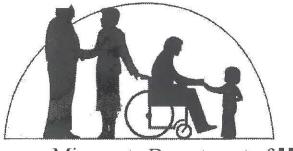
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Minnesota Department of Human Services

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

June 30, 2000 through July 1, 2002

OFFICE FOR EQUAL OPPORTUNITY, AFFIRMATIVE ACTION AND CIVIL RIGHTS

This information is available in other forms to people with disabilities by calling 651-296-7562 (voice) or 651-296-8758 (TTY)



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Minnesota Department of Employee Relations

State of Minnesota: Employer of Choice

January 8, 2001

Mary Jean Turinia Anderson Director – Office for Equal Opportunity Department of Human Services 444 Lafayette Road St. Paul, MN 55155-3812

Dear Ms. Turinia Anderson:

Congratulations! Our office is pleased to notify you that we have approved your agency's 2000 – 2002 affirmative action plans. This approval includes the Central Office, Ah-Gwah-Ching, Anoka, Brainerd, EMSOCS, Fergus Falls, METO, Moose Lake, St. Peter and Willmar. Your agency has developed good plans that should advance affirmative action efforts in state service during the next two years. We look forward to working with you on the implementation of the plans.

Upon receipt of this letter, please forward a clean copy of the plans to our office and six (6) additional copies to the Legislative Reference Library at:

State Office Building, Sixth Floor 100 Constitution Avenue St. Paul, MN 55115

Your next affirmative action plans are scheduled for submission January 31 or July 31, 2002. If you require additional assistance, please do not hesitate to contact our office.

Thank you for your continued cooperation in this matter.

Sincerely,

Michael Watts Director, Office of Diversity and Equal Opportunity (651) 296-8272/V or (651) 297-2003/TTY

Enclosure

aapltrs/approval

MINNESOTA DEPARTMENT OF HUMAN SERVICES

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000 - JULY 1, 2002

TABLE OF CONTENTS

I.	ADMINISTRATION		1-8
3	Organization Equal Employment Opportunity and Affirmative Action Policy Responsibilities, Duties and Accountabilities Audit and Evaluation Minnesota Merit System Affirmative Action Guidelines Civil Rights Plan	1 2 3-5 6 7 8	
11.	AMENDMENTS Disability Goals for Central Office and SOS	10-19	9-19
.	DEPARTMENT POLICIES		20-37
·	Central Office State Operated Services	20-30 31-37	
IV.	CURRENT STATUS OF EMPLOYMENT Current Workforce Protected Group Distribution Workforce Protected Groups Distribution 1990-2000 Minnesota Merit System	38-39 40-41 42	38-42

(continued)

Table of Contents Page 2

V. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLANS

Α.	CENTRAL OFFICE	43-65
B.	AH GWAH CHING CENTER	66-83
C.	ANOKA REGIONAL TREATMENT CENTER	4-112
D.	BRAINERD REGIONAL HUMAN SERVICES CENTER	3-132
E.	EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES	3-151
F.	FERGUS FALLS REGIONAL TREATMENT CENTER	2-173
G.	MINNESOTA EXTENDED TREATMENT OPTIONS	4-192
Н.	MOOSE LAKE REGIONAL STATE OPERATED SERVICES	3-210
I.	ST. PETER REGIONAL TREATMENT CENTER	1-227
J.	WILLMAR REGIONAL TREATMENT CENTER	8-250

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ADMINISTRATION

ORGANIZATION

The Minnesota Department of Human Services (DHS) is organized into ten geographic areas of the state and includes a central office and nine State Operated Services (SOS). In addition, the Department provides technical assistance to and monitors the Equal Opportunity activities of the County Human Services Agencies in the Minnesota Merit System.

The DHS Equal Opportunity Director provides department-wide direction and oversees the EO activities of Central Office and provides consultation to the State Operated Services. The Chief Executive Officer/Director of each SOS has responsibility for implementing the Affirmative Action Plan and designating a facility Affirmative Action Officer. The following are designated SOS Affirmative Action Officers:

Ah-Gwah-Ching:	Tim Qualley Ah-Gwah-Ching Center Ah-Gwah-Ching, MN 56430	218-547-8380
<u>Anoka</u> :	Twanda MacArthur Anoka-Metro Regional Treatment Center 3300 - 4th Avenue North Anoka, MN 55303	723-712-4050
Brainerd	Connie Fentress Brainerd Regional Human Services Center 11800 State Highway 18 Brainerd, MN 56401	218-828-6162
MN Extended Treatment Options(METO)	Jenny McAlpine METO 1235 Highway 293 Cambridge, MN 55008	612-689-7219
Eastern Minnesota State Operated Community Services	Lori Panneck EMSOCS 2284 Highcrest Rd Roseville, MN	651-582-1858
Fergus Falls:	Vernie McClure Fergus Falls Regional Treatment Center 1400 North Union Avenue Fergus Falls, MN 56537	218-739-7200
Moose Lake:	Jennifer Collins Moose Lake Regional State Operated Services 1111 Highway 73 Moose Lake, MN 55767	218-485-0713
St. Peter:	Shelly Hochstein St. Peter Regional Treatment Center/MN Security Hospital 100 Freeman Drive St. Peter, MN 56082	507-931-7230
<u>Willmar</u> :	Karen Ochsendorf Willmar Regional Treatment Center Box 1128 Willmar, MN 56201	320-231-5375

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

PURPOSE:

To establish consistency in the Department of Human Services with regard to equal employment opportunity and affirmative action.

Minnesota Human Rights Act, Chapter 363, M.S. 43A, Rules Governing the Statewide Affirmative Action Program.

POLICY:

It is the policy of the Department to conduct all personnel activities without regard to race, creed, color, sex, national origin, age, marital status, sexual orientation, disability, membership or activity in a local human rights commission, religion, political affiliation or status with regard to public assistance.

Personnel activities include, but are not limited to, recruitment, selection, assignment, training, promotion, compensation, fringe benefits, leaves of absence, discipline and lay-offs affecting all employees and applicants.

Where the Department's workforce is under represented in any goal unit/job category for women, minority or disabled persons, affirmative action will be taken to employ individuals from those under represented groups.

A program of affirmative action will be developed and maintained to eliminate barriers to equal employment opportunity and to encourage the employment and advancement of qualified women, minority and disabled persons in accordance with their availability in the relevant labor market.

RESPONSIBILITIES:

The Commissioner has responsibility for overall implementation of this policy throughout the Department. The Commissioner has delegated implementation of this policy to the DHS Equal Opportunity Director, DHS Human Resources Director, and State Operated Services Chief Executive Officer/Director and Affirmative Action Officers/designees.

These accountabilities are detailed in this DHS Affirmative Action Plan.

PROCEDURES:

Central Office and the State Operated Services have established specific internal procedures that minimally meet and may exceed the standards established in the DHS Policies and Procedures.

Policies and procedures can be found in individual plans for: Reasonable Accommodation Pre-Employment Review Investigation Procedures Prohibition of Discrimination

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

Commissioner/Deputy Commissioner - Michael O'Keefe/Tom Moss

Responsibilities:

L.

Oversee and ensure implementation of the Department's equal opportunity policy and affirmative action program including Central Office and State Operated Services, in compliance with existing federal and state laws, and regulations. **Duties:**

- 1. Appoint the Equal Opportunity Director.
 - 2. Include accountability for the administration of the agency's Affirmative Action and Equal Opportunity Plan in his/her position description.
 - 3. Require Chief Executive Officers/Directors, managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
 - 4. Take action on complaints of discrimination as outlined in the Plan complaint procedure.
 - 5. Issue an annual written statement to all employees affirming support of the State's equal opportunity policy and the Department's Affirmative Action and Equal Opportunity Program.
 - 6. Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative Action and Equal Opportunity.

Accountability: The Governor.

11. Equal Opportunity Director - Mary Jean Turinia Anderson **Responsibilities:**

To administer the Department's Affirmative Action, Equal Employment Opportunity and Civil Rights Program.

- **Duties:**
- 1. Monitor implementation of the Department's Affirmative Action and Equal Opportunity Plan.
- 2. Investigate alleged discrimination complaints, coordinate handling of discrimination charges brought against the Department, and maintain a centralized record of such charges.
- 3. Establish annual hiring goals, review the Department's AA Plan annually and complete all civil rights and affirmative action reports as required.
- Monitor and provide direction and consultation on AA, EEO matters to 4. State Operated Services Chief Executive Officers/Directors and Affirmative Action Officers.
- 5. Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the department.
- 6. Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
- 7. Act as the liaison between the department and the Equal Opportunity Division of the Department of Employee Relations.
- 8. Determine the need for affirmative action related training programs.
- Review department policies, procedures, programs, and reasonable 9. accommodations for disabled persons and recommend changes to the Commissioner.
- 10. Plan and participate in the recruitment of protected group applicants for Department job openings.
- 11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations, and keep apprised of new developments in the area of affirmative action and equal opportunity.

12. Ensure compliance with state and federal human and civil rights laws. Accountability: Commissioner/Deputy Commissioner

III. DHS Human Resources Director - Martha Watson Responsibilities:

Ensure that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

Duties: The duties of the Human Resources Director include, but are not limited to the following:

- Make available to the EO Director all records and information data necessary to perform affirmative action duties and responsibilities.
- Provide the EO Director an opportunity to participate in decisions regarding personnel practices.
- 3. Recommend specific annual Affirmative Action program objectives and annual hiring goals for the Affirmative Action Plan.
- Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of the employment interview.
- Recommend changes in policy and procedure to improve the Department's ability to achieve affirmative action objectives.
- Inform the EO Director of discrimination charges brought through a union grievance process and consult with the EO Director regarding resolution of the grievance.

Accountability: Commissioner/Deputy Commissioner

VI. Civil Rights Coordinator - JoAnn DaSilva

Responsibilities:

Develop and implement the Department's Civil Rights Plan to ensure on-going compliance with federal requirements enforced by the U.S. Department of Health and Human Services' Office for Civil Rights (OCR).

Duties:

- 1. Maintain a structure for the Department's Civil Rights Plan.
- 2. Serve as liaison between the Department and OCR.
- 3. Conduct prompt and thorough complaint investigations to resolve allegations of discrimination in the provision of human services.
- Provide technical assistance, training and education to service providers and others with a need to know and an interest in the public's right to equal access to human services.

Accountability: DHS Director for Equal Opportunity

V. Chief Executive Officer/Director

Responsibilities:

To oversee and ensure implementation of the State Operated Services Equal Opportunity Policy and Affirmative Action program in compliance with existing federal and state laws, and regulations. **Duties:** 1. Appoint an Affirmative Action Officer and 504 Coordinator and notify DHS

- Affirmative Action Director of these designees.
- Resolve internal discrimination complaints and notify DHS EO Director of all enforcement agency charges.
- Ensure that DHS Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
- Issue an annual written statement to staff communicating support of the affirmative action/equal opportunity policies.

Accountability: Assistant Commissioner

V. Affirmative Action Officer/Designee

Responsibilities:

Implement and maintain the Central Office/State Operated Services Affirmative Action Program.

Duties:

1.Develop and recommend changes or improvements to the AA/EEO program to the Chief Executive Officer/Director.

- Monitor the personnel practices for impact on protected groups; complete progress and other required reports.
- 3. Act as liaison with DHS Equal Opportunity Director.
- Ensure that equal opportunity/affirmative action policies and procedures are disseminated to employees, including developing and implementing training programs.
- 5. Investigate, mediate and recommend resolution of discrimination complaints to the EO Director or Chief Executive Officer/Director.

Accountability: Chief Executive Officer or EO Director

VI. Managers and Supervisors

Responsibilities:

To ensure compliance with statewide and Department Affirmative Action programs and to ensure equal treatment of all employees.

- Duties:
- Assist the Equal Opportunity Director and/or Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- 2. Hire and promote qualified protected group members where a disparity exists.
- Communicate and demonstrate a personal commitment to the Department's Equal Opportunity/Affirmative Action policy.
- Include responsibility statements for Affirmative Action/Equal Opportunity in position descriptions, and annual performance objectives.
- 5. Assist and make recommendations to the Affirmative Action Officer regarding special recruitment projects.
- Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- 7. Ensure that all employees under their supervision receive an annual Affirmative Action orientation.

Accountability: Deputy Commissioner, Assistant Commissioner or Chief Executive Officer/Director directly, and to the Commissioner, indirectly.

VII. All Employees

Responsibilities:

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

AUDIT AND EVALUATION

- A. On a quarterly basis the DHS Equal Opportunity Director and residential facility affirmative action officers will:
 - review goal achievement, separation and missed opportunity reports to identify trends/problems and develop action steps to correct.
 - 2. inform the Commissioner/CEO, supervisors and managers of progress or changes in goal achievement status; and
 - evaluate progress with action steps/efforts made during the previous quarter and update action steps.
- B. <u>Annually</u>, the residential facility affirmative action officers will send to the DHS Equal Opportunity Director an end of the year summary of the following activities:
 - 1. changes in internal AA/EO procedure or policies;
 - 2. training and information sessions conducted that are related to AA/EEO;
 - 3. progress toward completion of action steps that were established during the quarterly review;
 - 4. recruitment sources and activities identified in a recruitment plan;
 - 5. specialized projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions; and
 - number and type of discrimination complaints received, both informal and formal, and status
 of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination
 occurred).
- C. <u>Biennially</u>, the residential facility affirmative action officers will forward an Affirmative Action Plan to the EO Director that contains:
 - 1. completed and signed transmittal forms that identify facility disparities;
 - 2. specific action steps for the next two years;
 - recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps;
 - 4. hiring goals for the next two years, based on current disparities;
 - 5. number of reasonable accommodation requests received and approved or denied.
 - 6. Recruitment and Retention plans;
 - 7. summary report of targeted internship programs; and
 - 8. other items as required by Administrative Procedures.
- D. <u>Bienially</u>, the Equal Opportunity Director will submit for approval to the Office for Diversity and Equal Opportunity of the Department of Employee Relations, the following:
 - 1. all Transmittal Forms;
 - 2. policy revisions or additions that have occurred during the previous two fiscal years;
 - 3. all DHS hiring goals for the period;
 - 4. Commissioner's statement of commitment; and
 - 5. all DHS action steps;
 - 6. recruitment and retention plans;
 - 7. other items required by Administrative Procedures.

MINNESOTA MERIT SYSTEM AFFIRMATIVE ACTION GUIDELINES SUMMARY

Purpose

The Minnesota Merit System (MMS) Affirmative Action (AA) and Equal Opportunity (EEO) Policies are administered by the Minnesota Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights. The purpose of the guidelines is to establish minimum AA/EEO standards for Merit System Human Service Agencies. These guidelines are intended to provide a consistent framework with regard to equal employment opportunity and affirmative action in Merit System agencies. **Policy**

It is the policy of the Minnesota Merit System that county human services agencies conduct all employment practices without regard to race, color, political affiliation, creed, religion, sex, national origin, disability, age, marital status, status regard to public assistance. Equal employment opportunity under this policy includes, but is not limited to, the following: Recruitment, examination, appointment, tenure, compensation, classification or promotion and other activities in accordance with applicable federal, state and local laws and regulations.

A program of affirmative action will be maintained to eliminate barriers to equal employment opportunity and to encourage the employment and advancement of qualified women and minority persons when the agency's workforce is under represented in any job category. Although hiring goals are not set for persons who are disabled, agencies are required to provide equal employment opportunities and are encouraged to actively recruit persons with disabilities.

Responsibilities

The county agency's director has overall responsibility for implementing these guidelines throughout the agency. This includes establishing specific internal procedures that minimally meet the standards established in these guidelines.

Role of DHS

The DHS Office for Equal Opportunity (EEO) Affirmative Action and Civil Rights provides consultation, technical assistance, recruitment, training, goal setting review and monitoring of Merit System County Welfare Human Service Agencies to ensure affirmative action and equal employment opportunity in these agencies.

Scope

All Merit System agencies must comply with these guidelines regardless of whether they do nor do not have county wide AA plans. The guidelines apply specifically to all Merit System employees. Minnesota counties may voluntarily have county wide AA plans approved by the Minnesota Department of Human Rights and receive a certificate of compliance; or a county may choose not to have county wide affirmative action plan that is certified by the Minnesota Department of Human Rights. In either situation, the County Merit System Human Service Agency continues to be covered under these merit system guidelines.

Merit system rules 9575.0090, subpart 2a and the American Disabilities Act (ADA), Title I, requires the following:

- A. A policy defining and prohibiting harassment, including sexual harassment.
- B. An internal discrimination complaint policy and procedure that includes notification of the Department of Human Services (DHS) Office for Equal Opportunity, Affirmative Action, and Civil Rights of complaints that are brought and their resolution.
- C. Provision for appointment of a person to provide liaison between the county agency and the Department of Human Services Office for Equal Opportunity, Affirmative Action, and Civil Rights and to have responsibility for implementation of the guidelines within the agency.
- D. Provision for participation by the county agency in an affirmative action committee.
- E. Notification of the DHS Office for Equal Opportunity, Affirmative Action, and Civil Rights of periodic hiring goals established by the county agency.
- F. Compliance with ADA, Title I, which prohibits discrimination against disabled employees of job applicants.

CIVIL RIGHTS PLAN SUMMARY

LEGAL BASIS/SCOPE:

Under the Department of Health and Human Services (HHS) Regulations, every state agency receiving federal financial assistance from HHS for any program is charged with the responsibility to ensure that the service, financial aid, or benefits it provides, whether through its own staff, its local counterparts, its sub-grantees, or others participating in the program, are provided without discrimination on the basis of race, color, national origin, sex, religion, handicap and age. Each state agency applying for federal financial assistance for continuing health, welfare, or social service programs is required to provide for such methods of administration for the program that will ensure that the benefits and services within the programs are provided in a non-discriminatory manner; and, to execute an assurance of compliance with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act, as amended.

DHS has established a civil rights compliance plan that was approved by the Health and Human Services Office for Civil Rights, in March 1986. This plan is administered by the Department's Civil Rights Coordinator.

This plan ensures that the Minnesota Department of Human Services and its sub-grantees do not discriminate on the basis of race, sex, religion, age, color or national origin in the operations, policies and procedures of federally funded programs. The following areas are addressed:

- 1. Assignment of Responsibility for Implementation
 - 2. Title VI, Section 504, Age Discrimination & Cultural Awareness Training
 - 3. Compliance by other Participants
 - 4. Dissemination of Information to Beneficiaries & General Public
 - 5. Civil Rights Complaint Policy and Procedure
- 6. Recruitment and Employment Practices
- 7. Planning, Advisory and Policy Boards
- 8. Continuing Compliance
- 9. Program Accessibility
- 10. Specific Section 504 Requirements and Institutions
- 11. Corrective Requirements
- 12. Compliance Records

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AMENDMENTS

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AMENDMENTS TO AGENCY PLANS

June 30, 2000

Consistent with the directive dated June 30, 2000 from Commissioner Julien C. Carter, Minnesota Department of Employee Relations, the use of the 12.82% statewide hiring goal across job classifications for persons with disabilities for all plans contained within this document is suspended. For the purposes of this plan, the Department of Human Services will maintain its commitment throughout the agency to hiring people with disabilities. DHS will offer to participate and assist in the DOER work group, which will focus on obtaining refined, accurate availability data and upon receipt of the work group report implement the plan revisions as appropriate to developing hiring goals for persons with disabilities. Further, DHS will increase its recruitment effort by expanding the outreach effort to the disability community, thereby enhancing the availability of applicants with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

July 1, 2000

Signatures, where indicated in this plan, are on file with and may be obtained from the Minnesota Department of Human Services, Office for Equal Opportunity, Affirmative Action and Civil Rights, 444 Lafayette Road North, St. Paul, Minnesota; 55155-3812.

November 7, 2000

OEO staff participated in the Disability Goals Task Force. The result of that group was adoption by DOER of new hiring goals based on EEO-4 categories for people with disabilities. The Department of Human Services is committed to hiring individuals with disabilities who can perform the essential job functions with or without reasonable accommodations. Furthermore, the Department has continued to recruit and consider qualified candidates with a disability for vacant positions even with the suspension of the goals. Central Office and the State Operated Services will calculate and report the status of disparities for people with disabilities in all categories at such time that final guidance is issued by the Office for Diversity and Equal Opportunity.

January 16, 2001

Consistent with the Department of Employee Relations Commissioner Carter's memo of 11/3/00, the Department of Human Services has adopted disability hiring goals based on those new Utilization Analyses and Availability Data (Attached). The attached Amendments show the calculated disparities for Central Office and the 9 State Operated Services and the hiring goals for each disparate EEO-4 category.

Furthermore, the Department of Human Services is committed to hiring individuals with disabilities who can perform the essential functions of positions with or without reasonable accommodations. The Department has and will continue to recruit and consider qualified candidates with a disability for vacant positions. Central Office and the 9 State Operated Services have and will continue to use expanded certification in filling positions as appropriate.

Central Office and the 9 State Operated Services will review progress towards the achievement of hiring goals for people with disabilities based on the quarterly updated reports provided by ODEO.

February 23, 2001

The DHS Central Office Reasonable Accommodation policy was revised during the plan review process. The newest version dated 8/00 may be found in the DEPARTMENT POLICIES Section and in the Central Office Affirmative Action Plan. The policy has been submitted to DOER-ODEO as a plan revision item.

AH GWAH CHING CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	19	5.30%	8.66%	0.65	
Officials and	4	25.00%	13.74%		
Administrators				22	
Paraprofessionals	66	6.10%	7.68%	1.07	1
Professionals	49	12.20%	8.61%		
Service/Maintenance	48	12.50%	8.19%		
Protective Services	0	0%	8.79%		
Skilled Craft	15	6.70%	8.90%	0.34	
Technicians	28	3.60%	8.30%	1.32	1
TOTALS	229	8.70%	•		2

ANOKA REGIONAL TREATMENT CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
ч Я	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	59	18.60%	8.66%		
Officials and	6	33.30%	13.74%		
Administrators				21	
Paraprofessionals	152	7.20%	7.68%	0.67	1
Professionals	275	6.50%	8.61%	5.68	3
Service/Maintenance	70	14.30%	8.19%		
Protective Services	0		8.79%		
Skilled Craft	15	6.70%	8.90%	0.34	. 1
Technicians	66	10.60%	8.30%		
TOTAL	643	9.30%		a	5

BRAINERD REGIONAL CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	42	16.70%	8.66%		
Officials and	. 13	23.10%	13.74%		
Administrators			8		
Paraprofessionals	257	7.00%	7.68%	1.74	1
Professionals	170	11.80%	8.61%		-
Service/Maintenance	84	13.10%	8.19%		
Protective Services	0		8.79%		
Skilled Craft	18	16.70%	8.90%		
Technicians	68	7.40%	8.30%	0.64	
TOTAL	652	10.30%			1

CENTRAL OFFICE 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	268	10.10%	8.66%		
Officials and	136	10.30%	13.74%	4.69	3
Administrators					
Paraprofessionals	28	3.60%	7.68%	1.15	1
Professionals	1282	10.90%	8.61%		
Service/Maintenance	14	14.30%	8.19%		
Protective Services	0		8.79%		
Skilled Craft	0		8.90%		
Technicians	174	10.30%	8.30%		
TOTAL	1852	10.60%			4

EMSOCS 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	10	10.00%	8.66%		
Officials and	5	0%	13.74%	0.69	
Administrators					7
Paraprofessionals	577	3.50%	7.68%	24.31	5
Professionals	50	2.00%	8.61%	3.31	1
Service/Maintenance	0	0%	8.19%		
Protective Services	0	0%	8.79%		
Skilled Craft	1	0%	8.90%	0.09	
Technicians	145	7.60%	8.30%	1.04	1
TOTAL	788	4.20%			7

FERGUS FALLS REGIONAL TREATMENT CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES	The second secon		GOAL
Office/Clerical	27	14.80%	8.66%		
Officials and	2	0%	13.74%	0.27	
Administrators	5×1			x	
Paraprofessionals	183	4.40%	7.68%	6.05	1
Professionals	131	8.40%	8.61%	0.28	1
Service/Maintenance	43	11.60%	8.19%		
Protective Services	0	0%	8.79%		
Skilled Craft	10	0%	8.90%	0.89	
Technicians	92	3.30%	8.30%	4.64	1
TOTAL	488	6.40%			3

METO 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	15	20.00%	8.66%		
Officials and	4	0%	13.74%	0.55	
Administrators					
Paraprofessionals	40	2.50%	7.68%	2.07	1
Professionals	66	12.10%	8.61%		
Service/Maintenance	8	25.00%	8.19%		
Protective Services	0	0%	8.79%		
Skilled Craft	12	25.00%	8.90%		
Technicians	129	4.70%	8.30%	4.71	1
TOTAL	274	8.40%			2

MOOSE LAKE REGIONAL STATE OPERATED SERVICES 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

· · · · · · · · · · · · · · · · · · ·					
EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
a di	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	24	12.50%	8.66%		
Officials and	3	33.30%	13.74%		
Administrators					
Paraprofessionals	163	6.10%	7.68%	2.52	2
Professionals	111	9.90%	8.61%		
Service/Maintenance	14	0%	8.19%	1.15	1
Protective Services	137	3.60%	8.79%	7.04	2
Skilled Craft	4	25.00%	8.90%		
Technicians	39	7.70%	8.30%	0.24	
TOTAL	495	6.90%			5

ST. PETER REGIONAL TREATMENT CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
15	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	36	8.30%	8.66%	0.12	
Officials and	8	0%	13.74%	1.10	
Administrators					
Paraprofessionals	60	8.30%	7.68%		
Professionals	261	8.40%	8.61%	0.47	1
Service/Maintenance	93	9.70%	8.19%		*
Protective Services	187	4.80%	8.79%	7.44	2
Skilled Craft	27	11.10%	8.90%		
Technicians	89	15.70%	8.30%		
TOTAL	761	8.50%			3

WILLMAR REGIONAL TREATMENT CENTER 2000 – 02 AFFIRMATIVE ACTION PLAN AMENDMENT HIRING GOALS FOR PERSONS WITH DISABILITIES

EEO-4 CATEGORY	TOTAL	% WITH	% GOAL	DISPARITY	HIRING
	EMPLOYEES	DISABILITIES			GOAL
Office/Clerical	26	11.50%	8.66%		
Officials and	7	0%	13.74%	0.96	
Administrators	0				
Paraprofessionals	144	7.60%	7.68%	0.06	1
Professionals	175	8.60%	8.61%	0.07	1
Service/Maintenance	46	10.90%	8.19%		
Protective Services	0	0%	8.79%		
Skilled Craft	16	6.30%	8.90%	0.42	
Technicians	110	7.30%	8.30%	1.13	1
TOTAL	524	8.20%			3

DEPARTMENT POLICIES

STANDARDS OF CONDUCT - PROHIBITION OF DISCRIMINATION

PURPOSE:

To establish a policy on prohibition of discrimination and to establish procedures for reporting and reviewing/investigating complaints.

AUTHORITY:

Minnesota Statutes, sections 43A.19-43A.191 (State personnel law prohibiting discrimination in employment); Minnesota Statutes, chapter 363 (Minnesota Human Rights Act); Minnesota Department of Employee Relations Administrative Procedure 1.2 (harassment prohibited); U.S. Civil Rights Act, Title VII; all applicable collective bargaining agreements; Americans with Disabilities Act.

POLICY:

DHS shall provide a work environment free of unlawful discrimination. This policy extends to all employment practices.

DEFINITIONS:

Discrimination: An unlawful employment practice based on race, creed, color, national origin, religion, status with regard to public assistance, political affiliation, age, sex, marital status, sexual preference, membership or activity in a local (human rights) commission or disability.

Discriminatory Harassment: A verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an in intimidating, hostile or offensive work environment between supervisors and subordinates or among co-workers and is based on a protected characteristic.

Sexual Harassment: A form of discriminatory harassment that includes unwanted behavior of a sexual nature that may include requests for sexual favors or other verbal or physical conduct of a sexual nature that creates a hostile work environment when:

- Submission to that conduct or communication is made a term or conditions, explicitly or implicitly, of employment;
- Submission to or rejection of that conduct or communication 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 work environment.

POLICY VIOLATIONS:

Violations of this policy may constitute grounds for disciplinary action, including discharge. Each situation will be evaluated on the basis of its particular facts, circumstances and severity.

RESPONSIBILITY:

The Commissioner shall:

- 1. Implement the provisions of this policy.
- 2. Ensure that employees are fully aware of this policy.
- Make final determinations on discrimination complaints.

The employee shall:

- Report any allegations of discrimination to his/her immediate supervisor, to the Equal Opportunity Director, the Commissioner, or his/her designee verbally or by completing the Central Office Discrimination/Harassment Complaint Form available in the Office for Equal Opportunity and the Human Resources Office, or by submitting a written statement detailing the specific actions involved, persons responsible and requested remedy.
- 2. If the complaint is related to an action of the immediate supervisor, the complaint may be made to the next higher level supervisor, the Equal Opportunity Director, the Commissioner, or his/her designee.
- 3. Do not intentionally use this policy or complaint procedure for reasons of personal malice or abuse toward another employee.

Supervisors shall:

- Consult with the AAO to determine whether the complaint is related to Equal Employment Opportunity (EEO) and is properly one of harassment/discrimination based on protected characteristics and determine the plan of action.
- If the complaint is not one of discrimination/ harassment based on protected characteristics, the employee will be told within 2 working days and the complaint will be handled according to the appropriate policy.
- 3. If the complaint is one of discrimination, proceed with the plan developed with the AAO.

The Equal Opportunity Director or designee shall:

- Conduct a review of the complaint to determine if it is discrimination within 2 days of receipt. If the complaint is determined not be illegal discrimination, refer to the appropriate authority.
- If the complaint is found to be discrimination, the EO Director or designee will conduct an
 appropriate review or refer the complaint to the employee's supervisor for review. The review may
 include one or all of the following:
 - a. Interview the complainant
 - b. Interview other appropriate individuals
 - c. Gather relevant information
 - d. Write a summary of findings
 - e. Discuss the situation with appropriate supervisory and managerial personnel before taking action.
 - f. Within 60 days of the receipt of the complaint, or within the time-frame outlined in the appropriate bargaining agreement, provide a written statement to the complainant and to the person(s) charged with harassment outlining status of the complainant review.
 - g. Ensure that appropriate levels of management implement any necessary actions.

AFFIRMATIVE ACTION REQUIREMENTS Pre-Employment Review

51.0

PURPOSE:

To establish a method to ensure that Affirmative Action hiring goals are considered when hiring decisions are made.

POLICY:

Whenever a Central Office classified or unclassified vacancy occurs in a bargaining unit where there is an unmet affirmative action goal, and an identified <u>qualified</u> disparate protected group candidate is in the applicant pool, the disparate protected group candidate(s) will be offered an interview, **except** in the following cases: 1) the position will be filled from a layoff list as required by collective bargaining agreements, 2) the seniority article in the contract applies, 3) the position is to be filled under the terms of a grievance or arbitration settlement, 4) the vacancy is due to a change in allocation *of an occupied* position. In all other instances, before an offer of employment is made to anyone other than a qualified disparate protected group candidate, the supervisor <u>must</u> submit written justification to, and receive approval from, the Office for Equal Opportunity Director/designee.

AUTHORITY:

M.S. 43A.191 and Department of Employee Relations Rules Governing the Statewide Affirmative Action Program and Administrative Procedure #19.1.

DEFINITIONS:

- A. APPLICANT POOL: All candidates who are eligible for an interview for the vacancy in question
- B. DISPARATE GOAL UNIT: Goal units are bargaining units, such as MAPE/DHS Central Office, in which the FTE representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.
- C. DISPARATE PROTECTED GROUP CANDIDATE: Person who is a member of a protected group that has applied for a vacancy within a goal unit that has a disparity.
- D. DISPARITY: An unmet Affirmative Action Goal.
- E. EXPANDED LIST: If a certification list for a vacancy in a goal unit does not contain at least two names of members in the disparate protected group, the list will be augmented to include up to two disparate group members, providing there are additional members on the list.
- F. MISSED OPPORTUNITY: Failure to hire an available, qualified disparate protected group candidate into a disparate goal unit. Under MN statute, sanctions and penalties may be imposed on Departments whose missed opportunities exceed 25% of all hiring opportunities.
- G. PROTECTED GROUPS: Persons who are African American, Asian or Pacific Islander, American Indian or Alaskan native, persons of Latino descent, persons with a disability and women.
- H. QUALIFIED PERSON: Candidate capable of performing the essential job functions of the position in question.
- TARGETED RECRUITMENT: Affirmative outreach and applicant identification efforts to attract applications from qualified disparate protected group members. Includes a specific plan of action, responsible parties and time frame.
- J. VACANCY: An approved, unclassified or classified position that is open and will be filled.
- K. WRITTEN JUSTIFICATION: Correspondence by memo or E-mail specifying the reasons why none of the disparate protected group candidates could perform the basic functions of the job. This justification must include an analysis of the disparate protected group candidate(s) qualifications in relation to requisite qualifications for successful job performance.

RESPONSIBILITIES AND PROCEDURES:

- A. Deputy Commissioner:
 - 1. Review and make final determinations on selection decisions that the Office for Equal Opportunity Director/designee has not approved.
- B. Office for Equal Opportunity Director/designee:
 - 1. Evaluate written justifications for non-selection of available disparate protected group candidates in all disparate goal units.

- 2. Approve or disapprove selection decisions where disparate protected group candidates are not selected to fill vacancies in disparate goal units, if not approved, request the Deputy Commissioner to review and make final determination.
- Provide consultation services, as requested, to hiring supervisors about the interview process related to state and federal laws.
- 4. Develop and provide training for hiring supervisors about Affirmative Action Requirements policy and procedures.

C. Human Resources Division:

- Upon receipt of Form 1768, send the hiring supervisor the "Monitoring the Hiring Process" form that identifies the disparity in the bargaining unit for the vacancy and the memo provided by the Office for Equal Opportunity.
- Notify the Office for Equal Opportunity by E-mail, phone call or copy of the Form 1768, of approved vacancies in a disparate goal unit as soon as it is known that a vacancy covered by this policy will be filled.
- Provide consultation services, as requested, to hiring supervisors regarding allowable interview questions or refer hiring supervisors to the Office for Equal Opportunity.
- Send "Monitoring the Hiring Process" form to the Office for Equal Opportunity Recruitment and Retention Team, for review and signature.

D. Hiring Authority:

- 1. Contact the Office for Equal Opportunity at the earliest possible step in the hiring process to discuss the need for targeted recruitment.
- 2. Include a Self-Declaration Form with any information sent to potential applicants about the vacancy.
- Develop an interview that will comply with applicable data practices and equal employment opportunity laws.
- Make a good faith effort to contact and offer an interview to all qualified, available, disparate protected group candidates.
- Provide the Office for Equal Opportunity Director/designee with written justification for non-selection of available disparate protected group candidate(s) whenever a vacancy is filled in a disparate goal unit.
- Delay making an offer of employment until either an approval is received from the Office for Equal Opportunity Director/designee or a final determination is made by the Deputy Commissioner.
- Document the interview process and all reasons for non-selection of available disparate protected group candidates.
- 8. Provide documentation on the interview and selection process as requested for compliance and other evaluation audits.

E. Recruitment & Retention Team:

- 1. Insure that a Self-Declaration Form is sent to all candidates not required to complete a standard State application.
- 2. Maintain a system of tracking protected group representation in the applicant pool for unclassified positions.
- 3. Upon receipt of notification of a vacancy, assist the hiring supervisor in developing targeted recruitment plans as needed.
- 4. In cooperation with the hiring supervisor, develop, implement and coordinate the targeted recruitment plan through the selection process.
- 5. Review "Monitoring the Hiring Process" form, and take appropriate action.
- 6. Develop and maintain database of Missed Opportunities for DHS Central Office.
- 7. Track Central Office workforce composition and produce regular reports of progress toward established numerical goals.
- 8. Consult with hiring supervisors regarding how to achieve affirmative action goals and reduce missed opportunities.

REASONABLE ACCOMMODATION

PURPOSE

The Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act prohibit discrimination based on disability. The Department of Human Services 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 accommodation. Reasonable accommodation is the key to this nondiscrimination policy.

Reasonable accommodation applies to three aspects of employment:

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

AUTHORITY

Americans with Disability Act (ADA), 42 U.S.C. §12101.et.seq.;

Section 504 of the Federal Rehabilitation Act of 1973 as amended;

Minnesota Human Rights Act, Minnesota Statutes, section 363;

Minnesota Statutes, section 43A;

Department of Employee Relations (DOER) rules governing the Statewide Affirmative Action Program; DOER Administrative Procedures, 13.1 and 19.2;

All applicable collective bargaining agreements

POLICY

DHS shall assure equal opportunity in the employment process for qualified individuals with physical or mental disabilities through reasonable accommodation unless the accommodation imposes an undue hardship. This policy applies to applicants, employees, and employees seeking promotional opportunities.

DEFINITIONS

A. Essential functions

Essential functions are tasks considered most critical to the job that employees in the position are actually required to perform, and if removed would fundamentally change the job.

B. Person with a disability

For the purposes of this policy 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.

C. Qualified individual with a disability

A qualified individual with a disability is a person with a disability who has the required skills, experience, education and other job-related requirements for the position the individual holds or desires and who can perform the essential functions of that position either with or without reasonable accommodation.

D. Reasonable accommodation

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 satisfactorily perform the essential functions of the job and to enjoy equal benefits and privileges of employment.

E. 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 the Agency.

METHODS OF PROVIDING REASONABLE ACCOMMODATION

Methods of providing reasonable accommodation include, but are not limited to:

- **A.** Job restructuring: e.g., adjusting work schedules through job sharing, part-time or flexible work hours.
- **B. Job site modifications**: e.g., space dividers, rearranged office furniture and equipment, accessible routes to and within the building.
- C. **Providing support services:** e.g., sign language interpreters, readers, or transportation except between the employee's home and permanent work station.
- D. Modifications of equipment and/or provision of assistive devices: e.g., teletype machines for the deaf [TTY], assistive listening devices, tactile markings on equipment, or special computer equipment or software.

REQUEST PROCEDURE - EXISTING STAFF

A. Employee responsibilities

- 1. The reasonable accommodation process begins when the employee informs his/her manager or supervisor or the ADA Coordinator of the request for an accommodation. This may be done orally or in writing. The request for accommodation may also come from a third party.
- The employee may complete the Employee Request for Reasonable Accommodation form and submit it to the supervisor, or request assistance in completing the form from the supervisor or the ADA Coordinator. The employee must complete a an Authorization for Release of Medical information when requested by the ADA Coordinator.
- Completion of the above forms by the employee is not required to process the request, but if requested information or authorization for release of medical information is not provided it may delay the accommodation process or result in a denial of the accommodation request.
- 4. Provide additional information as requested by manager, supervisor or ADA Coordinator.

B. Manager or supervisor responsibilities

- When informed by an employee of the request for accommodation the manager or supervisor request that the employee complete the Employee Request for Reasonable Accommodation form, and consult with the ADA Coordinator.
- 2. Within a reasonable amount of time the manager or supervisor must consult with the employee and the ADA Coordinator, using the Employee Request for Reasonable Accommodation form as guidance to:
 - a. Discuss the purpose and essential functions of the particular job involved;
 - b. Determine the precise job-related limitation;
 - c. Identify possible accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
 d. If an accommodation is needed, select and implement the accommodation that is
 - If an accommodation is needed, select and implement the accommodation that is effective, taking into consideration the individual's preferences.
- Consult with ADA Coordinator and the employee to periodically review the accommodation to assess if the accommodation is still necessary and effective. Take the necessary steps to maintain, revise or discontinue the accommodation as needed.

C. ADA Coordinator responsibilities

1. Consult with the manager or supervisor and the employee to provide both with a copy of this policy when notified of the accommodation request, explain the reasonable accommodation process, and to assist in completion of step 2 under the Supervisor's responsibilities above.

- Request documentation of the employee's functional limitations to support the request, including medical information as needed, and maintain records of each accommodation request.
- 3. Within a reasonable amount of time make a determination of whether the employee is a qualified individual with a disability.
 - a. If yes, notify the employee and the manager or supervisor of this determination and continue with the accommodation process.

• If an accommodation is needed the Department will consider an individual's preference. However, the Department is free to choose between equally effective accommodations and may choose the one that is less expensive or easier to provide. The ADA Coordinator will make a recommendation to the employee and the manager or supervisor regarding any necessary actions to implement the accommodation.

 If the ADA Coordinator is unable to make a decision about providing the accommodation, he or she will notify the employee and the manager or supervisor and forward the request, along with his/her recommendations to the Director of the Office for Equal Opportunity for review and a decision.

- b. If no, notify the employee and the supervisor of this determination.
- 4. If an accommodation cannot overcome the existing barriers or would cause an undue hardship on the operation of the business, the employee, the manager or supervisor and the ADA Coordinator will work together to determine whether job reassignment may be an appropriate accommodation.

