

AFFIRMATIVE ACTION PLAN

2010 - 2012

Public Employees Retirement Association
60 Empire Drive
St. Paul, MN 55103

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INTRODUCTION

Equal employment opportunity is the law. It is mandated by federal, state, and local legislation and executive orders as well as by definitive court decisions. The policy of the Public Employees Retirement Association (PERA) is to promote and provide equal employment opportunity and affirmative action throughout the agency. This Affirmative Action Plan outlines the programs through which this agency's policy will be implemented.

The purpose of affirmative action is to correct the effects of past discrimination, whether intentional or unintentional, and to avoid present and future practices that may have an unfair, adverse effect on persons with disabilities, minorities, and women.

Affirmative action does not mean the hiring of unqualified people. It does not mean that any group shall be deprived of its rights or be subject to unfair treatment. It means positive action to utilize the large reservoir of untapped human resources and skills among the protected classes, together with those groups whose skills have been used in the past.

If done properly, the need for affirmative action eventually will not exist, as all barriers to equal employment opportunity will have been eliminated from the personnel process. An effective affirmative action program not only benefits those who have been denied equal employment opportunity in the past, but also will benefit the entire agency.

OBJECTIVES

1. To provide equal employment opportunity to all persons without regard to race, creed, color, sex, sexual orientation, religion, national origin, age, marital status, disability, reliance on public assistance, or political opinions or affiliations, except where a bona fide occupational qualification exists.
2. To comply with the Statewide Affirmative Action Program.

STATEMENT OF COMMITMENT

The Public Employees Retirement Association (PERA) is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action Program for its employees and the public it serves. I affirm my personal and official support of these policies that provide:

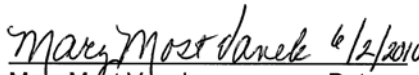
- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, disability, marital status or status with regard to public assistance, membership or activity in a local commission.
- That the PERA will further strive to ensure equal access and opportunity in the services it provides to its members and the public.
- That the PERA will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce including the retaining of these individuals.

I will be held accountable for ensuring that affirmative action programs are implemented. Managers and supervisors will also be held accountable for ensuring that affirmative action programs are working and being promoted within their specific work areas.

In order to administer the plan most effectively, I have delegated this responsibility to the Human Resources Director. This person will act as the agency's Affirmative Action Officer, and is responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues may contact our Affirmative Action Officer. A copy of the Plan will be located in the Central Human Resources Office, in the break room, and on the PERA website.

I urge all staff to abide by the agency's Affirmative Action Program as it is outlined in the Public Employees Retirement Association's Affirmative Action Plan.


Mary Most Vanek 6/2/2010
Executive Director Date

OUTLINE OF RESPONSIBILITIES

1. Executive Director of the PERA: Mary Most Vanek

The Executive Director of the PERA is responsible for the agency's Affirmative Action Program and the agency's compliance with state and federal laws, rules, and regulations. She is directly accountable to the PERA Board of Trustees and indirectly to the Commissioner of Minnesota Management and Budget (MMB) and the Director of the Office of Diversity and Equal Opportunity for affirmative action matters.

Duties:

- To designate the agency's Affirmative Action Officer and monitor progress of the Plan by providing AAO guidance and support.
- To ensure that the agency's management staff is informed of their individual job responsibilities for the agency's Affirmative Action Program.
- To issue a written statement annually affirming commitment to the State's Affirmative Action Program and to the implementation of the agency's Affirmative Action Plan.
- To establish policy and to modify it along with any written procedures or physical accommodations as may be needed to facilitate effective affirmative action.
- To ensure that the agency is acting affirmatively in the hiring and retention of protected group members.
- To ensure that complaints of discrimination are thoroughly investigated and resolved in a fair and equitable manner.

2. Agency Affirmative Action Officer: Kim Van Vleet, Human Resources Director

The agency's Affirmative Action Officer is responsible for the implementation, direction and maintenance of the agency's Affirmative Action Program. The Affirmative Action Officer reports directly to the Executive Director of the PERA.

Duties:

- To coordinate and to monitor the day-to-day activities of the agency's Affirmative Action Program.
- To disseminate relevant affirmative action information to appropriate staff and ensure that all staff are informed about the Plan and their responsibilities by posting and by dissemination to all employees.

