



Minnesota Department of
HUMAN RIGHTS

Department of Human Rights 2012 - 2014 Affirmative Action Plan

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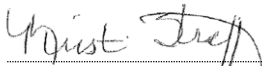
Executive Summary

Plan Years: 2012-2014

The review of the plan revealed no disparities in women Officials/Administrators/Supervisors and Office/Clerical job groups and no disparities in any of the minority or disabled protected groups. An underutilization of one (1) has been revealed in the women/professional category.

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 the Minnesota Department of Human Rights' commitment to affirmative action and equal employment opportunity. The plan will also be posted on the agency's SharePoint and internet sites.

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.

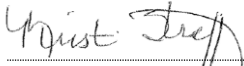


Affirmative Action Officer (phone number: 651-539-1088)

7-27-2012

Date

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

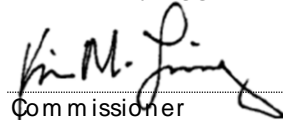


Human Resources Director

7-27-2012

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 aggressive to deal with the identified disparities.



Commissioner

7-27-2012

Date

Statement of Commitment

As Commissioner of the Minnesota Department of Human Rights (MDHR), I fully support the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action efforts to provide equal opportunity in employment to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, membership or activity in a local human rights commission. The Department is committed to ensuring that positions are accessible to all qualified persons and will make every effort to affirmatively recruit, hire, retain and support qualified protected group members.

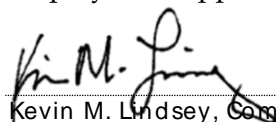
Managers and supervisors are the individuals who can ultimately make the most impact to ensure that Affirmative Action Programs are implemented. Each manager and supervisor shall have (has) a statement in his or her position description describing their affirmative action responsibilities and will be informed of the content of the plan by September 1, 2012.

I have appointed Kristi Streff as the Department's Affirmative Action Officer (AAO) and Americans with Disabilities Act Coordinator (ADA Coordinator). She is responsible for updating and maintaining the Department's Affirmative Action Plan; for monitoring all equal employment opportunity activities within the Department; and for reporting the effectiveness of the affirmative action program as is required by state law.

The Minnesota Department of Human Rights will not tolerate discrimination or harassment on the basis of race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, membership or activity in a local human rights commission. Any Department employee who is found to have violated the Department's discrimination or harassment policy will be subject to discipline.

Any Department employee or applicant for employment who believes that he or she has been discriminated against may contact their immediate supervisor or Kristi Streff at 651.539.1088; TTY 651.296.1283. Kristi may also be contacted by mail at the Department's mailing address. Discrimination complaints may also be filed with the Equal Employment Opportunity Commission.

I am committed to the implementation of the agency's Affirmative Action Plan and encourage employees of the Department to be involved in carrying out this policy; I also welcome comments and suggestions on how we may improve as an agency in providing equal employment opportunities and the best possible service to the people of Minnesota.



Kevin M. Lindsey, Commissioner, Department of Human Rights

7-27-2012

Date

Persons Responsible for Affirmative Action

Commissioner

Responsibilities

The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

Duties

The duties of the Commissioner shall include, but not be limited to, the following:

- To designate an AAO and include accountability for affirmative action in his or her position description.
- To take action, if needed, on complaints of discrimination.
- To ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis.
- To make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the Department.
- To actively promote equal opportunity employment.
- To ensure an annual report is sent to the Governor and the Legislature through the Commissioner of Minnesota Management and Budget (MMB) describing the Department's progress in affirmative action.
- To notify all contractors and sub-contractors with the Department of their affirmative action responsibilities

Accountability

- The Commissioner is accountable directly to the Governor or his or her designee for affirmative action matters.

Affirmative Action Officer, Human Resources Director and American with Disabilities Act Coordinator

Responsibilities

The AAO, Human Resources Director and ADA Coordinator is responsible for the development, implementation and monitoring of the Department's affirmative action program.

Duties

The duties of the AAO, Human Resources Director and ADA Coordinator shall include, but not be limited to, the following:

- To coordinate and monitor the day to day affirmative action activities.
- To notify Commissioner of all formal written complaints received, to investigate complaints of discrimination, and to submit findings to the Commissioner.
- To fulfill all affirmative action reporting requirements.
- To coordinate the dissemination of the affirmative action policy.
- To hold exit interviews with all employees to determine reasons for separation.
- To act as the liaison between the Department and the Office of Diversity and Equal Opportunity (ODEO) division within MMB.
- To determine the need for affirmative action training within the Department and to initiate the development of such training programs with the assistance of MMB (Training and Development Coordinator, ODEO, Human Resources Management Division) and outside resources as necessary.
- To review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal employment opportunity.
- To support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- To prepare an annual report on the Department's progress in affirmative action.

Accountability

The AAO is accountable directly to the Commissioner.

Supervisors

Responsibilities

Supervisors are responsible for the implementation of affirmative action in their organizational unit and for equal treatment of all employees and applicants for employment.

Duties

The duties of the supervisors shall include, but not be limited to, the following:

- To assist the AAO in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.

