

# METROPOLITAN AIRPORTS COMMISSION

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## Affirmative Action Plan



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# Metropolitan Airports Commission

## 2010 - 2012 Affirmative Action Plan

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**If there is conflicting policy language or procedural information between the Affirmative Action Plan and the Human Resources Policy and Procedures Guide, the language of the Human Resources Policy and Procedures Guide will supersede the Affirmative Action Plan language. Efforts have been made to have policy and procedure language written identical in both documents.**

**I. Transmittal to the Minnesota Management and Budget Department**

A. The December 2009 annual utilization analysis revealed underutilization of (disparities for) the following protected groups:

Job Group	Women	People of Color	People with Disabilities
Officials/Administrators	X	X	X
Supervisors/Managers	X	X	X
Professionals	X	X	X
Technicians	O	O	X
Administrative Support	O	O	X
Protective Services (Firefighters)	O	X	X
Protective Services (Police/CSO)	X	O	X
Skilled Craft	X	X	X
Maintenance	O	X	X

(Key: X= Hiring affirmative action goals set for 2010; O= No affirmative action goals set for 2010)

B. Copies of the plan are available in the Office of Diversity, General Offices or MAC intranet website. For a copy of the plan please contact Geri Kane at (612)726-8173.

C. This two year plan also contains rules governing affirmative action, MSA 473.143, internal procedures for processing complaints of alleged discrimination by employees or members of the public, and complaints against MAC employees or tenants. Each employee has been apprised of this procedure, and will be informed of the Commission's 2010 - 2011 hiring goals.

*Amelia L. Bellant*  
Affirmative Action Officer

2/8/10  
Date

D. This annual plan contains clear designations of those persons and groups responsible for implementing the attached Affirmative Action Plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

*John J. Lamms*  
MAC Chairperson

1/22/10  
Date

E. This Affirmative Action Plan meets the rules governing Affirmative Action, MSA 473.143.

\_\_\_\_\_  
MN Management and Budget  
Office of Diversity and Equal Opportunity

\_\_\_\_\_  
Date

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## II. Policy Statement

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### EEO and Affirmative Action Policy Statement

This Affirmative Action Policy statement is to affirm the Metropolitan Airports Commission's (MAC) commitment to affirmative action. MAC is committed to providing equal employment opportunity (EEO) to all persons without regard to gender, disability, race, color, creed, religion, national origin, marital status, sexual orientation, public assistance status, age or membership or activity in a local human rights commission in accordance with applicable federal, state and local laws/regulations, specifically Minnesota Statute 363.

MAC's policies and practices are reviewed periodically in order to identify and eliminate any barriers to EEO within the existing systems. Such employment practices include, but are not limited to the following: recruitment, selection, promotion, reclassification, disciplinary actions, terminations, training, rates of pay, or other forms of compensation.

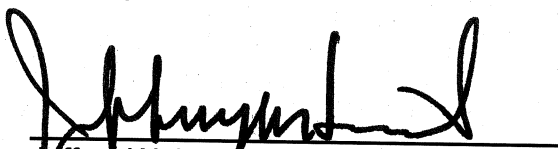
I endorse and support MAC's Affirmative Action Plan. The Minnesota State Legislature has designated three protected groups: racial minorities, women, and persons with disabilities. We will make every effort to recruit, hire, and retain protected group members for all MAC positions and commit the necessary time and resources to achieve the MAC's Affirmative Action Plan and EEO goals.

MAC values a diverse workforce and provides a respectful work environment. All MAC's management will be evaluated on the basis of their involvement in achieving MAC's affirmative action goals.

Contractors retained by the MAC are also responsible for complying with our affirmative action and EEO guidelines in their performance and may be sanctioned accordingly. MAC's non-discrimination and affirmative action rules and guidelines will be incorporated into all contracts.

I have designated Anita Bellant, Affirmative Action Officer, to manage the Human Resources' Office of Diversity. If any employee or applicant believes s/he has been subjected to discriminatory practices, s/he should contact the Affirmative Action Officer at 612-726-8196 or by email at Anita.Bellant@mspmac.org.

MAC's Affirmative Action Plan is available on MAC's intranet website and in MAC's Human Resources' Office of Diversity. All employees are to become acquainted with our Affirmative Action Plan. It is the responsibility of all employees to promote and apply the principles of EEO in their work. I believe Affirmative Action is a positive effort to utilize the skills and resources of a diverse workforce. I expect you to join me in a continuing effort to make EEO a reality at MAC.

  
Jeffrey W. Hamiel, Executive Director

1/22/10  
Date

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### **III. Responsibilities, Duties and Accountability**

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#### **A. Metropolitan Airports Commission**

**Responsibilities:** Establish policy.

**Duties:**

1. Set EEO, affirmative action, personnel, contracting and procurement policies.
2. Provide a work environment free of discrimination, including harassment.

**Accountability:** To the Governor of Minnesota.

#### **B. Chairperson of the Commission**

**Responsibilities:** Provide policy leadership to the Commission and staff on affirmative action and EEO.

**Duties:**

1. Provide leadership to the Commission in the discussion and adoption of MAC's Affirmative Action Plan.
2. Provide leadership to the Executive Director, management and supervisory staff and employees in the implementation of MAC's Affirmative Action Plan.

