



Minnesota Pollution Control Agency

2012 - 2014

AFFIRMATIVE ACTION PLAN

520 Lafayette Road North | St. Paul, Minnesota 55155-4194
This document can be made available upon request in alternative formats
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I. EXECUTIVE SUMMARY

Minnesota Pollution Control Agency (MPCA)
Affirmative Action Plan 2012-2014

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

| GOAL UNITS | PROTECTED GROUPS | | |
|--------------------------|------------------|------------|--------------------------|
| | Women | Minorities | People With a Disability |
| Officials/Administrators | X | X | X |
| Professionals | X | x | X |
| Technicians | x | | X |
| Office/Clerical | | | X |

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 to is aware of the MPCA's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees. The internal procedure is available to each employee on the agency intranet, new employees are informed of the procedure, and the agency has a plan for every employee to review the procedure annually.

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.

Colleen A. Naughton
(Affirmative Action Officer/Human Resources Director)

7/24/12
(Date)

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

John L. Str.
(Commissioner)

7/18/12
(Date)

II. STATEMENT OF POLICY AND COMMITMENT BY THE COMMISSIONER

As Commissioner of the Minnesota Pollution Control Agency (MPCA), I am firmly committed to both equal employment opportunity and affirmative action employment. It is my responsibility to ensure that the MPCA provides equal opportunity employment to both current and prospective employees without regard to race, color, creed, religion, age, sex, disability, marital status, status with regard to public assistance, membership or activity in a local commission, national origin, or sexual orientation. Equal employment opportunity and affirmative action apply to all conditions of employment, including, but not limited to, recruitment, selection, placement, advancement, retention, transfer, demotion, layoff, recall, termination, disciplinary action, compensation and employee development.

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 experiencing underutilization in the agency. Protected groups are defined in Minnesota Statutes, Chapter 43A, as women, minorities, and persons with disabilities. This agency is committed to the retention all qualified, talented employees, including protected group employees.

Because equal employment 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, which form the legal framework for affirmative action and equal opportunity. 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 agency is responsible for the actions of our employees and may be held liable for failure to investigate allegations of harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees. Every employee plays a part in maintaining a work environment that is free of discrimination and harassment. 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 corrective and/or disciplinary action.

Colleen Naughton, Human Resources Director, has been designated as the Agency's Affirmative Action Officer and the Americans with Disabilities Act (ADA) Coordinator for the MPCA. Ms. Naughton will report to Commissioner Stine for resolution of any and all complaints referenced in this plan. Together we will ensure implementation of the Plan.

By John R. Stine
John Stine, Commissioner
Minnesota Pollution Control Agency

Date: 7/18/12

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

A. Commissioner John Linc Stine

1. Responsibilities: To provide leadership in implementing the provisions of this Plan and to ensure that this agency is in compliance with all applicable laws and regulations.
2. Duties:
 - a. To designate an Affirmative Action Officer (AAO).
 - b. To issue a written statement to all employees affirming support for the agency's Affirmative Action Plan.
 - c. To include accountability for the administration of the agency's Affirmative Action Plan in the officer's position description.
 - d. To require directors, managers and supervisors to include responsibility statements for affirmative action in their position descriptions and to include responsibility for affirmative actions in recruiting and selecting employees in their work plans.
 - e. To act promptly and appropriately to any and all complaints of discrimination.
 - f. To make decisions and changes in policy, procedures, or physical accommodations needed to facilitate effective equal opportunity and affirmative action progress.
 - g. To report annually to the Governor, and the legislature through the Commissioner of Minnesota Management & Budget, the agency's progress in affirmative action.
3. Accountability: To the Governor

