



Affirmative Action Plan

2012-2014

1500 Highway 36 W
Roseville, MN 55113

Upon request this document will be made available in alternative formats such as large print or on audiotape.

**Minnesota Department of Education
Affirmative Action Plan 2012 - 2014**

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INTRODUCTION

Equal employment opportunity and affirmative action are the law. They are mandated by federal, state and local legislation, executive order, and definitive court rulings. The policy of the Minnesota Department of Education, in accordance with the State of Minnesota policy, is to provide equal opportunity and affirmative action in employment and to support and promote the spirit of the law. This affirmative action plan describes the programs and processes by which the law will be implemented.

Equal employment opportunity means guaranteeing that to every job applicant and employee the same opportunities in hiring, promotion, compensation, benefits, transfer, layoff, return from layoff, in-service training, tuition assistance, and social and recreational programs will be administered without regard to race, color, sex, disability, creed, religion, national origin, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or age.

Affirmative action means ensuring that certain groups historically denied equal access to employment-- defined in Minnesota law as minorities, women, and persons with disabilities will be more effectively represented on the agency staff in numbers reasonably related to their presence in the available work force, while at the same time complying with constitutional limitations in this area.

It is of primary importance that all employees of the Department of Education understand that affirmative action does not mean the hiring of unqualified people. Affirmative action does not imply that any group will be deprived of its rights or be subjected to any unfair kinds of treatment. Affirmative action is defined as a positive mechanism to attempt to utilize the large reservoir of untapped human resources and skills among protected classes (minorities, women, and persons with disabilities). Consequently, an effective affirmative action program not only will benefit those who have been denied equal employment opportunity in the past, but will benefit the entire department.

For information, contact the Affirmative Action Officer Designee, Nathan Smith at (651) 582-8550.

EXECUTIVE SUMMARY

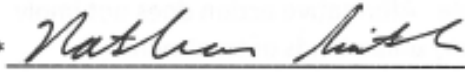
Minnesota Department of Education
Plan years 2012 - 2014

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

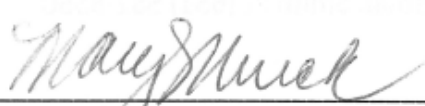
| GOAL UNITS | PROTECTED GROUPS | | |
|--------------------------|------------------|------------|----------|
| | WOMEN | MINORITIES | DISABLED |
| Officials/Administrators | | | X |
| Professionals | | X | X |
| Office/Clerical | | X | |
| Technicians | | | |

2. Once approved, this plan will be available at the following central location so that every employee is aware of the Minnesota Department of Education's commitments in affirmative action for the year. The plan will also be posted on the Agency's 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 our Minnesota Department of Education's affirmative action goals for the year.

*  4-1-2013
Nathan Smith, Affirmative Action Officer 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.

*  4/1/2013
Mary Murck, 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.

*  4/1/2013
Brenda Cassilius, Commissioner Date

**Original plan submitted 7/30/2012, revised on 3/29/2013*

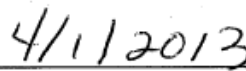
COMMISSIONER'S STATEMENT OF COMMITMENT

As Commissioner of the Department of Education, I am committed to the implementation of the Affirmative Action Plan, to the state's affirmative action efforts, and to the providing equal employment and promotional opportunities to all department employees and to all applicants for department positions. It is the policy of the Department of Education to comply with and implement executive orders and federal and state laws by conducting all personnel activities in a manner that ensures equal employment opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees and related to specific jobs without regard to race, color, sex, disability, creed, religion, national origin, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or age.

In carrying out this policy, the Department of Education will administer in a nondiscriminatory manner all personnel activities. These activities include, but are not limited to: all recruitment, selection, hiring, assignment, training, promotion, compensation, transfers, fringe benefits, leaves of absence, disciplinary actions, and layoffs affecting all employees and applicants. The department is committed to retaining all qualified, talented employees, including protected group employees and strives to provide a workplace that is free from discriminatory practices. Periodic review of job qualifications, standards, policies and procedures will be made in order to identify and eliminate development of discriminatory practices within the day-to-day interpretations or within the framework of existing personnel policies and procedures. In addition, the department will work affirmatively to see that members of protected classes are represented in a way that is reasonably proportionate to their numbers in the work force.

