

Minnesota Department of Natural Resources

Affirmative Action Plan

Transmittal Form

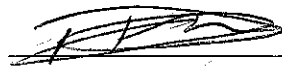
Plan Years 2012-2014

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

GOAL UNITS	PROTECTED GROUPS STATEWIDE		
	WOMEN	MINORITIES	DISABLED
Officials/Administrators	X	X	X
Professionals	X	X	X
Office/Clerical	X	X	
Technicians	X	X	X
Protective Services	X	X	X
Skilled Craft	X		X
Service Maintenance		X	X

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

3. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as the Department of Natural Resources affirmative action goals for the year.

 651-259-5323 9-17-12

Affirmative Action Officer (phone number) (date)

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

 9/17/12

(Signature of Agency Head/Human Resources Director) (date)

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

 9/19/12
(Commissioner) (date)

State of Minnesota

**DEPARTMENT OF
NATURAL RESOURCES**

AFFIRMATIVE ACTION PLAN

2012 – 2014

500 LAFAYETTE ROAD, ST. PAUL, MN 55155-4040

This document can be made available upon request in alternative formats
by contacting 651-259-5323, TOLL FREE 1-800-657-3929, or TTY 651-296-5484.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
2012 – 2014 AFFIRMATIVE ACTION PLAN

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II. STATEMENT OF COMMITMENT

As Commissioner, Deputy Commissioner, and Assistant Commissioners of the Minnesota Department of Natural Resources (DNR), we are firmly committed to the state's policies on affirmative action and equal employment opportunity which provide that (Minn. R. 3905.0400 (C); AP 19.1):

- 1. Discrimination against applicants or employees on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated.**

As an employer, the DNR is responsible for the actions of its employees, and may be held liable for failure to investigate allegations of harassment or failure to take prompt action against an employee who is found to have engaged in any form of harassment of other employees. Consistent with this policy, therefore, no employee of this Agency will be allowed to engage in any form of harassment of other employees. Any employee who, after investigation, is found to have engaged in any form of harassment of other employees will be subject to disciplinary action. Although the Agency is responsible for maintaining a working environment free from discrimination and discriminatory harassment, each and every employee plays a part by affirmatively raising the subject, expressing strong disapproval of any actions and adhering to the provisions of the Agency's *Statement of Policy Against Discrimination and Harassment* and its *Affirmative Action Plan*.

- 2. This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan.** (Minn. Stat. 43A A.P. 19.1; Minn. R. 3905.0400):

Because equal employment opportunity cannot exist in the presence of discrimination in any form, efforts will be made to provide a work environment free of discrimination and harassment. Accordingly, the Agency fully supports the non-discriminatory provisions of all state and federal laws, rules and regulations that form the legal framework for affirmative action and equal opportunity.

- 3. This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce.**

Protected groups are defined as women, minorities, and persons with disabilities. (Minn. Stat. 43A A.P. 19) Because protected group members in our society have been denied equal opportunity in the past, we strongly support and will actively pursue a policy of affirmative action employment and retention for those classes, and goal units with underutilization in the Agency. We endorse affirmative action as a viable and proper approach to ensuring that DNR's work force reflects the same demographic configuration as the available work force as a whole.

4. This agency is committed to the retention of all qualified, talented employees, including protected group employees.

We are personally committed to the goals and provisions outlined in this Affirmative Action Plan. The primary responsibility for implementation of this policy falls to each manager, and supervisor. We have directed that the position description of each of these individuals list affirmative action as an “A” priority and have informed them that their performance will be closely monitored with regard to this responsibility. As a management team, we are committed to implementing all provisions of this plan.

DNR’s Affirmative Action Officer and Americans with Disabilities Act (ADA) Coordinator will report to the Deputy Commissioner for resolution of any and all complaints referenced in this plan. We will work together to ensure the implementation of the plan.

Please direct any questions to:

Femina Ajayi-Hackworth, Affirmative Action Officer and ADA Coordinator,
(651)259-5323, Femina.Ajayi@state.mn.us; or

Denise Legato, Director of Human Resources, (651)259-5317, Denise.Legato@state.mn.us.

Tom Landwehr _____
Commissioner

Date: _____

Dave Schad _____
Deputy Commissioner

Date: _____

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

A. COMMISSIONER OF NATURAL RESOURCES

1. RESPONSIBILITIES

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. The Commissioner, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature, the Agency's progress in meeting its affirmative action goals and objectives.

2. DUTIES

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

- Hire and retain an Affirmative Action Officer and include accountability for affirmative action in his/her position description.
- Take action if needed, on complaints of discrimination.
- Issue a statement affirming the Agency's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the Agency.
- Actively promote equal employment opportunity.
- Report annually to the Governor and the Legislature through the Commissioner of Minnesota Management and Budget (MMB) the Agency's progress in affirmative action.
- Notify all contractors and sub-contractors with the Agency of their affirmative action responsibilities.

3. ACCOUNTABILITY

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of Minnesota Management and Budget (MMB) for affirmative action matters.

B. AFFIRMATIVE ACTION OFFICER

1. RESPONSIBILITIES

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the Agency's affirmative action program.

2. DUTIES

The duties of the Affirmative Action Officer shall include, but not be limited to, the following:

- Coordinate and monitor day-to-day affirmative action activities.
- Fulfill all affirmative action reporting requirements.
- Disseminate the Affirmative Action policy to employees in the Agency.
- Act as the affirmative action liaison between the DNR and MMB.
- Investigate complaints of discrimination or discriminatory harassment and provide findings to the Agency management and others, as appropriate.
- Determine the need for affirmative action training within the Agency and initiate the development of such training programs with the assistance of DNR Human Resources, Minnesota Management & Budget and outside resources, as necessary.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to facilitate affirmative action.
- Support and participate in the recruitment of protected class persons for employment, promotion, and training opportunities.
- Develop innovative programs to attract and retain protected group members in the DNR.
- Review requests for missed opportunities in the DNR hiring process and refer unresolved issues to the Deputy Commissioner or Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Receive requests for Americans with Disabilities Act (ADA) accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.

3. ACCOUNTABILITY

The Affirmative Action Officer is accountable to the Commissioner and Assistant Commissioner for program impacts and to the Director of Human Resources for ongoing program activities and direction.

C. HUMAN RESOURCES

1. RESPONSIBILITIES

The Human Resources Office is responsible for responding to all Americans with Disabilities Act (ADA) requests for accommodations, conducting investigations of allegations of discrimination and discriminatory harassment, assisting managers and supervisors in human resources management activities and assisting the Affirmative Action Officer in providing training to prevent discriminatory harassment.

2. DUTIES

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

- Implement affirmative action principles within the hiring process as guided by the Affirmative Action Plan.
- Develop and provide appropriate training at Agency meetings, unit schools, new employee orientation, as well as special presentations on preventing sexual harassment in the workplace.
- Assist supervisors, managers, and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Recommend training or other appropriate actions to improve awareness and prevention of sexual harassment and other forms of discriminatory behavior.
- Review, edit, and update training materials related to ethics, discrimination or discriminatory harassment.

3. ACCOUNTABILITY

The Director of Human Resources is accountable to the Operation Services Division Director. Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Director of Human Resources.

D. SENIOR MANAGERS

1. RESPONSIBILITIES

DNR senior managers are responsible for implementing all aspects of the DNR Affirmative Action Plan and its commitment to affirmative action and equal opportunity in their division or region.

2. DUTIES

The duties of DNR senior managers shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their division, region and the DNR as a whole.
- Communicate equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their unit.
- Assist the Affirmative Action Officer in conducting periodic audits of training programs, hiring and promotion patterns to remove impediments to attaining goals and objectives.
- Demonstrate commitment to the Affirmative Action Plan.
- Hold unit managers and supervisors accountable for their equal employment opportunity efforts and results in addition to other job performance criteria.

3. ACCOUNTABILITY

Senior managers are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner. Senior managers are also accountable for the full implementation of the Affirmative Action Plan and demonstrate commitment to the principles of affirmative action.

E. MANAGERS AND SUPERVISORS

1. RESPONSIBILITIES

DNR managers and supervisors are responsible for implementing the DNR's affirmative action plan and its commitment to equal opportunity in their organizational unit and for the equal treatment of all employees and applicants for employment.