• When job reassignment is appropriate, the ADA Coordinator will first look for a vacant position in the Department equivalent to the one presently held by the employee in terms of pay and job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position, (or a position the Department knows will become vacant within a reasonable period) the Department may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, the Department is not required to maintain the individual's salary at the previous level.

• The Department will look at transfer, mobility, appointment, noncompetitive and competitive opportunities. The Department is not required to create a new job or to bump another employee from a job to provide a reassignment as a reasonable accommodation.

D. Director of the Office for Equal Opportunity responsibilities

When the Director of the Office for Equal Opportunity reviews a request for accommodation he or she will provide a decision regarding provision of the accommodation in writing to the ADA Coordinator, supervisor, and employee within a reasonable amount of time from the date the request was received from the ADA Coordinator.

REQUEST PROCEDURE - JOB APPLICANTS IN HIRING PROCESS

A. Applicant responsibilities

The reasonable accommodation process for applicants begins when the applicant informs the interviewing manager or supervisor, or Human Resources of the need for accommodation in order to participate in any part of the hiring process.

B. Interviewing or hiring manager or supervisor, or Human Resources (HR) Office responsibilities

1. Discuss the request for accommodation with the applicant when the request is made.

2. Consult with the ADA Coordinator as needed to determine if the applicant is a person with a disability and if an accommodation is needed, and to identify possible accommodations.

- If an accommodation is needed, select and implement the accommodation that is most effective.
- If an accommodation is not needed, inform the applicant of the reason in writing, within five working days of the decision.

ADVERSE HIRING, FIRING, OR PROMOTIONAL ACTIONS

If any health care records or medical information adversely affects any hiring, firing, or promotional decisions concerning an applicant or employee, the applicant or employee must be notified of that information within ten days of the final decision.

CONFIDENTIALITY

Any medical documentation or information obtained in this process must be collected and maintained on separate forms and in separate medical files and must be treated as a confidential medical record, available only under limited conditions specified in the ADA and the Minnesota Human Rights Act.

FUNDING

The Department must provide funding for reasonable accommodations which do not cause an undue hardship. The Central Office Reasonable Accommodation Fund may be used to pay for accommodations with prior approval from the DHS ADA Coordinator.

NOTIFICATION

The ADA Coordinator will notify employees of the DHS Reasonable Accommodation Policy through employee orientation, training and disability awareness events, or when a request for reasonable accommodation has been made.

COMPLAINTS AND APPEALS

The ADA Coordinator will advise employees of their right to appeal accommodation requests that are denied through the DHS discrimination complaint procedure.

The hiring or interviewing manager or supervisor, or the Human Resources Office will advise applicants of their right to file a complaint with outside enforcement agencies for accommodation requests that are denied.

CANCELLATIONS

This procedure cancels Reasonable Accommodation procedure 51.02 dated 7/98.

STANDARDS OF CONDUCT PROHIBITION OF GENERAL HARASSMENT

PURPOSE:	To establish a policy on prohibition of general harassment and to establish procedures for reporting and reviewing/investigating such complaints.
AUTHORITY:	The Department of Employee Relations (DOER) Administrative Procedures 1.2 (harassment prohibited).
POLICY:	DHS shall provide an environment free of verbal, psychological, social or physical harassment.
DEFINITIONS:	<u>General harassment</u> : A verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or the effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment or unreasonable creating an intimidating, hostile or offensive employment environment between supervisors and subordinates or among peers or co-workers, providing the harassment is not based on any protected characteristics. Protected characteristics include: race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance and veterans status. If the harassment is based on protected characteristics, the <u>EEO Discrimination complaint Process</u> is to be used.

POLICY VIOLATIONS: Violation of this policy may constitute grounds for disciplinary action, including discharge. Each situation will be evaluated on the circumstances and severity.

RESPONSIBILITIES:

- 1. The Commissioner shall:
 - a. Implement the provisions of this policy.
 - b. Ensure that employees are fully aware of this policy.
- 2. The employee shall:
 - a. Report the allegations of harassment to his/her immediate supervisor, to the Affirmative Action Director, the Commissioner, or his/her designee by completing the Central Office <u>Discrimination/Harassment Complaint Form</u> available in the Affirmative Action office and the Personnel office, or by submitting a written statement detailing the specific actions involved persons responsible and requested remedy.
 - b. If the complaint is related to an action of the immediate supervisor, the complaint may be made to the next higher level supervisor, the Affirmative Action Director, the Commissioner, or his/her designee.
 - c. Do not intentionally use this compliant procedure for reasons of personal malice or abuse towards another employee.
- 3. The Affirmative Action Director shall:
 - a. Initially review all complaints to determine whether the compliant is general harassment or based on protected characteristics.
 - b. If the determination is made that the harassment is related to protected status, the Affirmative Action Director shall handle the compliant to its conclusion.
 - c. If the determination is made that the alleged harassment is not related to protected status, the Affirmative Action Director shall refer the complaint to the Personnel Director.
- The Personnel Director or designee shall:
 - a. Conduct an appropriate review of the compliant or refer the complaint to the employee's supervisor for review. The review shall begin within 15 working days from the date the complaint was received by the Personnel Director. The review may include any or all of the following:
 - 1) Interview the complainant.
 - 2) Interview other appropriate individuals.
 - 3) Gather relevant information.

- 4) Write a summary.
- 5) Discuss the situation with appropriate supervisory and managerial personnel before taking action.
- 6) Provide a written statement to the complainant and to the person(s) charged with general harassment outlining status of the review and whether action is to be taken.
- b) Ensure that appropriate levels of management implement any necessary actions.

*Residential Facilities internal procedure must minimally meet the standards as described in the above policy. Each facility at their discretion can assign a designee other than the Personnel Director to handle general harassment complaints.

AIDS OR AN AIDS-RELATED CONDITION AS IT AFFECTS EMPLOYEES WORK STATUS

WHAT: This procedure addresses the concerns of employees with AIDS or an AIDS-related condition; of co-workers of employees with AIDS or an AIDS-related condition; and of employees required to provide services to individuals with AIDS or an AIDS-related condition.

POLICY: The policy of the State of Minnesota and the Department of Human Services is not to discriminate against any individual, applicant, employee, or client because he/she may have AIDS or an AIDS-related condition. AIDS or an AIDS-related condition will be treated the same as any illness in the work place.

No employee shall be required to submit to a test to determine whether he/she has AIDS or an AIDS-related condition as a requirement to begin or maintain employment.

As long as employees with AIDS or an AIDS-related condition are able to meet acceptable performance and attendance standards and medical evidence indicates that their condition is not a threat to themselves or others, employees shall be allowed to continue their employment.

Employees with AIDS or an AIDS-related condition who manifest symptoms limiting employment-related activities are disabled and are entitled to reasonable accommodations under the policy outlined in the Department's affirmative action plan.

Employees shall not be automatically required to notify the Department that they have been diagnosed as having AIDS or an AIDs-related condition. Employees may be required to provide the information if it is necessary for the use of sick leave, a request for a reasonable accommodation, or other business related reasons.

The same data privacy requirements that apply to employees with other medical conditions apply to employees with AIDS or an AIDS-related condition.

Co-workers of employees with AIDS or an AIDS-related condition will not be allowed to refuse to work with employees with AIDS or an AIDS-related condition except as provided in those very rare circumstances where the employee with the illness or condition is an immediate health or safety risk.

DEFINITIONS:

A.	"AIDS" mean	s Acquired	Immune	Deficiency	Syndrome:
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B. "AIDS-related condition" - means those who have AIDS related complex (ARC) and those who test positive for the AIDS

PROCEDURES:

 MEDICAL DIRECTOR/
 1.
 Provides information materials on AIDS and AIDS-related virus conditions to employees.

 PERSONNEL DIRECTOR
 2.
 Makes available any necessary training for employees.

 3.
 Make referrals to the Employee Assistance Program.

 NOTE:
 Employees may go to the Employee Assistance Program without referral.

SUPERVISORS:

As requests for reasonable accommodation, questions, or other problems arise, consult with Medical Director, Personnel Director, and Affirmative Action Director.

STATE OPERATED SERVICES DISCRIMINATION COMPLAINT HANDLING

POLICY:

Charges alleging discrimination in employment or service delivery are to be dealt with in a timely and consistent manner, and appropriate Department of Human Services and Attorney General staff will be involved at the various stages of response and resolution.

AUTHORITY: Commissioner of the Department of Human Services.

PURPOSE: To prescribe a standard method of dealing with charges of illegal discrimination.

DEFINITIONS: None

RESPONSIBILITIES:

Chief Executive Officers (CEO) of residential facilities are responsible to notify the Central Office Equal Opportunity Director of all charges of alleged discrimination at the facility for which the CEO is responsible.

PROCEDURES:

- A. The Department of Human Services Office for Equal Opportunity will act as the central source of consultation and will maintain a centralized database of all Human Rights or Equal Employment Opportunity Commission charges. The database will include a log of notices of charges and a timetable for preparation of a response in each case, and decisions made concerning how best to proceed with the response.
- B. The Office for Equal Opportunity will review the charge and will coordinate necessary information gathering and preparation for responses in conjunction with facility staff and appropriate attorney general staff.
- C. Upon receipt of a charge of alleged discrimination, CEO/Director CEOs will notify the Central Office Equal Opportunity Director of human rights charges by telephone, followed by written confirmation and copy of the charge upon receipt of the charge.

REFERENCES: None

CANCELLATIONS: This policy supersedes Residential Facilities Policy Manual Number 2110, dated April 24, 1990.

STATE OPERATED SERVICES STANDARDS OF CONDUCT - PROHIBITION OF DISCRIMINATION

POLICY:

The Minnesota Department of Human Services residential facilities shall provide a work environment free of discrimination.

AUTHORITY:

Minnesota Statutes, Section 43A.191 Minnesota Human Rights Act, Minnesota Statutes Chapter 363 Department of Employee Relations Administrative Procedure 1.2 Prohibiting Harassment Applicable collective bargaining agreements U.S. Civil Rights Act, Title VII Americans with Disabilities Act

PURPOSE:

To establish a policy on prohibition of discrimination, including discriminatory harassment and sexual harassment, and procedures for reporting and investigating such complaints.

DEFINITIONS:

Discrimination

An unlawful employment practice based on race, creed, color, national origin, religion, status with regard to public assistance, age, sex, marital status, sexual orientation or disability.

Discriminatory Harassment

Behavior by one employee toward another employee which unreasonably interferes with an employees work performance, or which creates an intimidating, hostile or offensive work environment and is based on one or more protected characteristics.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature which occurs between supervisors and subordinates, or among peers or co-workers when:

- 1. Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
- Submission to or rejection of that conduct or communication 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, and the employer knows or should know of the existence of the harassment, and fails to take timely and appropriate action.

RESPONSIBILITIES:

Chief Executive Officer (CEO), Director or Designee:

- 1. Implement the provisions of this policy.
- 2. Ensure that employees are fully aware of this policy.

Equal Opportunity/Affirmative Action Officer:

- 1. Investigate all complaints of discrimination.
- 2. Recommend appropriate resolution to the Chief Executive Officer, Director or Designee.

Employees:

- 1. Refrain from discriminatory behavior in the work place.
- Report any occurrence of discrimination as provided in this policy.

PROCEDURES:

Complaint Procedure:

A. Employee:

1. When possible, tell the person causing the discrimination or harassment that the behavior is objectionable and ask that it cease.

- 2. Report the situation to his/her immediate supervisor or to the Equal Opportunity/Affirmative Action Officer.
- 3. If the complaint is related to an action of the immediate supervisor, report the situation to the next higher-level supervisor or to the Equal Opportunity/Affirmative Action Officer.

B. Supervisors:

- Take immediate action to resolve the complaint in accordance with the facility's complaint procedure.
- 2. Consult with the Equal Opportunity/Affirmative Action Officer as needed.

C. Affirmative Action Officer:

- Investigate and recommend resolution of discrimination complaints, in accordance with the facility's Equal Opportunity/Affirmative Action Plan Discrimination Complaint Procedure.
- Ensure that specific provisions of appropriate collective bargaining agreements concerning complaints of discrimination, discriminatory and sexual harassment are followed.
- D. Chief Executive Officer (CEO), Director or Designee:
 - 1. Make final determination to resolve complaints of discrimination.
 - 2. Include training on prohibition of discrimination in the facility's annual training plan.

REFERENCES: None

CANCELLATIONS:

This policy supersedes Residential Facilities Policy Manual Number 2112, dated April 24, 1990.

STATE OPERATED SERVICES

CERTIFICATION AND APPOINTMENT - AFFIRMATIVE ACTION REVIEW OF SELECTION DECISIONS

POLICY:

When a vacancy occurs in a goal unit where a disparity exists, and a qualified, available protected group candidate from a disparate goal unit is on the certified eligible register, the protected group candidate will be offered an interview. Before an offer of employment is made to other than a protected group candidate from a disparate goal unit, the supervisor will provide written justification for the non-selection to the Equal Opportunity/Affirmative Action Officer and receive approval.

AUTHORITY:

Minnesota Statutes, Section 43A.191 Department of Employee Relations (DOER) Rules Governing the Statewide Affirmative Action Program

PURPOSE:

To establish a method to ensure that affirmative action hiring goals are considered when hiring decisions are made within disparate goal units.

DEFINITIONS:

Protected Groups: Women, minority persons, and disabled persons. **Disparate Goal Unit:** A goal unit in which the numerical representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

RESPONSIBILITIES:

Chief Executive Officer (CEO), Director or Designee:

Make final determinations on selection decisions that the Equal Opportunity/Affirmative Action Officer has submitted for review.

Equal Opportunity/Affirmative Action Officer:

- 1. Review selection decisions in disparate goal units when disparate protected group candidates are on the eligible register and are available, but are not selected.
- 2. Advise the supervisor on the appropriateness of the hiring decision.

Supervisor:

- Make a good faith effort to contact and offer an interview to all qualified and available disparate protected group candidates.
- Document the interview process and all reasons for non-selection of available protected group candidates from a disparate goal unit(s).

PROCEDURES:

Chief Executive Officer (CEO), Director or Designee:

- Review justification for non-selection of available disparate protected group candidates, upon request of the Equal Opportunity/Affirmative Action Officer.
- 2. Approve or disapprove selection decisions in these situations, prior to an offer of employment.

Equal Opportunity/Affirmative Action Officer:

- Evaluate written justification for non-selection of an available disparate protected group candidate(s) for a disparate goal unit(s).
- When a protected group candidate is not selected to fill a vacancy in the disparate goal unit(s), and justification is not adequate, request CEO/Director or Designee review and final determination.
- 3. Sign the DOER protected group report.

Supervisor:

- Provide the Equal Opportunity/Affirmative Action Officer with written justification for non-selection of available disparate protected group candidates when a vacancy is filled in a disparate goal unit, and a disparate protected group member is not selected.
- 2. Provide documentation of the interview and selection process as requested by the Equal Opportunity/Affirmative Action Officer.
- 3. When a disparate protected group member is not selected, delay making an offer of employment until a final determination is made by the CEO, Director or Designee.

REFERENCES: None

CANCELLATIONS:

This policy supersedes Residential Facilities Policy Manual Number 2113, dated April 24, 1990.

STATE OPERATED SERVICES REASONABLE ACCOMMODATIONS

POLICY:

The Department of Human Services is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is a key to this nondiscrimination policy. 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 Department of Human Services policy to provide a reasonable accommodation to the known physical or mental limitation of a qualified applicant, employee or employee seeking a promotion with a disability unless the accommodation would impose an undue hardship.

AUTHORITY:

Minnesota Human Rights Act, Minnesota Statues, section 363;

Minnesota Statutes, Section 43A.191;

Department of Employee Relations (DOER)Rules Governing the Statewide Affirmative Action Program; Department of Employee Relations (DOER) Administrative Procedures, 19.2;

Federal Rehabilitation Act of 1973, Section 504 as amended;

Americans with Disabilities Act, 42 U.S.C. ss 12101.et seq.

PURPOSE:

To ensure that persons with disabilities are afforded the opportunity, through reasonable accommodation, to be employed, and to have access to a work environment free of barriers that hinder the ability of qualified individuals, applicants or eligibles with a disability to perform essential job duties.

DEFINITIONS:

Reasonable Accommodations

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. Reasonable accommodation applies to three aspects of employment:

- 1. to assure equal opportunity in the employment process,
- 2. to enable a qualified individual with a disability to perform the essential functions of a job,
- 3. and to enable an employee with a disability to enjoy equal benefits and privileges of employment.

Methods of providing reasonable accommodation include, but are not limited to:

- 1. Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of applicable collective bargaining agreements, plans, rules, and laws).
- 2. Job site modifications (e.g., adjustment of equipment heights, accessibility to building and/or rearrangement of furniture).
- Support services availability (e.g., interpreters for hearing impaired or deaf persons, readers for blind or visually impaired persons, and/or transportation except from the employees residence to the employees permanent work station and from the employees permanent work station to the employees residence).
- Modification of equipment and/or provision of assistive devices (e.g., special telephone equipment, talking calculators and/or TTY/TDD).

Person With a Disability

For purposes of this policy, a person with a disability is one who:

1. has a physical or mental impairment that substantially limits one or more of the major life activities;

Example: A person who has epilepsy, or a person who is diagnosed as having bipolar disorder would be considered to have an impairment, even if medication reduces the impact of that impairment,

or has a record of such a impairment;

Example: A person has a history of cancer, heart disease, psychiatric illness, or other debilitating illness, whose illness is either cured, controlled or in remission,

or is regarded as having such a impairment;

Example: An individual with a port wine stain or prominent facial scar who, despite having no limitations, is perceived and treated as a person with a substantial limitation.

504/ADA Coordinator

Facility employee designated by the Chief Executive Officer to act on requests for accommodations. **Essential Functions**

Essential functions are tasks which are necessary or fundamental to accomplish duties of the job. Essential job functions vary with individual job descriptions and include those physical, mental and interpersonal activities necessary to achieve satisfactory job performance.

Undue Hardship

The following criteria will be used to determine whether an accommodation would result in an undue hardship to the department:

- 1. size, type, and flexibility of program operation,
- 2. nature and cost of the accommodation,
- 3. budget resources available to the department,
- the departments good faith effort to accommodate,
- 5. and creation of a conflict with rules or collective bargaining agreements.

RESPONSIBILITIES:

Chief Executive Officer (CEO), Director or Designee:

Develop procedures to implement the provisions of this policy to be consistent with DOER guidelines and should minimally include the following elements:

- Methods to identify all possible sources of funding for the accommodation, and determine whether the cost is within reason.
- 2. Provision for an employee to appeal the reasonable accommodation request decision through the facility discrimination complaint procedure.
- 3. Designate a staff member to act as 504/ADA Coordinator.
- 4. Make final determinations on reasonable accommodation.

PROCEDURES:

504/ADA Coordinator

- 1. Receive and monitor written reasonable accommodation requests from employees and applicants.
- Advise employees of their right to appeal requests that are denied through the facility's discrimination complaint procedure.
- 3. Advise applicants of their right to file a charge with the State Human Rights Department.
- Assist supervisors, employees and applicants with disabilities in identifying types and costs of accommodations.
- Maintain documentation of reasonable accommodations requested, approved, denied or appealed.
- Keep the facility's Equal Opportunity/Affirmative Action Officer (if other than the 504/ADA coordinator) informed of reasonable accommodation requests and decisions.
- Ensure that employees, applicants and eligibles are informed of the reasonable accommodation policy.

Supervisors

- Consult with the employee or applicant with a disability and the 504/ADA Coordinator to determine the need for accommodations, to discuss options, and if a minor accommodation is appropriate, grant the accommodation.
- 2. Ask the employee or applicant to complete a written request for reasonable accommodation. **Employees**

Request accommodation as necessary by completing "DHS Reasonable Accommodation Form or equivalent.

REFERENCES:

DHS Reasonable Accommodation Form

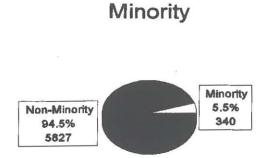
CANCELLATIONS:

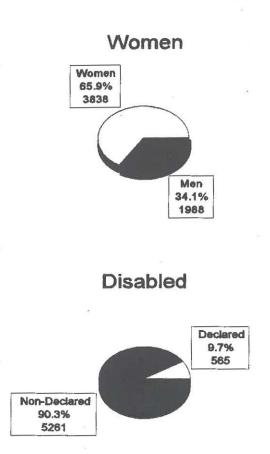
This policy supersedes Residential Facilities Policy Manual Number 2111, dated April 24, 1990.

IV.

CURRENT STATUS OF EMPLOYMENT

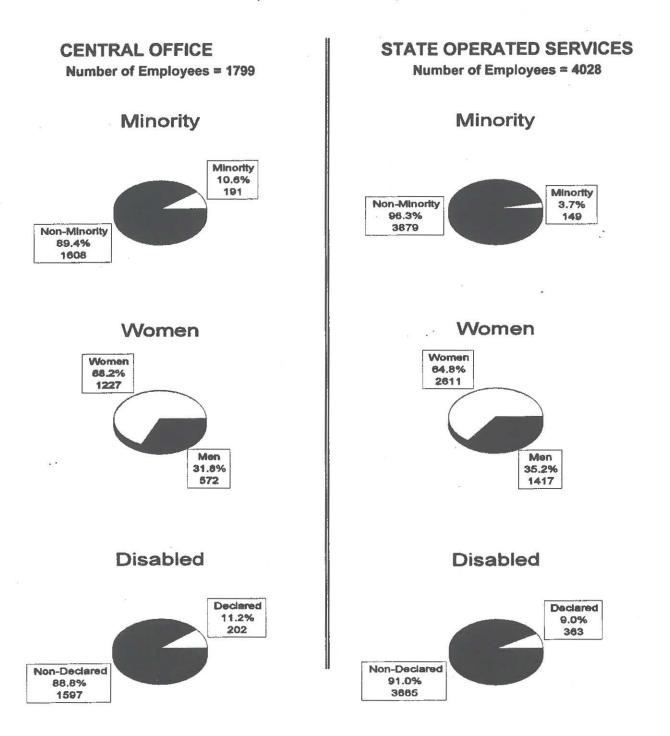
MN DEPARTMENT OF HUMAN SERVICES WORKFORCE PROTECTED GROUP DISTRIBUTION (Total Number of Employees = 5827. Data as of 2-29-00)





The data illustrate the percent representation for the three protected groups identified in the Department of Human Services Affirmative Action Plan as of 2-29-00. The percentages are for the antire department, combining Central Office and the State Operated Services sites. Later graphs ustinguish between those sites as each site sets separate hiring goals within the DHS Affirmative Action plan.

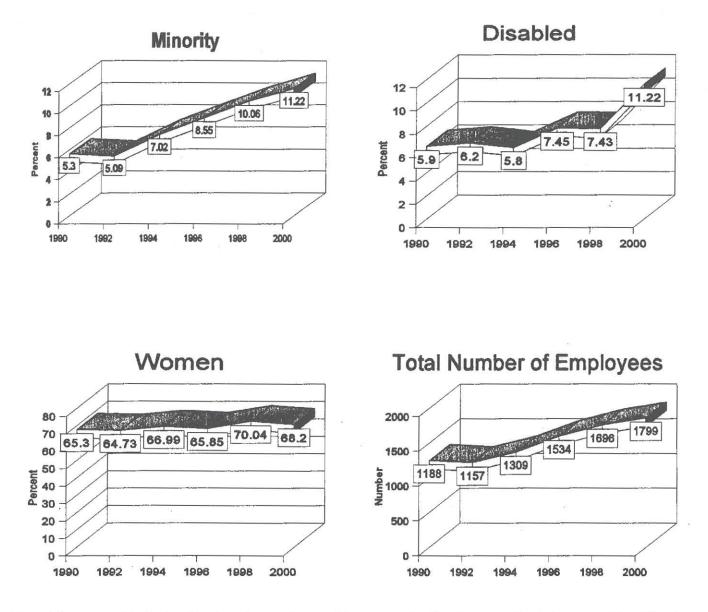
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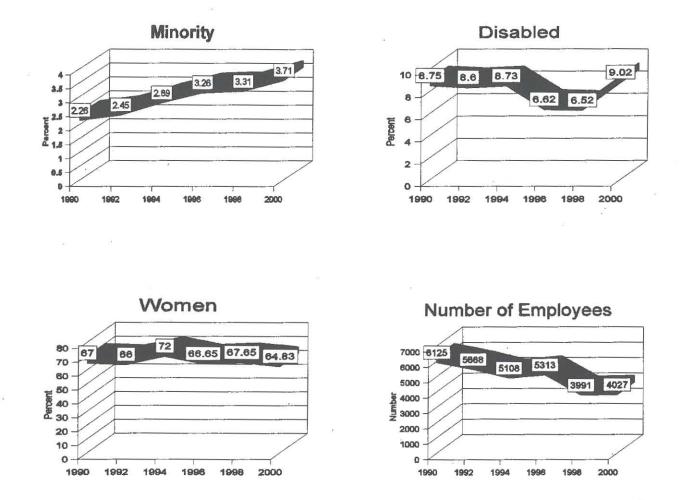
3.

DHS Workforce Comparison - Central Office Protected Groups - 1990 to 2000



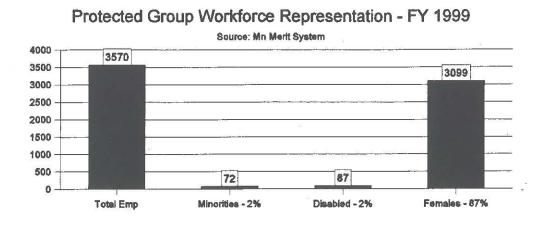
The data above illustrates the trend over the past ten years for the three protected groups identified in the Department of Human Services Central Office Affirmative Action Plan. The increase in the number of Central Office employees is generally matched by a concomitant increase in the percent representation of those protected classes. Actual rates of increase have not been compared.

DHS Workforce Comparison -State Operated Services Protected Groups - 1990 to 2000

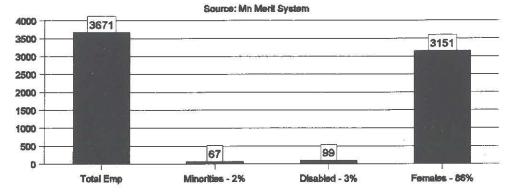


The data in the above graphs illustrate the trend over the past ten years for the three protected groups identified in the DHS State Operated Services combined Affirmative Action Plans. The increase in the number of employees has had a positive impact on the percent representation of two of those protected groups, minority and disabled. Actual rates of change have not been compared.

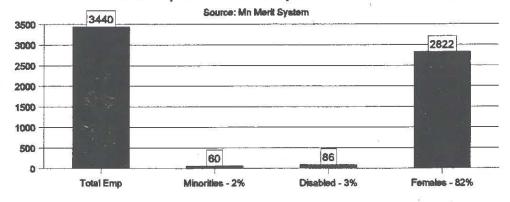
Minnesota Merit System



Protected Group Workforce Representation - FY 1997



Protected Group Workforce Representation - FY 1995



EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLANS

- A. CENTRAL OFFICE
- **B. AH GWAH CHING CENTER**
- C. ANOKA REGIONAL TREATMENT CENTER
- D. BRAINERD REGIONAL HUMAN SERVICES CENTER
- E. EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES
- F. FERGUS FALLS REGIONAL TREATMENT CENTER
- G. MINNESOTA EXTENDED TREATMENT OPTIONS
- H. MOOSE LAKE REGIONAL STATE OPERATED SERVICES
- I. ST. PETER REGIONAL TREATMENT CENTER
- J. WILLMAR REGIONAL TREATMENT CENTER

HUMAN SERVICES CENTRAL OFFICE

Α.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES AFFIRMATIVE ACTION PLAN 2000-2002

FOR: CENTRAL OFFICE

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

	PROTECTED GROUPS			
OCCUPATIONAL CATEGORIES	MINORITIES	WOMEN	PERSONS with DISABILITIES	
203 Service	Х	X		
205 Health Care Prof.				
206 Clerical				
207 Technical			<u></u>	
213 Health Treat. Prof.	-			
214 General Professional				
216 Supervisory	5			
217 Commissioner's Plan	X			
220 Manager's Plan	х		-	
	1			

2. This plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

Office for Equal Opportunity Reception Desk, 2S, 444 Lafavette Rd., St. Paul, MN

3. This plan covers all elements of the institution's personnel policy and management practices as related to affirmative action.

1133/1 WINNE

Director, Office for Equal Opportunity, Affirmative Action and Civil Rights

4. This 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.

Commissioner

5. This plan meets the 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.

1/08/01 Date

7/31/00 Date

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations



Memo

Minnesota Department of Human Services

DATE: July 31, 2000

TO: All Department of Human Services Employees

FROM: Michael O'Keefe Commissioner

SUBJECT: Equal Opportunity

The Department has developed a biennial Equal Opportunity/Affirmative Action Plan. Please join me in reaffirming commitment to our policies of equal opportunity and our vision for diversity. During the past year we have re-evaluated the Department's mission and values. First and foremost among these is a belief that our purpose is to help people help themselves. At its core, this value has a strong connection to our workforce. It means recognizing and valuing the broad array of differences and similarities of the Minnesotans who use our services. Our success as an agency in this endeavor is shaped by the talents of each employee in our human services system.

Equal opportunity means making sure that our workplace practices and the services we provide or oversee are carried out without regard to race, color, disability, sexual orientation, creed, religion, sex, age, national origin, marital status, membership in a local human rights commission, political affiliation, or reliance on public assistance. It means treating each other with respect and dignity. In our work environment this is reflected in how we respond to the unique perspectives that each person brings to the workplace. Where people of color, persons with disabilities, and women are under-represented in our workforce, we will actively pursue solutions to eliminate that disparity and to retain a diverse workforce.

The plan includes goals for affirmative recruiting, hiring, and retention. It describes methods for promotion of workplace equity and outlines ways to increase employee awareness and understanding. It contains information about how to resolve discrimination and other workplace disputes, as well as guidelines for requesting a reasonable accommodation. Mary Jean Turinia Anderson, director of the Office for Equal Opportunity (OEO) has administrative responsibility for plan implementation. All employees, especially managers and supervisors, have a duty to understand and demonstrate these policies. Please become familiar with the plan. It is much more than a document--it sets out standards that I fully expect to be carried out in practice on a daily basis.

The Department's Office for Equal Opportunity (OEO) offers a two-day *Diversity Foundations* training. I encourage you to participate in this development opportunity. The office also offers in-service information sessions to support these policies. For more information and to obtain a copy of the plan, contact the OEO at (651) 296-7562.

The Department of Human Services has made much progress toward inclusiveness in human services and in our workplace. Working together we will advance even further toward the Department's diversity vision.

- over -

VALUE AND VISION STATEMENT REGARDING DIVERSITY

Diversity encompasses a broad range of human differences. It includes, but is not limited to, differences in ability and disability, age, educational level, ethnicity, gender, geographic origin, race, religion, sexual orientation, socio-economic class, and values.

The Department of Human Services, recognizing the diversity of its customers, is committed to providing effective services, programs, and policies that are appropriate and accessible to diverse communities.

Recognizing the diversity of its employees, the Department of Human Services is committed to creating a work environment that is respectful of individual differences and seeks to promote understanding.

The Department of Human Services recognizes both the diversity and the commonality of the human condition. It has adopted a philosophy of embracing the opportunities and challenges diversity offers. In the spirit of this philosophy, it is incumbent upon all employees to honour these commitments. (4/98)

RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITIES

I. Commissioner/Deputy Commissioner – Michael O'Keefe/Tom Moss

Responsibilities:

Oversee and ensure implementation of the Department's equal opportunity policy and affirmative action program including Central Office and State Operated Services, in compliance with existing federal and state laws, and regulations.

- Duties:
- 1. Appoint the Equal Opportunity Director.
 - 2. Include accountability for the administration of the agency's Affirmative Action and Equal Opportunity Plan in his/her position description.
 - Require Chief Executive Officers/Directors, managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
 - 4. Take action on complaints of discrimination as outlined in the Plan complaint procedure.
 - 5. Issue an annual written statement to all employees affirming support of the State's equal opportunity policy and the Department's Affirmative Action and Equal Opportunity Program.
 - Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative Action and Equal Opportunity.

Accountability: The Governor.

II. Equal Opportunity Director - Mary Jean Turinia Anderson

Responsibilities:

To administer the Department's Affirmative Action, Equal Employment Opportunity and Civil Rights Program.

- Duties:
- 1. Monitor implementation of the Department's Affirmative Action and Equal Opportunity Plan.
- Investigate alleged discrimination complaints, coordinate handling of discrimination charges brought against the Department, and maintain a centralized record of such charges.
- 3. Establish annual hiring goals, review the Department's AA Plan annually and complete all civil rights and affirmative action reports as required.
- Monitor and provide direction and consultation on AA, EEO matters to State Operated Services Chief Executive Officers/Directors and Affirmative Action Officers.
- 5. Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the department.
- 6. Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
- 7. Act as the liaison between the department and the Equal Opportunity Division of the Department of Employee Relations.
- 8. Determine the need for affirmative action related training programs.
- Review department policies, procedures, programs, and reasonable accommodations for disabled persons and recommend changes to the Commissioner.
- 10. Plan and participate in the recruitment of protected group applicants for Department job openings.
- 11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations, and keep apprised of new developments in the area of affirmative action and equal opportunity.
- 12. Ensure compliance with state and federal human and civil rights laws.

Accountability: Commissioner/Deputy Commissioner

III. DHS Human Resources Director - Martha Watson

Responsibilities:

Ensure that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

- Duties: The duties of the Human Resources Director include, but are not limited to the following:
 - Make available to the EO Director all records and information data necessary to perform affirmative action duties and responsibilities.
 - 2. Provide the EO Director an opportunity to participate in decisions regarding personnel practices.
 - 3. Recommend specific annual Affirmative Action program objectives and annual hiring goals for the Affirmative Action Plan.
 - Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of the employment interview.
 - 5. Recommend changes in policy and procedure to improve the Department's ability to achieve affirmative action objectives.
 - Inform the EO Director of discrimination charges brought through a union grievance process and consult with the EO Director regarding resolution of the grievance.

Accountability: Commissioner/Deputy Commissioner

VI. Civil Rights Coordinator - JoAnn DaSilva

Responsibilities:

Develop and implement the Department's Civil Rights Plan to ensure on-going compliance with federal requirements enforced by the U.S. Department of Health and Human Services' Office for Civil Rights (OCR).

Duties:

1. Maintain a structure for the Department's Civil Rights Plan.

- 2. Serve as liaison between the Department and OCR.
- 3. Conduct prompt and thorough complaint investigations to resolve allegations of discrimination in the provision of human services.
- Provide technical assistance, training and education to service providers and others with a need to know and an interest in the public's right to equal access to human services.

Accountability: DHS Director for Equal Opportunity

V. Chief Executive Officer/Director

Responsibilities:

To oversee and ensure implementation of the State Operated Services Equal Opportunity Policy and Affirmative Action program in compliance with existing federal and state laws, and regulations. **Duties:** 1. Appoint an Affirmative Action Officer and 504 Coordinator and notify DHS

- Affirmative Action Director of these designees.
- Resolve internal discrimination complaints and notify DHS EO Director of all enforcement agency charges.
- Ensure that DHS Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
- Issue an annual written statement to staff communicating support of the affirmative action/equal opportunity policies.

Accountability: Assistant Commissioner

V. Affirmative Action Officer/Designee

Responsibilities:

Implement and maintain the Central Office/State Operated Services Affirmative Action Program.

Duties:

- Develop and recommend changes or improvements to the AA/EEO program to the Chief Executive Officer/Director.
- Monitor the personnel practices for impact on protected groups; complete progress and other required reports.
- 3. Act as liaison with DHS Equal Opportunity Director.
- Ensure that equal opportunity/affirmative action policies and procedures are disseminated to employees, including developing and implementing training programs.
- Investigate, mediate and recommend resolution of discrimination complaints to the EO Director or Chief Executive Officer/Director.

Accountability: Chief Executive Officer or EO Director

VI. Managers and Supervisors

Responsibilities:

To ensure compliance with statewide and Department Affirmative Action programs and to ensure equal treatment of all employees.

- Duties:
- Assist the Equal Opportunity Director and/or Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- Hire and promote qualified protected group members where a disparity exists.
- 3. Communicate and demonstrate a personal commitment to the Department's Equal Opportunity/Affirmative Action policy.
- Include responsibility statements for Affirmative Action/Equal Opportunity in position descriptions, and annual performance objectives.
- Assist and make recommendations to the Affirmative Action Officer regarding special recruitment projects.
- Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- 7. Ensure that all employees under their supervision receive an annual Affirmative Action orientation.

Accountability: Deputy Commissioner, Assistant Commissioner or Chief Executive Officer/Director directly, and to the Commissioner, indirectly.

VII. All Employees

Responsibilities:

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

AUDIT AND EVALUATION

- A. On a quarterly basis the DHS Equal Opportunity Director will:
 - 1. review goal achievement, separation and missed opportunity reports to identify trends/problems and develop action steps to correct.
 - inform the Commissioner, supervisors and managers of progress or changes in goal achievement status; and
 - 3. evaluate progress with action steps/efforts made during the previous quarter and update action steps.
- B. <u>Annually</u>, affirmative action officer will send to the DHS Equal Opportunity Director an end of the year summary of the following activities:
 - 1. changes in internal AA/EO procedure or policies;
 - 2. training and information sessions conducted that are related to AA/EEO;
 - 3. progress toward completion of action steps that were established during the quarterly review;
 - 4. recruitment sources and activities identified in a recruitment plan;
 - specialized projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions; and
 - number and type of discrimination complaints received, both informal and formal, and status
 of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination
 occurred).
- C. <u>Biennially</u>, the affirmative action officer will forward an Affirmative Action Plan to the EO Director that contains:
 - 1. completed and signed transmittal forms that identify facility disparities;
 - 2. specific action steps for the next two years;
 - recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps;
 - 4. hiring goals for the next two years, based on current disparities;
 - 5. number of reasonable accommodation requests received and approved or denied.
 - 6. Recruitment and Retention plans;
 - 7. summary report of targeted internship programs; and
 - 8. other items as required by Administrative Procedures.
- D. Bienially, the Equal Opportunity Director will submit for approval to the Office for Diversity and Equal Opportunity of the Department of Employee Relations, the following:
 - 1. all Transmittal Forms;
 - 2. policy revisions or additions that have occurred during the previous two fiscal years;
 - 3. all DHS hiring goals for the period;
 - 4. Commissioner's statement of commitment; and
 - 5. all DHS action steps;
 - 6. recruitment and retention plans; and
 - 7. other items required by Administrative Procedures.

INTERNAL AND EXTERNAL DISSEMINATION

- I. Internal Dissemination
 - A. The Commissioner will transmit a letter or memo annually to the Department's employees reaffirming DHS's commitment to equal opportunity and affirmative action.
 - B. Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities.
 - C. On each official bulletin board the following will be posted:
 - 1. the AA/EEO Policy and Procedures; and
 - 2. a copy of the AA Plan.
 - D. Employee orientation programs will have an equal opportunity/affirmative action component.
 - E. The AAP will be summarized in appropriate Departmental publications.
 - F. The AAO/EEO policy will be included in the policy and procedures manuals.

II. External Dissemination

- A. The phrase "An Affirmative Action/Equal Opportunity Employer" will be included on DHS's letterhead and in all advertisements for positions.
- B. Positions will be advertised in appropriate protected group publications.
- C. A written expression of the Department's position on equal opportunity will be included in newspapers, magazines, advertising, brochures, etc.
- D. An assurance of non-discrimination will be included in all contracts for programs or activities receiving federal financial assistance, in accordance with HHS regulations, 45 CFR, Part 80.

STANDARDS OF CONDUCT - PROHIBITION OF DISCRIMINATION

PURPOSE:

To establish a policy on prohibition of discrimination and to establish procedures for employees, applicants or eligibles to report incidents and reviewing/investigating complaints.

AUTHORITY:

Minnesota Statutes, sections 43A.19-43A.191 (State personnel law prohibiting discrimination in employment); Minnesota Statutes, chapter 363 (Minnesota Human Rights Act); Minnesota Department of Employee Relations Administrative Procedure 1.2 (harassment prohibited); U.S. Civil Rights Act, Title VII; all applicable collective bargaining agreements; Americans with Disabilities Act.

POLICY:

DHS shall provide a work environment free of unlawful discrimination. This policy extends to all employment practices.

DEFINITIONS:

Discrimination: An unlawful employment practice based on race, creed, color, national origin, religion, status with regard to public assistance, political affiliation, age, sex, marital status, sexual orientation, membership or activity in a local (human rights) commission or disability.

Discriminatory Harassment: A verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an in intimidating, hostile or offensive work environment between supervisors and subordinates or among co-workers and is based on a protected characteristic.

