrimination and equal opportunity are posted and prominently displayed in areas available to employees and customers at all Minnesota WorkForce Centers, administrative offices and all other DEED locations. Examples of posters displayed include the ADA Public Notice, EEO is the Law, and the Workforce Investment Act (WIA) Public Notice. The WIA Public Notice is available in English and ten other languages. A complete list of all required employment law posters is available from DEED's Office of Diversity and Equal Opportunity (ODEO). Equal Opportunity poster requirements are issued to all DEED locations and are monitored for compliance.

- DEED encourages staff with recruitment responsibilities to recruit and refer qualified females, minorities and persons with disabilities for employment with the Department.
- To reiterate DEED's policy of commitment to equal opportunity, DEED requires that all client forms, brochures, handouts, and advertising have the wording: "Equal Opportunity Employment and Service Provider" statement.
- Information about the Affirmative Action and Equal Opportunity policies and contract assurance requirements are given to all persons and organizations receiving grants or funding from DEED. The contract assurance requirements contain inclusion language identifying all state and federal civil rights legislation. All contracts are reviewed to ensure inclusion of equal opportunity language. The language is located in the Local Unified Plan that can be accessed at DEED's external website: <http://www.positivelyminnesota.com/index.aspx>
- The Affirmative Action Plan is available via the Internet and/or in print copy to anyone who requests it. The Office of Diversity and Equal Opportunity will make the plan available in alternative format as requested.
- DEED provides a copy of DEED's Affirmative Action Plan to employee bargaining units via DEED's external web site:  
[http://www.positivelyminnesota.com/About Us/Notices Announcements/Equal Opportunity/index.aspx](http://www.positivelyminnesota.com/About_Us/Notices_Announcements/Equal_Opportunity/index.aspx)

## F. Goals and Timetables

The analysis criteria used in this Affirmative Action Plan is the federal and state two-factor analysis method. The two-factor analysis considers the following:

- The placement of women, minorities, and individuals with disabilities with requisite skills in the reasonable recruitment area. The reasonable recruitment area is defined as the geographical area from which the employer either usually or may reasonably seek candidates to fill vacancies (External factor).
- The percentage of women, minorities and individuals with disabilities among those individuals who may be promoted, trained or transferred from within the organization (Internal factor).

Placement goals are based on the results of the two-factor analysis. Goal considerations reflect department funding priorities, projected hiring in FY 2010-2012, and employees returning from layoff. We will be reviewing all the census information when the 2010 census data becomes available.

Goals and Timetables Chart  
For DEED Affirmative Action Plan

EEO Job Group	Women			Minorities			People with a Disability		
	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
Officials & Administrators	5	5	2012	5	5	2012	1	1	2011
Professionals							61	32	2012
Technicians									
Office/Clerical							12	12	2012
Service Maintenance	2	2	2012						



## **G. Strategic Program Objectives**

The Minnesota Department of Employment and Economic Development's mission is to support the economic success of individuals, businesses and communities by improving opportunities for growth. DEED has created equal employment opportunity, affirmative action and diversity strategic objectives and activities that are an integral part of that mission and are incorporated into all aspects of the agency's operations.

### ***Objective 1:***

**Examine the status of employment of minorities, women, and staff with disabilities to identify issues in Equal Employment Opportunity. ODEO will identify job classifications where there is underutilization and work towards attaining a workplace representing the composition of the community.**

1. Review DEED's annual placement goals and determine courses of action to meet those goals.
2. On a quarterly basis, prepare a current underutilization report for Human Resources and management staff.
3. Determine a timeline within which to meet the Department's annual placement goals.
4. Offer additional training to new managers/supervisors concerning equal opportunity.

Responsibility: Equal Opportunity Officer(s) and Human Resources staff.

### ***Objective 2:***

**ODEO has developed an updated Pre-Hire Review Process and will work with HR staff to successfully implement the process.**

1. Introduce the updated Pre-Hire Review Process to managers, supervisors and HR staff.
2. Collaborate with HR, managers and supervisors to fully utilize the process including training on the updated process.
3. Educate supervisors, managers and HR staff about the Pre-Hire Review Process.
4. Monitor the Pre-Hire Review Process to ensure consistent use and effectiveness.
5. Work with HR staff to train new supervisors on the Pre-Hire Review Process.
6. Solicit feedback from Supervisors, Managers and Human Resources staff on the effectiveness of the new Pre-Hire Review Process.

Responsibility: Equal Opportunity Officer(s), Human Resources Director, and Human Resources staff.

### ***Objective 3:***

**Implement DEED's Workforce Plan by providing managers with tools to develop workforce planning strategies for their assigned program area(s).**

1. Assess future workforce demand and anticipated staffing capabilities.
2. Determine gaps between supply and demand.
3. Include Workforce Planning as a key component of DEED's Strategic Plan.
4. Work with Division Directors the Human Resources Office to develop workforce planning strategies that include hiring and retention initiatives.
5. Examine staffing patterns and determine trends in age, turnover and use of classifications.
6. Assess training and development needs and continue to offer relevant opportunities for current and future leaders.
7. Implement strategically focused recruitment strategies where necessary.
8. Research and pursue options that affect terms and conditions of employment through the State's bargaining process with its labor organizations.
9. Encourage individual employees to be actively involved in their own career planning and development and identify the tools available.
10. Encourage supervisors/managers to use the Individual Development Plans to improve retention and assist with filling positions that will become vacant as retirees leave.

Responsibility: Executive Leadership, Managers, Supervisors, Equal Opportunity Officer(s), Human Resources staff, all DEED employees.

### ***Objective 4:***

**Expand DEED's recruiting and hiring practices by providing Human Resources staff, supervisors and managers with alternative resources to recruit and hire according to affirmative action and equal employment opportunity guidelines.**

1. Update and review the recruitment plan with Human Resources staff.
2. Work directly with managers and supervisors on hiring strategies.
3. Use the updated Pre-Hire Review process to monitor the hiring process.
4. Collaborate with other state agencies in recruitment efforts.
5. Provide regional recruitment and outreach resources for supervisors and managers.
6. Conduct outreach activities with special interest councils.

Responsibility: Equal Opportunity Officer(s) and Human Resources staff.

### ***Objective 5:***

**Communicate an understanding of the definitions and guidelines regarding diversity, persons with disabilities, the reasonable accommodation process, discrimination, sexual harassment and further an awareness and understanding of the Americans with Disabilities Act, the ADA Amendments Act, the Rehabilitation Act, the Workforce Investment Act, the Minnesota Human Rights Act, and Title VII of the Civil Rights Act of 1964.**

1. Provide supervisors/managers with an overview of the Affirmative Action Plan and explain their responsibilities.

2. Contact new managers and supervisors individually to explain the equal opportunity issues for which they are responsible and explain ODEO's role as a resource.
3. Emphasize to supervisors and managers their role in fostering diversity and respect in the workplace, and creating an atmosphere that contributes to retention of protected group members.
4. Educate managers/supervisors on how to establish and develop diversity in the workplace and the benefits of diversity. Provide education that helps supervisors foster diversity and respect in the workplace.
5. Provide training to supervisors/managers and employees about employment issues under the ADA and the ADAAA, including reasonable accommodations.
6. Revise and update ADA training and education based on the new ADA Amendments Act.
7. Inform new employees of DEED about the commitment to Affirmative Action and Equal Employment Opportunity and the services ODEO provides.
8. Provide required preventing harassment and discrimination training to all DEED employees, managers and supervisors, and partner agencies.
9. Provide ongoing training for all staff, supervisors, managers, and partners regarding the non-discrimination and equal opportunity provisions of Workforce Investment Act (WIA) section 188.
10. Update policies, brochures, posters and media information as needed to disseminate to all staff.
11. Work with Minnesota Management and Budget to identify educational opportunities and resources that agency staff can access to learn more about issues related to affirmative action, equal opportunity and diversity.
12. Update the ODEO internal website to provide all staff information concerning important decisions and recent trends in Civil Rights law.
13. Equal Opportunity Officer(s) make themselves available to managers and supervisors to speak to staff about any matters pertaining to civil rights and/or affirmative action.

Responsibility: Equal Opportunity Officer(s), supervisors, managers, Human Resources, and Training and Learning Resources Office coordinator.