2. DUTIES

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

- Identify and eliminate barriers that inhibit equal employment opportunity.
- Communicate the Agency's affirmative action policy and plan to assigned staff.
- Include responsibility statements for affirmative action and equal employment opportunity in their position descriptions.
- Carry out their supervisory responsibilities in accordance with the affirmative action and equal employment opportunity policies embodied in this plan.
- Maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis.
- Refer formal or informal complaints related to discrimination or discriminatory harassment to the Director of Human Resources, Assistant Administrator, Affirmative Action Officer or the Investigator in Human Resources.

3. ACCOUNTABILITY

DNR managers and supervisors are accountable to the appropriate director, Assistant Commissioner, the Deputy Commissioner or the Commissioner.

F. ALL EMPLOYEES

1. RESPONSIBILITIES

All employees shall be responsible for conducting themselves in accordance with the state of Minnesota's Equal Employment Opportunity Policy by refraining from any actions that would interfere with any employee's work performance with respect to that individual's race, creed, color, sex, national origin, age, marital status, disability, sexual orientation, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of recourse through the Agency's discrimination complaint procedure.

2. ACCOUNTABILITY

Staff is accountable to their manager, supervisor, and the Affirmative Action Officer. Staff is responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The Affirmative Action Officer will ensure that all employees are advised of the Agency's policy of non-discrimination, the provision of reasonable accommodation and the procedure for filing a complaint of alleged discrimination. The material can be provided in alternative formats such as large print, Braille or on tape.

A. METHODS FOR COMMUNICATING THE DNR AFFIRMATIVE ACTION PLAN INTERNALLY

1. The Affirmative Action Officer will post a copy of the full Affirmative Action Plan on the DNR Intranet site. In addition, the Affirmative Action Officer will notify all employees where the plan is posted, with a message detailing their responsibility to read, understand, support, and assist in implementing the plan.
2. Additional copies of the DNR Affirmative Action Plan will be available to employees upon making a request to the Affirmative Action Officer (Minn.Stat. 43A. A.P. 19.1; Minn. R. 3905.0400 (d-e)).

B. METHODS FOR COMMUNICATING THE DNR AFFIRMATIVE ACTION PLAN EXTERNALLY

1. The Affirmative Action Officer will post a copy of the full Affirmative Action Plan on the DNR Internet website (Minn.Stat. 43A. A.P. 19.1; Minn. R. 3905.0400).
2. In accordance with Basic DNR Publication Guidelines, the Agency will include the following statement on its publications: *"Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available to all individuals regardless of race, color, creed, religion, national origin, sex, marital status, public assistance status, age, sexual orientation, disability or activity on behalf of a local human rights commission. Discrimination inquiries should be sent to the Affirmative Action Officer at Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of The Interior, Washington, D.C. 20240."*
3. The Agency's Internet Home Page will include the statement, *"an equal opportunity employer."*

V. PROHIBITION OF HARASSMENT/DISCRIMINATION POLICY

AUTHORITY

Minn.Stat. 363A.01 et seq (Minnesota Human Rights Act) and Minn.Stat. 43A. 191, subd.e (3); 19.1; Minn. R. 3905.0400 (f); Minn. R. 3905.0500.

PURPOSE

It is the policy of the State of Minnesota to prohibit harassment and discrimination of its employees based on protected class characteristics outlined by the United States Equal Employment Opportunity Commission.

APPLICABILITY

This policy applies to all individuals affiliated with the DNR including but not limited to applicants, employees, contractors, volunteers, interns, student workers, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal.

A. RESPONSIBILITIES

All Agency managers and supervisors are responsible for implementing and enforcing this policy. This responsibility includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance with the framework of this policy. All employees must be informed that harassment, retaliation and reprisals are unacceptable behavior that is not tolerated in the Agency. Each supervisor is ultimately responsible for educating their staff about the Agency's policy.

B. POLICY

The DNR defines sexual harassment as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature, when submission to that conduct is made a term or condition of employment, the submission to or rejection of the conduct is used as a factor in an employment decision, or the conduct has the purpose or effect of substantially interfering with an individual's employment.

C. PROHIBITED CONDUCT

Behavioral, verbal, and physical conduct of co-workers, supervisors or management that is unwelcome, personally offensive, insulting or demeaning, is prohibited when it has the purpose or effect of affecting the work environment and when:

1. Submission to such conduct or communication is explicitly or implicitly made a term or condition of an individual's employment.

2. Submission to or rejection of such conduct or communication by an individual is used as a factor in employment decisions affecting such individual.
3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's performance in employment or creating an intimidating, hostile or offensive work environment.

D. FORMS OR TYPES OF HARASSMENT

GENERAL HARASSMENT

1. Exclusion from orientation or teamwork.
2. Repeated disparaging, belittling, demeaning or insulting remarks.
3. Repeatedly making the employee or a characteristic unique to the employee, the subject of jokes.
4. Repeated ridicule of an employee.
5. Injury, damage or sabotage of an employee's character, reputation, work efforts or property.
6. Unequal assignment of job responsibilities, less responsible or less challenging duties, or duties not based on ability.
7. Unequal application of performance standards, discipline or work rules.

DISCRIMINATORY HARASSMENT

1. AGE

- a. Any behavior previously listed in this policy that is applied to one's age.
- b. Use of demeaning or derogatory names or remarks about one's age.

2. RACE, COLOR, NATIONAL HERITAGE OR NATIONAL ORIGIN

- a. Any behavior previously listed in this policy that is applied to one's race, color, national heritage or national origin.
- b. Telling jokes or making demeaning or derogatory remarks or statements about one's race, color, national heritage or national origin.
- c. Use of language implying inferiority of a race, national heritage or national origin.
- d. Criticism of one's civil or human rights activities.

3. RELIGION OR CREED

- a. Any behavior previously listed in this policy that is applied to one's religion, ideology or belief system.
- b. Use of demeaning or derogatory names or remarks about one's religion, ideology or belief system.
- c. Use of religious symbols in public or common spaces when accompanied by any religious text, statement, or direct religious articles. Employee may be asked to remove religious symbols displayed in their individual work spaces if those symbols are determined to be offensive to other employees.
- d. Department sponsored events that support any religion or religious celebrations.

4. MARITAL STATUS

- a. Any behavior previously listed in this policy that is applied to one's marital status.
- b. Use of demeaning or derogatory names or remarks about one's marital status.

5. DISABILITY

- a. Any behavior previously listed in this policy that is applied to one's disability.
- b. Use of demeaning or derogatory names or remarks about one's disability.
- c. Disability means any condition or characteristic that renders a person disabled. A person with a disability is any person who (1) has a physical or mental impairment which materially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment. Disability includes the status of a person with respect to Human Immunodeficiency Virus (HIV) or with respect to Acquired Immune Deficiency Syndrome (AIDS).

6. SEX

- a. Any of the previously listed forms of harassment or treatment of a sexual nature that the employee believes is unwelcome or inappropriate.
- b. Unwanted or unwelcome sexual advances, statements, compliments, looks, innuendoes or suggestions about one's sex, clothing, body or sexual activity.
- c. Unwelcome, unwanted and unnecessary physical contact including, but not limited to, touching, brushing against one's body, patting or pinching.
- d. Requesting or demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
- e. Displaying pictures or objects in work areas depicting nude or scantily clad women or men.

- f. Use of language implying inferiority or inadequacy of an employee based on sex, such as “girl” or “boy,” rather than “woman” or “man.”

7. SEXUAL ORIENTATION

- a. Any of the previously listed forms of harassment or treatment related to one’s sexual orientation.
- b. Unwanted or unwelcome sexual advances, statements, compliments, looks, innuendoes or suggestions about one’s sexual orientation.
- c. Use of demeaning or derogatory names or remarks about one’s sexual orientation.

8. STATUS WITH REGARD TO PUBLIC ASSISTANCE

- a. Any behavior previously listed in this policy that is applied to one’s status with regard to public assistance.
- b. Use of demeaning or derogatory names or remarks about one’s status with regard to public assistance.

9. MEMBERSHIP OR ACTIVITY IN A LOCAL COMMISSION

- a. Any behavior previously listed in this policy that is based on membership or activity in a local human rights commission.

Retaliation, including inaccurate performance appraisal, denial of transfer, implied or overt actions or threats of actions against the employee who complains of or reports harassment, will not be tolerated and will be dealt with through the disciplinary process if substantiated. Severe forms of harassment will be dealt with through discharge or termination of the offending employee.

