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State of Minnesota

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# **Department of Military Affairs**

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## **Affirmative Action Plan**

# **2010 - 2012**

MN Department of Military Affairs  
Veterans Service Building  
20 West 12<sup>th</sup> Street  
St. Paul, MN 55155

This document can be made available upon request in alternative formats  
such as large print, Braille, or on audiotape, by calling (651) 282-4080.

Affirmative Action Plan  
Transmittal Form  
Plan Years 2010-2012  
For  
MN Department of Military Affairs

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

GOAL UNITS	PROTECTED GROUPS		
	WOMEN	MINORITIES	DISABLED
Officials/Administrators	1	0	0
Professionals	17	4	5
Office/Clerical	0	0	2
Technicians	6	1	2

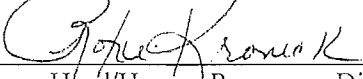
2. Once approved, this plan will be available at the following central location so that every employee is aware of the (Agency)'s commitments in affirmative action for the year. The plan will also be posted on the Agency's Intranet/Internet sites.

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

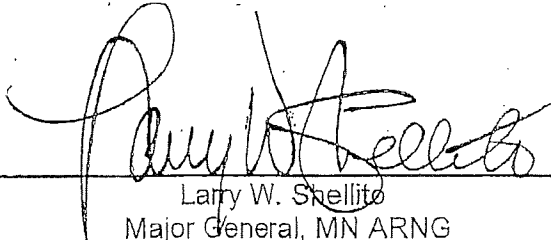
Roxie Kronick 651-282-4080 11/29/10

Affirmative Action Officer (phone number) (date)

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

 11/29/10  
(Signature of Agency Head/Human Resources Director) (date)

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

  
Larry W. Shellito  
Major General, MN ARNG  
The Adjutant General

29 July 2010  
Date

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**MN Department of Military Affairs**  
**2010-2012 Affirmative Action Plan**

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## Statement of Commitment

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The policy of the Department of Military Affairs is to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with the provisions of State law, in order to correct imbalances and eliminate the present effects of past discrimination. Protected groups, for affirmative action purposes, are defined as: 1) females, 2) people with disabilities, and 3) members of racial minority groups.

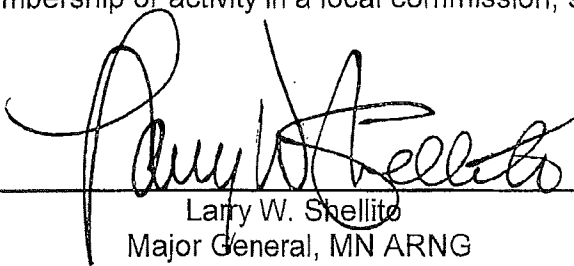
This policy applies to, and must be an integral part of, every personnel policy and practice which includes recruitment, interview, selection, compensation, classification, and retention activities, and also must include employee development programs, agency sponsored training, tuition assistance and use of facilities.

This department will continue to actively pursue a progressive program of affirmative action to insure that equal opportunity is provided on the basis of individual qualifications and to encourage all persons to seek employment and strive for advancement.

I herewith affirm the appointment of Julie Jones Human Resources Representative as this agency's Affirmative Action Officer. She is delegated full authority for the administration for the department's plan. She will report directly to me on all matters pertaining to affirmative action.

As Adjutant General, I am strongly committed to the principles and policies of the state's affirmative action efforts. I am also committed to the implementation of this affirmative action plan. All employees, including managers and supervisors, both federal and state, must always act responsibly and be proponents of progressive affirmative action in their positions, and I solicit employee input and assistance in an effort to achieve the goals and objectives of the Affirmative Action Plan.

Military Affairs will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, membership or activity in a local commission, sexual orientation and age.

  
\_\_\_\_\_  
Larry W. Shellito  
Major General, MN ARNG  
The Adjutant General

  
\_\_\_\_\_  
Date

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## **Identification of Affirmative Action Office/Designee and Duties**

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### **ADJUTANT GENERAL**

#### **Responsibilities:**

The Adjutant General is responsible for administration of the department's Affirmative Action Program and for ensuring that the department complies with all state and federal laws, rules and regulations regarding equal employment opportunity.

#### **Duties:**

1. Designate the department's Affirmative Action Officer.
2. Hold members of his staff responsible for the effectiveness of affirmative action activities within their respective jurisdiction, especially those charged with recruitment, interviewing, selection and retention responsibilities.
3. Insure that guidance is published that provides clear procedures for filing complaints of alleged discrimination.
4. Communicate to his staff, through written statements, his commitment to the state's affirmative action and equal employment opportunity policy. Communicate to the public that our agency is an Equal Opportunity Employer by a statement at the bottom of agency letterhead stationery for all correspondence and in all employment advertising.
5. Make decisions and changes in policy, procedures or physical accommodations as needed to facilitate effective affirmative action.
6. Provide a work environment free of verbal or physical harassment based upon race, creed, color, status with regard to public assistance, religion, national origin, sex, age, disability, marital status, sexual orientation or membership or activity in a local human rights commission.