- To meet all affirmative action reporting requirements.
- To document the reasons behind turnover among the protected group members to determine if there are factors involved which inhibit the retention of protected group members.
- To inform agency managers and supervisors of their affirmative action responsibilities when vacancies occur in areas where affirmative action goals are not being met, and to review with the Executive Director the appropriateness of any supervisor's decision not to hire a protected group candidate if the goal for the occupational category has not been met.
- To investigate complaints of discrimination.

3. **Managers and Supervisors**

The agency's managers and supervisory staff are responsible for ensuring that their unit/division is operated in compliance with the agency's Affirmative Action Plan. They will be held accountable by the Executive Director for this responsibility.

Duties:

- To assist the agency's Affirmative Action Officer, who is representing their agency in identifying and resolving problems and eliminating barriers, which inhibit equal employment opportunities.
- To hire and promote qualified protected group members in cases where an affirmative action goal has not been met, or to submit written rationale to the Affirmative Action Officer before an offer to hire is made when there is a disparity in a protected group class for which they are hiring. This rationale shall be submitted prior to making an employment offer and shall specify reasons why they have chosen the candidate over the other applicant(s).
- To communicate relevant aspects of the agency's Affirmative Action Plan, as well as any other affirmative action information to assigned staff.
- To fulfill their individual job responsibilities as required under this program.
- To periodically review his/her own recruiting, hiring, promotion and training practices in order to improve productivity, make the work culture more conducive to diverse employees, and to guide new employees toward promotional opportunities.

- To attend Affirmative action related training sessions.

4. **Human Resources**

The agency's Human Resources staff is responsible for ensuring that all personnel activities are conducted in a non-discriminatory manner and are in compliance with the PERA's Affirmative Action Plan. Accountability will be monitored by both the Commissioner of MMB and the Executive Director of PERA. Both the Commissioner of MMB and the Executive Director will hold the Human Resources staff accountable.

Duties:

- To accurately report information to the Department of Employee Relations concerning an employee's sex, race, and disability, if any.
- To maintain records of personnel activities as indicated on the page titled "Monitoring the Hiring Process" and to submit appropriate reports as requested, to MMB's Office of Diversity and Equal Opportunity Division.
- To identify and resolve problems that inhibits equal employment opportunities.
- To provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that it is objective, standardized, and job related.
- To ensure that all job opportunity and training notices are properly posted and/or made available to all staff.
- To notify the agency's Affirmative Action Officer of the existence of protected group members on a certification list, if a disparity exists in the occupational category for which there is a vacancy, so that the Affirmative Action Officer can proceed to follow the prescribed pre-employment review procedures. (See section entitled "Pre-Hire Reviews.")

COMMUNICATION / DISSEMINATION OF INFORMATION

The following means of communication will be used to disseminate equal employment opportunity / affirmative action information.

Internal dissemination:

- The Executive Director will annually reaffirm to all staff her official commitment to the State's Affirmative Action Program and the PERA's Affirmative Action Plan by sending a statement as such.
- During an employee's orientation session, new employees will be informed of and given a copy of the agency's Affirmative Action Plan, the name of their agency Affirmative Action Officer and ADA Coordinator.
- The following items will be posted in the break room on the main agency bulletin board: "Affirmative Action Plan" and the "Statement of Commitment."
- All internal job postings will include the statement: "Equal Opportunity Employer".

External dissemination:

- The Affirmative Action Plan will be posted on the agency's website.
 - * Please note: data that would identify specific individuals will be excluded.
- All external job posting and/or newspaper ads will include the statement "Equal Opportunity Employer".

HARRASSMENT / DISCRIMINATION POLICY

Statement of Policy

It is the policy of the Public Employees Retirement Association (PERA) to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint internally with the PERA's Affirmative Action Officer. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the Office of Diversity and Equal Opportunity at MMB for information regarding the filing of a complaint. An unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer will be expected to keep the PERA and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer is also responsible for:

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Anyone filing a complaint or serving as a witness under this procedure shall do so without fear of coercion, reprisal, or intimidation. Retaliation, including inaccurate performance appraisal, denial of transfer, implied or overt actions or threats of actions against the employee who complains of or reports of harassment, will not be tolerated.

The PERA, or any employee of this agency, may not intentionally engage in any reprisal against any person because that person opposed a practice forbidden by the Minnesota Human Rights Act or because that person has filed a charge, testified, assisted, or

participated in any manner in an investigation, proceeding or hearing. A reprisal also includes, but is not limited to, any form of intimidation, retaliation or harassment. A reprisal includes refusal to hire an individual; departing from any customary employment practice; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has opposed a practice forbidden by the Minnesota Human Rights Act or has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the PERA's Affirmative Action Officer. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive should be corrected early and firmly in the

interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible participant of the PERA who believes that she/he has experienced discrimination or harassment based on his/her 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 of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in the PERA's Affirmative Action Plan.