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

VI. PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED HARASSMENT/ DISCRIMINATION

AUTHORITY

Minn.Stat. 363A.01 et seq (Minnesota Human Rights Act) and Minn.Stat. 43A. 191, Subd.e (3); 19.1; Minn. R. 3905.0400 (f); Minn. R. 3905.0500.

This procedure is intended to assist the Agency and all employees in taking appropriate action in response to harassment. The DNR encourages any individual who in good faith feels he or she has been or is being subject to illegal discrimination, including sexual harassment report the harassment to any DNR supervisor, the Human Resources Director, to the Affirmative Action Officer or to a Senior Investigator in Human Resources.

1. WHO MAY REPORT OR PROVIDE INFORMATION

All DNR employees at all work sites, applicants, and individuals who provide contract services or volunteer services, or who are at times considered to be employees, are encouraged to report or provide information if they believe they have been subjected to harassment. All reports or information provided will be treated seriously and will be responded to in a timely and appropriate manner.

2. HOW TO REPORT

DNR employees, applicants or eligible employees are encouraged to report or provide information in writing, but there is no requirement to submit a report or provide information in writing, or to use a particular format. *A complaint of harassment discrimination form is available and is attached to this document.* The complaint form can also be found on the DNR internal Intranet, or with the Human Resources Office.

A complaint (you) should include but is not limited to; (Your) name, job title, work address, telephone number, division, and manager of the complainant (you) and the respondent (person who harassed/discriminated against you); the basis of the complaint (race, sex, sexual orientation, age, general...etc); date of the most recent harassment/discrimination; description of the incident; and names of witnesses who can support your case.

The report or information provided may be submitted to any DNR supervisor, the Human Resources Director, the Affirmative Action Officer or a Senior Investigator in Human Resources. If the situation concerns the immediate supervisor, the report or information provided may be submitted to the supervisor in the next level of supervision. If the situation concerns the Human Resources Director or, the Affirmative Action Officer or a Senior Investigator, the report or information provided may be submitted to the Division Director of Operations Services or the Deputy Commissioner. Requirements or procedures identified in collective bargaining agreements will be addressed as part of the investigation, findings and decision process.

3. INVESTIGATION PROCESS

Human Resources will be primarily responsible for investigating reports or complaints of alleged harassment/discrimination.

- a. The recipient of the complaint or information will notify the Human Resources Director that a complaint has been received; this notice constitutes notification to the employer.
- b. The Human Resources Director, in consultation with the Investigator or the Affirmative Action Officer, will determine the need for and scope of a fact-finding investigation. A determination regarding whether a substantial complaint has been made, and if so, how it will proceed will be made within five (5) working days from the receipt of the complaint notification. (Minn. R. 3905.0500)
- c. The Human Resources Director, in consultation with the Investigator or the Affirmative Action Officer will notify the “complainant” of a determination regarding whether a substantial complaint has been made and the proposed next steps for the investigation.
- d. Investigations will be conducted with respect for independence and confidentiality to the extent practicable and in accordance with the Minnesota Government Data Practices Act. Only those persons determined to have an absolute business right to know will be informed of an ongoing investigation.

4. REPORT OF FINDINGS PROCESS

When the fact-finding investigation is complete, a written report will be submitted to the Human Resources Director who will review the findings with appropriate persons including, but not limited to, the Affirmative Action Officer, and/or the appropriate senior manager or designee.

5. DECISION PROCESS

After the report is reviewed a decision on remedial, corrective or disciplinary action, if applicable, will be taken as provided for by this policy, by collective bargaining agreements, and by other employment policies, procedures or guidelines.

6. MAINTAINING RECORDS

The records of all complaints will be maintained according to the Minnesota Government Data Practices Act. Information provided regarding complaints will be disseminated only if, and as permitted by, the Minnesota Government Data Practices Act. When allegations of harassment are made against an employee, the employee does not have access to the data that would identify the complainant or other witnesses if the responsible authority determines that the employee’s access to that data would: (1) threaten the personal safety of the complainant or a witness; or (2) subject the complainant or witness to harassment. (Minn.Stat. 13.43, subd. 8)

If a disciplinary proceeding is initiated against an employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for an appeal proceeding. (Minn.Stat. 13.43, subd. 8)

7. ADDITIONAL INFORMATION

The *DNR Statement of Policy against Discrimination and Harassment* includes any retaliatory actions displayed on social media and publically available forums by employees who are subjects, witnesses, or complainants to the investigation. Any information posted or shared in a publicly available forum cannot include “non public” data as classified under Chapter 13 or any other state or federal law. (Minn.Stat. 13.43, subd. 8)

Every effort will be made to complete an investigation and provide a final written determination within sixty (60) days after a formal complaint is filed, or within time lines established by collective bargaining agreements. The complainant will be notified should extenuating circumstances prevent completion of the investigation within established time lines. (Minn. R. 3905.0500)

Disposition of internal complaints will be filed with the Commissioner of the Minnesota Management and Budget (MMB) within thirty days of the final determination of complaints. Information provided to MMB will include general details of the complaint and how the complaint was resolved.

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

Questions regarding this policy should be directed to the Human Resources Director (651-259-5317) or the Affirmative Action Officer (651-259-5323). A copy of the Minnesota Management and Budget (MMB) procedure on prohibited harassment is found as an appendix in *The DNR Affirmative Action Plan*.

8. REFERENCES

Title VII of the Civil Rights Act of 1964, as amended

Age Discrimination and Employment Act of 1967

Rehabilitation Act of 1973, as amended

The Americans with Disabilities Act

The Minnesota Human Rights Act, as amended

The U.S. Equal Employment Opportunity Commission, 29 C.F.R. § 1604.11

ATTACHMENTS: Complaint of Harassment/Discrimination Form



Minnesota Department of Natural Resources

500 Lafayette Road

St. Paul, MN 55155-4039

(651) 259-5888

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

This information is being collected in order to determine appropriate investigation and resolution of your complaint. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information will be handled in accordance with the Minnesota Government Data Practices Act.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager
Respondent (Person Who Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

The Complaint	
<p>Basis of Complaint ("X" all that apply):</p> <p> <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation </p> <p> <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance </p> <p> <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission </p>	
<p>Date most recent act of harassment/discrimination took place:</p>	<p>If you filed this complaint with another agency, give the name of that agency:</p>
<p>Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.</p>	

Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		()
2.		()
3.		()

Additional witnesses may be listed in “Additional Information” or on a separate sheet attached to this form.

This complaint is being filed on my honest belief that the State of Minnesota has harassed/ discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.	
Complainant Signature	Date

Affirmative Action Officer Signature	Date
--------------------------------------	------

AUTHORITY:

Minn.Stat. 363A.01 et seq (Minnesota Human Rights Act) and Minn.Stat. 43A. 191, subd.e (3); A.P. 19.1; Minn. R. 3905.0400 (f); Minn. R. 3905.0500.

VII. THE AMERICANS WITH DISABILITIES ACT, INCLUDING REASONABLE ACCOMMODATION POLICY

AUTHORITY

Minn.Stat. 363a.01 et seq (Minnesota Human Rights Act) and Minn.Stat. 43a. 191, subd.e (3); a.p. 19.1; Minn. R. 3905.0400 (f); Minn. R. 3905.0500.

The DNR is committed to compliance with the Americans with Disabilities Act (ADA), and has incorporated this section into the agency Affirmative Action Plan to provide a context and process within which requests for information, accommodation, and/or alternative access can be made.

A. WHAT THE AMERICANS WITH DISABILITIES ACT IS ALL ABOUT

The ADA is the “bill of rights” for individuals with disabilities. It is the most comprehensive federal civil rights law passed since the Civil Rights Act of 1964. The ADA establishes law and enforcement provisions, and outlines rights and responsibilities for applicants, employees and employers related to the over 50 million people in the United States with disabilities.

AS STATED IN THE LAW, THE PURPOSE OF THE ADA IS TO:

1. Provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,
2. Provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities,
3. Ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities, and
4. Invoke congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced by persons with disabilities.

DEFINITIONS

ACCOMMODATION-

Any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to satisfactorily perform the essential functions of the job and enjoy the equal benefits and privileges of employment.

ESSENTIAL FUNCTIONS-

Essential functions are those that are fundamental and central to the purpose of the position. An essential function of a position entails what the completed task is and not how the task is completed.