Sexual Harassment: A form of discriminatory harassment that includes unwanted behavior of a sexual nature that may include requests for sexual favors or other verbal or physical conduct of a sexual nature that creates a hostile work environment when:

- 1. Submission to that conduct or communication is made a term or conditions, explicitly or implicitly, of employment;
- Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

POLICY VIOLATIONS:

Violations of this policy may constitute grounds for disciplinary action, including discharge. Each situation will be evaluated on the basis of its particular facts, circumstances and severity.

RESPONSIBILITY:

The Commissioner shall:

- 1. Implement the provisions of this policy.
- 2. Ensure that employees are fully aware of this policy.
- 3. Make final determinations on discrimination complaints.

The employee shall:

- Report any allegations of discrimination to his/her immediate supervisor, to the Equal Opportunity Director, the Commissioner, or his/her designee verbally or by completing the Central Office Discrimination/Harassment Complaint Form available in the Office for Equal Opportunity and the Human Resources Office, or by submitting a written statement detailing the specific actions involved, persons responsible and requested remedy.
- If the complaint is related to an action of the immediate supervisor, the complaint may be made to the next higher level supervisor, the Equal Opportunity Director, the Commissioner, or his/her designee.
- Do not intentionally use this policy or complaint procedure for reasons of personal malice or abuse toward another employee.

Supervisors shall:

- Consult with the AAO to determine whether the complaint is related to Equal Employment Opportunity (EEO) and is properly one of harassment/discrimination based on protected characteristics and determine the plan of action.
- If the complaint is not one of discrimination/ harassment based on protected characteristics, the employee will be told within 2 working days and the complaint will be handled according to the appropriate policy.
- 3. If the complaint is one of discrimination, proceed with the plan developed with the AAO.

The Equal Opportunity Director or designee shall:

- 1. Conduct a review of the complaint to determine if it is discrimination within 2 days of receipt. If the complaint is determined not be illegal discrimination, refer to the appropriate authority.
- If the complaint is found to be discrimination, the EO Director or designee will conduct an
 appropriate review or refer the complaint to the employee's supervisor for review. The review may
 include one or all of the following:
 - a. Interview the complainant
 - b. Interview other appropriate individuals
 - c. Gather relevant information
 - d. Write a summary of findings
 - e. Discuss the situation with appropriate supervisory and managerial personnel before taking action.
 - f. Within 60 days of the receipt of the complaint, or within the time-frame outlined in the appropriate bargaining agreement, provide a written statement to the complainant and to the person(s) charged with harassment outlining status of the complainant review.

g.Ensure that appropriate levels of management implement any necessary actions.

 File the disposition of the complaint with the DOER Commissioner within 30 days of resolution in compliance with established procedure.

REASONABLE ACCOMMODATION

PURPOSE

The Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act prohibit discrimination based on disability. The Department of Human Services 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 accommodation. Reasonable accommodation is the key to this nondiscrimination policy.

Reasonable accommodation applies to three aspects of employment:

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

AUTHORITY

Americans with Disability Act (ADA), 42 U.S.C. §12101.et.seq.; Section 504 of the Federal Rehabilitation Act of 1973 as amended;

Minnesota Human Rights Act, Minnesota Statutes, section 363;

Minnesota Statutes, section 43A;

Department of Employee Relations (DOER) rules governing the Statewide Affirmative Action Program; DOER Administrative Procedures, 13.1 and 19.2;

All applicable collective bargaining agreements

POLICY

DHS shall assure equal opportunity in the employment process for qualified individuals with physical or mental disabilities through reasonable accommodation unless the accommodation imposes an undue hardship. This policy applies to applicants, employees, and employees seeking promotional opportunities.

DEFINITIONS

A. Essential functions

Essential functions are tasks considered most critical to the job that employees in the position are actually required to perform, and if removed would fundamentally change the job.

B. Person with a disability

For the purposes of this policy 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.

C. Qualified individual with a disability

A qualified individual with a disability is a person with a disability who has the required skills, experience, education and other job-related requirements for the position the individual holds or desires and who can perform the essential functions of that position either with or without reasonable accommodation.

D. Reasonable accommodation

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 satisfactorily perform the essential functions of the job and to enjoy equal benefits and privileges of employment.

E. 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 the Agency.

METHODS OF PROVIDING REASONABLE ACCOMMODATION

Methods of providing reasonable accommodation include, but are not limited to:

A. Job restructuring: e.g., adjusting work schedules through job sharing, part-time or flexible work hours.

- **B.** Job site modifications: e.g., space dividers, rearranged office furniture and equipment, accessible routes to and within the building.
- C. **Providing support services:** e.g., sign language interpreters, readers, or transportation except between the employee's home and permanent work station.
- D. Modifications of equipment and/or provision of assistive devices: e.g., teletype machines for the deaf [TTY], assistive listening devices, tactile markings on equipment, or special computer equipment or software.

REQUEST PROCEDURE - EXISTING STAFF

A. Employee responsibilities

- The reasonable accommodation process begins when the employee informs his/her manager or supervisor or the ADA Coordinator of the request for an accommodation. This may be done orally or in writing. The request for accommodation may also come from a third party.
- The employee may complete the Employee Request for Reasonable Accommodation form and submit it to the supervisor, or request assistance in completing the form from the supervisor or the ADA Coordinator. The employee must complete a an Authorization for Release of Medical information when requested by the ADA Coordinator.
- Completion of the above forms by the employee is not required to process the request, but if requested information or authorization for release of medical information is not provided it may delay the accommodation process or result in a denial of the accommodation request.
- 4. Provide additional information as requested by manager, supervisor or ADA Coordinator.

B. Manager or supervisor responsibilities

- When informed by an employee of the request for accommodation the manager or supervisor request that the employee complete the Employee Request for Reasonable Accommodation form, and consult with the ADA Coordinator.
- Within a reasonable amount of time the manager or supervisor must consult with the employee and the ADA Coordinator, using the Employee Request for Reasonable Accommodation form as guidance to:
 - Discuss the purpose and essential functions of the particular job involved;
 - Determine the precise job-related limitation;
 - c. Identify possible accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
 - d. If an accommodation is needed, select and implement the accommodation that is effective, taking into consideration the individual's preferences.
- Consult with ADA Coordinator and the employee to periodically review the accommodation to assess if the accommodation is still necessary and effective. Take the necessary steps to maintain, revise or discontinue the accommodation as needed.

C. ADA Coordinator responsibilities

- Consult with the manager or supervisor and the employee to provide both with a copy of this
 policy when notified of the accommodation request, explain the reasonable accommodation
 process, and to assist in completion of step 2 under the Supervisor's responsibilities above.
- Request documentation of the employee's functional limitations to support the request, including medical information as needed, and maintain records of each accommodation request.
- Within a reasonable amount of time make a determination of whether the employee is a qualified individual with a disability.

a. If yes, notify the employee and the manager or supervisor of this determination and continue with the accommodation process.

• If an accommodation is needed the Department will consider an individual's preference. However, the Department is free to choose between equally effective accommodations and may choose the one that is less expensive or easier to provide. The ADA Coordinator will make a recommendation to the employee and the manager or supervisor regarding any necessary actions to implement the accommodation.

 If the ADA Coordinator is unable to make a decision about providing the accommodation, he or she will notify the employee and the manager or supervisor and forward the request, along with his/her recommendations to the Director of the Office for Equal Opportunity for review and a decision.

- b. If no, notify the employee and the supervisor of this determination.
- 4. If an accommodation cannot overcome the existing barriers or would cause an undue hardship on the operation of the business, the employee, the manager or supervisor and the ADA Coordinator will work together to determine whether job reassignment may be an appropriate accommodation.

• When job reassignment is appropriate, the ADA Coordinator will first look for a vacant position in the Department equivalent to the one presently held by the employee in terms of pay and job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position, (or a position the Department knows will become vacant within a reasonable period) the Department may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, the Department is not required to maintain the individual's salary at the previous level.

• The Department will look at transfer, mobility, appointment, noncompetitive and competitive opportunities. The Department is not required to create a new job or to bump another employee from a job to provide a reassignment as a reasonable accommodation.

D. Director of the Office for Equal Opportunity responsibilities

When the Director of the Office for Equal Opportunity reviews a request for accommodation he or she will provide a decision regarding provision of the accommodation in writing to the ADA Coordinator, supervisor, and employee within a reasonable amount of time from the date the request was received from the ADA Coordinator.

REQUEST PROCEDURE - JOB APPLICANTS IN HIRING PROCESS

A. Applicant responsibilities

The reasonable accommodation process for applicants begins when the applicant informs the interviewing manager or supervisor, or Human Resources of the need for accommodation in order to participate in any part of the hiring process.

B. Interviewing or hiring manager or supervisor, or Human Resources (HR) Office responsibilities

- 1. Discuss the request for accommodation with the applicant when the request is made.
- Consult with the ADA Coordinator as needed to determine if the applicant is a person with a disability and if an accommodation is needed, and to identify possible accommodations.
- If an accommodation is needed, select and implement the accommodation that is most effective.
- 4. If an accommodation is not needed, inform the applicant of the reason in writing, within five working days of the decision.

ADVERSE HIRING, FIRING, OR PROMOTIONAL ACTIONS

If any health care records or medical information adversely affects any hiring, firing, or promotional decisions concerning an applicant or employee, the applicant or employee must be notified of that information within ten days of the final decision.

CONFIDENTIALITY

Any medical documentation or information obtained in this process must be collected and maintained on separate forms and in separate medical files and must be treated as a confidential medical record, available only under limited conditions specified in the ADA and the Minnesota Human Rights Act.

FUNDING

The Department must provide funding for reasonable accommodations which do not cause an undue hardship. The Central Office Reasonable Accommodation Fund may be used to pay for accommodations with prior approval from the DHS ADA Coordinator.

NOTIFICATION

The ADA Coordinator will notify employees of the DHS Reasonable Accommodation Policy through employee orientation, training and disability awareness events, or when a request for reasonable accommodation has been made.

COMPLAINTS AND APPEALS

The ADA Coordinator will advise employees of their right to appeal accommodation requests that are denied through the DHS discrimination complaint procedure.

The hiring or interviewing manager or supervisor, or the Human Resources Office will advise applicants of their right to file a complaint with outside enforcement agencies for accommodation requests that are denied.

CANCELLATIONS

This procedure cancels Reasonable Accommodation procedure 51.02 dated 7/98

AFFIRMATIVE ACTION REQUIREMENTS Pre-Employment Review

PURPOSE:

To establish a method to ensure that Affirmative Action hiring goals are considered when hiring decisions are made.

POLICY:

Whenever a Central Office classified or unclassified vacancy occurs in a bargaining unit where there is an unmet affirmative action goal, and an identified <u>qualified</u> disparate protected group candidate is in the applicant pool, the disparate protected group candidate(s) will be offered an interview, **except** in the following cases: 1) the position will be filled from a layoff list as required by collective bargaining agreements, 2) the seniority article in the contract applies, 3) the position is to be filled under the terms of a grievance or arbitration settlement, 4) the vacancy is due to a change in allocation *of an occupied* position. In all other instances, before an offer of employment is made to anyone other than a qualified disparate protected group candidate, the supervisor <u>must</u> submit written justification to, and receive approval from, the Office for Equal Opportunity Director/designee.

AUTHORITY:

M.S. 43A.191 and Department of Employee Relations Rules Governing the Statewide Affirmative Action Program and Administrative Procedure #19.1.

DEFINITIONS:

- A. APPLICANT POOL: All candidates who are eligible for an interview for the vacancy in question
- B. DISPARATE GOAL UNIT: Goal units are bargaining units, such as MAPE/DHS Central Office, in which the FTE representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.
- C. **DISPARATE PROTECTED GROUP CANDIDATE:** Person who is a member of a protected group that has applied for a vacancy within a goal unit that has a disparity.
- D. DISPARITY: An unmet Affirmative Action Goal.
- E. EXPANDED LIST: If a certification list for a vacancy in a goal unit does not contain at least two names of members in the disparate protected group, the list will be augmented to include up to two disparate group members, providing there are additional members on the list.
- F. MISSED OPPORTUNITY: Failure to hire an available, qualified disparate protected group candidate into a disparate goal unit. Under MN statute, sanctions and penalties may be imposed on Departments whose missed opportunities exceed 25% of all hiring opportunities.
- G. PROTECTED GROUPS: Persons who are African American, Asian or Pacific Islander, American Indian or Alaskan native, persons of Latino descent, persons with a disability and women.
- H. QUALIFIED PERSON: Candidate capable of performing the essential job functions of the position in question.
- I. TARGETED RECRUITMENT: Affirmative outreach and applicant identification efforts to attract applications from qualified disparate protected group members. Includes a specific plan of action, responsible parties and time frame.
- J. VACANCY: An approved, unclassified or classified position that is open and will be filled.
- K. WRITTEN JUSTIFICATION: Correspondence by memo or E-mail specifying the reasons why none of the disparate protected group candidates could perform the basic functions of the job. This justification must include an analysis of the disparate protected group candidate(s) qualifications in relation to requisite qualifications for successful job performance.

RESPONSIBILITIES AND PROCEDURES:

- A. Deputy Commissioner:
 - Review and make final determinations on selection decisions that the Office for Equal Opportunity Director/designee has not approved.

B. Office for Equal Opportunity Director/designee:

- 1. Evaluate written justifications for non-selection of available disparate protected group candidates in all disparate goal units.
- Approve or disapprove selection decisions where disparate protected group candidates are not selected to fill vacancies in disparate goal units, if not approved, request the Deputy Commissioner to review and make final determination.
- 3. Provide consultation services, as requested, to hiring supervisors about the interview process related to state and federal laws.
- 4. Develop and provide training for hiring supervisors about Affirmative Action Requirements policy and procedures.
- C. Human Resources Division:
 - 1. Upon receipt of Form 1768, send the hiring supervisor the "Monitoring the Hiring Process" form that identifies the disparity in the bargaining unit for the vacancy.
 - Notify the Office for Equal Opportunity by E-mail, phone call or copy of the Form 1768, of approved vacancies in a disparate goal unit as soon as it is known that a vacancy covered by this policy will be filled.
 - Provide consultation services, as requested, to hiring supervisors regarding allowable interview questions or refer hiring supervisors to the Office for Equal Opportunity.
 - 4. Send "Monitoring the Hiring Process" form to the Office for Equal Opportunity Recruitment and Retention Team, for review and signature.

D. Hiring Authority:

- 1. Contact the Office for Equal Opportunity at the earliest possible step in the hiring process to discuss the need for targeted recruitment.
- 2. Include a Self-Declaration Form with any information sent to potential applicants about the vacancy.
- 3. Develop an interview that will comply with applicable data practices and equal employment opportunity laws.
- Make a good faith effort to contact and offer an interview to all qualified, available, disparate protected group candidates.
- Provide the Office for Equal Opportunity Director/designee with written justification for non-selection of available disparate protected group candidate(s) whenever a vacancy is filled in a disparate goal unit.
- 6. Delay making an offer of employment until either an approval is received from the Office for Equal Opportunity Director/designee or a final determination is made by the Deputy Commissioner.
- Document the interview process and all reasons for non-selection of available disparate protected group candidates.
- Provide documentation on the interview and selection process as requested for compliance and other evaluation audits.

E. Recruitment & Retention Team:

- 1. Insure that a Self-Declaration Form is sent to all candidates not required to complete a standard State application.
- Maintain a system of tracking protected group representation in the applicant pool for unclassified positions.
- 3. Upon receipt of notification of a vacancy, assist the hiring supervisor in developing targeted recruitment plans as needed.
- 4. In cooperation with the hiring supervisor, develop, implement and coordinate the targeted recruitment plan through the selection process.
- 5. Review "Monitoring the Hiring Process" form, and take appropriate action.
- 6. Develop and maintain database of Missed Opportunities for DHS Central Office.
- Track Central Office workforce composition and produce regular reports of progress toward established numerical goals.
- 8. Consult with hiring supervisors regarding how to achieve affirmative action goals and reduce missed opportunities.

Bargaining Unit	Minorities	Disabled	Women
MAPE 214 (Professional)	No disparity		No disparity
MMA 216 (Supervisors)	No disparity	in the second	No disparity
Unrepresented Mgrs. 220	2FTE		No disparity
AFSCME 203 (Service)	No defined opportunities		No defined opportunities
AFSCME 205 (Nurses)	No disparity	the second second	No disparity
AFSCME 206 (Clerical)	No disparity	A A A A AND	No disparity
AFSCME 207 (Technical)	No disparity		No disparity
Commissioner's PLAN	2FTE	B	No disparity
TOTAL HIRING GOALS	. 4		0

CENTRAL OFFICE PROGRAM OBJECTIVES 2000-02

OBJECTIVE	ACTION STEPS	RESPONSIBLE	TARGET DATE
Executive Pathways	Develop internship sites, develop	AAO	Fall, 2000
Internship Program	application packets	¥	
	Recruit applicants, distribute	Recruiter	Fall, 2000 through
	packets, arrange presentations to		Spring 2001
	targeted group student and		
	community organizations		
Pathways to Human	Distribute funding to SOS sites,	AAO	October, 2000 and June
Services Careers	implement reporting mechanism		2001
Internship Program			2
	Develop progress report and	AAO	June 2001 and 2002
	funding proposal for approval by the		
	SOS Directors		
Retention	Redesign and implement Change of	Diversity	Fall, 2000
	Employment Survey/Interview	Council's	
3		Workforce	
		Group, Human	
		Resources,	~ 8
		AAO	
	Develop report for tracking	AAO, Assistant	January, 2001
	protected group turnover rates	Director	
AA Recruitment	Increase community resources and	Recruiter	Ongoing
	presence in community		
	Design and implement electronic	Recruiter,	March, 2001
	resume bank	Admin Asst.	Index State and Annual P
	Provide training to Supervisors as	AAO, Recruiter	Ongoing
	requested		0.0
Public Policy	Develop reporting procedures -	Recruiter	July-August, 2001 and
Program	Provide technical assistance to		2002
	candidates- Develop evaluation		
	process for the program - Make		
	recommendation for continuance		
ADA	Revise Reasonable	ADA	October, 2000
	Accommodation Policy	Coordinator	
	Provide training to Supervisors and	ADA	Ongoing
	Managers regarding Title I &II	Coordinator	
	0 0 0		
Civil Rights	Develop and provide Civil Rights	Civil Rights	November, 2000
OIVII TAIgriko	Training for SOS liaisons	Coordinator	1000011001, 2000
Diversity	Continue to facilitate the	Diversity	Ongoing
Diversity	implementation of the introductory	Coordinator	Chigoing
	module of the core training	COOLUNATO	8.
	curriculum on diversity in central		
	office, and assist with such		
	implementation in the RTCs and		
	SOCS homes		
	Continue to facilitate the	Diversity	Ongoing
		Coordinator	Chigonia
	celebration/recognition of cultural	COOLUMATOL	
	and educational events through		
	working with the Diversity Council's	1959	
	Education & Training Team and		
38	through dissemination of		
¥1.	information on cultural and		
	training/educational opportunities		

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SOS Core Group	Provide Staffing for Bi-Monthly Meetings Ad-Hoc Work Team Staffing: Monitoring, Evaluating Reporting, AAO/Goal setting, Recruitment, Retention, Staff Training, Solicit agenda items, publish agenda. As arranged, meet with teams and provide support	AAO, Assistant Director	Ongoing
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RECRUITMENT PLAN

98-00 Plan Activities and Results

1. Advertising '98-'00

News papers/Publications Expenses:

Insight News \$700.00 some applicants Access Press \$350.00 a few applicants Native American Press \$200.00 a few applicants MN Women's Press \$90.00 Some applicants, but not a significant amount The Mpls Spokesman/Recorder \$2000.00 Many applicants Asian Pages \$1000.00 Very few applicants La Prensa \$500.00 Several applicants Affirmative Action Register \$600.00 Few applicants Internet, Professional Associations and Publications \$200.00 & Free, Some applicants Internet, Colleges and Universities nationwide, Free, Some applicants

During 1998-2000, our agency utilized these newspapers. Based on data collected from in-house pre-employment review process, we found that we have increased our candidate pools for disparate groups. We will continue to use the above captioned advertising sources since we found that these are the publications and internet resources from which we received the greatest response.

2. Other recruitment methods used during the reporting period:

The department has developed a partnership with all MNSCU system colleges and universities, private institutions and major public institutions to utilize in the metro area. We have developed an information packet that explains State Employment and how to apply for State jobs. We have actively recruited students from the more technical programs and have been quite successful. During 1998-2000, we recruited over 150 graduates and were able to hire approximately 25. We will continue to work on this partnership in 2000-2002 as outlined in our program objectives.

The department used the DOER bulletin and our web site during the reporting period. The department makes every effort to notify community organizations of upcoming job openings and examination dates in advance. We fax and/or send job postings to the community organizations in our area. This includes places like the Urban Leagues, American Indian Opportunity Centers, the Hmong Mutual Assistance Association, etc. We are trying to educate the community about state employment in the classified service and have developed several relationships with community organizations.

3. Job Fairs

The department has attended approximately 20 job fairs in 1998-2000. The department participated in two large job fairs last year. One was the Urban League Job Fair at the Minneapolis Convention center held in the Spring of 1998 and the other was at the Minority Job Fair held in the fall of 1999.

4. Internships:

The department currently has two internship programs, Executive Pathways and Public Policy Specialist.

We currently have 7 Executive Pathways positions and 6 Public Policy Specialist in various department units. We recruit mostly within Minnesota, Wisconsin and other college and universities around the country, but are examining other schools that we can use to recruit. We announce the internship positions with the Career Development Offices of colleges and universities around the country and with the disparate group student organizations.

1. Recruitment of Persons with Disabilities:

The department will:

- a. Contact our local Rehabilitation Services Office to promote the department as viable employer.
- Develop relationships with community organizations that serve people with disabilities.
 We will partner with these organizations to develop a plan to assist the department in the recruitment of persons with disabilities.
- c. Continue to look for more publications we can use as advertising sources to increase our applicant pools with individuals with disabilities.
- d. Actively promote the supported work programs. We plan to partner with organizations such as Independent Living and Disability Council to recruit and place individuals with disabilities.

2. Supported Work:

The department currently does not have any supported workers. We are in the process of analyzing our current positions to see if we can create some positions for supported workers. Possible options include carving out some of the duties of our Enrollment Specialist positions and some of the clerical positions. We will work closely with our local Rehabilitation Services Office and other agencies that place persons with disabilities. Our goal is to increase supported workers in the 2000-2002 reporting period.

3. Advertising

We will continue to use Insight News, Access Press, Native American Press, MN Women's Press, The Mpls Spokesman/Recorder, Asian Pages, La Prensa, Affirmative Action Register, Internet, Professional Associations and Publications, Colleges and Universities nationwide because we have found that these are the publications and internet resources from which we received the greatest response.

The department is going to try other community publications in the 2000-2002 reporting period. Please see the Program Objectives section for a more detailed plan of action.

4. Job Fairs

We anticipate that we will participate in approximately 25 job fairs in 2000-2002. We have found that job fairs are a viable recruitment method for our agency.

The department anticipates attendance at. the Urban League Job Fair at the Minneapolis Convention center and the Minority Job Fair.

5. Projected hiring opportunities and strategies:

The department anticipates many vacancies in the 2000-2002 reporting period. We anticipate vacancies in the following areas: Clerical classifications, General Clerical, Social Worker Specialist, Human Services Project Specialist, IT Specialist, Public Policy Specialist, Enrollment Specialists.

The department is going to implement the following recruitment plan to fill these vacancies. We will advertise the position in the Minneapolis Star Tribune, the St. Paul Pioneer Press, and the appropriate trade journals.

We will actively post vacancies with various MnSCU sites, for example St. Paul Technical College, Inver Hills Community College, Mankato State University, Minneapolis Community College, etc.

We will announce examination dates for the classified positions with a variety of community organizations, such as Hmong American Partnership and the Urban Leagues.

RETENTION PLAN

PURPOSE:

To establish a coordinated plan of activities to retain protected group employees between DOER and DHS Retention Team. These initiatives will improve productivity, make work culture more conducive to diverse employees and guide employees toward promotional opportunities.

AUTHORITY:

MS 43A.191, Subd. 3(c), ADA, Title VII of the Civil Rights Act, and M.S. 363

POLICY:

DHS Office for Equal Opportunity (OEO) will determine separation patterns that may have disparate impact on protected group members. OEO will insure that reporting of retention rates will coincide with AA reporting requirements and auditing.

RESPONSIBILITIES:

- A. Commissioner:
 - 1. State the agency's commitment to affirmatively retain protected group employees in the affirmative action statement of commitment.
 - 2. Designate person(s), (including name, division and position), who are responsible for the agency's retention activities.
 - 3. Inform the Equal Opportunity Director of any pending reductions in workforce.
- B. Division Directors:
 - 1. Demonstrate a good faith effort to retain protected group member employees.
- C. Equal Opportunity Director or designees:
 - 1. Analyze separation and layoff patterns of all employees to determine the impact on protected group members.
 - 2. Identify specific methods to retain protected group employees(e.g. mentorship, training, individual development plans and employee network groups, etc.).
- D. Recruitment and Retention Team:
 - 1. Where possible, identify and advise current employees of mobility and career advancement opportunities.
 - 2. Develop programs and implement activities that will promote awareness, acceptance and appreciation for diversity and affirmative action.
 - 3. As necessary, recommend to ODEO, agency employees to work as designated agency liaisons to assist ODEO with implementation of the statewide mentorship program.
 - As necessary, work to redeploy laid off employees to other areas within state government.
 - 5. Create reports from data provided by DOER/ODEO for separation analyses, exit surveys and internship experiences.
- E. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Director of the Office for Equal Opportunity, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternative course of action that would accomplish the supervisor's goals without the negative impact.

WEATHER EMERGENCIES AND EVACUATION

All 9 locations that are considered Central Office buildings have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. It is the procedure to assign a "buddy" to each employee who has different needs for physical evacuation of the buildings. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.

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AH GWAH CHING CENTER

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE, 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2001

FOR

Ah- Gwah-Ching Center

. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

OCCUPATIONAL CATEGORIES	PROTECTED GROUPS		
	MINORITIES	WOMEN	PERSONS with DISABILITIES
202 Craft, Mntnc, Labor	x	x	х
203 Service	x		x
204 Health Care Non-Prof.	x		х
205 Health Care Prof.			х
206 Clerical	x		
207 Technical		a.	
213 Health Treat. Prof.			
214 General Professional	x	0	15. 25
215 Prof. Resid. Instr.	с. С		
216 Supervisory	X		
217 Commissioner's Plan	x		
220 Manager's Plan			
Other			

2. This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

Human Resources Office Bulletin Board

3. This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame.

Affirmative Action Officer

This annual plan contains flear designations of those persons and groups responsible for implementing the attached affirmative 4. action plan as well as my perponal statement of commitment to achieving the goals and timetables.

Chief Executive Officer

4.

6.

This annual plan covers all elements of the institutions personnel policy and management practices as related to affirmative action and has been/reviewed by the Department of Human Services.

Director, Office for Equal Opportunity

This annual plan meets the 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.

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations

1/08/01

STATEMENT OF COMMITMENT

Ah-Gwah-Ching Center is committed to providing equal opportunity in employment through the implementation of its policies, the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action in the delivery of services to employees, patients, consumers, and the public it serves. All facility activities will show commitment to creating and nuturing a diverse work force that represents and values the differences and similarities of all backgrounds, etclities, and cultures. No one is to be denied an opportunity for employment, a promotion, or chance to participate in a program because of race, color, creed, religion, national origin, sex, sexual orientation, membership or activity in a local (human tights) commission, marital status, status with regard to public assistance, disability, age, or political affiliation. I affirm my personal and official support of these policies.

Ah-Gwah-Ching Center will product services and programs that are culturally appropriate and accessible to better serve our diverse community. Awareness, sensitivity, and patience are essential to achieve this goal for our residents, staff and the public we serve. I will not tolerate harassment, infinidation or actions that may be perceived as creating a hostile environment at Ah-Gwah-Ching Center.

Ah-Gwah-Ching Center will actively recruit employees from disparate groups, develop job specifications that accurately reflect job requirements, facilitate hiring qualified individuals, affirmatively retain protected group members, and provide career development opportunities. Ah-Gwah-Ching Center will serve as a model employer in the area of Affirmative Action.

The Affirmative Action Plan will apply to all departments throughout the facility. Each department head, supervisor and employee has the responsibility for including such within position descriptions. This will be incorporated into all performance evaluations.

In order to administer the plan nost effectively, I have delegated the responsibility and authority to implement and monitor the Equal Employment Coportunity/Affirmative Action Program at Ah-Gwah-Ching Center to the Affirmative Action Officer (AAO), Tim Qualley. All management and supervisory staff will play a key role in the program's success and have a communent to retain affirmatively protected employees. All staff will assist in our efforts to achieve Equal Employment Opportunity.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about Affirmative Action or Equal Opportunity issues may contact our Affirmative Action Officer. A copy of the plan will be posted in the Center's Human Resources Office.

Jeff Smith, Chief Executive Officer

Date

CHIEF EXECUTIVE OFFICER: Jeff Smith

RESPONSIBILITIES:

To oversee and ensure implementation of the Ah-Gwah-Ching Center's Equal Opportunity Policy and Affirmative Action Program. Ensure compliance with existing federal and state laws and regulations.

Duties:

- 1. Appoint an Affirmative Action Officer, with delegated authority to carry out the mission of implementing the AGCC AA/EO program, and notify DHS Office for Equal Opportunity of the appointment.
- 2. Include accountability for the administration of the agency's affirmative action plan in his/her position description.
- **3.** Require that managers and supervisors include responsibility statements for affirmative action in their position descriptions and annual objectives.
- 4. Take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
- 5. Issue an annual written statement to all employees affirming support of the State's equal opportunity policy and the Department's Affirmative Action Program.
- Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative action.

ACCOUNTABILITY: To the Assistant Commissioner of Continuing Care and to the Commissioner of the Department of Human Services.

AFFIRMATIVE ACTION OFFICER/ASSISTANT HUMAN RESOURCE DIRECTOR: Tim Qualley RESPONSIBILITIES:

It is the responsibility of the Affirmative Action Officer (AAO)/Assistant Human Resource Director to administer the facility's Affirmative Action Equal Employment Opportunity and Diversity Program. The AAO is responsible for ensuring that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

Duties:

- 1. Monitor implementation of the AGCC's affirmative action plan.
- 2. Investigate alleged discrimination complaints. Coordinate handling of discrimination charges brought against the facility, and maintain a centralized record of such charges. Notify the DHS Equal Opportunity Director of all charges of discrimination
- 3. Establish annual hiring goals, revise the AGCC's AA Plan annually and complete all affirmative action reports as required.
- 4. Monitor and provide direction and consultation on AA, EEO matters to the Chief Executive Officer, managers and supervisors.
- 5. Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the facility.
- Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
- 7. Act as the liaison between AGCC and the central office Equal Opportunity Division.
- 8. Determine the need for affirmative action related training programs.
- Review facility policies, procedures, programs, and collaborate with the ADA Coordinator in providing Reasonable Accommodations for disabled persons and recommend changes to the Chief Executive Officer.

10. Plan and participate in the recruitment of protected group applicants for job openings. Be an active participant on the Budget Committee, which approves request to hire before the final approval by the CEO.

- 11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations, and keep apprized of new developments in the area of affirmative action and equal opportunity.
- 12. Investigate, mediate and recommend resolution of discrimination complaints to Chief Executive Officer.

ACCOUNTABILITY: Chief Executive Officer

MANAGERS AND SUPERVISORS RESPONSIBILITIES:

To ensure compliance with statewide and AGCC's Affirmative Action programs and to ensure equal treatment of all employees.

Duties:

- 1. Assist the Affirmative Action Officer in identifying, resolving and eliminating problems and barriers which inhibit equal employment opportunity.
- 2. Hire and promote qualified protected group members where a disparity exists. Follow the pre-hire review procedure
- 3. Communicate and demonstrate AGCC's commitment to the Equal Opportunity/ Affirmative Action policy.
- 4. Include responsibility statements for Affirmative Action/Equal Employment opportunity in position descriptions, and annual performance objectives.
- Assist and make recommendations to the Affirmative action /EO Specialist regarding special recruitment projects.
- 6. Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- 7. Ensure that for all employees under their supervision receive an annual Affirmative Action orientation.

ACCOUNTABILITY: To the Chief Executive Officer.

ALL EMPLOYEES RESPONSIBILITIES:

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

METHODS OF AUDITING, EVALUATING and REPORTING PROGRAM SUCCESS

- **OBJECTIVE:** To ensure that hiring and retention procedures support the Center's commitment to hire affirmatively in a work environment void of discrimination.
 - 1. Pre-Employment Review Process: When filling a vacancy in an occupational category in which a disparity exists, we will follow the procedures contained in The Equal Employment/Affirmative Action and Certification and Appointment Policies.
 - 2. Pre-review Procedure of Layoff Decisions: The order of layoffs is not discretionary, and is dictated by seniority issues in negotiated collective bargaining agreements.
 - 3. Record Keeping: the Affirmative Action Officer shall maintain records reflecting hires, turnovers, and any complaints regarding Affirmative Action issues.
 - 4. Evaluation: The Affirmative Action Officer shall evaluate the Affirmative Action Plan by:
 - A. Reviewing monthly statistics reflecting current complement based on protected classes.
 - B. Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex and disability status.
 - C. Reviewing recruitment sources and strategies used, and the results used to help fill specific vacancies for which there was under-representation.
 - D. Reviewing formal discrimination complaints filed in the past quarter.

INTERNAL DISSEMINATION:

- 1. The Affirmative Action Plan will be posted on the bulletin board in the Human Resources Office.
- 2. Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities.
- 3. Employees will receive regular training on Affirmative Action and Diversity.
- 4. Employee orientation programs will have and Equal Opportunity/Affirmative Action Component.
- 5. Ah-Gwah-Ching Center also has Equal Employment/Affirmative Action and Certification and Selection Policies.

EXTERNAL DISSEMINATION:

- 1. The phrase "An Equal Opportunity Employer" will be included in all advertisements for positions.
- 2. Positions will be advertised in appropriate protected group publications.
- 3. The phrase "Upon request, this information will be made available in an alternative format, such as Braille, large print or audio tape" will be included in any material that is released to the public.

EQUAL OPPORTUNITY AFFIRMATIVE ACTION

POLICY #2110A

POLICY:

It is the policy of Ah-Gwah-Ching to conduct all Personnel activities without regard to race, creed, color, sex, sexual orientation, membership or activity in a local (human rights) commission national origin, age, marital status, disability, religion, political affiliation or status with regard to public assistance.

Where Ah-Gwah-Ching's work force is under represented in any goal unit/job category for women, minority or disabled persons, affirmative action will be taken to employ individuals from those under represented groups.

OBJECTIVES:

A program of affirmative action will be developed and maintained to eliminate barriers to equal employment opportunity and to encourage the employment and advancement of qualified women, minority and disabled persons in accordance with their availability in the relevant labor market.

DEFINITIONS:

Personnel activities:

Including but not limited to recruitment, selection, assignment, training, promotion, compensation, fringe benefits, leaves of absence, discipline and layoffs affecting all employees and applicants.

Equal Employment Opportunity:

The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements and without regard to race, color, religion, sex, sexual orientation, age, national origin, disability, political affiliation, or other non-merit factors.

Affirmative Action:

A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for disabled persons, minorities and women.

Affirmative Action Plan:

The written document which describes the Department's program for achieving equal employment opportunity.

Affirmative Action Program:

Action steps taken by management to achieve the goals as specified in the Departments' affirmative action plan.

PROCEDURES:

- All advertising done for recruitment purposes will state that Ah-Gwah-Ching Center is an Equal A. Opportunity Employer.
- В. There is a facility Affirmative Action Plan that is posted on the Personnel Department bulletin board so it is available to all employees.
- Annual goals will be developed for the hiring of under represented women, minorities and C. disabled persons.
- D. The Affirmative Action Officer will establish disparate goals for protected groups on an annual basis.
- Supervisors will make a good faith effort to hire affirmatively. E.
- F. The Affirmative Action Officer will review selection decisions. If a conflict arises, the Affirmative Action/Executive Team will meet to resolve conflicts. The Chief Executive Officer will make the final determination.

The facility's Executive Team is the facility's Affirmative Action Committee: G.

- The Committee will:
 - Monitor all hires to see if goals are being met. 1.
 - Refer training needs to Staff Development. 2.
 - Help to resolve conflicts in hiring disparate group members. 3.
 - Monitor complaints. 4

Charges of improper discrimination will be immediately reported by telephone to DHS Affirmative H. Action Director either by the CEO or Affirmative Action Officer.

EMPLOYEE DISCRIMINATION COMPLAINT HANDLING

POLICY #2119A

POLICY:

It is the policy to provide an internal avenue of recourse to any classified or unclassified employee who believes they have been discriminated against because of race, sex, age, religion, color, creed, national origin, sexual orientation, membership or activity in a local (human rights) commission, marital status, disability (as per the American Disability Act) or status with regard to public assistance. While employees have the right to file discrimination complaints with the Minnesota Department of Human Rights or other enforcement agencies at any time, employees are encouraged to use the internal administrative remedy first.

OBJECTIVES:

The objective is to establish a uniform policy for employee complaints of unfair employment discrimination.

DEFINITION

Discrimination - unequal treatment, intentional or unintentional, based on protected characteristics.

ABBREVIATIONS:

- (1) DHS-AAD means Department of Human Services Affirmative Action Director.
- AAO means Ah-Gwah-Ching Center Affirmative Action Officer.
- (3) AAC means Ah-Gwah-Ching Center Affirmative Action committee or committee member.
- (4) EEOC means Equal Employment Opportunity Commission.
- (5) DOER means Department of Employee Relations.
- (6) CEO means Chief Executive Officer.
- PROCEDURES:

A. Who May File

Any employee, applicant or eligible for a position or promotion, who believes they have been discriminated against by reason of race, creed, color, sex, sexual orientation, membership or activity in a local (human rights) commission, age, national origin, religion, status with regard to public assistance, marital status, disability, or political affiliation may file a complaint. Employees who are terminated must file their complaint prior to their actual separation. If any eligible employee feels they have been harassed or discriminated against, they may be referred to the Department of Human Rights.

B. Complaint Procedure

The Affirmative Action Officer determines if the complaint is a discrimination complaint rather than a general personnel concern within 5 working days. If determined by the AAO that it is not a discrimination complaint, the individual will forward the complaint to the appropriate person(s) defined by the agency's internal complaint procedure. If determined by the AAO to be an affirmative action complaint, the procedure will be as follows:

1. Informal

- a. Employees may by-pass the informal process and proceed to the formal process or present their complaint to immediate supervisor or to the AAO within 30 working days after the occurrence. The AAO must give an oral or written answer within 10 working days and thereafter the parties shall have 10 working days to pursue resolution by mutual agreement.
- b. If supervisor receives complaint, they will:
 - (1) Consult with the AAO to determine whether the complaint is related to EEO and is properly one of harassment/discrimination based on protected characteristics.
 - (2) If the complaint is not one of discrimination/harassment based on protected characteristics, the employee will be told within 10 working days.
 - (3) If the complaint is one of discrimination, attempt to resolve the matter within 7 calendar days.
 - (4) If the complaint of discrimination is filed as a union grievance, the personnel director and a union representative shall consult with the AAO to determine if discrimination has occurred.

2. Formal

a.

- Employee will:
 - (1) Complete a Discrimination Complaint Form, including remedies requested, and present to the AAO within ten calendar days after the end of the Informal stage or within 30 days after the occurrence. If the complaint is against the AAO, present the complaint to the CEO, who will designate an alternative AAO.
- b. If complaint is an Affirmative Action/discrimination complaint, the AAO will:
 - (1) Conduct a full investigation and prepare a finding of facts, including a determination that discrimination did or did not occur.
 - (2) If appropriate, convene a meeting between the employee, the employee's supervisor and respondent(s) to attempt settlement of the complaint through conciliation.
 - (3) If the complaint is not resolved through conciliation, submit findings and recommendations for resolution to the CEO and, if applicable, to any internal committee designated to review discrimination complaints.
 - (4) The AAO shall maintain records of all complaints and any pertinent information or data for no less than 3 years after the case is closed.
 - (5) The entire complaint procedure should be completed within 60 working days of the filing of the formal complaint, a written answer will be issued; however, it is recognized that under some circumstances an extension may be necessary.
 - (6) Dispensation of the complaint will be filed with the commissioner within 30 days of final determination.
 - (7) All documentation associated with a complaint shall be handled in accordance with the Minnesota Government Data Practices Act.
 - c. The Chief Executive Officer will:
 - (1) Review the AAO's findings and recommendations and give written notification of his/her decision to the AAO the employee, the employees supervisor and the Respondents.