#### **Accountability:**

The Adjutant General is directly accountable to the Governor and the Legislature.

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## Statement of Policy on Discrimination and Harassment

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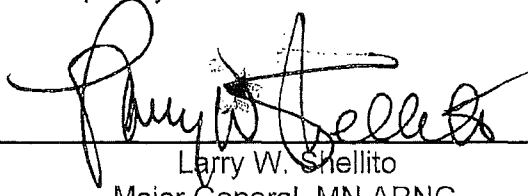
In order to provide and maintain a productive work environment consistent with merit principles, free of discriminatory practices and in accordance with Minnesota Statute 43A.01, Subd.2, it is necessary to remove and eliminate all forms of discrimination and harassment.

Harassment is a form of discrimination and, in general, is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Of particular concern is sexual harassment which is defined as "unwelcome sexual advances by an employee toward another employee, request for sexual favors, and other verbal or physical conduct of sexual nature when: 1) an employee's submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) an employee's submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual".

This department will continue to prohibit harassment of any kind by assuring a work environment free of verbal or physical harassment based on race, color, creed, sexual orientation, membership or activity in a local commission, religion, national origin, sex, disability, age, marital status and status with regard to public assistance.

The complaint procedure contained in the Department of Military Affairs State Affirmative Action Plan provides the method whereby any employee, applicant or eligible who feels he/she has been subject to discriminatory harassment may seek assistance from the department's Affirmative Action Officer (651-282-4080). If the employee chooses, s/he may file a complaint externally with the MN Department of Human Rights, the Equal Employment Opportunity Commission or through other legal channels.

All employees, applicants and eligibles are to be treated with respect, courtesy and tact. Conduct that is personally offensive will not be tolerated. Abusing the dignity of anyone through ethnic, sexist or racial slurs, or other derogatory or objectionable comments is cause for disciplinary action.



Larry W. Shellito  
Major General, MN ARNG  
The Adjutant General

29 July 2010  
Date

## AFFIRMATIVE ACTION OFFICER

The Affirmative Action Officer (AAO), who is also responsible for agency recruitment, retention and approval of recommendations for hire for the department is:

Julie Jones, Human Resources Representative  
Veterans Service Building  
20 West 12th Street  
St. Paul, MN 55155  
(651) 282-4080

### Responsibilities:

To implement, direct and monitor the department's Affirmative Action Program and all related activities as directed by the Adjutant General.

### Duties:

1. Work closely with Division Managers and supervisors, to ensure recruiting efforts have been extensive to reach protected group members the application process.
2. Be directly involved in handling complaints of alleged discrimination including all forms of harassment as outlined elsewhere in this plan.
3. Complete all affirmative action reports as required.
4. Ensure that the Adjutant General's statement of commitment and copies of the department's Affirmative Action Plan are distributed to all division managers and supervisors and posted on the department's intranet site.
5. Act as liaison between our agency and the Minnesota Department of MN Management and Budget, Office of Diversity and Equal Opportunity.
6. Determine the need for affirmative action training and develop appropriate training programs.
7. Continually review policies, procedures, programs, and physical accommodations and recommend, to the Adjutant General, changes to enhance the department's affirmative action program.
8. Conduct pre-hiring reviews of selection recommendations for all vacancies.

### Accountability:

The AAO reports to the Comptroller and is directly accountable to the Adjutant General for Affirmative Action reporting.

## DIVISION MANAGERS

### Responsibilities:

To ensure compliance with the department's Affirmative Action Plan and to undertake any necessary action to make progress towards meeting the equal employment opportunity goals and objectives set forth in this plan.

### Duties:

1. Ensure that supervisors are involved in recruiting efforts that will result in reaching the maximum number of protected group members possible for that vacancy.
2. Assist the department's AAO in identifying and resolving problems and eliminating barriers that inhibit reduction of disparities.
3. Ensure that all subordinates are familiar with and comply with all provisions of the department's Affirmative Action program. Ensure plan is posted in all employee work locations.
4. Ensure prompt responses to any complaints of alleged discrimination.
5. Hold subordinate supervisors responsible for the effectiveness of the affirmative action efforts within their areas of jurisdiction.
6. Provide informal training and counseling to supervisors and encourage subordinate supervisors to attend formal affirmative action training as may be offered.