**Accountability:** To the Governor of Minnesota.

#### **C. Executive Director**

**Responsibilities:** Provide overall administration of the MAC's EEO and affirmative action program, enforcing its policies and implementing them through administrative procedures.

**Duties:**

1. Recommend policies to the Chair and Commission.
2. Issue administrative procedures that implement MAC's Affirmative Action Plan and EEO policies.
3. Establish management and supervisory accountability for meeting affirmative action and EEO objectives.
4. Authorize employment actions in accordance with affirmative action goals and EEO principles.

5. Make the final determination on discrimination complaints brought under the Affirmative Action Plan administrative internal complaint procedures.
6. Make the final determination on requests from employees and applicants with disabilities for reasonable accommodations.
7. Provide a work environment that is free of discrimination and harassment.

**Accountability:** To the Commission

#### **D. General Counsel**

**Responsibilities:** Provide legal advice to the Affirmative Action Officer and management staff on legal compliance with affirmative action and EEO requirements.

**Duties:**

1. Provide advice and review documents submitted by the Affirmative Action Officer for legal compliance to ensure MAC's Affirmative Action Plan is consistent with current statutory and regulatory law.
2. Keep abreast of current case law in the area of affirmative action and EEO and provide ongoing legal assistance to the Executive Director, Affirmative Action Officer and Human Resources to assure compliance with applicable federal and state laws and regulations.
3. Advise the Affirmative Action Officer and management during the handling of discrimination complaints on laws, regulations, Commission policy, court cases and administrative decisions by enforcement agencies, and standards for determining whether a claim of discrimination is substantiated.

**Accountability:** To the Executive Director

#### **E. All Management**

**Responsibilities:** Manage and supervise work in accordance with affirmative action and EEO policies and procedures.

**Duties:**

1. Develop and deliver on strategies for meeting affirmative action with workgroups.
2. Communicate the policies and importance of the Affirmative Action Plan to staff.

3. In accordance with EEO principles, affirmative objectives and organizational goals, develop with assistance from Human Resources or the Office of Diversity an affirmative action plan for personnel actions.
4. Identify and remove barriers to affirmation action and EEO for the recruitment and hiring of qualified protected group applicants.
5. Provide a work atmosphere for employees free of discrimination and harassment.
6. Respond to informal complaints of discrimination.
7. Develop employees, including protected classes, and assist employees in obtaining training and education so that they successfully perform the job and develop skills for career advancement.

**Accountability:** To the appropriate level of management.

#### **F. Human Resources' Office of Diversity**

**Responsibilities:** The Human Resources' Office of Diversity administers MAC's Affirmative Action Plan at the direction of the Chair of the Human Resources and Affirmative Action Committee and the Executive Director through the Diversity Manager, designated as the Affirmative Action Officer.

**Duties:**

1. Develop and update the affirmative action and EEO policy statement and the Affirmative Action Plan consistent with state and federal guidelines. Coordinate with Human Resources' discussion with hiring authorities and management to discuss MAC's affirmative action goals and recruitment strategies.
2. Implement the Affirmative Action Plan, including internal and external dissemination of the MAC policies and plan.
3. Coordinate affirmative action and EEO training for MAC staff.
4. Ensure that all regular status employees are provided equal access to MAC-sponsored training programs, recreation, social activities, benefit plans, pay and other terms and conditions of employment.
5. Receive, investigate, and attempt to resolve internal complaints of harassment and discrimination by MAC employees, tenants or concessionaires. Use outside counsel as appropriate.
6. Identify affirmative action and EEO problem areas and recommend solutions to the Executive Director.

7. Monitor and measure MAC's progress toward its affirmative action goals and report results to the Executive Director.
8. Maintain affirmative action and EEO reports and records, and submit to the appropriate monitoring agencies, such as the U.S. Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, and the Minnesota Management and Budget Department.
9. Coordinate the implementation of necessary remedial actions to meet compliance requirements and goals.
10. Oversee monitoring of sub-contractors and work sites to ensure compliance in such areas as:
  - a. Contracting with DBE & TGBs;
  - b. Proper display of Affirmative Action and EEO posters per federal rules; or
  - c. Working conditions free from harassment and intimidation based on protected group status.
11. Inform management of developments in EEO and affirmative action laws and regulations.
12. Serve as a liaison between protected groups and MAC.
13. Develop and maintain communication with agencies and organizations representing protected groups for recruitment and business opportunities.
14. Collaborate with Human Resources in conducting ongoing analysis of testing procedures and other aspects of the recruitment, selection and placement processes to ensure that artificial barriers to hiring or promoting qualified protected class members are non-existent. Reviews examination and other selection criteria to assure compliance with law.
15. Counsel hiring authorities to ensure compliance with EEO laws and the achievement of MAC's affirmative action goals.
16. Develop and manage diversity strategies, recommendations and/or programs that are designed to facilitate change to enhance systems, practices or assumptions and behaviors that impact MAC staff.
17. Provide community, educational and training resources to employees interested in upward mobility, and provide counseling regarding such opportunities. Encourage members of protected groups to increase their skills by participation in further education and training.
18. Include in all job descriptions for supervisory positions, a section describing responsibilities related to affirmative action.