3. Appeal Stage

- a. Employee will:
 - (1) Make written request to the CEO for review of findings by the DHS EO Director within 10 days of learning results of investigation.
- b. DHS AA Director:
 - (1) Review AA0's findings, recommendations and other pertinent information.
 - (2) Provide a written recommendation to the CEO for appropriate resolution of the complaint.
- c. Chief Executive, Officer:
 - Assess OHS AA Director's recommendation, render a final decision, and give written notification to AAO, employee, employee's supervisor and respondent(s).

REASONABLE ACCOMMODATIONS

POLICY # 2111

POLICY:

It is the policy of Ah-Gwah-Ching Center to provide reasonable accommodation to the known physical and mental disabilities of otherwise qualified disabled employees, employees seeking promotions or applicants for employment, unless the accommodation would result in an undue hardship to Ah-Gwah-Ching or would not enable the employee or applicant to perform essential functions of the job. The accommodation must be job-related and required for satisfactory performance of the essential job functions.

OBJECTIVES:

To establish a policy which ensures that reasonable accommodations are made to the known physical or mental disabilities of otherwise disabled employees or applicants for employment.

DEFINITIONS:

Reasonable Accommodations: Actions taken by employer to enable applicant or employee to perform essential functions of job.

Methods of Providing Reasonable Accommodation: Include, but not limited to:

- Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of Collective Bargaining Agreements, Plans, Rules and Laws).
- Job site modification (e.g., adjustment of equipment, heights, accessibility to building and/or rearrangement of furniture).
- Support Services (e.g., interpreters for people with hearing impairments, readers for people who are blind or visually impaired and/or transportation other than transportation between the employee's residence and the employee's permanent work station and from the employee's permanent work station).
- Modification of equipment and/or provision of assistance devices (for instance, special telephone equipment, "talking" calculators and/or TTY/TTD).

Person with a disability:

Anyone who has a physical or mental impairment which materially limits one or more of the person's major life activities.

Otherwise Qualified Individual with a Disability:

One who can perform the essential functions of the job, with or without reasonable accommodations, and who is eligible for appointment under Minnesota Statutes Chapter 43A., DOER rules and administrative procedures, and collective bargaining agreements.

504 Coordinator : Deb Thompson

Employee designated by the Chief Executive Officer to act on requests for accommodations; Deb Thompson

Essential Functions:

Tasks which are necessary or fundamental to accomplish duties of the job which include those physical, mental and interpersonal activities necessary to effectively achieve adequate job performance.

Undue Hardship:

The following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility:

- 1. Size, type, and flexibility of program and operation.
- 2. Nature and cost of the accommodation.
- 3. Budget resources available to the facility.
- 4. The facility's good faith effort to accommodate.

PROCEDURES:

- A. Employee or applicant are to request accommodation as necessary by completing "Reasonable Accommodation DHS Form 2799" or by verbal request.
- B. Supervisor will consult with the disabled employee or applicant and the 504 Coordinator, who is the Assistant Human Resource Director, to determine the need for accommodation, to discuss options, and if a minor accommodation is appropriate, grant the accommodation.
- C. The 504 Coordinator will:

- 1. Receive and approve or deny written or verbal reasonable accommodation requests from employees and applicants.
- 2. Inform employees of their right to appeal requests that are denied through the facility's discrimination complaint procedure.
- 3. Inform applicants of their right to file a charge with the State Human Rights Department.
- Assist supervisors and disabled employees and applicants to identify types and costs of requested, approved, denied or appealed accommodations.
- 5. Maintain documentation of reasonable accommodations
- 6. Keep Ah-Gwah-Ching's Affirmative Action Office informed of reasonable accommodation requests and decisions.
- 7. Ensure that employees and applicants are informed of the reasonable accommodation policy.

8. Coordinator may request medical documentation to support the request as necessary.

The Chief Executive Officer will:

D.

- 1. Identify all possible funding sources to make the accommodation.
- 2. Determine if the request is within reason.
- 3. Make the final decision on the reasonable accommodation.
- E. Employees who are denied reasonable accommodation have the right to use the internal affirmative action complaint procedure as explained in the Ah-Gwah-Ching Employee Handbook or file an external complaint with other legal channels.

76

CERTIFICATION AND APPOINTMENT

Affirmative Action Review of Selection Decisions

POLICY #2113

POLICY:

It is the policy of Ah-Gwah-Ching that Affirmative Action hiring goals are considered when hiring decisions are made within disparate goal units.

OBJECTIVES:

To ensure that protected group candidates who are on certified eligible registers are offered job interviews.

To establish and implement procedures that address Administrative Staff responsibilities in relation to hiring decisions.

DEFINITIONS:

- A. Protected Groups: Women, minority persons and disabled persons.
- B. Goal Unit: Is a job category.
- C. Disparate Goal Unit: A goal unit in which the numerical representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

PROCEDURES:

- A. The Supervisor will:
 - Provide the Affirmative Action Officer with written justification for non-selection of available disparate protected group candidates when a vacancy is filled in a disparate goal unit, and a disparate protected group member is not selected.
 - 2. Provide documentation of the interview and selection process as requested by the Affirmative Action Officer.
 - 3. When a disparate protected group member is not selected, delay making an offer of employment until a final determination is made by the CEO.
- B. The Affirmative Action Officer will:
 - Evaluate written justification for non-selection of an available disparate protected group candidate(s) for a disparate goal unit(s).
 - When a protected group candidate is not selected to fill a vacancy in the disparate goal unit(s), and justification is not adequate, request CEO review and final determinations.
 - 3. Sign the DOER protected group report.
- C. The Chief Executive Officer will:
 - 1. Review justification for non-selection of available disparate protected group candidates, upon request of the Affirmative Action Officer.
- D. Approve or disapprove selection decisions in these situations, prior to an offer of employment.

GOALS AND TIMETABLES

HIRING GOALS:	алан алан алан алан алан алан алан алан	TIMETABLE:
206 Office	M(1)	July 2002
204 Healthcare	M(1)	July 2002
214 Professional	M(1)	July 2002

M=Minority

A number of factors make the projection of potential hires at Ah-Gwah-Ching difficult. In the recent past we have hired primarily part-time temporary staff. In all cases disparities are targeted for recruitment when vacancies are approved to fill. Factors that will affect our projections are the instability of our resident census, funding, changes in resident acuity levels, contractual obligations with collective bargaining units and a directive to look at opportunities to combine regional resources when vacancies occur.

With the suspension of statewide hiring goals across job classifications for persons with disabilities, we show no disparity at Ah-Gwah-Ching Center. It is our goal to hire persons with special needs in both the 204 and 216 units and we will continue to consider persons with disabilities who are able to perform the essential functions of the job with or without accommodations. We will also continue to direct recruitment efforts towards people with disabilities by sending out recruitment posters to Rehabilitation Centers and other targeted services and/or area. The Minnesota Department of Economic Security's Division of Rehabilitation Services and State Services for the Blind are notified of any openings and encouraged to refer their clients to us.

2000-2002 PROGRAMS AND PROGRAM OBJECTIVES

Objectives		Target Date
1. To increase staff awareness of		On-going
diversity in the work force.	Responsibility	
2. Increase awareness and	AAO/Staff Development	On-going
responsibilities regarding discrimination and harassment.	AAO	On-going
3. Increase visibility within the community with regards to employment opportunities to those with disabilities and/or a minority status.	AAO, Economic Security, Volunteer Services.	On-going
4. Provide educational, clinical, internship, or summer employment to minority and disabled students.	AAO, Managers, Supervisors.	
Program		
Provide information and training from the Diversity Council with assistance from Central Office in valuing diversity.	× *	
Provide AA and sexual harassment training.		
Participate in Leech Lake Reservation and Bemidji State University and MN WorkForce Center Career Fairs.	z e	
Participate with DHS and Economic Security on specific projects.		

PROGRESS REPORT

Ah-Gwah-Ching Center has seen a steady decline in the workforce from FY 98 with an average of 325 employees to FY 00 with 232 average employees and a total of 213 as of 7-1-00. In light of the above we have very little activity in the area of hiring. When hiring decisions are made every effort is made to encourage targeted group recruitment.

Other activities taking place on campus (FY 99):

- Annual Diversity training with staff attending 3 hours.
- All training topics integrate diversity issues and information as applicable.
- Sexual Harassment training classes were offered to all employees by a Self Instruction Module. All new employees receive sexual harassment information and material through New Employee Orientation.
- ADA training was presented to Department heads via a DOER representative.
- Accommodations were made for disabilities (some ADA required) including:

Additional doors widened Additional door Assists
Additional sidewalks
Additional disability parking
Hoyer lifts
itional ADA interior way finding signage
Motorized cart
Apollo bathing tubs with lifts

Computer station ergonomics, software/hardware enhancements

- ergonomic chairs
- computer tables
- monitors
- wrist rests
- forearm rests
- powered computer speaker systems
- voice recognition software
- ergonomically correct keyboards
- Several cultural events were sponsored through the Diversity Council.

RECRUITMENT PLAN

Responsibility: Affirmative Action Officer (AAO)

Methods to be used for external recruitment purposes include the following:

- 1. Examination announcements will be published via Career Opportunities Bulletin, mailings, facility postings, and by fax to community agencies and educational institutions.
- 2. Ah-Gwah-Ching will utilize the Minnesota WorkForce Center System, which is a partnership of the state Job Service, Rehabilitation Services, State Services for the Blind, and local Job Training Partnership Act (JTPA) provider. In utilizing this resource we expand our efforts to recruit from targeted areas including but not limited to; persons with special needs, disabilities, veteran status, supported employment and minority status.
- 3. Efforts to recruit minorities will continue by attendance at the Leech Lake Reservation Career Days and Fair (twice per year), advertising in the Chippewa Tribe newspaper; as well as by participating in vocational and college career days. The cost for these efforts is not known at this point, with the exception of the Career Days and Fair (\$100.00). Depending on sources utilized for advertising, would anticipate spending between \$500.00 - \$2,000.00 for placements.
- 4. We will utilize the EEO/AA Statement in all newspaper advertising for Ah-Gwah-Ching Center.
- Ah-Gwah-Ching Center will seek out and foster partnerships in internship programs with institutions, including the Leech Lake Tribal College and Reservation and the Office of Minority Affairs at Bernidji State University.
- The Pathways internship program will be actively used whenever possible to provide paid internship opportunities to deserving student who meet the Pathways criteria.
- 7. The Ah-Gwah-Ching Center is an equal opportunity employer and will comply with the provisions of the Americans with Disabilities Act in all recruitment activities by making recruitment materials available in alternative formats (as requested) and by ensuring that testing, interview and other meeting locations are accessible.
- 8. Supported Workers: Currently we do not have any open positions appropriate for a supported worker, however, we would consider a Supported Worker should there be an opportunity.

RETENTION

- A. Methods for retaining protected group employees:
 - 1. To provide education to employees of Ah-Gwah-Ching Center in the area of Affirmative Action, sexual harassment, etc., by holding classes in these areas to enhance awareness of Ah-Gwah-Ching Center's commitment of Affirmative Action.
 - 2. To see that each department head, supervisor and employee has responsibility for Affirmative Action in position descriptions and to monitor the evaluation process to assure meeting of Affirmative Action goals.
 - Supervisors continually review and update job specifications so they accurately reflect on the requirements.
 - 4.To provide opportunities for all staff by the use of employee development plans, training opportunities and networking to ensure an open communication forum to assist in the retention of employees.
 - 5. To provide ongoing Total Quality Management projects to support on-going communication and encourage the resolution of workplace disputes.

B. Analysis of Separation:

- 1. The Center will utilize an Exit Interview Process, including a form.
- 2. Statistics on the separation patterns and layoff patterns were not available at the time of submission of this plan. The system for generating these reports was being developed by the Department of Employee Relations. The analysis of separation patterns will be submitted as soon as the reports are available on the SEMA 4 system.

WEATHER EMERGENCIES AND EVACUATION

All buildings at Ah-Gwah-Ching Center have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for the use of elevators or stairways, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation procedures.

All employees of State Operated Services are considered Essential Employees; therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report to work, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

ANOKA METRO REGIONAL TREATMENT CENTER

C.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

FOR ANOKA METRO REGIONAL TREATMENT CENTER

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

OCCUPATIONAL CATEGORIES	1	PROTECTED GROUPS		
	MINORITIES	WOMEN	PERSONS with DISABILITIES	
202 Craft, Mntnc, Labor		x		
203 Service	x			
204 Health Care Non-Prof.	x			
205 Health Care Prof.				
206 Clerical			· · · · · · · · · · · · · · · · · · ·	
207 Technical	x			
213 Health Treat. Prof.				
214 General Professional			5 •	
215 Prof. Resid. Instr.			•	
216 Supervisory	X			
217 Commissioner's Plan				
220 Manager's Plan		2		
Other			manie y 2002.08	

2. This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame: All Official Bulletin Boards, All Units, Human Resources Office, Office for Affirmative Action.

3. This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame.

ffirmative Action Officer

Date

4. This annual 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.

Chief/Executive Office

5.

6.

8/11/00 Date

This annual plan covers all elements of the institution's personnel policy and management practices as related to affirmative action and has been reviewed by the Department of Human Services.

Hulusche Director for Equal Opportunity

16/7Ulm Date

Date

This annual plan meets the 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.

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations

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STATEMENT OF COMMITMENT

This is to reaffirm Anoka Metro Regional Treatment Center's official commitment and policy of providing equal opportunity to all employees and applicants for employment in accordance with all applicable Equal Opportunity/Alfirmative Action laws, directives and regulations of federal, state and local governing bodies.

Anoka Metro Regional Treatment Center will commit the necessary time and resources both financial and human to ach the goals of equal opportunity and affirmative action in employment, and in the delivery of services to all people regardings of race, color, creed, religion, sex, sexual orientation, membership or activity in a local (human rights) commission, age, national origin, marital status, disability, or reliance on public assistance. Where women, minority persons, or persons with disabilities are under-represented in our workforce, Anoka Metro Regional Treatment Center will strongly support and actively pursue affirmative action to eliminate that under-representation.

Anoka Metro Regional Treatment Center will evaluate the performance of its managed, supervisors and clinical chiefs on the basis of their role and involvement in helping to achieve and retain a chierse wondorce. It is expected that they will maintain an environment free of discrimination, and exemplify, through their actions the guiding practiples of AMRTC by exhibiting equity and respect in interactions with each other and with these in the community. They affirmative action objectives, and policies will be made known to every employee, consultant, and or subcontractor, and we will expect these people and organizations to be in compliance with all applicable Equal Employment Laws and practices, as well as be aware of and follow the polices and guidelines set forth by AMRTC.

Anoka Metro Regional Treatment Center has appointed Twanda James MacArthur to manage the Equal Opportunity Program. She is assigned the responsibility of administering and implementing the Affirmative Action/Equal Opportunity program as required by federal and state rules and regulations. In addition, she will implement programs and policies that will strengthen our commitment to recruit and retain protected group employees. She will insure that the core values of the facility are being met by engaging in activities that will encourage a more diverse work force. These activities will enable the facility to provide appropriate services to a more diverse patient population, thereby promoting AMRTC's position of providing quality patient services, which ultimately allow the highest level of self sufficie tray for all of our patients. The Chief Executive Officer of Anoka Metro Regional Treatment Center will revier the programs initiatives, reports and progress.

If any employee or applicant for employment believes he/she has been discriminated agains' pleare contact:

Twanda James MacArthur, Equal Opportunity Specialist Phone: (612) 576-5882 Anoka Metro Regional Treatment Center

Dr. Judith Krohn, Chief Executive Officer

7/00

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

CHIEF EXECUTIVE OFFICER

RESPONSIBILITIES: To oversee and ensure implementation of the Anoka Metro Regional Treatment Center's equal opportunity policy and affirmative action program. Ensure compliance with existing federal and state laws, and regulations.

- DUTIES:
 - Appoint an Affirmative Action Officer, with delegated authority to carry out the mission of implementing the AMRTC AA/EO program, and notify DHS Office for Equal Opportunity of the appointment.
 - 2. Include accountability for the administration of the agency's affirmative action plan in his/her position description.
 - 3. Require that managers and supervisors include responsibility statements for affirmative action in their position descriptions and annual objectives.
 - Take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
 - Issue an annual written statement to all employees affirming support of the State's equal opportunity policy and the Department's Affirmative Action Program.
 - 6. Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative action.

ACCOUNTABILITY: To the Assistant Commissioner of Continuing Care and to the commissioner of the Department of Human Services.

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY SPECIALIST:

RESPONSIBILITIES: To administer the facility's Affirmative Action Equal Employment Opportunity, and Diversity Program.

DUTIES:

- 1. Monitor implementation of the AMRTC's affirmative action plan.
- 2. Investigate alleged discrimination complaints. Coordinate handling of discrimination charges brought against the facility, and maintain a centralized record of such charges. Notify the DHS Equal Opportunity Director of all charges of discrimination
- Establish annual hiring goals, revise the AMRTC's AA Plan annually and complete all affirmative action reports as required.
- Monitor and provide direction and consultation on AA, EEO matters to the Chief Executive Officer and managers and supervisors.
- Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the facility.
- Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
- 7. Act as the liaison between AMRTC and the central office Equal Opportunity Division.
- 8. Determine the need for affirmative action related training programs.
- Review facility policies, procedures, programs, and collaborate with the ADA Coordinator in providing Reasonable Accommodations for disabled persons and recommend changes to the Chief Executive Officer.
- Plan and participate in the recruitment of protected group applicants for job openings. Be an active participant on the Budget Committee, which approves request to hire before the final approval by the CEO.
- 11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations, and keep apprised of new developments in the area of affirmative action and equal opportunity.
- 12. Investigate, mediate and recommend resolution of discrimination complaints to Chief Executive Officer or Chief Operating Officer.

ACCOUNTABILITY: Chief Executive Officer/ Chief Operating Officer

AMRTC HUMAN RESOURCES DIRECTOR

RESPONSIBILITIES: The Personnel Director is responsible for ensuring that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

DUTIES: The duties of the Personnel Director include, but are not limited to the following:

- Make available to the Affirmative Action/Equal Opportunity Specialist all records and information data necessary to perform affirmative action duties and responsibilities.
- Provide the Affirmative Action/Equal Opportunity Specialist an opportunity to participate in decisions regarding personnel practices.
- 3. Recommend specific annual Affirmative Action program objectives and annual hiring goals for the Affirmative Action Plan.
- Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of the employment interview.
- Recommend changes in policy and procedure to improve the facility's ability to achieve affirmative action objectives.
- Inform the Affirmative Action /Equal Opportunity Specialist of discrimination charges brought through a union grievance process and consult with the AA /EO Specialist regarding resolution of the grievance.

ACCOUNTABILITY: Chief Executive Officer/Chief Operating Officer

MANAGERS, SUPERVISORS, AND CLINICAL DISCIPLINE CHIEFS

RESPONSIBILITIES: To ensure compliance with statewide and Anoka Metro Regional Treatment Centers Affirmative Action programs and to ensure equal treatment of all employees.

Duties:

- Assist the Affirmative Action /Equal Opportunity Specialist in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- 2. Hire and promote qualified protected group members where a disparity exists. Follow the pre-hire review procedure
- Communicate and demonstrate AMRTC's commitment to the Equal Opportunity/ Affirmative Action policy.
- Include responsibility statements for Affirmative Action/Equal Employment opportunity in position descriptions, and annual performance objectives.
- Assist and make recommendations to the Affirmative action /EO Specialist regarding special recruitment projects.
- Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- 7. Ensure that for all employees under their supervision receive an annual Affirmative Action orientation.

ACCOUNTABILITY: To the Chief Executive Officer.

ALL EMPLOYEES

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

- I. A. On a quarterly basis the AMRTC Affirmative Action/ Equal Opportunity Specialist and DHS Affirmative Action Director:
 - 1. review goal achievement and hiring opportunity reports received from the Department of Employee Relations;
 - 2. inform the CEO, supervisors and managers of progress or changes in goal achievement status; and
 - 3. evaluate progress with action steps/efforts made during the previous quarter to address barriers.
 - II. A. <u>Annually</u>, the affirmative action /equal opportunity specialist will send to the DHS AA/OEO Office an end of the year summary of the following activities:
 - 1. changes in internal AA/EO procedure or policies;
 - 2. training and information sessions conducted that are related to AA/EEO;
 - 3. progress toward completion of action steps that were established for the year;
 - recruitment sources identified or protected group community organizations contacted;
 - 5. specialized projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions; and
 - number and type of discrimination complaints received, both informal and formal, and status of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination occurred).
 - **B.** Biennially, the AMRTC affirmative action / equal opportunity specialist will forward to the AA/OEO Director:
 - 1. completed and signed annual transmittal forms that identify facility disparities;
 - 2. specific action steps for the next fiscal year;
 - recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps;
 - 4. annual/interim hiring goals for the next fiscal year, based on current disparities; and
 - 5. number of reasonable accommodation requests received and approved or denied.
 - C. <u>Biennially</u>, the central office AA Director will submit for approval to the Department of Employee Relations, the following:
 - 1. all Annual Transmittal Forms;
 - 2. policy revisions or additions that have occurred during the previous fiscal year;
 - 3. all DHS Annual/Interim hiring goals;
 - 4. Commissioner's statement of commitment; and
 - 5. all DHS action steps.

INTERNAL AND EXTERNAL DISSEMINATION

I. INTERNAL

- A. The Chief Executive Officer will transmit a letter or memo biennially to the central office AA/OEO Director reaffirming AMRTC's commitment to equal opportunity and affirmative action.
- **B.** Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities.
- C. On each official bulletin board the following will be posted:
 - 1. the AA/EEO Policy and Procedures; and
 - 2. a copy of the AA Plan.
- D. The facility's orientation programs will have an equal opportunity/affirmative action component.
- E. The AAP will be summarized in appropriate Departmental publications.
- F. The AA/EEO policy will be included in the policy and procedures manuals.

II. EXTERNAL

- A. The phrase "An Affirmative Action/Equal Opportunity Employer" will be included on AMRTC's letterhead and in all advertisements for positions.
- Positions will be advertised in appropriate protected group publications.
- C. A written expression of AMRTC's position on equal opportunity will be included in newspapers, magazines, advertising, brochures, etc.
- D. An assurance of non-discrimination will be included in all contracts for programs or activities receiving federal financial assistance, in accordance with HHS regulations, 45 CFR, Part 80.
- E. With regard to written communications for distribution to the public, all brochures, bulletins, and other publications from the facility will contain a statement indicating that alternative formats will be provided upon request. In addition TDD number(s) will be added whenever a telephone number is listed or information will be provided to use the Minnesota Relay Service and include the following statement in lieu of a TDD number: For TTY, contact Minnesota Relay Service at 1-800-627-3529. AMRTC TDD number is 763 712-4002.

PROHIBITION OF DISCRIMINATION AND DISCRIMINATORY HARASSMENT

POLICY #2109

POLICY:

Anoka-Metro Regional Treatment Center (AMRTC) shall provide a work environment free of any form of discrimination, as well as unlawful discriminatory harassment.

AUTHORITY:

U.S. Civil Rights Act, Title VII Minnesota Human Rights Act, M.S. Chapter 363 M.S. 43A.191and Department of Employee Relations Administrative Procedure 1.2 Prohibiting Harassment. All applicable collective bargaining agreements.

PURPOSE:

To establish a means for maintaining a work environment free of illegal discrimination and discriminatory harassment.

DEFINITIONS:

Discrimination: An unlawful employment practice based on race, creed, color, national origin, religion, status with regard to public assistance, age, sex, marital status, sexual orientation, membership or activity in a local (human rights) commission, or disability.

Discriminatory Harassment: Behavior that is offensive, unwelcome, creates a hostile work environment, and is based on an individual's race, creed, color, national origin, religion, status with regard to public assistance, age, sex, marital status, disability, sexual orientation, or membership or activity in a local (human rights) commission.

Examples of discriminatory harassment include behavior such as making demeaning comments, slurs, jokes, that are based on a protected, personal characteristic. Sexual harassment also is a form of discrimination and includes unwanted behavior of a sexual nature which may include requests for sexual favors, or other verbal or physical conduct of a sexual nature, or creates a hostile work environment. There are two (2) types of sexual harassment: Quid Pro Quo, or conditional and Hostile Work Environment

Discriminatory Harassment occurs when: (Items a. and b. below shows the criteria for Quid Pro Quo and c. the criteria or Hostile Work Environment).

- Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
- Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
- c. Conduct or communication which has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, abusive, or offensive employment environment; and the employer knows or should have known of the existence of the harassment and fails to take timely and appropriate action.

RESPONSIBILITIES/PROCEDURES:

Chief Executive Officer (CEO) shall:

- a. Implement the provisions of this policy.
- b. Ensure that employees are fully aware of this policy.
- c. Make final determinations to resolve complaints of issues related to discrimination and discriminatory harassment.
- d. Assure Prohibition of Discriminatory Harassment is included in the facility's annual training plan.

Affirmative Action/Equal Opportunity (AA/EO) Specialist shall:

- Investigate or mediate all complaints of a discrimination and discriminatory harassment.
- Recommend appropriate corrective actions and resolution to the Chief Executive Officer.
- c. Investigate and recommend resolution of discriminatory harassment complaints, in accordance with the department's Discrimination Complaint Procedure.

harassment are followed in accordance with collective bargaining agreements.

Employees shall: a.

d.

Refrain from behavior that is harassing, intimidating or abusive in the work place and follow the provisions of this policy to prevent occurrences and complaints of

Ensure that specific provisions concerning complaints of discriminatory

- discriminatory harassment.
 If subjected to harassment, report the harassment to his/her immediate supervisor or to the (AA/EO) Director.
- c. If the complaint is related to an action of the immediate supervisor, report the harassment to the next higher level supervisor or to the (AA/EO) Director.

PROHIBITION OF GENERAL HARASSMENT

POLICY #2104.1

POLICY:

Anoka-Metro Regional Treatment Center shall provide an environment free of verbal, psychological, social, or physical harassment.

AUTHORITY:

Department of Employee Relations (DOER) Administrative Procedures 1.2 (harassment prohibited).Minn. Statutes, Chapter 363

PURPOSE:

To establish a policy on prohibition of general harassment and to establish procedures for reporting and reviewing/investigating such complaints.

DEFINITIONS:

General Harassment: Any repeated behavior, or combination of behaviors, verbal psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or the effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment or unreasonable creating an intimidating, hostile or offensive employment environment between supervisors and subordinates or among peers or co-workers, providing the harassment is not based on any protected characteristics. Protected characteristics include: race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance and veterans status. If the harassment is based on protected characteristics, the <u>Equal Employment</u> Opportunity Discrimination Complaint Process is to be used.

RESPONSIBILITIES/PROCEDURES:

- A. Chief Executive Officer shall:
 - 1. Implement the provisions of this policy.
 - 2. Ensure that employees are fully aware of this policy.
- B. Employees shall:
 - Report any allegations of harassment to his/her immediate supervisor, to the Affirmative Action/Equal Opportunity Director (AA/EO), Human Resources Director, or his/her designee by completing the <u>Discrimination/Harassment Complaint Form</u> available in the Equal Opportunity Office and the Human Resources Office, or by submitting a written statement detailing the specific actions, involved persons, and requested remedy.
 - Make the complaint to the next higher level supervisor, the AA/EO Director, the Chief Operating Officer or his/her designee if the complaint is related to the immediate supervisor.
 - Not intentionally use this compliant procedure for reasons of personal malice or abuse towards another employee.
- C. AA/EO Director shall:

D.

- Review all complaints to determine whether the complaint is general harassment or based on protected characteristics.
- Determine if the harassment is related to protected status and if that determination is made, the AA/EO Director shall handle the complaint to its conclusion.
- Refer the complaint to the Human Resources Director if the alleged harassment is not related to protected status.
- Human Resources Director or designee shall:
 - 1. Review the complaint or refer the complaint to the employee's supervisor for review. The review shall begin within fifteen (15) working days from the date the complaint was received by the Human Resources Director. The review may include any or all of the following:
 - 2. Interview the complainant.
 - 3. Interview other appropriate individuals.
 - Gather relevant information.
 - 5. Write a summary.

- 6. Discuss the situation with appropriate supervisory and managerial personnel before taking action.
- 7. Provide a written statement to the complainant and to the person(s) charged with general harassment outlining status of the review and whether action is to be taken.
- 8. Ensure that appropriate levels of management implement any necessary actions as a result of the review.

DISCRIMINATION COMPLAINT HANDLING

POLICY #2104

POLICY:

To establish a uniform policy for handling employee, applicants and eligibles complaints of unfair employment discrimination.

AUTHORITY:

Minnesota Statutes 43.A.191

Minnesota Department of Employee Relations (DOER) Rules Governing the Statewide Affirmative Action Program.

PURPOSE:

It is the policy of Anoka - Metro Regional Treatment Center to provide an internal avenue or recourse to any classified or unclassified employee who believes he/she has been discriminated against because of race, sex, age, color, national origin, religion, creed, sexual orientation, membership or activity in a local (human rights) commission, disability, marital status or status with regard to public assistance. While employees have the right to file discrimination complaints with the Minnesota Department of Human Rights or other enforcement agencies at any time, employees are encouraged to use this internal administrative remedy first. Anyone bringing a complaint shall do so without fear of coercion, reprisal or intimidation. Discrimination complaint, investigative data and findings will be handled in accordance with provisions of the Minnesota Government Data Practices Act- Minnesota Statutes 13.39 (1982) 13.02, subdivision 3 (1982) and Minnesota Statutes 13.43 (1982).

RESPONSIBILITIES/PROCEDURES:

Chief Executive Officer shall:

- 1. Implement the provisions of this policy.
- Ensure that employees are fully aware of this policy.
- Make final determinations to resolve AMRTC's complaints of discrimination.

Affirmative Action/Equal Opportunity Specialist shall:

- Implement provisions of this policy at AMRTC.
- 2. Ensure that employees are fully aware of this policy.
- Request DHS AA Director's review and give recommendations for unresolved complaints of discrimination.
- Make determination to resolve complaints of discrimination.
- 5. Investigate, mediate and recommend resolution of AMRTC's complaints of discrimination.
- 6. Review and recommend resolution of AMRTC's discrimination complaints upon request of the Chief Executive Officer.
- 7. Report findings and recommend resolutions to the Chief Executive Officer/Chief Operating Officer.

Supervisors shall:

Investigate and where possible resolve complaints of discrimination brought to their attention.

Consult with the AA/EO Specialist if necessary, and keep a log of the occurrence and remedy.

Employees shall:

Bring allegations of discrimination to the attention of the immediate supervisor, the AA/EO Specialist, ADA Coordinator, COO, H.R. Director or R.N. Supervisor through the AMRTC Discrimination Complaint Procedure ASAP after the occurrence.

PROCEDURES:

Complaints of discrimination alleging sexual harassment will be processed in accordance with applicable labor agreements. Complaints of discrimination that are filed as Union Grievances will be investigated by the AA/EO Specialist, in conjunction with the labor relations investigations.

Anoka - Metro Regional Treatment Center complaint procedures consist of the following:

1. Employee shall:

Present complaint to immediate supervisor or Affirmative Action Specialist after occurrence of the alleged discrimination. If allegation is against the immediate supervisor, present complaint to either of the following; the AA/EO Specialist, HR Director, COO, Nursing Supervisor, Or ADA Coordinator.

2. Supervisor shall: (if notified)

- a. Consult with the AA/EO Specialist for direction and assistance to determine, within ten days, whether the complaint is related to Equal Employment Opportunity (EEO) and is properly one of discrimination.
- b. If the complaint is not one of discrimination, notify the employee in writing. The HR Director will be notified if the complaint is one of General Harassment, or initiate corrective action if the problem can be resolved.
- c. If the complaint is one of discrimination, attempt to resolve the matter with guidance within ten (10) calendar days after receipt of the complaint.
- d. If the complaint of discrimination is filed as a union grievance, consult with the AA/EO Specialist for further guidance as to how to proceed.

(If complaint is not resolved with the immediate supervisor the AA/EO Specialist will process and complete findings within 45 days of AA/EO' Specialist notification of complaint. A final written answer to complaints of discrimination will be provided within 60 days after a formal complaint is filed. Disposition of complaints will be filed with the Commissioner of the Department of Employee Relations within 30 days of the final determination, consistent with law, rule and established procedures.)

1. Employee shall:

Complete a Discrimination Complaint Form, including remedies requested, and present to the AA/EO Specialist. If the complaint is against the AA/EO Specialist, present the complaint to the CEO/COO, who will designate an alternate investigator.

- 2. Affirmative Action/Equal Opportunity Specialist shall:
 - a. Notify the respondent (s) named in the allegation.
 - b. Conduct a full investigation and prepare a finding of facts, including a determination that discrimination did or did not occur.
 - c. Convene a meeting, when possible, between the employee, the employee's supervisor and respondent(s), to attempt settlement to the complaint through conciliation.
 - d. If complaint is not resolved through conciliation, submit findings and recommendations for resolution to the Chief Executive Officer.
 - e. **The AA/EO Specialist will notify the Administrative team of complaints when received to convene and review the allegations. The team consists of the AA/EO Specialist, Human Resource Director, Chief Operating Officer, and Nursing Supervisor. The team will review the findings and submit to the CEO for review.

3. Chief Executive Officer shall:

Review the submitted findings and recommendations and give written notification of his/her decision to the AAO, the employee, the employee's supervisor and the respondent(s) within 60 days after the complaint has been filed.

Appeal Stage: If employee is not satisfied with the decision of the Chief Executive Officer, they may request an appeal within fourteen (14) days of receipt of the AAO decision.

Employee shall:

Make written requests to the CEO for review of findings by the DHS AA/EO Director.

Chief Executive Officer shall:

Request that DHS AA/EO Director review findings and make a recommendation for resolution.

Assess DHS AA/EO Director's recommendation, render a final decision, and give written notification to AA/EO Specialist, employee, employee's supervisor and respondent(s).

DHS AA/EO Director shall:

Review AA/EO Specialist findings, recommendations and other pertinent information.

Provide a written recommendation to the CEO for appropriate resolution of the complaint.

C.

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REASONABLE ACCOMMODATIONS

POLICY #2111.1

POLICY:

Anoka-Metro Regional Treatment Center shall provide reasonable accommodation to the known physical or mental limitations of qualified employees or applicants with a disability for employment, or employees with a disability seeking promotions unless it would cause undue hardship by being too costly, extensive, substantial or disruptive, or that the accommodation would fundamentally alter the nature of the operation.

A fund of approximately \$3500 has been established, (as well as funds for language protocol), which will be used exclusively for ADA accommodations. The total for both funds amounts to \$10,000.00 which can be added to if needed.

AUTHORITY:

Minnesota Human Rights Act, Minnesota Statutes, section 363;

Minnesota Statutes, section 43 A 191;

Department of Employee Relations (DOER) rules Governing the Statewide Affirmative Action Program; Section 504 of the Federal Rehabilitation Act of 1973 as amended.

Americans with Disabilities Act, 42 U.S.C. ss 12101 et seq.

Department of Employee Relations (DOER) Administrative Procedures, 19.2

PURPOSE:

To ensure that reasonable accommodations are made to the physical or mental limitations of a qualified applicant, a current employee, or employee seeking a promotion with a disability, unless the accommodation would impose an undue hardship on the agency.

DEFINITIONS:

Person with a disability:

(For purposes of this policy, a person with a disability is one who):

Has a physical, sensory or mental condition which significantly limits one or more life activities;

Example: A person who has epilepsy, or a person who is diagnosed as having bipolar disorder would be considered to have a condition, even if medication reduces the impact of that condition.

Reasonable Accommodation:

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. Reasonable accommodation applies to three aspects of employment:

Essential Functions:

Essential functions are tasks which are necessary or fundamental to accomplish duties of the job. Essential job functions vary with individual job descriptions and include those physical, mental, and interpersonal activities necessary to achieve satisfactory job performance.

Undue Hardship:

(The following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility).

Size, type, and flexibility of program operation,

Nature and cost of the accommodation,

Budget resources available to the facility,

Facility's good faith effort to accommodate,

And creation of a conflict with rules or collective bargaining agreements.

RESPONSIBILITIES/PROCEDURES:

A. Chief Executive Officer shall:

- 1. Develop procedures to implement the provisions of this policy and designate to act as the ADA Coordinator, Corwin Randleman
- Make final determinations on reasonable accommodation requests that are denied and appealed.
- B. ADA Coordinator shall:

- 1. Ensure that employees and applicants are informed of the reasonable accommodation policy.
- Assist supervisors and employees with disabilities or applicants to identify types and costs of reasonable accommodations.
- Request additional medical information, if necessary.
- Advise employees of their right to appeal requests that are denied to the CEO through the discrimination complaint procedure.
- Advise applicants of their right to file a charge with outside enforcement agencies.
- 6. Provide consultation to supervisors and managers.
- 7. Ensure confidentiality of all medical information.
- Attend MN DHS ADA coordinator meetings and prepare and submit annual evaluation reports.
- 9. Process all reasonable accommodation expenditures in a timely manner.
- 10. Maintain records of all reasonable accommodation requests.
- If unable to make a definitive decision about providing the accommodation, forward a written request, along with recommendations to the CEO within ten (10) working days from the date request was received from the Manager/Supervisor.
- C. Supervisors shall:
 - Consult with the employee or applicant, and the ADA Coordinator to determine the needs for accommodation, to discuss options and if a minor accommodation is appropriate, grant the accommodation.
 - Ask the employee or applicant to complete a written request for reasonable accommodation, if it involves a major restructuring of the job, or an initial or ongoing expenditure of funds.
 - 3. Inform assigned staff about AMRTC's Reasonable Accommodation policy.
 - Supervisor must inform the ADA coordinator of the request and submit a request for accommodation form.
 - 5. Provide list of essential functions when requested.
- D. Human Resources Director shall:
 - Ensure that all initial communication between a job applicant and a supervisor or the Human Resource office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
 - Contact the ADA Coordinator immediately to indicate an accommodation is needed. In order to ensure the accommodation is provided at the interview, requests shall be handled in a timely manner.
 - Maintain and secure all medical records pertaining to ADA accommodation cases.
 - Notify all applicants of this accommodation policy using accessible formats when needed.
- E. Employees shall:
 - Communicate reasonable accommodation needs to the immediate supervisor orally or in writing, using the request for reasonable accommodation form.
 - If unable to complete the form, request assistance from supervisor or ADA Coordinator.
 - 3. If unsatisfied with the supervisor's decision, contact the ADA Coordinator.

PRE-HIRE REVIEW POLICY

POLICY:

Whenever a vacancy occurs in the goal unit where one or more disparities exists, and a qualified disparate group candidate is either on the certified eligible list (Selective or Regular) applied for transfer, or has submitted their credentials for an unclassified position, the disparate group candidate will be offered an interview. Before an offer of employment is made to anyone other than a qualified disparate group candidate, the supervisor must receive the approval of the Equal Opportunity/Specialist by providing written justification which details the disparate candidate(s) inability to perform the essential functions of the position.

AUTHORITY:

Minn. Rules, part 3905.0400; M.S.. 43A.191; DOER Rules Governing the Statewide Affirmative Action Program Administrative procedures

PURPOSE:

To establish a method to ensure that affirmative action hiring goals are included and considered whenever hiring decisions are made in bargaining units with one or more disparities.

DEFINITIONS:

Disparate Group Candidates: persons of color, disabled individuals, and women who meet the "qualified person" standards for a specific opening.

Disparate Goal Unit: A goal unit in which the representation of one or more disparity groups is less than that group's estimated availability in the relevant geographic area and labor force.

Vacancy: An approved unclassified, classified, temporary or appointed position that is open.

Expanded List: The inclusion of at least two protected class names per disparity for consideration. Written Justification: Correspondence by memo or e-mail specifying the reasons why disparity class

candidates cannot perform the basic/essential job functions of the position in question. One component of this justification may involve a comparative analysis of interviewed candidates showing how each scored in terms of questions related to essential job functions and responsibilities.

Missed Opportunity (MO): Failure to act affirmatively in hiring an available qualified disparity group candidate into a disparate job vacancy. If agency wide MO is greater than 25% of all hiring opportunities, sanctions and penalties are possible according to MN Statutes, Chapter 43A.

Qualified Person: A job applicant possessing at least the minimum level of knowledge, skills, and abilities to perform the essential job duties.

RESPONSIBILITIES/PROCEDURES:

Chief Executive Officer shall:

Review and make final determinations on selection decisions that the AA/Equal Opportunity Specialist disapproves.

Affirmative Action Officer/Equal Opportunity Specialist shall:

- Review selection decisions in all disparate goal units and advise hiring authority of decision.
- 2. Sign off on all Monitoring the Hiring Process forms.
- 3. Maintain tracking and reporting system for all missed opportunities.