As Commissioner of the Department of Education, I strongly support the ethics of equal employment opportunities for all. I expect to have my firm commitment to equal opportunity and affirmative action reflected throughout the department by all managers and supervisors. I also invite employee cooperation in ensuring that the Department of Education is free of barriers to equal employment opportunity.


Brenda Cassilius, Commissioner


July 30, 2012

AFFIRMATIVE ACTION RESPONSIBILITIES

COMMISSIONER

Responsibility:

The Commissioner has final responsibility to direct the overall administration of the Department's affirmative action program and to set forth the principles of equal opportunity in departmental policy.

Duties:

- To designate the Department Affirmative Action Officer Designee.
- To approve and sign the Department Affirmative Action Plan and all other policies relating to affirmative action.
- To take action, if needed, on complaints of discrimination.
- To make final determination on employee complaints of discrimination.

Accountability:

The Commissioner shall be accountable directly to the Governor and indirectly to the Commissioner of Minnesota Management and Budget, and the Director of the Office of Diversity and Equal Opportunity for all equal employment opportunity and affirmative action matters.

HUMAN RESOURCES DIRECTOR

Responsibility:

The Human Resources Director has responsibility to review personnel policies and practices in order to ensure that all employees are treated fairly and equitably in terms of the conditions of employment.

Duties:

- To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationships to job performance.
- To oversee all openings in each division and section and publicize both competitive and promotional examinations throughout the Department.
- To recruit and retain protected group persons for any opening within the Department, especially in areas where disparities exist.
- To investigate complaints of harassment so that complaints are addressed and resolved at the earliest possible stage with a minimum of adverse publicity and consequence for the Department.

Accountability:

The Human Resources Director is directly accountable to the Commissioner on all matters relating to Affirmative Action.

AFFIRMATIVE ACTION OFFICER DESIGNEE

The Affirmative Action Officer Designee for the Department is Nathan Smith.

Responsibilities:

To provide ongoing direction and implementation of the Department's Affirmative Action Program.

Duties:

- To review and recommend changes in policies, procedures and programs to ensure affirmative action is implemented throughout the Department.
- To participate in recruiting efforts and the selection process and promote compliance with affirmative action goals.
- Ensure that Department staff is aware of the affirmative action goals and guidelines.
- Draft the Department Affirmative Action Plan and ensure that pursuit of the objectives and goals in the Plan for approval of the Commissioner.
- Prepare periodic affirmative action reports as required.
- Counsel and assist employees in specific instances of alleged harassment and/or discrimination.

Accountability:

The Affirmative Action Officer Designee is directly accountable to the Commissioner of the Department of Education with regard to affirmative action responsibilities.

DISSEMINATION PLAN

Internal Communication

The Affirmative Action Officer Designee will distribute the full Affirmative Action Plan to each Assistant Commissioner and inform them that copies of the Plan may be obtained from the Affirmative Action Officer Designee or the Human Resources Office. A copy of the 2012-2014 Affirmative Action Plan will be posted on the Department of Education intranet.

The Affirmative Action Officer Designee will ensure the Affirmative Action Plan and its information is disseminated by:

- Including information in packets distributed at new employee orientations;
- Prominently displaying the Plan on the employee bulletin board located on the lower level of the building;
- Providing one-on-one training to managers and supervisors on affirmative action;
- Prominently displaying Affirmative Action posters on employee bulletin boards located throughout the agency; and
- Providing information in the Department newsletter.

External Communication

The Affirmation Action Officer Designee will work closely with the Human Resources Director to develop and oversee a recruitment structure within the Department that will be responsible for assuring that protected group applicants are aware of opportunities for employment. This will be promoted by advertising in protected group media, forming relationships with protected group organizations, attending career/job fairs, and other appropriate recruitment efforts.

All advertisements shall contain the statement, "AA/EOE". All employment opportunities announcements distributed or mailed from the Department will contain the statement, "The Department of Education has a strong commitment to diversity. In that spirit, we are particularly interested in receiving applications from a broad spectrum of people, including women, members of racial and ethnic minority groups and persons with disabilities."

PROHIBITION OF HARASSMENT/DISCRIMINATION POLICY

The Department of Education is committed to providing a working environment that is free from discrimination and discriminatory harassment. The Department will take prompt and appropriate action in response to complaints of alleged discrimination and discriminatory harassment, including sexual harassment.

