



Department of Employment and Economic Development (DEED)

Affirmative Action Plan

2012 – 2014

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An Equal Opportunity Employer and Service Provider

**MINNESOTA DEPARTMENT OF EMPLOYMENT & ECONOMIC
DEVELOPMENT (DEED)
2012 – 2014 Affirmative Action Plan**

I.	EXECUTIVE SUMMARY.....	4
II.	STATEMENT OF COMMITMENT	6
III.	PERSONS RESPONSIBLE FOR DIRECTING/IMPLEMENTING AFFIRMATIVE ACTION PLAN	7
IV.	COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN	11
V.	DISCRIMINATION & DISCRIMINATION HARASSMENT POLICY	13
VI.	REASONABLE ACCOMMODATION POLICY	21
VII.	EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES	27
VIII.	GOALS AND TIMETABLES	34
IX.	AFFIRMATIVE ACTION PROGRAM OBJECTIVES	38
X.	METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS.....	43
XI.	RECRUITMENT PLAN.....	48
XII.	RETENTION PLAN.....	50
XIII.	ATTACHMENT – DISCRIMINATION COMPLAINT FORM.....	53
XIV.	ATTACHMENT – REQUEST FOR REASONABLE ACCOMMODATION FORM	55

I. EXECUTIVE SUMMARY

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED)

Affirmative Action Plan 2012-2014

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

GOAL UNITS	PROTECTED GROUPS - STATEWIDE		
	Women	Minorities Persons of Color	Persons With Disabilities
Officials/Administrators	x	x	x
Professionals			x
Technicians	x		
Office/Clerical			x
Service Maintenance	x		

GOAL UNITS	PROTECTED GROUPS – METRO AREA ¹		
	Women	Minorities Persons of Color	Persons With Disabilities
Officials/Administrators		x	x
Professionals			x
Technicians	x		x
Office/Clerical			x
Service Maintenance	x		

GOAL UNITS	PROTECTED GROUPS – GREATER MINNESOTA		
	Women	Minorities Persons of Color	Persons With Disabilities
Officials/Administrators			
Professionals	x		x
Technicians			
Office/Clerical			x
Service Maintenance			

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

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of DEED's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Office of Diversity and Equal Opportunity (ODEO).

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. 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.

Kathy Mullarky 651-259-7097 7-25-12
Affirmative Action Officer (phone number) (date)

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.

Mary Oman 7-26-12
Human Resources Director (date)

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 assertive to deal with the identified disparities.

Mark P. Phillips 7-24-12
Commissioner (date)

I. STATEMENT OF COMMITMENT

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

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

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

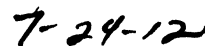
All DEED employees have the responsibility to promote and apply the principles of Equal Opportunity in their work and to cooperate with DEED's affirmative action initiatives. We use affirmative action as a tool to achieve and sustain diversity. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.

As the Commissioner of DEED, I have designated Kathy Mullarky as our Equal Opportunity Officer and Affirmative Action Coordinator with full oversight authority in developing, implementing, and monitoring compliance of the DEED affirmative action program. Anyone interested in reviewing DEED's Affirmative Action Plan, or who has concerns about affirmative action, equal opportunity, or believe they have been subject to discrimination should contact the DEED Office of Diversity and Equal Opportunity (ODEO) at 651-259-7094 or 651-296-3900 (TTY).

As Commissioner, I am committed to supporting our Affirmative Action Plan and personally endorse the State of Minnesota's affirmative action efforts. Thank you for joining me in providing equal accessible services to all people who need them and to making our workplace respectful, fair, and productive.



Commissioner



date

III. PERSONS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

Specific duties and responsibilities regarding implementation of equal opportunity and affirmative action principles are delegated to various positions within DEED and are identified below:

A. Commissioner

1. Responsibilities: The Commissioner oversees and ensures implementation and compliance of DEED's Equal Opportunity Policy and Affirmative Action Program and all existing federal and state laws, rules, and regulations.
2. Duties:
 - a. Appoint or designate the Equal Opportunity Officer(s). Review and assess the Affirmative Action Plan for effectiveness.
 - b. Ensure position descriptions of the Commissioner and his direct reporting staff contain accountability for administering the Affirmative Action Plan.
 - c. Require managers and supervisors to be accountable for affirmative action, equal opportunity, diversity, and non-discrimination principles in their annual objectives and hiring procedures.
 - d. Take action by following the affirmative action complaint procedure on complaints of discrimination.
 - e. Issue a written statement of DEED's support of the State's Equal Opportunity Policy and DEED's Affirmative Action Program to all employees.
 - f. Make decisions about policy, procedures, or reasonable accommodation as needed to assist in effective Affirmative Action.
3. Accountability: The Commissioner is accountable to the Governor, directly, and the Commissioner of Minnesota's Management and Budget indirectly.

B. Equal Opportunity Officer(s)

1. Responsibilities: The Equal Opportunity Officer(s) responsibilities include developing and administering the Affirmative Action Plan, Equal Opportunity and Diversity programs, and monitoring progress and results on behalf of the Commissioner of DEED.
2. Duties:
 - a. Advise the Commissioner on all matters relating to Affirmative Action, Equal Opportunity and Diversity.
 - b. Monitor day-to-day activities of the Affirmative Action Program.
 - c. Assist managers and supervisors in fulfilling their Affirmative Action and Equal Opportunity responsibilities.
 - d. Investigate alleged discrimination complaints and submit a written summary of the issues, findings, conclusions, and recommendations to the appropriate staff.

Staff may include the Commissioner, Human Resources Director, and program directors or managers.

- e. Establish annual hiring goals and revise DEED's Affirmative Action Plan as required by Minnesota Management & Budget.
 - f. Ensure the Affirmative Action Plan's is available to all agency staff, in alternate formats and electronically.
 - g. Oversee and monitor DEED's Pre-Hire Review process.
 - h. Monitor employee exit surveys and investigate survey complaints.
 - i. Serve as a liaison between DEED and the Office of Diversity and Equal Opportunity at the Department of Minnesota Management and Budget (MMB) and the U.S. Department of Labor's Civil Rights Center.
 - j. Determine the need for equal opportunity and diversity training. Initiate the development of appropriate training programs.
 - k. Develop and conduct training for DEED and partner staff that include such topics as Preventing Harassment in the Workplace, the Americans with Disabilities Amendment Act (ADAAA), cultural diversity, and the Workforce Investment Act (WIA) Non-Discrimination and Equal Opportunity requirements.
 - l. Oversee system-wide implementation of the equal opportunity and non-discrimination sections of the Workforce Investment Act.
 - m. As DEED's ADA Coordinator, review policies, procedures, programs, and reasonable accommodations for persons with disabilities. Recommend necessary changes to the Commissioner to ensure DEED complies with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendment Act (ADAAA).
 - n. Ensure the administration of all DEED programs, services, and activities are conducted in an unbiased manner according to local, state and federal civil rights legislation.
 - o. Develop strategies to recruit protected class persons for employment, promotion, and training opportunities.
 - p. Maintain contacts with protected group recruitment resources and community organizations to keep informed of new developments in the areas of affirmative action, equal opportunity, and diversity.
 - q. Maintain records for reasonable accommodations, missed opportunities and complaints of discrimination.
 - r. Advise DEED management of the requirement to provide contract assurances of equal opportunity and non-discrimination to vendors, grantees, partners and contractors.
3. Accountability: The Equal Opportunity Officer(s) is accountable to the DEED Commissioner, the Deputy Commissioner, and the Human Resources Director.