B. Affirmative Action Officer and Americans with Disabilities Act Coordinator: Colleen Naughton

1. Responsibilities: To develop, implement and monitor the agency's Affirmative Action Plan.
2. Duties:
 - a. To recommend policy, procedure or program changes.
 - b. To administer pre-employment review policy and provide guidance to managers and supervisors in exercising their affirmative action responsibilities throughout the year as well as reviewing the plan with them at the beginning of each fiscal year.
 - c. To monitor the activities of the agency's Affirmative Action Plan and complete all affirmative action reports as required.
 - d. To keep the Commissioner informed of the agency's progress in affirmative action.
 - e. To act as primary liaison between the agency and the Office of Equal Opportunity and Diversity of Minnesota Management & Budget (MMB).
 - f. To ensure that the agency's EEO policy and Affirmative Action Plan are disseminated to employees, managers and supervisors, posted on the Human Resources Office bulletin board, made available in the library and on the Intranet.
 - g. To identify, investigate, and facilitate resolution discrimination complaints within the agency.
 - h. To assist in affirmative action training and programs designed to inform employees about affirmative action issues and to ensure that all new employees receive a copy of the Statement of Policy and Commitment and the harassment and discrimination policy and complaint procedures.
 - i. To offer all separating employees an opportunity to discuss any affirmative action concerns they may have.
 - j. To promote affirmative action in all matters and conditions affecting employees.
 - k. To keep informed of developments and decisions in affirmative action and equal opportunity that affect the agency's and inform managers and supervisors of any changes.
 - l. To participate in the recruitment of protected class persons for employment, promotion and training opportunities by advertising in protected group publications, by including the phrase "An Equal Opportunity Employer" in all advertisements, and by soliciting support and assistance from the Office of Equal Opportunity and Diversity of MMB as well as from other groups as appropriate.
 - m. To ensure compliance with the Americans with Disabilities Act, and all applicable laws, procedures and policies.
3. Accountability: To Commissioner

C. Human Resources Staff

1. Responsibilities: To ensure that human resources policies and procedures are designed to remove barriers to equal employment opportunity within the agency.
2. Duties:
 - a. To provide leadership to managers and supervisors in applying Affirmative Action principles to decisions regarding personnel actions.
 - b. To provide guidance to hiring supervisors in the development and utilization of selection criteria to ensure, to the extent possible, that they are objective, uniform, and job related.
 - c. To advise hiring supervisors regarding the need to recruit qualified candidates to reflect the diversity of the population.
 - d. To ensure that job opportunities are properly posted and made available to all
 - e. To identify and communicate systemic problems within agency policies and/or practices that inhibit equal employment opportunity.
3. Accountability: To Human Resources Manager/Affirmative Action Officer

D. Directors, Managers and Supervisors

1. Responsibilities: To ensure compliance with statewide and agency Affirmative Action Plans and programs; and to ensure equitable treatment of all employees and all applicants for employment.
2. Duties:
 - a. To promote a respectful positive environment for employees and applicants.
 - b. To communicate and demonstrate personal commitment to the agency's Affirmative Action Plan.
 - c. To carry out their supervisory and managerial duties in accordance with affirmative action/equal employment opportunity policies contained in the agency's Affirmative Action Plan.
 - d. To ensure that policies and procedure are administered fairly and are uniformly applied to all employees.
 - e. To hire and promote qualified protected group members in goal units where underutilization currently exists.
 - f. To assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunities.
 - g. To include responsibility statements for affirmative action/equal employment opportunity in position descriptions.
 - h. To receive and investigate informal discrimination complaints brought by assigned staff and to communicate decision(s) to the employee within a reasonable time.
 - i. To refer formal complaints to respective Division Director or Affirmative Action Officer.
3. Accountability: To next level management

E. All Employees

1. Responsibilities: Every employee is responsible for conducting her/himself in accordance with the policies outlined in this Plan. Employees are expected to communicate in a respectful, non-discriminatory manner regardless of one another's race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, status with regard to public assistance, or membership or activity in a local commission.
2. Accountability: To Supervisor