Maintaining Records

The records of all reports or information provided will be maintained according to the Minnesota Government Data Privacy Act. The reports and information provided will be disseminated only if and as permitted by this Act.

Additional Information

This policy and procedure does not affect or alter the rights of any employee to file a formal charge or complaint with the Federal Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, or an appropriate court, but are subject to applicable and individual time requirements.

Questions regarding this policy should be directed to the Affirmative Action Officer/HR Director, the Agency Managers, Supervisors and/or the Executive Director.

INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The Public Employees Retirement Association (PERA) has established the following discrimination complaint procedure to be used by employees, applicants, or eligibles, who feel they have a discrimination complaint. This procedure is designed as an attempt to resolve discrimination problems internally before seeking a remedy from an outside authority. We urge all those listed to use the internal procedure before filing complaints with the Department of Human Rights or any other agency. Anyone filing a complaint or serving as a witness under this procedure shall do so without fear of coercion, reprisal, or intimidation.

Responsibility of Complainant

All complainants shall respond promptly to any and all requests by the Affirmation Action Officer (AAO) for information and for access to data and records for the purpose of enabling the AAO to carry out his/her responsibilities under this complaint procedure. The failure of any complainant to comply with the requests of the AAO shall be reported to the Executive Director.

Who May File

Any employee, applicant, eligible participant who believes that s/he has been discriminated against by reason of race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance, marital status, disability, membership or activity in a local commission, may file a complaint. Complaints will not be accepted after an individual terminates employment with the agency. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date. This complaint procedure may be used only if the same matter is not being simultaneously pursued through another grievance procedure.

Complaint Procedure

1. The employee, applicant, or eligible completes the "Complaint of Harassment/Discrimination" form provided by the Affirmative Action Officer (AAO). It is encouraged that all complaints be filed within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or other designee, if warranted, determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis 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; or if the complaint is of a general personnel concern. The Affirmative Action Officer or designee shall also discuss other options for resolution.
 - A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns and should be resolved by other means, the

- B. If the complaint **is** related to discrimination, the Affirmative Action Officer or designee will, within ten (10) working days, contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer or designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer or designee shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer or designee shall then review the findings of the investigation.
 - A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Dispensation of the complaint will be filed with the Commissioner of MMB within thirty (30) days of final determination.
6. All documentation associated with the complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
7. All data collected may at some point 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 e.g., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

GOALS AND TIMETABLES

When a disparity exists between the percentage of protected group members within an agency's work force and the availability of protected group applicants in the relevant labor area, state law requires that goals be established for employing members of the underutilized protected groups.

How Goals and Timetables are Established

The Office of Diversity and Equal Opportunity of MMB has instructed agencies on how to use labor force statistics from census data to determine the agency underutilization and then develop appropriate goals and timetables. This involves a comparison of the agency's internal workforce and positions with the availability of protected group workers with qualifications in the relevant geographic area and labor market. Goals are based on the 2000 census data and a factor analysis using the relevant information regarding the workforce participation.

Our hiring goals are based on job groups in the following categories: Officials and Administrators, Professionals, Technicians, and Office/Clerical. The goals reflect our current staff composition in relation to the workforce available in St. Paul/Minneapolis, Ramsey County and St. Louis County or the State of Minnesota based on 2000 census data availability charts.

We have conducted a utilization analysis for PERA as follows:

Women – We are not underutilized for Officials and Administrators, Professionals, Technicians, or Office/Clerical.

Minorities - We are not underutilized for Officials and Administrators, Professionals, Technicians, or Office/Clerical.

People with Disabilities – We are not underutilized in the Technicians category. We are underutilized 1 in the Officials and Administrators category. We are underutilized 3 in the Professionals category. We are underutilized 1 in the Office/Clerical category.

We do expect some retirements over the next two years, however, we do not expect to fill behind every vacancy. However, as vacancies occur, a good faith effort will be made to recruit and hire 1 person with a disability in the Officials and Administrators category, 3 people with a disability in the Professionals category, and 1 person with a disability in the Office/Clerical category.