### Accountability:

Division Managers are directly responsible to the Affirmative Action Officer.



## SUPERVISORS:

### Responsibilities:

Ensure that equal opportunity for employment is accorded to all job applicants and that all employees within their jurisdiction are treated fairly.

### Duties:

1. Whenever possible, interview, recommend for selection or promote qualified protected group members to a vacancy where a disparity exists.
2. Ensure that their immediate work area environment is free from any form of harassment or discrimination.
3. Respond promptly to all complaints of alleged discrimination.
4. Communicate the department's Affirmative Action policy to assigned staff. Post our Affirmative Action Plan, commitment and policy statements and discrimination complaint procedures on employee bulletin boards in all common work areas. Notify employees that a current Plan is posted and should be reviewed periodically.
5. Indicate to the public that Military Affairs is "An Equal Opportunity Employer" by including that phrase in all employment advertisements. All agency letterhead also provides this information.
6. Perform specific related duties as may be outlined elsewhere in this plan.

### Accountability:

Supervisors are directly accountable to their Division Managers.

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## Communication and Dissemination of the Affirmative Action Plan

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### **Internal Communication:**

The Affirmative Action Plan is accessible to the Department of Military Affairs employees at <http://mnsps/C16/FIN/default.aspx> under FIN Publications & Policies, DMA Policies. A paper copy will be posted at all locations and on the bulletin board outside the State Finance Section for employees to review. New employees will be notified where to find the plan on their first day of employment and will receive the policies on discrimination and harassment.

### **External Communication:**

Methods for communicating the Affirmative Action Plan Externally

1. The Department of Military Affairs has included the statement, "an equal opportunity employer," on agency letterhead and other outgoing correspondence.
2. The AA plan will be posted on the agency's website eliminating private data availability.
3. All advertisements for vacancies will include the statement "Affirmative Action/Equal Opportunity Employer".

Anyone interested in reviewing the Department of Military Affairs Affirmative Action Plan or who has concerns about affirmative action or equal opportunity, may request a copy of the plan from Roxie Kronick at 651/282-4080 or [Roxanne.r.kronick@us.army.mil](mailto:Roxanne.r.kronick@us.army.mil)

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## **Discrimination and Harassment Complaint Procedure**

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### **GENERAL:**

The goal of the Department of Military Affairs is to provide policies, procedures, and a work environment that is conducive to excellent employer/employee relations. The \*Adjutant General's policy statement on discrimination and discriminatory harassment which appears earlier in this plan will be posted on all employee bulletin boards in their work areas and on the departments intranet website. Local reproduction may be necessary if additional copies are needed.

The affirmative action complaint procedure within this plan is designed to be simple so that complaints can be resolved expeditiously within the department with the utmost regard for data privacy. Coercion, reprisal, retaliation or intimidation against anyone filing a complaint either internally or through other channels or serving as a witness under this procedure is prohibited.

An employee, applicant or eligible who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age may file a complaint by completing the Discrimination Complaint Form provided by the AAO designee. Complaints will be accepted up to 180 calendar days after the occurrence of the event or after the individual becomes aware that an event or situation may involve discriminatory harassment. Employees who are terminated are encouraged to file their internal complaint prior to separation, however complaints will be accepted up to 180 days after the actual separation date.

### **COMPLAINT PROCEDURE:**

1. The Affirmative Action Officer will investigate the complaint to determine if it falls under Equal Employment Opportunity law or is of a general personnel nature. The AAO shall also discuss other options for resolution, such as Workplace Mediation.
  - a. If determined that the complaint is not related to discrimination but to general personnel concerns, the AAO will inform the complainant in writing within 15 working days.
  - b. If the complaint is related to discrimination, within 15 working days the AAO will contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to respond to the allegations within a specific period of time. All employees shall respond promptly to any and all requests for information and for access to data and records to enable the AAO designee to carry out his/her responsibilities.
1. The AAO will then investigate the complaint and upon conclusion of the investigation, will notify the complainant(s) and respondent(s) that the investigation is complete. The AAO will then review the findings of the investigation.