19. Provide employees and applicants who complain of discrimination with information regarding their rights under provisions of the Civil Rights Act of 1964, as amended by the Employment Opportunity Act of 1972, and of the Minnesota Human Rights Act.
20. Review and recommend changes in the Human Resources Policy and Procedures Guide to ensure compliance with federal and state statutes and judicial mandates regarding EEO.
21. May appoint MAC employees to an Affirmative Action Employee Committee.

**Accountability:** To the Executive Director.

## **G. Human Resources Division**

### **Duties:**

1. Establish personnel policies that are non-discriminatory and protect the rights of employees and applicants.
2. Periodically review the recruitment, posting, application, and classification systems to ensure that qualified minorities, women, and applicants with disabilities are not unfairly excluded from the selection process.
3. Work to recruit qualified women, minorities, and persons with disabilities, so that departments have the opportunity to meet their affirmative action hiring and promotion goals.
4. Recruit qualified minorities, women and persons with disabilities by maintaining contact with those agencies and organizations that refer protected group applicants.
5. Administer screening and testing in a manner ensuring fair treatment of all applicants.
6. Ensure that compensation is provided to all employees without regard to protected group status.
7. Evaluate job requirements continuously to assure that they are job-related and do not present artificial barriers to qualified minorities, women and person with disabilities.
8. Work with departments to assure a job-related performance evaluation system.
9. Offer career development information to all regular status MAC employees.

10. Ensure that training programs are accessible to all MAC employees with disabilities, and protected class employees based on job need.

**Accountability:** The Deputy Executive Director of Human Resources.

#### **H. Human Resources and Affirmative Action Committee**

**Responsibilities:** Recommend and implement strategies to increase MAC understanding on issues of diversity. Review and recommend policies, plans, programs and other diversity initiatives to the Office of Diversity.

**Duties:**

1. Review MAC's Affirmative Action Plan and recommend to the Commission the adoption of MAC Affirmative Action Plan for 2010-2012.
2. Review MAC's Federal Disadvantaged Business Enterprise (DBE) Program and progress reports.
3. Review MAC's Targeted Group Business (TGB) Program and progress reports.

**Accountability:** To the Commission.

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## **IV. Procedures for Plan Dissemination**

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The Affirmative Action Plan will be communicated as outlined below:

### **A. Internal Dissemination**

1. The policy statement and non-discrimination posters will be posted in common areas, such as employee bulletin boards, lunch areas, and employee publications.
2. A copy of the policy statement will be sent to staff including how to access the Affirmative Action Plan.
3. MAC's Affirmative Action and EEO Policies are included in the Human Resources Policy and Procedures Guide.
4. Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure that they are non-discriminatory.
5. Ensure that all MAC publications and printed materials reflect the diversity of its workforce.
6. A copy of MAC's Affirmative Action Plan is available on Human Resources' intranet web page.

### **B. Training of Management and Supervisors in Implementation of the Affirmative Action Plan**

MAC has quarterly organizational staff meetings, which includes MAC deputies, directors, managers and supervisors. At this meeting, the Affirmative Action Officer will present affirmative action information.

### **C. External Dissemination**

1. Inform all subcontractors, vendors and suppliers of the Affirmative Action and EEO policy and contract goals.
2. Inform all recruitment resources of MAC's Affirmative Action and EEO policies and encourage them to actively recruit and refer qualified women, minorities and persons with disabilities for employment.
3. Ensure that employment advertising states MAC is an EEO employer.
4. The MAC will include the statement "Equal Opportunity Employer" or "Affirmative Action Employer" on all company stationery letterhead, and in advertisements including websites and social media when recruiting employees, and on employment applications and job descriptions.

5. Communicate the MAC's Affirmative Action Plan and non-discrimination and harassment policies to prospective employees and new employees as part of New Employee Orientation.
6. MAC will post the Affirmative Action Plan to our external website.

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## **V. Plan Development and Execution**

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### **Affirmative Action Review**

The Human Resources staff will review whether a hiring goal exists for job openings. If there is a goal, a recruitment plan will be developed to generate a diverse applicant pool. The goal of the recruitment plan is to provide a diverse "eligible to hire" list.

The strategy for recruitment will include review of minimum job qualifications to ensure requirements are inclusive and the removal of barriers.

MAC will implement a method to develop a list of qualified protected class individuals that have expressed an interest in MAC employment opportunities. This will occur by maintaining an application file of interested candidates.

MAC will act affirmatively to maximize opportunities for students and interns who are women, minorities and individuals with disabilities to the MAC's internships which will allow protected group students to gain skills and exposure which may assist them in qualifying for future employment opportunities with MAC.

### **Job Fairs**

The Office of Diversity will actively recruit at job fairs targeting protected class groups, as appropriate.

### **EEO Tracking**

Application packages will solicit only information which is relevant for employment consideration. In addition to completing an application package, applicants will be asked to voluntarily complete an EEO form that requests information needed to monitor and evaluate MAC's affirmative action efforts. This information will be confidential and will be maintained in the hiring file.

### **Job Requirements**

The specific duties and responsibilities of a job classification shall be established before any recruiting is done. Essential job qualifications shall be established after an analysis by Human Resources and hiring department's management staff.

### **Examinations**

All examinations will be job relevant. A periodic review will be done to make sure that the requirements are job related and inclusive. Interview panels will include at least one panel member from a protected class or a designated diversity representative. Protected class, for purposes of this section, shall be interpreted to mean a woman, minority or a disabled person. Standards for scoring examinations shall be uniformly applied throughout a hiring process.