### ***Objective 6:***

**Promote and create a respectful workplace by communicating behavioral expectations at DEED so employees understand the parameters for their interactions with one another.**

1. Explore Communication and Human Relations Skills training to enhance employees' ability to work respectfully and effectively with others.
2. Include the Department's mission and guiding values statement in New Employee Orientation packets. This document provides guidelines on how employees are expected to respect one another and the DEED's internal and external customers.
3. Provide the required "Preventing Harassment" training to all staff with a special program designed for managers and supervisors.
4. Help employees improve intercultural literacy by providing educational tools and resources on ODEO's website.

5. Take action when employees behave inappropriately toward other employees, partners, or consumers.

Responsibility: Equal Opportunity Officer(s), supervisors, managers, Human Resources, and Training and Learning Resources Office trainer.

### ***Objective 7:***

**Review DEED's separation patterns to address disparity issues. Determine the reasons for separation and how those reasons impact protected group members.**

1. Review quarterly separation reports produced by Human Resources staff.
2. Review exit surveys for employees' feedback on his/her employment experience and report findings to Human Resources Director, Program Directors and Commissioner.
3. Report ODEO investigative findings and make recommendations to Human Resources Director and Commissioner.
4. Update the exit survey as need to capture accurate responses.

Responsibility: Equal Opportunity Officer(s), Human Resources Director and Human Resources Staff.

### ***Objective 8:***

**Implement the Performance Development Communication Process by assisting supervisors and employees in understanding the expectations of a particular position, determining the current status and developing a plan for future training and career growth and development.**

1. Develop training modules to assist DEED staff in administering the process.
2. Implement the process.
3. Train managers and supervisors on elements of the review process.
4. Review the process for effectiveness as a communication tool.

Responsibility: Human Resources Director, Human Resources Staff, DEED Training & Resources Unit.

### ***Objective 9:***

**Develop new, agency-wide diversity and affirmative action initiatives to assist in meeting and sustaining DEED's equal opportunity and non-discrimination program goals and objectives.**

1. Provide education about diversity and the benefits of diversity to an organization via ODEO's website.
2. Research new ways DEED can continue to provide a workplace that celebrates individual differences and promotes understanding among staff; recruits and retains a diverse workforce; provides accessible sites, services and programs to its customers statewide; and supports Minnesota employers in the achievement of their diversity missions and employment goals.
3. Promote coaching and mentoring programs for staff.

4. Review, revise, disseminate, maintain and provide orientation/training on Limited English Proficiency (LEP) Policy and Plan for the agency.

Responsibility: Equal Opportunity Officer(s)

### ***Objective 10:***

**Equal Opportunity (EO) Officers remain competent and well informed as a resource for all DEED and partner staff. EO Officers stay up-to-date with the Equal Employment Opportunity Commission (EEOC), Department of Human Rights, Department of Labor/Civil Rights Center, Department of Justice, and Workforce Investment Act guidance, case law, statutory requirements, procedures, and trends within the field of civil rights.**

1. Regularly review information from the Fair Employment Practice Agencies' websites for updates on equal opportunity.
2. Regularly attend training conferences that address relevant equal opportunity issues. Training conferences include: Minnesota Human Rights Day and Forum, Minnesota Employment Law Institute, Work Force Investment Act Equal Opportunity Officer(s) Training and others.
3. Maintain contact with MMB for guidance and questions on pertinent equal opportunity topics.
4. Actively participate in Alliance for Cooperation and Collaboration in Employment and State Services (ACCESS), and collaborate with other state agencies to achieve common goals around recruiting and retaining a diverse workforce.
5. Maintain contact with Department of Labor/Civil Rights Center on pertinent Equal Opportunity and Non-discrimination issues regarding the Workforce Investment Act.

Responsibility: Equal Opportunity Officer(s)



## **H. Methods of Auditing, Evaluating and Reporting Program Success**

DEED will evaluate its progress in recruiting, hiring and retaining a diverse workforce in the following ways:

- The Equal Opportunity Officer (s) will review and keep a record of all missed opportunities and affirmative hires and provide a quarterly report to MMB
- The Equal Opportunity Officer (s) will review with the Human Resources Director DEED's hiring and separation patterns. The progress of DEED as a whole will be reviewed as will each division. The Commissioner will be provided with periodic updates.
- The Office of Diversity and Equal Opportunity will issue quarterly reports on hiring and separation rates to agency leaders.
- Employment interview methods will be randomly reviewed to ensure that all selection criteria are object and job-related.
- A pre-review of lay-off decisions will be conducted to determine any adverse impact on protected group employees.
- Training evaluations will be part of every training session to determine how well the intended objects are met.

### ***a. Pre-hire Review Process***

DEED has updated its pre-hire review process to increase efficiency and better track our disparity candidates. There will be training on the process for managers and supervisors in the fall of 2010.

# DEED Affirmative Action Plan 2010 - 2012

## MUST BE COMPLETED PRIOR TO APPOINTMENT DATE

### Monitoring the Hiring Process Form

1. JOB CLASSIFICATION: \_\_\_\_\_ ☐ Classified ☐ Unclassified

2. EEO JOB CATEGORY: \_\_\_\_\_

3. REQ NUMBER: \_\_\_\_\_

4. UNDERUTILIZED PROTECTED GROUP(S) FOR THIS VACANCY (Check all that apply)

☐ Women

☐ Minorities

☐ People with a Disability

5. INDICATE RECRUITMENT CONDUCTED FOR THIS POSITION (Check all that apply)

☐ Newspapers

☐ Trade/Technical School Posting

☐ Employee Suggestions

☐ Internet Job Boards

☐ MMB – www.careers.mn.com

☐ Professional Organization

☐ Colleges/University Posting

☐ MN Works –

☐ Disability/Minority Councils

www.minnesotaworks.net

☐ Other, please explain: \_\_\_\_\_

6. RECRUITMENT COSTS FOR THIS POSITION \_\_\_\_\_

(excludes staff time)

7. WHO WAS INVOLVED IN THE RECRUITMENT? (Check all that apply)

☐ Affirmative Action Officer

☐ Agency Recruiter

☐ Hiring Manager

☐ HR Staff

☐ MMB

☐ Other, Please explain: \_\_\_\_\_

(ie., partner, school representative)

8. NUMBER OF CANDIDATES INTERVIEWED: \_\_\_\_\_

9. INTERVIEW LIST: (List additional interviewees on separate sheet).

NAME	*SOURCE	DEED EMPLOYEE (Yes/No)	RECENTLY SEPARATED VETERAN	**DISPARATE GROUP

\*SOURCE: Candidate referral source: 1 = List from Multi Source Database 2 = Transfer 3 = Supervisory Recruitment 4 = Other

\*\*Disparate group completed by HR Representative after hiring supervisor returns form.

10. Interview Process: Describe the interview process you used for the vacancy

☐ Single Interviewer – Name \_\_\_\_\_

## DEED Affirmative Action Plan 2010 - 2012

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☐ Group Interview – Panel  
Members

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☐ Other - Describe

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Additional Comments:

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11. Name of Applicant Selected: \_\_\_\_\_

12. Anticipated Appointment Date: \_\_\_\_\_

13. **DECISION:** State why this candidate was selected. What criteria did you base your decision on? *If there is a disparity in the job classification and a qualified disparity candidate in the qualified applicant pool an offer cannot be made without approval from HR or ODEO.*

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Minnesota's statewide HR records retention schedule states recruitment and selection documentation must be retained by the supervisor for *FOUR* years. Documentation includes material such as requisitions, job announcements, ads, job postings and bids, resumes, cover letters, applications, test scores, interview records, reference checks, et al.

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

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

**Return this completed form to your HR Representative.**

HR Representative: \_\_\_\_\_

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

APPROVED:

ODEO: \_\_\_\_\_

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

## Utilization Form

Complete this form ONLY for vacancies where there is an underutilization for a protected group in an EEO Job Category.

1. TOTAL NUMBER OF PEOPLE IN THE QUALIFIED APPLICANT POOL \_\_\_\_\_

2. NUMBER OF QUALIFIED APPLICANT POOL PROTECTED GROUP MEMBERS \_\_\_\_\_

Identify underutilized protected group(s) for this vacancy below.	# of protected group members in the qualified Applicant Pool	# of protected group members the agency attempted to contact	# of protected group members responding to contact from agency	# of protected group members who were interviewed	# of protected group members who withdrew or declined job offer
<input type="checkbox"/> Females					
<input type="checkbox"/> Minorities					
<input type="checkbox"/> People with Disability					

3. APPOINTMENT (To be completed by ODEO)

**Affirmative** ☐ Yes (If yes, go to the last section and sign.) You do not need to complete the rest of the form.) **OR**

**Non -Affirmative** ☐ Yes (If Yes, indicate in the next section whether the appointment was Justified OR Non-justified.)