Human Resources Director or designee shall:

- When contacted about a division intending to fill a vacancy in a disparate bargaining unit the protected group person will be included with other available names provided to the hiring authority. The hiring authority will not be told of the disparity or the protected class status of the applicants.
- 2. Initiate respective Monitoring the Hiring Process forms and cover material for all list and non list hires.
- 3. In the case of list hires, request an expanded list of disparity candidates from DOER staffing Division if needed.
- Quarterly reports taken from the protected group reports will be submitted to Central Office. (OFFICE FOR EQUAL OPPORTUNITY).

Hiring Supervisor shall:

- Make a good faith effort to contact and offer an interview to all qualified and available candidates.
- 2. Document the interview process and reasons for non-selection of all disparate group candidates.
- 3. Contact the AA/EO Specialist for consultation in situations where a disparate group candidate is available but will not be offered the position.

SELECTION/NON-SELECTION PROCEDURES:

Chief Executive Officer shall:

- Review justification for non-selection of available disparity group candidates upon request of the AA/EO Specialist.
- 2. Approve selection decisions in these situations prior to an offer of employment. AA/EO Specialist shall:
- 3. Evaluate written justifications for non-selection of available and qualified disparity group candidates for hiring decisions in all disparate goal units.
- Consult with the Human Resources Director to review the hiring supervisors selection decision, where disparity group candidate(s) are not selected to fill vacancies in disparate goal units.
- If necessary, request that Chief Executive Officer or Chief Operations Officer review for final determination when the hiring supervisor and AA/EO Specialist disagree on the selected candidate.
- Consult with hiring supervisor regarding how to control missed opportunities so as to incur less than 25% total missed opportunities over the year.

Hiring Supervisor shall:

- 1. Provide documentation on the interview and selection process as requested by the AA/EO Specialist.
- Delay making an offer of employment until either an approval is received from the AA/EO Specialist or a final determination is made by the Chief Executive Officer or Chief Operations Officer.
- 3. When a disparity group person is selected, do not disclose information that the selection was related to their disparity group status. Under Minnesota Data Government Practices Act (Section 13.43) disparity group status is not public data and disclosure is illegal,

It is our goal to eliminate disparities in the following bargaining units

MAPE (214) Bargaining Unit,(1) MINORITY and (3) DISABLED, AFSCME Bargaining Unit (206) Clerical Unit (3)MINORITIES (1) DISABLED. Bargaining Unit (205) Nurses (1) DISABLED

RESULTS: Partially met goal. AMRTC eliminated (M)disparities in Bargaining Units 205, 214, and 206. Currently there are two bargaining units with disparities for minorities 207, 202. The facility hired (1) Disabled bargaining unit 205.

I: DIVERSITY- EDUCATION

OBJECTIVE #1

To increase staff awareness and sensitivity towards cultural issues in order to attain a more culturally competent body of staff:

ACTION STEPS

 Develop with the Diversity/Affirmative Action committee and the Education Department a curriculum to provide education and training to unit staff and patients on communicating across cultures to enhance and better serve protected group patients.

> **RESPONSIBILTY:** Twanda MacArthur, Education Department, and Affirmative Action Committee. **TIMELINES: June 2001**

 Selected Diversity Committee members will participate in a pilot project "Adopt A Unit Program" to provide ongoing information guidance and education to a certain group of units on a regular basis regarding diversity issues.

RESPONSIBILITY: Twanda MacArthur, Selected Diversity Committee Members.

TIMELINES: June, 2001

3. Develop a Plan and initiate a cultural training program with the two consultants currently on contract with the facility. These contractors are from the African American, and American Indian Community. Other pertinent contributors from the Disability Community and the Gay and Lesbian Community will also be included to strategize and deliver a quality training product.

TIMELINES: November, 2001

 Work with the Volunteer Service Coordinator, a Staff Psychiatrist, and the Chaplain in efforts to provide education, and information to staff on specific cultural spiritual care.

> **RESPONSIBILITY:** Twanda MacArthur, Chaplain Nelson. **TIMELINES:** Ongoing and as needed and requested.

OBJECTIVE #2

To maintain and improve staff knowledge regarding Sexual Harassment:

ACTION STEPS:

1. Annually provide refresher training to all staff on Preventing Sexual Harassment.

RESPONSIBILITY: Twanda MacArthur, and The Education Department.

TIMELINES: June 2001, and June 2002.

 Continue to provide Preventing Sexual Harassment training to all new employees.

RESPONSIBILITY: Twanda MacArthur.

TIMELINES: Coninuous.

II NFORMATION DESSIMINATION:

OBJECTIVE#3

To improve communication, improve service delivery efforts, and better meet the needs of both staff and those patients whose first language is not English and may have limited English proficiency:

ACTION STEPS:

1.

Participate with State Operated Services LEP group in developing a plan and implementation in setting standards and criteria to improve the quality of care to patients and enhancing the communication gap between staff and patients in identifying

appropriate resources, assisting in adjustment to the facility and providing guidance in working with clients. RESPONSIBILITY: Twanda MacArthur; TIMELINE: June 2001. Ongoing until completed.

 Review with the State Operated Services LEP group pertinent documents that should be made readily available on audiotape and translated when needed for patients whose primary language is not English. The languages will be decided by the group.

RESPONSIBILITY: SOS LEP group.

TIMELINE: June 2001. Ongoing until completed.

III RECRUITMENT INITIATIVES-

OBJECTIVE #4

To eliminate disparities in underrepresented bargaining units and to represent the facility in those efforts in a professional manner with quality tools and materials for distribution.

ACTION STEPS:

1.

2.

AMRTC will purchase quality recruitment tool and instruments for use at recruitment fairs, school, universities, mailings, and at other times when the opportunity is to positively market and represent the facility.

RESPONSIBILITY: Twanda MacArthur, or Designee. TIMELINES: June 2001.

AMRTC will encourage relationships with protected group communities by active communications to market the AMRTC campus facility, it's group homes and CSS operations.

IV RETENTION INITIATIVES:

OBJECTIVE#5

To retain and promote qualified staff from protected classes.

ACTION STEPS:

To continue to work with supervisors and managers in developing individual employment development plans with their staff. Encourage staff participation in educational development, and employment skills, encourage staff to participate in outside activities that would enhance their work skills.

HIRING GOALS AND OBJECTIVES FISCAL YEARS 2001, and 2002

Craft Unit 202	(1) Female	(1) Minority
Supervisory 216	(1) Minority	(1) Disabled
Technical 207	(1) Minority	(1) Disabled

RECRUITMENT PLAN

PURPOSE:

To ensure that AMRTC recruitment programs are publicly conducted, attract sufficient numbers of qualified applicants, enhance the image and esteem of state employment and emphasize the recruitment of protected group members in meeting AA Goals and achieve a balanced workforce.

AUTHORITY:

Minnesota Statutes, section 43A.9; DOER Administrative Procedures 9B; 5 CFR 900.603; Minnesota Rules, part 9575.0620, subpart 7.

POLICY:

The AMRTC Affirmative Action/Equal Opportunity Specialist will be notified of all unclassified and classified openings at AMRTC, and will submit this information to the Central Office EO Office for assistance in recruitment efforts. In addition, where a disparity exists and the opening is determined to be recruitable, the AA/EO Specialist, in collaboration with the Human Resources Director will develop and implement a recruitment strategy to increase the availability of protected group candidates for interview.

DEFINITIONS:

Examination Announcement: The posting or publication of announcements for competitive and promotional examinations made through public notice and/or notice to state agencies.

Hiring Authority: Central Office, Merit System, and Residential Facility person(s) responsible for making final selection decision from interviewed candidates.

Recruitable Position: A position with a high potential for finding a qualified protected group candidate based on cost effective and planned recruitment activities. Determinants for these positions are as follows:

- a.) The job requirements are generic and/or capable of being met by a variety of experiences.
- b.) A reasonable recruitment window (three weeks or more) is given in which to recruit applicants.
- c.) A protected group disparity exists in that job classification.

RESPONSIBILITIES:

- A. Hiring Authority:
 - 1. Determine the need for filling a vacancy.
 - 2. After securing necessary approvals to fill a vacancy in a job class, the hiring authority will communicates with the AA/EO Specialist regarding implementing a recruitment plan.
- B. AMRTC Human Resources Director or designee:
 - 1. Review and approve examination announcement requests for classifications.
 - Notify the AA/EO Specialist by e-mail, copy of exam announcement and/or memo of position availability.
- C. AA/EO Specialist:
 - 1. Consults with hiring authority, (supervisor or manager), Human Resources Director or Recruitment and Retention Team regarding implementing a recruitment plan.
 - Coordinate notification of protected group community organizations of vacancies available and as necessary, offer to meet with counselors and job developers on specific referrals.

PROCEDURES:

- A. Hiring Authorities:
 - Inform HR, Clinical Cabinet, when required, and budget committee of a request and approval to fill a vacancy for any and all unclassified and classified positions.
 - In cases of all recruitable vacancies contacts the AA/EO Specialist to discuss establishing a recruitment plan for class vacancies approved for hire..
- B. Human Resources Director or Designee::
 - 1. Inform the AA/EO Specialist of approved requests to fill vacancies.
 - 2. Determine disparities for the facility.
- C. AA/EO Specialist:

1.

- Determines if position is recruitable. If position is determined recruitable:
 - a.) Consults with hiring authorities and HR Director, Central Office Recruitment and

Retention Team regarding recruiting options, resources, and related activities.

- **b.)** Be a member and active participant on the budget committee which approves the request to fill vacant positions prior to the final approval of the CEO.
- c.) Notifies selected protected group organizations of available unclassified and classified positions by forwarding vacancy announcements, meeting with staff and prospective applicants to discuss inform of AMRTC, DHS Central Office and state hiring procedures.
- d.) Coordinate with HR Director, the placement of ads in the protected group media outlets.
- e.) Implements aspects of recruitment strategy discussed in advance with hiring authority or Human Resources such as contacting protected group oriented colleges, training centers, and professional association attending conferences and build relationships with these institutions. This includes Disability organization as well as organizations of color, and women organizations.
- f.) Establish a resume bank of a pool of protected group candidates.
 - 1. Evaluate results with the hiring authority for each recruitment plan that is implemented.
 - Monitor the process for achievement of desired goals. Maintain record of hiring and the outcome for all disparate vacancies.

RECRUITMENT PLAN 2001-2002 ACTION STEPS, RESPONSIBILITY: Twanda MacArthur

- 1. The facility will purchase and make available quality recruitment and marketing tools for use at job fairs, presentations or other times when the purpose is to represent the facility in its recruitment efforts or marketing initiatives.
- The AA/EO Specialist will meet with community organizations to encourage their presence at the facility through face to face meetings at least 7 for the biennium
- Invite participation with community organizations, schools and other relevant organizations in developing a plan of action to be more culturally competent in efforts to have a diverse workforce to meet client needs.
- Increase use of voice media, increase the numbers of protected group organizations in which we place ads.
- Outreach with community colleges and universities who have a high population of protected group candidates by providing job opportunity information electronically as well as continued efforts by mail.
- Encourage participation with the Diversity Committee by including those who desire to participate and meet with protected group organizations an opportunity to develop and encourage a relationship.

DISABILITY RECRUITMENT PLAN:

- 1. Develop relationships with agencies and organizations whose primary focus is on finding employment for individuals with disabilities.
- Develop a student worker program for high school and College students with disabilities that have an interest in Health Care.
- 3. Provide 2 internships to students in the Pathways To Health Care Program.
- Continue to work with the Human Resources Director and Supervisors in developing essential functions and criteria for a supported worker.

OBJECTIVES and ACTION STEPS 2000-2002

I: DIVERSITY- EDUCATION

OBJECTIVE #1

To increase staff awareness and sensitivity towards cultural issues in order to attain a more culturally competent body of staff:

ACTION STEPS

 Develop with the Diversity/Affirmative Action committee and the Education Department a curriculum to provide education and training to unit staff and patients on communicating across cultures to enhance and better serve protected group patients.

RESPONSIBILTY: Twanda MacArthur, Education Department, and Affirmative Action Committee.

TIMELINES: June 2001

 Selected Diversity Committee members will participate in a pilot project "Adopt A Unit Program" to provide ongoing information guidance and education to a certain group of units on a regular basis regarding diversity issues.

RESPONSIBILITY: Twanda MacArthur, Selected Diversity Committee Members.

TIMELINES: June, 2001

7. Develop a Plan and initiate a cultural training program with the two consultants currently on contract with the facility. These contractors are from the African American, and American Indian Community. Other pertinent contributors from the Disability Community and the Gay and Lesbian Community will also be included to strategize and deliver a quality training product.

TIMELINES: November, 2001

 Work with the Volunteer Service Coordinator, a Staff Psychiatrist, and the Chaplain in efforts to provide education, and information to staff on specific cultural spiritual care.

> **RESPONSIBILITY:** Twanda MacArthur, Chaplain Nelson. **TIMELINES:** Ongoing and as needed and requested.

OBJECTIVE #2

To maintain and improve staff knowledge regarding Sexual Harassment:

ACTION STEPS:

1. Annually provide refresher training to all staff on Preventing Sexual Harassment.

RESPONSIBILITY: Twanda MacArthur, and The Education Department.

- TIMELINES: June 2001, and June 2002.
- Continue to provide Preventing Sexual Harassment training to all new employees.

RESPONSIBILITY: Twanda MacArthur.

TIMELINES: Coninuous.

II NFORMATION DESSIMINATION:

OBJECTIVE#3

To improve communication, improve service delivery efforts, and better meet the needs of both staff and those patients whose first language is not English and may have limited English proficiency:

ACTION STEPS:

1

Participate with State Operated Services LEP group in developing a plan and implementation in setting standards and criteria to improve the quality of care to patients and enhancing the communication gap between staff and patients in identifying

appropriate resources, assisting in adjustment to the facility and providing guidance in working with clients. RESPONSIBILITY: Twanda MacArthur; TIMELINE: June 2001. Ongoing until completed.

 Review with the State Operated Services LEP group pertinent documents that should be made readily available on audiotape and translated when needed for patients whose primary language is not English. The languages will be decided by the group.

RESPONSIBILITY: SOS LEP group.

TIMELINE: June 2001. Ongoing until completed.

III RECRUITMENT INITIATIVES-

OBJECTIVE #4

To eliminate disparities in underrepresented bargaining units and to represent the facility in those efforts in a professional manner with quality tools and materials for distribution.

ACTION STEPS:

1.

AMRTC will purchase quality recruitment tool and instruments for use at recruitment fairs, school, universities, mailings, and at other times when the opportunity is to positively market and represent the facility.

RESPONSIBILITY: Twanda MacArthur, or Designee. **TIMELINES: June 2001.**

 AMRTC will encourage relationships with protected group communities by active communications to market the AMRTC campus facility, it's group homes and CSS operations.

IV RETENTION INITIATIVES:

OBJECTIVE#5

To retain and promote qualified staff from protected classes.

ACTION STEPS:

To continue to work with supervisors and managers in developing individual employment development plans with their staff. Encourage staff participation in educational development, and employment skills, encourage staff to participate in outside activities that would enhance their work skills.

HIRING GOALS AND OBJECTIVES FISCAL YEARS 2001, and 2002

Craft Unit 202	(1) Female	(1) Minority
Supervisory 216	(1) Minority	(1) Disabled
Technical 207	(1) Minority	(1) Disabled

RECRUITMENT OBJECTIVE: Meet Affirmative Action Goals, eliminate disparities and achieve a balanced workforce.

Action Steps : 1.

(a) Advertising Sources Used: Minneapolis Star & Tribune St. Paul Pioneer Press State of Minnesota Career Opportunities Bulletin Insight News Anoka Shopper

Cost Incurred:

Approximately \$8000.00 fiscal years 1999-2000

2.

(b) Implement a Tracking System of potential candidates for employment to assist in better utilizing advertising and recruitment resources:

Results: Yes Human Resources track the information through the State of Minnesota State application Information.

3.

4.

(c)Job Fairs attended/projected:

The AA/EO Specialist will attend four job fairs per fiscal year. Through this activity and other actions the objective is to build community relationships to enhance our recruitment efforts, and establish a positive presence in the protected group and other communities. AMRTC will establish a resume Bank to provide ongoing pool of potential candidates.

RESULTS: Because of the facility's need for clinical staff R.N.'s, L.P.N.'s, HST's, the job fairs were attended by the Nurse Administrator , who recruits and hires nursing staff. Special attention was given to potential candidates from protected group communities in both the interviewing, recruitment initiatives in the hiring process in disparate bargaining units. Most of the recruitment activities occurred at local colleges recruitment fairs.

(d) Hiring GOALS Opportunities and Recruitment:

The facility recruited for several clerk typist 3 positions, social workers and social work specialist, Vocational Rehabilitation Counselors, Registered Nurses and two Psychiatrists. Two minority social workers hired, and two Social Work Specialist.

5. INTERNSHIPS: The facility will offer two Pathways To Human Services Internships:

RESULTS: Yes, There were two participants in the Pathways to Human Services Careers Internship Program in fiscal year 1999. One student worked in the Social Service Department, and the second student worked in the Psychology Department. The facility did not participate in fiscal year 2000.

6. SUPPORTED WORKER: Review job classifications, review position descriptions, develop criteria for qualification, and selection with the Human Resources Director in analyzing appropriate placement for a supported worker:

RESULTS: No, Will continue to work with Human Resources to define positions, and essential job tasks.

7. Unclassified Positions: Recruit for positions using resources that met the criteria for protected group media.

RESULTS: Yes, goal met through local contacts, mailings, and job fairs.

8.

RECRUITMENT of PERSONS WITH DISABILITIES:

AMRTC will comply with all applicable federal and state laws. We will recruit for protected group persons including those persons with disabilities through participating in Job Fairs, meeting with students at local colleges and universities, and their counselors, utilize both print, and voice media, establish community support systems throughout the state of Minnesota, and establish partnerships with the private sector.

9. Develop and Implement a Diversity Program and enhance the affirmative action/equal opportunity program.

- 1. Establish an Affirmative Action Committee and Diversity Committee.
- 2. Update and distribute all relevant AA/EO policies.
- Provide training to supervisors and managers regarding implementation of AA/EO policies and procedures.
- Provided training to all staff on Preventing sexual Harassment.

RESULTS: All goals met in this area.

RETENTION PLAN

PURPOSE:

To establish a coordinated plan of activities to retain protected group employees between DOER and DHS Retention Team & Residential Facility AA Officers. These initiatives will improve productivity, make work culture more conducive to diverse employees and guide employees toward promotional opportunities.

AUTHORITY:

MS 43A.191, Subd. 3(c), ADA, Title VII of the Civil Rights Act, and M.S. 363

POLICY:

DHS Office of Equal Opportunity (OEO) will determine separation patterns that may have disparate impact on protected group members. OEO will insure that reporting of retention rates will coincide with AA reporting requirements and auditing.

RESPONSIBILITIES:

Commissioner:

- 1. State the agency's commitment to affirmatively retain protected group employees in the affirmative action statement of commitment.
- 2. Designate person(s), (including name, division and position), who are responsible for the agency's retention activities.
- 3. Inform the Equal Opportunity Director of any pending reductions in workforce.

Division/Department Directors and CEO's:

Demonstrate a good faith effort to retain protected group member employees.

Equal Opportunity Director or designees:

- 1. Analyze separation and layoff patterns of all employees to determine the impact on protected group members.
- 2. Identify specific methods to retain protected group employees(e.g. mentorship, training, individual development plans and employee network groups, etc.).

AA/EO Specialist:

- 1. Identify and advise current employees of mobility and career advancement opportunities.
- 2. Develop programs and implement activities that will promote awareness, acceptance and appreciation for diversity and affirmative action.
- 3. Ensure that all hiring authorities are aware of related policies and procedures and their responsibility in maintaining and achieving a diverse work force.
- As necessary, work to re-deploy laid off employees to other areas within state government
- 5. Create reports from data as required by DOER/ODEO.
- 6. Monitor the results of exit surveys and internship experiences.

Supervisors, Managers and Discipline Chiefs:

- 1. Shall maintain an environment that is conducive to maintaining a positive work environment.
- 2. Ensure that their employees are aware of relevant policies and procedures and their responsibility in maintaining a non-hostile and discriminatory free environment.
- 3. Model appropriate behaviors and actions.
- 4. Follow the pre-hire review process.
- 5. Provide staff with appropriate feed back regarding their performance in a timely manner.
- Collaborate with AA/EO Specialist in handling possible complaints of discrimination, or other issues related to affirmative action and equal opportunity.

RETENTION RECORD KEEPING

AMRTC will initiate efforts to improve productivity, and make the work culture more conducive to diverse employees.

- 1. The AA/EO Specialist in collaboration with the Human Resources Director will provide employees with information regarding promotional, mobility, and other opportunities that are available within the state system.
- Implement use of an exit review process that will track the reasons indicated regarding departure from AMRTC.
- Ensure that staff are aware of all policies as related to affirmative action/equal opportunity and their responsibility in relation to these initiatives.
- 4. Through training initiatives the AA/EO Specialist will work with the staff development staff to provide informational discussions, workshops on different cultures that will assist the facility in providing better service and understanding to staff who work with clients from various backgrounds, and cultures.
- All of the above efforts will be documented and available for audits or reference purposes.

LAY OFFS:

A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternate course of action that would accomplish the supervisor's goals without the negative impact.

WEATHER EMERGENCIES AND EVACUATION

All buildings within the AMRTC have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.

D.

BRAINERD REGIONAL HUMAN SERVICES CENTER

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE, 30 2000-JULY 1, 2002

AFFIRMATIVE ACTION PLAN

Fiscal Year 2001-02 - for DHS, Brainerd Regional Human Services Center

1. This biannual review revealed under-utilization of the following protected group(s) in the following occupational categories: (Check [x] as appropriate)

OCCUPATIONAL CATEGORIES	PROTECTED GROUPS		
	Minorities	Women	Persons with Disabilities
202 Craft, Maint., Labor	X (.30 FTE)	X (2.60 FTE)	
203 Service			
204 Health Care Non-Prof.			X (5.34 FTE)
205 Health Care Prof.	X (.78 FTE)		
206 Clerical	X (.36 FTE)		
207 Technical	X (.09 FTE)		*
213 Health Treatment Professional	X (.14 FTE)	i i i i i i i i i i i i i i i i i i i	X (.38 FTE)
214 Professional	2		X (1.37 FTE)
216 Supervisors		X (.34 FTE)	X (1.72 FTE)
217 Commissioners			X (1.25 FTE)
220 Managers	X (.35 FTE)	X (1.33 FTE)	

2. This biannual plan is posted at the following central location so that every employee may be aware of the institution's commitments in affirmative action for the year. It is also located in every work unit throughout the entire organization as BRHSC policy 2601.

BRHSC Human Resources Office

This biannual plan contains an internal procedure for processing complaints of alleged 3. discrimination and each employee has been appraised of this procedure as well as the affirmative action goals for this year.

annie Tentreco Affirmative Action Office, Facility

<u>7-31.00</u> Date

4. This biannual 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.

Chief Executive Officer, Facility

8-4.00 Date

5. This annual plan covers all elements of the institutions personnel policy and management practices as related to affirmative action and has been reviewed by the Department of Human Services.

Juderson 10

10/27/00

Director, Office for Equal Opportunity

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

murath

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations Date

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STATEMENT OF COMMITMENT

BRAINERD REGIONAL HUMAN SERVICES CENTER EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the State of Minnesota to implement and maintain an affirmative action program designed to eliminate the inder-utilization of qualified protected group members within the state civil service through a series of specific result-oriented procedures combined with good faith effort.

It is the policy of Brainerd Regional Human Services Center (BRHSC) to provide equal employment opportunities to all qualified people without regard to race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance, physical, mental or emotional disability or handicap, political opinions or affiliations. This policy and practice includes recruitment, selection, hiring, benefits, promotion, transfer, layoffs, return from layoff, termination, compensation, equality of wages, education, tuition assistance, employee development programs, including apprenticeship and training programs, the retention of protected group employees and all other areas of human resources activities, in accordance with applicable federal, state and local laws and regulations.

An effective affirmative action program involves more than a reaffirmation of commitment to equal opportunity. Therefore, Brainerd Regional Human Services Center will continue to implement a progressive program of affirmative action to ensure that equal opportunity is provided on the basis of individual qualifications and to encourage all persons to seek employment and strive for advancement.

The Affirmative Action Officer/ADA Coordinator is delegated the responsibility and authority to implement and monitor the equal opportunity/affirmative action programs for BRHSC. The Affirmative Action Officer will report directly to me as outlined in Minnesota Statute. The Affirmative Action Plan will be posted on official bulletin boards in all work areas and will also be maintained in all policy books.

All management and supervisory staff will play a key role in the program's success. Therefore, all managers' and supervisors' performance will be evaluated in part on their progress in this area. I encourage the assistance of all employees in the efforts to achieve equal opportunity within BRHSC.

am convinced that it makes good management sense to have a strong Affirmative Action Plan (AAP) and I reaffirm my strong commitment to its principles and policies. By implementing such a plan, we will ensure the maximum utilization of our human resources and the protection of equal rights for all our employees.

Harvey G. Caldwell Chief Executive Officer

Date 11-20 00

RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITIES

Chief Executive Officer

Responsibilities: To oversee and ensure implementation of the BRHSC Affirmative Action Program and Equal Opportunity Policy in compliance with existing federal and state laws, rules and regulations. **Duties:**

- Appoint an Affirmative Action Officer/ADA Coordinator and notify DHS Affirmative Action Director of these designations.
- (2) Require managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
- (3) Resolve internal discrimination complaints and notify DHS Affirmative Action Director of all enforcement agency changes.
- (4) Ensure that DHS Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
- (5) Issue an annual written statement to staff communicating support of the affirmative action/equal opportunity policies.
- (6) Establish an agency diversity committee to promote awareness and equal opportunities for the diverse patient and staff population of BRHSC.

Accountability: Assistant Commissioner - Residential Facilities, and DHS Commissioner. Affirmative Action Officer

Responsibilities: To implement and maintain the BRHSC Affirmative Action Program.

- Develop and recommend changes to the AA/EEO Program.
- (2) Monitor BRHSC's human resources practices for impact on protected groups; complete progress and other required reports.
- (3) Act as liaison with DHS Affirmative Action Director.
- (4) Ensure that affirmative action policies and procedures are disseminated to employees.
- (5) Investigate, mediate, and recommend resolution of discrimination complaints to the Chief Executive Officer.
- (6) Facilitate work of the agency diversity committee to ensure goals are met.

Accountability: Chief Executive Officer.

Managers and Supervisors:

Responsibilities: To ensure compliance with BRHSC Affirmative Action Program and equal treatment

of all employees and applicants for employment.

Duties:

- (1) Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- (2) Hire and promote qualified protected group members where a disparity exists.
- (3) Communicate and demonstrate a personal commitment to the BRHSC Affirmative Action Program.
- (4) Include responsibility statements for AA/EEO in position descriptions and annual performance indicators.
- (5) Assist and make recommendations to the Affirmative Action Officer regarding special recruitment projects.
- (6) Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- (7) Ensure that all employees under their supervision receive affirmative action orientation.

Accountability: To the Chief Executive Officer, indirectly, and to the immediate supervisor, directly. All Employees:

a. Responsibilities: All employees shall be responsible for conducting themselves in accordance with the BRHSC Affirmative Action/Equal Opportunity Program by refraining from any actions which could interfere with any employee's work performance with respect to race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance, physical, mental or emotional disability or handicap, or political opinions or affiliations. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of recourse through the BRHSC discrimination complaint procedure.

AUDIT AND EVALUATION:

- On a quarterly basis the DHS Affirmative Action Director and BRHSC Affirmative Action Officer will:
 - a. Review agency diversity objectives and affirmative action goal achievement and hiring opportunity reports received from the Department of Employee Relations;
 - b. Inform the Commissioner, CEO, supervisors and managers of progress or changes in goal achievement status for both phases; and
 - Evaluate progress with action steps/efforts made during the previous quarter to address barriers.
- Annually, the BRHSC Affirmative Action Officer will send to the DHS AA Office the fiscal year summary of the following activities:
 - a. Changes in internal AA/EEO procedure or policies;
 - b. Training and information sessions conducted that are related to AA/EEO;
 - c. Progress toward completion of action steps that were established for the year;
 - Recruitment sources identified or protected group community organizations contacted;
 - e. Specialized projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions; and
 - f. Number and type of discrimination complaints received, both informal and formal, and status of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination occurred).
 - g. Number of reasonable accommodation requests received and approved or denied.

3) Biennially at the end of the fiscal year the BRHSC Affirmative Action Officer will forward to the DHS AA Director:

- a. Completed and signed annual transmittal forms that identify BRHSC disparities;
- b. Specific action steps for the next fiscal year;
- Recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps;
- d. Biannual/interim hiring goals, based on current disparities.

117

INTERNAL AND EXTERNAL DISSEMINATION

- 1) Internal Dissemination:
 - a. The Chief Executive Officer will transmit a letter or memo biannually to employees reaffirming BRHSC's commitment to equal opportunity and affirmative action.
 - **b.** Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities.
 - c. The BRHSC Affirmative Action Plan will be incorporated into official facility policy as #2601, which will be updated at least biannually. It will be available to all employees at their individual work sites, and it will be posted on all official bulletin boards.
 - d. Employee orientation programs will have an equal opportunity/affirmative action component.

2) External Dissemination:

- a. The phrase "An Equal Opportunity/Affirmative Action Employer" will be included on BRHSC's letterhead and in all advertisements for positions.
- b. Positions will be advertised in appropriate protected group publications.
- c. The phrase "Upon request, this information will be made available in an alternative format, such as Braille, large print or audiotape" will be included in any material that is released to the public.

DISCRIMINATION COMPLAINTS

POLICY #2601a

POLICY:

It is the policy of Brainerd Regional Human Services Center (BRHSC) to provide equal employment opportunities to employees, applicants, or eligibles without regard to race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance, physical, mental or emotional disability, or political opinions or affiliations. This policy and practice includes recruitment, termination, compensation, equality of wages, education, tuition assistance, and employee development programs, including apprenticeship and training programs and all other areas of human resources activities in accordance with applicable federal, state, and local laws and regulations.

PURPOSE:

- A. To delineate responsibilities and authorities
- B. To provide affected persons an avenue of appeal if they believe their rights to equal employment opportunity have been violated.

BASIS:

This policy is based upon and written so as to comply with a variety of federal and state laws, rules and regulations which have differing degrees of authority over Brainerd Regional Human Services Center operations, some of which are: Minnesota Department of Human Services Affirmative Action Plan; M.S. 43A; M.S. 363; Department of Employee Relations Administrative Procedures; all applicable collective bargaining agreements; Minnesota Rules, Chapter 3905; the 1972 Title VII Equal Employment Opportunity Amendments to the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; and Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. SS 12101.

PROCEDURE:

A. Prohibition of Sexual Harassment and Discriminatory Harassment:

- 1) Brainerd Regional Human Services Center will not tolerate any form of discriminatory or sexual harassment. This section of the discrimination policy will establish procedures and responsibilities to ensure the maintenance of an environment free of discriminatory and sexual harassment, and steps which may be taken by anyone who believes such harassment is occurring.
- 2) Sexual harassment can occur between supervisors and subordinates or among peers or coworkers. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
 - b. Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
 - c. 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; and the employer knows or should have known of the existence of the harassment and fails to take timely and appropriate action.
- 3) Discriminatory harassment also can occur between supervisors and subordinates or among peers or coworkers. Discriminatory harassment is any form of behavior that is offensive, unwelcome, creates a hostile work environment, and is based on an individual's race, color, creed, national origin, religion, age, sex, sexual orientation, marital status, status with regard to public assistance, physical, mental or emotional disability or handicap, political opinions or affiliations, or status as a veteran. Examples of discriminatory harassment include behavior such as making demeaning comments, slurs, jokes that are based on a protected, personal characteristic.
- 4) Procedures and Responsibilities:
 - a. Employees:
 - (1) Refrain from sexually harassing and discriminatory harassing behavior in the workplace and follow the provisions of this policy to prevent occurrence and resolve complaints of sexual harassment and discriminatory harassment.

- (2) Employees will refrain from posting messages through e-mail or Internet, or on bulletin boards, walls, etc., which are profane, romantic, sexual, or attack other employees personally.
- (3) If subjected to sexual harassment or discriminatory harassment, report harassment to his/her immediate supervisor or to the Affirmative Action officer, in accordance with the procedures specified in Section B, "Discrimination Complaint - Handling".
- (4) If the complaint is related to an action of the immediate supervisor, report the harassment to the next higher-level supervisor or to the Affirmative Action Officer.
- b. Supervisors:
 - (1) Maintain a work environment free from sexual harassment and discriminatory harassment.
 - (2) Investigate and where possible resolve complaints of discrimination.
- c. BRHSC Affirmative Action Officer:
 - (1) Investigate and recommend resolution of sexual harassment and discriminatory harassment complaints, in accordance with the BRHSC Discrimination Complaint Procedure (see Section B Discrimination Complaint Handling).
 - (2) Ensure that specific provisions concerning complaints of sexual harassment and discriminatory harassment are followed in accordance with collective bargaining agreements.
- d. Chief Executive Officer:
 - (1) Implement the provisions of this policy.
 - (2) Include Prohibition of Sexual Harassment and Discriminatory Harassment in the annual training plan.
 - (3) Make final determination to resolve complaints of sexual harassment and discriminatory harassment.

B. Discrimination Complaint - Handling

- 1) It is the policy of Brainerd Regional Human Services Center to provide an internal avenue of recourse to any classified or unclassified employee who believes he/she has been discriminated against because of race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance, physical, mental or emotional disability, political opinions or affiliations, status as a veteran, or who has been subjected to sexual harassment or discriminatory harassment. While employees, former employees, applicants, and those eligible for employment have the right to file discrimination complaints with the Minnesota Department of Human Rights or other enforcement agencies at any time, employees, former employees, applicants, and those eligible for employees, applicants, and those eligible for employees applicants. Anyone bringing a complaint may do so without fear of coercion, reprisal or intimidation.
- 2) This policy is in effect for all employees. Complaints from former employees, applicants, and those eligible for employment will be accepted at our facility. Complainants will be provided with a copy of our policy as well as informed of their right to file a complaint with the Minnesota Department of Human Rights
- 3) Discrimination complaint, investigative data and findings will be handled in accordance with provisions of the Minnesota Government Data Practices Act Minnesota Statutes 13.39 (1982) 13.02, subdivision 3 (1982) and Minnesota Statutes 13.43 (1982).

4) Responsibilities:

b.

- a. Chief Executive Officer
 - (1) Ensure implementation of the provisions of this policy.
 - (2) Ensure that employees are fully aware of this policy.
 - (3) Request DHS Affirmative Action Director's review and recommendations for unresolved complaints of discrimination.
 - (4) Make determinations to resolve BRHSC complaints of discrimination.
 - DHS Affirmative Action Director (per DHS Affirmative Action Plan)

- (1) Review and recommend resolution of BRHSC discrimination complaints upon request of the Chief Executive Officer.
- (2) Report findings and recommend resolution to the Chief Executive Officer.
- **BRHSC Affirmative Action Officer**
 - Implement provisions of this policy.
 - (2) Ensure that all procedural steps of the discrimination complaint procedure are properly followed in accordance with established time lines.
 - (3) Investigate and/or work with supervisors to resolve complaints of discrimination.
 - (4) When the complaint alleges sexual harassment ensure that applicable collective bargaining agreement provisions are followed.
- d. Supervisors

C.

- (1) Consult with the Affirmative Action Officer to determine whether the complaint is related to Equal Employment Opportunity (EEO) and is properly one of discrimination.
- (2) If the complaint is not one of discrimination, notify the employee in writing.
- (3) If the complaint is one of discrimination, work with the Affirmative Action Officer to resolve the matter within (7) calendar days after the receipt of the complaint.
- e. Employees
 - (1) Bring allegations of discrimination to the attention of their immediate supervisor or the Affirmative Action Officer within ten(10) days (not more than 360 days) after occurrence of the alleged discrimination through the BRHSC Discrimination Complaint Procedure.

Procedure:

a. Employee

- (1) Present complaint to immediate supervisor and/or complete a Discrimination Complaint Form (see Attachment B), including remedies requested, and present to the AAO. If the allegation is against the immediate supervisor, present complaint to Affirmative Action Officer. If the complaint is against the AAO, present the complaint to the CEO, who will designate an alternate AAO.
- (2) If the complaint alleges sexual harassment and the employee believes that she/he is unable to function in the worksite from which the complaint arose, the employee must so advise the Affirmative Action Officer.
- b. Supervisor
 - (1) Consult with the Affirmative Action Officer to determine whether the complaint is related to Equal Employment Opportunity (EEO) and is properly one of discrimination.
 - (2) If the complaint is not one of discrimination, notify the employee in writing within 10 working days.
 - (3) If the complaint is one of discrimination, work with the AAO to resolve the matter within seven (7) working days.

c. Affirmative Action Officer

- (1) Determine if the complaint is one of discrimination and send a copy of the complaint to respondent(s) named in the allegation.
- (2) If the complaint alleges sexual harassment, a notice of the complaint will be sent to the appropriate union or association, if the employee is covered by the AFSCME Council 6, SRSEA, or MAPE collective bargaining agreements. At the employee's request, a preliminary investigation will be done within two (2) working days to learn if the employee has reasonable basis to believe she/he cannot function in the worksite. If reasonable basis for the employee's concern about continuing in the worksite exists, intervening action will be taken to defuse the situation, which may include temporarily reassigning either party until such time as the complaint is fully investigated, there is a finding, and corrective action, if required, is implemented The employee and the appropriate union (AFSCME) or association (SRSEA and MAPE) will

receive a written summary of the investigation findings and resolutions along with designated actions to be taken if the complaining employee requested the union's or association's involvement in the complaint. The written summary will be provided within 21 calendar days to AFSCME employees and within 30 days to SRSEA and MAPE employees.

- (3) Conduct a full investigation and prepare a finding of facts, including a determination that discrimination did or did not occur.
- (4) Convene meeting between employee's supervisor, program manager, Director of Human Resources, and others as appropriate to attempt settlement of the complaint.
- (5) If complaint is not resolved through this process, submit findings and recommendations for resolution to the Chief Executive Officer.
- (6) If resolution is reached, inform claimant and respondent of the outcome. Provide consultation to supervisors on action to be taken.
- c. Chief Executive Officer
 - (1) Review the AAO's findings and recommendations and give written notification of his/her decision to the employee, the AAO, the employee's supervisor and the respondent(s).
- d. Timelines
 - (1) The entire process following the Affirmative Action Officer's receipt of the written Discrimination Complaint Form is to be completed within 60 days. This includes all action steps, including the CEO's written notification to the complaining party of the CEO's decision following review of the findings and recommendations. Disposition of complaints is to be filed with the Commissioner within 30 days of final determination.

Appeal Stage

- a. Employee
 - (1) Make written requests to the CEO for review of findings by the DHS AA Director.
- b. Chief Executive Officer
 - Request that DHS Affirmative Action Director review findings and make a recommendation for resolution.
 - (2) Assess DHS Affirmative Action Director's recommendation, render a final decision, and give written notification to AAO, employee, employee's supervisor, and respondent(s).
- c. DHS Affirmative Action Director
 - (1) Review AAO's findings, recommendations, and other pertinent information.
 - (2) Provide a written recommendation to the CEO for appropriate resolution of the complaint.
- d. Appeal Stage Timelines
 - (1) If employee is not satisfied with decision of the CEO and requests an appeal, the appeal process is to be within 14 days of the CEO's receipt of request to appeal.
 - (2) With respect to sexual harassment complaints made by AFSCME employees, if the CEO fails to respond or fails to resolve the matter to the satisfaction of the appealing party, then the complaint may be referred by the employee to the Office for Diversity and Equal Opportunity of the Department of Employee Relations for review within 21 calendar days of the response or lack of response by the CEO.

REASONABLE ACCOMMODATIONS

POLICY:

It is the policy of Brainerd Regional Human Services Center (BRHSC) to eliminate barriers to employment, programs, services, and activities for persons with disabilities, and charge all staff members with the same objective.

PURPOSE:

- A. To establish procedures which will operationalize the American with Disabilities Act in the day-to-day activities of the Brainerd Regional Human Services Center workplace and provide affected persons an avenue of appeal if they believe their rights to reasonable accommodations have been violated.
- B. To delineate responsibilities and authorities.

BASIS:

This policy is based upon and written so as to comply with a variety of federal and state laws, rules and regulations which have differing degrees of authority over Brainerd Regional Human Services Center operations, some of which are: Minnesota Department of Human Services Affirmative Action Plan; M.S. 43A; M.S. 363; Department of Employee Relations Administrative Procedures; all applicable collective bargaining agreements; Minnesota Rules, Chapter 3905; the 1972 Title VII Equal Employment Opportunity Amendments to the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; and Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. SS 12101.