INDIVIDUAL WITH A DISABILITY-

An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment.

MAJOR BODILY FUNCTIONS-

Major bodily functions are functions of the immune system normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

MAJOR LIFE ACTIVITY-

A “major life activity” includes functions such as caring for oneself; walking, lifting, performing manual tasks, sitting, seeing, breathing, speaking, hearing, learning, personal care/grooming, reading bending, communicating,

MARGINAL FUNCTIONS-

Marginal functions are useful responsibilities, but are not central to the purpose of the position.

QUALIFIED INDIVIDUAL WITH A DISABILITY-

To be protected under the provisions of Title I of the ADA, an individual with a disability must be "qualified". An individual with a disability is qualified if he or she possesses the requisite skill, experience, education and other job-related requirements of the job and can perform essential functions of the job with or without reasonable accommodation.

REASONABLE ACCOMMODATION-

Any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to satisfactorily perform the essential functions of the job and enjoy equal benefits and privileges of employment.

UNDUE HARDSHIP-

An action that is unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the Agency can be considered an undue hardship under ADA.

B. HOW THE ADA AFFECTS EMPLOYMENT

Title I of the ADA prohibits discrimination against an otherwise qualified individual with a disability with regard to:

1. Recruiting, advertising, and job application procedures,
2. Hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring,
3. Rates of pay or any other forms of compensation and changes in compensation,
4. Job assignment, job classification, organizational structures, position description, job or salary progression, and seniority lists,
5. Leaves of absence, sick leave or any other leave,
6. Fringe benefits, whether or not administered by the employer,
7. Selection and financial support for training including apprenticeships, professional meetings, conferences, related activities, and leaves to pursue training,
8. Activities sponsored by the employer including social and recreational programs and,
9. Any other terms, conditions or privileges of employment.

C. HOW ADA AFFECTS PUBLIC SERVICES

Title II of the Americans with Disabilities Act (ADA) provides that no qualified individual with a disability shall, by reason of that disability, be excluded from participating in or be denied the benefits of the services, programs or activities provided by a public entity, or otherwise be subject to discrimination by such entity (42 U.S.C. §. 12132; 28 C.F.R. §. 35.130). "Services, programs or activities" include just about everything a state agency or other public entity does. It includes all public contacts, whether by telephone, office walk-in, interview or appointment or by use of the public entity's facilities. It also includes all programs and activities directly administered by state agencies for program beneficiaries and participants (28 C.F.R. §. 35.102; APEX. TO 28 C.F.R. §. 35.102).

In order to comply with Title II's general requirements, state agencies:

1. Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. §. 35.150).
2. May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. §. 35.130 (A)).
3. Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. §. 35.130(B) (7)).
4. May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. §. 35.130(B)(IV) & (D)).
5. Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. §. 35.160(A)).

D. OTHER POWER DRIVEN MOBILITY DEVICES (OPDMD) INTERIM POLICY

The DNR is currently assessing potential classes of other power driven mobility devices (OPDMD) for use in DNR facilities and on DNR lands. These can include devices that are designated to operate in areas without defined pedestrian routes and can include devices such as a SEGWAY®PT, electric-assisted bicycles, off highway vehicles and other devices. In accordance with the DOJ regulations, the DNR will assess the following factors: (i) size, weight, dimensions, and speed of the device; (ii) the facility's volume of pedestrian traffic; (iii) the facility's design and operational characteristics; (iv) whether legitimate safety requirements can be established to permit the safe operation of the OPDMD at facility or land; and (v) the potential for serious harm to environmental, natural and cultural resources.

E. ADA TRANSITION PLAN

As required by *Americans with Disabilities Act of 1990 Title II, 28 CFR. PART 35 §. 35.105 AND §.35.150*, the DNR completed the “Self-Evaluation and Transition Plan of Accessibility of Programs and Facilities for Person with Disabilities”. The plan was completed on December, 1992 and is located in Appendix A. The DNR conducted a self-evaluation of its facilities and programs to develop this Amendment detailing how it will ensure that all of its facilities, services, programs and activities are accessible to all individuals. The DNR’s Transition plan is a living document that will receive routine updates. The DNR’s Transition plan is available for continual public inspection through the DNR’s website.

F. REASONABLE ACCOMMODATION POLICY

Reasonable accommodations are efforts made by an employer to remove barriers that prevent or limit the employment of qualified persons with disabilities. Reasonable accommodation may involve providing an accommodation for the interview process or adapting the work setting to enable a person with a disability to perform the job on an equal basis in the most cost effective manner and in the most integrated setting possible. Providing the qualified worker with an opportunity to perform required tasks is the prime consideration in determining the type of reasonable accommodation provided. However, the ADA does not require the DNR to alter essential job functions, change the basic nature of any job, or create positions that do not exist, in the name of, or with the objective of, providing a reasonable accommodation.

This Reasonable Accommodation Policy may be modified from time to time to reflect changing needs and governing laws. This policy applies to job applicants and employees, including those employees seeking promotion.

The Employee Request for Reasonable Accommodations Form is found in the Appendix, and may be accessed online at <http://www.mmb.state.mn.us/doc/ada/reas-accom.pdf>.

TO REQUEST A REASONABLE ACCOMMODATION - EMPLOYEES

In order to avoid delays, procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary. Any decision not to pursue a reasonable accommodation request must qualify as an undue hardship, and shall be submitted in writing to the Accessibility Coordinator (Section 504 and Title II, ADA), the ADA Title I Coordinator, and Human Resources.

The steps in requesting reasonable accommodation are:

1. The employee will inform his/her supervisor or ADA Coordinator of the need for an accommodation orally or in writing (preferably with the **Employee Request for Reasonable Accommodation Form** (attached)).
2. The supervisor or employee will submit An **Employee Request for Reasonable Accommodation Form** to the ADA Coordinator no later than three working days after

the employee makes the request. The request will include the nature of the limitation, how it affects a major life activity, how it affects ability to perform the job, type of accommodation requested, accommodation requested, and how the requested accommodation would be effective in allowing performance of the essential functions of the job.

3. The ADA Coordinator and the supervisor will engage in a interactive dialogue with the employee, along with any of the following individuals: Human Resources Director, Safety Administrator, union representative or subject matter expert to:
 - a. Discuss the purpose and essential functions of the job.
 - b. Determine the precise job-related limitation.
 - c. Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.
 - d. Consider if the accommodation will create undue hardship for the Agency.
 - e. Review if the individual may cause harm to themselves or others with or without the accommodation.
 - f. Select the accommodation that is most appropriate for both the individual and the employer. While the individual's preference will be considered, the DNR is free to choose among equally effective accommodations and may select the one that is least expensive or easiest to provide.
4. The ADA Coordinator will notify the employee and supervisor within three working days after the agency makes the determination, detailing the approved accommodation or explaining the reason(s) for denying the request.
5. The ADA Coordinator will assure that appropriate equipment, furniture, or other accessible devices are purchased if required for the reasonable accommodation.
6. If an accommodation cannot overcome the existing barriers or if the accommodation would cause undue hardship on the operation of the employer, the ADA Coordinator or designee shall work together to determine whether reassignment may be an appropriate accommodation.

TO REQUEST A REASONABLE ACCOMMODATION - JOB CANDIDATES AND EMPLOYEES WITH DISABILITIES

All initial communication between a job candidate and a supervisor regarding job vacancies shall indicate the willingness of the Agency to make reasonable accommodation during the selection process to known physical or mental disabilities, and shall invite the candidate to contact the agency for the needed accommodation before the job interview. The supervisor contacted for the accommodation request will immediately contact the ADA Coordinator or the Accessibility Coordinator and inform them of the request and issues. In order to ensure

that an accommodation can be provided, requests should be communicated immediately after receipt.

The ADA Coordinator will contact the job applicant to discuss the needed selection process accommodation and possible alternatives, select and implement the accommodation that is most appropriate for both the individual and the employer.

While an individual's preference will be given consideration, the DNR is free to choose an accommodation that meets the needs of the applicant and is the most efficient and effective method to provide the requested selection process accommodation. If the agreed upon accommodation requested costs no more than \$100.00, the ADA Coordinator or the Accessibility Coordinator will approve the accommodation.

If the accommodation costs more than \$100.00, the ADA Coordinator or the Accessibility Coordinator will request approval of the accommodation from the Appointing Authority.