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

A. Internal Methods of Communication

1. The Affirmative Action Officer will distribute to all managerial and supervisory staff, a copy of the full Affirmative Action Plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Human Resource Office will post the following documents on their bulletin board and make them available on the Intranet and in the Library:
 - The agency's Affirmative Action Plan.
 - The State of Minnesota Equal Opportunity Policy.
 - The name and phone number of the agency's Affirmative Action Officer and ADA Coordinator. Colleen Naughton (651-757-2598) serves in both roles and is the contact for the internal complaint procedure.
3. Additional copies of the Affirmative Action Plan will be available to employees upon request from the Human Resource Office. A notice of such availability will be placed on the Human Resources Office bulletin board.
4. New employees will receive copies of the Affirmative Action Statement of Policy and Commitment.

B. External Methods of Communication

1. The agency will include the statement, "an equal opportunity employer," on agency Letterhead, job announcements and training opportunity bulletins.
2. Nondiscrimination clauses are contained in all union contracts.
3. A copy of the Affirmative Action Plan will be provided to individuals, upon request.
4. Will post Affirmative Active Plan on external website when practicable.

V. HARASSMENT/DISCRIMINATION POLICY

Workplace harassment under any circumstances is prohibited. Employees are expected to behave respectfully toward all other employees. The Minnesota Pollution Control Agency (MPCA) prohibits harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age.

This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment may report a complaint internally with the agency's Affirmative Action Officer designee. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the State Affirmative Action Program Coordinator at Minnesota Management & Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

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

Definitions

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

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

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

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

Any employee or applicant who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in this affirmative action plan.

VI. PROCEDURE FOR COMPLAINTS OF ALLEGED HARASSMENT OR DISCRIMINATION

Background

This procedure is designed to manage complaints which are not generally able to be resolved under a collective bargaining agreement, plan or other method. Complaints must be filed within 365 days from the event which precipitated the complaint. Employees also have the right to file a complaint with the Minnesota Department of Human Rights and/or the U.S. Equal Employment Opportunity Commission (EEOC) regardless of whether a complaint under this procedure is filed.

1. A plan to resolve the complaint will be completed within 30 days of receiving the complaint. The complaint will be notified of the general nature of the plan.
2. Matters relating to the content or general administration of the Affirmative Action Plan will be referred to the Affirmative Action Officer. Complaints which are covered exclusively under provisions of a valid collective bargaining agreement or plan remain subject to those provisions.
3. Any retaliatory action of any kind taken by an employee of the MPCA against any other employee as a result of that person filing a complaint under these procedures, cooperating in an investigation, or otherwise participating in any action under these procedures is prohibited and will be regarded as a separate and distinct matter subject to disciplinary action.

Retaliatory action or reprisal includes but is not limited to any form of intimidation, retaliation or harassment. Examples of actions which may be considered retaliation include but are not limited to: refusal to hire an individual; departure from any customary employment practice; transfer or assignment of 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 filed a charge, testified, assisted, or participated in an investigation, proceeding or hearing; associated with a person or group who is disabled, who is of a different race, color, creed, religion, sexual orientation, national origin, sex, marital status, age, or status with regard to public assistance, who is a member of a Local Human Rights Commission.

4. This complaint procedure will not be construed as limiting, in any way, an employee's right to file a complaint with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.
5. For purposes of this Affirmative Action Plan and these complaint procedures the Human Resources Director, Colleen Naughton, serves as the Affirmative Action Officer for the MPCA.

*ELIGIBLES are applicants for employment who meet the minimum qualifications for the position or whose names are on a roster of applicants tracked to a requisition with the State of Minnesota.