PROGRAM OBJECTIVES

1. To provide equal employment opportunities to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission or age.

Action Steps:

- The Affirmative Action Officer will maintain and provide current information pertaining to disparities to department supervisors and managers as they are hiring;
 - For all hires in which a disparity exists, Human Resources/Affirmative Action Officer will thoroughly conduct a pre-hire review prior to the interview process;
 - The Human Resources Office will maintain files with documentation on affirmative and justified hires as well as missed opportunities.
2. The Affirmative Action Officer will make every effort to keep abreast of EEOC guidance, new policies and procedures and trends within the field in order to effectively implement affirmative action at the agency.

Action Steps:

- Regularly visit the EEOC/DOJ/Department of Human Rights etc. websites to research policy change;
 - Regularly attend AA/ADA/Distance Learning Sessions at MMB or other resources when applicable;
 - Review informational materials (i.e. discriminatory harassment, discrimination, sexual harassment, affirmative action and Americans with Disabilities Act) to ensure currency;
 - Contact DOER, Office of Diversity and Equal Opportunity with any questions or concerns pertaining to any of the above topics.
3. The MSRS will educate all managers and supervisors about their affirmative action responsibilities. Human Resources will:

Action Steps:

- Conduct periodic training sessions for managers and supervisors – at least one every two years;
- Inform all managers and supervisors of external training opportunities pertaining to affirmative action/equal opportunity and Americans with Disabilities Act;
- Ensure that all managers and supervisors have attended CORE training, which includes affirmative action, American with Disabilities Act and discrimination/discriminatory harassment training.

4. The Affirmative Action Officer will keep the agency employees informed, updated and aware of Affirmative Action and Equal Opportunity policies, new training and events.

Action Steps:

- Post Affirmative Action plan in a visible location within the agency;
- Provide information meetings/training sessions to update agency managers, supervisors and employees on current affirmative action policies and procedures;
- Distribute a copy of the Statement of Commitment issued by the Executive Director.

5. Human Resources will assure that all employees will complete Discrimination/Discriminatory Harassment training:

Action Steps:

- Offer periodic discrimination/discriminatory harassment training; at least once every two years.
- Meet with new employees to discuss harassment/discrimination policy and give them the Affirmative Action Plan with the Personnel Policy manual to read;
- Arrange for outside presenters/experts in the field to present at the agency.

As we move into the next period we will continue to add new initiatives in this area.

PRE-HIRE REVIEW PROCESS

The PERA is an Equal Opportunity Employer. The agency's Affirmative Action Plan states that it is a policy of the agency to:

- Provide equal opportunity to all persons without regard to race, creed, color, sex, sexual orientation, religion, national origin, age, marital status, and disability, status with regard to public assistance, membership or activity in a local commission.
- Comply with the Statewide Affirmative Action Program. As stated in the State of *Minnesota's Equal Employment Opportunity Policy*:

The State of Minnesota will implement and maintain a program of affirmative action to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified disabled persons, minorities, and women, in accordance with their occurrence in the labor work force.

State rules governing the Statewide Affirmative Action Program specify that a procedure must be developed in each agency which "requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals".

POLICY

For job classifications in which there are disparities, the Affirmative Action Officer will review and monitor the hiring process.

No offer for employment shall be made until the agency's Affirmative Action Officer has reviewed the supervisor's rationale for her selection and are sufficiently satisfied with the rationale for eliminating all other applicants in the pool. The Executive Director can act on these decisions in the absence of the Affirmative Action Officer.

PRE-HIRE REVIEW PROCEDURE

When a vacancy occurs in a category which has underutilization, the following procedures shall be followed:

<u>Responsibility</u>	<u>Action</u>
Supervisor	Notifies the Central Office of Human Resources of a desire to fill a vacancy.
COHR	Obtains a vacancy roster for the vacancy, if the position is not filled by other contractual obligations and notifies supervisor if there is a disparity for one or more protected group(s). The Affirmative Action Officer shall also advise supervisor of his/her affirmative action responsibility and of the procedure below.
Supervisor/Manager	Conducts interviews and notifies the Affirmative Action Officer, in writing, of the selection process used and the reason(s) why a specific candidate was selected for a position for which a disparity exists. No offer of employment will be made until after the Affirmative Action Officer reviews the rationale for the selection.
Affirmative Action Officer	Reviews the rationale and then denies or approves the justification, then notifies the supervisor of the decision.

*Exception to the above procedure: In cases of promotion, when the union contract specifies seniority as the determining factor, rationale statements are not required.