C. Human Resources Director

1. Responsibilities: The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove all barriers to equal employment opportunity within DEED.
2. Duties:
 - a. Provide leadership to HR staff to ensure personnel decision-making processes adhere to affirmative action principles.
 - b. Ensure pre-hire review process support from managers and supervisors.
 - c. Include the Equal Opportunity Officer(s) in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer and termination, department and division-wide classification studies.
 - d. Initiate and report on specific program objectives that are incorporated into the Affirmative Action Plan.
 - e. Include responsibility statements for Affirmative Action/Equal Employment Opportunity in position descriptions and annual performance objectives.
 - f. Assist in recruiting members of protected classes and notifying managers and supervisors of existing disparities.
 - g. Make available to the Equal Opportunity Officer(s) all records and data necessary to perform Affirmative Action duties.
 - h. Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job related.
3. Accountability: The Human Resources Director is accountable to DEED's Commissioner and Deputy Commissioner.

D. Managers and Supervisors

1. Responsibilities: DEED expects directors, managers, and supervisors to comply with DEED's Affirmative Action Program and Policies and to ensure fair and equal treatment of all applicants and employees.
2. Duties:
 - a. Assist the Equal Opportunity Officer(s) in eliminating barriers by identifying and resolving problems that inhibit equal employment opportunity.
 - b. Recruit, hire, train, and promote qualified protected class members when a disparity exists, and ensure equal treatment in all aspects of employment for all employees.
 - c. Communicate and demonstrate to all employees a personal commitment to DEED's Affirmative Action Plan.
 - d. Consult with Equal Opportunity Officer(s) on Human Resource actions resulting in discipline and discharge of protected class employees.

- e. Assist, recommend and implement with the Equal Opportunity Officer(s) recruitment activities that include protected group individuals.
 - f. Discuss and document career planning goals and training needs with each employee during scheduled performance reviews.
 - g. Include responsibility and accountability statements about the plan and related policies in employees' position descriptions and annual performance reviews.
 - h. Utilize DEED's Performance Development Communication policy (PPM 410.)
3. Accountability: Supervisors and managers are accountable to their managers and directors and indirectly to DEED's Commissioner and Deputy Commissioner. Directors are accountable directly to DEED's Commissioner and Deputy Commissioner.

E. All Employees

1. Responsibilities: All employees are responsible for conducting themselves in accordance with the policies and procedures of DEED's Affirmative Action Plan.
2. Duties:
- Refrain from any actions that would adversely affect the performance of a co-worker with respect to their race, color creed, religion, national origin, sex (including sexual harassment), marital status, public assistance status, disability, genetic information, sexual orientation, age, or membership activity in a local human rights Commission.
3. Accountability: Employees are accountable to their director, managers and supervisors and indirectly to DEED's Commissioner and Deputy Commissioner.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the steps DEED takes to communicate the Affirmative Action Plan to employees and the general public:

Internal Methods of Communication

- A copy of DEED's Affirmative Action Plan is available at the DEED Commissioner's office, the Office of Diversity and Equal Opportunity, the Human Resources Director's office, and the DEED library.
- A copy of the Affirmative Action Plan is provided to DEED's Leadership Team.
- The Affirmative Action plan is available to all staff, at all job sites and locations through the DEED external website at:
http://www.positivelyminnesota.com/Equal_Opportunity.aspx,
and can be accessed through the ODEO internal website at:
<http://intraweb.deed.state.mn.us/support/odeo/index.html>
- Non-Discrimination and Equal Opportunity statements and posters are prominently displayed and available to employees and customers in areas available to employees and customers at all Minnesota WorkForce Centers and DEED locations. ODEO oversees the statement and poster requirements at all DEED locations.
- The Affirmative Action Plan is available via the Internet and/or in print copy to anyone who requests it. As requested, ODEO will make the Plan available in alternative format.
- ODEO conducts a session during the required New Employee Orientation (NEO) informing new employees of DEED's commitment to Affirmative Action and Equal Employment Opportunity. The NEO includes information about the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability, relevant policies, complaint procedures, and the services provided by ODEO.
- All Affirmative Action and Equal Employment Opportunity policies, procedures and practices are included in DEED's Policy and Procedures Manual. The Policy and Procedures Manual is updated routinely and is available on the DEED intraweb address at:
<http://intraweb.deed.state.mn.us/ref/ppm/ppmhome.html>²

External Methods of Communication

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

² This is an internal DEED website.

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

V. DISCRIMINATION & DISCRIMINATION HARASSMENT POLICY

DEED	DISCRIMINATION AND DISCRIMINATORY HARASSMENT	PPM417
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Table of Contents

[Introduction](#)

[Policy](#)

[Definitions](#)

[General Guidelines](#)

[Complaints](#)

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

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Email: Kathy.Mullarky@state.mn.us or DEED.ODEO@state.mn.us

INTRODUCTION

This chapter provides policy and procedures for dealing with discrimination, discriminatory harassment, other inappropriate behaviors, and retaliation, at the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to ensure respectful work environments and services free of this prohibited conduct.

The policy covers DEED consumers and any person, whether a paid employee, applicant for employment, intern, consultant, or contractor under management of DEED. Employees and consumers may request more information and assistance from the DEED Office of Diversity and Equal Opportunity (ODEO)

POLICY

DEED prohibits inappropriate behaviors, discrimination, harassment 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, genetic information, or age. This policy applies to both overt acts and those acts that create an intimidating, offensive, or

hostile work environment. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacity as state representatives.

DEED also prohibits retaliation against a person who files a complaint, participates in an investigation, or otherwise opposes alleged or actual discrimination, harassment, or other inappropriate behaviors.

DEFINITIONS

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

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

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

Note: Any type of harassment is a form of inappropriate behavior. However, not all issues or complaints will rise to the level of illegal discrimination or harassment against a protected class. Some behaviors are simply inappropriate for the workplace, will be addressed, and can lead to discipline, up to and including termination.

OTHER DEFINITIONS

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

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

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

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

Genetic Information: Includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history).

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

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

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

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

Race/Ethnicity: The term race refers to the concept of dividing people into populations or groups on the basis of various sets of physical characteristics which result from genetic ancestry, such as skin color, eye color, hair color, bone/jaw structure, etc. Race presumes shared biological or genetic traits, whether actual or asserted. The term race refers to groups of people who have differences and similarities in biological traits deemed by society to be socially significant, meaning that people treat other people differently because of them. For instance, while differences and similarities in eye color have not been treated as socially significant, differences and similarities in skin color have.