Procedure

| <u>Who takes the step</u> | <u>Step</u> | <u>Action</u> |
|----------------------------------|--------------------|--|
| Person Offended | 1 | If you are comfortable doing so, advise the other person that his or her behavior is objectionable and ask that it stop. If unable to contact the offending party, or if after asking the offending party to stop, the behavior continues, you may initiate a more formal complaint. |
| Person Offended (Complainant) | 2 | Seek out one of the following people: your supervisor, your manager, your division director, the offending party's supervisor, the Affirmative Action Officer, or a Human Resource Consultant with whom you feel comfortable. Report the objectionable behavior to that person. |
| Person Offended (Complainant) | 3 | Attempt to maintain a written record of all dates of, times of, and witnesses to the objectionable behavior. |

| <u>Who takes the step</u> | <u>Step</u> | <u>Action</u> |
|---------------------------------------|-------------|---|
| First Person Contacted | 4 | Listen to complaint; inform complainant that you will take the appropriate steps to ensure that the issue is addressed promptly and that the Affirmative Action Officer will be immediately informed. |
| First Person Contacted | 5 | Discuss the issue/complaint with the Affirmative Action Officer (AAO)/ Human Resource Manager immediately; if you must leave a message, indicate that it is urgent. |
| Affirmative Action Officer/HR Manager | 6 | Consult with the appropriate members of leadership. Determine if an investigation is recommended. Inform the complainant of the decision regarding an investigation. |
| Affirmative Action Officer/HR Manager | 7 | Conduct investigation. |
| Affirmative Action Officer/HR Manager | 8 | Notify complainant of any substantial delays in the investigation. |
| Affirmative Action Officer/HR Manager | 9 | Upon completion of the investigation convene a meeting of the offending party's supervisor, manager, and/or division director (or designee). Facilitate a decision on the recommended course of action. |
| Affirmative Action Officer/HR Manager | 10 | Inform complainant that investigation has been completed and, to the extent possible under the Minnesota Data Practices Act, that action has been taken. Also, inform complainant of his/her right to file an appeal with the MPCA Commissioner or to file a complaint with the Minnesota Human Rights Department, with the U.S. Equal Employment Opportunity Commission or with the appropriate court. |
| Affirmative Action Officer/HR Manager | 11 | File disposition of complaint with Office of Diversity and Equal Opportunity. |

The MPCA will make every effort to ensure compliance with the language regarding harassment and discrimination in the appropriate labor contract.

All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions to the Minnesota Government Data Practices Act.

All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:

- A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
- B. All records pertaining to the case, i.e., written, recorded, filmed, or in any other form

The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

VII. REASONABLE ACCOMMODATION POLICY

Policy

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

An individual with a disability is defined for purposes of this policy as: a person who has a physical or mental impairment that substantially or materially limits one or more major life activities; has a record of such impairment; is regarded as having such impairment.

A reasonable accommodation is 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 enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

The ADA Coordinator for the MPCA is Colleen Naughton, Human Resources Director, (651) 757-2598.

Procedure - Current Employees and Employees Seeking Accommodation

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

Procedure-Job Applicants

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

Undue Hardship

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of this agency.

In determining whether or not providing a reasonable accommodation would impose an "undue hardship," the agency will consider at least the following factors:

1. overall size of the program (i.e., number and type of facilities, size of budget);
2. type of the operation including the composition and structure of the work force;
3. nature and cost of the accommodation needed;
4. reasonable ability to finance the accommodation; 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.

Appeals

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

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

VIII. ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

Accessibility For People With Disabilities

The policy of the MPCA is to comply with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C.A. Section 12101, and et. Seq. The ADA prohibits discrimination against qualified individuals with disabilities on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities will not be excluded from participating in or be denied the benefits of any program, service or activity offered by this agency.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. The MPCA will make every effort to communicate effectively with individuals who have speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefiting from this agency's programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights or remedies under the ADA, request a reasonable modification to these agency policies, practices, or procedures, or file a written grievance with this agency alleging non-compliance with the ADA, please contact the ADA Coordinator listed below:

Name: Colleen Naughton, MPCA Human Resources Director

Address: 520 Lafayette Road
Sixth Floor
St. Paul, MN 55155-4194

Telephone numbers:

Voice: (651) 757-2598
TTY: (651) 282-5332

IX. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES AND WEATHER EMERGENCIES

Evacuation Procedures

At any time, it may be necessary for employees to evacuate work areas and/or seek shelter areas. Causes for evacuation or shelter could be fire, explosion, severe storm, tornado, and chemical release or spill or bomb threat.