ADDITIONAL INFORMATION

Questions regarding this policy should be directed to the agency's Affirmative Action Officer.

Auditing, Evaluating and Reporting

OBJECTIVE: To ensure that hiring and retention procedures support the PERA's commitment to hire affirmatively in a work environment void of discrimination.

Record Keeping

- The Affirmative Action Officer shall maintain records reflecting hires, turnovers, and any complaints regarding such activity.

Evaluation

- The Affirmative Action Officer shall evaluate the Affirmative Action Plan by:
 1. Reviewing quarterly statistics reflecting current complement based on protected groups.
Progress: Quarterly reviews show that we have basically increased or maintained our complement of protected group employees as identified.
 2. Reviewing disciplinary actions taken including review of job classification, bargaining unit, racial/ethnic, sex and disability status.
Progress: Disciplinary actions show that they have been fair and equitable.
 3. Reviewing recruitment sources and strategies used, and the result used to help fill specific vacancies for which there was underutilization.
Progress: We will attempt to do more by trying to post job notices that may draw job candidates from the underutilized areas.
 4. Reviewing formal discrimination complaints filed
Progress: Investigations are completed successfully and all parties are satisfied with the outcome.
 5. Reviewing training provided to employees for upward mobility impact.
Progress: We are making a greater effort to address succession planning.
 6. The Affirmative Action Officer and the Executive Director will review all layoff decisions to determine their effect on agency affirmative action goals and timetables.
Progress: Should we be faced with a layoff we will certainly take a look at how this would affect our affirmative action goals and timetables as we approached any layoff decisions and notifications.

WEATHER EMERGENCIES

When weather conditions become hazardous for travel, it may be necessary for the State to declare a weather emergency and close State offices. The Commissioner of MMB declares weather emergencies, which determine whether State employees must report to work. As a general rule, considerations for an emergency include road maintenance, transit operations, additional weather conditions, and other concerns such as power or heating systems. Decisions are made in conjunction with the Minnesota Department of Public Safety's Division of Emergency Management. After a decision has been made to close State offices, designated staff members at State agencies are notified, as is the news media (including WCCO-Radio, WCCO-TV, KARE-TV, KSTP-TV and the Associated Press). Weather emergency announcements specify the time of the emergency and the geographic areas involved. Details of weather emergencies, state office closures and other information pertinent to weather conditions may be found on the Weather Emergencies section of the DOER Home Page at www.doer.state.mn.us/weather.

Evacuation awareness shall be the responsibility of every department head to ensure that employees under their supervision know how to get out of the building in the event of a fire or to a safe location in the event of a civil defense weather warning alarm. Individual arrangements have been made for those who requested assistance. Fire and Tornado drills will be held alternating each year as directed by the Facilities Manager.

TORNADO or other SEVERE WEATHER

In the event of high winds, tornado, etc. employees should not exit the building, but should seek the best shelter within the building. The safest area in the building is the three stairwells.

Notification will generally be a warning siren in combination with radio broadcasts and employee observations. When a siren is sounded, employees must be alert to conditions, turn on available radios, and contact a supervisor. Supervisors, in contact with others, will tell employees to seek the best shelter. If danger is obvious and imminent, seek the best shelter immediately. When in doubt, move to shelter.

The best shelters, if there is enough time to get there, are the three stairwells. The second best shelters are the interior hallways of the building or the first floor. Do not stand by glass windows. If available, get under tables, desks, etc.

If you have a battery operated radio, bring it with you.

Stay in place until you are sure danger has passed or you've received an all clear.

BUILDING EVACUATION PLAN

All employees are given a copy of this plan. Employees should read and be familiar with its contents, especially evacuation routes and the safer internal locations.

If a building evacuation is necessary or when the fire alarm sounds, you are to evacuate immediately using the posted evacuation routes:

- Go to the nearest stairway, either in the front or side of the building. Do not use the elevator. Know your quickest path to the stairways.
- If one stairway is blocked, use the other.
- Do not collect personal items or rearrange work, files, etc.
- Any visitor in the office should be escorted to the outside by the employee who is in contact with the visitor.
- Any employee needing assistance exiting the building will be assigned an assistant. The procedure to follow will be determined in advance on a case-by-case basis. Affected employees and helpers will be individually notified of specific procedures to follow.
- Everyone should clear the building. Go to the assigned meeting areas. Supervisors should account for division employees. If any employee is not accounted for they are to tell the emergency response personnel.
- No one should return to the building for any reason until authorized by proper authorities.