### **Expanded Certification**

The expanded certification practice may be used when a job classification is underutilizing protected classes. All beneficiaries of expanded certification must meet the minimum job requirements.

### **Reference Checks**

Human Resources staff will be responsible for reference checks. All forms used for reference checks will be reviewed by the Affirmative Action Officer to insure that they are job related and non-discriminatory.

### **Selection**

A qualified candidate will be selected for appointment on the basis of job-relevant qualifications and consideration of affirmative action objectives and organizational goals.

### **Promotion Assignments and Transfers**

Opportunities generated by work program needs will be based on job relevant qualifications and after MAC's affirmative action objectives have been considered.

MAC's Police Department has a program targeting minority and female candidates for recruitment as temporary Community Service Officers (CSO). CSO's selected typically have an interest in a law enforcement career. MAC provides a flexible schedule to CSO's who are pursuing a law enforcement education. Once the CSO is eligible to be licensed as a Peace Officer, MAC may consider CSO's for open positions in the police department.

### **Training Programs**

Training programs at MAC are available to regular status employees regardless of race, sex, disability or protected class status. The internal training programs for MAC will be varied by different needs of different departments and job functions. The Police Department, for example, has specific training programs on self-defense, firearms use and security training that is not offered to non-police department members. Each department may have specific job training programs.

1. MAC will provide training programs whenever possible to provide professional promotional growth opportunities for all employees.
2. Minority, female and disabled employees will be afforded an opportunity and will be encouraged to participate in training programs.
3. Training and educational programs that MAC sponsors or supports will be reviewed to insure that minority, female and disabled employees are given equal opportunity to participate.
4. MAC will encourage employees to increase their skills and job potential through participation in training and educational programs.

5. MAC will ensure all employees, including minority, female, and disabled employees, are invited to preparatory supervisory training classes.

### **Disciplinary Action**

Disciplinary action will be for just cause only and not based on race, color, creed, religion, national origins, sex, marital status, sexual orientation, public assistance status, disability, age or political affiliations.

### **Retention**

The Human Resources' Office of Diversity staff is available to all employees for counseling, mediation and resolution of issues that arise within the workplace.

The turnover rate at MAC is less than 8% per year. The best retention strategies are to provide employees with a positive work environment. This may include providing all MAC employees opportunities to learn about workforce diversity and cultural competence.

### **Survey Plan**

MAC will periodically conduct affirmative action related surveys to obtain relevant information for planning. Exit interviews will ask employees to comment on affirmative action and diversity policies, supportive of respectful resolution of employee conflicts and grievances. These exit interviews will be reviewed by the Affirmative Action Officer and designated Human Resources staff.

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## **VI. Selection: Pre-employment Review**

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The Affirmative Action Officer and the Human Resources' staff review data to determine whether a disparity exists for a posted position. If there is a goal and the job is externally posted, a recruitment plan to generate a diverse applicant pool will be executed. The goal of the recruitment plan is to provide the appointing authority a diverse "eligible to hire" list of applicants.

The Human Resources staff will inform the hiring authority and management of any goal for that particular job opportunity. Expanded certification may be used as a means to consider underrepresented groups. A qualified candidate will be selected for appointment on the basis of job relevant qualification and in consideration of MAC's Affirmative Action objectives and organizational goals.

### **System of Audit and Reporting**

Records of applicant flow, hires, transfers, promotions, demotions, layoffs, and terminations regarding protected class persons will be monitored by the Human Resources' Office of Diversity. Results will be reviewed with all levels of management, as appropriate.

The Human Resources' Office of Diversity will report, as required by regulation, to other agencies, such as the FAA, U.S. Civil Rights Office, the Minnesota Department of Human Rights and the State Department of Employee Relations. Pursuant to CFR 21 Appendix C (b) (3), MAC will forward all Title VI complaints to FAA within fifteen days of receipt and maintain a list of such complaints received in the previous three years.

MAC will list all training provided to employees in order to analyze career mobility impact. These records will include job assignment, job progression, promotion, transfer by job classification, and bargaining units by racial or ethnic group, gender and disability.

MAC will continuously improve the audit and reporting system, in order to analyze and measure affirmative action programs on a quarterly basis. MAC will continue to use the new hires and separations information which includes all eligible list hires, non-eligible list hires, and all discharges/terminations, including the job classification, bargaining units, racial or ethnic groups, gender and disability.

MAC will monitor all internal disciplinary actions. Disciplinary actions will identify the employee's name, job classification, bargaining unit, racial/ethnic group, gender and disability. MAC will monitor and maintain a list of all discrimination complaints

MAC will document and monitor recruitment strategies and results of targeted recruitment for under represented job classifications as part of this Affirmative Action Plan. MAC's Human Resources and Affirmative Action Committee, as established according to MAC's bylaws will review and advise on the implementation or revision of the plan.



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## **VII. Complaint Procedure**

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MAC is to provide a work atmosphere free from discrimination and harassment for its employees and applicants and to provide public services in a non-discriminatory and harassment free manner. Aiding or abetting another in committing illegal discrimination or harassment, taking reprisal actions against a person for filing a charge, participating in an investigation, or opposing illegal discrimination or harassment or because of their association with persons of a protected class identified by this policy is also prohibited. Protected classes include gender, disability, race, color, creed, religion, national origin, marital status, sexual orientation, public assistance status, age or membership or activity in a local human rights commission.