Ethnicity relates to cultural factors such as nationality, culture, ancestry, language, and beliefs. An ethnic group or ethnicity is a population of human beings whose members identify with each other, on the basis of a real or a presumed common genealogy or ancestry. Ethnicity connotes shared cultural traits and a shared group history. Some ethnic groups also share linguistic or religious traits, while others share a common group history but not a common language or religion.

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

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

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

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

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

Sexual Orientation: The real or perceived inclination of an individual with respect to heterosexual, homosexual, and bisexual behavior. Sexual orientation is having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

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

The same laws that prohibit discrimination and harassment based on protected class status also prohibits *retaliation* against individuals who oppose unlawful discrimination or participate in a discrimination proceeding.

GENERAL CONDITIONS

Application of this policy is the responsibility of each DEED manager, supervisor, and employee. Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, other inappropriate behaviors, or acts of retaliation that occur in DEED employment or provision of services shall promptly report it to the Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.

It is the responsibility of any DEED employee involved in an investigation to participate by providing truthful, accurate, and complete information.

Violation of this policy may constitute grounds for disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

ODEO, in conjunction with the DEED Training and Learning Resources Office, offers training on preventing and responding to all forms of discrimination, including sexual harassment, in the workplace. All DEED employees must attend this training once **every five years**.

COMPLAINTS

For the purposes of this policy, a complaint is a dispute or disagreement raised by an employee, applicant, person eligible for consideration for employment, contractor, intern, volunteer, member of a community board, or customer. The alleged action must be attributed to discrimination based on a person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age.

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

CONFIDENTIALITY

During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law. The investigative file remains at ODEO. The file is confidential and kept separate from an employee's personnel file; the investigative file can only be accessed as permitted by the Minnesota Data Practices Act.

GENERAL PROVISIONS

- Coercion, reprisal, or intimidation against those filing a complaint (the “complainant”) or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- The complaint usually will not be investigated while the matter is being simultaneously pursued through other internal grievance and/or appeal processes.
- The complainant, through an Equal Opportunity Officer (EOO) or the Commissioner, will be advised of his or her right to file a charge of discrimination with outside administrative agencies.
- Regardless of the outcome of an investigation, DEED will take no adverse or retaliatory action against a complainant who, in good faith, reports conduct he or she considers to be a violation of DEED’s policy against discrimination and discriminatory harassment.

COMPLAINT PROCESS

A DEED employee with concerns about discrimination, harassment, retaliation, or other inappropriate behaviors may make a complaint to his or her direct supervisor. If the employee's supervisor is the person perceived to be engaging in unlawful discrimination, harassment, or other inappropriate behavior(s), or the employee is otherwise not comfortable reporting the incident(s) to his or her supervisor, the employee may go to his or her next-higher supervisor, manager, director, an EOO, human resources personnel, or the Commissioner.

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

Procedures for Filing and Processing a Complaint:

Who	Step	What
Complainant	1	May initiate a complaint in person, over the phone, or in writing by contacting his or her direct supervisor, the next-higher supervisor, manager, director, equal opportunity officer, human resources personnel, or the Commissioner. Should submit a signed written complaint form, all requested materials, which may include a completed intake questionnaire, and all supporting evidence, to an equal opportunity officer. <i>Note:</i> Complaints must be brought within one year (365 days) after the last occurrence of the alleged discriminatory act.
Equal	2	Determine, within 10 days of receiving the complaint, whether ODEO has

Opportunity Officer	<p>jurisdiction by determining: if the complaint alleges discrimination against the individual's protected class characteristic; if the complaint is timely and proper for resolution through this complaint procedure.</p> <ul style="list-style-type: none"> • If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3. • If it is determined that the complaint is not related to discrimination, but rather general harassment or other issue(s), refer the complaint to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation. • If the complainant is suffering irreparable harm in the absence of immediate action, an EOO, the Human Resources director, or the Commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.
Equal Opportunity Officer	<p>3 Make every effort to complete an investigation and provide a final written answer within sixty (60) days of determining jurisdiction, or within time lines established by collective bargaining agreements. An investigation may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.</p> <p>Notify complainant if circumstances prevent completion of the investigation within established time lines.</p>
Equal Opportunity Officer	<p>4 Upon completion of the investigation, prepare a written report determining whether or not the complaint was substantiated. Present the written report to the Human Resources Director and other management staff as appropriate. To the extent possible under the Minnesota Data Practices Act, provide written notification to the complainant and to the respondent that the investigation has been completed.</p>
Human Resources and Appropriate Management Staff	<p>5 Review the investigation report and, if deemed necessary, take proper corrective action, up to and including discharge, when the investigative findings give merit to the allegations in the complaint.</p> <p><i>Note:</i> Management is responsible for corrective and disciplinary action, follow-up inquires, and any training that is necessary.</p>

APPEAL PROCESS

If the disposition of the complaint is not satisfactory to the complainant or respondent, either party may appeal the decision to the Commissioner in writing within ten (10) business-days following notification of the disposition of the complaint.

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

EXTERNAL OPTIONS

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

- Title VII of the Civil Rights Act of 1964, as amended
- Americans with Disabilities Act (ADA)
- ADA Amendments Act of 2008 (ADAA)
- Age Discrimination in Employment ACT (ADEA)
- Equal Pay Act of 1963
- Chapter 363A of the Minnesota Human Rights Act

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

[Return to PPM Homepage](#)

Issue Date: 7/2012

VI. REASONABLE ACCOMMODATION POLICY

DEED

REASONABLE ACCOMMODATION

PPM404

Table of Contents

[Policy](#)

[Definitions](#)

[Requesting Reasonable Accommodations](#)

- Procedure for Current Employees
- Procedure for Job Applicants

[Policy for Funding Accommodations](#)

- Procedure for Determining Undue Hardship

[Appealing Denials](#)

[Confidentiality](#)

[ADA Coordinator](#)

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651.259.7097 (Voice); 651.296.3900 (TTY)

POLICY

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

DEFINITIONS

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

Health Care Professional: A person who is licensed to practice in a field of health care that includes the diagnoses and assessment of the particular disability or disabilities in question. Appropriate professionals include, but are not limited to, doctors (including psychiatrists),

psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Impairment: (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems; or (2) any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Interactive Process: A two-way interactive discussion that employers and employees use to determine whether there is an accommodation that will allow the person with a disability to perform the essential functions of a particular job.

Major Life Activity: Basic activities people in the general population can perform with little or no difficulty. Examples include, but are not limited to, walking, seeing, hearing, caring for one's self, performing manual tasks, speaking, sleeping, breathing, concentrating, learning, and working. The operation of a major bodily function, including functions of the immune system, special sense organs and skill; normal cell growth; and digestive, bowel, circulatory, reproductive functions.

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

1. Has a physical, sensory, or mental impairment that substantially limits one or more major life activities. (Example: a person with diabetes is substantially limited in endocrine function; a person with epilepsy is substantially limited in neurological function.)
2. *Has a record of such an impairment* (Example: a person has a history of cancer, heart disease, or psychiatric condition, whose illness is either cured, controlled, or in remission); OR
3. *Is regarded as having a disability* covers anyone subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment. There are only two elements to this definition: (1) the employer took employment action (2) because of an individual's actual or perceived impairment. Individuals who are "regarded as" are not entitled to any reasonable accommodation.