JUSTIFIED	OR	NON-JUSTIFIED
<p>The following reasons may apply if appointee is not a member of a protected group (women, minority or person with disability) for which there is an underutilization. Select a reason for each member of a disparate group.</p>		
<p><b>Collective Bargaining Agreement Provisions</b></p> <p><input type="checkbox"/> Contract/Plan provisions applied. Including, but not limited to: seniority, appointment from layoff, claiming, transfer/demotion in lieu of layoff or reassignment to avert a layoff. Explain: _____</p> <p><input type="checkbox"/> Appointment made in order to comply with grievance, arbitration, or litigation settlement.</p> <p><b>Workers' Compensation/Disability</b></p> <p><input type="checkbox"/> Appointed workers' compensation employee or appointed individual with a disability as a reasonable accommodation (under A.P. 13.1).</p> <p><input type="checkbox"/> Unable to make reasonable accommodation for applicant's disability. Explain: _____</p> <p><b>Human Resource, Protected Group or Requirement Issues</b></p> <p><input type="checkbox"/> No members of disparate groups were in the Applicant Pool. There were (____) applicants in the pool who did not disclose their protected status.</p> <p><input type="checkbox"/> Member of disparate group failed to pass mandatory job requirements; such as education, training, experience, certification /licensure, physical exam, or background check. Explain: _____</p> <p><input type="checkbox"/> Member of disparate group did not respond to agency's contact, voluntarily withdrew their name, or were not interested in the position.</p> <p><input type="checkbox"/> The person selected was not a member of the disparate group, but was <b>substantially</b> more qualified than the candidates not selected. What Knowledge, Skills and Abilities made the appointee substantially more qualified?</p>	OR	<p><input type="checkbox"/> Missed opportunity Explain: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

4. SIGNATURE BLOCK

\_\_\_\_\_  
Signature of Affirmative Action Officer/Date

### ***b. Auditing the Affirmative Action Process***

The audit process is critical to maintaining an effective program and helps ensure that the goals and diversity objectives support DEED's commitment to affirmative action. The Equal Opportunity Officer (s) will retain records reflecting hires, current protected group employees, and any discrimination complaints.

The Equal Opportunity Officer (s) will evaluate the Affirmative Action Plan by:

1. Reviewing employment statistics quarterly including data on protected class applicants and employees.
2. Review annually disciplinary actions taken to identify any discriminatory patterns within job class, bargaining units and location.
3. Review all discrimination complaints to determine if a discriminatory pattern exists within job class, bargaining units and locations.
4. Review the interview process for positions in which there is a disparity.
5. Provide quarterly reports on agency hiring goals to management staff and the Commissioner.
6. Develop a quarterly turnover report to be provided to managers and supervisors to assist in determining how successful selection and retention methods have been.



## I. DEED Policies

### *a. Emergency Procedures*

DEED

EMERGENCY PROCEDURES

PPM208

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#### Table of Contents

Introduction

Definitions

Policy

Emergency Closing of Offices

- MMB-Declared Emergencies
- Other Emergencies
- Emergency Leave Limitations

Central Office Plan

- General Responsibilities
- Procedures

**Contact Persons:** Mary Oman, Human Resources Director  
651.259.7099 or [Mary.Oman@state.mn.us](mailto:Mary.Oman@state.mn.us)  
Tina Folch, Administrative Services Director  
651.259.7069 or [Tina.Folch@state.mn.us](mailto:Tina.Folch@state.mn.us)  
Brenda Tuma, Safety Officer  
651-259-7104 or [Brenda.Tuma@state.mn.us](mailto:Brenda.Tuma@state.mn.us)

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## INTRODUCTION

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

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

The policy in this chapter applies to all DEED offices, as does the procedure covering office closings. However, the section on "Central Office Plan" applies only to the Central Office. Specific emergency instructions for all other DEED offices can be found in each of those offices, posted in a conspicuous place.

Field office managers develop/update emergency procedures and plans in their work locations; the DEED Safety Officer works with the Human Resources (HR) Director and the Administrative Services Director, along with building services personnel, to develop the procedures and plans for the Central Office.

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### DEFINITIONS

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

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

***Emergency Leave:*** Paid leave approved by the Minnesota Management and Budget (MMB) commissioner when a natural or man-made emergency threatens the health or safety of employees and results in unavailability of work until the emergency has passed. If MMB does not approve emergency leave, employees are expected to use vacation, comp time or unpaid leave.

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

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

***Medical Emergency:*** The sudden onset of a serious illness or injury to someone in a building.

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### POLICY

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

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### **EMERGENCY CLOSING OF OFFICES**

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

### ***MMB-DECLARED EMERGENCIES***

MMB may initiate the closing of state offices by officially declaring an emergency. Severe weather is the most-common situation that MMB declares to be an emergency requiring state office closings.

During severe weather, the MMB commissioner maintains direct contact with the Departments of Public Safety (which monitors the weather bureau, highway patrol, road crew operations, transit operations, and other emergency indicators) and Transportation. If the MMB commissioner decides that weather conditions are hazardous enough to declare an emergency, affected offices must close and emergency leave is authorized for those employees.

For a MMB-declared weather emergency:

- MMB updates its [BeReadyMN.com website](http://BeReadyMN.com) to inform employees and the public of weather-related emergencies that result in closure of state government facilities.
- MMB provides an announcement to WCCO (830-AM) and WMNN (1330-AM) radio stations; KMSP, KSTP, WCCO, and KARE television stations; and the Associated Press newswire.
- DEED's Human Resources Office also provides recorded updates via the emergency information line (651.215.7200).
- Employees who have a hearing impairment should arrange a method by which their supervisors may notify them of emergency office closings (perhaps via a telecommunication device).

MMB monitors weather conditions throughout a poor-weather day and announces changes in the emergency designation if needed.

### ***OTHER EMERGENCIES***

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

DEED managers should follow these steps for closing their offices and requesting approval of emergency leave:

- Determine whether to close the office due to emergency conditions; decision must be based on employee and client safety, not on whether emergency leave will be approved. (During severe weather conditions, be aware of local road conditions and be in contact with local law enforcement authorities regarding travel advisability before making a decision to close the office.)
- As soon as possible, contact DEED Human Resources (651.259.7125) when closing the office to request emergency leave authorization.
- Notify the appropriate division director of decision to close office. Notify all office employees that office is closing. Notify the local news media as appropriate. Close the office.
- Try to contact scheduled clients to inform them of office closings. (And later, do not unnecessarily penalize clients who miss appointments because of the emergency conditions.)
- Remain at the office until the last employee has left.

DEED Human Resources will notify the MMB commissioner that a DEED office has closed because of an emergency, request emergency leave approval for employees affected by the office closing, and inform the affected managers and supervisors of MMB's decision.

### ***EMERGENCY LEAVE LIMITATIONS***

**M.S.43A.05, Subd. 4 permits the Commissioner of MMB to authorize** appointing authorities to pay for time off in emergencies. The commissioner, after consultation with the commissioner of public safety, may excuse employees from duty with full pay in the event of a natural or other emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the commissioner authorizes a longer duration.

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

#### ***Employees at work when emergency is declared by MMB:***

- Employees who report to work at the start of their normal shift and are 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.
- Employees who were required by their appointing authorities to remain at work should not be paid for more than their regularly scheduled hours or the actual number of hours worked including overtime.

#### ***Employees on leave when emergency declared by MMB:***

- Employees on any approved sick or prearranged vacation leave shall not have such leave restored to their balances.
- Employees on any approved leave without pay shall not be paid for this emergency leave time.
- Employees who called in, on the day of the emergency, for vacation time, compensatory time, or leave without pay will be credited with emergency leave from the point of the declaration of the emergency, as defined by the commissioner of MMB, to the end of the regular shift.

### ***Reporting emergency leave for MMB declared emergencies:***

- Time is to be reported as "Other Paid Leave" on the DEED Daily Time Distribution Report and as "Other Authorized Leave Taken" with a comment on the emergency in the remarks section on the Employee's Biweekly Time Report. **NOTE: at DEED, employees should report such time as "Paid Emergency Leave Approved" on their time reports.**
- No employee will receive more than 16 hours of emergency pay during any emergency situation unless the commissioner of MMB authorizes a longer period.

---

## **CENTRAL OFFICE PLAN**

The rest of this chapter covers the Central Office's plan for responding to emergencies that affect Central Office employees located at the 1st National Bank Building.