Commission members, management and supervisory staff are expected to take prompt and appropriate action whenever they become aware of discriminatory or harassing behavior taking place or when they receive a complaint.

Managers, supervisors, and employees are prohibited from engaging in retaliatory action against anyone because a person has made a complaint of harassment or who has cooperated in the investigation of a harassment complaint. An employee who believes s/he is the recipient of retaliatory action should immediately report this to the Affirmative Action Officer.

Any individual who believes s/he has been subjected to, or has witnessed, discrimination or harassment is encouraged to file a report. Individuals may bring complaints of discrimination or harassment by reporting the alleged behavior to the Affirmative Action Officer, Executive Director, Deputy Executive Director, Manager or Supervisor, or the Commission's Chair. Individuals who wish to bring a complaint of discrimination or harassment are encouraged to use MAC's Internal Complaint Procedure outlined below. Managers and supervisors are required to report discrimination complaints to MAC's Affirmative Action Officer.

### **A. How to Make a Complaint Relating to Harassment**

If an employee feels he or she is being harassed, may take any of the following steps:

- a. An employee who feels comfortable doing so should respectfully inform the person(s) engaging in perceived harassment that such conduct or communications is offensive, against MAC policy, and must stop.
- b. When an employee does not feel comfortable in communicating directly with the person(s) whose actions are offensive or when such direct communication has not been effective, the employee should immediately contact her or his supervisor.
- c. If the employee's supervisor is engaging in the offensive conduct, or if the employee does not feel comfortable for whatever reasons in contacting his/her supervisor, the employee should immediately contact a Human Resources Representative or the Affirmative Action Officer.

## **B. Procedure for Internal Complaints**

The employee(s) contacts the Affirmative Action Officer to discuss the alleged complaint. The complaint should include the following information:

1. The names of the party(ies) involved and date of the alleged behavior and;
2. The alleged discrimination/harassment behaviors, actions or policy/practice;
3. The corrective action suggested.

The Affirmative Action Officer notifies the appropriate supervisor and executive staff about the receipt of the complaint.

The Affirmative Action Officer or other neutral party conducts an investigation, reports the findings of fact and makes recommendations to the Executive Director. If the Affirmative Action Officer determines there is a conflict of interest to process an internal complaint investigation, the complaint may be referred to a neutral party for investigation. Outside counsel or a neutral investigator would report the findings to the Executive Director or designee.

The Executive Director determines the appropriate findings within sixty calendar days from the filing date. The Executive Director may extend the sixty-day time limit to issue an administrative resolution of an internal complaint in the interest of justice, specifying in writing the reasons for doing so.

The decision of the Executive Director constitutes the final internal resolution of an affirmative action complaint. The employee(s) may file a formal charge with the Minnesota Department of Human Rights within one year after the occurrence of the practice; or the employee may file a charge with the EEOC within 300 days after the occurrence of the practice under the current State and Federal Law.

All internal complaints of discrimination/harassment shall be investigated in a timely, thorough and impartial manner by MAC's Affirmative Action Officer or designee. The investigation will proceed as discreetly as possible. Information gathered will be disclosed to the complainant, person accused of harassment, and potential witnesses only as necessary to conduct the investigation, and to others with a business need-to-know basis.

MAC's Affirmative Action Officer presents to the Executive Director the case facts. The Executive Director determines whether there is evidence to support a probable cause finding. If probable cause is found the issue will be forwarded to Human Resources and/or Labor Relations for a recommendation on the appropriate disciplinary action to be administered by management.

## **C. Procedures for Internal Complaints Alleging Reprisal**

An employee or any other person, who has participated in a complaint, may file a complaint under the internal discrimination or harassment complaint procedures that alleges reprisal against an employee for opposing a forbidden practice or for filing a charge, testifying or participating in an investigation proceedings or hearing related to a forbidden practice. The complaint will be investigated and a written determination will be made by the Affirmative

Action Officer. Unless appealed, the Affirmative Action Officer's determination shall be considered the final internal resolution of the complaint.

#### **D. Appeals of Reprisal Complaint Determinations**

On an internal complaint alleging reprisal, and pursuant to MSA 473.143 Subd.2(E), the charging or responding party has ten calendar days from receipt of the written decision to appeal the Affirmative Action Officer's determination directly to the Executive Director. The responding party or the complaining party may submit any evidence and information regarding the alleged reprisal.

The Executive Director will provide a written decision to the charging party or the responding party within thirty days following receipt of the appeal. The Executive Director's determination will be considered the final internal resolution of the complaint.

#### **E. Evaluation of Harassment Complaints**

1. The allegations will be reviewed by looking at the whole record and at the totality of circumstances, including the nature of the alleged harassing conduct and the context in which it occurred.
2. All facts will be reviewed on a case-by-case basis.
3. In evaluating alleged "general harassment", the acts shall be reviewed from the perspective of the complainant, using a "reasonable person" standard.
4. In evaluating alleged "unlawful discriminatory harassment", the acts shall be reviewed from the perspective of a reasonable person of the group which is the object of the alleged harassment. For example, if the harassment is sexual and the complainant is female, the standard would be of a "reasonable woman." If the harassment is based on race and the complainant is African-American, then the standard would be of a "reasonable African-American", etc. These standards recognize the unique experiences of different groups in our society.
5. All applicable provisions of collective bargaining agreements apply.