Qualified Individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position.

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 individual with a disability to enjoy an equal employment opportunity.

Reasonable accommodation applies to three aspects of employment: 1) to assure equal opportunity in the employment process; 2) to enable a qualified individual with a disability to perform the essential functions of a job; and 3) to enable an employee with a disability to equally enjoy all benefits and privileges of employment.

An individual's preference will be given consideration; however, DEED may choose an equally effective accommodation that is less expensive or easier to obtain.

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.

These are NOT accommodations:

- Elimination of essential job functions.
- Creation of a new job
- Lower production standards
- Supplying personal-use items such as glasses or hearing aids

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

REQUESTING REASONABLE ACCOMMODATIONS

In order to qualify for a reasonable accommodation an individual must have a qualified disability as defined by the ADA or the Minnesota Human Rights Act. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.

The reasonable accommodation procedure is an interactive process and requires participation by both the individual with a disability and the supervisor and/or the ADA Coordinator. It may be ongoing and require periodic reviews to determine the continued effectiveness of the accommodations implemented.

Easily achieved accommodations do not require involvement of the ADA Coordinator. If the employee and supervisor reach an agreement, an Accommodation Request/Agreement Form will be completed, signed and sent by the supervisor to the ADA Coordinator who will review the information and maintain it in a confidential file.

PROCEDURE FOR CURRENT EMPLOYEES

1. Employees must inform either their Supervisor or the ADA Coordinator that there is a need for an accommodation. A Reasonable Accommodation Request/Agreement Form should be completed by the employee and given to the supervisor or the ADA Coordinator.

2. The supervisor or ADA Coordinator will, 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(s).

c. Identify the potential accommodation that is the most appropriate for both the individual and DEED. While an individual's preference will be given consideration, DEED may choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

d. If the ADA Coordinator believes medical documentation is necessary to identify functional limitations, the effect of the impairment on the job duties, or other job related limitations, the ADA Coordinator will provide a medical release of information to the employee to sign. The supervisor must forward any medical information pertaining to reasonable accommodations to the ADA Coordinator.

3. If the request is approved, the supervisor will complete the Reasonable Accommodation Request/Agreement form, sign, and send it to the employee for his/her signature. After the employee signs the form, it should be sent by the supervisor to the ADA Coordinator.

If the request is denied by the supervisor, the Reasonable Accommodation Request/Agreement Form with an explanation for denial and all related documentation must be sent to the ADA Coordinator for review. The ADA Coordinator will work with the employee and supervisor to facilitate a resolution. The appropriate management level will be consulted as necessary. If the parties are unable to reach agreement or the request is denied, the employee may follow the appeal process identified below.

4. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, the ADA Coordinator and employee will work together with HR to determine whether reassignment to a vacant position may be an appropriate accommodation. Reassignment is considered only when no other accommodation is available.

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

5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.

NOTE: A Reasonable Accommodation Request/Agreement Form must be completed for all accommodation requests and submitted to the ADA Coordinator for processing. Include all supporting documentation and the original medical information. All medical information pertaining to reasonable accommodation is kept only in the confidential medical file maintained by the Office of Diversity and Equal Opportunity (ODEO).

PROCEDURE FOR JOB APPLICANTS

The job applicant will inform the hiring supervisor, the Human Resources staff, or the ADA Coordinator of the need for an accommodation in order to participate in any aspect of the hiring process.

1. The request will be reviewed and a determination will be made as to the need for accommodation and, if so, select and implement an effective accommodation.
2. Either the hiring supervisor, the Human Resources staff, or the ADA Coordinator takes the necessary steps to see that the accommodation is provided in a timely manner. If the accommodation is denied, inform the applicant within five (5) working days of the decision.

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

POLICY FOR FUNDING ACCOMMODATIONS

Funding must be approved by this agency for accommodations that do not cause an undue hardship. Hiring units or their divisions are expected to assume the cost of accommodations.

PROCEDURE FOR DETERMINING UNDUE HARDSHIP

In determining whether providing a reasonable accommodation would impose an “undue hardship,” the agency will consider at least the following factors:

- The overall size of the program (number and type of facilities, size of budget);
- Type of the operation including the composition and structure of the work force;
- Nature and cost of the accommodation needed;
- Reasonable ability to finance the accommodation; and
- Documented good-faith efforts to explore less restrictive or less expensive alternatives including consultation with the requestor or with knowledgeable resources or organizations.

APPEALING DENIALS

Employees or applicants who are dissatisfied with the decisions pertaining to his/her accommodation request may file a written appeal with the ADA Coordinator. The ADA Coordinator will provide the DEED Commissioner with all the information relevant to the request and denial. The DEED Commissioner or his/her designee will review the information and make the final decision on appeal requests.

Further actions can be processed through other governmental agencies such as the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission. For more information on the appeal process and for answers to any questions about reasonable accommodation, contact the ADA Coordinator.

CONFIDENTIALITY

Any medical information or documentation obtained in this process must be collected and maintained in a separate medical file. Any medical information must be treated as a confidential

medical record, available only under limited conditions specified in the ADA and the Minnesota Human Rights Act. All medical information associated with an accommodation request will be maintained by the ODEO.

ADA COORDINATOR

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ADA Coordinator
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[Return to PPM Homepage](#)

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VII. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES

DEED

EMERGENCY PROCEDURES

PPM208

Table of Contents

[Introduction](#)

[Definitions](#)

[Policy](#)

[Emergency Closing of Offices](#)

-- MMB-Declared Emergencies

-- Other Emergencies

-- Emergency Leave Limitations

[Central Office Plan](#)

-- General Responsibilities

-- Procedures

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INTRODUCTION

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

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

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

Field office managers develop/update emergency procedures and plans in their work locations; the DEED Safety Officer works with the Human Resources (HR) Director and the Administrative

Services Director, along with building services personnel, to develop the procedures and plans for the Central Office.

DEFINITIONS

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

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

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

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

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

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

POLICY

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

EMERGENCY CLOSING OF OFFICES

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

MMB-DECLARED EMERGENCIES

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

During severe weather, the MMB commissioner maintains direct contact with the Departments of Public Safety (which monitors the weather bureau, highway patrol, road crew operations, transit operations, and other emergency indicators) and Transportation. If the MMB commissioner

decides that weather conditions are hazardous enough to declare an emergency, affected offices must close and emergency leave is authorized for those employees.

For a MMB-declared weather emergency:

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

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

OTHER EMERGENCIES

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

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

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

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

EMERGENCY LEAVE LIMITATIONS

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

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

Employees at work when emergency is declared by MMB:

- Employees who report to work at the start of their normal shift and are sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
- Employees who were required by their appointing authorities to remain at work should not be paid for more than their regularly scheduled hours or the actual number of hours worked including overtime.