### ***GENERAL RESPONSIBILITIES***

The Central Office has employees ("floor monitors") trained in DEED's emergency procedures who direct floor evacuations and help with other emergencies. Signage posted at prominent spots on each DEED floor displays evacuation maps and the names and phone numbers of emergency-related staff.

During building evacuations, any decision to dismiss DEED employees for the remainder of a day is made by (listed in descending order):

- DEED Commissioner
- DEED Deputy Commissioner
- DEED Human Resources director
- DEED Administrative and Financial Services director
- Any one of the DEED division directors

At the Central Office is a core group of staff with specialized knowledge and training in emergency control operations to help ensure the safety of personnel and the security of the building. This group includes the 1st National Bank Building superintendent and security guards, the DEED Administrative Services Director, HR Director, Safety Officer and DEED floor monitors. During evacuations, this group establishes a post at a predesignated location to direct activities.

### ***Employees***

- Watch for dangerous situations and follow emergency procedures. Immediately inform the **DEED Front Desk Receptionist 651-259-7114** of any situation that is potentially dangerous, before the situation becomes an emergency.
- Know and follow all emergency procedures. All employees should have an Emergency Procedures handbook that should be kept close-at-hand. In the handbook is a list of floor monitors and emergency floor plans.
- Know who the floor monitors are, and follow their instructions. Know where the fire extinguishers are located and how to use them. **Respond immediately to sirens, alarms, or loudspeaker instructions.**
- When evacuating the building's block, use street crosswalks and obey traffic signals.
- Attend all assigned training. NOTE: Employees trained in cardiopulmonary resuscitation (CPR) and other first-aid procedures should inform managers and others responsible for handling emergencies, as they may be asked to assist in emergency situations.

### ***Supervisors***

- Know and follow all emergency procedures. Ensure that all employees have an Emergency Procedures handbook and follow emergency procedures. Inform new employees of emergency procedures.
- Notify DEED's Safety Officer of any employee requiring special assistance in emergency situations. With the Safety Officer's assistance, ensure that required emergency procedures are implemented for these situations.
- Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- Keep an up-to-date file of personal medical emergency information on employees (but maintain data confidentiality). Have the file readily available in the work area; it could save valuable time during a medical emergency. Include relative or friend's name and phone number; physician's name and phone number; health insurance carrier; and hospital preference.
- Follow-up on reports of hazardous conditions.

### ***Floor & Stairwell Monitors***

- Go quickly to assigned station, if safe to do so, when alarm sounds.
  - Wear floor monitor identification.
  - Give clear and firm instructions to all employees/clients.
  - Ensure safety of employees with hearing or mobility impairment.
  - Once assigned area is cleared of people, report to designated evacuation area and report to your assigned check-point person to provide an "all clear" or information of employees needing assistance.
- Know and follow the Emergency Procedures handbook instructions on responsibilities.
- Attend training and provide necessary training to employees. Assist with any other emergency as needed.

### ***DEED Human Resources and Administrative Services***

- Working jointly, maintain and update emergency procedures. Work with the First National Bank Building's management office on updating procedures and conducting evacuation drills. Update procedures as needed and notify all employees of those changes. Keep postings and emergency procedures handbook up-to-date. Provide training for DEED staff involved in emergency procedures.
- Ensure redundancy for Central Command personnel. Appoint new floor monitors and coordinate their training as vacancies occur. Inform floor monitors of employees with hearing or mobility impairment; and establish individual plans, with back-up, for helping those employees leave the office area during an evacuation.
- For this or any other emergency that requires evacuation:
  - Notify DEED commissioner of emergency; recommend action.
  - Give instructions to floor monitors.
  - Supervise operation of emergency procedures.
- Conduct annual inspections to ensure protection equipment is operational.

### ***PROCEDURES***

Employees should follow the procedures covered in their Emergency Procedures handbook. Floor plans and evacuation maps are posted at prominent spots on each DEED floor. Automatic External Defibrillators (AEDs) are also available on each floor.

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

Issue Date: 4/10

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***b. Reasonable Accommodation Policy and Procedure:***

**DEED**

**REASONABLE ACCOMMODATION**

**PPM216**

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**Table of Contents**

Introduction

Definitions

Policy

Procedures

-- Requesting Reasonable Accommodations

-- Appealing Denials

ADA Coordinator

**Contact Person:** Kathy Mullarky (Kathy.Mullarky@state.mn.us)  
651.259.7097 (Voice); 651.282.5174 (TTY)

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**INTRODUCTION**

Section 504 of the Federal Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act, as amended; and the Minnesota Human Rights Act require state agencies to provide reasonable accommodation to people with disabilities.

The Minnesota Department of Employment and Economic Development (DEED) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to DEED's non-discrimination policy. While many individuals with disabilities can work without accommodations, other qualified applicants and employees face barriers to employment without the accommodation process.

DEED's reasonable accommodation policy covers all qualified employees and applicants for DEED employment; DEED program manuals provide specific policy and procedures for program participants. DEED's Americans with Disabilities Act (ADA) coordinator is responsible for implementation of this policy.

---



### DEFINITIONS

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

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

1. Has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activities (example: a person who has epilepsy or bipolar disorder would be considered to have an impairment if substantially limited in a major life activity).
2. Has a record of such an impairment (example: a person has a history of cancer, heart disease, or psychiatric condition, whose illness is either cured, controlled, or in remission);

OR

3. Is regarded as having such an impairment (example: an individual with a facial scar who, despite having no limitations, is perceived and treated as a person with a disability).

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

**Reasonable Accommodation:** Any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy equal opportunity employment. Reasonable accommodation applies to three aspects of employment: 1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a position; 2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; and 3) modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment.

Examples of accommodations may include:

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

These are NOT accommodations:

- a. Elimination of essential functions.
- b. Lower production standards.
- c. Provision of personal-use items such as glasses or hearing aids.

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

---

### POLICY

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

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### PROCEDURES

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

### REQUESTING REASONABLE ACCOMMODATIONS

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

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

Who	Step	What
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NOTE: The ADA coordinator may be contacted by either party to help facilitate the process and/or provide technical assistance at any step in the process.

Requestor	1	Inform the supervisor of a need for an adjustment or change at work because of a medical condition. Complete a <u>Reasonable Accommodation Request</u> form and give it to the supervisor (or give it directly to the ADA coordinator, who would then perform the "supervisor" role in the steps identified below).
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NOTE: Submitting a medical provider's recommendation may be the starting point for this process; however, that recommendation might not be the accommodation implemented.

- Supervisor      2    If certain the requestor's medical condition meets the definition of disability (the prerequisite for the requestor to be entitled to reasonable accommodation), proceed to Step 3.

If not certain the requestor's medical condition meets the definition of disability, contact the ADA coordinator for a determination of coverage. If the disability is not obvious, the ADA coordinator may ask the requestor to provide reasonable documentation (NOT a medical history) or sign a limited release of medical information. This determination is essential to the process.

- Supervisor and Requestor      3    Once a determination is made that the requestor's medical condition meets the definition of disability, discuss the requestor's duties and identify:
- The essential functions.
  - How the current duties are performed.
  - Which essential functions cannot be fully performed.
  - Barriers to successful completion of essential functions.
  - How the impairment affects the job. Medical information may be helpful in identifying functional limitations and the effect of the impairment on job duties. The requestor may be asked to provide the medical information or to complete a Reasonable Accommodation Medical Release form and give it to the supervisor or the ADA coordinator so the medical provider can be contacted.
  - Potential accommodations (assess their effectiveness in allowing the requestor to perform the essential functions of the job and whether they are reliable and can be provided in a timely manner; look at all possibilities and at all resources, including the "Job Accommodation Network").

NOTE: Any medical documentation must be collected and maintained on separate forms and in separate files. Medical information is shared only on a limited basis with specific supervisors, managers, or first aid and safety personnel.

- Supervisor      4    Make a decision whether to approve the request.

a) If approving the request:

- Select the accommodation that is effective and appropriate for both the requestor and DEED (while a requestor's preference will be given consideration, it is the supervisor's decision to make; DEED reserves the

right to select among equally effective accommodations and may choose the one that is less expensive or easier to provide).