If the selection process accommodation is approved, the ADA Coordinator and/or the Accessibility Coordinator will take the necessary steps to see that the accommodation is provided.

METHODS OF PROVIDING REASONABLE ACCOMMODATION

(Minn.Stat. 43A. 191, subd. 2 (2))

Methods of providing reasonable accommodation include, but are not limited to: job restructuring, job site modification, providing support services, modification of equipment and/or provision of assistive devices, modification to a rule, policy, or practice, or any other specified requests not listed.

G. UNDUE HARDSHIP STATEMENT

In determining whether or not providing a reasonable accommodation would impose an "undue hardship" to the operation of an agency program or service, under the ADA the following factors should be considered:

1. The overall size of the recipient's program (i.e., number and type of facilities, size of budget);
2. The type of the recipient's operation including the composition and structure of the recipient's work force;
3. The nature and cost of the accommodation needed;
4. The reasonable ability to finance the accommodation at each site of business; and
5. 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.

H. FUNDING FOR REASONABLE ACCOMMODATIONS

(Minn.Stat. 43A. 191, subd. 2 (3))

The DNR will make funds available annually in order to provide reasonable accommodations to employees with disabilities or candidates with disabilities. The amount available will be determined only when an **Employee Request for Reasonable Accommodation** has been submitted to and approved by the Agency Accessibility Coordinator. The Division Director or designee will review and approve all expenditures over \$1,500.

The DNR is free to choose the specific accommodations provided to qualified persons with disabilities. The person requesting reasonable accommodations may suggest an appropriate accommodation. The Agency may provide another accommodation equal or superior to the one proposed in practicality, usefulness, or cost-effectiveness. All tangible accommodations purchased by the Agency will be the property of the State of Minnesota. The maintenance of equipment will be the responsibility of each division, and projected maintenance costs will be a factor in the decision to provide accommodation (i.e., maintenance of TTY, repair of special office equipment, etc.).

I. DENIAL OF REASONABLE ACCOMMODATIONS

All denials of requests for reasonable accommodation will be documented and kept on file by the ADA Coordinator. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. The ADA Coordinator will notify the candidate or employee of the denial and advise the applicant or employee of his or her right to appeal.

J. APPEALS

Employees or applicants who are dissatisfied with the decision pertaining to their accommodation request may file an appeal with the Commissioner, within a reasonable period of time, for a final decision.

Individuals who believe the decision pertaining to their accommodation request is based on discriminatory reasons may file a complaint internally through the DNR's complaint procedure as outlined in this plan's reporting and resolution procedure.

K. NOTIFICATION

The DNR ADA Coordinator will notify employees of the DNR Reasonable Accommodation Policy through New Employee Orientation, New Supervisor Orientation, training and disability awareness events, DNR Intranet, or when a request for reasonable accommodation has been made.

L. ALCOHOL AND OTHER DRUG USE BY STATE EMPLOYEES

DNR employees are held to the same performance standards as all state employees. No employee shall report to work under the influence of alcohol, marijuana, controlled substances,

or other drug use that affect his/her alertness, coordination, reaction response, judgment, decision-making or safety.

Employees and applicants currently engaged in the illegal use of drugs or under the influence of alcohol are not covered by the ADA when the Agency acts/disciplines the employee on the basis of such use.

More information regarding the State of Minnesota Policy can be found on the DNR Intranet policy site. (*State of Minnesota policy on Alcohol and Drug Use by State Employees*)

Employee Request for Reasonable Accommodation

Employee Name:

Job Title:

Date of Request:

Division:

This information will be used by the DNR ADA Coordinator, 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)/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 ADA and/or MHRA, and to determine whether any reasonable accommodation(s) can be made. The provision of this information is voluntary; however, if I refuse to provide the information, I understand that my employer may refuse to provide reasonable accommodation(s).

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

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

3. Type of accommodation you are requesting:

___ Making facilities readily accessible

___ Modification of equipment or devices

___ Job restructuring

___ Qualified reader or interpreter

___ Part time or modified work schedule

___ Acquisition of equipment or devices

___ Modification to a rule, policy or practice

___ Other (specify):

practice

4. Please describe in detail the accommodation you are requesting:

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

Additional Comments:

Signature of Employee: _____ Date: _____

VIII.EVACUATION PROCEDURE FOR PERSONS WITH DISABILITIES

The MN DNR has created an incident response structure that conforms to the National Incident Management System (NIMS) which assigns responsibilities and establishes procedures for agency response to all types of emergencies including weather emergencies and evacuations.

The DNR is responsible for protecting the lives of its onsite employees and visitors. Preparedness for emergencies will help to avoid or minimize injuries, fatalities, and facility damage. Employees will be trained on their responsibility with this plan, their floor layout, evacuation routes, and evacuation assembly areas. New employees shall also be trained on this plan by their supervisors shortly after beginning employment and have a copy of this plan made available to them. Hard copies of this plan shall be located at workstations throughout the complex for easy access by employees. Practice drills will be held annually.

Supervisors of employees with hearing disabilities should ensure they have a procedure in place for those individuals to learn about a weather emergency. If an employee has a TTY machine (telecommunication device for the deaf) the supervisor can contact the employee through the Direct Connect Minnesota Relay Service (MRS) at (612) 297-5353 (metro) or 1-800-627-3529 (out state). Here's how it works:

- The supervisor or other assigned co-worker calls the MRS number.
- The MRS operator dials the employee's number.
- When the supervisor is on the line, he/she can relay a message to the TTY machine and help conduct any conversation that may be necessary.

The weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. We recognize that there may be unique individual situations due to the employee's location that make it impossible for that employee to get to work when an emergency has not been declared. In those circumstances, supervisors should consider allowing the employee to make up the lost time or use compensatory time or annual leave, in accordance with the applicable labor agreement.

A. TORNADOES OR HIGH WINDS

The National Weather Service is responsible for issuing tornado warnings. When the warning is issued, that means a tornado has actually been sighted in the area, or is indicated by radar. If a DNR facility is included in the affected areas, the Worksite Security Coordinator or designee will announce the warning to the employees and other occupants of the facility then proceed with their site plan. Supervisors of deaf or hard of hearing employees will ensure they have a procedure in place for those individuals to learn about a tornado emergency and subsequent status reports (as noted above).

1. Employees should proceed to their designated safe areas (established by floor or other location within the facility) away from windows, generally in the center of a building.
2. Area Monitors and Floor Wardens or Mobility Attendants will assist any physically disabled employees to safe areas or, if necessary, with evacuation.
3. After the danger has passed, an emergency status announcement will be made to the employees. If there is damage to the building, employees will be instructed to evacuate or be given other instructions.

B. SEVERE WEATHER

The National Weather Service is responsible for issuing severe weather warnings. When a warning has been issued, it means severe weather has actually been sighted in the area, or is indicated by radar. If a DNR facility is included in the affected areas, the Worksite Security Coordinator or designee will announce the warning to the employees and other occupants of the facility then proceed with their site plan. Supervisors of deaf or hard of hearing employees will ensure they have a procedure in place for those individuals to learn about severe weather emergency and subsequent status reports (as noted above).

The National Weather Service is responsible for issuing weather warnings to the public. If a DNR facility is included in the affected areas, the Commissioner should be notified by the Commissioner of Minnesota Management & Budget to determine if an emergency should be declared.

If an emergency is declared, the Worksite Security Coordinator responsible for the facility will activate an alarm and announce the nature of the weather emergency to the occupants of the facility. Supervisors of deaf or hard of hearing employees will have a procedure in place for notifying them of the weather emergency and subsequent status reports (as noted above). Then one of the following plans will be initiated:

1. THUNDERSTORMS:

Occupants of the facility will be alerted of severe thunderstorm activity in the area. If it is necessary for employees to move to their designated safe area, Area Monitors and Floor Wardens, or Mobility Attendants will assist any physically disabled employees.

2. SNOWSTORMS (BLIZZARDS):

Occupants of the facility will be alerted about the blizzard. The Worksite Security Coordinator will be notified about the conditions of the blizzard to determine if services will be closed down to permit employees to evacuate to their homes if necessary. Area monitors and floor wardens, or mobility attendants will assist any physically disabled employees in evacuating the facility.