- To communicate the Department's affirmative action policy to assigned staff.
- To include responsibility statements for affirmative action/equal employment opportunity in their position descriptions.
- To carry out their supervisory responsibilities in accordance with affirmative action/equal employment policies embodied in this plan.
- To maintain a consistent standard within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
- To provide a positive environment in the work place.
- To refer complaints or complaints involving another supervisor to the respective division manager.

Accountability

Supervisors are accountable directly to the Deputy Commissioner or the Assistant Commissioner.

Managers, Assistant Commissioner and Deputy Commissioner

Responsibilities

Managers are responsible for the implementation of affirmative action in their division and for equal treatment of all employees.

Duties

The duties of the Managers, Assistant Commissioner and Deputy Commissioner shall include, but not be limited to, the following:

- To assist in the identification of problem areas and eliminating barriers which inhibit equal employment opportunity.
- To communicate equal employment policy and affirmative action program to all employees assigned to their division.
- To assist the AAO in conducting periodic audits of training programs, hiring, and promotion patterns to remove impediments to the attainment of goals and objectives.
- To hold regular discussions with supervisors and employees to ascertain that the Department's EEO policies are being followed.
- To inform and evaluate supervisors on the basis of their equal employment opportunity efforts and results in addition to other criteria.

Accountability

Managers, Assistant Commissioner and Deputy Commissioner are accountable directly to the Commissioner.

Communication Plan

The AAO will ensure that all employees are advised of the policy prohibiting harassment and discrimination, the reasonable accommodation policy, and the procedure for filing a complaint. If needed, the material can be provided in alternative formats such as large print, Braille or on tape.

Methods for Communicating the Affirmative Action Plan Internally

The AAO will distribute a letter to all supervisory staff detailing their responsibility to read, understand, support and implement the plan. The full Affirmative Action Plan will be located on the Department's internal web site (SharePoint).

Methods of Communicating the Affirmative Action Plan Externally

- The MDHR has included the statement, "an equal opportunity employer," on agency letterhead and all outgoing correspondence.
- A notice of the Department's Statement of Commitment to Minnesota's Equal Employment Opportunity Policies and Affirmative Action efforts will be posted in the reception area, to provide an opportunity for everyone doing business directly with MDHR to be made aware of this commitment.
- The Department's web site home page will include the statement, "an equal opportunity employer," and the Affirmative Action Plan will be posted on the agency's web site.
- The Department's Affirmative Action Plan will also be made available to contractors and subcontractors upon request.

Policy Prohibiting Discrimination and Harassment

Policy Statement

It is the policy of the Department to prohibit (intentional or unintentional) verbal and physical harassment of its employees based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability status, status with regard to public assistance, membership or activity in a local commission, reprisal/retaliation, and aiding and abetting violation of the MHRA or obstructing compliance with the MHRA. Any employee subjected to harassment on any of these bases should file a written complaint with his or her supervisor, the Department's AAO, or their division manager.

The Department has posted this policy and will provide it to each employee upon hiring. In addition, the AAO will present the policy in orientation to all new employees. The following complaint procedure is part of the agency's online policies and procedures guide.

Purpose

To provide a work environment free from unlawful discriminatory harassment and to prohibit retaliation against those employees who report such conduct.

To prohibit any behavior of coworkers, supervisors, or managers that is unwelcome, reasonably offensive, insulting, or demeaning and inconsistent with the Affirmative Action Plan.

Definitions

Discrimination

Harassment is any behavior which is not welcome, is personally offensive, and therefore, may adversely affect morale and interfere with the employee's ability to perform his or her job responsibilities.

Hostile work environment

Behavior of one or more employees toward another employee based on any one of the protected classes listed above which serves to trouble, worry, or torment that employee and which has a detrimental effect of the employee's work performance or which creates an intimidating, hostile, or oppressive working environment.

Acts of general harassment are behaviors that are unwelcome, personally offensive, insulting or demeaning. They include but are not limited to:

- Exclusion from orientation or teamwork;

- Repeated disparaging, belittling, demeaning, or insulting remarks;
- Repeatedly making the employee, or a characteristic unique to the employee, the butt of jokes;
- Repeated ridicule of an employee;
- Sabotage of an employee's character, reputation, work efforts or property;
- Unequal assignment of the "undesirable" work.

Sexual Harassment

According to the Minnesota Human Rights Act (MHRA): "Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Unwelcome sexual advances; requests, demands, or subtle pressure for sexual favors from another employee; and other verbal or physical conduct of a sexual nature (e.g., lewd comments or gestures, unwanted, intentional physical contact of a sexual nature, and subjecting fellow employees to written or pictorial materials of a sexual nature) when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personnel action;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reprisal

Reprisal is retaliation because a person opposes a practice forbidden by the MHRA, files a charge or participates in a matter brought under the Act; is a member of a local human rights commission; or because a person associates with a person or group of persons who are disabled or of a different race, color, creed, religion, sexual orientation, or national origin. A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment.

Aiding and abetting and obstruction

Aiding and Abetting is to intentionally give aid or support to any discriminatory practices.

Obstruction is to intentionally prevent any person from complying with the Affirmative Action Plan, or any investigation conducted by MDHR or hindering any applicant or employee from benefits under the Affirmative Action Plan.