This plan is established to ensure that staff are prepared for emergencies and that evacuation/shelter procedures are developed. Employees are to be provided with information and comprehensive training concerning the Agency's emergency action plans. A listing of emergency contact names and telephone numbers will be maintained and made available to staff as a part of the office emergency plan: intranet.pca.state.mn.us/services/safety-plans.html.

A. Responsibilities

The Safety Administrator is responsible for the development of emergency action plans for the central office and warehouse facilities.

Regional Managers, under the direction of the Safety Administrator, are responsible for development of emergency action plans for each regional office facility.

Supervisors, with the assistance of floor wardens, are responsible to account for each staff person in their unit immediately following emergency evacuation or shelter procedures and to report missing persons to the Emergency Coordinator.

Floor wardens are appointed by supervisors or managers to assist with emergency response responsibilities as required for their work areas.

B. Employees and Visitors with Disabilities

Employees with disabilities are responsible to contact their supervisor or the Safety Administrator regarding any special needs they may have for emergency evacuation plans. Supervisors are then responsible for providing the floor wardens or the Safety Administrator with a list of those in their work unit who have identified the need for assistance during evacuation or shelter emergencies. Supervisors will work with the Safety Administrator and Affirmative Action Officer to develop plans to address the needs of such individuals.

Each Supervisor, coordinated with the Floor Warden, is responsible for ensuring that a volunteer attendant has been assigned to assist persons with disabilities in his/her unit. People with mobility impairments or sensory impairments will be assisted in evacuating by the Floor Warden or assigned attendant. All people who need assistance evacuating should meet at the stairwell.

Weather Emergencies

In the event of a weather emergency, the Minnesota Management & Budget (MMB) Commissioner is responsible for making the determination as to the official closing of state offices. During work hours, employees will be notified via the agency's computer system (e-mail or system-wide message), loud speaker, telephones or floor wardens, if a weather emergency is called for their work area. During non-work hours, an announcement detailing the date, time and geographic location of the closure will be given by MMB to WCCO (830) radio and to KSTP, WCCO and KARE television for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be placed on the news wire for radio stations in greater Minnesota. If changes in the emergency declaration are warranted, they will be broadcast as the day or night progresses. Deaf or hard of hearing employees can watch close captioned weather broadcasts on WCCO or KARE 11 television.

Employees can get basic information about MMB-related weather emergencies and state office closures 24 hours per day by visiting MMB's Office Closures Website: www.BeReadyMN.com

In addition, MMB will "tweet" information via www.twitter.com. Employees are welcome to sign up voluntarily from their personal computer and/or cell phone devices to receive information to receive information in this fashion.

If an employee requires special notification he/she is encouraged to consult with his/her supervisor in advance to arrange a procedure that is most appropriate for him/her. If an employee requires notification by TTY, his/her supervisor will make contact via the Minnesota Relay Service (MRS) at 7-1-1 (metro) or 1-800-627-3529 (greater Minnesota.)

X. GOALS AND TIMETABLES

The MPCA strives to increase workforce representation of women, members of ethnic/racial minority groups, and persons with disabilities in order to achieve parity.

Goals and timetables have been established as an integral part of our affirmative action program. To understand the concept of goals and timetables, and the State's use of them, it is important to understand the terms.

Protected Groups

These are defined in Minnesota Statutes 43A.02, subd. 33 as women, minorities (Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander) and persons with disabilities.

EEO Job Groups:

The MPCA has employees in the following EEO Job groups: Officials and Administrators, Professionals, Technicians, and Office / Clerical. The definitions of these job groups are as follows:

1. **Officials and Administrators**

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis.