- a. If sufficient evidence exists to substantiate the complaint, appropriate action will be taken.
  - b. If there is insufficient evidence to support the complaint, a letter will be sent to both complainant(s) and respondent(s) dismissing the complaint.
3. Within 60 calendar days from the filing of the written complaint, the written answer will be provided to the parties. Complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within 60 days.
4. All dispositions of complaints will be filed with the Commissioner of Employee Relations within 30 days of final determination. The Affirmative Action Officer's written report will detail the nature of the complaint, the manner in which it was resolved, and the resolution. The report will be approved by the Adjutant General.
5. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act (MGDPA). The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is complete and all appeals are exhausted, all documentation is subject to the provisions of the MGDPA.
6. All data collected may at some time become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
  - a. Interviews or written interrogatories with all parties involved in the complaint, e.g. complainant(s), respondent(s) and their respective witnesses, officials having pertinent records or files, etc.
  - b. All records pertaining to the case, i.e. written, recorded, filmed or other type.
7. The AAO shall maintain records of all complaints and any pertinent information or data for 3 years after the case is closed.
8. If, as a result of this response, the complainant remains dissatisfied, s/he will be advised of his/her right to file a charge of discrimination within one year of the occurrence, with the Commissioner of the Minnesota Department of Human Rights.

Minnesota Statute 363.06, Subd. 1, affords the grieving employee the right to "bring civil action as provided in section 363.14 subdivision 1, clause (a), or may file a verified charge with the commissioner (of Human Rights) or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the detail of the practice complained of and, if applicable, providing witnesses, documents, and other information required by the commissioner".

## GOALS AND TIMETABLES CHART

EEO Job Group	WOMEN			MINORITIES			PEOPLE WITH A DISABILITY		
	Number Underutilized	Goal	Timetable	Number Underutilized	Goal	Timetable	Number Underutilized	Goal	Timetable
Officials and Administrators	1	0	N/A	0	0	N/A	0	0	N/A
Professionals	17	3	2010-2012	4	2	2010-2012	5	1	2010-2012
Technicians	6	2	2010-2012	1	0	2010-2012	2	1	2010-2012
Protective Services	43	5	2010-2012	0	0	N/A	8	1	2010-2012
Paraprofessionals	0	0	0	0	0	0	0	0	0
Office/Clerical	0	0	N/A	0	0	N/A	2	1	2010-2012
Skilled Craft	2	1	2010-2012	2	1	2010-2012	3	1	2010-2012
Service Maintenance	11	3	2010-2012	10	2	2010-2012	9	1	2010-2012

We will continue to work hard to identify minority, female, and disabled applicants to further enhance the diversity of our workforce. Our ability to obtain such applicants has been hampered by the geographical location of some of our posted vacancies and the ongoing trend whereby applicants are declining to provide affirmative action information, making it difficult to detail the complete makeup of our applicant pools.

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## Program Objectives

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### OBJECTIVE NUMBER 1:

To increase staff knowledge, through formal and informal training and internal communications on the following subjects: 1) Affirmative Action and the interview and selection process; 2) Disability awareness training to include reasonable accommodations for people with disabilities.

<u>Action Steps</u>	<u>Proponent</u>	<u>Target</u>
1. Require appropriate staff to attend any appropriate AA/EEO training.	AA Officer	When Scheduled
2. Ensure all new employees are informed of our agency's Affirmative Action Program.	Supervisor	At in-briefing
3. Ensure all employees are aware of their obligations and rights under the department plan.	AA Officer Supervisor HR Rep	Annual Email Notification/
4. Distribute changes to the Affirmative Action Plan and ensure the plan is posted at employee work areas and on the Department's intranet site.	AA Officer Supervisor HR Rep	As changes occur or biennially
5. Formally brief new employees on all department policies, including AA topics; complete in-briefing checklist.	Supervisors/ HR Rep	At in-briefing
6. ADA training is required for all division managers and supervisors.	AA Officer	As needed

We will attempt to offer ADA training periodically within the priorities of agency commitments.

The Affirmative Action Officer is responsible for accomplishment of the action steps listed above. However, the affirmative action process is a combined responsibility of the hiring chain and all must embrace the letter and spirit of this directive.

### Evaluation Process:

Completion of training is indicated by attendance at classes. Success of training translated to affirmative action is measured by goal achievement. By requiring supervisors to document Action Steps 2 and 5, we can verify that department employees are aware of their rights and responsibilities under this plan.

The individuals responsible for ADA compliance are:

Main Office  
St. Paul Airbase  
Duluth Airbase  
Camp Ripley

Julie Jones  
MAJ James Wentzlaff  
MSgt Mark Rukavina  
Thomas Vesely

## **OBJECTIVE NUMBER 2:**

To encourage a work environment free of discriminatory harassment through education and awareness.

<u>Action Steps:</u>	<u>Proponent</u>	<u>Target</u>
1. Require supervisors and managers below to attend appropriate training for discriminatory harassment/discrimination	AA Officer	Note (1)
2. Through internal communications, ensure that supervisors and Division Managers are reminded to watch for actions by employees that could undermine this objective.	AA Officer	Continual
3. Ensure all new employees are trained in prevention of Sexual Harassment and know what constitutes discriminatory harassment.	AA Officer	Within 6 months of hire

- (1) All current Division Managers and Supervisors have completed discriminatory harassment training. As new managers or supervisors are appointed, they are scheduled for training as soon as possible.