Employees on leave when emergency declared by MMB:

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

Reporting emergency leave for MMB declared emergencies:

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

CENTRAL OFFICE PLAN

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

GENERAL RESPONSIBILITIES

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

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

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

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

Employees

- Watch for dangerous situations and follow emergency procedures. Immediately inform the **DEED Front Desk Receptionist 651-259-7114** of any situation that is potentially dangerous, before the situation becomes an emergency.
- Know and follow all emergency procedures. All employees should have an [Emergency Procedures](#) handbook that should be kept close-at-hand. In the handbook is a list of floor monitors and emergency floor plans.
- Know who the floor monitors are, and follow their instructions. Know where the fire extinguishers are located and how to use them. **Respond immediately to sirens, alarms, or loudspeaker instructions.**
- When evacuating the building's block, use street crosswalks and obey traffic signals.

- Attend all assigned training. NOTE: Employees trained in cardiopulmonary resuscitation (CPR) and other first-aid procedures should inform managers and others responsible for handling emergencies, as they may be asked to assist in emergency situations.

Supervisors

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

Floor & Stairwell Monitors

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

DEED Human Resources and Administrative Services

- Working jointly, maintain and update emergency procedures. Work with the First National Bank Building's management office on updating procedures and conducting evacuation drills. Update procedures as needed and notify all employees of those changes. Keep postings and emergency procedures handbook up-to-date. Provide training for DEED staff involved in emergency procedures.

- Ensure redundancy for Central Command personnel. Appoint new floor monitors and coordinate their training as vacancies occur. Inform floor monitors of employees with hearing or mobility impairment; and establish individual plans, with back-up, for helping those employees leave the office area during an evacuation.
- For this or any other emergency that requires evacuation:
 - Notify DEED commissioner of emergency; recommend action.
 - Give instructions to floor monitors.
 - Supervise operation of emergency procedures.
- Conduct annual inspections to ensure protection equipment is operational.

PROCEDURES

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

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

VIII. GOALS AND TIMETABLES

The analysis criteria used in DEED's Affirmative Action Plan is adopted from the federal regulations using the two-factor analysis method:

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

Placement goals are based on the results of the two-factor analysis. A comparison is made between the current numbers of the incumbent women, minorities and employees with disabilities and their estimated availability within the reasonable recruitment area. Any difference between the two creates an underutilization in the protected group category. DEED then sets a goal to address the underutilization.

Goal considerations reflect department funding priorities, projected hiring in FY 2012-2014, and employees returning from layoff. The goals and time tables will be updated in January 2013 once the availability numbers are available from the 2010 census. DEED is committed to a goal of increasing the percentage of minorities and individuals with disabilities in our workforce as well as maintaining or increasing the participation rate of women in the workplace.

Goals and Timetables Chart
For DEED Affirmative Action Plan

Goal Units	Women			Minorities			People with a Disability		
	Number Under-utilized	Goal	Time-table	Number Under-utilized	Goal	Time-table	Number Under-utilized	Goal	Time-table
Officials & Administrators				2	2	2013	1	1	2013
Professionals							29	18	2014
Technicians	2	2	2013						
Office/Clerical							4	4	2014
Service Maintenance	3	3	2014						

PROTECTED GROUP: WOMEN - STATEWIDE							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	64	43.9%	28	0	5	Improved	-5
Professionals	1277	58.5%	747	0	0	Same	0
Technicians	18	53.0%	10	2	0	Not Improved	2
Office/Clerical	250	76.4%	191	0	0	Same	0
Service Maintenance	13	43.3%	6	3	2	Not Improved	1
PROTECTED GROUP: MINORITIES - STATEWIDE							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	64	4.3%	3	2	4	Improved	-2
Professionals	1277	9.0%	114	0	0	Same	0
Technicians	18	5.8%	1	0	1	Improved	-1
Office/Clerical	250	10.4%	26	0	0	Same	0
Service Maintenance	13	20.8%	3	0	0	Same	1
PROTECTED GROUP: PERSONS with a DISABILITY- STATEWIDE							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	64	9.6%	6	1	1	Same	0
Professionals	1277	8.75%	112	29	61	Improved	-32
Technicians	18	17.7%	3	0	0	Same	0
Office/Clerical	250	10.44%	26	4	12	Improved	-8
Service Maintenance	13	10.25%	1	0	0	Same	1

PROTECTED GROUP: WOMEN - METRO							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	63	40.6%	26	0	1	Improved	-1
Professionals	977	51.9%	507	0	0	Same	0
Technicians	15	58.2%	9	2	1	Not Improved	1
Office/Clerical	168	65.7%	110	0	0	Same	0
Service Maintenance	13	42.9%	6	3	0	Not Improved	1
PROTECTED GROUP: MINORITIES - METRO							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	63	6.5%	4	3	8	Improved	-5
Professionals	977	9.4%	92	0	0	Same	0
Technicians	15	9.1%	1	0	0	Same	0
Office/Clerical	168	10.4%	17	0	0	Same	0
Service Maintenance	13	20.1%	3	0	0	Same	0
PROTECTED GROUP: PERSONS with a DISABILITY - METRO							
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	63	11.31%	7	3	1	Not Improved	2
Professionals	977	10.88%	106	56	61	Improved	-5
Technicians	15	11.52%	2	0	2	Improved	-2
Office/Clerical	168	11.56%	19	1	7	Improved	-6
Service Maintenance	13	11.37%	1	0	0	Same	1

	PROTECTED GROUP: WOMEN – GREATER MN						
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012- 2014 Number Underutilized	AAP 2010- 2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	1	43.8%	0	0	1	Improved	-1
Professionals	300	71.9%	216	17	23	Improved	-6
Technicians	6	69.9%	4	2	0	Not Improved	2
Office/Clerical	82	74.4%	81	0	0	Same	0
	PROTECTED GROUP: MINORITIES – GREATER MN						
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012- 2014 Number Underutilized	AAP 2010- 2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	1	1.1%	0	0	0	Same	0
Professionals	300	3.4%	10	0	0	Same	0
Technicians	6	3.6%	0	0	0	Same	0
Office/Clerical	82	3.0%	2	0	0	Same	0
	PROTECTED GROUP: PERSONS with a DISABILITY-GREATER MN						
A	B	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Availability % (Census, Feeder Group) MN Statewide	Availability Number	AAP 2012- 2014 Number Underutilized	AAP 2010- 2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	1	13.1%	0	0	0	Same	0
Professionals	300	11.5%	35	2	3	Improved	-1
Technicians	6	11.5%	1	0	0	Same	0
Office/Clerical	82	10.5%	9	5	3	Not Improved	2

IX. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

The Minnesota Department of Employment and Economic Development's (DEED's) mission is to enhance the economic success of individuals, businesses, and communities by improving opportunities for prosperity and independence. DEED has created equal employment opportunity, affirmative action, and diversity strategic objectives and activities that are an integral part of that mission and are incorporated into all aspects of the agency's operations. All DEED staff shall work collaboratively to achieve the following objectives.

Objective 1:

Identify job classifications where there is underutilization of minorities, women, and staff with disabilities. Work towards attaining a workplace representing the composition of the community.