Complaint Procedure

MDHR has established the following discrimination complaint procedure to be used by all employees and applicants.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the AAO for information and for access to data and records for the purpose of enabling the AAO to carry out his or her responsibilities under this complaint procedure.

Who May File

Any employee or applicant who believes that he or she has been discriminated against by reason of race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, membership or activity in a human rights commission may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to their actual separation date.

The Complaint Procedure

1. An employee or applicant may present a discrimination complaint in person to the immediate supervisor or AAO and request resolution. The supervisor or AAO shall resolve the complaint within a reasonable period of time and report the results to the employee or applicant and the AAO or supervisor. If, however, the supervisor is the subject of the complaint, the employee or applicant may bring the complaint to the division manager or the AAO.
2. The division manager or the AAO determines whether the complaint is a discrimination complaint. If the division director or the AAO finds the matter relates to general personnel/human resource concerns, he or she shall inform the complainant of this fact within two working days of the date the complaint is received and advise the employee of available grievance procedures.

3. If the employee or applicant chooses, they may file a written complaint with the AAO explaining the specifics of the complaint. The complaint should be submitted as soon as possible after the incident and must give details of the incident(s).
4. If the complaint is a discrimination complaint, the AAO will, within two working days of the day the complaint is received, send a summary of the complaint to all parties named as respondents. The respondent must submit an answer to the complaint within seven days.
5. The AAO shall investigate the complaint and submit a summary and recommendation to the Commissioner within twenty working days.
6. The Commissioner shall accept, remand or modify the AAO's recommendations, take appropriate action and notify all parties to the issue within ten working days.
7. If the complaint is not resolved internally, the AAO shall advise the complainant of the right to file a complaint with the Equal Employment Opportunity Commission (EEOC), or other appropriate entity.
8. The entire complaint process shall ideally be completed with a final written response within sixty working days of the filing of the complaint.
9. The Commissioner shall notify the Commissioner of MMB of the disposition of any formal complaints within thirty days of determination.
10. All documentation connected with a complaint shall be considered private information during the course of an investigation. Documentation related to the processing of a complaint will be handled in accordance with the Minnesota Government Data Practice Act.

Harassment/Discrimination Complaint Form

HARASSMENT/DISCRIMINATION COMPLAINT FORM



Minnesota Department of
HUMAN RIGHTS

Please read the following notice before completing this form

TENNESSEN NOTICE: This form asks you to supply data concerning yourself that may be considered private or confidential under the Minnesota Government Data Practices Act (MN. Stat., Chapter 13). The reason this data is being collected is to help the Minnesota Department of Human Rights understand and investigate a complaint that you wish to file alleging discrimination or harassment. Although you are not legally required to supply the requested data, failure to do so may make it difficult for the Department to investigate your complaint.

While providing data may put you at risk in terms of possible legal action that could be taken against you, the consequences of not supplying the data would be that we do not have all of the information relevant to your complaint. If you supply this data, you may be required to testify at subsequent hearings and/or data you provide may be used to take disciplinary or other remedial action.

The other persons or entities which, as authorized by law, may see the data at some point include: supervisors and managers whose input is necessary in the decision-making process; exclusive representatives of employees; staff of the Minnesota Management and Budget; persons and/or entities authorized by you to see the data; arbitrators, hearing examiners and other judicial and/or quasi-judicial officials; and other entities involved in grievances, appeals and litigation over the subject matter of this investigation (includes the Attorney General's office). This could include the: State and federal courts; State and federal human rights enforcement agencies; the Re-employment Compensation Division of the Minnesota Department of Employment and Economic Development; law enforcement agencies; counsel for and parties to litigation pursuant to court order; the Legislative Auditor's office; the employee who is being investigated.

Full name

Phone

Email

Check any of the following that you believe may be the basis for your complaint:

- Disability
- Race
- Sex
- Age
- Color
- National Origin
- Religion
- Creed
- Sexual Orientation
- Marital Status
- Status with Regard to Public Assistance
- Local Human Rights Commission Activity
- Retaliation; provide date of complaint:

Why do you believe the reason(s) you checked above is the basis of your complaint?

Who do you believe discriminated against or harassed you?

Name:

Phone:

Please describe the reason (or reasons) you believe that you were discriminated against or harassed. Describe the incident(s) in detail, with the most recent incident first (include names and types of behavior, dates, times, locations). Attach additional sheets if necessary. If you have documentation you believe is relevant to your complaint, please attach it to this complaint form.

Were there any witnesses? If so, who?

Witness #1

Name:

Phone:

What did he/she observe?

Witness #2

Name:

Phone:

What did he/she observe?

Witness #3

Name:

Phone:

What did he/she observe?

Witness #4

Name:

Phone:

What did he/she observe?

Did you attempt resolution of this matter through any other process, such as a union grievance, mediation or other process? If so, please specify.

Did you file this complaint with any other agency? If so, which agency and when was the complaint filed?

Signature

Date:

Received by:

Date:

Reasonable Accommodation Policy

Policy Statement

MDHR is committed to the fair and equal employment of people with disabilities. In accordance with the law, reasonable 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. MDHR will reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. This policy applies to all applicants and employees of MDHR.

Definitions

Qualified Individual with a Disability

A qualified individual with a disability is an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

Disability

A "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment."