### Responsibility

It is the responsibility of each employee and supervisor to be aware of signs of tension in his or her work area that may be caused by discriminatory harassment. Each manager and supervisor must constantly stress this objective to all subordinates.

### Evaluation Process

Knowledge of the department's harassment policy by all employees and training of supervisors for awareness of potential problems and how to properly deal with them should keep problems to a minimum.

### OBJECTIVE NUMBER 3:

To attract qualified protected group members as applicants for vacant positions.

<u>Action Steps:</u>	<u>Proponent</u>	<u>Target</u>
1. Place notices of job opportunities in trade journals, publications targeted to the disabled, females or communities of color, bulletins, postings, e-mail messages and any other means of making vacancies known to potential applicants.	Supervisor or Manager	For each unlimited vacancy
2. Contact the Urban League, technical colleges, rehabilitation sources and women's organizations.	Supervisor or Manager	For each unlimited vacancy

#### Responsibility:

The combined efforts of the AAO designee and each manager and supervisor will reflect our commitment to intensified recruiting for all vacancies in which we have a disparity.

#### Evaluation Process:

Success will be measured by increased numbers of protected group members applying for position vacancies and the hire of those qualified individuals whenever possible.

#### Retention Plan:

Long-term retention of protected group employees is hindered by lack of opportunity for upward mobility because most supervisors are military personnel. There is limited opportunity for advancement particularly to supervisory and managerial positions; this situation applies to all agency employees.

Historically there have been relatively few hires from the general public due to low agency turnover, and every effort is made to retain and promote current employees.

1. All vacancies are reviewed to determine if any current employees may qualify for advancement. Employees are informed of opportunities for promotions or transfers as soon as approval to fill is obtained. Any positions targeted for layoff will be studied to determine their effect on affirmative action. If they will affect our compliance, further consideration may be given to the targeted positions to determine if others could be eliminated instead.
2. We anticipate drawing up individual training plans for each employee and career progression will be monitored as part of the formal evaluation program.



3. Establishment of support groups will be considered along with better access to managers for career development counseling.
4. Continuing customer service outreach programs to better serve all agency employees throughout the state.

**Analysis of Separation and Layoff Patterns:**

1. FY 09 there were 10 separations:
  - 8 Females left the agency – 1 Dismissal, 2 Resignations, 4 Retirements and 1 Layoff
  - The additional separations were not in the protected group categories
1. FY 10 there were 27 separations:
  - 3 Females left the agency – 3 Resignations
  - 3 Persons with Disabilities left the agency – 2 Retirements and 1 Employee Death
  - The additional separations were not in the protected group categories
2. Agency Affirmative Action statistics remain essentially unchanged.

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## **Audit, Evaluation and Reporting Program Success**

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To ensure that hiring and retention procedures support the Department's commitment to hire affirmatively in a work environment free of discrimination, the following activities will be done:

### **PRE-EMPLOYMENT REVIEW**

The pre-employment review is the most important tool available to accomplish the goal of increasing protected group representation in the department.

When a vacancy exists, resumes of qualified applicants are forwarded to the appropriate Division Manager. Intensified recruiting efforts have added protected group applicants to each list. Qualified applicants will be contacted to interview for the vacancy, however if there are >20, the best qualified will be contacted. At no time during the interview process will a commitment of employment be made to any person.

When interviews are completed, the Division Manager and interviewing supervisor will objectively review the interview panel's results to determine selection of the best qualified candidate. Military Affairs' Human Resources Representative, who reports to the Comptroller and is responsible for AA reporting directly to the Adjutant General, functions as AAO and is designated by the Adjutant General to work with the Comptroller to make all final hiring decisions.

All individuals interviewed but not selected will be notified in writing by email or US mail from the Division Manager/Supervisor that another applicant was selected for the position. Qualifications of the selected person will be provided upon request.

### **PRE-REVIEW PROCEDURE (Lay-off Determinations)**

Military Affairs will make lay-off determinations consistent with applicable collective bargaining agreements and personnel plans. Proposed lay-off decisions will be reviewed by the Equal Opportunity/Affirmative Action Officer to evaluate their effect on Military Affairs' affirmative action goals and timetables.