2. **Professionals**

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

This is the largest job group for the MPCA. The MPCA has identified sub-categories within this category for specialized jobs. These sub-categories include: Engineers, Scientists / Hydrologists, and Information Technology; goals have been established for each of these sub-categories based on census data for specific occupations. MPCA professional jobs that are not included in one of these three specialized categories fall in the broad sub-category of "General Professional."

3. **Technicians**

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.

4. **Office/Clerical**

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and paperwork required in an office.

Underutilization

This is the employment of fewer qualified protected group members than would reasonably be expected from their labor force participation in the labor market area. This is also sometimes referred to as a "disparity." Labor force participation was identified through statewide 2000 Census data for sex, race, and disability by occupation and occupational group. In the EEO Job Group of Officials and Administrators, the internal labor market (agency employees in the Professional category) was also considered: for the MPCA, the external labor market (using census data) and the internal labor market were considered in a two-factor analysis.

Goals

The MPCA establishes hiring goals for every EEO job group in which members of protected classes are underutilized. The purpose of establishing such goals is to correct underutilization and, ideally, each hiring goal should equal the underutilization number. Correcting the underutilization over a two year period may not be realistic, however, and the hiring goals are less than the underutilization for some groups. The MPCA has considered such factors as anticipated vacancies and the ability to recruit qualified protected group members in setting the goals.

Timetable

This is the target date set for reaching identified goals in any EEO Job Group for which there is underutilization. Timetables established in this plan are based on the fiscal years represented by the Plan.

The following utilization information and hiring goals for the MPCA apply to Fiscal Years 2012-2014:

| EEO Job Group | PROTECTED CLASS | | | | | | | | |
|---|-----------------|------|------------|---------------|------|------------|--------------------------|------|------------|
| | Women | | | Minorities | | | People with a Disability | | |
| | Underutilized | Goal | Time Table | Underutilized | Goal | Time Table | Underutilized | Goal | Time Table |
| Officials and Administrators | Yes | 2 | 2014 | Yes | 1 | 2014 | Yes | 1 | 2014 |
| Professionals: | NA | | | NA | | | Yes | 2 | 2014 |
| - Engineers | No | | | No | | | NA | | |
| - Scientist / Hydrologist | No | | | No | | | NA | | |
| - General | Yes | 15 | 2014 | Yes | 8 | 2014 | NA | | |
| Technicians (include paraprofessionals) | Yes | 3 | 2014 | No | | | Yes | 1 | 2014 |
| Office / Clerical | No | | | No | | | Yes | 1 | 2014 |

The agency does plan to continue its contract with the Department of Human Services to employ people with disabilities in a document imaging project.

XI. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

Objective: Continue to incorporate targeted recruiting of employees in protected groups into the Human Resources Management Team work plan for fiscal years 2013 and 2014.

Responsibility: AAO
Target Date: July 1, 2013 and July 1, 2014
Action Steps: 1. Develop recruiting plan.
Evaluations: Documented progress on targeted recruitment strategies.

Objective: Engage agency managers in plans to recruit members of protected groups and include an objective in the work plans of all members of agency leadership to take affirmative action in recruiting and selecting new employees.

Responsibility: AAO
Target Date: December 1, 2012 and December 1, 2013
Action Steps: 1. Conduct work meeting with agency managers.
2. Ensure work plans for leadership include affirmative action objective.
Evaluation: Targeted recruitment strategies..

Objective: Target Student Worker and Pollution Control Technician positions specifically for women, people of color, and people with disabilities.

Responsibility: AAO
Target Date: June 30, 2014
Action Steps: 1. Select agency program and work location.
2. Target recruitment group.
3. Make selection.
Evaluations: Increased diversity in the Technician job family.

Objective: Participate in the State of Minnesota's Alliance for Cooperation and Collaboration in Employment and State Service (ACCESS).