Undue Hardship

Undue hardship is defined by the Americans with Disabilities Act (ADA) as an action that is "excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business."

In determining whether or not the making of a reasonable accommodation would impose an "undue hardship" on the operation of the Department, factors to be considered must include the nature and cost of the accommodation in relation to:

- The overall size of the employer;
- The nature and structure of the employer's operation including the composition and structure of the employer's workforce;
- The financial resources of the employer and its reasonable ability to finance the accommodation;

- The impact of the accommodation on the employer's facilities; and
- Documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person or with knowledgeable disabled persons or organizations.

Request for a Reasonable Accommodation by a Current Employee

1. The employee will inform his or her supervisor of the need for an accommodation. The employee or the supervisor must complete the Request for Reasonable Accommodation form. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor will, in consultation with the employee:
 - Discuss the purpose of the job and the essential functions (it may be necessary to complete a step-by-step job analysis);
 - Determine the precise job-related limitation(s);
 - Identify potential accommodations and assess the effectiveness of each; and select and implement an appropriate accommodation. The employer need not provide the accommodation of the employee's choice as long as the accommodation provided is reasonable.
3. The supervisor and/or employee may seek technical assistance from the agency ADA Coordinator as needed.
4. If the supervisor is unable to make a decision about a requested accommodation, he or she will forward the written request for accommodation along with his or her recommendation to the division director within five working days of the employee's request. If the division director is unable to make a decision, the request will be forwarded along with his or her recommendation to the commissioner within 10 days of the employee's initial request. The Commissioner, working with the agency's ADA Coordinator, will make the decision and provide the response to the division director and the employee within 10 working days after receiving the request.
5. If the proposed accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and ADA Coordinator will work together to determine whether reassignment to a vacant position may be an appropriate accommodation.
6. If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for

which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.

Request for a Reasonable Accommodation by a Job Applicant

All initial communication with job applicants regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodation to the known physical or mental disability and shall invite applicants to contact the agency for the needed accommodation in the application process.

1. The individual contacted with the request shall contact the AAO immediately. In order to ensure that reasonable accommodation is provided at the interview, requests shall be handled in a timely manner.
2. The AAO shall contact the job applicant and/or appropriate technical experts to discuss the needed accommodation and possible alternatives.
 - a. If the accommodation is reasonable, the AAO will take the necessary steps to see that the accommodation is provided.
 - b. If the accommodation is deemed to be unreasonable, the AAO shall so advise the applicant and inform the applicant of his or her right to file a complaint with a federal enforcement agency.

Examples of a Reasonable Accommodation for Employees

Reasonable accommodations may be provided in a number of ways. These include, but are not limited to, the following:

- Making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- Modifying equipment or purchasing assistive devices;
- Modifying work schedules;
- Restructuring the job;
- Providing support services;
- Reassigning the employee to a vacant, more appropriate position; or
- Adjusting or modifying examinations, training materials or policies.

The Department is not required to lower quality or quantity standards to make an accommodation. Nor is the Department required to provide personal use items, such as glasses or hearing aids, as accommodations.

Funding for Reasonable Accommodations

The Department will make funds available in order to provide reasonable accommodations to employees/job applicants with disabilities. The Commissioner will determine the amount. Funds will be used only when a reasonable accommodation request has been approved and signed by the Commissioner.

Purchase and Maintenance of Accommodations

While the person requesting the reasonable accommodation may suggest an appropriate accommodation, the Department has discretion to choose the specific accommodation to be provided. The Department may provide another accommodation equal or superior to the one suggested in practicality, usefulness or cost effectiveness.

All tangible accommodations purchased by the Department will be the property of the State of Minnesota. The maintenance of equipment will be the responsibility of the Department and projected maintenance costs will be a factor in the initial decision to provide accommodations.

The AAO shall complete the "Reasonable Accommodations Agreement Form" and obtain necessary signatures. The AAO submits appropriate purchasing documents to the Deputy Commissioner if equipment, furniture, or other assistive devices must be purchased.

Determining Whether a Requested Accommodation is an Undue Hardship

1. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the Department, the supervisor and AAO/ADA Coordinator will meet with the Deputy Commissioner to review the requested accommodation(s), and will consider:
 - The nature and cost of the accommodation in relation to the size and financial resources of the Department as an employer; and
 - The impact of the accommodation on the nature or operation of the Department.
2. If the Deputy Commissioner determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the Commissioner within 10 working days following the employee's request or within three working days following an applicant's request.
3. The Commissioner will provide a decision in writing to the AAO, supervisor, Deputy Commissioner, and the employee or applicant within three (3) working days after receipt of the analysis and recommendation.

Denial of a Requested Accommodation

All denials of requests for reasonable accommodation will be documented and kept on file by the AAO. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. Medical information related to accommodation requests shall be maintained, along with all other medical information, in a confidential file separate from the employee's general personnel files. The AAO will notify the employee of the denial and inform the employee of his or her right to appeal and to file with other government agencies such as the United States Equal Employment Opportunity Commission.