DEFINITIONS:

- A. Americans with Disabilities Act (ADA) Prohibits discrimination against qualified individuals with disabilities on the basis of their disability.
- B. AIDS Acquired Immune Deficiency Syndrome.
- C. AIDS-related condition those who have AIDS related complex (ARC) and those who test positive for the AIDS virus.
- D. Disabled Person Any person who has a physical or mental impairment which substantially limits one or more major life activities.
- E. Essential Functions Those tasks which are fundamental to the position
- F. Qualified Disabled Person An individual with a disability who meets legitimate skill, experience, education, or other requirements of an employment position, and who can perform the essential functions of a job with or without a reasonable accommodation, and who is eligible for appointment under Minnesota Statues Chapter 43A, DOER rules and administrative procedures, and collective bargaining agreements.
- G. Reasonable Accommodation Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. The test of reasonableness is based on whether or not a given change would impose undue hardship on the employers operation. The burden for showing undue hardship rests with the employer.

Reasonable accommodations include, but are not limited to the following:

- Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of Collective Bargaining Agreements, plans, rules, and laws).
- Job site modifications (e.g., adjustments of equipment heights accessibility to building and/or rearrangement of furniture).
- Support services (e.g., interpreters for the hearing impaired or deaf, readers for the blind or visually handicapped).
- Modification or equipment and/or provision of assistance devices (for instance, special telephone equipment, talking calculators, and/or TTY).
- E. TTY Teletypewriter

FUNDING:

Funding must be provided by the Agency for accommodations which do not cause an undue hardship. The following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility: size, type and flexibility of program and operation; nature and cost of the accommodation; budget resources available.

PROCEDURE:

- A. Reasonable Accommodations
 - 1) Brainerd Regional Human Services Center will provide reasonable accommodation to the known physical or mental disabilities of otherwise qualified employees, applicants for employment, and employees seeking promotion, unless the accommodation would result in undue hardship to the facility or would not enable the employee or applicant to perform essential functions of the job. The accommodation must be job-related and required for satisfactory performance of the essential job functions.
 - 2) Procedures and Responsibilities
 - a. Chief Executive Officer:
 - (1) Ensures implementation of the provisions of this policy.
 - (2) Designates a staff member to act as ADA Coordinator.
 - (3) Makes final determinations on reasonable accommodations.
 - b. ADA Coordinator:
 - (1) Ensure that employees and applicants are informed of the reasonable accommodation policy.
 - (2) Assist employees or applicants with disabilities in processing ADA accommodation requests.
 - (3) Assist supervisors, disabled employees and applicants with disabilities to identify types and costs of reasonable accommodations. Accommodations, but not specific diagnoses, are communicated on a need to know basis.
 - (4) Requests medical documentation to support the request if necessary.
 - (5) Receives written "Request for Job Modifications" forms from employees and applicants, make recommendation to CEO, and secure written approval or denial of CEO on the form.
 - (6) If appropriate, schedule a Disability Management Team meeting to review accommodations and/or special cases. See Policy 2610.
 - (7) Informs employees of their right to appeal requests that are denied through the BRHSC Discrimination Complaint Procedure (see Policy #2601b, Section B - Discrimination Complaint - Handling).
 - (8) Informs applicants of their right to file a charge with the State Human Rights Department, the EEOC or other legal channels.
 - (9) Acquires and maintains documentation of reasonable accommodations requested, approved, denied, or appealed.
 - (10) Keep BRHSC Affirmative Action Officer informed of reasonable accommodation requests and decisions.
 - c. Supervisors:
 - (1) Ask the employee or applicant to complete in writing the form "Request for Job Modifications" (see Attachment A).
 - (2) Consult with the employee or applicant with a disability and the ADA Coordinator to determine the need for accommodation and to discuss options.
 - d. Employees and Applicants:
 - Request reasonable accommodations as necessary by completing "Request for Job Modifications" form (see Attachment A).
 - (2) If request for reasonable accommodation is disapproved, may appeal through the Discrimination Complaint Procedure (employee) or file a charge with the State Human Rights Department (applicant) or other legal channels.

AIDS or an AIDS-Related Condition as it Affects Employees' Work Status

- 1) This procedure addresses the concerns of employees with AIDS or an AIDS-related condition, of coworkers of employees with AIDS or an AIDS-related condition, and of employees required to provide services to individuals with AIDS or an AIDS-related condition.
- 2) The policy of the State of Minnesota, the Department of Human Services and Brainerd Regional Human Services Center is not to discriminate against any individual, applicant, employee, or patient/resident because he/she may have AIDS or an AIDS-related condition. AIDS or an AIDS-related condition will be treated the same as any illness in the workplace.
- 3) No employee shall be required to submit to a test to determine whether he/she has AIDS or an AIDS-related condition as a requirement to begin or maintain employment.
- 4) As long as employees with AIDS or an AIDS-related condition are able to meet acceptable performance and attendance standards and medical evidence indicates that their condition is not a threat to themselves or others, employees shall be allowed to continue their employment.
- 5) Employees with AIDS or an AIDS-related condition who manifest symptoms limiting employment-related activities are disabled and are entitled to reasonable accommodations.
- 6) Employees shall not be automatically required to notify the facility that they have been diagnosed as having AIDS or an AIDS-related condition. Employees may be required to provide the information if it is necessary for the use of sick leave, a request for a reasonable accommodation, or other business-related reasons.
- 7) The same data privacy requirements that apply to employees with other medical conditions apply to employees with AIDS or an AIDS-related condition.
- 8) Coworkers of employees with AIDS or an AIDS-related condition will not be allowed to refuse to work with employees with AIDS or an AIDS-related condition except as provided in those very rare circumstances where the employee with the illness or condition is an immediate health or safety risk.
- 9) Procedures and Responsibilities
 - a. Medical Director
 - (1) Provides information materials, interpretation and/or advice on AIDS and AIDS-related condition upon request to facility administration.
 - b. Human Resources Director
 - Provides information materials on AIDS and AIDS-related condition to employees via the staff development program and upon direct request.
 - (2) Assists in making referrals to the Employee Assistance Program.

NOTE: Employees may voluntarily use the Employee Assistance Program without referral.

- c. Supervisors
 - (1) Ensure implementation of the provisions of this policy.
 - (2) As requests for reasonable accommodations, questions, or other problems arise, consult with Medical Director, Human Resources Director and ADA Coordinator.

B.

AFFIRMATIVE ACTION REVIEW OF SELECTION DECISIONS

POLICY 2601

- 1) This section of the Affirmative Action Plan will establish a methodology to ensure that affirmative action hiring goals are considered whenever hiring decisions are made within disparate goal units.
- 2) A disparate goal unit is one in which the numerical representation of one or more protected groups (women, minority persons, disabled persons) is less than that group's estimated availability in the relevant geographic area and labor force.
- 3) Whenever a vacancy occurs in a goal unit where a disparity exists (see Goal Setting and Disparity Status Worksheet) and a qualified, available protected group candidate is on the certified eligible register, a good faith effort will be made to offer an interview to all available candidates. Before an offer of employment is made to anyone other than a protected group candidate, the supervisor will provide written justification for the selection to the Human Resources Director, who must receive approval by following the procedures specified below before hiring a non-protected candidate.
- Any decisions made regarding abolition of positions will not be based on protected group characteristics.

A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternate course of action that would accomplish the supervisor's goals without the negative impact.

- 5) Procedures and Responsibilities:
 - a. Supervisors:
 - (1) Make a good faith effort to contact and offer an interview to all qualified and available candidates.
 - (2) Document the interview process for all persons interviewed.
 - (3) Provide the Human Resources Director with written justification for selection of available candidate whenever a vacancy is filled in a disparate goal unit.
 - (4) Delay making an employment decision until approval is received from the Affirmative Action Officer or final determination is made by the Chief Executive Officer.
 - b. Human Resources Director:
 - (1) Ensure that affirmative action review of selection decision procedures are followed.
 - (2) Arrange a meeting between supervisor and Affirmative Action Officer to discuss supervisor's written justification for selection of non-protected candidate if there is a disparity and a protected group candidate was on the eligible list. If Affirmative Action Officer does not approve supervisor's request, extend meeting to include CEO at supervisor's request.
 - (3) Make offer of employment to non-protected group candidate only with written approval of Affirmative Action Officer or Chief Executive Officer.
 - c. Affirmative Action Officer:
 - (1) Evaluate hiring decisions in all disparate goal units.
 - (2) Approve or disapprove selection decision, where supervisor does not select available and qualified protected group candidate(s) to fill vacancies in disparate goal units.
 - (3) If the selection decision is disapproved and the supervisor appeals to the CEO, meet to discuss and provide information to assist in final determination.
 - (4) Sign Department of Employee Relations protected group report.
 - d. Chief Executive Officer:
 - (1) Review, discuss, and make final determination on selection decisions that the Affirmative Action Officer has disapproved.
 - (2) Approve selection decisions in writing prior to an offer of employment being made to non-protected group candidate.

Bargaining Unit	Total Employees	Women Dis- FY parity Needed Goal	Minority Dis- FY parity Needed Goal
Craft (202)	19	Yes 2.60	Yes .30
Service (203)	76	No	No
Hosp.(204)	269	No	No
Nurses (205)	53	No	Yes .80 1
Office (206)	37	No	Yes .36
Tech. (207)	4	No	Yes .09
Prof. (214)	65	No	No
Supv.(216)	29	Yes .34 1	No
Comm.	74	No	No
Mgrs.	13	Yes 1.33	Yes .35
НТР	3	No	Yes .14

TOTAL 642

Brainerd Regional Human Services Centers hiring is based on many factors that make it difficult to project potential hires. However, disparities will be looked at when vacancies are approved to fill. Factors that will affect our projections are funding, changes in requested services, and the directive to look at opportunities to combine regional resources when vacancies occur.

Due to the immediate suspension of the use of 12.82% statewide hiring goal across job classifications for persons with disabilities, we show no disparity at Brainerd Regional Human Services Center. However, it is our goal to hire a person with a disability in the 204 unit, and we will continue to consider persons with disabilities who can perform the essential functions of the job with or without accommodations. Also, we will continue to direct some of our recruitment efforts towards people with disabilities by sending out recruitment posters to Rehabilitation Centers and other targeted services and/or area.

ANNUAL PROGRAM OBJECTIVES/ACTION STEPS

Objective	Action	Responsible	Target Date
1. To educate BRHSC employees to understand the Americans with Disabilities Act	Provide training and education for understanding ADA as it relates to clients staff, vendors, and the public. understanding ADA as it relates to clients staff, vendors, and the public. Develop awareness through advertising and communications		On-going New employee orientation- Bi-monthly As requested in work sites
2. Update AA Plan to ensure that it coincides with the DHS AA Plan	Revise/update AA Plan, policies and procedures	AA Officer	7/1/2000-2002
3. Provide educational	Provide required	AA Officer	In New Employee
training for managers, supervisors and staff	training to ALL staff through Staff Development at BRHSC.	Staff Development.	
a 8	Revise training manuals and materials to reflect AA Officer/ADA Coordinator reform	ĉ	On-going
4. Increase visibility within community with regards to employment opportunities	Participate in Career Days at educational and industrial insti- tutions in our service area Advertising in minority publications. Contact Placement Officers at Colleges	AA Officer Speaker's Bureau Public Relations Dir Supervisors/Mgrs	On-going rector
5. Provide educational, clinical, internship, or summer employment to a minority student	Participate with DHS, Jobs and Training on specific projects Participate in Pathways program.	AA Officer Supervisors/Mgrs Vol. Services	On-going
6. Establishment of a Diversity Team at BRHSC	Team to meet every other month. Plan activities/events. Look at diverse needs in 128	Diversity Coord. AA Officer Committee Member	On-going

program areas.

Training Programs

Brainerd Regional Human Services Center provides many training opportunities for employees to be made aware of the complaint process by notifying all employees of the training on AA/ADA/and Discrimination Complaint Procedures. This training is offered every other month and open to new employees as well as veteran employees, volunteers, and interns. Diversity training has also been given considerable attention to over the last two years and continued attention will be given on Workplace Relationships Series; Organizational Culture, and Diversity training.

Also, Brainerd Regional Human Services Center sent a woman to the Supervisory Core Training for career development and extended the opportunity for her to be promoted into a Managerial position in which a disparity exists.

Recruitment Review

In the past two years Brainerd Regional Human Services has advertised in local papers in Brainerd, St. Cloud, Aitkin, Pequot Lakes, Staples and in the Minneapolis Star Tribune. We have also used the Native American Circle, MAARCH professional journal, faxed job postings to various reservation headquarters in Minnesota and used the internet MN Job Bank, and HospitalHub.com internet site. The Hospital Hub advertises their web address in all the major nursing and health care publications such Minority Nursing, AORN, RN Magazine, Hospitals and Health Networks. Combining list and non-list hires, wellve had 187 justified hires, 11 affirmative hires, and 3 missed opportunities in the past two years. Two of the missed opportunities were due to 12.82% statewide hiring goal across all job classifications for persons with disabilities.

Attended Central Lakes Job Fair for the past two years and plan to continue this recruitment source. Also, employment posters have been designed, and it is our plan to send them out to various Workforce Areas, Rehabilitation Services and College Placement Officers in Minnesota and surrounding states by September 2000. Brainerd Regional Human Services has also met with local health-care businesses and the Chamber of Commerce as part of Workforce Development Project.

Brainerd Regional Human Services Center provides experienced speakers and discussion leaders for community meetings, service clubs, schools, churches, businesses, conferences or workshops. Presentations on career opportunities and/or tours of BRHSC have been provided as part of School to Work Program, various nursing schools, as well as information packets provided at various conferences.

The Medical Director has actively recruited at conferences attended and a minority physician traveled from out-of-state to tour Brainerd Regional Human Services as part of the recruitment process. Although, this medical recruitment attempt did not result in a hire; it did provide an opportunity to increase visibility and word-of-mouth in another area.

Brainerd Regional Human Services Center has been actively involved in the Pathways to Human Services Careers Internship Program. We had one student in 2000 at Brainerd Regional Human Services and assisted AGC with a Pathway Internship.

Retention Review

There have been approximately 220 employees who have left Brainerd Regional Human Services Center since July 1, 1998. Sixty-two were temporary appointments. There has been one MOU at the facility during this time period. There has been 20 employees with disabilities that have left - 3 were temporary appointments, 1 died, 7 resigned, 7 retired, 1 non-certification, 1 dismissal. One minority retired which created a disparity in the nursing category. Two women retired in the supervisory category which created .34 FTEs disparity in that category. However, we do have a woman working-out-of-class in a supervisory classification which would correct this disparity. Career development will continue to given consideration as promotional opportunities arise.

RECRUITMENT

- Brainerd Regional Human Services Center will follow the Department of Human Services uniform policy for processing examination announcement requests and early recruitment procedures for notifying protected groups of residential facility employment opportunities.
- 2) Examination announcements means the announcement of competitive and promotional examinations made through public notice and/or notice to State agencies.
- 3) BRHSC examination requests for managerial, professional, supervisory, and new classes will be sent to the DHS Human Resources Director for review and approval prior to submission to the Department of Employee Relations.
- 4) Procedures and Responsibilities:
 - a. BRHSC Human Resources Director (or designee)
 - (1) Determine the need for announcing the examination.
 - (2) Submit completed Request to Announce Examination form (PE-00287-04) to the DHS Human Resources Director for managerial, professional, supervisory, and new classes.
 - (3) Submit copy of announcement requests for other classes to DHS Affirmative Action Director.
 - b. DHS Human Resources Director (per DHS Affirmative Action Plan)
 - Reviews request to determine if the request form is properly documented and if it is appropriate.
 - (2) If the request is not approved, inform the BRHSC Human Resources Director of the reasons for the determination.
 - (3) If the request is approved, forward the request to the Department of Employee Relations for final disposition with a copy to the DHS Affirmative Action Director.
 - c. DHS Affirmative Action Director/BRHSC Affirmative Action Officer
 - (1) Notify protected group organizations of examination announcements which will be appearing in Minnesota Career Opportunities Bulletins.
 - (2) Attend Job Fairs to recruit gualified applicants.
 - (3) Work through Affiliated Council and Pathways to Human Services Careers to recruit and hire interns, including students in fields of work other than direct care.
- 5) We hired a vocational rehabilitation placement coordinator to assess vocational supports and enhance employability and provide long or short-term job coaching. This position is working in conjunction with our day treatment and rehabilitation programs. Potential jobs are reviewed and many go to patient pay and/or supported employment. Supported employment has been used to strip and wax the floors in various day treatment programs, lawn care, and upkeep of some of the group homes.
- 6) We have developed recruitment posters and plan to mail them out to various in-state and neighboring state Rehabilitation Offices/Organizations.

RETENTION

Brainerd Regional Human Services Center will continue to actively look at ways to retain valuable and talented protected group employees. Methods used to retain employees will include the following:

- 1. The Chief Executive Officer (CEO) will publicly state the facilities commitment to affirmatively retain protected group employees. This public statement is posted in the BRHSC Human Resource Office and is contained in all official policy manuals. (BRHSC Policy #2601)
- 2. The CEO will designate an Affirmative Action Officer and ADA Coordinator who will assist in oversight of the facility's protected group retention activities.
- 3. The facility will identify and advise current employees of career advancement opportunities.
- The facility will continue to increase awareness of diversity in the workplace through training opportunities and diversity activities for staff.
- 5. The facility will provide a mentoring program for recruits who may feel isolated culturally.
- 6. The facility will continue to provide career development training opportunities.
- The facility will continue to use an exit survey as a tool for tracking reasons for employee separations.

WEATHER EMERGENCIES AND EVACUATION

All buildings within the Brainerd Regional Human Services Center have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation procedures.

All employees of State Operated Services are considered Essential Employees; therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report to work, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

EASTERN MINNESOTA STATE OPERATED SERVICES

E.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

FOR: EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

OCCUPATIONAL CATEGORIES	PROTECTED GROUPS				
	MINORITIES	WOMEN	PERSONS with DISABILITIES		
202 Craft, Mntnc, Labor	x	x			
203 Service					
204 Health Care Non-Prof.	x		2		
205 Health Care Prof.	x				
206 Clerical	х				
207 Technical					
213 Health Treat. Prof.					
214 General Professional	x		····		
215 Prof. Resid. Instr.			а 34		
216 Supervisory	×				
217 Commissioner's Plan	x				
220 Manager's Plan					
Other					

Othe 2.

This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

Roseville Administrative Office, 2284 Hillcrest Rd, Roseville MN

3.

This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame. Affirmative Action Officer

4. This annual 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.

2 Chief Executive Officer

5.

This annual plan covers all elements of the institution's personnel policy and management practices as related to affirmative action and has been reviewed by the Department of Human Services.

1110 Director, Office for Equal Opportunity Date

6. This annual plan meets the 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.

01 Dat

Director, Office for Diversity and Equal Opportunity, Dept. of Employee Relations

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STATEMENT OF COMMITMENT

AFFIRMATIVE ACTION / EQUAL OPPORTUNITY

Eastern Minnesota State Operated Community Services (EMSOCS) is committed to providing equal employment opportunities to all qualified people without regard to race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance, political affiliation, sexual orientation, or membership or activity in a local (human rights) commission. This policy applies to and is an integral part of every aspect of all policies, practices, and procedures.

As a new agency within the Department of Human Services, EMSOCS will begin the implementation of an aggressive program to ensure that equal opportunity in employment is provided on the basis of individual qualification. EMSOCS will encourage all persons to seek employment and strive for advancement within the organization. EMSOCS is committed to establishing and sustaining a diverse work force able to provide effective services, programs and policies that are culturally appropriate and accessible to diverse communities. EMSOCS will act affirmatively in the effort to retain qualified protected group employees.

EMSOCS will observe nondiscriminatory practices, prohibit harassment based on protected class characteristics, enforce a policy of zero tolerance for sexual harassment, and maintain full compliance with the Americans With Disabilities Act.

The EMSOCS Affirmative Action Officer has been delegated the responsibility and authority to prepare and implement the Affirmative Action Plan and reports directly to the EMSOCS Chief Executive Officer. The plan is available for review during regular business hours at the EMSOCS Management or Human Resources Offices.

I urge all employees to become acquainted with the plan. All employees have the responsibility to promote and apply the principles of affirmative action and equal opportunity in their work and to cooperate fully with the EMSOCS plan. Each employee will be provided with training on their rights and responsibilities under the plan, its policies and procedures.

EMSOCS, as a new agency, is achieving the transition of client service provision from traditional institution based to community based, person centered services for individuals with disabilities. As such, the guiding principles of affirmative action and equal opportunity and the vision for a diverse workforce to meet the diverse needs of people with disabilities afford the possibility to achieve that vision for clients and employees alike.

I urge all employees to join with me in the effort to implement our affirmative action plan in order to utilize the skills and resources of those who have been denied opportunity in the past, of all present and future employees and of our clients.

Roger A. Deneen, Chief Executive Officer

135

DUTIES AND RESPONSIBILITIES

CHIEF EXECUTIVE OFFICER - Roger A. Deneen (Phone: 651/582-1857)

Responsibilities: To oversee and ensure implementation of the EMSOCS Affirmative Action Plan and Equal Employment Opportunity procedures in compliance with existing federal and state laws, rules and regulations.

- Appoint an Affirmative Action Officer and ADA/504 Coordinator.
- Require managers to include responsibility statements for affirmative action in their position descriptions and annual objectives.
- Ensure EMSOCS Affirmative Action policies meet or exceed the requirements of DHS policies and make recommendations for revisions in policy or procedure as necessary.

HUMAN RESOURCES OFFICE

Responsibilities: To ensure affirmative action and equal employment opportunity procedures are practiced and achieved in the organization.

Personnel Program Manager - Tudy Fowler (Phone: 651/582-1688) Personnel Representative, Recruiting - Mary Buss (Phone: 651/582-1848)

Located At: 2284 Highcrest Road, Roseville, MN 55113 <u>Mailing Address</u>: 444 Lafayette Road North, St. Paul, MN 55155-3818 <u>General Information</u>: 651/582-1792 Recruiting: Toll Free at 1-888-367-7669 or E-Mail at EMSOCSHR@state.mn.us

AFFIRMATIVE ACTION OFFICER – Julie Lindell (Phone: 651-582-1858)

Responsibilities: Serve as Affirmative Action designee to ensure affirmative action plan is implemented. - Apply and interpret the Affirmative Action Plan.

- Draft, disseminate and interpret Affirmative Action policies (i.e. discrimination/harassment).
- Accept, review and/or investigate complaints of discrimination/harassment.
- Monitor hiring process for impact on protected groups.

ADA/504 COORDINATOR - Mary Buss (Phone: 651/582-1848)

Responsibilities: Review requests for reasonable accommodations as required by state and federal guidelines.

PROGRAM MANAGERS/SUPERVISORS

Responsibilities: Ensure compliance with Affirmative Action Plan and equal opportunity employment procedures in the management of service sites.

 Apply the Affirmative Action Plan in the management/supervision of services making recommendations as necessary to the Affirmative Action Designee.

- Apply Affirmative Action and Equal Opportunity employment practices in the hiring of employees.
- Apply Affirmative Action policies in retaining employees to ensure a work environment free of any form of discrimination/harassment.

Dave Campbell (Residential Services) (Phone: 507/333-2061) Jim Campbell (Residential Services) (Phone: 507/434-0148) Carol Pankow (Vocational Services) (Phone: 651/582-1859)

ALL EMPLOYEES

Responsibilities: All employees are responsible for conducting themselves in accordance with Affirmative Action policies by refraining from any actions which could interfere with any employee's work performance with respect to race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a location (human rights) commission, marital status, status with regard to public assistance, disability, or political opinions or affiliations. Employees who believe they have been subjected to unlawful discrimination are encouraged to seek recourse through the complaint procedure established in EMSOCS Affirmative Action policies.

Our Affirmative Action Plan is located in our Roseville office and this is communicated to our staff in our EMSOCS Policy Manual and is discussed in our four day New Employee Orientation and Training Session.



All of EMSOCS's letterhead, memo and fax templates have "an Equal Opportunity Employer" statement on each document along with our address and phone number.

EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES

An organization of the Minnesota Department of Human Services

MEMORANDUM

Date: July 31, 2000

- To: Mary Jean Turinia Anderson, Director Office for Equal Opportunity, Affirmative Action and Civil Rights Department of Human Services
- From: Roger A. Deneen, Chief Executive Officer

Phone: 651-582-1857

Subject: Eastern Minnesota State Operated Community Services 2000-2002 Affirmative Action Plan

The enclosed report summarizes the results of the previous year Affirmative Action Plan for EMSOCS and describes our plan for FY 2001-02.

This is our first stand alone plan, as you may recall, our previous plan was in cooperation with the Faribault Regional Center which closed June 30, 1998. This report will include only the goals and statements of commitment for the new affirmative action plan for EMSOCS.

Our Affirmative Action Plan is located in our Roseville office and this is communicated to our staff in our EMSOCS Policy Manual and is discussed in our four day New Employee Orientation and Training Session.

All of EMSOCS's letterhead, memo and fax templates have "an Equal Opportunity Employer" statement on each document along with our address and phone number.

I want to thank you and your staff for all the assistance and time devoted to EMSOCS and the development of these reports. We would not have been able to do justice to these reports without your assistance.

- I. A. On a quarterly basis the EMSOCS AAO and DHS Affirmative Action Director:
 - review goal achievement and hiring opportunity reports received from the Department of Employee Relations;
 - 2. inform the CEO, supervisors and managers of progress or changes in goal achievement status; and
 - 3. evaluate progress with action steps/efforts made during the previous quarter to address barriers.
 - II. A. <u>Annually</u>, the affirmative action officer will send to the DHS AA/OEO Office an end of the year summary of the following activities:
 - 1. changes in internal AA/EO procedure or policies;
 - 2. training and information sessions conducted that are related to AA/EEO;
 - 3. progress toward completion of action steps that were established for the year;
 - recruitment sources identified or protected group community organizations contacted;
 - specialized projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions; and
 - number and type of discrimination complaints received, both informal and formal, and status of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination occurred).
 - B. Biennially, the ESOCS AAO will forward to the AA/OEO Director.
 - 1. completed and signed annual transmittal forms that identify facility disparities;
 - 2. specific action steps for the next biennium;
 - recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps;
 - 4. biennial hiring goals for the next fiscal year, based on current disparities; and
 - 5. number of reasonable accommodation requests received and approved or denied.

POLICY

Eastern Minnesota State Operated Community Services (EMSOCS) will provide a work environment free of any form of discrimination/harassment.

PURPOSE

To define harassment and its forms in the effort to create and maintain a work environment free of any form of discrimination/harassment. To establish a means for reporting and resolving complaints of discrimination/harassment made by employees, applicants or eligibles.

DEFINITIONS

- Discriminatory Harassment Any form of behavior that is offensive, unwelcome, creates a hostile work environment and is based on an individual's race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance, political affiliation, sexual orientation, or membership or activity in a local (human rights) commission. Examples of discriminatory harassment include behavior such as making demeaning comments, slurs or jokes that are based on protected, personal characteristics.
- General Harassment A verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of:

unreasonably and substantially interfering with and/or jeopardizing an individual's employment; or unreasonably creating an intimidating, hostile or offensive employment environment between supervisors and subordinates or among peers or co-workers providing the harassment is not based on any of the protected characteristics. (Note: See the above definition for "Discriminatory Harassment" for a listing of the protected characteristics.)

- Sexual Harassment Unwelcome sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature which occurs between supervisors and subordinates or among peers or co-workers when:
 - submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
 - submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
 - 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, and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

RESPONSIBILITIES

The EMSOCS Affirmative Action Officer shall:

- 1. Ensure that all employees are made aware of and have access to this policy, providing interpretation as needed.
- 2. Review allegations/complaints of discrimination/harassment according to the complaint procedures outlined in this policy.

All employees shall:

- Refrain from harassing behavior in the work place as defined in the "DEFINITIONS" section of this policy.
- Report allegations/complaints of discrimination/harassment according to the complaint procedures outlined in this policy.

POLICY VIOLATIONS

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

COMPLAINT PROCEDURES

1. Upon an occurrence of discrimination/harassment, employee, eligible or applicant shall report the incident directly to the immediate supervisor. If the incident involves the immediate supervisor or if an employee prefers, the incident may be reported directly to the Affirmative Action Officer.

(Note: Employee may report the incident in writing using the Discrimination/Harassment Complaint Form attached to this policy or verbally, whichever method is preferred.)

 The Affirmative Action Officer will complete an initial review of the complaint within ten (10) calendar days of receipt to determine which definition of discrimination/harassment the complaint falls under (General Harassment, Discriminatory Harassment, or Sexual Harassment), if any.

(Note to Immediate Supervisors: When a complaint of discrimination/harassment is reported directly to you, notify the Affirmative Action Officer immediately and request his/her initial review and determination prior to proceeding.)

3. The next step in the process is determined by what form of discrimination/harassment the complaint falls under (General Harassment, Discriminatory Harassment, or Sexual Harassment).

Discriminatory Harassment - Complaint Procedures:

- A. Employee, Eligible or Applicant Reports Incident of Discrimination/Harassment ``
 - report incident directly to immediate supervisor or Affirmative Action Officer (AA officer) (if complaint involves immediate supervisor or if preferred)
 - 2. in writing using complaint form or verbally

B. AA Officer Completes Initial Review of Complaint

- 1. supervisor requests AA officer's review (if complaint is reported directly to supervisor)
- AA officer determines which definition of discrimination/ harassment complaint falls under (general, discriminatory, sexual harassment, or none) within 10 calendar days of receipt
- employee & supervisor notified in writing of determination & investigators identified (if applicable)

C. Investigation Begins

commenced upon AA officer's review/determination

led by AA officer in partnership with immediate supervisor or next level supervisor (if complaint involves immediate supervisor)

DHS EO/AA notified of complaint's existence & nature

interviews conducted (complainant, respondent, staff/others who may have witnessed or have knowledge of incident)

documentation gathered proving or disproving allegations of complaint

D. Investigation Ends

- completed within 60 calendar days of AA officer's initial receipt

Final Report of Investigation drafted by AA officer in partnership with supervisor for submittal to Human Resources, CEO and DHS EO/AA for review/approval.

Resolution

Upon approval, AA officer in partnership with supervisor notifies complainant & respondent of findings & recommended resolution in writing

Supervisor institutes recommended corrective and/or disciplinary action (if applicable) Disposition of the complaint will be filed with the DOER Commissioner within 30 days in compliance with established rules and procedures.

General Harassment - Complaint Procedures:

- A. Employee, Eligible or Applicant Reports Incident of Discrimination/Harassment report incident directly to immediate supervisor or Affirmative Action Officer (AA officer) (if complaint involves immediate supervisor or if preferred) in writing using complaint form or verbally
- B. AA Officer Completes Initial Review of Complaint

supervisor requests AA officer's review (if complaint is reported directly to supervisor) AA officer determines which definition of discrimination/ harassment complaint falls under (general, discriminatory, sexual harassment, or none) within 10 calendar days of receipt

employee & supervisor notified in writing of determination & investigators identified (if applicable)

C. Investigation Begins

commenced upon AA officer's review/determination

led by immediate supervisor or next level supervisor (if complaint involves immediate supervisor)

interviews conducted (complainant, respondent, staff/others who may have witnessed or have knowledge of incident)

documentation gathered proving or disproving allegations of complaint

D. Investigation Ends

completed within 60 calendar days of AA officer's initial receipt Final Report of Investigation drafted by investigator for submittal to AA officer for review and Human Resources, & next level for review/approval

E. Resolution

upon approval, investigator notifies complainant & respondent in writing of findings & recommended resolution

supervisor institutes recommended corrective &/or disciplinary action (if applicable)

Sexual Harassment - Complaint Procedures:

A. Employee, Eligible or Applicant Reports Incident of Discrimination/Harassment report incident directly to immediate supervisor or Affirmative Action Officer (AA officer) (if complaint involves immediate supervisor or if preferred) in writing using complaint form or verbally

B. AA Officer Completes Initial Review of Complaint

supervisor requests AA officer's review (if complaint is reported directly to supervisor) AA officer determines which definition of discrimination/ harassment complaint falls under (general, discriminatory, sexual harassment, or none) within 10 calendar days of receipt

employee & supervisor notified in writing of determination & investigators identified (if applicable)

C. Investigation Begins

commenced upon AA officer's review/determination

led by AA officer in partnership with immediate supervisor or next level supervisor (if complaint involves immediate supervisor)

DHS EO/AA & AFSCME Council 6 (if complainant is a member of this bargaining unit) notified of complaint's existence and nature

interviews conducted (complainant, respondent, staff/others who may have witnessed or have knowledge of incident)

documentation gathered proving or disproving allegations of complaint

D. Investigation Ends

completed within the time lines established by the bargaining units UNLESS complainant states he/she is unable to function in the work place

If this occurs, a preliminary investigation is completed within 2 days. If after this preliminary investigation, reasonable basis has been established for complainant's concern about continuing in the work setting, AA officer and supervisor will take intervening action to defuse the situation on a temporary basis pending the outcome of the full investigation

Final Report of Investigation drafted by AA officer in partnership with supervisor for submittal to Human Resources, CEO, and DHS EO/AA Division for review/approval. Disposition of the complaint will be filed with the DOER Commissioner within 30 days in compliance with established rules and procedures.

E. Resolution

upon approval, AA officer in partnership with supervisor notifies complainant & respondent of findings & recommended resolution

supervisor institutes recommended corrective and/or disciplinary action (if applicable)

REASONABLE ACCOMMODATIONS

POLICY #2040

POLICY

Eastern Minnesota State Operated Community Services (EMSOCS) will provide reasonable accommodation to the known physical or mental disabilities of otherwise qualified disabled employees, employees seeking promotion, or applicants for employment, unless the accommodation would result in an undue hardship to the EMSOCS, or would not enable the employee or applicant to safely perform essential functions of the job. The accommodation must be job-related and required for satisfactory performance of the essential job functions.

PURPOSE

To establish a policy which ensures that reasonable accommodations are made to the known physical or mental disabilities of otherwise qualified employees or applicants for employment.

DEFINITIONS

A. Reasonable Accommodations: Actions taken by employer to enable an applicant or employee to perform essential functions of job.

Methods of providing reasonable accommodation include, but are not limited to:

- Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of Collective Bargaining Agreements, Plans, Rules and Laws).
- 2. Job site modification (e.g., adjustment of equipment heights, accessibility to building and/or rearrangement of furniture).
- Support Services (e.g., interpreters for persons who are hearing impaired or deaf, readers for persons who are blind or visually impaired and/or transportation other than transportation between the employee's residence and the employee's permanent work station.
- Modification of equipment and/or provision of assistance devices (for instance, special telephone equipment, "talking" calculators and/or TTY/TDD).
- B. Person with a Disability: Anyone who has a physical or mental impairment which materially limits one or more of the person's major life activities.
- C. Otherwise Qualified Person with a Disability: One who can perform the essential functions of the job in spite of his/her disability, with, or without reasonable accommodations, and who is eligible for appointment under Minnesota Statutes Chapter 43A., D.O.E.R. rules and administrative procedures, and collective bargaining agreements.
- D. 504 Coordinator: Employee designated by the EMSOCS Director to act on requests for accommodations.
- E. Essential Functions: Tasks which are necessary or fundamental to accomplish duties of the job which include those physical, mental and interpersonal activities necessary to effectively achieve adequate job performance.
- F. Undue Hardship: The following criteria will be used to determine whether an accommodation would result in an undue hardship to the Eastern Minnesota State Operated Community Service:
 - 1. Size, type, and flexibility of program and operation.
 - 2. Nature and cost of the accommodation.
 - Budget resources available to the program.
 - The program's good faith effort to accommodate.

PROCEDURES

- A. Qualified applicants may request a reasonable accommodation that will assist him/her in the application/interview process. The reasonable accommodation shall be granted unless it would result in an undue hardship to the EMSOCS.
- B. An employee with a disability (includes otherwise qualified individuals who have been offered employment) may request a reasonable accommodation of his/her supervisor who may discuss alternatives with the employee.
- C. All employees will be informed of the Reasonable Accommodation Procedure during their orientation by the 504 Coordinator or designee.
- D. The supervisor should ask the employee if a reasonable accommodation to the employee will assist him/her in performing job duties. If the supervisor or employee wishes further consultation, they may contact the 504 Coordinator.
- E. All requests for reasonable accommodation must be made in writing by the employee, using Form DHS-2799. This should be given to the employee's supervisor.
- F. The supervisor of the Eastern Minnesota State Operated Community Service will forward the request to the Program Manager/designee with a written recommendation regarding the approval or denial.
- G. The request must then be reviewed and approved by the designated 504 Coordinator, the designated Affirmative Action Officer, and the EMSOCS Director or designee (when additional funding is required).
- H. Any denials of reasonable accommodation requests must be approved by the 504 Coordinator prior to notifying the employee. The rationale for denial must be clearly outlined in writing on form DHS-2799.
- I. The designated 504 Coordinator will advise the employee that he/she may appeal the decision through the discrimination complaint procedure or that he/she may file a complaint with the Minnesota Department of Human Rights, St. Paul, MN.

AFFIRMATIVE ACTION REVIEW OF SELECTION DECISIONS

POLICY

When a vacancy occurs in a goal unit where a disparity exists, and a qualified, available protected group candidate from a disparate goal unit is on the certified eligible register, the protected group candidate will be offered an interview. Before an offer of employment is made to other than a protected group candidate from a disparate goal unit, the supervisor will provide written justification for the non-selection to the Human Resources Office or designated Affirmative Action Officer and receive approval.

PURPOSE

To establish a method to ensure that affirmative action hiring goals are considered when hiring decisions are made within disparate goal units.

DEFINITIONS

A. Protected Groups: Women, minority persons, and persons with disabilities.

B. Disparate Goal Unit: A goal unit in which the numerical representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

PROCEDURES

- A. Each program site will be included in the Affirmative Action Plans for EMSOCS as a whole organization.
- B. When a vacancy occurs the supervisor will make a good faith effort to contact and offer an interview to all qualified and available disparate protected group candidates.
- C. The supervisor will document the interview process and all reasons for non-selection of available protected group candidates from a disparate goal unit(s). The Supervisor or Human Resources Office will provide the designated Affirmative Action Officer with a written justification for non-selection of available disparate protected group candidates whenever a vacancy is filled in a disparate goal unit and a disparate protected group member is not selected.
- D. When a disparate protected group member is not selected the supervisor must delay making an offer of employment until approval is received from the designated Affirmative Action Officer or a final determination is made by the EMSOCS CEO.
- E. The designated Affirmative Action Officer will review all written justifications for non-selection of an available disparate protected group candidate(s) for a disparate goal unit. The local Affirmative Action Officer will approve or disapprove the selection decision.
- F. If the selection decision is not approved, the designated Affirmative Action Officer will request the EMSOCS Director to review and make final determination prior to an offer of employment.
- G. The designated Affirmative Action Officer/designee will provide supervisors with initial training on the Affirmative Action Plan and the guidelines to follow. Ongoing updates of changes in the plan will be disseminated to all supervisors.

EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES -2000-2002 Affirmative Action Plan

HIRING GOALS

IINIT	CUR	RENT WOR	RK FORCE		#0	UTIL	IDER- IZATION FTE)		21 autoriania e			G GOALS #FTE)	
-	Total FTE	Female FTE	Minority FTE			Female	Minority	****		0.00	Female	Minori ty	
	1	0	0			.12	.30				0	0	
	459.6 9	349.99	20.25		10 11 1247-10 7	0	5.98				Met	5.98	
	3	3	0			0	.10				Met	.10	
	5.1	5.1	0 .			0	.26				Met	.26	
	7	4	Ō		9	0	.37			10	Met	.37	
216	35.75	21.75	0	50.5%	5.3%	0	1.89	0	2	2	Met	1.89	
	7	3	1			0	0				0	0	
	10.75	9.74	.4			0	.95				Met	.95	

Current work force FTE '#s reflect EMSOCS alone. Turnover FTE numbers are based on the turnover rate for FY'99 and '00 for EMSOCS and Faribault Regional Center together.

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EASTERN MINNESOTA STATE OPERATED COMMUNITY SERVICES 2000-2002 Affirmative Action Plan

Program Objectives:

The Affirmative Action Designee, Julie Lindell, is responsible for implementing the program objectives.