- Document the steps that lead to the decision.
- Send a copy of the approved request and all supporting documentation to the ADA coordinator, who maintains a record for reporting purposes. The ADA coordinator may review the selected accommodation with the supervisor. The ADA coordinator also completes a Reasonable Accommodation Agreement with the requestor and the supervisor; this is a required step.
- Implement the accommodation.

b) If denying the request:

- Complete "PART B" of the Reasonable Accommodation Request form.
- Send the form and all related documentation to the ADA coordinator for review. The ADA coordinator will help facilitate a resolution with the supervisor. If the supervisor and the ADA coordinator reach agreement, the requestor will be notified of a final decision (if it results in a denial of the request, the requestor will be informed of the appeal process).

c) If unable to make a definitive decision, for whatever reason:

- Send the request form and all related documentation, along with comments or a recommendation, to the ADA coordinator, who will help facilitate a resolution with the supervisor. If the supervisor and the ADA coordinator cannot make a definitive decision, for whatever reason, the ADA coordinator will submit all documentation to the appropriate management level for review and discussion.

ADA  
Coordinator  
and Requestor

- 5 If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, work together to determine whether reassignment may be an appropriate accommodation; this is considered **only** when no other accommodation is available.

DEED may look at transfer, mobility, appointment, noncompetitive, and competitive opportunities (per Minn. Stat. § 43A). DEED is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

### **APPEALING DENIALS**

Qualified persons with disabilities who are denied reasonable accommodation may appeal the decision by filing a written complaint with the DEED ADA coordinator. The DEED commissioner will make a final

agency decision on all requests not resolved at the supervisor/manager level. Further appeals are processed through other governmental agencies such as the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission.

For more information on the appeal process and for answers to any questions about reasonable accommodation, call the ADA coordinator (see below).

---

### **ADA COORDINATOR**

The DEED ADA coordinator is:

Kathy Mullarky  
Department of Employment and Economic Development  
Office of Diversity and Equal Opportunity  
1st National Bank Building  
332 Minnesota Street, Suite E200  
St. Paul, MN 55101-1351  
651.259.7097 (voice)  
651.282.5174 (TTY)  
651.296.8763 (fax)  
kmullarky@state.mn.us (e-mail)

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***c. Discrimination Policy and Complaint Procedure:***

**DEED**

**DISCRIMINATION AND DISCRIMINATORY HARASSMENT**

**PPM417**

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Table of Contents

Introduction

Definitions

Policy

General Guidelines

Complaints

- General Provisions
- Complaint Process
- Appeal Process
- External Options

**Contact Person:** Kathy Mullarky (Kathy.Mullarky@state.mn.us)  
651.259.7097 (Voice); 651.282.5174 (TTY)

---

**INTRODUCTION**

This chapter provides guidelines for dealing with discrimination, discriminatory harassment, retaliation, and other inappropriate behaviors at the Minnesota Department of Employment and Economic Development (DEED), to help ensure respectful work environments and services free of these behaviors.

The chapter/policy covers DEED consumers and any person, whether a paid employee, applicant for employment, intern, consultant, or contractor under management of DEED. Employees and consumers may request more information and assistance from the DEED Office of Diversity and Equal Opportunity (ODEO). ODEO, in conjunction with the DEED Training and Learning Resources Office, offers training on preventing and responding to all forms of discrimination--including sexual harassment--in the workplace; DEED employees must attend this training at least once **every five years**.

---

**DEFINITIONS**

"Discrimination" is conduct that segregates, treats differently, or impacts an employment or provision of service decision(s) on the basis of an individual's protected class characteristic, i.e., race, color, creed, religion, national origin, sex (including pregnancy and childbirth status; and sexual harassment), marital status, status with regard to public assistance, disability, sexual orientation, age, or membership in a Human Rights Commission.

There are more definitions included at the end of this chapter; see [More Definitions](#).

---

### **POLICY**

DEED prohibits discrimination, harassment, retaliation, and other inappropriate behaviors based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This includes both overt acts and those acts that create an intimidating, offensive, or hostile work environment. This policy applies at any location, activity, or event associated with DEED or its employees in their capacity as representatives. Application of this policy is the responsibility of each DEED manager, supervisor, and employee; violation may constitute grounds for disciplinary action, up to and including discharge.

---

### **GENERAL GUIDELINES**

Discrimination or harassment because of, based on, or directed at an individual's protected class characteristic may be a violation of one or more of the following:

- Title VII of the Civil Rights Act of 1964, as amended
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act
- Chapter 363A of the Minnesota Human Rights Act

Not all issues or complaints will rise to the level of illegal discrimination or harassment; some behaviors are simply inappropriate for the workplace and will be treated as such. The same laws that prohibit discrimination and harassment based on protected class status also prohibit retaliation against individuals who oppose unlawful discrimination or participate in a discrimination proceeding.

Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, other inappropriate behaviors, or acts of retaliation that occur in DEED employment or provision of services must promptly report it to ODEO, the Human Resources Office director, the deputy commissioner, or the commissioner. Failure to report such information is considered a violation of this policy. Also, any DEED employee involved in an investigation must participate by providing truthful, accurate, and complete information.

### **COMPLAINTS**

For the purposes of this policy, a complaint is a dispute or disagreement raised by an employee, applicant, person eligible for consideration for employment, contractor, intern, volunteer, member of a community board, or customer. The alleged action must be attributed to discrimination based on a person's 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.

The complaint procedure may be used by any of the above-cited people a) whose dispute or disagreement is based on the belief they have been discriminated against, harassed, or otherwise treated inappropriately; or b) who believe they are the victim of retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure. Complaints must be filed within 365 days of the last occurrence.

### **GENERAL PROVISIONS**

- During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law.
- Coercion, reprisal, or intimidation against those filing a complaint (the "complainant") or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- Complaints usually will not be investigated while the matter is being simultaneously pursued through other internal grievance and/or appeal processes.
- The complainant, through an equal opportunity officer or the commissioner, will be advised of his or her right to file a charge of discrimination with outside administrative agencies. Individuals may file a complaint, within 365 days, with the Minnesota Department of Human Rights or, within 300 days, with the Equal Employment Opportunity Commission; they may also file with an attorney in private practice.
- Regardless of the outcome of an investigation, DEED will take no adverse or retaliatory action against a complainant who reports conduct she or he considers to be a violation of DEED's policy against discrimination and discriminatory harassment.
- Each situation shall be evaluated on individual circumstances and severity.

### **COMPLAINT PROCESS**

A DEED employee with concerns about discrimination, harassment, retaliation, or other inappropriate behaviors may make a complaint to his or her direct supervisor. If the employee's supervisor is the person perceived to be engaging in such activity, or the employee is otherwise not comfortable



reporting the incident(s) to his or her supervisor, the employee may go to her or his next-higher supervisor, manager, director, an equal opportunity officer, human resources personnel, or the commissioner.

All complainants, including consumers of DEED's services, applicants for employment, interns, consultants, or contractors under management of DEED may, at any time, present complaints directly to a DEED program director, an equal opportunity officer, or the commissioner.

These are the steps for filing and processing a complaint:

Who	Step	What
Complainant	1	<p>Initiate a complaint in person, over the phone, or in writing by contacting direct supervisor, the next-higher supervisor, manager, director, an equal opportunity officer, human resources personnel, or the commissioner. Provide all supporting evidence; sign a written charge; and submit any requested materials, which may include a completed intake questionnaire, to an equal opportunity officer.</p> <p>Note: Complaints must be brought within one year after the last occurrence of the alleged discriminatory act.</p>
Equal Opportunity Officer	2	<p>Determine, within 10 working days of receiving the complaint, if the complaint falls within the jurisdiction of this complaint process. If the complaint is <u>not</u> related to discrimination, but rather to general personnel concerns notify the complainant of alternative complaint procedures.</p> <ul style="list-style-type: none"><li>• If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3.</li><li>• If it is determined that the complaint is not related to discrimination, but rather, general harassment or other issues, notify the complainant and refer him/her to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation.</li><li>• If the complainant is suffering irreparable harm in the absence of immediate action, an equal opportunity officer, the Human Resources director, or the commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.</li></ul>
	3	<p>Make every effort to complete an investigation and provide a final written answer within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements. An investigation may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all</p>

pertinent records or documents relating to the complaint.

Notify complainant if circumstances prevent completion of the investigation within established timelines.

- 4 Upon completion of the investigation, prepare a written report determining if the complaint was substantiated. Present the written report to the Human Resources director and other appropriate management staff. Provide a written notification to the complainant and the respondent at the conclusion of the investigation, and, to the extent possible under the Minnesota Data Practices Act, that action has been taken.