Appeal

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Commissioner within fifteen (15) working days of the decision. The Commissioner will review pertinent material and steps leading to the decision according to the following criteria:


- Job relatedness
- Effectiveness
- Necessity
- The relationship between the accommodation and essential job functions
- Cost
- Other claims of undue hardship

The Commissioner will make a final determination within ten working days of the appeal. The AAO will then convey written copies of the decision to the employee and supervisor. If the employee is still dissatisfied with the decision, he or she may file with a federal enforcement agency. The Department's AAO will provide employees and compliance agencies with information on assistance needed in the appeals process. Information will be provided in compliance with the Minnesota Government Data Privacy Act. Compliance agencies that are investigating complaints or request information from the agency head will be provided documentation relating to the denial of a request for reasonable accommodation.

Assistance with Reasonable Accommodation Compliance

All requests for information or assistance in determining reasonable accommodation for qualified disabled employees/job applicants may be directed to the Department's AAO the Minnesota State Council on Disability, or MMB. These resources may also assist in locating other resources or interpreting reasonable accommodation requirements.

Request for a Reasonable Accommodation Form

REQUEST FOR A REASONABLE ACCOMMODATION FORM		 Minnesota Department of HUMAN RIGHTS
Name of Employee/Job Applicant	Classification, if applicable	Date of Request
Division/Work Unit, if applicable		
Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
How does it affect your ability to perform your job or affect your ability to perform as a job applicant?		
Type of accommodation you are requesting: <input type="checkbox"/> Making facilities readily accessible <input type="checkbox"/> Modification to equipment or devices <input type="checkbox"/> Job restructuring <input type="checkbox"/> Qualified reader or interpreter <input type="checkbox"/> Part-time or modified work schedule <input type="checkbox"/> Acquisition of equipment or devices <input type="checkbox"/> Modification to a rule, policy or practice <input type="checkbox"/> Other (specify):		
Please describe in detail the accommodation you are requesting:		
How will the requested accommodation be effective in allowing performance of the essential functions of your job or allow performance of the essential functions as a job applicant?		
Additional comments:		

An employee/job applicant who, in good faith, applies for a reasonable accommodation as described above will be protected from retaliation, threats of retaliation, discharge, or other forms of discrimination which are directly related to the disclosure of such information.

Signature of Employee/Job Applicant

Date

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

Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1873, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd., P.L. 101-336, Sec. 102.C.

July, 2012

Evacuation Policy for Individuals with Disabilities

Policy Statement

It is the policy of the MDHR to conduct our work in a manner consistent with our guiding principles of service, quality, efficiency, timeliness, neutrality and respect. It is the policy of the Department to secure its property to prevent theft, vandalism or unauthorized use. Further, it is the policy of the Department to protect staff, visitors, and property from the effects of a major natural or man-made disaster to the extent possible with available resources. The Department will develop procedures to ensure the safety of its employees and assets and to direct employees on their responsibilities in the event of an emergency.

Purpose of Procedure

To provide an action plan that MDHR staff will follow in the event of an emergency. Emergency procedures for the Freeman Building are described in the Freeman Emergency Procedures document (PDF) located at:
http://www.humanrights.state.mn.us/about/pdf/freeman_emergency.pdf

Emergency Procedures for Mobility Impaired Employees

Employees with temporary or permanent mobility impairments, or those who feel they would be unable to evacuate the building in a timely manner due to a personal health condition, may choose to select two Evacuation Assistants to provide aid during an emergency.

Mobility impaired employees and their Evacuation Assistants should form a plan to meet in a specific area of the workplace for all emergencies to eliminate lost time spent looking for each other before actually evacuating the area.

Once at the predetermined location (stairwell by the Neighborhood Center) the Evacuation Assistant(s) will assist the mobility impaired employee in evacuating the building.

If safe to do so, the Evacuation Assistant will remain with the mobility impaired employee if they are unable to evacuate.

The Evacuation Assistant will then instruct a fellow employee to leave and report to the Building Security Guard the location of the mobility impaired employee and remaining Evacuation Assistant.

These individuals will remain at this location until their rescue is assisted by St. Paul Fire Department personnel. If, due to building conditions, they are unable to remain at this location, they will relocate to an area behind doors (an office or conference room), and will call 9-911 to advise them of their relocation.

If the mobility impaired employee is in another area of the building, or one or both of the Evacuation Assistants is not available to help, the mobility impaired employee will ask for assistance from other individuals evacuating the building.

Time Off in Emergencies

Employees who report to work and are then sent home because of an emergency 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 the emergency situation.

Any employees required by the Commissioner or Deputy Commissioner to remain at work during an emergency shall not be paid for more than their regularly scheduled hours or actual hours worked.

Employees on approved sick or vacation leave shall not have such leave restored to their balances.

An employee's absence with pay for emergency situations shall not exceed sixteen hours during an emergency unless the Commissioner of MMB authorizes a longer time period.

Closing the Office in an Emergency

As a general rule, staff are not authorized to leave work for the day unless they are specifically instructed to do so by the Commissioner. Many emergencies that may require an evacuation of the office are temporary and may not require closing the office and sending staff home. Unless staff are authorized to leave work, they must return to the office once the emergency situation has been resolved and it is appropriate to do so.