1. Review DEED's annual placement goals and determine courses of action to meet those goals.
2. On a quarterly basis, prepare a current underutilization report for Human Resources and management staff.
3. Determine a timeline within which to meet the Department's annual placement goals.
4. Offer additional training to new managers/supervisors concerning equal opportunity.
5. Prepare an analysis of the staffing pattern within each Division at DEED to determine the status of employment for protected group members and the impact on the overall DEED Affirmative Action Plan.

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

Objective 2:

Monitor the Pre-Hire Review Process.

1. Collaborate with HR to fully utilize the process including training on any updates to the pre-hire process.
2. Educate current supervisors and managers about the Pre-Hire Review Process.
3. Work with HR staff to train new supervisors on the Pre-Hire Review Process.
4. Where a disparity exists, review the hiring request with the manager to determine the applicability of a missed opportunity.
5. Monitor the Pre-Hire Review Process to ensure consistent use and effectiveness.

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

Objective 3:

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

1. Assess future workforce demand and anticipated staffing capabilities. Determine gaps between supply and demand. Include workforce planning as a key component of DEED's newly developed Strategic Plan.
2. Work with Division Directors and the Human Resources Office to develop workforce planning strategies that include hiring and retention initiatives.
3. Examine staffing patterns and determine trends in turnover and use of classifications.
4. Assess training and development needs and continue to offer relevant opportunities for career development for current and future leaders.
5. Implement strategically focused recruitment strategies.
6. Encourage individual employees to be actively involved in their own career planning and development.
7. Encourage supervisors/managers to use the Individual Development Plans to improve retention and assist with filling positions due to retirements.

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

Objective 4:

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

1. Update and review the recruitment plan with Human Resources staff.
2. Work directly with managers and supervisors on diverse hiring strategies.
3. Use the Pre-Hire Review process to monitor the hiring process.
4. Collaborate with other state agencies in recruitment efforts.
5. Conduct outreach activities with special interest councils and community organizations.
6. Extend the posting period for targeted positions in order to utilize the MMB recruitment network.
7. Consider applicants with disclosed disabilities for all available positions for which they may qualify, when the position(s) applied for is unavailable.
8. Explore the development of an internship program.
9. Create a clearinghouse of resources, best practices and strategies for recruiting diverse staff, focusing on underrepresented communities.

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

Objective 5:

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

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

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

Objective 6:

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

1. Take action when employees behave inappropriately toward other employees, partners, or customers.
2. Include the Department's mission and guiding values statement in New Employee Orientation packets. This document provides guidelines on the expectation that DEED employees respect one another and our internal and external customers.
3. Provide the required "Harassment Is..." training to all staff.
4. Provide the managers and supervisors with the enhanced training regarding their responsibilities in responding to issues of discrimination or harassment.
5. Help employees improve their intercultural literacy by providing educational tools, webinars, and resources on ODEO's website.

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

Objective 7:

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

1. Review quarterly separation reports by Division for trends.
2. Review exit surveys for employees' feedback on his/her employment experience and report findings to Human Resources Director, Program Directors, and Commissioner.
3. Update the use of the exit survey as needed to capture accurate responses.

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

Objective 8:

Develop new, agency-wide diversity and affirmative action initiatives to assist in meeting and sustaining DEED's equal opportunity and non-discrimination program goals and objectives and to support the State of Minnesota's goal to be a model employer to people with disabilities.

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

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

Responsibility: Equal Opportunity Officer(s)

Objective 9:

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

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

Responsibility: Equal Opportunity Officer(s)

X. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

DEED evaluates its progress in recruiting, hiring and retaining a diverse workforce by utilizing the following structured methods:

Affirmative Action Plan, Monitoring the Hiring Process, Quarterly Hiring Reports, Internal Complaint Log, ADA Annual Report, Equal Opportunity Program Monitoring, and the Methods of Administration.³

- The Equal Opportunity Officer reviews and keeps a record of all missed opportunities and affirmative hires, and provides a quarterly report to MMB.
- The Equal Opportunity Officer reviews with the Human Resources Director DEED's hiring and separation patterns. The progress of DEED as a whole will be reviewed as well as each division. The Commissioner is provided periodic updates.
- The Office of Diversity and Equal Opportunity issues quarterly reports on hiring and separation rates to agency leaders.
- Employment interview methods are randomly reviewed to ensure that all selection criteria are objective and job-related.
- A pre-review of lay-off decisions will be conducted to determine any adverse impact on protected group employees. Results are utilized with the final layoff list.
- Training evaluations are included in every training session to determine how well the intended objectives are met.

³ The U.S. Department of Labor requires assessment of DEED's Equal Opportunity implementation methods of program delivery and employment practices.

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

DEED uses the following tool to monitor hiring and was recently updated to promote better process flow.

Monitoring the Hiring Process

Must be completed **PRIOR** to offering the position to applicant.

1. JOB CLASSIFICATION: _____ ☐ Classified ☐ Unclassified

2. EEO JOB CATEGORY: _____

3. REQ NUMBER: _____

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

<input type="checkbox"/> Women	<input type="checkbox"/> Minorities	<input type="checkbox"/> Persons with disabilities
--------------------------------	-------------------------------------	--

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

- | | | |
|--|--|---|
| <input type="checkbox"/> Newspapers | <input type="checkbox"/> Trade/Technical School Posting | <input type="checkbox"/> Employee Suggestions |
| <input type="checkbox"/> Internet Job Boards | <input type="checkbox"/> MMB – www.careers.state.mn.us | <input type="checkbox"/> Professional Organization |
| <input type="checkbox"/> Colleges/University Posting | <input type="checkbox"/> MN Works – www.minnesotaworks.net | <input type="checkbox"/> Disability/Minority Councils |

☐ Other, please explain: _____

6. RECRUITMENT COSTS FOR THIS POSITION _____

(excludes staff time)

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

- | | | |
|---|---|--|
| <input type="checkbox"/> Affirmative Action Officer | <input type="checkbox"/> Agency Recruiter | <input type="checkbox"/> Hiring Manager |
| <input type="checkbox"/> HR Staff | <input type="checkbox"/> MMB | <input type="checkbox"/> Other, Please explain: _____
(ie., partner, school representative) |

8. NUMBER OF CANDIDATES INTERVIEWED: _____

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

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

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

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

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

☐ Single Interviewer – Name

☐ Group Interview – Panel
Members

☐ Other - Describe

Additional Comments:

11. Name of Pending Applicant: _____

13. Anticipated Appointment Date: _____

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

Minnesota's statewide HR records retention schedule requires recruitment and selection documentation be retained for *FOUR* years. Hiring supervisors should save documentation such as resumes, cover letters, test scores, interview records (including notes), etc. HR will save requisitions, job announcements, ads, job postings, bids, applications, etc.