Responsibility: AAO
Target Date: July 1, 2012 – June 30, 2014
Action Steps: 1. Agency representative will attend monthly meetings.
2. Agency will incorporate ACCESS initiatives into agency practices as appropriate.
3. Agency will participate in ACCESS work groups as feasible.
4. Agency will publicize diversity events and training that are co-sponsored by ACCESS.
Evaluations: Increased awareness of diversity issues, training and actions.

Objective: Incorporate Affirmative Action in agency training.

Responsibility: AAO

Target Date: July 1, 2012 – June 30, 2014

Action Steps:

1. Present Affirmative Action plan to managers.
2. Present Affirmative Action in New Employee Orientation training.
3. Require all employees to complete Sexual Harassment Prevention Online Learning Program.

Evaluations: Increased awareness in affirmative action.

Objective: Increase employee awareness of Affirmative Action and diversity.

Responsibility: AAO

Target Date: July 1, 2012– June 30, 2014

Action Steps:

1. Provide the MPCA Commissioner and Deputy Commissioner with a report on the utilization of Protected Group members in the agency employee population on a quarterly basis.
2. Provide supervisor training that incorporates affirmative action responsibilities.

Evaluations: Increased participation in diversity initiatives.

Objective: Continue to employ disabled workers in the Supported Workers program.

Responsibility: Records Management Unit

Target date: Ongoing

XII. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

A. Pre-Hire Review Process

Whenever a vacancy is to be filled, the Human Resources office will determine if underutilization of protected group members currently exists, or is anticipated to exist. If it does, the following will apply:

1. The Human Resource Office will provide training regarding the hiring process and the legal aspects of the process.
2. The Human Resource Office will provide expanded candidate lists when necessary.
3. Supervisors or managers who intend to make an offer of employment to a candidate, who is not a member of an underutilized group, must provide a detailed written explanation to the Affirmative Action Officer.
4. The internal transfer of Agency employees and all provisions in collective bargaining agreements based on the "seniority in appointment" clause supersedes this process.

B. Pre-Review Layoff Process

Whenever a layoff is to occur, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the layoff occurs.

C. Methods of Auditing, Evaluating, & Reporting Program Success

In order to ensure that Affirmative Action Goals are sufficiently monitored and reported upon, the Affirmative Action Officer will ensure that the following actions are taken.

1. Data regarding hires is recorded on the Monitoring the Hiring Process Forms. A comparative analysis will be completed on an annual basis to evaluate the progress of the program goals.
2. Data regarding retention will be tracked and analyzed. The agency will request a separation report from MMB and include a brief analysis of the data.
3. Data regarding complaints will be recorded and preventative measures will be instituted to minimize the occurrence of future complaints.
4. Recruitment strategies will be reviewed, in order to enlist strategies to reduce underutilization.

XIII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure our agency recruitment programs are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and to assist in meeting our agency affirmative action goals to achieve a diverse work force.

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

A. Advertising Sources

The MPCA announces vacancies on the State of Minnesota Careers website. In addition, the agency announces vacancies using websites and list serves targeting the environmental community, i.e., NextStep and SEEK. The agency also advertises to a broader community using such websites as MinnesotaWorks.

B. Job and Community Fairs

The MPCA has participated in the Veteran's Career Fair and provided recruiting information to the Hmong Resources Fair.

C. College and University Recruitment Events

The MPCA has participated in the University of Minnesota Environmental Internship and Career Fair, the St. Cloud State Diversity Job and Internship Fair, the Minnesota State Universities Job and Internship Fair, Minnesota's Private Colleges Job and Internship Fair, and the University of Minnesota Job and Internship Fair. In addition, the agency announces vacancies through college and university Career Placement Centers, including Concordia and Hamline.

D. Recruitment for Persons with Disabilities

The MPCA has announced jobs through MMB's Workforce and Diversity's list serve, which includes organizations serving people with disabilities.

E. Relationship Building and Outreach

An agency recruiter participated in a student networking and interviewing skills workshop at Concordia University in St. Paul, where 57.2% of the student body is racially diverse.