If an emergency is declared during the business day, the Commissioner or Deputy Commissioner will be notified by telephone and fax prior to the declaration. The Commissioner of MMB will also notify the media of the declaration. Once notification is received, the Commissioner or Deputy Commissioner will relay the information to staff and allow them to leave immediately. If offices are closed during the workday, the remainder of the day, up to the end of the employee's normally scheduled workday, is considered emergency leave.

Employees will not receive pay for emergency leave, including weather emergency leave, unless the Commissioner of MMB declares the emergency and authorizes payment. An employee who chooses not to report to work or who leaves early because of inclement weather, absent an emergency declaration, must use annual leave or leave without pay as appropriate.

An employee's absence with pay for emergency situations shall not exceed sixteen hours during an emergency unless the Commissioner of MMB authorizes a longer time period.

Goals and Timetables

The MDHR is committed to setting goals and timetables that will consist of good faith, quantitative employment objectives which will set as the minimum progress within the current fiscal year.

The utilization analysis for the Department was based on a two factor analysis of internal availability and external availability. Internal availability estimates were calculated using current employees in designated job groups. External availability estimates were calculated using data from Census 2010: for women and minorities, the Department used data from the Minneapolis/St. Paul metropolitan area for relevant occupations; for persons with disabilities, the Department used statewide job group availability estimates provided by MMB due to the lack of readily available data regarding persons with disabilities. This analysis demonstrates that the agency is underutilized for women in the professional group. There are no disparities of women in the Officials/Administrators/Supervisors and Office/Clerical job groups. There are no disparities of minorities or persons with disabilities in any of the job groups (Officials/Administrators/ Supervisors, Professionals, and Office/Clerical). As a result, the MDHR remains committed to hiring a woman in the professional job group in accordance with

agency budget determinations. The Department's ongoing goal is to maintain full utilization of women, minorities, and persons with disabilities and to continue affirmative recruiting efforts.

The AAO and the Commissioner review vacancies and anticipated turnover for the fiscal year. This information, combined with the information on any existing disparities within units, is the basis for goals for the fiscal year.

Given the current projections and anticipated staffing, the Department foresees hiring will be on a replacement only basis as business necessity and fiscal constraints permit.

The State of Minnesota and the MDHR have a commitment to recruiting and hiring individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

Job Group Availability/Utilization/Underutilization Analysis & Goals

PROTECTED GROUP: WOMEN									
EEO JOB GROUP	Total Num. in Group	Total Num. Women in Group	% Women in Group	Avail. % (2-Factor Analysis)	Availability Num.	AAP 2012-2014 Num. Under-utilized	AAP 2010-2012 Num. Under-utilized	Improved/ Not Improved/ Same	Numeric Diff.
Officials, Administrators, Supervisors	6	3	50.0%	43.3%	3	0	0	Same	0
Professionals	22	12	54.5%	60.2%	13	1	0	Not Improved	1
Office/Clerical	4	4	100.0%	86.8%	3	0	0	Same	0

PROTECTED GROUP: MINORITIES

EEO JOB GROUP	Total Num. in Group	Total Num. Minorities in Group	% Minorities in Group	Avail. % (2-Factor Analysis)	Availability Num.	AAP 2012-2014 Num. Under-utilized	AAP 2010-2012 Number Under-utilized	Improved/ Not Improved/ Same	Numeric Diff.
Officials, Administrators, Supervisors	6	5	83.3%	12.7%	1	0	0	Same	0
Professionals	22	6	27.3%	19.6%	4	0	0	Same	0
Office/Clerical	4	3	75.0%	42.8%	2	0	0	Same	0

PROTECTED GROUP: PERSONS with a DISABILITY

EEO JOB GROUP	Total Num. in Group	Total Num. of Disability in Group	% Disability in Group	Avail. % (2-Factor Analysis)	Availability Num.	AAP 2012-2014 Num. Under-utilized	AAP 2010-2012 Num. Under-utilized	Improved/ Not Improved/ Same	Numeric Diff.
Officials, Administrators, Supervisors	6	1	16.7%	12.00%	1	0	0	Same	0
Professionals	22	3	13.6%	11.07%	2	0	0	Same	0
Office/Clerical	4	0	0.0%	5.78%	0	0	0	Same	0

Two Factor Availability Analysis: Officials, Administrators & Supervisors

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	30	54.50	16.35	27.30	8.19	13.60	4.08
External Availability	70	34.44	26.91	6.37	4.46	11.31	7.92
Final Job Group Availability %			43.26		12.65		12.00
	Source of Initial Statistics						
Internal Availability	MDHR Professionals						
External Availability	For women and minorities: Census 2000, MPLS-STP MSA, and Occupational Code 001-043 (all Management Occupations). For persons w/ disabilities: MMB extranet, Census 2000 data (Officials & Administrators).						