Hiring Supervisor: _____ Date: _____

Return this completed form to Human Resources

HR Tech: _____ Date: _____

APPROVED:

ODEO: _____ Date: _____

Directions for Completing Monitoring the Hiring Process Form – Hiring Supervisor

All state agencies must establish methods of auditing, evaluating and reporting affirmative action program success. When there is a disparity in a job classification there must be a procedure for the pre-employment review of all hiring decisions. DEED will make a good-faith effort to reach the goals of Affirmative Action. This form must be completed PRIOR to making an offer. DEED reports this information to MMB quarterly and includes it in the Affirmative Action Biennial Report to the Governor and Legislature. Please contact the Office of Diversity and Equal Opportunity (ODEO) at 651-259-7094 if you have questions.

PERSON RESPONSIBLE**ACTIONS*****HR Generalist******1-4 Provide:***

Job Classification, Classified or Unclassified, EEO Job Category, Requisition Number, If Underutilization what is the Protected Group?

Hiring Supervisor***5-8 Answer Questions:***

How did you recruit for the position? What were the recruitment costs?

Who was involved in recruitment? What was the number of candidates interviewed?

Hiring Supervisor***9 Interview List***

Include source, if current DEED employee and recently separated veteran status. HR will complete disparate group information after hiring supervisor returns the form.

Hiring Supervisor***10-12 Answer questions:***

What was the interview process? Who was selected? What is the expected appointment date?

Hiring Supervisor***13 Decision***

If there is a disparity in the job classification and a disparity candidate in the qualified applicant pool an offer cannot be made without approval from HR or ODEO.

Hiring Supervisor

Sign, date and return the form to your HR Representative.

HR Technician

Complete Action 9, Run the Number of Applicants Tracked to a Requisition report, sign form.

If a disparity exists for the job classification forward to ODEO for approval.

HR Technician

Within two business days notify hiring supervisor by telephone or email that appointment is approved or that additional information is needed. If additional information is needed, forward to ODEO.

ODEO

Within two business days notify supervisor if appointment is approved.

Hiring Supervisor

Make appointment offer to applicant.

B. Pre-Review Procedure for Layoff Decisions

Once a need for layoff has been determined and all contractual obligations have been met, a list of affected staff is provided to HR. HR and ODEO review the list for disparate impact of protected group employees. If a concern is identified, the HR Director and ODEO Director meet with the Deputy Commissioner to review the potential impact. Recommendations for action are made that may eliminate or minimize the impact.

C. Other Methods of Program Evaluation

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

The Equal Opportunity Officer evaluates the Affirmative Action Plan by:

- a. Reviewing employment statistics quarterly including data on protected class applicants and employees.
- b. Review annually disciplinary actions taken to identify any discriminatory patterns within job class, bargaining units and location.
- c. Review all discrimination complaints to determine if a discriminatory pattern exists within job class, bargaining units and locations.
- d. Review the interview process for positions in which there is a disparity to ensure the process is fair, objective, consistent and that all candidates are treated equally.
- e. Provide quarterly reports on agency hiring goals to management staff and the Commissioner.
- f. Develop a quarterly turnover report to be provided to managers and supervisors to assist in determining if the selection and retention methods have been successful.

XI. RECRUITMENT PLAN

The goal of DEED's recruitment plan is to establish a workforce that is representative of Minnesota's diversity. ODEO has developed strategies to actively recruit, hire, promote, and retain diverse applicants and employees. The objective of this recruitment plan is to ensure our agency recruitment programs are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and to assist in meeting our agency affirmative action goals to achieve a diverse work force.

Listed below are various recruitment methods or strategies utilized by this agency during the past year.

A. Advertising Sources

Websites:

- Career Builder Recruitment - <http://www.careerbuilder.com/>
- Economic Development Association of MN – <http://www.edam.org>
- DICE – Technology Job Board - <http://www.dice.com/>
- I Hire Secretarial - <http://www.ihiresecretarial.com/>
- Minnesota Association of Professional County Economic Development – <http://www.mapced.org>
- Minnesota Works - <https://www.minnesotaworks.net/>
- State of Minnesota - <http://www.careers.state.mn.us/>

Advertising Agency:

- Graystone Group

Newspapers:

- Bemidji Pioneer
- Grand Forks Harold
- Star & Tribune
- Warroad Pioneer

Listserves:

- MMB Diversity listserv
- Minnesota Diversity Councils: Minnesota State Council on Disabilities

Colleges/Universities:

- Mankato State University
- St. Cloud State University
- University of Wisconsin, Stout
- University of Minnesota, Carlson School of Business, Minneapolis
- University of Minnesota, Humphrey Institute, Minneapolis
- University of St. Thomas, St. Paul

B. Job and Community Fairs

Metropolitan State University, St. Paul Diversity Recruitment Fair,
Minnesota Veterans Career Fair

Participation of staff at job fairs throughout all 48 WorkForce Centers provides statewide coverage.

C. College and University Recruitment Events

Metropolitan State University Diversity Networking and Job Fair
Diversity Event for Students of Color at University of St. Thomas

D. Recruitment for Persons with Disabilities

In order to broaden the pool of qualified candidates with disabilities, ODEO has developed a recruitment network with counselors and placement coordinators who work with individuals with disabilities. ODEO staff work with the service providers associated with the Minnesota Business Leadership Network to promote employment opportunities at DEED. DEED has identified entry-level professional and clerical positions that will be posted for a minimum of five days in order to utilize the MMB Diversity Listserv and allow for broader recruitment efforts. DEED is working to incorporate the recommendations identified by the Governor's Workforce Development Council to establish the State of Minnesota as a model employer for people with disabilities. DEED sponsors the Minnesota Veterans Job Fair where we can connect with disabled veterans.

E. Relationship Building and Outreach

ODEO staff will continue to work with state Councils and community organizations serving minorities, women and people with disabilities. DEED will strengthen its relationships by coordinating informational meetings and developing employment workshops delivered through the WorkForce Center System that address the state employment application process. DEED, as a member of ACCESS, will promote collaboratives that leverage state agency resources.

F. Internships

Individuals were recruited from Humphrey Institute, University of Minnesota, University of St. Thomas and St. Cloud State.

G. Supported Employment (M.S. 43A.191, Subd. 2(d))

This agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to people with disabilities to recruit for these positions.

H. Additional Recruitment Activities

Developed list of Minnesota Colleges and Universities with significant minority student population as a resource for recruitment.

XII. RETENTION PLAN

A. Person Responsible for Agency's Retention Program/Activities

Kathy Mullarky, Diversity and Equal Opportunity Program Director

B. Separation and Retention Analysis by Protected Groups

FY 2012	Total Number of Employees	Total Number of Employees Separated	Separation Rate
Female	1065	83	7.80%
Male	557	53	9.50%
Total	1622	136	
Impact Ratio			82
Minority*	179	20	11.20%
Non-Minority	1443	116	8%
Total	1622	136	
Impact Ratio			71
Disability*	115	9	7.80%
Non-Disability	1507	127	8.40%
Total	1622	136	
Impact Ratio			93
* Disclosure of this information is voluntary.			