Standards and Definitions

Standards

- Retaliation or discrimination will not be tolerated against any employee who has participated as a complainant or as a witness in any departmental proceedings involving discrimination or sexual harassment.
- Employees are responsible for treating co-workers in a manner consistent with this policy.
- Supervisors have the responsibility to maintain a work environment free of harassment for all employees under their supervision.
- Employees are encouraged, but not required, to request offensive behavior to stop.
- No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse.

Definitions

Discrimination is differing treatment of an individual in any term or condition of employment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, or status with regard to public assistance or membership or activity in a local human rights commission. Discrimination may also include conduct by a supervisor or co-worker that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

Discriminatory Harassment is harassment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, or status with regard to public assistance or membership or activity in a local human rights commission.

Sexual Harassment is a form of discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact or communication of a sexual nature when: 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; 2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or 3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

Third Party Harassment involves discrimination where the harasser is not an employee of our agency, but is a customer, vendor, subcontractor or member of the general public. If you should feel harassed by any of these people, you should complain in the same manner as if you were harassed by a co-worker or supervisor.

The **AAOD** is the Affirmative Action Officer Designee, located in the Human Resources Office.

The **Complainant** is the person filing the complaint.

The **Respondent** is the person or persons named in the complaint.

Reporting Discrimination/Discriminatory Harassment

Employees are strongly encouraged to report acts of discrimination or discriminatory harassment or suspected acts of such conduct by anyone in the workplace to the manager/supervisor or to the AAOD. Reporting by employees is essential in order to take appropriate corrective action and achieve the goals of this policy.¹

Managers/supervisors shall refer complaints to the AAOD and shall report immediately to the AAOD if they have any knowledge, or have reasonable suspicion of any discrimination or discriminatory harassment, including sexual harassment.

Any employee, applicant, eligible candidate for a position, contractor, or volunteer who feels they are being discriminated against or harassed in employment matters within the scope of this policy is encouraged to take immediate and appropriate actions to address the situation, including filing a complaint under these procedures. Filing of a complaint under these procedures does not preclude the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) the Minnesota Department of Human Rights, or pursuing other legal channels.

| |
|------------------|
| Procedure |
|------------------|

Filing Complaints

Complaints should be made in writing on the department's Discrimination/Discriminatory Harassment Complaint form available in the Human Resources Office and filed with the AAOD.

If a complaint is made orally, the AAOD shall help the individual fill out the complaint form prior to making a request for information.

1 Employees should be aware that Minn. Statutes 181.932 and 363.03, Sub. 7 may apply to reports. These statutes provide protection from conduct that may constitute reprisal, including discharge, discipline, threats, or other discrimination against an employee that makes such reports.

Preliminary Review

The AAOD and the Human Resources Director will conduct a preliminary review of the complaint and, within three business days of receiving the complaint, if possible, shall determine if the complaint falls within the area of discrimination/discriminatory harassment.

If the complaint falls within the area of discrimination/discriminatory harassment, the AAOD and the Human Resources Director shall determine the appropriate avenue of investigation. They will take appropriate intervening action to deal with the situation, including, but not limited to, an investigatory suspension or temporary reassignment, until such time as the complaint is investigated fully, there is a finding, and corrective action, if required, is implemented. When appropriate, the AAOD shall notify the complainant's union representative that a complaint has been filed unless requested by the complainant that they not be notified.

If the complaint does not fall within the scope of this policy, the complainant will be notified so that s/he may use another grievance or resolution process.

Investigation

If an investigation is required, the AAOD shall initiate it within ten (10) business days of receipt of the complaint, if possible. The AAOD shall notify the complainant and respondent of the investigation. The notice to the respondent shall include the substance of the allegations contained in the complaint, and if the respondent is a member of a bargaining unit, notification of their right to representation. If requested by the member, the subsequent procedure shall be open to the exclusive representative's participation.

The investigation may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.

In compliance with the Minnesota Data Practices Act, the identity of individuals making complaints or providing information in the course of an investigation shall be disclosed only as needed to properly investigate and resolve the complaint. No discrimination or retaliation against any employee participating in any investigation involving discrimination or sexual harassment will be tolerated.

Upon completion of the investigation, and no later than 60 days after the filing of the complaint, the AAOD/investigator shall prepare a written report to the appropriate Assistant Commissioner.

The AAOD shall notify the complainant and the respondent when final action has been taken, subject to the terms of the Data Practices Act.

Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within 30 days of final determination.

Remedy

The appropriate Assistant Commissioner and the Human Resources Director shall make the final determination for resolving the complaint and shall take action to remedy the complaint based on severity and recurrence of similar behaviors.

Discipline

If disciplinary or remedial action is taken pursuant to this procedure, it may consist of, but need not be limited to, training, oral or written reprimand, suspension, or termination.

If at any time during the review or investigation, the AAOD establishes that a complainant made a false report in bad faith, the Department reserves the right to take employment or disciplinary action against the complainant, including but not limited to training, oral or written reprimand, suspension, or termination.

Other Options

If a complainant is not satisfied with the process and/or outcome of the investigation, or has not pursued external options, they may pursue other options including filing a complaint with the Minnesota Department of Human Rights or the Equal Employment Opportunity Commission, or other legal remedies.

The respondent has rights to appeal disciplinary action under the grievance provisions of the applicable collective bargaining agreement or plan.

Data Privacy and Records Retention

The Department shall maintain the privacy of all records consistent with the requirements of the Data Practices Act. Information gathered in the course of an investigation, including the identity of individuals, is considered to be private data on individuals and shall be disclosed only as needed to properly investigate and resolve the complaint. All complaints and related material shall be retained in accordance with applicable Department record retention policies. When disciplinary action has been taken on the basis that a complaint was made in bad faith, such information will be maintained in accordance with applicable collective bargaining agreements/plans.

REASONABLE ACCOMODATION POLICY

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

Standards and Definitions

Definitions

Disability - For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

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

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

Reasonable accommodation applies to three aspects of employment:

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

Procedure

1. The Department of Education will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their manager/supervisor of their need for an accommodation and the manager/supervisor shall discuss alternatives with them.
3. The Manager/Supervisor **must** inform the ADA Coordinator of the request and submit a request for accommodation form (copy attached).

4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Department of Education 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 may request documentation from the employee's health care provider 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.
6. The ADA Coordinator will work with the employee and the manager/supervisor to obtain technical assistance, as needed.
7. The ADA Coordinator will provide a decision to the manager/supervisor and the employee within a reasonable amount of time.

Request for Reasonable Accommodations for Job Applicants

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

Funding for Reasonable Accommodation

Funding must be approved by the Department of Education for accommodations that do not cause an undue hardship (M.S. 43A.191(c)). An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Department of Education.

The expenditure of funds for accommodations over the amount determined to be significant, must be approved by the Agency Head. When determining whether or not to make the

accommodation without imposing undue hardship on the agency, the following factors will be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- a documented good faith effort to explore a less restrictive or less expensive alternative.

Appeals

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

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

Supported Work

The Department of Education will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from MMB. The Department of Education will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES

"Buddies" for Persons with Disabilities

- Employees with disabilities will make the determination about how they want to be evacuated and will select two "buddies" to provide assistance to them during an emergency. Employees with disabilities and their "buddies" should form a plan to meet in a specific area of the workplace for all emergencies to eliminate lost time spent looking for each other before actually evacuating the area.

GOALS AND TIMETABLES

| Job Group | Women | | | Minorities | | | People with a Disability | | |
|----------------------------|----------------------|------|------------|----------------------|------|------------|--------------------------|------|------------|
| | Number Underutilized | Goal | Time-table | Number Underutilized | Goal | Time-table | Number Underutilized | Goal | Time-table |
| Officials & Administrators | 0 | - | | 0 | - | | 4 | 1 | 2012-2014 |
| Professionals | 0 | - | | 6 | 4 | 2012-2014 | 14 | 8 | 2012-2014 |
| Technicians | 0 | - | | 0 | - | | 0 | - | |
| Paraprofessionals | 0 | - | | 0 | - | | 0 | - | |
| Office & Clerical | 0 | - | | 1 | 1 | 2012-2014 | 0 | - | |

Our utilization analysis indicates that we are not underutilized for women.

According to the utilization analysis, our agency workforce is underutilized in the Professional job group for six minority persons. We do expect to do some hiring in this job group, however do not anticipate growth that would allow us to set a goal to include all six persons. As we are able to fill vacancies, we will make a good faith effort to recruit and hire four minority employees.