Two Factor Availability Analysis: Professionals

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	30	61.50	18.45	34.60	10.38	11.50	3.45
External Availability	70	59.60	41.72	13.20	9.24	10.88	7.62
Final Job Group Availability %			60.17		19.62		11.07
	Source of Initial Statistics						
Internal Availability	MDHR Professionals & Office/Clerical						
External Availability	For women and minorities: Census 2000, MPLS-STP MSA, Occupational Code 200-202, (Community & Social Services Occupations), and 210-215 (all Legal Occupations). For persons w/ disabilities: MMB extranet, Census 2000 data (Professionals)						

Two Factor Availability Analysis: Office/Clerical

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	50	100.00	50.00	75.00	37.50	0.00	0.00
External Availability	50	73.61	36.81	10.53	5.27	11.56	5.78
Final Job Group Availability %			86.81		42.77		5.78
	Source of Initial Statistics						
Internal Availability	MDHR Office/Clerical						
External Availability	For women and minorities: Census 2000, MPLS-STP MSA, Occupational Code 500-593, (all Officials & Admin. Support Occupations.) For persons w/ disabilities: MMB extranet, Census 2000 data (Office/Clerical)						

Affirmative Action Plan Objectives

Program: Affirmative Action Education

Objective

The AAO will continue to provide education to Department staff regarding affirmative action responsibilities in implementing the Affirmative Action Plan and will continue to keep staff updated and aware of affirmative action and equal opportunity policies, news, training and events.

Responsibility: Affirmative Action Officer

Completion Date: Monthly/Quarterly

ACTION STEPS

Educate/refresh supervisors and managers about their role in implementing the Affirmative Action Plan creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members.

Post Affirmative Action Plan on internal web site (SharePoint) within 30 days of publication.

Post opportunities for training, conferences, events, etc. quarterly on SharePoint.

Objective

The AAO will keep herself informed, updated and aware of affirmative action and equal opportunity policies, news, training, and events.

Responsibility: Affirmative Action Officer

Completion date: Monthly/Quarterly

ACTION STEPS

The AAO is an active member of the Alliance for Cooperation & Collaboration in Employment & State Services (ACCESS), which is geared toward creating and maintaining a statewide diversity/affirmative action system to ensure that diversity, equal opportunity and affirmative action best practices are designed and implemented to achieve the goal of attracting, recruiting, hiring, developing and retaining a diverse workforce that is truly representative of Minnesota's diversity. As an active member of this group, the AAO partners with other AAOs and human resource directors on issues that affect diversity, affirmative action and equal opportunity.

The AAO will pursue and attend workshops and trainings encompassing the areas of affirmative action/equal employment opportunities, the ADA and discrimination/harassment.

Program: Affirmative Action Improvements

Objective

Individual Development Plan assessments are being used to determine specific training and/or development opportunities to assist with retaining employees.

Individual Development Plan assessments ensure that employees maintain the current level of job proficiency through continued training and developmental activities, identifying new knowledge, skills and abilities to pursue, as well as learning activities needed to reach the established goals.

Responsibility: Human Resources Manager, Managers and Supervisors.

Completion Date: Annually

ACTION STEPS

1. Individual Development Plan assessments are completed at the time of employees' annual performance evaluations as necessary.
2. The Human Resources Manager reviews the Individual Development Plan assessments.
3. The Human Resources Manager consults with individual supervisors and employees to determine how to most effectively address their needs.

Pre-Employment/Hiring Review Process

The MDHR will make a good-faith effort to reach the goals of the Affirmative Action Plan; the procedure laid out below will be followed when hiring.

Consultation with Managers

Managers will be kept advised of the goals and disparities for the various occupational categories under their supervision by the AAO.

SELECTION PROCESS: PRE-EMPLOYMENT REVIEW

1. When a decision is made to fill a vacancy, the AAO/Human Resources Manager will be notified in writing.
2. Once notified of the effort to fill a vacancy where a disparity exists, the AAO/Human Resources Manager will work closely with the hiring manager, monitoring and collecting data at each step of the hiring or promotional process.
3. The Human Resources Manager and the supervisor/manager will develop a position description and determine the necessary job-related criteria: knowledge, skills, and abilities.

4. The Human Resources Manager determines whether any bargaining unit employees are to bid on the position. If so, the job will be posted for the required length of time. If an employee bidding on the job is successful, the job will be filled in accordance with the union contract.
5. The Human Resources Manager ascertains whether a job announcement is necessary.
6. If a job announcement is necessary, management, with assistance from AAO/Human Resources Manager, will recruit affirmatively for the position. The Human Resources Manager will maintain complete documentation of the recruiting to monitor the Department's progress.
7. The AAO/Human Resources Manager will ascertain whether the applicant pool contains candidates who will help the agency reduce any disparity and will insure that the selection procedures used will not result in discrimination against protected groups.
8. The manager will devise a list of uniform job-related questions. The AAO/Human Resources Manager will make sure that they are uniform, appropriate and job-related. However, if the AAO/Human Resources Manager is a potential candidate for the vacancy, the Commissioner will review the questions.
9. The résumés of all candidates will be reviewed by the manager and compared to the qualifications stated in the job announcement. Those candidates who most closely match the qualifications stated in the job announcements will be selected as the pool of candidates to be interviewed.
10. Prior to offering a position to a candidate, the manager will discuss the anticipated selection the AAO to ascertain that the selection is consistent with the Department's Affirmative Action Plan goals. These two parties will discuss who will be and who will not be hired by considering candidates on the basis of their knowledge, skills and abilities.
11. If the AAO is dissatisfied with the manager's decision to reject a protected group member, the manager will explain in writing why the protected group person was not selected. The AAO and the Deputy Commissioner will review copies of the written rejection. No selection will be made until such written reasons have been reviewed if the AAO and the Deputy Commissioner believe that the reasons for rejection are insufficient, the selection will be referred to the Commissioner, whose decision is final.
12. The AAO/Human Resources Manager will keep documentation on the selection process for all appointments. Data on every appointment, where there is a disparity, will indicate how much opportunity the Department had to act affirmatively and what was actually done.
13. Protected group status is not identified as public data according to the Minnesota Government Data Practices Act. Therefore, information pertaining to the protected group status of applicants and employees will not be disclosed.