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

Military Affairs completes the appropriate and required documentation for all hires. The following recordkeeping is maintained for hires:

- Monitoring the Hiring Process reports
- Purchase orders for recruitment fees paid
- Turnover
- Specific recruitment activities (i.e., where ads placed, outcome of the ads)
- Complaints filed

An evaluation of the Affirmative Action Plan and Program at Military Affairs demonstrates that our affirmative action plan and procedures continue to be successful. To date we have received no complaints regarding our hiring practices and procedures. Our recruitment has been moderately successful and we have begun plans to identify more targeted recruitment sources. Perhaps our most successful recruitment tool has been our own employees and networking. Our turnover within the agency reflects an aging employee population and a marked increase in voluntary retirements

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## **Weather Emergencies and Evacuations**

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### **WEATHER EMERGENCY NOTIFICATION**

Our agency recognizes the need for all employees to be able to receive timely notification of building or location closure due to weather or other emergencies as determined by the Commissioner of Finance and Employee Relations and announced through the media as described in Administrative Procedure 5.4, Time Off in Emergencies. The Alertcast System will be used to notify commanders at each large location.

Hearing-impaired employees will be notified by their supervisors via the Minnesota Relay System if they are not to report for work due to adverse weather conditions.

If an emergency arises during the workday, the Veterans Service Building is equipped with audio and visual emergency alarms in numerous locations including rest rooms. Capitol Security has instituted a policy of notifying the department's Comptroller for severe weather warnings. All employees will be notified immediately and are to go to the lowest (tunnel) level of the building until advised to return to their workstations. Designated employees adjacent to those with disabilities will assist them to safety.

### **EMERGENCY BUILDING EVACUATION**

All buildings under the operational control of the Department of Military Affairs are governed by a locally prepared and posted Building Evacuation Plan to be used when emergency evacuation of a building is required. Designated employees adjacent to those with disabilities will assist them in the event of a building evacuation.

An emergency evacuation plan has been developed for the entire Veterans Service Building. The plan is in writing with designated employees appointed as evacuation staff.

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## **Reasonable Accommodations**

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The term "reasonable accommodations for people with disabilities" means actions by the Department that provide individuals a barrier free atmosphere to seek employment and, when employed, provides a work atmosphere that has been reasonably tailored to minimize hindrances to job performance because of a disability.

The Adjutant General directs that all federal and state employees of the Department of Military Affairs comply with the policies and procedures herein.

### POLICY

Military Affairs is committed to the fair and equal employment of, and encouraging the employment of, people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of Military Affairs to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (ADA), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees and employees seeking promotional opportunities. Accommodations will not be provided for non-job related personal needs, such as transportation to and from work.

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

### EXAMPLES OF REASONABLE ACCOMMODATION MAY INCLUDE BUT ARE NOT LIMITED TO:

2. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, split keyboards, large screen computer monitors, specifically designed workstation and ergonomic chair.
2. Job site modifications - may include adjustments to equipment height, addition of electrical outlets, redesigned filing system, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring - might include flexible work hours and/or restructuring job duties while retaining the essential job duties.
4. Support services such as ASL interpreters for individuals with hearing impairments, readers for people who are blind, or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

## **REQUEST FOR REASONABLE ACCOMMODATIONS FOR EMPLOYEES**

1. The supervisor and the employee with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.
2. The supervisor must inform the ADA Coordinator (ADAC) of the request and submit an Employee Request for Reasonable Accommodation form and supporting information to the ADAC within 7 working days after receiving the request. Justification will include a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information.
3. The ADAC will review the request; if the accommodation will cost a significant amount (over \$300.00) the ADAC will forward it along with his or her recommendation to the agency head within 3 working days.
4. The decision will be provided in writing to the supervisor, manager and employee within five (5) working days after the agency head makes a determination.
5. The ADAC will maintain all documents pertaining to the accommodation.

## **REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS AND EMPLOYEES SEEKING PROMOTION**

1. All initial communication between a job applicant or employee with a disability seeking promotion and a supervisor or personnel office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor or personnel office shall contact the ADAC immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the time of interview, requests shall be handled promptly.
3. The ADAC will contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
5. If approved, the ADAC shall take the necessary steps to see that the accommodation is provided.

### **FUNDING FOR REASONABLE ACCOMMODATION:**

Funding will be provided for reasonable accommodations and the availability of funds varies with each agency. The agency head must approve expenditure of funds for accommodations over the amount determined to be significant. When determining whether or not to make an accommodation without imposing undue hardship on the agency, the following factors must be considered:

- a. Size of the agency budget
- b. Nature and cost of the accommodation
- c. Ability to finance the accommodation in relationship to the site(s) where a need may exist
- d. Documented good faith effort to explore a less restrictive or less expensive alternative.