#### **F. Investigations**

MAC's Affirmative Action Officer receives employment discrimination and harassment complaints and is responsible for the investigation of those complaints in a timely manner; however, complaints may be investigated by neutral party or designee depending on the complexity of the allegations or a conflict of interest.

#### **G. Fact-finding Conference**

A tool for internal complaint investigation may be a fact-finding conference. The complainant and other relevant witnesses may be jointly interviewed to clarify conflicting issues, statements and other relevant information. The Affirmative Action Officer may

conduct the interviews. MAC staff deemed relevant witnesses to the internal investigation are required to participate in fact-finding hearings.

#### **H. Pre-determination Settlements**

A pre-determination settlement is an option for resolving a complaint alleging discrimination. The Affirmative Action Officer will work to settle the matter absent a finding that substantiates or fails to substantiate the allegations of discrimination or harassment. This is a voluntary resolution of an internal complaint.

If successful, a written pre-determination settlement document will be prepared for appropriate signatures. Pre-determination settlements may not be an option on all charges, such as allegations of sexual harassment, which will be investigated.

#### **I. Administrative Dismissal of Charges**

A charge alleging discrimination or harassment may be administratively dismissed for the following reasons:

1. The allegation is brought in bad faith; the complainant states that s/he knows protected class status was not the reason for the action complained of; or the charge is a way to cause trouble. Such assessment will be based on facts (a comment by the complainant, for example), rather than circumstantial information.
2. If the charge is based on a temporary or partial disability, which is so insignificant in its effect on a person's perceived abilities, there is little likelihood this would be a basis to discriminate or harass.
3. A charge may be dismissed if the complainant refuses or is unwilling to cooperate with the investigation.

#### **J. Internal vs. External Complaints**

All complainants will be informed of their right to pursue their discrimination or harassment complaint with external agencies; the Minnesota Department of Human Rights or the EEOC. The Affirmative Action Officer will communicate the option of pursuing an internal or external discrimination complaint process. The use of the internal complaint process is not a pre-requisite to filing with the State or Federal agencies mentioned above. External complaints may be handled by the Affirmative Action Officer, General Counsel or other designee.

MAC's HR Policy and Procedures Guide incorporates the MAC Affirmative Action Plan's complaint process by reference. MAC organized employees have the option to file an internal discrimination or harassment complaint using the Affirmative Action Plan's complaint process or to file a complaint with their collective bargaining agent.

Each collective bargaining agreement includes a non-discrimination clause and represented employees may opt to use their union grievance process to file a discrimination complaint as an additional option to the Affirmative Action Plan's complaint process or file a complaint with external agencies, e.g., Minnesota Department of Human Rights or EEOC. The collective bargaining agreements do not limit the employees' right to file a discrimination/harassment complaint outside of the grievance process.

#### **K. Complaints by Outside Parties**

If a person other than a MAC employee alleges discrimination or harassment by MAC personnel or alleges discrimination or harassment by a MAC tenant(s), concessionaire(s) or other company licensed to do business at MAC, the complainant may informally resolve the complaint with the appropriate MAC department or with the appropriate tenant(s), concessionaire(s) or licensee.

If the complaining party wishes to file a formal complaint with the MAC, s/he will be referred to MAC's Human Resources' Office of Diversity. The complaint shall be in writing and include:

1. The name(s), address, phone number and signature(s) of the complainant,
2. The names of the party(ies) involved and date of the alleged behavior,
3. The action(s) or policy or practice which is alleged to be discriminatory or harassing in nature and,
4. The corrective action suggested.

If the complaint is not complete, the Affirmative Action Officer will obtain the missing information from the complainant.

The Affirmative Action Officer will conduct a preliminary investigation of the allegations within seven business days of the filing date of the complaint to determine: (1) whether the complaint should be addressed internally by MAC or by the tenant, concessionaire or licensee; and (2) whether it should be processed through the complaint procedure found in this section. These decisions are at the discretion of the MAC staff.

#### **L. Complaints Against MAC Tenant(s), Concessionaire(s) or Other Companies Licensed to do Business at the Airport.**

If the complaint is against outside parties and is determined to be affirmative action or EEO related, a written request may be made by the Executive Director requesting that the named organization(s) investigate and attempt to resolve the complaint. A copy of the communication indicating final disposition of the complaint by the named organization(s) will also be requested. The complainant will be kept informed of MAC's action regarding the complaint.

A complaint alleging discrimination or harassment by a tenant, concessionaire or licensee will be forwarded for consultation with the appropriate MAC department in order to review compliance with the applicable lease, concession agreement, permit or ordinance.

**M. Complaints Against MAC Employee(s).**

If the complaint is against a MAC employee, the Affirmative Action Officer will conduct an investigation and report the findings of fact to the Executive Director.