Methods of Auditing, Evaluation, and Reporting Program Success

To ensure that progress in implementing the agency's Affirmative Action Plan can be monitored and evaluated, the following methods will be used:

The following documentation will be maintained by the agency's AAO and retained for five years. (All documentation will contain information regarding an individual's job classification, race, sex, and disability.)

- Copy of the Affirmative Action Plan.
- A record of all promotions, transfers, new hires, and terminations, along with a record of all temporary, seasonal, or provisional hires.
- A record of any disciplinary actions taken.
- A record of all discrimination complaints filed.
- A record of all exit/separation evaluation forms completed.

The AAO will annually review and analyze the above documentation to determine compliance with affirmative action goals and prepare a summary of hiring practices and disciplinary action to be included in the agency's annual affirmative action report to MMB if disparities exist.

The AAO will report any internal complaints to the Commissioner of MMB within 30 days of final determination.

Any layoff decisions will be reviewed by the Deputy Commissioner and the Human Resources Manager/AAO prior to implementation to determine their effect on agency affirmative action goals and timetables.

Recruitment Plan

Recruitment Activities: 2010 – 2012

The Human Resources Manager is responsible for recruitment efforts, such as overseeing the recruitment of qualified candidates. In regard to recruitment of persons with disabilities, the agency complies with the requirements of the ADA in recruitment activities by making materials available in alternate formats and meeting in locations that are accessible.

The Human Resources Manager has compiled an email listserv which includes over 150 contacts, local agencies, non-profit organizations and minority companies. All contacts included in this listserv are emailed a copy of posted vacancies as they become available.

The Human Resources Manager forwards a copy of all posted vacancies to the MMB's Workforce Diversity Office for dissemination to the diversity-focused listserv. The Workforce Diversity Office of MMB has a diversity-focused email list with over 500 contacts. The list includes diversity organizations, community members, professional groups, and individuals who work with women, people of color, persons with disabilities, and veterans.

MDHR has relationships with local colleges throughout the metro area, and has employed several interns throughout the past two years. This relationship will continue as more and more interns are seeking to fulfill their degree requirements within a legal setting in which MDHR is able to provide.

MDHR has developed a relationship with the City of Minneapolis's STEP-UP Achieve program. This program is an employment program which provides summer jobs to motivated young people each year by placing them in competitive paid summer jobs with corporate and government offices, law firms, hospitals, media outlets, educational institutions and other local companies.

MDHR has partnered with the "Mentoring Young Adults - Shadow Me Project." This program is designed for local youth who face obstacles and challenges and provides them opportunities to shadow leaders and those in professional positions as a way to educate, learn leadership development and community engagement.

At this time, MDHR has not identified any positions or functions of the agency that can be used for supported employment. If those positions were identified in the future, the Department would be interested in utilizing the supported work program. The Department would work with the ODEO office at MMB to recruit and hire individuals for supported employment positions.

Retention Plan

The Human Resources Manager/ AAO, Kristi Streff, is responsible for overseeing the retention activities for the MDHR.

The Department makes every effort to retain protected group employees. The AAO will continue to conduct exit surveys which are given to departing employees. The intent of the exit survey is, 1) to learn why employees leave employment, and 2) to learn the strengths and weaknesses of the Department. Survey interpretation and analysis will continue to be monitored and reported to MDHR management including highlighting positive areas and areas in need of improvement along with the intent of retaining specific groups where disparities exist.

The Department will continue to create and maintain a respectful environment for all employees by offering training to all employees and for new employees. Such training may include, but shall not be limited to, information on the following topics: Migrant Farm Community; Aged Community; Gay/Lesbian/Transsexual Community; Sexual Harassment; Somali Community; African-American Community; Individuals with Disabilities; Hate Crimes; Anti-Bullying; Equal Employment Opportunity Commission (significant case law); Attorney General's Office (definition of disability and significant case law pertaining to Human Rights). Supervisors and managers are trained in the necessary skills, and are expected to know their roles and responsibilities to create and maintain a healthy and humane workplace that contributes to retention of protected group members.

Mentoring is provided for new staff. Assignments are made upon completion of the trainee period or within two weeks of hire, whichever is applicable.

Fiscal years 2011 and 2012 Separation Analysis data has been collected. Findings conclude that 14 employees separated from the Minnesota Department of Human Rights. Eight of these employees retired and the remaining six resigned. Of these 14, two were employees with disabilities, 11 were female and two were minorities. The Department has since taken steps to hire affirmatively to replace those that left the Department.

Employees will receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs), the ability to access state opportunities via the MMB's web site, and the posting of career opportunities with other governmental and non-governmental entities on the MDHR internal SharePoint web site.