ODEO is currently reviewing the separation data for FY 2012 to analyze the data for trends and adverse impact analysis. Initial review identifies a higher rate of separation among minority employees. Hiring data indicates that over the last three years more minorities were hired for temporary positions in the Workforce Development and Unemployment Insurance Divisions. The temporary hiring was due to the one-time availability of federal funds provided to states to hire additional staff to address the high volume of consumer/applicant activity. The separation rate can be attributed to the reduction in program funding. However, ODEO will complete a review of the data and determine whether or not there are additional elements that impact the results.

Type of Separation - FY 2011	Number	Percentage
Retirement	154	52.1
Resignation	30	10.1
Dismissal or non-certification	14	4.7
Death	5	1.7
Layoff	5	1.7
Termination without rights*	88	29.7
Total Separations	296	100

Type of Separation FY 2012	Number	Percentage
Retirement	28	20.6
Resignation	46	33.8
Dismissal or non-certification	4	2.9
Death/LOA	3	2.2
Layoff	6	4.4
Termination without rights*	49	36.1
Total Separations	136	100

Due to an influx of temporary federal stimulus funding to support additional staffing needs, DEED was able to hire temporary staff in the Workforce Development and the Unemployment Insurance Divisions. The additional staff were primarily assigned duties in the One-Stop (WorkForce Centers) Employment and Training program delivery system. There are 48 WorkForce Centers established throughout Minnesota. As the federal funding ended, the appointment period for the temporary staff also ended, resulting in a higher than average “termination without rights” separation.

C. Methods of Retention of Protected Groups

To address possible retention issues at DEED, the Department implements the following strategies:

1. Use the internal exit survey process to understand specific reasons for departures. Compile the data and prepare quarterly reports for the Human Resources Director and management that identify trends.
2. Survey hiring supervisors’ need for soft skills, such as communicating with staff, maintaining a respectful workplace, resolving conflicts, and solving problems. Provide education resources on the needs identified.
3. Collaborate with Human Resources staff in the Performance Development Communication Process. Encourage managers and supervisors to develop a Career Training plan for each employee that matches the employee’s and organization objectives.
4. Continue providing formal and informal venues for training in career development.
5. E-learning opportunities in career development are available to DEED staff in such topics as Word, Excel, Crystal Reports, time management, career development, customer service procedures, project development, and organizational skills.

6. Promote the use of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
7. HR and ODEO will continue to monitor the retirement rates and provide projections to management. A coordinated approach provides information on demographic compositions of the workforce and diversity strategies to maintain an adequate level of qualified employees.
8. DEED's Leadership Development Program is a method for improving employee retention and reducing turnover. The DEED Leadership Development Program is a multi-level program designed to provide current and emerging leaders with opportunities to improve their skills, expand and share their knowledge, and enhance their capacity to lead.

XIII. ATTACHMENT – DISCRIMINATION COMPLAINT FORM

A. Complaint of Harassment/Discrimination

**Department of Employment and
Economic Development**

**Office of Diversity and Equal
Opportunity**

Complaint Form

No one will be denied the opportunity to participate in DEED's programs, employment, or promotion, based on race, color, creed, marital status, status with regard to public assistance, disability, genetic information, sexual orientation, age, religion, national origin, sex, or membership in a local human rights commission. If you think you have been subjected to discrimination under a DEED program, activity or employment you may file a complaint with DEED's Office of Diversity and Equal Opportunity (ODEO). You may use this [complaint form](#) and mail, email or fax to Office of Diversity and Equal Opportunity, First National Bank Bldg. Suite E200, 332 Minnesota Street, St. Paul, MN 55101 1351, Kathy.mullarky@state.mn.us Phone: 651-259-7094, TTY/TTD: 651-282-5174, Fax: 651-296-8763

1. Information about the Complainant (person filing the complaint)

Name _____
Address _____
Email _____
Phone: ☐ Cell _____ ☐ Home _____ ☐ Work _____
☐ Customer ☐ Employee

2. Information about the Primary Respondent (person against whom you are filing the complaint)

Name _____ Job Title _____
Program/Division _____
Location _____ Work Phone _____
Name of any Secondary Respondents involved in your complaint: _____

3. Information about the Complaint

(a) I believe I was discriminated against because of my: (check all that apply)

____ Race ____ Color ____ Religion ____ Disability ____ Marital Status ____ Sex
____ National Origin ____ Reliance on Public Assistance ____ Sexual Orientation Information
____ Age ____ Sexual Harassment ____ Genetic Information ____ Retaliation
____ Membership/activity in a local commission ____ Other

If you filed this complaint with another organization, please give the name of the organization:

(b) Describe how you have been discriminated against or harassed. Give the names, dates, places and all of the pertinent information. Be as specific as you can. Use additional paper if needed.

4. Witness(es) Name

Work Location/Phone

1) _____

2) _____

3) _____

4) _____

What steps, if any, have you taken to resolve this matter? _____

List the person (s) you contacted to attempt to resolve this matter. _____

What resolution are you seeking? _____

The complaint is being filed based on my honest belief that I have been discriminated against or harassed. I hereby certify that the information I have provided relative to my complaint is true, correct and complete to the best of my knowledge and belief.

Signed _____ Dated _____

Received by _____

This material is available in alternative formats for individuals with disabilities by calling 651-259-7094 (voice) or 651-282-5174 (TTY).

XIV. ATTACHMENT – REQUEST FOR REASONABLE ACCOMMODATION FORM

B. Employee Request for Reasonable Accommodation Form

Reasonable Accommodation Request and Agreement Form

Name	Supervisor	Date
Location:	Cost Center:	Division:
What essential job function do you have difficulty performing?		
What limitation interferes with your ability to perform your job duties or access an employment benefit?		
Have you had any accommodations in the past for this same limitation? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please identify and describe effectiveness.		
What specific accommodation (s) do you request?		
How will that accommodation assist you?		
Please provide any additional information that might be useful in processing your accommodation request.		
<p>The information I disclose will be used by the ADA coordinator or any other person who is authorized by my employer to handle medical information for ADA/DEED purposes. Any information I disclose concerning my physical and/or mental condition may be necessary to determine either: (a) whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act and/or (b) whether any reasonable accommodation(s) can be made. Providing the requested information is voluntary however, not supplying the information may limit the ability of my employer to provide the reasonable accommodation I requested.</p>		
Signature		Date

If request is denied: Reason:	
If request is approved: Please complete agreement section below:	
Description of specific accommodation to be made:	
Cost estimate of approved accommodation:	
I agree with the approved accommodation indicated above. I understand that all tangible accommodations purchased by DEED are the property of—and will be maintained by—the State of Minnesota.	
Employee Signature:	Date:
Manager/Supervisor Signature:	Date:
ADA Coordinator Signature:	Date:

Return completed form, whether denied or approved, to the ADA Coordinator.

Kathy Mullarky
 Equal Opportunity Program Director
ADA Coordinator
 651/259-7097
kathy.mullarky@state.mn.us

Department of Employment & Economic Development
 1st National Bank Building
 332 Minnesota Street, Suite E200
 St. Paul, Minnesota 55101-1351
 TTY 651/296/3900 Fax 651/296/8763