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

This agency supports the employment of individuals with disabilities and employs several members of this program in an agency imaging project.

XIV. RETENTION PLAN

Person Responsible for Agency's Retention Program Initiatives

Colleen Naughton, MPCA Human Resources Director

Methods of Retention

A. Supervisor's New Employee Orientation

A comprehensive process is outlined for supervisors involved in the hiring process, with step-by-step instructions on how to proceed in orienting and training new employees. This is key to the retention of good employees.

B. Telecommuting and (Flexible) Compressed Time Policy

As a method of retaining all employees, this agency offers telecommuting and compressed time schedules. Upon supervisory approval, employees may telecommute or work flexible schedules, which are in keeping with the agency's guidelines of eight, nine-hour days, one, eight-hour day and one day off per pay period.

C. Employee Development through Work Plans/Training Plans

It is the policy of the MPCA to link agency priorities to the work of staff and to facilitate communication between supervisors and staff about the accomplishment of agency priorities through the use of a work planning and performance appraisal. One of the purposes of work planning is to identify, discuss and agree on each employee's development needs and goals. By doing so, personal strengths can be capitalized and plans to address development needs can be mutually created. This process provides a continuous opportunity for dialogue and feedback between the supervisor and employee to ensure open communication and elimination of misunderstanding. Communication enhances the relationship between the supervisor and employee and encourages personal development which is key to an employee's job satisfaction.

D. Analysis of Separation and Layoff Patterns

There were 22 resignations from the MPCA (2.5% of the population) the most recent fiscal year. The number of employees in protected groups who separated from the agency was not proportionately higher than the representation of protected groups in the total employee population. The agency plans to continue to monitor separations of members of protected groups to determine whether any pattern exists. Data will be analyzed and reviewed, as appropriate, with management.

COMPLAINT OF HARRASSMENT/DISCRIMINATION

Minnesota Pollution Control Agency
 520 Lafayette Road North
 St. Paul, Minnesota 55155-4194
 651-757-2034

Please Read Before Completion of Form

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

| 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 | |
|--|--|
| Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <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 | |
| Date most recent act of harassment/discrimination took place: | If you filed this complaint with another agency, give the name of that agency: |
| 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. | |

| | | |
|--|--|--|
| | | |
|--|--|--|

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 |
|--------------------------------------|------|

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION FORM

Please Print or Type

| | | | | | | | | | | |
|--|---|------------------|---|---|--|--|--|--|---|--|
| Employee Name: | Classification/Division | Date of Request: | | | | | | | | |
| <i>Attach additional sheets for questions below if necessary.</i> | | | | | | | | | | |
| 1. Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it limits any major life activities. | | | | | | | | | | |
| 2. How does it affect your ability to perform your job? | | | | | | | | | | |
| 3. Type of accommodation requested: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Making facilities readily accessible</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Modification of equipment or devices</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Job restructuring</td> <td style="border: none;"><input type="checkbox"/> Qualified reader or interpreter</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Part-time or modified work schedule</td> <td style="border: none;"><input type="checkbox"/> Acquisition of equipment or devices</td> </tr> <tr> <td colspan="2" style="border: none;"><input type="checkbox"/> Other (specify): _____</td> </tr> </table> | | | <input type="checkbox"/> Making facilities readily accessible | <input type="checkbox"/> Modification of 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"/> Other (specify): _____ | |
| <input type="checkbox"/> Making facilities readily accessible | <input type="checkbox"/> Modification of 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"/> Other (specify): _____ | | | | | | | | | | |
| 4. Describe in detail the accommodation you are requesting: | | | | | | | | | | |
| 5. Has your medical provider recommended the accommodation? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | |
| 6. How will the requested accommodation be effective in allowing performance of the essential job function(s)? | | | | | | | | | | |
| Signature of Employee: | | Date: | | | | | | | | |
| <p>This information will be used by human resource management or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.</p> | | | | | | | | | | |