According to the utilization analysis, our agency workforce is not underutilized for persons with a disability in the Technicians, Paraprofessionals, and Office Clerical job groups. We are underutilized in the Officials and Administrators job group by four people with a disability. We do not anticipate growth or changes to this job group in the next two years, but as openings occur, we will make a good faith effort to recruit and hire a person with a disability in this job group.

According to the utilization analysis, our agency's workforce is underutilized in the Professionals job group by 14 persons with a disability. We do expect to do some hiring in the job group, however do not anticipate growth that would allow us to set a goal to include all 14 persons with a disability that we are underutilized. We will make a good faith effort to recruit and hire eight persons with a disability in the Professionals job group in the next two years.

PROGRAM AND PROGRAM OBJECTIVES

The Affirmative Action Officer Designee will make every effort to keep abreast of EEOC guidance, new policies and procedures and trends within the field in order to effectively implement affirmative action at the agency.

Action Steps:

- Regularly visit the EEOC/DOJ/Department of Human Rights web sites to research policy changes.
- Review Department policies and procedures at least yearly to ensure currency and compliance.
- Contact MMB, Office of Diversity and Equal Opportunity with any questions or concerns pertaining to any of the above topics.

These activities occur on an on-going basis.

The agency will continue to hire affirmatively and will include affirmative action consideration in the hiring process for all hires where a disparity exists.

Action Steps:

- For all hires in which a disparity exists, Human Resources will thoroughly conduct a pre-hire review prior to the interview process.
- The Human Resources office will maintain files with documentation on affirmative and justified hires.

The Affirmative Action Officer Designee will monitor the agency's Pre-Employment review procedure in a consistent and fair manner, ensuring that hiring personnel do not have access to protected group information.

Action Steps:

- Meet with hiring personnel to review and suggest recruitment methods and to identify whether there is a disparity for any of the three protected groups.
- Review hiring responsibilities and procedures with managers and supervisors.

These activities are carried out on a regular basis.

The Affirmative Action Officer designee will work with MMB's Office of Diversity and Equal Opportunity to develop a comprehensive workforce/utilization analysis in order to develop affirmative action goals and timetables.

Action Steps:

- Update current workforce/utilization analysis for the new affirmative action plan.

- Develop new hiring goals and timetables for approval in the agency's affirmative action plan.
- Disseminate information about job classifications for which there are disparities to all hiring personnel.

These activities are done on a biennial basis for the agency's Affirmative Action Plan.

Educate all managers and supervisors about their affirmative action responsibilities.

Action Steps:

- Develop informational materials outlining the hiring process for vacancies in which a disparity exists directly addressing the role of the manager/supervisor.
- Develop informational materials specifically addressing the manager/supervisor's role in implementing the affirmative action plan and specific supervisory responsibilities that contribute to the retention of protected group members.
- Inform all managers and supervisors of external training pertaining to affirmative action/equal opportunity and Americans with Disabilities Act.
- Work with Training Coordinator to ensure that all managers and supervisors have attended Core training, which includes affirmative action, Americans with Disabilities Act and discrimination/discriminatory harassment training.

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

Action Steps:

- Post Affirmative Action plan in multiple visible locations throughout the agency and on the web site.
- Distribute information announcing training, conferences, events, etc.

The Affirmative Action plan is posted on bulletin boards and is available in the Human Resources Office. We are working to include this information on the Agency's web site and on the internal Intranet. Information on training, conferences and events is regularly posted on the agency's electronic bulletin board.

Evaluate recruitment process used to hire for classified employees to determine if methods are effective in recruiting protected group applicants.

Action Steps:

- Survey persons inquiring about position regarding where they heard about the position.
- Investigate other advertising and recruiting methods.

METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

Pre-Employment Review Process

The Minnesota Department of Education is an equal opportunity employer. The Department's affirmative action plan states that:

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

Policy:

When an established affirmative action goal for a specific goal unit is not being met and a vacancy occurs which is to be filled from an eligible list containing interested protected group members of disparate groups, the supervisor's hiring recommendation shall be reviewed by the affirmative action officer designee.

Procedures:

When a vacancy occurs in a category which has unmet affirmative action goals, the following procedures shall apply:

The Human Resources Office shall:

- Work with supervisors to effectively recruit disparate group candidates for the position.
- Notify the supervisor that affirmative action goals are not being met for one or more protected groups and that there are members of those groups on the eligible list.
- Advise the supervisor of their responsibility to use objective criteria in making their decisions on interviewing and hiring and to provide this information to the affirmative action officer designee.