The Executive Director will determine a finding within 30 calendar days from the filing date. Prior to a determination, which either substantiates or fails to substantiate the allegation of discrimination or harassment, the complaining party will be advised of the option to resolve the complaint. The Executive Director may from time to time, extend the 30-day time limit to issue an administrative resolution in the interest of justice; specifying the reasons for doing so. The decision of the Executive Director constitutes the final internal resolution of an affirmative action complaint. If the complaining party disagrees with this resolution, under current law s/he may file a formal charge with the Minnesota Department of Human Rights within one year after the date of the occurrence giving rise to the complaint or with the EEOC within 300 days after the date of alleged behavior prompting the complaint.

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## **VII. Reasonable Accommodations**

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Reasonable accommodation is key to this non-discrimination policy. MAC's policy is intended to comply with the Americans with Disabilities Act (ADA). While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the MAC's policy to reasonably accommodate qualified individuals with physical or mental disabilities unless the accommodation would impose MAC an undue hardship. The Affirmative Action Officer is responsible for reviewing ADA requests and/or complaints. MAC's Airport Development Department is responsible for ADA compliance in the development and construction of facilities.

The steps for requesting reasonable accommodations for current employees are:

1. The employee must provide a written request for reasonable accommodations with supporting documentation.
2. Human Resources will coordinate with the Office of Diversity and Department Management, the accommodation evaluation process.
3. Human Resources will notify the employee of the decision.
4. The employee may appeal the Human Resources' decision through the Office of Diversity.
5. The Affirmative Action Officer will review appeals and make a recommendation to the Executive Director. The Executive Director's decision constitutes the final internal resolution to the request for reasonable accommodation.

### **Accommodations in Employee Selection Process**

MAC will inform all applicants of their right to request reasonable accommodation in any selection process. The applicant tracking form includes information on how to request reasonable accommodations. Funding for accommodations in the selection process will be the responsibility of the Human Resources Division.

### **Weather Emergencies**

Most building closures due to severe weather are determined by the Executive Director, and are announced through the media. Hearing-impaired employees will be consulted to determine the appropriate methods to use when advising them of such closing. Options include the supervisor utilizing the TDD to contact the employee or establishing a system agreed on by all parties.

### **Building Evacuation**

In the event of building evacuation, MAC will take steps to ensure the safe exit of disabled employees. When and where special assistance is required, the disabled employee(s) will be consulted and the MAC will develop appropriate procedures for their safe and timely evacuation.



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## **IX. Business Practices**

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MAC will assure EEO in the procurement of all goods and services. Purchases and contracts will be awarded by the Commission without discrimination on the basis of race, color, creed, religion, national origin, sex, sexual preference, age, political affiliation, marital status, and status with regards to public assistance or disability.

MAC shall not accept any bid or proposal for a contract or purchase in excess of \$100,000 from or execute a contract or award a purchase in excess of \$100,000 to a firm having more than 40 full-time employees in Minnesota on a single working day during the previous 12 months, unless the firm has a current Certificate of Compliance from the Minnesota Department of Human Rights, signifying the department's approval of the firm's Affirmative Action Plan.

The MAC will act affirmatively in accordance with the plan to promote, enter into contracts with and award purchases to women, minority and disabled owned businesses.

MAC's Targeted Group Business (TGB) and the Disadvantaged Business Enterprise (DBE) Programs set forth an affirmative program to do business with firms owned and controlled by women, minorities, and people with disabilities. These efforts are pursuant to U.S. Department of Transportation regulations 49 CFR 26 and Minnesota Statute 16c.16

The Office of Diversity will coordinate training programs in the area of diversity for MAC staff as part of the 2010-2012 goals and objectives.

MAC will provide training opportunities in the areas of preventing workplace harassment, cultural awareness, and managing diversity for MAC employees.

MAC has supported and will continue to participate in the following organizations:

- a. Minnesota Minority Supplier Development Council (MMSDC)
- b. Metropolitan Economic Development Association (MEDA)
- c. Minnesota State Affirmative Action Association (MSAA)
- d. Airport Minority Advisory Council (AMAC)
- e. Association of Women Contractors (AWC)
- f. Minnesota American Indian Chamber of Commerce (MAICC)
- g. Outfront Minnesota
- h. National Association of Minority Contractors
- i. Hispanic Chamber of Commerce of Minnesota
- j. Uniform Certification Program
- k. Quorum GLBT Chamber of Commerce

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## **X. Program Goals and Timetables 2010-2012**

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### **Policy**

MAC has budgeted for zero new positions in 2010 and will replace personnel on a case by case basis in accordance with the organization's needs as determined by the Executive Director.

The Minneapolis-St. Paul metropolitan area 2000 census data was used for goal setting for all job groups. Changes to job groups include splitting Protective Services into two categories: police officers, including community service officers, and firefighters.

### **People with Disabilities**

Although we have availability data for women and people of color, we do not have availability data for people with disabilities because neither the Bureau of Statistics nor Minnesota Department of Human Rights collects such data. Therefore, any effort we make to recruit people with disabilities will be based on good-faith effort. Any external labor force demographics or internal workforce utilization data will be based on self-reporting. The only available method available to us currently is through self-reporting by employees and applicants. In the future, we may design an electronic survey for employees to self-report their disability status. Employees may also have the option to complete a paper survey.

**Program Goals for each job category are addressed below:**

#### **Officials and Administrators**

Minorities, women and people with disabilities are underutilized. Affirmative action goals are set for four women, one minority and one disabled person.