- 1. To ensure the 2000-2002 EMSOCS Affirmative Action Plan is accessible to all EMSOCS employees and members of the public upon their request. (*Time Line*: Ongoing)
- 2. To introduce new employees to the 2000-2002 EMSOCS Affirmative Action Plan during new employee orientation. (*Time Line*: Monthly)
- 3. To ensure EMSOCS administrative policies reflect and adhere to the standards and promote the goals and objectives established in this plan. (*Time Line*: Ongoing)
- 4. To ensure EMSOCS is represented on the RTC Core Group for Diversity. (Time Line: Bi-Monthly)
- 5. To ensure reporting requirements established by DOER are complied with (Monitoring the Hiring Process Report). (*Time Line:* Quarterly)

Austin Daily Herald	\$253.62	Good Response
Austin Shopper	\$174.00	Good Response
Byron Review	\$50.00	Good Response
City Pages	\$6,314.00	Good Response
Dodge Independent	\$28.75	Good Response
Dodge Shopper	\$27.50	Good Response
ECM Publishers, Inc	\$784.00	Good Response
Employment Guide	\$504.00	
Faribault Daily News	\$84.87	Good Response
Hastings Star	\$72.00	Good Response
Hinkley News	\$18.00	Good Response
MinnesotaJobs (online)	\$0.00	
Network	\$580.00	Good response
Pine City Pioneer	\$45.08	Good Response
Rochester Post Bulletin	\$680.40	Good Response
Rochester Shopper	\$310.00	Good Response
Southside Pride	\$180.00	
StarTribune	\$912.00	Poor response
Sun	\$797.60	Good response
Twin Cities Guide	\$9,946.20	

The above outlines newspaper publications and web sites utilized in the last two years. We will continue to use local publications for our out-state sites when vacancies occur. In the Twin Cities area we will continue to use The Employment Guide and the Suburban Shoppers since we found we received the greatest response from these publications. We will continue to use the State of Minnesota's web site, Minnesota Jobs, and explore other web sites as a recruitment tool.

1. Job Fairs

EMSOCS participated in 2 job fairs in 1998 – 2000. One was the Cumulus Broadcasting Job Fair 1999 at the Mayo Civic Center in Rochester, MN, held on September 22, 1999, and the other was the Twin Cities JobDex'99 at the Minneapolis Convention center held on October 27, 1999. EMSOCS incurred expenses totaling \$655.00. The JobDex'99 was poorly attended and did not provide us with interested applicants. The Cumulus Broadcasting Job Fair 1999 had approximately 30 interested applicants. Participation is future Job Fairs is anticipated. We will attend other Job Fairs to determine if these fairs are a viable recruitment tool for EMSOCS.

2. Projected hiring opportunities and strategies

- 1. EMSOCS anticipates several vacancies in the 2001 2002 reporting period in the classes of Human Services Technician and Licensed Practical Nurse.
- plan for filling these vacancies will be to continue to utilize the above publications that generated a good response;
 - explore the use of Internet publications as an advertising tool;
 - actively post vacancies with various MnSCU sites specifically those that offer LPN and CNA training, for example Hennepin County Technical Colleges.

3. Internships

Internships are provided through the Pathways to Human Services Careers Program. Targeted recruitment is done through educational institutions in the area.

4. Improve recruitment efforts for persons with disabilities

EMSOCS will continue to look for publications and community organizations to serve as resources to increase our applicant pool for individuals with disabilities. We will also actively promote the 700-hour program.

5. Supported Work

EMSOCS currently created a part-time supported employment position within our Human Resources Department. EMOSCS will continue to search for suitable supported employment opportunities within our organization. If the opportunity arises for these types of positions, we will first check within our current vocational programs to determine if there is an individual suitable for the position. If not, we will work closely with Division of Rehabilitation Services to assist us with recruitment of individuals seeking supported employment opportunities.

RETENTION

1. Survey Forms

EMSOCS provides an opportunity for comments and concerns to be brought to our attention through our employee transfer/exit survey form.

2. Employee Task Force

An Employee Task Force is currently in place to look at various operational concerns. One of the areas this group addresses is job satisfaction and retention.

3. Retention Methods

Retention concerns are dealt with on a case by case basis. The supervisor, in consultation with Human Resources, develops a plan to assist the employee either through additional training, mentoring, or individual development plans. (There is no distinction between protected group members and non-protected group members.) It is the responsibility of EMSOCS Human Resources, managerial and supervisory staff to oversee and promote retention within the organization.

4. Layoffs

In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the AAO. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternative course of action that would accomplish the supervisor's goals without the negative impact.

EVACUATION AND WEATHER EMERGENCIES

All EMSOCS locations have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.

FERGUS FALLS REGIONAL TREATMENT CENTER

F.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

FOR FERGUS FALLS REGIONAL TREATMENT CENTER

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

OCCUP I TIONI I	PROTECTED GROUPS				
OCCUPATIONAL CATEGORIES	MINORITIES	WOMEN	PERSONS with DISABILITIES		
202 Craft, Mntnc, Labor		x	Х		
203 Service					
204 Health Care Non-Prof.			Х		
205 Health Care Prof.	х		Х		
206 Clerical	X		*		
214 General Professional		х	x		
216 Supervisory	х		Х		
220 Manager's Plan	х		Х		
Other		x	х		

2. This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame: HUMAN RESOURCES BULLETIN BOARD LOCATED IN THE ADMINISTRATION BUILDING.

This plan contains an internal procedure for processing complaints of alleged discrimination and 3. each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame.

11.0 Affirmative Action Officer

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

of the Chief Executive Officer

08/01

This annual plan covers all elements of the institution's personnel policy and management 5. practices as related to affirmative action and has been reviewed by the Department of Human Services.

Date

Director, Office for Equal Opportunity

This annual plan meets the rules governing affirmative action and contains goals and timetables 6. as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

MUTALL.

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations

REAFFIRMATION OF FERGUS FALLS REGIONAL TREATMENT CENTER EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Fergus Falls Regional Treatment Center (FFRTC) to provide equal employment opportunities to all qualified people without regard to race, color, creed, sex, age, marital status, national origin, physical, mental or emotional disability or handicap, status with regard to public assistance, religion, sexual orientation, or membership or activity in a local (human rights) commission or political opinions or affiliations. This policy and practice includes recruitment, selection, hiring, retention, benefits, promotion, transfer, layoffs, return from layoff, termination, compensation, classification, equality of wages, education, tuition assistance, employee development programs, and all other human resource activities, in accordance with applicable federal, state and local laws and regulations.

FFRTC Policy # 2100 establishes the Treatment Centers Affirmative Action Plan. To help ensure organizational compliance with the letter and the spirit of Affirmative Action, this policy identifies responsibilities of the Chief Executive Officer, managers, the ADA Coordinator, and the Affirmative Action Officer, with regard to Affirmative Action. It also includes a procedure for the resolution of discrimination complaints.

The FFRTC will maintain a progressive program of Affirmative Action to ensure that equal opportunity is provided on the basis of individual qualifications, and to encourage all employees to strive for improvement and advancement. It is imperative that we maintain a strong Affirmative Action Program and we reaffirm our commitment to the principles and policies of the programs and to the retention of protected group members. By having such a program, we will ensure the maximum utilization of our human resources and the protection of equal rights for all employees and job candidates. We welcome and encourage the assistance of all employees in our efforts to implement our Affirmative Action Policy within the FFRTC.

Vernetta M. McClure is assigned the responsibility for the administrative direction and implementation of the facility's plan. Her phone number/js 218/739-7285 or (TTY)218/739-7455.

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Cynthia Skorick, Chief Executive Officer Fergus Falls Regional Treatment Center

07/25/00 Date

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

Chief Executive Officer

Responsibilities:

To oversee and ensure implementation of the Fergus Falls Regional Treatment Center's equal opportunity policy and Affirmative action program, in compliance with existing Federal and state laws, and regulations. **Duties: 1.** Appoint the Affirmative Action Officer and notify DHS Equal Opportunity Director of this

- designee.
 - Include accountability for the administration of the facility's affirmative action plan in his position description.
 - Require managers and supervisors to include responsibility statement in their position descriptions and annual objectives.
 - Take action on complaints of discrimination as outlined in the Affirmative action Plan complaint procedure.
 - 5. Ensure that DHS Equal Opportunity/Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
 - 6. Issue an annual written statement to staff communicating support of the affirmative action/equal opportunity policies.
 - 7. Give annual report to the Governing Board on Affirmative Action.

Accountability: Assistant Commissioner

Affirmative Action Officer

Responsibilities:

To administer the Fergus Falls RTC Equal Opportunity/Affirmative Action Equal Employment Opportunity and Civil Rights Program.

- **Duties 1.** Monitor implementation of the facility's affirmative action plans and personnel practices for impact on protected groups.
 - Develop and recommend changes or improvements to the AA/EEO Program to the Chief Executive Officer.
 - 3. Establish biannual hiring goals, revise the FFRTC's AA Plan biannually and complete all civil rights and affirmative action reports as required.
 - 4. Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the department including developing and implementing training program.
 - 5. Act as liaison with DHS Equal Opportunity Director.
 - 6. Investigate, mediate and recommend resolution of discrimination complaints to Chief Executive Officer.
 - Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
 - 8. Determine the need for affirmative action related training programs.
 - Review department policies, procedures, programs and reasonable accommodations for disabled persons and recommend changes to the Chief Executive Officer.
 - Plan and participate in the recruitment of protected group applicants for facility job openings.
 - Maintain contacts with protected group recruitment sources, and keep apprized of new developments in the area of affirmative action and equal opportunity.
 - 12. Ensure compliance with state and federal human and civil rights laws.

Accountability: To the Chief Executive Officer

Human Resources Director

Responsibilities:

The Human Resources Director is responsible for ensuring that personnel policies are administered fairly and are uniformly applied to all employees of FFRTC, and shall take positive action to remove all barriers to equal employment opportunity within the facility.

- **Duties:** The duties of the Human Resources Director include, but are not limited to the following:
 - 1. Make available to the Affirmative Action Officer all records and information data necessary to perform duties and responsibilities.

- 2. Provide the Affirmative Action Officer an opportunity to participate in decisions regarding Personnel practices.
- 3. Recommend specific annual EO/AA program objectives and annual hiring goals for the Affirmative Action Plan.
- 4. Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of employment interview.
- 5. Recommend changes in policy and procedure to improve the facility's ability to achieve affirmative action objectives.
- 6. Inform the Affirmative Action Officer of discrimination charges brought through a union grievance process and consult with the Affirmative Action Officer regarding resolution of the grievance.

Accountability: Chief Executive Officer

Managers and Supervisors

Responsibilities:

To ensure compliance with statewide and Facility Affirmative Action Programs and to ensure equal treatment of all employees.

- Duties: 1. Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
 - 2. Hire and promote qualified protected group members where a disparity exists.
 - 3. Communicate and demonstrate a personal commitment to the facility's Equal Opportunity/Affirmative Action policy.
 - Include responsibility statements for equal opportunity/affirmative action in positions descriptions and annual performance objectives.
 - 5. Assist and make recommendations to the Affirmative Action Officer regarding special recruitment projects.
 - 6. Discuss and document training needs and discusscareer planning goals with each employee during scheduled performance evaluations.
 - 7. Ensure that employees under their supervision receive an annual Equal Opportunity/Affirmative Action orientation.

Accountability: Chief Executive Officer

All Employees of FFRTC

Responsibilities:

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

AUDIT AND EVALUATION

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A.

On a quarterly basis the DHS Affirmative Action Director and residential facility Affirmative Action Officer will:

- 1. Review goal achievement and hiring opportunity reports received from the Department of Employee Relations.
- 2. Inform the Commissioner, supervisors and managers of progress or changes in goal achievement status.
- 3. Evaluate progress with action steps/efforts made during the previous quarter to address barriers.

A. <u>Annually</u> the residential facility Affirmative Action Officer will send to the DHS AA Office an end of the year summary of the following activities:

- 1. Changes in internal AA/EEO procedure of policies.
- 2. Training and information sessions conducted that are related to AA/EEO.
- 3. Progress toward completion of action steps that were established for the year.
- 4. Recruitment sources identified or protected group community organizations contacted.
- 5. Special projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions.
- Number and type of discrimination complaints received, both informal and formal, and status of resolution (e.g. resolved internally, charge filed with enforcement agency, no discrimination occurred).
- B. Biennially, the residential facility Affirmative Action Officer will forward to the AA Director:
 - 1. Completed and signed biannual transmittal forms that identify facility disparities.
 - 2. Specific action steps for the next plan period.
 - 3. Recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps.
 - 4. Annual/interim hiring goals for the next fiscal year, based on current disparities.
 - 5. Number of reasonable accommodation requests received and approved or denied.

INTERNAL AND EXTERNAL DISSEMINATION

Internal Dissemination

- A. The Chief Executive Office will transmit a letter or memo annually to FFRTC's employees reaffirming FFRTC's commitment to equal opportunity and affirmative action.
- B. Training sessions will be conducted for employees on the Affirmative Action Plan and policy.
- C. On the official bulletin board outside of the Human Resources Office, the following will be posted:
 - 1. Statement from Chief Executive Officer of facility's commitment to the affirmative action/equal employment opportunity policy.
 - 2. The Equal Employment Opportunity/Affirmative Action Policy #2100
- **D.** A copy of the facility's Affirmative Action Plan will be made available to employees, upon request, in the Human Resources Office.
- E. Employee orientation programs will have an equal opportunity/affirmative action component.
- F. The Equal Employment Opportunity and Affirmative Action policy will be included in the policy and procedures manuals.

External Dissemination

- A. The phrase An Affirmative Action/Equal Opportunity Employer will be included on FFRTC's letterhead and in all advertisements for positions.
- B. Positions will be advertised in appropriate protected group publications.
- C. A written expression of the facility's position on equal opportunity will be included in newspapers, magazines, advertising, brochures, etc.
- **D.** An assurance of non-discrimination will be included in all contracts for programs or activities receiving federal financial assistance, in accordance with HHS regulations, 45 CFR, Part 80.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY #2100

PURPOSE:

To establish the Fergus Falls Regional Treatment Center Affirmative Action Plan.

AUTHORITY:

Minnesota Human Rights Act, Chapter 363, M.S. 43. Americans With Disabilities Act, Title I, Employment. Governor's Executive Order # 91-4, Barring Discrimination on the Basis of Sexual Orientation.

POLICY:

It is the policy of the FFRTC to conduct all personnel activities without regard to race, creed color, sex, national origin, age, marital status, disability, religion, status with regard to public assistance, sexual orientation, or membership or activity in a local (human rights) commission.

Where the Treatment Center's workforce is under-represented in any goal unit/job category for women, minority, or persons with disabilities, affirmative action will be taken to employ individuals for those under-represented groups.

A program of affirmative action exists to eliminate barriers to equal employment opportunity and to encourage the employment, retention and advancement of qualified women, minority, and persons with disabilities in accordance with their availability in the labor market.

DEFINITIONS:

- A. Affirmative Action: A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of the Human Resources System with emphasis on improving initial employment and advancement opportunities for women, minorities, and the persons with disabilities.
- **B.** Barrier: Any factor, intentional or unintentional, such as policy, practices, examinations, physical facilities, attitudes, which results in unequal treatment of protected group members and/or which has an adverse effect on the employment or advancement opportunities of such group members.
- C. Person With a Disability:
 - Any person who:
 - 1) Has a physical or mental impairment that substantially limits one or more of the individual's major life activities.
 - 2) Has a record of such an impairment, or
 - 3) Is considered as having such impairment
- D. Discrimination: Unequal treatment, intentional or unintentional, based on protected characteristics.
- E. Disparity/Underutilization: The employment of fewer women, minorities, or persons with disabilities in the work force than could reasonably be expected based on their availability in the area labor market.
- F. Essential Functions: The fundamental duties of a position.
- G. Equal Employment Opportunity: The policy of basing all human resources activities solely on individual merit of applicants and employees related to the specific job requirements, and without regard to protected characteristics.
- H. Has a Record of Such Impairment: Has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- I. Is Regarded as Having an Impairment: Any person who:
 - 1) Has a physical or mental impairment that does not substantially limit major life activities, but that is treated as constituting such a limitation; or
 - 2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - 3) Has none of the impairments defined above, but is treated as having an impairment.
- J. Major Life Activities: Those basic activities that the average person can perform with little or no difficulty; activities such as caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, and working.

- K. Parity: The condition where the workforce is representative of all population groups in each job category in proportion to their occurrence in the area labor market.
- L. Physical or Mental Impairment:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speed organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - 2) Any mental or psychological disorder, such a mental illness, and specific learning disabilities.
- M. Protected Characteristics: Those characteristics which are identified by law as the basis for illegal discrimination, to include race, color, creed, sex, age, status with regard to public assistance, religion, national origin, marital status, disability, membership or activity in a local (human rights) commission or sexual orientation.
- N. Protected Group: Individuals identifiable as women, minorities, or persons with disabilities.
- O. Qualified Person With a Disability: With respect to employment, any person with a disability who, with or without reasonable accommodation, can perform the essential functions of the job assignment in question.
- P. Reasonable Accommodation: Any modifications or adjustments in a work environment or in how tasks are customarily done which enables an otherwise qualified individual to perform the essential functions of the position.

RESPONSIBILITIES:

A. Employees:

- 1) Treat all employees and applicants without regard to protected characteristics.
- Seek advice from any supervisor, manager, or the DHS Office of Diversity and Equal Opportunity if you need assistance in determining whether or not a situation would be considered illegal discrimination.

B. Supervisors:

- 1) Attempt to resolve verbal complaints of discrimination.
- 2) Take appropriate corrective action for situations in which inappropriate behavior is confirmed.
- 3) Protect employees from reprisal subsequent to a complaint of discrimination.

C. Managers:

- 1) Ensure that the actions of department directors and supervisors are consistent with this policy.
- Recruit, select, and promote qualified protected group members in accordance with the FFRTC annual Affirmative Action Goals.
- Include responsibilities and standards of performance for Affirmative Action in their position descriptions, as well as in the position descriptions of supervisors to whom hiring authority has been delegated.
- D. Affirmative Action Officer (AAO):
 - 1) Develop the FFRTC Affirmative Action Plan.
 - 2) Monitor progress toward Affirmative Action Goals.
 - 3) See that Affirmative Action records are maintained and reports are submitted to DHS as required.
 - 4) Coordinate the investigation of written complaints of illegal discrimination.
 - 5) Recommend resolution of complaints to the CEO.
 - 6) Recommend necessary changes in Affirmative Action policies and procedures to the CEO.
 - Review employment and promotion decisions by managers and hiring supervisors in relation to Affirmative Action goals.

E. Americans With Disability Act (ADA) Coordinator:

- 1) Participate in the post investigation conference when the complaint of discrimination was based on disability.
- 2) Provide advice to employees regarding provision of reasonable accommodations.
- F. Chief Executive Officer (CEO):
 - 1) Annually issue a written statement reaffirming support of this Equal Opportunity Policy.
 - Include responsibilities and standards of performance for Affirmative Action in manager's position descriptions.
 - 3) Assign investigators.
 - 4) Authorize actions necessary to resolve situations of illegal discrimination.
 - 5) Notify the DHS Affirmative Action Director of all alleged complaints of discrimination.

PROCEDURES:

A. Affirmative Action Objectives and Employment Goals:

Biannual Affirmative Action objectives and employment goals shall be established. The objectives shall identify specifically who is responsible for accomplishing each objective, as well as a time line for completion. The goals shall identify the number of protected group members the FFRTC will attempt to employ in each of the bargaining units. These goals can be used to measure progress toward parity. They should be reasonable and attainable, and should take into consideration the employment environment that is expected within the biennium.

B. Monitoring and Reporting Procedures:

To monitor the FFRTC's activities and its progress toward employment goals, the following records/reports will be used:

1) Decentralized Examination/Affirmative Action Summary:

For use by the FFRTC testing monitor when giving employment examinations for the Department of Employee Relations. The information is used to determine the extent to which protected group members apply for and pass locally administered examinations.

2) Monitoring the Hiring Process form:

For use by the Department of Human Services to monitor FFRTC employment decisions by identifying those situations in which the FFRTC misses an opportunity to appoint a protected group member where a disparity exists. This form identifies disparities in the bargaining unit and the number of protected group member(s) whose names are included on the eligible list and for appointments that are accomplished by other than the use of an eligible list. It also considers the impact of labor agreements on appointments and promotions when protected group members have been certified for the position.

C. Discrimination Complaint Procedure:

This discrimination complaint procedure is established to provide a means of resolving problems internally before seeking redress from an outside authority. While employees have the right to file a complaint with the Minnesota Department of Human rights or other enforcement agencies at any time, they are encouraged to use this complaint procedure before doing so.

D. Who May File a Complaint of Discrimination:

Any employee, applicant or eligible of the FFRTC who believes that he/she has been discriminated against by reason of any of the protected characteristics defined in section 4M above may file a complaint of discrimination.

- E. How An Employee Files A Complaint:
 - 1) A Verbal Complaint:

Employees are encouraged to present their complaint verbally to their immediate supervisor after becoming aware of the alleged violation. If the allegation is against your immediate supervisor, you may present the complaint to the next level of supervision, or to the Affirmative Action Officer. The supervisor should review the complaint and:

- a) May consult with the AAO to determine whether the complaint is related to Equal Employment and, therefore, appropriate to this complaint procedure within 5 days.
- b) If the complaint is an allegation of discrimination based on a protected characteristic defined in section 4M above, attempt to resolve the matter as soon as possible following receipt of the complaint.
- c) If the complaint is not based on any of the protected characteristics defined in section 4M above, inform the employee that their complaint is not appropriate to this complaint procedure. If the complaint is one of harassment or sexual harassment, refer to the complaint resolution procedure of Policy # 2104; Prohibition Of Harassment.

If, after verbally complaining about discrimination, the situation is not resolved to the employee's satisfaction, the employee should file a written complaint.

2) A Written Complaint:

If, for any reason, the employee does not want to make the complaint verbally, or if a complaint remains unresolved after presenting it verbally, a written complaint may be submitted to the Affirmative Action Officer. The form COMPLAINT OF DISCRIMINATION/HARASSMENT is available in the Human Resources Department for this purpose.

If the complaint is against an employee of the Human Resources Department, the complaint may be submitted directly to the CEO.

The complaint will be reviewed to determine that it is based on a protected characteristic within 7 days.

F. Investigation Of The Complaint:

Investigators shall be assigned by the CEO to conduct an investigation. A written report of the findings

shall be submitted to the CEO upon conclusion of the investigation.

A post investigation conference shall be convened by the CEO, or designee. Normally, this conference is to be attended by the immediate supervisor, the investigators, the appropriate manager, and the Affirmative Action Officer. The purpose of the conference is to review the findings, determine whether or not the alleged illegal discrimination occurred and decide what, if any, remedial action is necessary. The results shall then be communicated to appropriate individuals. If the allegation is confirmed, appropriate disciplinary action, up to and including discharge, may be taken.

A final written answer to complaints of discrimination will be provided within 60 days after a formal complaint is filed. Disposition of complaints will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination, consistent with law, rule and established procedures.

G. How An Applicant or Eligible Files A Complaint:

A discrimination complaint by an applicant should be submitted either verbally or in writing, directly to the CEO. Investigation of the complaint will be conducted by investigators assigned by the CEO or designee.

H. Complaining To An Outside Agency:

Applicants, eligibles and employees have the right to file a complaint of illegal discrimination directly to the Human Right Department or other enforcement agencies.

REASONABLE ACCOMMODATIONS

POLICY #2111

PURPOSE:

To ensure that reasonable accommodations are made to the known disabilities of otherwise qualified employees, job applicants or employees seeking promotions.

AUTHORITY:

- A. Minnesota Human Rights Act, Chapter 363
- B. Minnesota Statutes 43A.191
- C. Department of Employee Relations (DOER) Rules governing the statewide Affirmative Action Program
- D. Section 504 of the Federal Rehabilitation Act of 1973, as amended
- E. Americans With Disability Act (ADA) of 1990, 42 U.S.C.

POLICY:

To provide reasonable accommodations to qualified individuals with disabilities unless the accommodation would result in an undue hardship to the FFRTC or would not enable the employee or applicant to perform essential functions of the job.

DEFINITIONS:

- A. Essential Functions: The fundamental job duties of a position.
- B. Individual With A Disability: A person who:
 - Has a physical or mental impairment that substantially limits one or more of the individual's major life activities.
- C. Qualified Individual With a Disability: An individual with a disability who, with or without a reasonable accommodation, can perform the essential functions of the position that the individual holds or seeks.
- D. Reasonable Accommodation: Any modifications or adjustments in a work environment or in how tasks are customarily done which enables an otherwise qualified individual to perform the essential functions of the position.

E. Undue Hardship: Any activity that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation.

RESPONSIBILITIES:

A. Job Applicants or Eligibles:

Notify the Human Resources Department of their need for reasonable accommodations.

- B. Employees:
 - 1) Identify disabilities that interfere with their ability to carry out tasks included in their job assignments.
 - Submit requests for reasonable accommodations to their immediate supervisor in accordance with this policy.
 - When requested by their supervisor, provide medical statements that identify and support the need for their requested accommodation.
- C. Supervisors:
 - Evaluate and approve or deny employee requests for accommodations in accordance with this policy.
 - Implement approved reasonable accommodations.
 - Require a medical statement, where appropriate, which supports the need for a requested accommodation.
 - 4) Submit recommendations for reasonable accommodations to the Human Resources Director, where the implementation of such requests will involve major restructuring of job duties or schedules, the expenditure of funds, or a waiver of language in the employee's labor agreement.
 - Maintain documentation of accommodations that they implement that enable an employee with a disability to perform the essential functions of their position.
- D. Human Resources Director:
 - 1) Consult with supervisors and ADA Coordinator regarding the provision of reasonable accommodations.
 - Make recommendations to the CEO regarding requests that involve major restructuring of a position, the expenditure of funds, or a waiver of labor agreement language.
 Inform ich applicante of this policy.
 - 3) Inform job applicants of this policy.
- D. ADA Coordinator: Eldon Dietel Phone #: 218/739-7383 TTY: 218/739-7455
 - 1) Review written requests for reasonable accommodations.

- Assist supervisors, employees, and applicants to identify types and estimated costs of accommodations.
- Consult with supervisors and the Human Resources Director regarding the provision of reasonable accommodations.
- 4) Maintain documentation of requests that are made for reasonable accommodations.
- 6) Request medical statements, where appropriate, to support the need for the accommodations.
- E. Chief Executive Officer:
 - 1) Identify funding sources to implement accommodations that have been approved.
 - Approve or deny written requests for reasonable accommodations that involve the expenditure of funds and/or major restructuring of a position.

PROCEDURES:

- A. How to Request a Reasonable Accommodation:
 - Job Applicants/Eligibles: Job applicants must notify the Human Resources Department of their need for a reasonable accommodation prior to participating in the selection process.
 - 2) Employees/Employees with disabilities seeking promotion: Submit your request for a reasonable accommodation to your immediate supervisor, verbally or in writing, using form REQUEST FOR REASONABLE ACCOMMODATION, which is available in the Human Resources Department. A supervisor may make the request on behalf of an employee.
- B. Purpose Of A Reasonable Accommodations:
 - To enable a qualified individual with a disability to have an equal employment opportunity and attain the same level of performance that is available to the average similarly-situated employee without a disability.
- C. Examples Of Reasonable Accommodations:
 - Job restructuring, such as modifying work schedules, job duties, work hours, or redistributing marginal job functions; which retaining the basic functions of the job.
 - Job site modifications, such as adjustment of equipment heights, accessibility to buildings, and/or rearrangement of furniture.
 - Support services, such as interpreters for people who are deaf or hearing impaired, readers for people who are blind or visually impaired, or transportation (except to/from an employee]s permanent work station and residence).
 - Modification of equipment and/or providing assistance devices, such as special telephone equipment, talking calculators, etc.
 - 5) Modifying examinations, training materials, or procedures.
 - 6) Providing reserved parking places.

D. Considerations:

When evaluating the appropriateness of a request for a reasonable accommodation, the accommodation:

- 1) Must be directly related to the employee's job assignment.
- 2) Must be required to enable the employee to satisfactorily perform essential job functions.
- 3) Management will appropriate monies for reasonable accommodations from FFRTC funds.
- Must not result in an undue hardship to the Treatment Center.

E. Appeals:

Individuals have the right to appeal the denial of a requested accommodation the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission or other legal channels.

AFFIRMATIVE ACTION REVIEW OF SELECTION DECISION

POLICY #2113

PURPOSE:

To ensure that Affirmative Action hiring goals are considered whenever hiring decisions are made within a disparate goal unit.

DEFINITIONS:

- A. Disparity: The employment of fewer protected class members in the agency's work force than could reasonably be expected based upon their availability in the labor market.
- B. Disparate Goal Unit: A bargaining unit in which the numerical representation of protected class members is less than that group's estimated availability in the geographic area and labor force.
- C. Parity: The condition where the work force is representative of all protected class members in each bargaining unit in proportion to their occurrence in the area labor market.
- D. Protected Class Members: Women, minorities, and persons with disabilities.

RESPONSIBILITIES:

- A. Human Resources:
 - 1) Whenever a vacancy occurs in a goal unit where a disparity exists develop the interview list ensuring the inclusion of qualified disparate group members.
 - 2) Make a good faith effort to offer an interview to all qualified and available protected class members.
 - 3) Make offer of employment to selected candidate.
- B. Supervisors:
 - 1) Make a good faith effort to offer an interview to all qualified and available protected class members.
 - 2) Offer the position to the interested protected class member unless there is a justifiable reason not to do so.
 - 3) Submit a written justification for hiring decision.
- C. Managers:
 - 1) Approve or deny the supervisor's request for non-selection of a protected class member.
 - May challenge a decision by the Affirmative Action Officer to hire a protected class member by appealing to the Chief Executive Officer.
- **D.** Affirmative Action Officer:
 - 1) Accept or overrule a manager's selection decision.
 - 2) Determine the need for justification on hiring decision.
 - 3) Maintain documentation of the reasons for non-selection of a protected class member.
 - 4) Monitor the employment process for compliance with this policy

PROCEDURES:

A. Whenever a vacancy occurs in a goal unit where a disparity exists, and a qualified, available protected class member is certified on an eligible list or is referred for a routine service position, Human Resources will attempt to contact the protected class member to offer an interview.

A qualified, protected class member who is available for employment must be offered the position unless there is a justifiable reason for a decision to hire another candidate. The supervisor will be notified by the Affirmative Action Officer for the need for written justification for the hiring decision and submit to appropriate manager. The manager may accept or reject the supervisor's justification. If accepted, the manager must justify the selection decision to the Affirmative Action Officer, who has authority to overrule the manager.

B. Manager's Appeal:

If overruled by the Affirmative Action Officer, the manager may appeal the decision to the Chief Executive Officer, who shall make the final decision. The CEO must document the reasons for the selection decision.

- C. Applicant and Employee complaints of Non-selection:
 - Applicants may file a complaint of discrimination for non-selection decisions verbally or in writing to the Chief Executive Officer or to the Minnesota Department of Human Rights or other enforcement agencies.
 - 2) Employees may file a complaint for non-selection decisions in accordance with the Discrimination Complaint Procedure established in Policy # 2100; Equal Employment Opportunity & Affirmative Action and/or the Minnesota Department of Human Rights or other enforcement agencies.

AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY FISCAL YEARS 1999 AND 2000 OUTCOMES

- Fiscal Year 1999 Under the Pathways to Human Services Careers Program Provided a structured work site to one (1) minority student in Psychology Department. Provided a structured work site to one (1) disabled student in the Business Office.
 Fiscal Year 2000 - Under the Pathways to Human Services Careers Program-Provided a structured work site to two (2) minority students in the Business Office.
- Provided a structured work site to two (2) minority students in the Business Office Provided a structured work site to one (1) disabled student in Human Resources Office.
- Fiscal Year 2000 Provided a mentorship program for one (1) female High School Senior who was exploring the possibility of psychology for her career choice. Provided Internships for three (3) female students. One of these students interned on the Chemical Dependency Division doing direct care, the other two students interned in our clerical department.

Fiscal Year 1999 - Hired twenty-one (21) females in Bargaining Unit 218 (Other) and two (2) disabled individuals. Also hired one (1) disabled individual in Bargaining Unit 204 and one (1) female in Bargaining Unit 221.

Fiscal Year 2000 - Hired fourteen (14) females; one (1) disabled employee in Bargaining Unit 204

Eliminated Disabled disparity in Bargaining Unit 206 - Clerical

Filled Minority Psychiatrist vacancy as per goals in Affirmative Action Plan for July 31, 1998 through July 30, 2000.

Hired a Native American LPN to be leadworker in new SOCS Home in Mahnomen MN where the majority of population is Native American.

AFFIRMATIVE ACTION PROGRAMS AND PROGRAM OBJECTIVES FISCAL YEARS 2001 & 2002

OBJECTIVE	ACTION	RESPONSIBLE	DATE
Recruit protected class members to employment at FFRTC	a) Provide a structured work experience or internships to students in protected classes through the Pathways to Human Services Careers Program.	AAO, Managers Supervisors	Ongoing
× 	b) Provide internships for students in protected classes on the Chemical Dependency Division.	AAO,CD Manager CD Supervisors	Ongoing
	c) Fill vacancies for: AA CD Counselor – Native American	O, CD Program Manager	07/01/01
ж ^{. 17}	d) Attend at least one (1) job fair	Affirmative Action Officer	06/30/02
Increase employee awareness of appro- priate behavior in the workplace.	a) Provide information to employees on harassment, violence, intimidation, and cultural diversity.	AAO, Managers Supervisors	Ongoing
	b) Provide required Diversity Training to ALL S employees within one year of hire date.	Managers, Supervisors Staff Development,	, Ongoing
8 ⁻¹			
Improve retention of Diverse individuals	a) Monitor separations to determine if conditions are contributing employment terminations of protected class members		Annually/Ongoing
	b) Utilize Employee Exit Survey for use in monitoring employee separations.	Human Resources Director and Affirmative Action Office	Ongoing

AFFIRMATIVE ACTION PROGRAMS AND PROGRAM OBJECTIVES FISCAL YEARS 2001 & 2002

FERGUS FALLS REGIONAL TREATMENT CENTER YEAR 2000 DIVERSITY PLAN

Focus Area: Service Delivery

Objective: To integrate the goals and underlying principles of our diversity programs into the day to day procedures and the lifestyles of our clients and staff.

Quarterly - Members from the committee will make rounds on the program units to assess the friendliness with respect to diversity.

Quarterly – Reports for the ADA Coordinator and quarterly reports from Client Advocacy concerning diversity issues will be reviewed by the Diversity Committee.

Quarterly – Reports from client exit interviews and other customer surveys will be reviewed by the committee for diversity issues needed to be addressed.

Monthly – Treatment plans of new clients with diversity issues (religious, ethnic, race, etc) will be reviewed by the committee to identify needs for system changes.

Ongoing - The Diversity Committee will review external regulatory reports for citations affecting diversity.

Focus Area: Education and Training

Objective: To maintain a staff development program that is responsive to the diverse and individual needs of clients and staff and that is an integral part of the day to day operations of the FFRTC.

- Staff Development will incorporate feedback from consumers into the annual training plan.
- At least two training events will be presented to staff and interested consumers by persons with diverse cultural backgrounds.
- The Diversity Committee will establish resource files for specific cultural, ethnic, religious, race, economic populations to assist staff in planning for clients.

Focus Area: Recruitment, Selection and Retention

Objective: To increase diversity among potential applicants for employment at the FFRTC.

- The Diversity Committee will review reports from Human Resources concerning efforts to recruit and hire from diverse populations.
- Appoint students/interns within the Pathways to Human Services Careers Program.
- Support the hiring of economically disadvantaged individuals.
- FFRTC will continue to provide affiliation services for the health care professions, schools, etc., which
 serves as an applicant pool for these professions.

RECRUITMENT PLAN

Advertising

During Fiscal Years 1999 and 2000, the FFRTC has done numerous advertising.

Newspapers/Publications	Expenses	Position Advertised	Results
The Circle	\$ 120.00	Chemical Dependency Counselor	No applicants
Insight News	\$ 233.00	Chemical Dependency Counselor	No applicants
Results Radio – (Radio advertising that reaches most of Central and Northern Minnesota and Western North Dakota)	\$11,845.00	Chemical Dependency Counselors, RN's, LPN's, HST's, Business Manager, Medical Claims Tech., Medical Records Tech.	A great number of applicants

We have also advertised in various newspapers throughout Minnesota, North Dakota and South Dakota -

- Fargo Forum, Fargo, ND
- Fergus Journal, Fergus Falls MN
- Detroit Lakes Record, Detroit Lakes, MN
- Grand Fork Herald, Grand Forks, ND
- Argus Leader, Sioux Falls, SD
- Echo/Press, Alexandria MN
- Crookston Herald, Crookston, MN
- The Independent, Parkers Prairie, MN
- St. Cloud Times, St. Cloud MN
- Grant County Herald, Elbow Lake MN
- Mahnomen Paper, Mahnomen MN
- Ashby/Dalton Paper, Ashby, MN
- Evansville Paper, Evansville, MN
- Minneapolis Star & Tribune, Minneapolis, MN

Approximate Expenses for Advertising in Above Named Papers = \$10,541.00

Because of the great variety of advertising that we have done, we have increased our applicant pool for people of color and people with disabilities. The FFRTC will continue to advertise in diverse publications and we are considering internet advertising.

Other Methods Used

- The FFRTC has in the past and will continue to utilize the Workforce Center located in Fergus Falls MN.
- During Fiscal Years '99 and '00, the FFRTC has sent copies of our vacancies to the following colleges in hopes of recruiting protected group members.

UND – Grand Forks, ND Concordia College, Moorhead, MN NDSU – Fargo, ND MSU – Moorhead, MN FFCC – Fergus Falls, MN Northwest Technical College – Moorhead, MN Northwest Technical College – Detroit Lakes, MN Northwest Technical College – East Grand Forks, MN Alexandria Technical College – Alexandria, MN

- During this reporting period we have also utilized the DOER bulletin.

Job Fairs

Although we did not meet our goal to attend a job fair during Fiscal Year's 99 and 00, we anticipate participating in at least one job fair during 2000 – 2002.

Goals & Timetables

Since the FFRTC continues to extend our programs throughout our 17 county catchment area, we do not anticipate significant hiring within the FFRTC, but do anticipate hiring within our programs throughout our 17 counties. These projected vacancies are in the 204 bargaining unit, in which we are not disparate. Within the FFRTC, there may be turnover in the following areas where we have a disparity and every attempt will be made to hire a disparate group member:

1 Staff Psychiatrist, Female (represented as "other" in transmittal sheet) – December, 2001 1 Registered Nurse, Minority (represented as 205 in transmittal sheet) – June, 2001

Internships/Work Study Programs

The FFRTC has been involved in the Pathways to Human Services Careers Program for many years. The program was utilized in fiscal years 1999 and 2000 and we will continue to refer students in the future. Beginning in September, 2000, we will recruit from other colleges in the area including but not limited to Fergus Falls Community College, Wahpeton School of Science, Alexandria Technical College, University of Minnesota – Morris, Northwest Technical College – Detroit Lakes, Moorhead, etc.

During FY'00 the FFRTC started accepting students for Internships. This will continue in the future.

Improve Recruitment Efforts for Persons with Disabilities

- FFRTC will contact our local Rehabilitation Services Office regarding any vacancies/job openings that occur.
- FFRTC will continue to look for more publications we can use as advertising sources to increase our applicant pools with individuals with disabilities.
 FFRTC currently has 1 supported employee in the Service Worker category. The position has been eliminated and the employee is covered by the Memorandum of Understanding. We are currently trying to identify a position that will meet the Center's and employees needs.
 Due to the present downsizing of Developmentally Disabled Division of the FFRTC staff, we do not foresee the opportunity to hire supported employees in the near future.

RETENTION PLAN

The FFRTC Affirmative Action Officer/Human Resources Director shall monitor separations from the treatment center on an annual basis to determine if a greater proportion of protected class members are separating from employment than their representation in the workforce. If so, the Diversity Committee will be notified and shall attempt to determine if conditions exist which can be causally attributed to diversity issues. If such causes exist, a plan will be developed to improve the identified conditions.

The Diversity Committee consists of Bill Dorholt, DD Services Program Director, Diana Ziesemer, RN Supervisor (member of DHS Diversity Core Group); Cheryl Holt – Staff Development; Roger Lonnstrom, RN (Diversity Class Instructor); Linda Kidder, RN; Linda Hagen, Human Resources (member of DHS Diversity Core Group); Deanna Mounts, Client Advocate; Lee Krueger, Assistant Group Supervisor; Clint Kenyon, CD Counselor Supervisor; Stephanie Bynum, Food Service Worker; Roger Ross, Plumber; Dr. Vangala, Staff Psychiatrist

All separating employees shall continue to be offered an opportunity to complete an Employee Exit Survey and Exit Interview prior to their last day of employment. The results of the Employee Exit Surveys shall be compiled and presented in summary form to the FFRTC Diversity Team as part of the monitoring system.

Staff Reductions: A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. Any decision regarding abolition of positions will not be based on protected characteristics. In the event that a reduction in the workforce in imminent, the Human Resources staff assigned to work with the layoffs will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternate course of action that would accomplish the supervisor's goals without the negative impact.

Separation Data

The following have left employment at the FFRTC during fiscal years '99 and '00. These were the result of temporary appointments ending, employees resigning, retiring, transferring to our new Vet's Home in Fergus Falls, or dismissal.