Human  
Resources and  
Appropriate  
Management  
Staff

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

Management is responsible for corrective and disciplinary action, follow-up inquiries, and any training that is felt necessary. The investigative file stays in ODEO. The file is confidential and kept separate from an employee's personnel file; it can only be accessed as permitted by the Minnesota Data Practices Act.

### ***APPEAL PROCESS***

If the disposition of the complaint is not satisfactory to the complainant or respondent, either party may appeal the decision to the commissioner in writing within ten business-days following notification of the disposition of the complaint.

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

### ***EXTERNAL OPTIONS***

Any employee, applicant, person eligible for consideration for employment, contractor, intern, volunteer, member of a community board, or customer may file a discrimination complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, the Department of Labor's Civil Rights Center, or an appropriate court of law.

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### **MORE DEFINITIONS**

**Age:** The number of years that have passed since one's birth. State and federal laws protect individuals against various forms of age discrimination.

**Color:** The general appearance of one's skin; or skin pigmentation.

**Creed:** A system of beliefs, principles, or opinions; and includes religious and spiritual observances, practices, and sincerely held beliefs.

**Discrimination:** Conduct that segregates, treats differently, or impacts an employment or provision of service decision(s) on the basis of an individual's protected class characteristic, i.e., race, color, creed, religion, national origin, sex (including pregnancy and childbirth status; and sexual harassment), marital status, status with regard to public assistance, disability, sexual orientation, age, or membership in a Human Rights Commission.

**Discriminatory Harassment:** A repeated, blatant, or persistent pattern of verbal, psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion, or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. It is behavior that unreasonably creates an intimidating, hostile, or offensive work environment among co-workers or between supervisors and subordinates **and** is based on a protected class characteristic. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, demeaning, or insulting remarks; repeated jokes about an employee or a characteristic unique to the employee; or sabotage of an employee's character, reputation, work efforts, or property.

**General Harassment:** Any unwelcome conduct or comment (not based on protected class status) that has a negative impact on an individual or the work environment. Examples of harassment include, but are not limited to, unwelcome remarks, jokes, or innuendos; verbal abuse, intimidation, or threats; offensive pictures, graffiti, cartoons, or sayings; and offensive e-mail messages.

**Inappropriate behaviors:** Behavior or conduct that is not appropriate in the workplace. Examples of inappropriate behaviors include, but are not limited to, cartoons that poke fun at a particular religious group; unwelcome references, such as "babe" or "doll"; belittling and undermining another person's work; criticizing or showing a lack of respect for judgments, skills, or opinions of a person; humiliating a person in front of colleagues (put-downs and name-calling); intimidating use of discipline; destructive innuendos and sarcasm, including rumors and gossip; misuse of private information; verbal and non-verbal threats; overly forceful language, including jokes, sarcasm, and crude language; shouting; and invasion of personal space (e.g., entering someone's office without knocking, physically standing over another person, rifling through personal files and drawers, reading information on someone's desk without permission, blocking someone's exit, and banging on a desk).

**Local Human Rights Commission:** An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

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

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

**Person with a Disability:** A person who 1) has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activities; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

**Race:** A social construct that considers a human population distinct based on its common history, nationality, or geographic distribution. It can also be based on descent (racial classification of parents) and/or one or more physical characteristics.

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

**Retaliation:** Occurs when adverse actions are imposed against individuals who have reported allegations of discrimination or harassment or have participated in an investigation. An adverse action is a tangible employment action that causes a significant change in employment status, such as demotion, termination, failure to promote, or reassignment with significantly negative changes in responsibilities. Mere inconveniences or business-driven alterations of job responsibilities are not necessarily adverse actions.

**Sex:** The condition or character of being female or male; and includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

**Sexual Harassment:** Unwelcome sexual attention that unreasonably interferes with an individual's work environment or his or her ability to perform job functions or to fully access and receive services. It may involve intimidation, threats, coercion, sexual advances, request for sexual favors; or other verbal, non-verbal, or physical conduct that is both unwelcome and of a sexual nature.

Examples of sexual harassment may include:

- Any behavior of a sexual nature that the recipient or bystander finds unwelcome.
- Unwanted sexual comments, looks, innuendos, or suggestions about one's body or sexual activity.
- Unwanted, unnecessary touching, brushing against one's body, patting, or pinching.
- Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
- Displaying pictures, objects, or publications of a sexual nature in work areas.
- Use of language implying inferiority based on sex.
- Electronic display or transmission of sexually explicit, obscene, or demeaning material.

- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.

***Sexual Orientation:*** The real or perceived inclination of an individual with respect to heterosexual, homosexual, and bisexual behavior.

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

Issue Date: 11/06

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### **J. Recruitment Plan**

DEED is committed to diversity hiring. The goal of DEED's Recruitment Plan is to establish a workforce that is representative of Minnesota's diversity. DEED will develop creative strategies to actively recruit, hire, promote, and retain prospective protected group candidates.

Human Resources staff, supervisors, managers and directors are essential participants of the hiring process and will be trained with the expectation that they will be agents in meeting the goals set for the biennium.

DEED staff partners with other state agencies to utilize community resources and develop effective recruitment strategies. Staff uses Minnesota WorkForce Centers to support resume writing workshops and provide information to community groups regarding state employment opportunities.

Recruitment efforts have included hiring bilingual staff to serve the growing immigrant populations of Somali, Hmong, and Spanish speaking consumers. The positions include Workforce Development Representatives, Operations Analysts who support the customer service centers, and Migrant Seasonal Farm worker representatives.

Business and Information Technology (BIT) has a recruiter to help fill the technology positions. These positions are often hard to fill and experience a higher rate of turnover. The recruiter is a retired DEED manager working under the PRO program. She has developed recruitment methods specifically for the BIT positions and attends the recruitment meetings.

Vocational Rehabilitation Services (VRS) has a State Program Administrator Manager who is responsible for overseeing all employee development activities and for succession planning. This position provides a greater emphasis on developing relationships with higher education institutions and hiring more interns. Other areas of emphasis include mentoring and professional development for all VRS staff, for increasing staff competencies, including cultural competencies, and reducing overall turnover in the unit.

The Rehabilitation Services Counselor Senior and the Rehabilitation Services Counselor Career positions require a master's degree in counseling, and these positions are routinely difficult to fill. Undergraduate students are provided information on careers in vocational rehabilitation and stipends that are available for the master's programs. This is done through personal networking with professionals at relevant colleges and universities and directly with prospective candidates at career/job fairs. Master's students are hired as paid interns, and many times these interns are hired into permanent positions. The Office of Diversity and Opportunity is working with Human Resources to incorporate more paid and unpaid internships across the Department. The Pathways to employment initiative specifically looks at individuals with disabilities and establishes internship and mentoring programs.

Pathways to Employment is a DEED program that works with individuals with disabilities. Often, an individual with a disability may lack employment or volunteer experience. DEED established

internships in the WorkForce Centers for students and applicants with disabilities and hopes to continue this successful initiative.

Beginning in the spring or summer of 2011, DEED expects to participate in the SEEDS program. The program provides job opportunities for seniors in high school and college students. It provides an excellent opportunity for highly motivated minority and economically disadvantaged students, as well as students with disabilities and focuses on permanent placement upon graduation.

DEED sponsors the Veterans Career Fair to help connect military veterans looking for work and employers who are hiring. The event helps veterans and their spouses find jobs, explore career options or attend workshops by career experts. At the same time, employers and service providers will have the opportunity to connect with job-ready veterans.

Newspapers do not routinely yield successful candidates. Agency employees and word-of-mouth are effective resources for finding qualified candidates. Recruitment strategies focus on community groups, current DEED employees, state agency networks, and college and university career offices. DEED's Office of Diversity and Equal Opportunity has created a list of contacts from community-based groups, minority councils, and minority placement offices at local colleges and universities. DEED's job postings and instructions on how to apply are e-mailed to everyone on the list as positions become available.