Employees and other persons in the facility will be advised to use extreme care in traveling from the building to their homes. If a storm strikes after working hours, and the facility will be closed the next day, local radio and television stations will be used to notify employees and the public. Supervisors of deaf or hard of hearing employees will ensure they have a procedure in place for those individuals to learn about a snowstorm emergency (as noted above).

IX. GOALS AND TIMETABLES

The DNR continues to strive for increased diversity within its employee populations in order for the Agency to reflect the population trends within the state of Minnesota.

A. HIRING TRENDS

The DNR's 2012-2014 hiring goals have been set to reflect the agency's statewide hiring projections based on FY2013 hiring and external workforce availability as indicated by the 2000 US Census data. According to Human Resources Employment Services in 2010-2012 the DNR hired for approximately 1100 positions. These positions were broken down by Division:

a. DNR Human Resources job posting data:

DIVISION	POSTINGS	
	2011	2010
OPERATION SERVICES (INCLUDING COMMISSIONER'S OFFICE AND REGIONAL DIRECTORS)	83	53
ECO AND WATER RESOURCES	62	34
FISH AND WILDLIFE	89	36
FORESTRY	73	39
LANDS AND MINERALS	5	9
PARKS AND TRAILS	281	289
ENFORCEMENT	31	16
TOTAL	624	476
<i>*There is a marked difference in the 2010 and 2011 job posting count due to changes in Agency efforts to collect Affirmative Action data for postings in routine services and internships.</i>		

The Agency anticipates that hiring in the next two years will reflect changes in retirement trends and Agency needs. In order for the DNR to evaluate and establish accurate goals, the Agency has reflected its hiring goals by providing underutilization data in three areas; Underutilizations by Region; Underutilization by Metro and non -Metro areas; and Underutilizations Statewide. All three areas were assessed based on 2010-2012 hiring, 2012 Agency Churn Over data (turn over data), as well as internal and external availability.

B. GOALS

DNR HIRING GOALS AND TIMETABLES: 2012 - 2014

	WOMEN		MINORITIES		PEOPLE WITH A DISABILITY		
<u>EEO JOB GROUP</u>	<u>Number Underutilized</u>	<u>Goal</u>	<u>Number Underutilized</u>	<u>Goal</u>	<u>Number Underutilized</u>	<u>Goal</u>	<u>Timetable</u>
OFFICIALS AND ADMINISTRATORS	15	1	4	2	6	1	2012-2014
PROFESSIONALS	287	35	65	10	111	11	2012-2014
TECHNICIANS	131	4	15	2	31	4	2012-2014
PROTECTIVE SERVICE	-1	3	10	2	19	2	2012-2014
OFFICE/CLERICALS (PARAPROFESSIONALS)	33	33	36	1	0	3	2012-2014
SKILLED CRAFT	1	1	0	0	2	1	2012-2014
SERVICE MAINTENANCE	0	5	39	10	54	7	2012-2014

X. PROGRAM AND PROGRAM OBJECTIVES

The Minnesota DNR Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meets requirements found in Minn. Stat. 43A.191.1; Minn.R. 3905.0400 (h)) for agency affirmative action plans.

The DNR's 2012-2014 Affirmative Action Program is focused on four main areas (Minn.R. 3905.0400 (h); A.P. 19.1):

1. TRAINING
2. RECRUITMENT
3. RETENTION
4. OUTREACH

PROGRAM OBJECTIVE 1: TRAINING

The DNR will work to increase diverse training opportunities for its employees to foster a respectful work environment.

We invest in the learning and development of our staff and our partners to enable collaborative initiatives that serve DNR's mission. - Strategic Conservation Agenda 2009-2013

ACTION STEPS:

1. Provide all employees with information about the complaint and investigation procedures.
 - a. To ensure that processes are in place to prohibit discrimination against employees or applicants for employment so that "no employee or applicant for employment will be discriminated against because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, membership or activity in a local commission, or disability."
2. Work with Organization Development staff to ensure that affirmative action, diversity, or ADA is incorporated into training(s) and orientations offered to new employees, new supervisors, and staff.
3. Research and recommend-training materials for educating staff on a variety of diversity topics.
4. Develop a mechanism for regular community diversity training opportunities to DNR staff.
5. Assist the Culture of Respect project team to implement project recommendations in support of "...a workplace where all employees—regardless of age, gender, race or ethnicity, religion, national origin, disability status, sexual preference, education, or other differences—are respected and valued." (Fostering a Culture Of Respect in DNR- Project Definition 2011)

PERSON (S) RESPONSIBLE:

- *DNR Affirmative Action Officer*
- *Human Resources Director*

TARGET DATE:

- July 2012- June 2014

PROGRAM OBJECTIVE 2: RECRUITMENT

The DNR recognizes the need for a diverse workforce to reflect its constituents.

Minnesota agencies, like other government agencies nationwide, face significant shifts in workforce composition and the availability of future workers. These shifts highlight the need for thoughtful workforce planning and employee recruitment, development, and retention practice. - (Strategic Conservation Agenda 2009-2013)

ACTION STEPS:

1. Develop a mechanism for identifying and tracking internal and external recruitment efforts across the agency.
2. Utilize best practices to determine which methods to utilize, eliminate, and/or decrease underutilizations within the DNR Enforcement Division.
3. Provide senior management with quarterly reports of affirmative hiring efforts and successes to increase visibility of and accountability for the agency's affirmative action efforts.
4. Assess and improve upon existing recruitment strategies to include increased contact and improved relationships with community-based organizations.
5. Pursue targeted recruitment to participate in a minimum of 1 quarterly community event (job/career fairs or school/workforce center presentations/ professional organizations).
6. Maintain working relationship with the DNR.

PERSON (S) RESPONSIBLE:

- *DNR Affirmative Action Officer*
- *Division Management*
- *Human Resources Director*

TARGET DATE:

- July 2012- June 2014

PROGRAM OBJECTIVE 3: RETENTION

The DNR recognizes the need to retain its staff. The Agency will work to enhance the recruitment, selection, development and retention of a highly qualified, diverse DNR workforce that is prepared to carry out the mission of the DNR.

1. Provide senior management with quarterly reports of affirmative hiring efforts and bi annual separation data and successes to increase visibility of and accountability for the agency's affirmative action efforts.
2. Work with the "Culture of Respect" (CORE) project team to implement the DNR's "respectful workplace behaviors" initiative.
3. Research the most appropriate retention initiatives to implement within the Agency.
4. Encourage individuals exiting the DNR to fill out the HR Exit Survey to increase Agency awareness to discriminatory factored decisions to leave.

PERSON (S) RESPONSIBLE:

- *DNR Affirmative Action Officer*
- *Human Resources Director*

PROGRAM OBJECTIVE 4: COMMUNITY OUTREACH

The DNR will provide a diverse and inclusive work environment to enhance the Agency's work to connect underrepresented groups of Minnesotans to outdoor recreation.

We seek to increase the connections Minnesotans have to the outdoors, particularly families, young adults, and children. In addition, we want to continue to engage our longstanding constituents as well as increase participation among those who have not traditionally used our facilities and resources. This includes members of communities of color, individuals who experience language or cultural barriers, or single parents. – (Strategic Conservation Agenda 2009-2013)

1. Maintain and review the DNR ADA Transition Plan for compliance.
2. Work to improve web accessibility on the public internet site as well as the internal intranet site.
3. Continue to support DNR internship and student worker opportunities to encourage students to pursue natural resource careers and to provide work opportunities for diverse students.

4. Continue to build new and enhance existing relationships with professional organizations to recruit qualified applicants for DNR job opportunities.
5. Work with MN Workforce Centers and community groups to highlight job opportunities within the agency.
6. Continue work with Asian communities through the SE Asian Outreach Program.
7. Continue to provide programming to Hispanic populations regarding safety and outdoor recreation.
8. Continue to foster partnerships and relationships with Native American Communities regarding wild fire issues.
9. Continue to provide programming targeted to increase outdoor recreation participation by women.
10. Maintain programs to attract first time outdoor recreation participation by underrepresented groups in Minnesota.