The Supervisor shall:

- Establish objective criteria for determining candidates to interview for the position.
- Prior to making an offer to a selected candidate, prepare written rationale based on knowledge, skills and abilities outlined in the vacancy position description to justify the interviewing and hiring decision.
- Send this rationale and copies of the position description, the application of the candidate being considered for hire, all interview materials including the established criteria, and the eligibility list to the affirmative action officer designee.

The Affirmative Action Officer Designee shall:

- Review the rationale submitted by the supervisor, requesting additional information if necessary.

- If necessary, discuss the implication of bypassing candidates who fill the disparity with the Administrative Services Director.
- Make recommendation to the supervisor, division manager, and Human Resources Director of approval/disapproval of hiring decision.

The Division Manager shall:

- Review recommendations, determine what action to take, and inform the Affirmative Action Officer Designee of the final decision.

The Commissioner shall:

- If the Department has over 25% missed opportunities, the final decision on each hire rests with the commissioner after consultation with the appropriate division manager and the Affirmative Action Officer Designee.

Pre-Layoff Process

The manager of Administrative Services and the Affirmative Action Officer Designee will review all layoff plans to determine their effect on agency affirmative action goals and timetables and inform management. If layoff plans have a negative effect on the agency’s affirmative action goals, the Manager of Administrative Services and the Affirmative Action Officer Designee shall inform management of alternatives available which are in keeping with applicable collective bargaining agreements and plans.

Auditing, Evaluating, Reporting Program Success

The Department keeps records on hires, monitoring the hiring process reports, purchase orders for advertising and recruitment fees, persons leaving employment and on complaints received. As a representative for the Affirmative Action Office, the office of Human Resources and its personnel will gather and maintain applicable affirmative action records reflecting interview processes and hires, turnovers, and any complaints regarding such hiring and retention activities.

Evaluation:

The Affirmative Action Officer designee shall evaluate the Affirmative Action Plan by:

Reviewing monthly statistics reflecting current complement based on protected classes and availability data.

Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, gender, and disability status.

Reviewing recruitment sources and strategies used and the results of those efforts to help fill future vacancies for which there was under-representation.

Reviewing formal discrimination complaints filed in the past quarter.

Reviewing training provided to employees to analyze for upward mobility impact including job assignment, job progression, promotion, and transfer by job classification, bargaining unit, racial/ethnic group, gender, and disability status.

Audit and Reporting Structure:

The Affirmative Action Plan for the Department of Education will be reviewed by the Commissioner. The Department’s Affirmative Action Officer Designee will monitor the procedures to evaluate progress and ensure that the nondiscrimination policy is carried out.

The documents or reports that will be maintained and reported and used as an audit guide will include but not limited to the following documents:

- Affirmative Action Plan and workforce analysis data
- Recruitment documentation such as advertising sources, amounts spent, specific recruitment activities
- Affirmative action/discrimination complaints
- ADA complaints
- Missed opportunities
- Separation and layoff patterns and statistics

DATA PRACTICES

The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43, Subd. 2) governing the collection and disclosure of all government data, including personnel data, and shall not be disclosed.

Documentation will be kept on the selection process for all appointments for at least two (2) years, in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43)

RECRUITMENT PLAN:

The objective of this recruitment plan is to ensure our agency recruitment programs are publicly marketed, that they attract and obtain qualified applicants, enhance the image of state employment and 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 to achieve a balanced workforce.

Advertising Sources:

During the past year this department has relied primarily upon the State's Career website for recruiting. Additional sources have been utilized to attract qualified candidates such as, college and university postings, professional organization or association email lists, and professional networks of hiring personnel.

MDE intends to expand recruiting efforts to more actively reach qualified applicants for which there is an underutilization by more frequently utilizing minority and disability specific recruitment outlets and job boards.

MDE utilizes internships on a very limited basis and has recruited interns through contact by interested parties and employee suggestions.

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

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

RETENTION PLAN:

The Human Resources Director is responsible for the retention plan. The Department feels that the retention effort begins with the employees first day on the job. We have developed a checklist for supervisors to use for working with new employees. This checklist includes various suggestions for welcoming and orienting new employees to the Department. These suggestions include the use of a mentor to help the employee on a day-to-day basis with the work and the processes and procedures used in their office.