The following are some of the ways in which DEED recruits candidates to fill its positions:

### College and University Recruitment:

- MNSCU network
- Macalaster College
- Mankato State University
- St. Cloud State University
- University of Wisconsin - Stout
- University of Minneapolis - Minneapolis/St. Paul
- University of Minnesota - Duluth

### Diversity focused publications:

- Access Press
- Asian American Press
- La Prensa de Minnesota
- Minnesota Women's Press
- Native American Press

### Job Fairs:

- Participation initiated through all 49 WorkForce Centers provides statewide coverage
- Career Fair and Mentoring Day for Students with Disabilities
- Veterans Career Fairs

### Websites:

- CareerBuilder.com Recruitment - <http://careerbuilder.com>
- DICE – Technology Job Board - <http://www.dice.com/>
- Minnesota Works - <http://www.minnesotaworks.net/>
- Pioneer Press - <http://www.twincities.com/mld/pioneerpress/>
- Star Tribune - <http://www.startribune.com/>
- State of Minnesota - <http://www.careers.state.mn.us>

### Additional recruiting methods:

- College and University postings
- Community organizations
- Industry Specialists
- Professional Organizations
- Referrals from agency employees
- Trade Journals

### Additional advertising sources:

- Albert Lea Tribune
- Bemidji Pioneer
- Duluth News Tribune
- Mankato Free Press
- Minneapolis Star Tribune
- Red Wing Republican Eagle
- Rochester Post
- St. Paul Pioneer Press
- St. Cloud Times
- Willmar West Central Tribune

The Department of Employment and Economic Development (DEED) submits its Recruitment Plan electronically. Following is a copy of the report.

Agency	Employment & Economic Development
Enter email address for the point of contact for questions regarding the information on this form.	
Email	karenlilledahl@state.mn.us
Be careful to enter your email address correctly to receive confirmation email of submission. Enter Email again	
	karenlilledahl@state.mn.us

1. What recruitment sources/media/events does your agency use for the recruitment for women, minorities and people with a disability?  
Check all that apply:



## DEED Affirmative Action Plan 2010 - 2012

- ☒ Minnesota Management & Budget (MMB) website
- ☒ Minnesota Works.net (DEED) website
- ☒ College or University websites or career centers
- ☒ College or University recruitment events
- ☒ Job Fairs
- ☒ Diversity websites
- ☒ Diversity Newspapers
- ☐ Newspaper websites
- ☒ Newspaper Print
- ☒ Community Organizations
- ☐ Community Partnership Programs (i.e. MnCARRS)
- ☐ High School/College Partnership programs (i.e. LETO, Seeds)
- ☒ Partnership with State Councils/Boards (i.e. Mn State Council on Disability, Council on Black Minnesotans, Deaf and Hard of Hearing Services, etc)
- ☒ Professional Organizations
- ☒ Agency Employees
- ☐ Direct Mail
- ☐ Trade Journals
- ☐ Radio or Television
- ☒ Presentations
- ☐ Other

2. Indicate the total expenses your agency incurred for recruitment advertising and activities for **fiscal year 2010** (July 1, 2009 - June 30, 2010). Do NOT include staff time.

\$  (include dollar amounts only. i.e. 240.00)

3. Does your agency use Social Networking sites (i.e. LinkedIn, Facebook, Twitter, etc.) for Recruitment?

Yes or No  (Y or N)

4. What Social Networking site(s) has your agency used for recruitment in the last calendar year?

Check all that apply.

- ☒ Have not used a social networking site
- ☐ LinkedIn
- ☐ Facebook
- ☐ Twitter
- ☐ My Space
- ☐ Second Life
- ☐ Other

5. Does your agency have a policy regarding the use of Social Networking?

Yes or No ☒ Y (Y or N)

6. Does your agency have an Internship Program? [A.P. 21E](#)

Yes or No ☒ Y (Y or N)

7. Does your agency have a Mentorship Program?

Yes or No ☐ N (Y or N)

8. Does your agency employ Student Workers? [A.P. 8.1](#)

Yes or No ☒ Y (Y or N)

9. Does your agency have a Work-Training Program? [A.P. 21D](#)

Yes or No ☐ N (Y or N)

[Supported Employment Statement \(M.S. 43A.191 Subd. 2d\)](#)

My agency supports the employment of individuals with disabilities and will review vacant positions to determine if there are job tasks that might be performed by a supported employment worker. In the event the agency finds supported worker opportunities we will recruit and hire for these positions.

☒ Check this box if your agency agrees with and will follow the guidelines in the above statement.

## DEED Affirmative Action Plan 2010 - 2012

### UNDER-UTILIZED PROTECTED GROUP: WOMEN - STATEWIDE

EEO JOB GROUP	Total Number in Group	Total Number of Women in Group"	% Women in the Group"	Avail-ability % Census/ Feeder Groups	Avail-ability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	76	36	47.37%	54.3%	41	5	2	Not Improved	3
Professionals	1441	886	61.49%	55.5%	800	0	0	Same	0
Technicians	18	7	38.89%	38.9%	7	0	2	Improved	-2
Office/Clerical	293	269	91.81%	70%	205	0	0	Same	0
Service Maintenance	13	4	30.77%	43.6%	6	2	0	Not Improved	2

### UNDER-UTILIZED PROTECTED GROUP: MINORITIES - STATEWIDE

EEO JOB GROUP	Total Number in Group	Total Number of Minor-ities in Group"	% Minor-ities in Group"	Avail-ability % Census/ Feeder Groups	Avail-ability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	76	1	1.32%	8.3%	6	5	4	Not Improved	1
Professionals	1441	133	9.23%	8.9%	128	0	0	Same	0
Technicians	18	1	5.56%	6.8%	1	0	1	Improved	-1
Office/Clerical	293	34	11.6%	9.4	28	0	0	Same	0
Service Maintenance	13	3	23%	14.3%	2	0	0	Same	0

### UNDER-UTILIZED PROTECTED GROUP: DISABILITY - STATEWIDE

EEO JOB GROUP	Total Number in Group	Total Number of Disability in Group"	% Disability in the Group"	Avail-ability % Census/ Feeder Groups	Avail-ability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	76	5	6.58%	7.7%	6	1	0	Not improved	1
Professionals	1441	80	5.60%	9.8%	141	61	36	Not Improved	25
Technicians	18	5	27.78%	11.5%	2	0	2	Improved	-2
Office/Clerical	293	22	7.51%	11.3%	34	12	5	Not improved	7
Service Maintenance	13	3	23.08%	11.4%	1	0	1	Improved	-1

## DEED Affirmative Action Plan 2010 - 2012

### UNDER-UTILIZED PROTECTED GROUP: WOMEN - METRO

EEO JOB GROUP	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability % Census/ Feeder Groups	Availability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	71	33	46.4%	56.7%	40	7	1	Not Improved	6
Professionals	1100	666	60.55%	53.5%	587	0	0	Same	0
Technicians	15	7	46.67%	58.1%	9	2	1	Not Improved	1
Office/Clerical	195	172	88.21%	67.9%	132	0	0	Same	0
Service Maintenance	12	4	33.33%	42.9%	5	1	0	Not Improved	1

### UNDER-UTILIZED PROTECTED GROUP: MINORITY - METRO

EEO JOB GROUP	Total Number in Group	Total Number of Minority in Group	% Minority in the Group	Availability % Census/ Feeder Groups	Availability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	71	1	1.41%	12.6%	9	8	7	Not Improved	1
Professionals	1100	149	13.55%	10.4%	114	0	0	Same	0
Technicians	15	1	6.67%	9.1%	1	0	1	Improved	-1
Office/Clerical	195	30	15.38%	11.7%	23	0	0	Same	0
Service Maintenance	12	3	25.00%	20.1%	2	0	0	Same	0

### UNDER-UTILIZED PROTECTED GROUP: DISABILITY - METRO

EEO JOB GROUP	Total Number in Group	Total Number of Disability in Group	% Disability in the Group	Availability % Census/ Feeder Groups	Availability Number	AAP 2010-2012 Number Under-utilized	AAP 2008-2010 Number Under-utilized	Improved Not Improved Same	Numerical Difference
Officials and Administrators	71	4	5.63%	6.4%	5	1	2	Improved	-1
Professionals	1100	51	4.64%	10.2%	112	61	38	Not Improved	23
Technicians	15	4	26.67%	11.5%	2	2	0	Not Improved	2
Office/Clerical	195	15	7.69%	11.4%	22	7	4	Not Improved	3
Service Maintenance	12	3	25.00%	11.4%	1	0	0	Same	0

## DEED Affirmative Action Plan 2010 - 2012

<b>UNDER-UTILIZED PROTECTED GROUP: WOMEN - GREATER MINNESOTA</b>									
<b>EEO JOB GROUP</b>	<b>Total Number Women In Group</b>	<b>Total Number of Women in Group</b>	<b>% Women in the Group"</b>	<b>Avail-ability % Census/ Feeder Groups</b>	<b>Avail-ability Number</b>	<b>AAP 2010-2012 Number Under-utilized</b>	<b>AAP 2008-2010 Number Under-utilized</b>	<b>Improved Not Improved Same</b>	<b>Numerical Difference</b>
Officials and Administrators	4	2	50.00%	66.9%	3	1	1	Same	0
Professionals	201	122	60.70%	71.9%	145	23	32	Improved	-9
Technicians	2	0	0.00%	69.9%	1	1	1	Same	0
Office/Clerical	70	70	100.00 %	74.4%	52	0	0	Same	0
Service Maintenance	1	1	100.00 %	47.3%	0	0	0	Same	0