PERSON (S) RESPONSIBLE:

- *DNR Affirmative Action Officer*
- *Division Directors*
- *Human Resources Director*

XI. METHODS FOR AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

PRE-EMPLOYMENT REVIEW FOR MANAGERS AND SUPERVISORS

ELEMENTS OF A NON-DISCRIMINATORY PROCESS

- Written job description clearly articulates the essential elements of the job
- Valid, job-related criteria are as objective and measurable as possible
- Wide recruitment reaches qualified and diverse applicants
- All applicants for a position are evaluated by the same criteria
- Interview questions are clearly job related
- Prohibited pre-employment inquiries are not made
- Documentation supporting all selection or rejection decisions is established and maintained

- (Office of Compliance at the University of Kansas Medical Center)

The purpose of the pre-hire review process is to ensure hiring and selection, processes and decisions support the DNR's commitment to hire affirmatively in a work environment void of discrimination:

1. Human Resources and the Affirmative Action Officer will provide information about Affirmative Action goals and how to apply them.
2. When a viable candidate pool (list) of candidates exists for a position, managers or supervisors shall invite qualified protected group persons to participate in the selection process (e.g., interview, phone screening, demonstration test, etc.) along with other qualified candidates.
3. Although managers or supervisors are required to consider affirmative action goals and protected class status when conducting a selection process, bargaining unit requirements (e.g., seniority, recall from layoff, internal transfer, etc.) take precedence over any Affirmative Action procedures.
4. The Affirmative Action Officer must be contacted by the appropriate Senior Manager or designee before a job offer is made to any candidate if a member of a protected class is qualified and available, and it is anticipated that a member of a protected class will not be selected to fill a vacancy in an EEO category where a disparity exists.
5. When a protected class applicant is not selected, the reason for the non-selection must be explained in writing. The Affirmative Action Officer will review the reasons for the non-selection. Until that review is completed, no offer of employment can be made to any

candidate. If it is concluded that the reasons for the non-selection do not adequately support the hiring recommendation and the Affirmative Action Officer is unable to resolve the matter, the Affirmative Action Officer may arrange a meeting with the Human Resources Director and/or the Operations Services Director or Assistant Commissioner to explain the reasons for the selection. The decision of the Assistant Commissioner or designee is final.

XII. RECRUITMENT PLAN

In order to increase the diversity of its workforce, the Minnesota DNR strongly supports and actively pursues a policy of recruiting and retaining qualified individuals who are members of protected groups.

A. RECRUITMENT ACTIVITY:

- Maintain a presence by DNR Divisions at the prior listed annual job fairs.
- Internships- posted through the MN state careers website
- Participate in MnCARRS

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

B. JOB FAIRS AND COLLEGE VISITS (FROM 1/2010-5/2012)

2010	Career Day/Job Fair	Fish and Wildlife Division Various Locations
01/2010	Career Fair	Hibbing Community College Hibbing
02/2010	Career Fair	Mankato University Mankato
02/2010	Career Fair	Alexandria Technical College Alexandria
03/2010	Career Fair	Bridges Career Academies Brainerd
03/2010	Criminal Justice Career/ Internship Fair	St. Cloud University St. Cloud
04/2010	Career Fair	Leech Lake Tribal College Cass Lake
04/2010	LEO Career Fair	Earl Brown Center Brooklyn Park
04/2010	Career Fair	Inver Hills Community College Inver Grove Heights
04/2010	Career Fair	Fon-Du-Lac Tribal and Community College – Cloquet
12/2010	Career Expo	Fergus Falls H.S. – Fergus Falls
02/2011	Career Fair	Mankato State University Mankato
02/2011	Career Fair	Alexandria Technical College Alexandria
03/2011	Career Fair	Bridges Career Academies Brainerd – Central Lakes College
03/2011	Career Fair	Bemidji State University Bemidji
03/2011	Criminal Justice Career/ Internship Fair	MN Corrections Association St. Cloud University
04/2011	LEO Career Fair	Earl Brown Center Brooklyn Park

04/2011	Career Fair	Fon-Du-Lac Tribal and Community College – Cloquet
06/2011	Career Fair	Boy Scout Jamboree Camp Ripley
09/2011	Career Fair	Girl Scout Jamboree Camp Hubert
01/2012	Career Fair	Minnesota State University – College of Social and Behavioral Sciences – Mankato
02/2012	Criminal Justice Career/ Internship Fair	MN Corrections Association Internship Fair St. Cloud University St. Cloud
02/2012	Career Fair	Alexandria Technical College Alexandria
02/2012	Forestry Division-Forestry Careers Presentation	Iowa State University Forestry Club Iowa State
02/2012	Forestry Division-Internship Interviews Given	Iowa State University Forestry Club Iowa State
02/2012	Forestry Division-Forestry Careers Presentation	Director of Development and Outreach's Student group Michigan Tech
02/2012	Forestry Division-Internship Interviews Given	Director of Development and Outreach's Student group Michigan Tech
02/2012	Career Fair	University of Wisconsin, Stevens Point
02/2012	Forestry Division-Internship Interviews Given	University of Wisconsin, Stevens Point
02/2012	Career Fair	Fish and Wildlife Division/Forestry Division Participation/Minnesota Conservation Corp Participation University of Minnesota
02/2012	Forestry Division-Internship Interviews Given	University of Minnesota
03/2012	Career Fair	Bridges Career Academies Brainerd – Central Lakes College
5/2012	Job and Career Fair	Keith Ellison Powderhorn Park Recreation Center – St. Paul

C. COMMUNITY AND OUTREACH

2010	College Presentations	Fish and Wildlife Division Various Locations
2010	Elementary Presentations	Fish and Wildlife Division Various Locations
2010	High School Presentations/Seminars	Fish and Wildlife Division Various Locations
2010	Junior High Presentations	Fish and Wildlife Division Various Locations
2010	Job Shadows	Fish and Wildlife Division Various Locations
2010	Public Talks/Clubs/Conferences	Fish and Wildlife Division Various Locations
2010	State Fair	Agency wide effort
02/2011	Forest Banquet-Forestry Student Club/Society of American Foresters/Fire Crew/Society of Arboriculture/Park and Recreation Association/Society of Ecological Restoration	University of Wisconsin, Stevens Point
12/2011	Program Evaluation- Feedback on DNR Forestry Career paths given	Itasca Community College Natural Resources Advisory Committee
2012	MnCARRS- Community Advisors On Recruitment and Retention Protected Class Recruitment and Retention Solutions	
2012	Position postings	Society of American Foresters
2012	Position postings	Fish and Wildlife Professional Societies
2011	Program Evaluation- Feedback on DNR IT Career paths given	MCTC Advisory Forum
2011	State Fair	Agency wide effort
2012	Posting postings	Land Surveying professional organizations

D. INTERNSHIPS

DNR Internships are posted through the MN Careers website.

E. SUPPORTED EMPLOYMENT

This agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by supported employment workers. We will work with community organizations that provide employment services to people with disabilities to recruit for these positions. (Minn.Stat. 43A.191, subd. 2(d))

F. RECRUITMENT STRATEGIES

The DNR plans to utilize Targeted Recruitment to increase the number of qualified (protected group) applicants in high underutilized areas including the professionals and protective services, and service maintenance job categories. We make the following recommendations for the 2012-2014 Affirmative Action Program:

G. TARGETED RECRUITING INITIATIVES:

- Participation in job fairs that focus on targeted underutilized categories of applicants.
- Establish and maintain direct relationships with Community Based Organizations and Workforce Centers.
- Establish and maintain relationships with MN Councils for recruitment and retention strategies.
- Establish and maintain relationships with the disability community for effective recruitment and retention strategies.
- Implement the use of targeted recruitment advertisement for highly underutilized job categories through the use of diverse contact lists provided through ACCESS and MMB
- Evaluate and Research targeted recruitment techniques annually to assess the effectiveness of the initiatives.

XIII. RETENTION PLAN

The Minnesota DNR strives to retain all talented employees, with emphasis on retaining under-represented individuals. The responsibility for these retention efforts lies with the senior managers, all supervisors and managers, the Affirmative Action Officer, and Human Resources staff.

A. RETENTION PROCESS

1. Identify and implement programs that increase awareness of the value of retaining employees.
2. Offer development opportunities to all employees that allow them to increase their knowledge, skills and potential for advancement.
3. Provide equal access to promotional opportunities.
4. Explore mentorships, coaching, and other development opportunities that promote healthy work environments. Examples include:
 - Flexible schedules
 - Telecommuting
 - Employee network groups
 - Internal and external mobility opportunities
 - Specialized training programs
5. Analyze and report on patterns of employee separations to determine the impact on protected group members.