#### **Professionals**

Minorities, women and people with disabilities are underutilized. Affirmative Action goals are set to hire one minority, two women and one disabled person.

#### **Supervisors/Managers**

Women and persons with disabilities are underutilized. Affirmative action goals are set for twenty-seven women and two disabled people.

**Administrative Support**

People with disabilities are underutilized. An affirmative action goal is set for one disabled person.

**Technicians**

People with disabilities are underutilized. An affirmative action goal is set for one disabled person.

**Protective Services - Firefighters**

Minorities and people with disabilities are underutilized. Affirmative action goals are set to hire five minorities and three disabled people.

**Protective Services - Police Officers/CSO**

Women and people with disabilities are underutilized. Affirmative action goals are set to hire nine women and one disabled person.

**Skilled Craft**

Minorities, women and people with disabilities are underutilized. Affirmative action goals are set to hire three minorities, one woman and one disabled person.

**Maintenance**

Minorities and people with disabilities are underutilized. Affirmative action goals are set to hire five minorities and one disabled person.

## METROPOLITAN AIRPORTS COMMISSION EMPLOYMENT GOALS 2010

Job Group	Total Employees in Job Group	WOMEN						MINORITIES					
		Currently Employed		Census Data		Number Under-utilized	Goal	Currently Employed		Availability		Number Under-utilized	Goal
		Number	%	%	Number			Number	%	%	Number		
Officials/Administrators	28	4	14.3	31.21	8	4	Yes	0	0.0	5.58	1	1	Yes
Professionals	37	14	37.8	43.31	16	2	Yes	2	5.4	8.64	3	1	Yes
Supervisors/Managers	112	16	14.3	38.48	43	27	Yes	7	6.3	5.83	6	0	
Administrative Support	79	63	79.7	80.86	63	0		15	19.0	9.00	7	0	
Technicians	27	8	29.6	31.93	8	0		2	7.4	10.93	2	0	
Protective Services Firefighters	36	5	13.9	9.04	3	0		1	2.8	17.69	6	5	Yes
Protective Services Police Officers/CSO's	72	13	18.1	30.72	22	9	Yes	8	11.1	6.24	4	0	
Skilled Craft	65	1	1.5	3.25	2	1	Yes	2	3.1	7.89	5	3	Yes
Maintenance	121	5	4.1	3.57	4	0		7	5.8	10.49	12	5	Yes
<b>Totals</b>	<b>577</b>	<b>129</b>			<b>169</b>	<b>43</b>		<b>44</b>			<b>46</b>	<b>15</b>	

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## **XI. Glossary**

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**Affirmative Action Officer** - is the working title of the Manager of Diversity and EEO and may apply to a designee.

**Age Harassment** - the age of an individual or group. It includes negative characterizations or stereotypes of an individual or group based on age.

**Disability Harassment** - includes behavior that maligns a reasonable accommodation provided by the Commission to enable an individual with disabilities to compete for or perform Commission jobs, or to utilize Commission services. It covers actions such as tampering or interfering with assistive devices used by an individual to overcome the effects of their disability.

**Discrimination** - treating similarly situated people differently strictly on the basis of their protected class status. Discrimination includes harassment.

**Diversity** - the differences and similarities in people and how this influences the plan, design, delivery and evaluation of services. Diversity represents the uniqueness of individuals, groups and communities and is not limited to race and gender, but includes human attributes, values, beliefs, behaviors, orientations, norms and experiences.

**Equal Employment Opportunity** - State/Federal laws guarantee all people the equal right to apply and be considered for job opportunities, regardless of their race, color, creed, religion, national origin, sex, age, disability, marital status, sexual orientation, or public assistance status.

**Gender-based Harassment** - individual or group's gender, but is not sexual in nature.

**General Harassment**, - not based on the above characteristics, is "general" harassment. Examples may include, but are not limited to:

1. Physically intimidating behavior, and/or threats or violence.
2. Use of profanity (swearing) or vulgarity.
3. Ridiculing, taunting, belittling or humiliating another person.
4. Inappropriate assignments of work or benefits.
5. Derogatory name-calling.

**Harassment** - hostile, insulting, intimidating, demeaning, derogatory, offensive, exploitive verbal or physical conduct relating to the protected class status of the individual or group.

**National Origin Harassment** - to an individual's place of birth or any of the individual's lineal ancestors.

**Person with a Disability** - for purposes of this policy, a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

**Racial Harassment** - an individual or group's race.

**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 employment opportunities. Reasonable accommodation applies to the following aspects of employment:

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

**Sexual Harassment** - sexually motivated physical contacts, sexually derogatory statements, physical and verbal sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Verbal or physical conduct or communication constitutes discriminatory harassment when the conduct or communication is unwelcome, and occurs on the basis of characteristics identified in law or in this policy as an improper basis for discrimination, and either:

1. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of an individual's employment or access to public services; OR
2. Submission to or rejection of such conduct or communication by an individual is used as a basis for decisions affecting that individual's employment or access to public services; OR
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or use of public services, or of creating an intimidating, hostile, or offensive work environment or atmosphere in which public services are provided.

**Sexual Orientation Harassment** - such behavior that is motivated by bias because of that person's actual or perceived sexual orientation. Sexual orientation includes all persons, regardless of gender.