<b>UNDER-UTILIZED PROTECTED GROUP: MINORITY - GREATER MINNESOTA</b>									
<b>EEO JOB GROUP</b>	<b>Total Number Minority in Group</b>	<b>Total Number of Minority in Group</b>	<b>% Minority in the Group"</b>	<b>Avail-ability % Census/ Feeder Groups</b>	<b>Avail-ability Number</b>	<b>AAP 2010-2012 Number Under-utilized</b>	<b>AAP 2008-2010 Number Under-utilized</b>	<b>Improved Not Improved Same</b>	<b>Numerical Difference</b>
Officials and Administrators	4	0	0.00%	1.1%	0	0	0	Same	0
Professionals	201	9	4.48%	3.6%	7	0	0	Same	0
Technicians	2	0	0.00%	3.6%	0	0	0	Same	0
Office/Clerical	70	4	5.71%	3.7%	3	0	0	Same	0
Service Maintenance	1	0	0.00%	7.6%	0	0	0	Same	0

<b>UNDER-UTILIZED PROTECTED GROUP: DISABILITY - GREATER MINNESOTA</b>									
<b>EEO JOB GROUP</b>	<b>Total Number in Group</b>	<b>Total Number Disability in Group</b>	<b>% Disability in the Group"</b>	<b>Avail-ability % Census/ Feeder Groups</b>	<b>Avail-ability Number</b>	<b>AAP 2010-2012 Number Under-utilized</b>	<b>AAP 2008-2010 Number Under-utilized</b>	<b>Improved Not Improved Same</b>	<b>Numerical Difference</b>
Officials and Administrators	4	1	25.00%	13.1%	1	0	0	Same	0
Professionals	201	20	9.95%	11.5%	23	3	0	Not Improved	3
Technicians	2	1	50.00%	11.5%	0	0	0	Same	0
Office/Clerical	70	4	5.71%	10.5%	7	3	0	Not Improved	3
Service Maintenance	1	0	0.00%	11.3%	0	0	0	Same	0

### **K. Retention Plan**

The Minnesota Department of Employment and Economic Development (DEED) works to ensure equal employment opportunity by retaining a diverse, talented and qualified workforce. The responsibility for these retention efforts lies with all employees of DEED, including the Commissioner and his Leadership Team; all directors, managers and supervisors; the Human Resources Director and staff, the Equal Opportunity Officer(s) and ODEO.

#### *Retention Strategies*

Turnover is one of the most critical problems facing an organization. To address possible retention issues at DEED, the Department plans to do the following to help retain employees:

- Use our internal exit survey process to understand specific reasons for departures. Review the exit interview process for possible improvements. Compile the data and prepare quarterly reports for the Human Resources Director and management.
- Survey hiring supervisors' requests for soft skills, such as communicating with staff, maintaining a respectful workplace, resolving conflicts, and solving problems. Research education resources on the needs they have identified.
- Collaborate with Human Resources staff in the Performance Development Communication Process. Encourage managers and supervisors to develop a Career Training plan for each employee that matches the employee's and organization objectives.
- Continue providing formal and informal venues for training in career development.
- E-learning opportunities in career development is available to DEED staff in such topics as Word, Excel, Crystal Reports, time management, career development, customer service procedures, project development, and organizational skills.
- Promote National Mentoring Day activities targeted at students and applicants with disabilities.
- Continue to inform employees of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
- HR and ODEO will continue to monitor the retirement rates and provide projections to management. A coordinated approach provides information on demographic compositions of the workforce and diversity strategies to maintain an adequate level of qualified employees.
- DEED's Leadership Development Program is a method for improving employee retention and reducing turnover. The DEED Leadership Development Program is a multi-level program designed to provide current and emerging leaders with opportunities to improve their skills, expand and share their knowledge, and enhance their capacity to lead.

## Separations – Fiscal year 2009

### *Total Separations – 179*

Type of Separation - FY 2009	Number	Percentage
Dismissal or non-certification	10	5.6
Resignation	25	14
Retirement	32	17.9
Death	3	1.7
Layoff	2	1.1
Termination without rights*	107	59.7
<b>Total Separations</b>	<b>179</b>	<b>100</b>

\*Temporary positions

## Separations – Fiscal year 2010

### *Total Separations – 206*

Type of Separation FY 2010	Number	Percentage
Dismissal or non-certification	4	1.9
Resignation	41	19.9
Retirement	53	25.7
Death	2	1
Layoff	1	0.5
Termination without rights*	105	51
<b>Total Separations</b>	<b>206</b>	<b>100</b>

\*Temporary positions

DEED's retirement rate was higher in fiscal year 2009 than fiscal year 2010. Retirements continue to be the largest group of separations. The average age of retirement for the last two fiscal years was 62 years old. That is up from our 2008-2010 analysis when the average age was 60. In FY 2010, retirements included ages 54 to 70.

Resignations were the next largest group of separations. An analysis of the exit surveys helps to understand the reasons for resignations.

DEED received federal stimulus funding from the American Recovery and Reinvestment Act (ARRA) of 2009. DEED targeted some of the funding to hire temporary unclassified employees in Unemployment Insurance (Operations Analysts), WorkForce Centers (Workforce Development Representatives), State Services for the Blind (counselors) and Vocational Rehabilitation Services (counselors). The projected end dates for approximately 85 Workforce Development Representatives is September 30, 2010. The unclassified positions in Unemployment Insurance will be routinely reevaluated to determine the level of staffing needs.



## DEED Affirmative Action Plan 2010 - 2012

Below is a chart with specific information on DEED's two largest categories of separation: retirements and resignations:

<b>Retirements</b>		
	<b>FY2009</b>	<b>FY2010</b>
Total	32	53
Male	16	27
Female	16	26
Minority	4	1
Average Age	62	61
Median Age	62	62
Most Frequent Age	62	62
Disability	8	9
Official & Admin	1	2
Professional	23	44
Office/Clerical	7	9
Technician	1	0
<b>Resignations</b>		
	<b>FY2009</b>	<b>FY2010</b>
Total	25	41
Male	8	12
Female	17	29
Minority	5	10
Average Age	40	41
Median Age	37	35
Most Frequent Age	30,31,33	27,39
Disability	2	2
Official & Admin	2	2
Professional	36	36
Office/Clerical	3	3

## FY 2010 Separation Rates

*\*Disclosure of ethnic minority or disability is voluntary.*

	<i><b>Total Number Employees</b></i>	<i><b>Total Number of Employees Separated</b></i>	<i><b>Separation Rate</b></i>
<i><b>Female</b></i>	<i><b>1202</b></i>	<i><b>131</b></i>	<i><b>10.9%</b></i>
<i><b>Male</b></i>	<i><b>639</b></i>	<i><b>75</b></i>	<i><b>11.7%</b></i>
<i><b>Total</b></i>	<i><b>1841</b></i>	<i><b>206</b></i>	
<i><b>Minority*</b></i>	<i><b>202</b></i>	<i><b>30</b></i>	<i><b>14.8%</b></i>
<i><b>Non-Minority</b></i>	<i><b>1639</b></i>	<i><b>176</b></i>	<i><b>12.6%</b></i>
<i><b>Total</b></i>	<i><b>1841</b></i>	<i><b>206</b></i>	
<i><b>Disability*</b></i>	<i><b>115</b></i>	<i><b>24</b></i>	<i><b>20.9%</b></i>
<i><b>Non-Disability</b></i>	<i><b>1726</b></i>	<i><b>182</b></i>	<i><b>10.5%</b></i>
<i><b>Total</b></i>	<i><b>1841</b></i>	<i><b>206</b></i>	

Analysis reveals that DEED females have a much higher representation than males in the agency. The minority separation rate is slightly higher than the non-minority rate. DEED needs to continue efforts to recruit and retain minority workers. DEED employees with disabilities are separating at a higher rate than employees without disability. DEED retirees made up 25.7% (53) of the separations and 13.2% (7) of that group had disclosed they had a disability. These numbers would have more significance if more employees self-disclosed their disability status. In addition, when comparing groups in small population units a small change in the population can cause a 3 to 4% difference in separation rates.