B. RETENTION REPORT

The Agency 's retention strategies focus on the integration of retention systems into human resources practices and Agency recognition programs. The following efforts of the Agency help provide a safe, welcoming, and supportive work environment for our employees:

1. *DNR Supervisor/Managerial Performance Evaluation System*

All managers and supervisors are evaluated on their contributions towards affirmative action and diversity annually as part of the Agency's performance evaluation process.

2. *Early Conflict Intervention*

Employers who quickly respond to employee disputes are less likely to lose valuable employees. The Agency strongly believes in early detection and intervention of employee conflicts (including those between supervisors and employees as well as between two or more employees). While some disputes require a full investigation, other employee conflicts are best resolved in other ways. The Commissioner's Office, Affirmative Action Officer, and Human Resources staff provide support and guidance to managers and supervisors to resolve conflicts through facilitation and dialogue and/or use of the State Workplace Mediation Program and the State Employee Assistance Program. The Agency works to address and diffuse conflicts at the earliest possible stages.

C. ANALYSIS OF SEPARATIONS IN DNR

FEMALE

DNR WORKFORCE

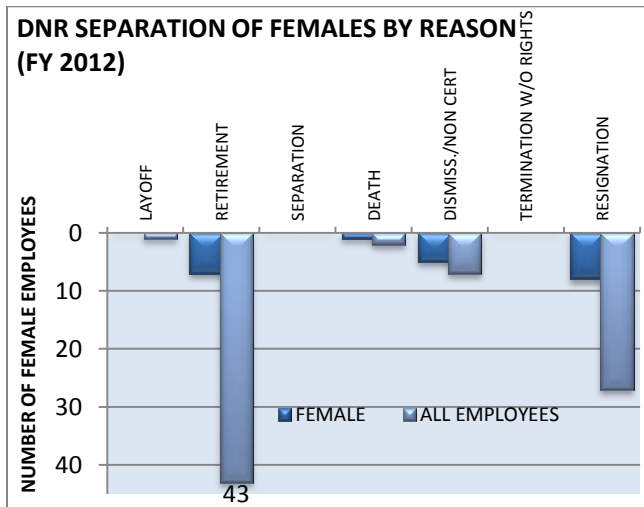
Women represent approximately 30% of the total DNR workforce. Women made up 5 out of 7 of all non certified employees. This is a higher proportion relative to their total DNR workforce representation. Retirements were made up of 16% women, which is lower than their workforce representation. Over all separation by resignation statistics fell in line with the current DNR workforce population. Further examination was reviewed by EEO job category.

EEO JOB CATEGORY SEPARATIONS

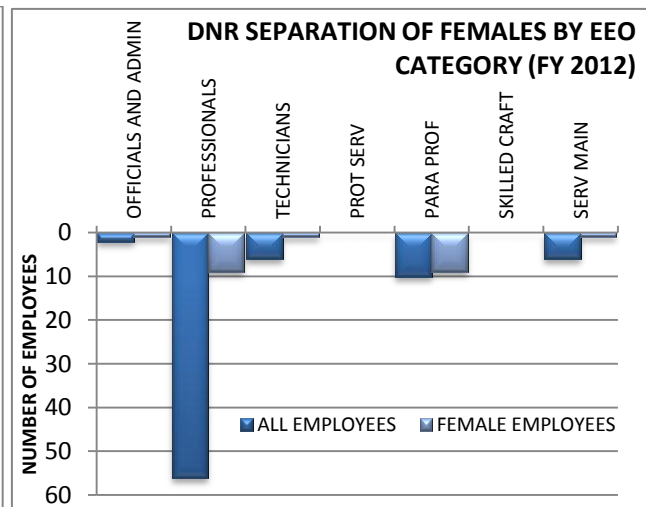
The following chart provides separation data for women in FY 2012 by EEO job category. As indicated, in 2012 women made up approximately 30% of the DNR workforce. With regard to separation, women separated at a lower rate than their representation in the total population in 3 of the 7 EEO job categories. Women did make up a 90 % of all separations in the paraprofessional (office/clerical) category. Within the Professionals group, separation statistics fell in line or were at a lower rate than the DNR Workforce population.

CHARTS A & B

A. (DNR SEPARATION OF FEMALES FY 2012)



B. (DNR SEPARATION EEO CATEGORY & FEMALE FY 2012)



ETHNIC MINORITIES

DNR WORKFORCE

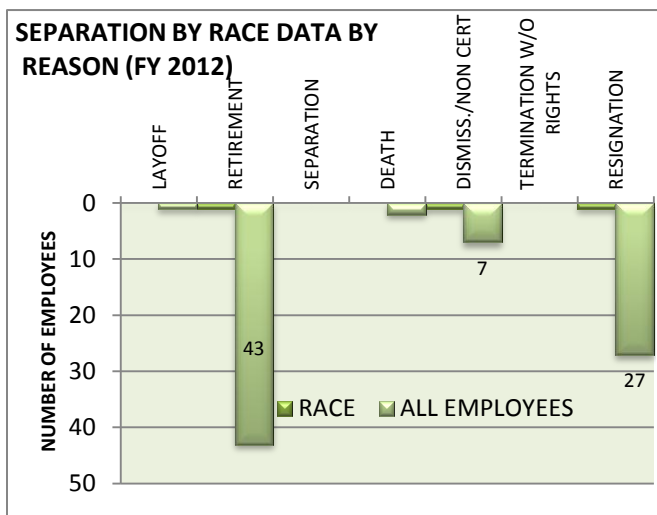
Ethnic Minorities represent approximately 6% of the total DNR workforce. Minorities made up 14% of all non certified employees. This is a slightly higher proportion relative to their total DNR workforce representation. Retirements were made up of 2.3% minorities, which is lower than their workforce representation. Resignations were made up of 3% minorities. Further examination was reviewed by EEO job category.

EEO JOB CATEGORY SEPARATIONS

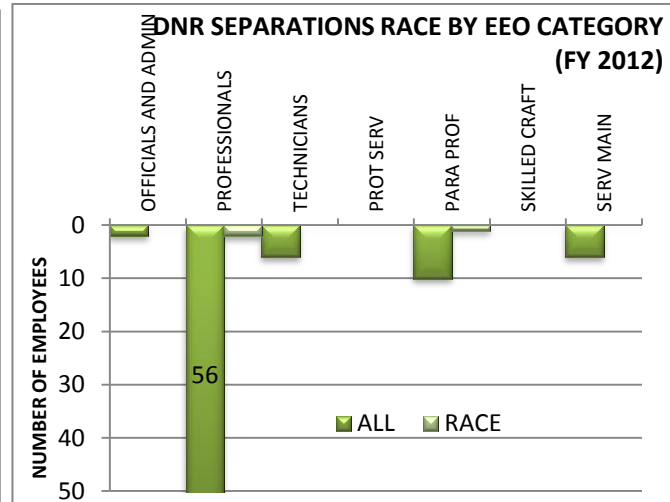
The following chart provides separation data for ethnic minorities in FY 2012 by EEO job category. As indicated, in 2012 ethnic minorities made up approximately 6% of the DNR workforce. With regard to separation, minorities separated at a lower rate than their representation in the total population in 6 of the 7 EEO job categories. Within all EEO job group, separation statistics fell in line at a lower rate than the DNR Workforce population.

CHARTS C & D

C. (DNR SEPARATION OF ETHNIC MINORITIES FY 2012)



D. (DNR SEPARATION EEO CATEGORY & ETHNIC MINORITIES FY 2012)



PERSONS WITH DISABILITIES

DNR WORKFORCE

Persons with disabilities represent approximately 6% of the total DNR workforce. Persons with disabilities made up 14% of all non certified employees. This is a slightly higher proportion relative to their total DNR workforce representation. Retirements were made up of 6.8% minorities, which is in line with the DNR workforce statistics. Further examination was reviewed by EEO job category.

EEO JOB CATEGORY SEPARATIONS

The following chart provides separation data for persons with disabilities in FY 2012 by EEO job category. As indicated, in 2012 persons with disabilities made up approximately 6% of the DNR workforce. With regard to separation, persons with disabilities separated at a lower rate than their representation in the total population in 6 of the 7 EEO job categories. Within all EEO job group, separation statistics fell in line at a lower rate than the DNR Workforce population.

CHARTS E & F

(DNR SEPARATION OF PERSONS WITH
DISABILITIES FY 2012)

(DNR SEPARATION EEO CATEGORY &
PERSONS WITH DISABILITIES FY 2012)