REASONABLE ACCOMMODATION POLICY

The Americans with Disabilities Act (ADA) is the Bill of Rights for individuals with disabilities. The ADA has five titles, two of which directly affect governmental entities. Title I prohibits discrimination in all aspects of employment, and Title II prohibits discrimination in providing public services, programs and activities. Both titles require a public entity to make reasonable accommodations and/or modifications for persons with disabilities to allow them to participate fully in public employment and public services.

ADA Coordinator: Kim Van Vleet, Human Resources Director

Policy

The Public Employees Retirement Association (PERA) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many persons with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the PERA to reasonably accommodate qualified persons with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified persons with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definitions

Disability: 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.

Reasonable Accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified person with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

Procedure – Current Employees and Employees Seeking Promotion

1. The PERA will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor and/or the ADA Coordinator of the need for an accommodation.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless necessary or the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the PERA is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.
8. Reasonable accommodation will include arrangements by the PERA in advance with individuals who need or request assistance with communication of closures (supervisor will notify hard of hearing individuals or use MN relay, for example) and evacuation.

Procedure – Job Applicants

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations

Funding must be approved by the PERA for accommodations that do not cause an undue hardship (M. S. 43A.191 (c)).

Definition

Undue Hardship: An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Public Employees Retirement Association.

Procedure for Determining Undue Hardship

1. The employee/applicant will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
 - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - b. The impact of the accommodation on the nature or operation of the PERA.
3. The ADA Coordinator will provide a decision to the employee/applicant.

Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then s/he may file a complaint internally through the agency's complaint procedure as outlined in this plan.

RECRUITMENT PLAN

During the past year, the Public Employees Retirement Association (PERA) has advertised agency positions open for application on a competitive basis on the MMB Website and PERA's website. We have also used newspaper advertising for two IT positions.

Temporary positions were filled by word of mouth or by college students. These recruiting processes have resulted in an acceptable number of qualified applicants, but have not eliminated our disparities.

PERA has not been involved in any job fairs. We do not have the staff for them and when we have used them in the past we did not find them to be beneficial for our use.

We will use the same methods as in the past to recruit for vacant positions, e.g. MMB, the Internet, and newspaper advertising.

The use of an Intern Program has been discussed and PERA would like to try to incorporate this in the next two years. We are once again in the midst of reorganization. Once we have accomplished reorganization we would like to take on this program, we will follow the methods described in the Internship Administrative Procedure e.g. posting opportunities on bulletin boards at colleges and universities; use the internet to contact diversity program coordinators at colleges and universities, to find potential candidates that fit our needs.

In an effort to increase recruitment and hiring where we are underutilized, PERA will check with the State ADA Coordinator and/or advertise positions in diversity newspapers.

PERA will seek opportunities to hire Supported Work Employees through an assessment of vacant positions and determination of positions appropriate for Supported Employment Workers. See the Reasonable Accommodation Policy – which is part of this plan - for further information.

PERA is complying with the requirements of the Americans with Disabilities Act (ADA) in our recruitment activities by making materials available in alternative formats (when requested) and all meeting locations accessible.

The Affirmative Action Officer will be responsible for the implementation of this plan. In addition, she will continue to work with supervisors to review/analyze the current exit interview process offering all members of protected groups an opportunity to state any issues they may have encountered or that they think we should consider in the hiring/retention process.

RETENTION PLAN

The Public Employees Retirement Association (PERA) endeavors to create an atmosphere that promotes the retention of a diverse workforce. Kim Van Vleet, Human Resources Director, and Mary Most Vanek, Executive Director of PERA, are responsible for the agency's retention activities.

Our Separation Report for FY 2009-2010 shows the following:

Permanent employee separations

Total - 4

Ethnicity

White – 4

Gender

Female Professional – 1

Female Technician – 1

Female Clerical - 2

Disabled

No

Reason for separation

Resignation – 2

Retirement – 1

Dismissed - 1

Responsibilities of the Human Resources Director and the Executive Director:

1. Review each separation to determine impact on protected group members.
2. Maintain reports and findings.
3. Analyze reasons for separation to determine if there are patterns developing that would indicate any form of discrimination, harassment, layoff, or violations of the AA Plan/Policy, etc.
4. Discuss issues with the Managers & Supervisors.
5. Establish programs, which may be of assistance/aid in retaining, protected group members (e.g. training, mentoring, or individual development plans, etc.).