### **DENIAL OF ACCOMMODATION**

All denials of requests for accommodation will be documented and kept on file by the ADAC who will notify the employee of his/her right to file a complaint of discrimination under the affirmative action plan complaint procedure. He shall inform the employee of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission (EEOC) or a private attorney.

If the requested accommodation made by a job applicant is denied, the ADAC shall notify the job applicant of the decision and inform him/her of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. EEOC or a private attorney.

### **ACCOMMODATIONS PROVIDED**

We received no new requests for accommodations during the previous biennium.

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## Recruitment Plan

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As part of its recruitment efforts, the MN Department of Military Affairs will take steps to market, identify and obtain qualified applicants in meeting Affirmative Action goals. Though it varies from year to year, the agency does expect to have a limited number of hiring opportunities in some of the job groups. The number of projected openings by job group is listed in Goals and Timetables (page 8). Special efforts will be made to recruit women, minorities and persons with disabilities in job groups where underutilization has been identified.

### 1. Advertising

Due to the large numbers of applicants for all of our positions, Military Affairs did not use any additional recruitment sources outside of the State of MN Career site, agency-wide distributions of vacancies notices and targeted recruitment.

### 2. Other recruitment methods used during 2008-2010:

The agency continues to have ongoing relationships with area educational institutions. These institutions have assisted in placing our position notices in their Career Services offices.

### 3. Job Fairs

The agency did not attend any job fairs in 2008-2010. We also anticipate that we will not participate in any job fairs in 2010-2012. This is due to the high volumes of applications we are currently receiving for our positions and the continuing budget challenges currently taking place at the State of MN.

### 4. Projected hiring opportunities and strategies

The agency anticipates several vacancies in the 2010-2012 reporting period. There are several employees that plan to retire in the next two years and we anticipate vacancies in the following areas:

- Maintenance
- Military Personnel
- Security

### 5. Internships

The agency is currently working with St. Paul College and various State of MN educational institutions to continue employing interns in several internship opportunities at Camp Ripley.



6. Improve recruitment efforts for persons with disabilities

- The agency will contact our local Rehabilitation Services Office to promote Military Affairs as an employer of choice as/when appropriate.
- The agency will continue to look for more publications we can use as advertising resources.

7. Supported Work

The agency does not currently have any supported workers. The MN Department of Military Affairs is committed to assisting the employer, the State of Minnesota, to comply with the 1992 legislative language added to M.S. 43A.191 that states:

(D) The agency plan must identify, annually; any positions in the agency that can be used for supported employment as defined in section 268.01, subdivision 13, of persons with severe disabilities. The agency shall report this information to the commissioner. An agency that hires more than one supported worker in the identified positions must receive recognition for each supported worker toward meeting the agency's affirmative action goals and objectives.

As classified vacancies occur, essential functions of the position will be identified to determine if participation in the supported work program is feasible. As positions become vacant, hiring supervisors and the Office of Human Resources will review job tasks and determine if a supported employment worker might perform them.

Positions at the agency that can be used for supported employment are office specialists (typing requirement) and general maintenance workers. As those positions become open, we will work with those agencies/services who may be able to assist us in finding candidates for the supported work program, including the Office of Diversity and Equal Opportunity at Minnesota Management and Budget.

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## **Retention Plan**

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### **1. Person(s) Responsible for Retention**

Retention is an important component to consistent completion of agency goals and continued use of employee expertise. Military Affairs utilizes a variety of strategies. These strategies involve a coordinated effort among several persons including the Affirmative Action Officer/Human Resources Representative, the Managers (state and federal, Supervisors (state and federal) and Terry Palmer, Comptroller. The Human Resources representative plays the lead role in carrying out retention strategies for Military Affairs. She can be reached at (651) 282-4080.

#### **• Separation Analysis**

Military Affairs experienced a moderate number of separations during the 2008-2010 reporting period. Many of those separations were due to (non-Early) retirements and individuals who are active in the military moving to the federal guard. These separations do not appear to have had a significant impact on the diversity of the organization overall. Further, these numbers are consistent with the percentage of protected group members and non-protected group employees. We are going to continue to monitor any potential separations of protected group employees to see if there are any patterns that develop. At this time, it is difficult to determine this due to the absence of low number of non-retirement separations we have experienced.

### **4. Specific Methods to retain protected group employees**

- The Department of Military Affairs will actively engage in conducting exit interviews for all employees.
- Each supervisor is required to work with his/her employees to create a professional development plan as a part of the performance evaluation process. Military Affairs believes that training is a very important tool in retaining employees. We are committed to employee growth and development and promote training opportunities at all times.
- Military Affairs currently incorporates Diversity training into employee professional development. This training includes diversity awareness, harassment awareness, gender equality, racism and bigotry and gender communications. We will continue this effort for employees at all sites during the next biennium.

**EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

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

**Employee Name:** \_\_\_\_\_ **Job Title:** \_\_\_\_\_

**Date of Request:** \_\_\_\_\_ **Division:** \_\_\_\_\_

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

2. How does it affect your ability to perform your job?

3. Type of accommodation you are requesting:

_____ Making facilities readily accessible	_____ Modification of equipment or devices
_____ Job restructuring	_____ Qualified reader or interpreter
_____ Part time or modified work schedule	_____ Acquisition of equipment or devices
_____ Modification to a rule, policy or practice	_____ Other (specify):

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

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

## Appendix B – Reasonable Accommodation Agreement

This form is to be completed by the department's ADA Coordinator after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the department to the specific accommodation.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability was:

\_\_\_\_\_ Accepted

\_\_\_\_\_ Denied

Justification for the decision (indicate specific factors considered)

\_\_\_\_\_  
If reasonable accommodation was approved, was the employee's suggestion accepted?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

\_\_\_\_\_ Partially

Reason:

\_\_\_\_\_  
Describe specific accommodations to be made:

\_\_\_\_\_  
Cost estimate:

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the department will become the property of the State of Minnesota.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ADA Coordinator

\_\_\_\_\_  
Date

## Appendix C – Discrimination Complaint Form

### Department of Military Affairs DISCRIMINATION COMPLAINT FORM

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

Person Filing Charge \_\_\_\_\_ Date of Alleged Act \_\_\_\_\_

Location of Alleged Act \_\_\_\_\_

#### Basis of Discrimination

\_\_\_\_\_ Race \_\_\_\_\_ Religion \_\_\_\_\_ Creed \_\_\_\_\_ National Origin

\_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_ Disability \_\_\_\_\_ Marital Status

\_\_\_\_\_ Status with Regard to Public Assistance \_\_\_\_\_ Color \_\_\_\_\_ Sexual Orientation

\_\_\_\_\_ Membership or Activity in a Local Commission

#### Nature of Charge

\_\_\_\_\_ Hiring \_\_\_\_\_ Wages \_\_\_\_\_ Job Classification

\_\_\_\_\_ Benefits \_\_\_\_\_ Referral \_\_\_\_\_ Public Accommodations

\_\_\_\_\_ Discharge \_\_\_\_\_ Training \_\_\_\_\_ Qualification Testing

\_\_\_\_\_ Demotion \_\_\_\_\_ Layoff \_\_\_\_\_ Intimidation/Harassment

\_\_\_\_\_ Seniority \_\_\_\_\_ Recall \_\_\_\_\_ Other

Describe the alleged discrimination act:

Name/Address of any witness/s:

Have you brought this charge to anyone else's attention: \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, describe the meeting on the reverse side of this form.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_

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## Appendix D – Weather Emergencies Reminder

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MNAG-FIN

November 1, 2010

MEMORANDUM FOR All State Employees and Supervisors of State Employees

SUBJECT: Weather Emergencies Reminder

We have again reached the time of year for severe winter weather emergencies. Factors considered for emergencies include road conditions and maintenance, transit operations, wind, cold or ice and whether power or heating systems are affected. The decision by the Commissioner of Minnesota Management and Budget (MMB) to declare an emergency can be statewide or limited to a specific portion of the state. *Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.*

If a weather emergency is declared during the night, the announcement will be broadcast on local radio and television stations, and will be provided prior to the start of the normal work day (8:00 a.m.). If changes in the emergency designation are warranted, they will be made as the day progresses.

You can get basic information about MMB-related weather emergencies and state office closures 24 hours a day by visiting MMB's Office Closures website at: <http://www.bereadymn.com>.

A weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. In unique individual situations which make it impossible for an employee to get to work when an emergency has not been declared, supervisors should consider allowing that employee to make up the lost time or use compensatory time or annual leave.

Airbase and Camp Ripley Commanders and the FMO may close a facility without consultation with MMB if they determine the emergency may adversely impact the health and safety of employees in the facility and results in unavailability of work until the emergency has passed. In this situation, employees must cover the time with annual leave, comp time, leave without pay or an adjusted work schedule. If MMB approves and subsequently declares an emergency for that facility/area, absence from work due to the emergency will then be with pay.

When MMB has declared an emergency, use payroll earnings code "**MSL**" for the appropriate number of hours. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate. Employees on approved sick or pre-arranged vacation leave will not have such leave time restored to their balances.

Questions may be referred to me at (651) 282-4080.

/signed/

Julie Jones  
MN Department of Military Affairs  
Human Resources Representative