The Department has implemented a performance management system with an increased emphasis on individual development plans. Employees must have a development plan incorporated in their annual performance review. This development plan is a cooperative effort on the part of the employee and the supervisor.

SEPARATION ANALYSIS:

Separation data for fiscal year 2011 and 2012 were analyzed. This data included both unlimited classified and unclassified positions. A basic analysis of each year follows in the table below based on the percentages (and total numbers in parentheses) for females, minorities and people with disabilities.

| 2011-12 Category | 2011 Separation Data | 2012 Separation Data | Current MDE Demographics | Current Disparities | Reasons |
|--------------------------|----------------------|----------------------|--------------------------|---|--|
| Females | 78.6% (33) | 69.2% (27) | 289 | None | Successful recruiting and hiring of females |
| Minorities | 4.8% (2) | 7.7% (3) | 25 | Professional and Clerical | Decreased disparity in the area of minority professionals; and clericals became disparate based on a minority retirement |
| People with Disabilities | 7.1% (3) | 5.3% (2) | 23 | Officials/ Administrators and Professionals | Increased the disparity by two in O/A category; decreased disparity by hiring three professionals with disabilities |
| | 100% (38) | 100% (32) | 337 | | |

The Females category has stayed relatively stable across time. Although there has been turnover in the Female category, MDE has been successful at recruiting and hiring additional females to avoid a disparity.

Based on data contained in the 2010 – 2012 Affirmative Action Plan, MDE was only underutilized in the professional category for minorities. The Minority category is still underutilized but there was a decrease in the amount of the disparity, which is positive. As a result of a retirement, which is a positive method of separation in terms of retention of employees, MDE has also become underutilized in the clerical category by one person.

In the Disability category, all of the separations occurred as a result of retirements. Again, this is a positive method of separation in terms of retention of employees. The administrators/officials category turns over very little outside of the gubernatorial election, so little progress is anticipated in this category. Additional work needs to be done considering the level of the disparity in terms of the professional category.

APPENDIX A

**DEPARTMENT OF EDUCATION DISCRIMINATION /
DISCRIMINATORY HARASSMENT COMPLAINT FORM**

The information on this form is collected so that the Department may review your complaint under its Discrimination/Discriminatory Harassment Policy, administer that Policy, and monitor compliance with it. You are not legally required to provide this information, but the Department may not be able to review your complaint if you do not provide sufficient information. The information collected is private personnel data on you. It will, however, be disclosed, as needed within the agency to the Affirmative Action Officer Designee, Human Resources Director, appropriate managers or assistant commissioners, and the Commissioner. During any investigation the data remains personnel data on you, but it may also be disclosed to any individual subject to the limitations imposed by Minn. Stat. Sec. 13.43, subd. 8, who may have information on the matter, the employee against whom or on whose behalf the complaint is made, or to the Minnesota Department of Human Rights or the Equal Employment Opportunity Commission.

Information on the Complainant (*person filing the complaint*):

Name: _____ Job Title: _____ Phone: _____

Work Location: _____ Division: _____

Supervisor: _____

Information on the primary respondent (*person against whom you are filling the complaint*):

Name: _____ Job Title: _____

Work Location: _____ Division: _____

Supervisor: _____

Names of any secondary respondents involved in this complaint:

I believe I was discriminated against because of:

- Race Color Creed Religion Disability
 Age Marital Status National Origin Sexual Orientation
 Status with regard to Public Assistance Membership or Activity in a Local Commission
 Sex

Date most recent act of discrimination/discriminatory harassment occurred _____

Describe the incident(s) in detail, beginning with the most recent incident. Include names, types of behavior, location, dates, and witnesses. *(Attach additional sheets if necessary).*

Witnesses:

Work Address/Phone:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(Please use the space below to continue with witnesses if necessary).

Relief requested:

This complaint is being filed on my honest belief that I have been discriminated against/sexually harassed. 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's signature

Date

Received by: _____

Date: _____

Did you file this complaint with another Agency?

_____ Yes _____ No

If yes, which agency? _____

Employee Request for Reasonable Accommodation

Employee Name: _____ Job Title: _____

Date of Request: ____ / ____ / ____ Division: _____

This information will be used by the ADA Coordinator 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.

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:

| | |
|---|---|
| <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"/> Modification to a rule, policy or practice | <input type="checkbox"/> Other (specify): |

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

Signature of Employee _____ Date: _____