- 75 HST's
- 28 LPN's
- 14 Food Service Workers
- 17 RN/Sr.
- 6 CD Counselors/Sr.
- 5 General Repair Worker (1 was disabled, was hired on a temporary appointment)
- 2 General Maintenance Workers (1 disabled transferred to another state facility)
- 2 Chaplains
- 5 Structured Program Assistant
- 3 Special Teachers
- 2 Carpenters
- 3 Account Clerks
- 2 Residential Program Service Managers
- 2 Occupational Therapists
- 2 Electricians
- 2 Medical Specialists
- 2 Switchboard Operators
- 2 Social Worker Specialist

One each of the following classifications:

Personnel Director 2, Mason, General Maintenance Worker Lead, Painter, Psychologist 2, Social Worker Sr., Laborer-Trades & Equipment, RN Principal, RN Supervisor,

CD Counselor Supervisor, Building Services Manager, Behavior Analyst 3,

Central Services Administrative Specialist Intermediate,

Office and Administrative Specialist Intermediate, Institution Community Relations Coordinator, Plant Maintenance Engineer, Assistant Group Supervisor, Project Consultant, Office & Administrative Specialist Senior, Cook Supervisor, Chief Executive Officer, Food Service Supervisor, Chaplain Supervisor, Employment & Development Specialist 2, Laundry Worker, Rehabilitation Counselor Sr., Recreation Therapist Program Assistant

WEATHER EMERGENCIES AND EVACUATION

All buildings within the Fergus Falls Regional Treatment Center have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.

AFFIRMATIVE ACTION OFFICER: VERNIE MCCLURE 218/739-7294

AMERICANS WITH DISABILITIES ACT COORDINATOR: ELDON DIETEL 218/739-7393

PERSONS RESPONSIBLE FOR RECRUITMENT/RETENTION: HUMAN RESOURCES STAFF - VERNIE MCCLURE (AA0/HR DIRECTOR) WORK PHONE - 218/739-7294 LINDA HAGEN WORK PHONE - 218/739-7285 KIMBERLY KIMNITZ WORK PHONE - 218/739-7367 PAULA SKAALRUD WORK PHONE - 218/739-7223 NORMA STEIDL WORK PHONE - 218/739-7305

MINNESOTA EXTENDED TREATMENT OPTIONS

G.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE, 30 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

FOR Minnesota Extended Treatment Options

	PF	PS	
OCCUPATIONAL CATEGORIES	MINORITIES	WOMEN	PERSONS with DISABILITIES
202 Craft, Mntnc, Labor	x	x	
203 Service	x		
204 Health Care Non-Prof.			х
205 Health Care Prof.	x		х
206 Clerical	x		
207 Technical	x		χ.
213 Health Treat. Prof.	-		
214 General Professional		x	х
215 Prof. Resid. Instr.			
- 216 Supervisory	x	x	
217 Commissioner's Plan	x		х
220 Manager's Plan		x	x
Other			

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x)-each category as appropriate).

2. This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

3. This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame.

Affirmative Action/Officer

8/4/00

Date

4. This annual 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.

Chief Executive Officer

Date

5. This annual plan covers all elements of the institutions personnel policy and management practices as related to affirmative action and has been reviewed by the Department of Human Services.

Luson

Director, Office for Equal Opportunity

10/27

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

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations' Dat

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THE MISSION STATEMENT OF MINNESOTA EXTENDED TREATMENT OPTIONS FOR EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

It is the policy of Minnesota Extended Treatment Options (METO) to provide equal employment opportunities to all qualified applicants regardless of race, creed, color, sex, national origin, age, marital status, disability, sexual orientation, membership or activity in a local (human rights) commission, status with regard to public assistance, or religion. The policy includes recruitment, hiring, selection, promotion, transfer, layoffs, return from layoff, termination, compensation and personnel duties as defined by federal and state statutes.

The Agency has developed a process to ensure that Affirmative Action hiring goals are considered whenever hiring decisions are made within disparate goal units. Whenever a vacancy occurs in a goal unit where a disparity exists and a qualified available protected group candidate is on the certified eligible register, the protected group candidate will be offered an interview. Before an offer of employment is made to anyone other than a protected group candidate, the supervisor will provide written justification for the selection to the Affirmative Action Officer for approval.

The Agency's Affirmative Action policies provide an internal Discrimination Complaint procedure and specifies the responsibilities of the Chief Executive Officer, Managers, Supervisors, Human Resource Director and the Affirmative Action Officer.

The Agency strives to implement the Department's Mission of diversity as a continuous integral part of our internal organizational structure, and therefore, we reaffirm our commitment to affirmatively retain qualified protected group employees and to recognize Affirmative Action as a positive effort that assists in providing effective services, programs, resources and skills to our clients and our communities.

Mike Maus, CEO/Director of METO

11-29-00

Date

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES CHIEF EXECUTIVE OFFICER:

Responsibilities: To oversee and ensure implementation of the METO Affirmative Action Program in compliance with existing federal and state laws, rules and regulations. **Duties:**

- 1. Appoint an Affirmative Action Officer/ADA Coordinator and notify the DHS Affirmative Action Director of these designations.
- 2. Require managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
- 3. Resolve internal discrimination complaints and notify DHS Affirmative Action Director of all enforcement agency charges.
- 4. Ensure that DHS Affirmative Action policies are carried out and approve all actions necessary to facilitate this.

Accountability: Assistant Commissioner - State Operated Services

AFFIRMATIVE ACTION OFFICER:

Responsibilities: To serve as the Agency Affirmative Action Officer so that equal employment opportunities are achieved in the work place.

Duties:

- 1. Receive, investigate, mediate and recommend resolution of discrimination complaints to the CEO
- 2. Maintain files of all complaints received.
- 3. Monitor personnel practices on a regular basis, for impact on protected groups prior to offer of employment.
- Review requests for reasonable accommodations as required by state and federal regulations.
- 5. Disseminate affirmative action policies and procedures to employees through development and implementation of in service training programs.
- 6. Update and monitor the Agency's Affirmative Action Plan.
- 7. Participate in active recruitment in conjunction with organizations of protected classes.
- 8. Conduct training and monitor issues related to harassment.
- Accountability: Chief Executive Officer

MANAGERS AND SUPERVISORS:

Responsibilities: To ensure compliance with METO Affirmative Action Program and equal treatment of all employees and applicants for employment.

Duties:

- 1. Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- 2. Hire and promote qualified protected group members where a disparity exists.
- 3. Communicate and demonstrate a personal commitment to the METO Affirmative Action Program.
- Include responsibility statements for AA/EEO in position descriptions and annual performance indicators.
- 5. Assist and make recommendations to the Affirmative Action Officer regarding special recruitment projects.
- 6. Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- 7. Ensure that all employees under their supervision receive affirmative action orientation. **Accountability:** To the Chief Executive Officer, indirectly, and to the immediate supervisor, directly.

ALL EMPLOYEES:

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the METO Affirmative Action/Equal Opportunity Program, by refraining from any actions which could interfere with any employee's work performance with respect to race, color, creed, national origin, religion, age, sex, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance or disability. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of recourse through the METO complaint procedure.

AUDIT AND EVALUATION

* Layoffs are governed by the Memorandum of Understanding of the labor agreement.

* Program progress is evaluated at the annual Governing Board meeting comparing the current status against the established goals.

* Identified problems will be reviewed by the Executive Committee and recommendation for resolution implemented.

* A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. Any decision regarding the abolition of positions will not be based on protected group characteristics. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected members. They will determine if there is an alternate course of action that would accomplish the supervisor's goals without the negative impact.

DISSEMINATION

INTERNAL

- 1. The Affirmative Action Officer will disseminate affirmative Action Policies and procedures to employees through development and implementation of in service training programs
- 2. The AA plan will be available in the CEO's Office, Personnel Office and the Training Center.
- 3. Employee orientation programs shall include Affirmative Action/Equal Opportunity information.
- Affirmative Action/Equal Opportunity information shall be posted in the Office of Human Resources.

EXTERNAL

- All advertising is done through the Work Force Center in Cambridge and Mora, the Cambridge Star, the Minneapolis Tribune, Psychological Journals and any other appropriate protected group publications.
- 2. Advertisements are also done in conjunction with job postings at DHS and DOER.
- The Agency's position as an Equal Opportunity Employer shall be clearly identified on all official correspondence.

POLICY #2601

PURPOSE:

This policy is to provide affirmative action and equal opportunity guidelines in personnel practices and a complaint resolution process.

POLICY:

Minnesota Extended Treatment Options (METO) shall conduct all personnel related activities without regard to race, creed, color, sex, national origin, age, marital status, disability, status with regard to public assistance, religion, sexual orientation or membership or activity in a local (human rights) commission.

AUTHORITY:

A. Civil Rights Act of 1964, as amended.
B. MN Statute 363 (Human Rights Act)

- E. Residential Facilities Policy #2110.
- F. Residential Facilities Policy #2104

C. MN Statute 43A.

G. Americans with Disabilities Act (ADA)

D. Rules governing the Statewide Affirmative Action Program.

DEFINITIONS:

A.Affirmative Action:

A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for disabled persons, minorities, and women. **B.**Affirmative Action Officer (AAO):

Individual responsible for implementation and maintenance of Center's Affirmative Action/Equal Opportunity Program.

C.Barriers:

Any factor, intentional or unintentional which results in unequal treatment of protected group(s) and/or which has an adverse effect on the employment or advancement opportunities for protected group individuals.

D.Complainant:

The person who files a complaint of discrimination.

E.Discrimination:

Unequal treatment, intentional or unintentional, based on protected characteristics.

F.Equal Employment Opportunity (EEO):

The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, color, religion, sex, age, national origin, disability, sexual orientation, membership or activity in a local (human rights) commission, marital status, status with regard to public assistance, or other non-merit factors.

G.Personnel Activities:

Include, but are not limited to, recruitment, selection, assignment, training, promotion, compensation, fringe benefits, leaves of absence, discipline, and layoffs affecting all employees and/or applicants.

H.Protected Characteristics:

Any feature, aspect, condition, opinion, or the like which has no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, national origin, specific disability, status with regard to public assistance, sexual orientation, membership or activity in a local (human rights) commission, and/or religion.

I.Protected Class/Protected Group:

Those individuals identifiable as disabled, minorities, or women.

J.Respondent:

The person or entity against whom a discrimination complaint has been filed.

RESPONSIBILITIES:

A.The Chief Executive Officer (CEO) shall ensure that Minnesota Extended Treatment Options subscribes to the Affirmative Action/Equal Opportunity Policies and Practices of the State of Minnesota and Department of Human Services. **B.**The Affirmative Action Officer (AAO) shall implement and maintain the Agency's Affirmative Action/Equal Employment Program, including notification to the Central Office Affirmative Action Director of all charges of alleged discrimination.

PROCEDURES:

A. Policy Dissemination

Employee orientation programs shall include Affirmative Action/Equal Opportunity information.
 The Agency's position as an Equal Opportunity Employer shall be clearly identified on all official correspondence.

3)Affirmative Action/Equal Opportunity information shall be posted in the Office of Human Resources.

B. Complaints

- 1) Filing information:
 - a. Any applicant, employee or eligible at METO who believes that he or she has been discriminated against by reason of race, sex, sexual orientation, membership or activity in a local (human rights) commission, age, national origin, color, creed, religion, status with regard to public assistance, marital status, or disability, may file a complaint.
 - b. Complainants are encouraged to use the internal complaint procedure first, however, all complainants have the right to file complaints with the Minnesota Department of Human Rights or other enforcement agencies at any time.
 - c. Anyone filing a complaint shall do so without fear of coercion, reprisal, or intimidation.
- 2) Complainant:
 - a. Complainant shall present the complaint to his or her immediate supervisor
 - If complaint is sexual harassment, see Prohibition of Sexual Harassment, Policy 2101.
 - c. If unresolved by supervisor, complete Complaint of Discrimination form (available in Personnel) and submit to AAO.
 - d. If unresolved by AAO, may submit complaint to CEO within seven (7) calendar days of AAO's response.
 - e. A final written answer to complaints of discrimination will be provided within sixty (60) days after a formal complaint is filed. Disposition of complaints will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination, consistent with law, rule and established procedure.
- 3) Supervisor:
 - a. Contact the AAO to determine if the complaint is covered by the Affirmative Action Complaint Procedure.
 - b. Notify the employee within five (5) calendar days of the receipt of the complaint after consultation with AAO.
 - 1. If the complaint is related to Equal Employment Opportunity, the supervisor shall attempt to resolve the matter.
 - If the complaint is not related to Equal Opportunity, tell employee he or she may pursue other appropriate grievance procedures to resolve the complaint.
- Affirmative Action Officer (AAO):
 - a. Assist supervisor in determining whether a complaint is covered by this procedure.

- b. If complaint is a Human Rights or Equal Employment Opportunity Commission (EEOC) charge, call the DHS Affirmative Action Director and follow-up with written confirmation.
- c. If complaint is not a Human Rights or EEOC charge, conduct an investigation and prepare a written report with recommended actions within twenty one (21) working days.
- d. Submit investigation reports to the CEO and the Director of OHR.
- 5) Chief Executive Officer (or designee):
 - a. Mediation will be offered and if desired, a meeting with the parties involved will be arranged within seven (7) calendar days of receipt of formal complaint. If mediation is not desired, separate meetings with the respondent and complainant will be arranged.
 - **b.** Review all pertinent information and notify parties in writing within seven (7) calendar days of the meeting.
- 6) Timeliness
 - a. If the supervisor, Affirmative Action Officer or designee does not answer a complaint appeal within a specified time limit, the employee may elect to treat the complaint as denied at that step and immediately appeal the complaint to the next step.
 - b. The time frames for processing complaints may be extended if deemed necessary by the Affirmative Action Officer/designee, and approved by the Chief Executive Officer.
- 7) Data Privacy: In accordance with the Data Practices Act, all information and documentation shall be treated as confidential investigative data during the course of an investigation. As such, confidential data is not available even to the subject of the investigation. Once the investigation is completed, the complaint information should be treated as private personnel data. Private data is available only to the individual subject.

PROHIBITION OF SEXUAL HARASSMENT

POLICY #2101

PURPOSE:

To establish a means for maintaining a work environment free of sexual harassment and a process to resolve complaints.

POLICY:

Minnesota Extended Treatment Options shall provide a work environment free of any form of sexual harassment.

REFERENCE:

- A. U.S. Civil Rights Act, Title VII
- B. Minnesota Human Rights Act
- C. DHS Residential Facilities Division Policy #2112
- D. Minnesota Statutes Chapter 363 and Section 43A.191
- E. DOER Administrative Procedure 1.2 Prohibiting Harassment
- F. Bargaining Unit Agreements

DEFINITIONS:

A. <u>Sexual Harassment</u>: Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature which occurs between supervisors and subordinates or among peers or co-workers when:

- Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
- Submission to or rejection of that conduct or communication 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; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

RESPONSIBILITIES:

- A. Chief Executive Officer shall:
 - Ensure employees are aware of this policy by publishing and distributing policy.
 - 2) Take appropriate action to resolve sexual harassment in the work place.
- **B.** Affirmative Action Officer shall:
 - 1) Investigate all complaints of sexual harassment.
 - 2) Report results of investigation to Chief Executive Officer (CEO).
 - 3) Recommend appropriate resolution to the CEO.

C. Employee

- Refrain from sexually harassing behavior in the work place.
- Report any occurrence of sexual harassment observed or known by the employee as provided in this policy.

PROCEDURE:

- A. Reporting Complaints:
 - 1) The complainant may tell the offender that his/her behavior or actions are unwelcome or offensive.
 - 2) If the alleged harassment does not stop, is severe in nature, or the victim is unable to confront the alleged harasser, report this to the immediate supervisor. If the immediate supervisor is the one being charged, contact the next higher level of supervision.
 - 3) The supervisor will take action to ensure the harassment ceases immediately and notify the Affirmative Action Officer. If the complainant is not satisfied with actions taken, (s)he should inform the facility Affirmative Action Officer and complete a discrimination complaint form. The complainant can also notify other enforcement agencies as appropriate.

- B. Receiver of the Complaint
 - Inform the complainant that (s)he may have a Union representative present, if desired and appropriate to the bargaining unit agreement.
 - 2) Notify the facility Affirmative Action Officer (AAO) within one (1) business day.
 - 3) If in filing a complaint, the employee states (s)he is unable to function in the work site from which the complaint arose, coordinate a preliminary investigation within two (2) working days.
 - 4) If preliminary investigation establishes a reasonable basis for the employee's concern about continuing in the work situation, determine with the manager and facility AAO, appropriate intervening action to defuse the situation until complaint is fully investigated and action is taken.
- C. Affirmative Action Officer
 - Within 60 calendar days, or as specified by the bargaining unit, conduct and complete a full investigation. Prepare report and recommended actions to resolve the complaint and submit to the CEO for final determination.
 - If the complainant is represented by Council 6 or MAPE and has requested Union Involvement, provide copy of summary of findings and resolution to Union Representative.
- D. Data Privacy/Reprisal

The Union and Employer agree all hearings and records shall be private and reprisal against an aggrieved employee or witness is prohibited.

E. Alternative Legal Action

If the complainant is not satisfied with the outcome of the above steps, he/she may seek alternative action. The complainant is informed that at any time prior to 300 days having elapsed from the date of occurrence, the complainant may file a formal charge with the Equal Employment Opportunity Commission, or within one year with the State Department of Human Rights, or the complainant may seek legal advice in filing with the courts, or other appropriate enforcement agencies.

REASONABLE ACCOMMODATIONS POLICY

POLICY #2602

PURPOSE:

To ensure that reasonable accommodations are made to qualified employees, employees seeking promotion or applicants with disabilities for employment.

POLICY:

Minnesota Extended Treatment Options shall provide reasonable accommodations to qualified applicants or employees with disabilities and employees seeking promotions unless the accommodation would provide undue hardship to the facility or would not enable the employee or applicant to perform essential functions of the job. The accommodation must be job related and required for satisfactory performance of essential job functions.

AUTHORITY:

- A. Department of Employee Relations (DOER) Rules governing the statewide Affirmative Action Program
- B. Section 504 of Federal Rehabilitation Act of 1973, as amended.
- C. M.S. 363.03 (Minnesota Human Rights Act)
- D. M.S. 43A.191
- E. Residential Facilities Policy #2111
- F. Americans with Disabilities Act (ADA)

DEFINITIONS:

- A. <u>Reasonable Accommodations</u>: Any change or adjustment to the job, work environment, or the manner in which work is customarily done, that permits a qualified person with a disability to perform the essential functions of the job.
- B. Methods of Providing Reasonable Accommodation: Include, but are not limited to:
 - Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of Collective Bargaining Agreements, Plans, Rules and Laws).
 - 2) Job site modification (e.g., adjustment of equipment heights, accessibility to building and/or rearrangement of furniture).
 - 3) Support Services (e.g., interpreters for people who are deaf or have hearing impairments, readers for people who are blind or visually impaired and/or transportation other than transportation between the employee's residence and the employee's permanent work station).
 - 4) Modification of equipment and/or provision of assistance devices (for instance, special telephone equipment, "talking" calculators and/or TTY/TTD).
- C. <u>Person with a Disability:</u> Anyone who is significantly restricted in performance of a major life activity, e.g., self-care, manual tasks, seeing, walking, hearing, speaking, breathing, learning, sitting, standing, lifting, reaching or working:

1) has a physical or mental impairment which substantially limits one or more of such person's major life activities.

- D. Qualified Person with a Disability: One who can perform the essential functions of the job in spite of his/her disability, with reasonable accommodations, and who is eligible for appointment under M.S. Chapter 43A, DOER rules and administrative procedures, and collective bargaining agreements.
- E. <u>Essential Functions</u>: Tasks which are necessary or fundamental to accomplish the duties of the job which include those physical, mental, and interpersonal activities necessary to effectively achieve adequate job performance.
- F. <u>ADA Coordinator</u>: The facility employee designated by Chief Executive Officer (CEO) to act on requests for reasonable accommodations/job modifications.
- **G.** <u>Undue Hardship</u> The following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility:

- cost;
- 2) extensiveness;
- 3) disruptiveness;
- 4) extent to which it would fundamentally alter the nature of the operation.

H. <u>Direct Threat</u> - The following criteria must be present and documented to substantiate a direct threat (all 4 must be present to substantiate a direct threat.):

- 1) significant risk of substantial harm identified as _____
- specific risk identified as:
- risk is current based on:
- 4) risk is supported by objective medical evidence.

RESPONSIBILITIES:

- A. Chief Executive Officer
 - 1) Designate staff member to act as ADA Coordinator.
 - 2) Be informed and provide consultation regarding reasonable accommodation.
- B. Office of Human Resources
 - 1) Inform applicants and staff of the facility's commitment to reasonable accommodations for qualified employees with disabilities.
 - 2) Refer to ADA Coordinator to process reasonable accommodation requests.
- C. The ADA Coordinator
 - Obtain pertinent information by which a request can be evaluated and make recommendation to Human Resources Director and CEO on ADA qualifying reasonable accommodation requests from employees and applicants.
 - Advise employees of their right to appeal requests that are denied through the facility's discrimination complaint procedure.
 - 3) Advise applicants of their right to file a charge with the State Human Rights Department.
 - 4) Maintain documentation and provide annual report to the Human Resources Director and CEO of reasonable accommodations requested, approved, denied, or appealed. Request medical documentation to support the request as necessary.
- D. Supervisor
 - Consult with the disabled employee or applicant and the ADA Coordinator to determine if need for accommodation qualifies under the ADA. Discuss options and grant the accommodation, if appropriate.
 - 2) Ask the employee or applicant to complete a written request for reasonable accommodation, and refer applicant to the ADA Coordinator for consultation.
- E. Employee shall request reasonable accommodation by providing a statement of functional limitation and completing Reasonable Accommodations Request Form (CRC #51017) available from Office of Human Resources.

PROCEDURES:

A. ADA Coordinator will coordinate the processing of all requests.

Accommodations that are granted will be funded through the legislative appropriated funds for Minnesota Extended Treatment Options.

AFFIRMATIVE ACTION REVIEW OF SELECTION DECISIONSPOLICY #2103

PURPOSE:

To establish a method to ensure that affirmative action hiring goals are considered whenever hiring decisions are made within disparate goal units.

POLICY:

Whenever a vacancy occurs in a goal unit where a disparity exists, and a qualified, available protected group candidate is on the certified eligible register, the protected group candidate will be offered an interview. Before an offer of employment is made to anyone, the supervisor will provide written justification for the selection of the candidate to the affirmative action officer/designee and receive the designee's approval.

AUTHORITY:

- A. Minnesota Statutes 43A.191
- B. Department of Employee Relations (DOER) Rule Governing the Statewide Affirmative Action Program
- C. RPMD #2113
- D. Americans With Disabilities Act (ADA)

DEFINITIONS:

- A. Protected Groups: women, minority persons and disabled persons.
- B. Disparate Goal Unit: A goal unit in which the numerical representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

RESPONSIBILITIES:

- A. Chief Executive Officer shall:
 - Review and make final determinations on selection decisions that the Affirmative Action (AA) Designee or Director disapproves.
- B. Affirmative Action Director and Designees shall:
 - Review selection decisions in all disparate goal units and advise the supervisor of the appropriateness of the hiring decision.
- C. Supervisors shall:
 - Make a good faith effort to contact and offer an interview to all qualified and available protected group candidates.
 - Document the interview process and all reasons for the selection of the candidates.

PROCEDURES:

A. Chief Executive Officer

- Review justification for the selection of the candidates upon request of the AA Designee of Director.
- 2) Approve selection decisions in these situations prior to an offer of employment.
- B. Affirmative Action Director and Designee
 - 1) Evaluate written justifications for the selection of available and qualified candidates.
 - Approve or disapprove selection decision, where protected group candidate(s) are not selected to fill vacancies in disparate goal units.
 - 3) If the selection decision is not approved, request CEO review and final determination.
 - Sign the DOER Monitoring the Hiring Process report.
- C. Supervisor
 - Provide the Affirmative Action Director or Designee with written justification for selection of candidates whenever a vacancy is filled in a disparate goal unit.
 - Provide documentation on the interview and selection process as requested by the Affirmative Action Designee or Director.
 - Delay making an offer of employment until approval is received from the AA Designee or Director and a final determination is made by the CEO.

MINNESOTA EXTENDED TREATMENT OPTIONS HIRING GOALS June 1, 2000 – June 30, 2002

BARGAINING UNIT	#PROJECTED HIRES	#MINORITY	#DISABLED	#WOMEN
202 - Craft, Maint, Labor	1			
203 - Service	1	1		
204 - Health Care Non-Prof	100			
205 - Health Care Prof	1			
206 - Clerical	2	1		
207 - Technical	0			
213 - Health Treat Prof	0			
214 - Professional	8		5	3
215 – Prof Resid Instr	0			
216 - Supervisory	2			1
217 - Comm Plan	0			
220 - Managerial	0			

AFFIRMATIVE ACTION PROGRAMS AND PROGRAM OBJECTIVES

1. Protected Class Recruitment/Internships

We are working with our local college to recruit students that are in protected classes for internship opportunities through the Pathways to Human Services Careers Program. We currently have two individuals here on an internship program through the Minnesota school of Psychology. We are planning to expand out internship program effective 7/1/2001 to include a greater focus on professional classes (bargaining units 208 & 214) and administrative support classes (bargaining units 207 & 207).

2. Increasing Awareness

We are working to increase employee awareness of appropriate behavior in the workplace by providing a four hour diversity class that covers cultural diversity issues, harassment issues and issues pertaining to violence and intimidation. This course is part of our new employee orientation training and is a class that is required to be updated on a yearly basis.

3. Improving Retention

We are going to implement a process to monitor separations to determine if conditions are contributing to employment terminations of protected class members. Also, we will continue to utilize our Employee Exit Survey forms so that any concerns will be brought to our attention.

RECRUITMENT AND RETENTION

1. Advertising

Advertisements that were placed in the last two years are outlined below:

Publications	Expenses	Results	
St. Paul Pioneer Press	536.71	Poor Response	
City Pages	1940.00 Minimal Response		
Employment Guide	240.00	Good Response	
Sun Newspaper	524.00	Poor Response	
ECM Publishers (Scotsman)	1122.00	Good Response	
Employment Weekly	2666.99	Fair Response	

The above outlines the publications that were utilized in the last two years. We will continue to use the Employment Guide and the Scotsman since they had the most favorable results.

2. Job Fairs

Our facility has not attended any job fairs in 1998 – 2000. We anticipate that we will not participate in any job fairs in 2000 – 2002 because we have not found them to be a viable recruitment method for our facility.

3. Projected Hiring Opportunities and Strategies

The facility anticipates several vacancies in the 2000 – 2002 reporting period in the classes of Human Services Technician and Human Services Support Specialist. The plan for filling these vacancies will be to utilize the above publications that generated a good response. We will also continue to communicate with our local Work Force Center regarding any vacancies we have or any testing dates we set up.

4. Internships

Internships are provided through the Pathways to Health Careers Program. Targeted recruitment is done through community organizations and educational institutions in the area.

5. Improving Recruitment Efforts for Persons with Disabilities

The Facility will continue to look for publications that we can use as advertising sources to increase our applicant pools with individuals with disabilities. The facility will now have access to a recruitment person on a limited basis. We will work with that person to develop a plan on specific target recruitment.

6. Supported Work

The facility does not currently have any outside supported workers but we currently use special funds to provide employment opportunities to some of the clients that we serve with disabilities.

7. Survey Forms

METO provides an opportunity for comments and concerns to be brought to our attention on our employee exit survey form.

WEATHER EMERGENCIES AND EVACUATION

The building for Minnesota Extended Treatment Options have conspicuously posted emergency evacuation routes or relocation plans. Written plans are communicated to and readily available to employees at each location. Direct Care staff are trained each quarter in procedures including tornado, severe weather, fire, missing persons and client illness. Emergency phone numbers are placed by each phone. There is 24 hours staff supervision to assist in the event of an emergency. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

All employees of our facility are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

AFFIRMATIVE ACTION OFFICER:

JENNY MCALPINE - 763/689-7219

AMERICANS WITH DISABILITIES ACT COORDINATOR:

JENNY MCALPINE - 763/689-7219

PERSONS RESPONSIBLE FOR RECRUTIMENT AND RETENTION:

HUMAN RESOURCES STAFF:

SANDY BUCKINGHAM – 763/689-7217 JENNY MCALPINE – 763/689-7219 BELLE PHILLIPPI – 763/689-7220

MOOSE LAKE REGIONAL STATE OPERATED SERVICES

Η.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE 30, 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

FOR Moose Lake Regional State Operated Services

1. This annual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

OCCUPATION 4	PROTECTED GROUPS			
OCCUPATIONAL CATEGORIES	MINORITIES	WOMEN	PERSONS with DISABILITIES	
202 Craft, Mntnc, Labor	X	x		
203 Service			x	
204 Health Care Non-Prof.			X	
205 Health Care Prof.			X	
206 Clerical				
207 Technical	X		X	
213 Health Treat. Prof.			-	
214 General Professional	X		X	
215 Prof. Resid. Instr.				
216 Supervisory	Х	-		
217 Commissioner's Plan				
220 Manager's Plan	x	x		
Other	X		, X	

2. This annual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

MLRSOS Human Resources Office

1111 Hwy 73, Moose Lake, MN.

3. This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time frame.

unifie Collins Jennifer Collins Affirmative Action Officer Date

4. This annual 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.

Frank Milczark, CEO

7-24-00

Chief Executive Officer

Date

SFP 2001

Equal Opportuni

21110

Office for.

5. This annual plan covers all elements of the institution's personnel policy and management practices as related to affirmative action and has been reviewed by the Department of Human Services.

lusar 10/24 Date

Director, Office for Equal Opportunity

This annual plan meets the rules governing affirmative action and contains goals and timetables as well as methods for achieving 6. them which are reasonable and sufficiently aggressive to deal with the identified disparities. VIU

108/01 Date

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Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations

194

STATEMENT OF COMMITMENT TO

DIVERSITY AND AFFIRMATIVE ACTION

The Moose Lake Regional State Operated Services is committed to the State of Minnesota's affirmative action efforts to provide equal employment opportunities to all qualified people without regard to race, color, creed, national origin, religion, age, gender, sexual orientation or preference, marital status, reliance on public assistance, disability, membership or activity in human rights commissions, political opinions or affiliations. This policy is an integral part of all other MLRSOS policies, practices and procedures.

Affirmative Action is a positive effort to use the skills and resources not only of those who have been denied opportunity in the past, but of all present and future employees. MLRSOS will continue to implement a progressive program of affirmative action to ensure that equal opportunity is provided based upon individual qualifications and to encourage all persons to seek employment and strive for advancement within the organization. MLRSOS strives to retain all talented employees, including protected group members. MLRSOS further believes that diversity enhances the organizational environment and improves the services we provide. Therefore, we will continue to make a strong effort to increase understanding and further develop the appreciation of diversity within our workforce and clientele.

To these ends, I have appointed Jennifer Collins as Affirmative Action Officer. As Affirmative Action Officer she reports directly to me as Chief Executive Officer.

I urge all employees to become acquainted with our Affirmative Action Plan. The plan is available in the MLRSOS Human Resources Office for anyone to inspect. All employees have the responsibility to promote and apply the principles of equal opportunity in their work and to cooperate fully with the MLRSOS plan of action.

It is my hope that the true value of a diverse workforce able to provide effective services, program and policies that are culturally appropriate and accessible to diverse communities will be recognized and promoted by all employees. I urge you to join me in a continued effort to make equal employment and a diverse workforce a reality.

Frank Milczark, Chief Executive Officer

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

CHIEF EXECUTIVE OFFICER (FRANK MILCZARK):

RESPONSIBILITIES:	policy and Affirmative Action program in compliance with existing federal and regulations.
DUTIES:	Appoint an Affirmative Action Officer and 504 Coordinator and notify DHS Affirmative Action Director of these designees.
	Resolve internal discrimination complaints and notify DHS Affirmative Action Director of all enforcement agency charges.
	Ensure DHS Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
2	Incorporate into the position description of all managers and supervisors a clear definition of their responsibilities in the area of AA/EEO and include an evaluation of the performance of these responsibilities as part of the annual performance review process.
	Issue an annual written statement to staff communicating support of the Affirmative Action/ Equal Opportunity polices.
ACCOUNTABILITY:	To the Assistant Commissioner, Residential Facilities and to the Commissioner.
AFFIRMATIVE ACTION OFFIC RESPONSIBILITIES:	ER (JENNIFER COLLINS): Develop and recommend changes or improvements to the AA/EEO program

DUTIES:

to the Chief Executive Officer. Monitor the organization's personnel practices for impact on protected groups.

Complete related progress and other required reports.

Act as liaison to the DHS Affirmative Action Director.

Ensure that affirmative action policies and procedures are disseminated to employees, including developing and implementing training programs.

Investigate, mediate and recommend resolution of discrimination complaints to the Chief Executive Officer.

ACCOUNTABILITY:

Chief Executive Officer.

HUMAN RESOURCES DIRECTOR (AMY HENRY, ACTING):

RESPONSIBILITIES:

The HR Director is responsible for ensuring that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the region.

DUTIES:

Make available to the AAO all records and information data necessary to perform affirmative action duties and responsibilities.

Provide AAO an opportunity to participate in decisions regarding personnel practices.

Recommend specific annual Affirmative Action Program objectives and annual hiring goals for the Affirmative Action Plan.

Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities as early as possible in the hiring process.

Recommend changes in policy and procedure to improve the region's ability to achieve affirmative action objectives.

Inform AAO of discrimination charges brought through a union grievance process and consult with AAO regarding resolution of the grievance. Chief Executive Officer.

ACCOUNTABILITY:

MANAGERS AND SUPERVISORS:

RESPONSIBILITIES:

DUTIES:

Ensure compliance with statewide and Department Affirmative Action Programs and ensure equal treatment of all employees.

Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.

Hire and promote qualified protected group members where a disparity exists.

Communicate and demonstrate a personal commitment to the Department's Affirmative Action policy.

Include responsibility statements for Affirmative Action/ Equal Employment Opportunity in position descriptions and annual performance objectives.

Assist and make recommendations to the AAO regarding special recruitment projects.

Discuss training needs and document career planning goals with each employee during scheduled performance reviews.

Ensure all employees under their supervision receive an annual Affirmative Action orientation.

ACCOUNTABILITY:

Assigned supervisor as designated by CEO.

ALL EMPLOYEES:

RESPONSIBILITIES:

All employees shall be responsible for conducting themselves in accordance with the State's Equal Employment Opportunity Policy by refraining from any actions which interfere with any employee's work performance with respect to race, creed, color, sex, national origin, age, marital status, disability or handicap, sexual orientation, status with regard to public assistance, religion, political opinions or affiliations. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves or recourse through the Department's discrimination compliant procedure.

AFFIRMATIVE ACTION PLAN

POLICY #21.9

POLICY:

It is the policy of Moose Lake Regional State Operated Services (MLRSOS) to provide equal accessibility for employment, promotion, and training to all qualified persons and to eliminate the underutilization of qualified members of protected groups (women, minorities, persons with disabilities). MLRSOS will use good faith efforts in the employment, training and promotion of qualified minorities, women, persons with disabilities and Vietnam Era Veterans.

PURPOSE:

- To establish consistency in MLRSOS with regard to equal employment opportunity.
- To provide a comprehensive approach by which all units of the organization will receive the guidance and support needed to ensure that all persons have equal opportunities in each phase of the employment process.

DEFINITIONS:

Affirmative Action - A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for disabled persons, minorities, and women.

Affirmative Action Plan - The written document which describes the agency's program for achieving equal employment opportunity.

Affirmative Action Program - Action steps taken by management to achieve the goals as specified in the agency's Affirmative Action Plan.

Barrier - Any factor, intentional or unintentional, be it policy, practice, action, commission, examination, physical facilities, negative attitudes, which results in unequal treatment of protected group(s) and/or which has an adverse effect on the employment or advancement opportunities of such groups.

Disparity/Under-utilization - The employment of fewer disabled persons, minorities, and women in the agency's work force than could reasonably be expected based on their availability in the labor area.

Employee - All classified and unclassified employees in the Executive Branch of state government.

Equal Employment Opportunity - The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, color, religion, sex, age, national origin, disability, political affiliation, or other protected characteristics.

Goals - Good faith, quantitative objectives set by an agency head as the minimum requirement to be met within a certain time period.

Minorities - Persons of African, Hispanic, American Indian or Native Alaskan, Asian or Pacific Island heritage. **Protected Characteristic** - Any feature, aspect, condition, opinion, or the like, which has no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, national origin, specific disability, reliance on public assistance, religious or political opinions or affiliations and other characteristics. **Protected Class/Protected Group** - Those individuals identified as disabled, minorities, or women.

PROCEDURES:

I. RESPONSIBILITIES:

A. Chief Executive Officer:

- 1. To designate an individual to serve as Affirmative Action Officer.
- To approve all changes in the policy and procedures before implementation.
- 3. To issue a statement affirming the support of the State's equal opportunity policy for MLRSOS and to ensure that such statement is available to all employees. This statement is found in the Affirmative Action Plan located in the MLRSOS Human Resources Office at the Minnesota Sexual Psychopathic Personality Treatment Center (MSPPTC).

B. Executive Committee:

- To include the Affirmative Action Officer in all regular meetings to discuss progress and/or problems in the Affirmative Action Program.
- To monitor the establishment and achievement of goals and timetables.

C. Affirmative Action Officer (AAO):

The Affirmative Action Officer will report to the Chief Executive Officer and is responsible for the implementation of the Affirmative Action Program.

- Additional duties include:
- 1. Provide equal opportunity/affirmative action information to MLRSOS employees as needed.

- 2. Counsel protected class employees who are experiencing work adjustment problems.
- 3. Monitor and submit Affirmative Action reports as required by the Department of Human Services.
- 4. Review selection decisions in disparate goal units when protected group candidates are on the eligible register, but are not selected.
- 5. Maintain contacts with protected class resources for recruitment purposes. This will include attending relevant career days or job fair activities when appropriate.
- 6. Conduct investigations under the Affirmative Action internal complaint procedure.
- 7. Review Separation Questionnaire of all employees leaving MLRSOS and complete semiannual reports for Executive Staff.
- 8. Attend Executive Staff meetings as scheduled and report on progress and problems with Affirmative Action.

D. Human Resources Office:

- 1. Assist Affirmative Action Officer in compiling required reports.
- Inform new employees of promotional processes and post information regarding promotions and new job availability.
- 3. Send Separation Questionnaire to all staff who have separated from MLRSOS and collect responses.

Managers and Supervisors:

E.

- Assist the AAO in identifying and resolving problems and in eliminating barriers to equal employment opportunity.
- Make a good faith effort to contact and/or offer an interview to all qualified and available protected group candidates.
- 3. Provide the AAO with written justification for non-selection of available disparate protected group candidates before a vacancy is filled in a disparate goal unit and a disparate protected group member is not selected. This request includes the interview process and all reasons for non-selection of the available protected group candidate. The employment offer will be delayed until the CEO makes a final determination.
- 4. Schedule staff participation in affirmative action training.
- 5. Communicate and review the affirmative action policies to assigned staff.
- 6. Include at least one performance indicator relating to Affirmative Action/Equal Employment Opportunity in position descriptions.
- 7. Perform such other specific duties as may be assigned in the Affirmative Action Plan.

F. Local Diversity Council

The local Diversity Council is appointed by the CEO and represents the various constituencies within the organization. In conjunction with the AAO this group will:

- 1. Develop and guide the implementation of the Affirmative Action Plan.
- 2. Provide assistance in developing and preparing the Affirmative Action Plan, goals, reports.
- 3. Serve as a forum for transmitting EO/AA concerns to Executive Staff. Identify and report problem areas and recommend needed corrective action.
- 4. Provide leadership in implementing AA and diversity training.
- Function as the Affirmative Action Committee for MLRSOS.
- G. All employees shall be responsible for conducting themselves in accordance with the Affirmative Action Policy by refraining from any actions which would interfere with any employee's work performance with respect to race, creed, color, sex, national origin, age, marital status, disability or handicap, status with regard to public assistance, religion, political affiliations, sexual orientation or membership or activity in a local (human rights) commission. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of recourse through the Affirmative Action complaint procedure.

II. Dissemination

A. Internal Dissemination

- 1. The Affirmative Action Plan is located in the HR office at MLRSOS for employees to review.
- 2. The Affirmative Action Plan Policy is included in the policy manual at each program site.
- The required Federal and State Equal Employment Opportunity posters will be posted on bulletin boards.

- 4. New employee orientation includes an equal opportunity/ affirmative action component which will reaffirm the organization's commitment to affirmative action and will explain the intent and implementation responsibilities of this plan.
- 5. Each new employee receives a copy of the Affirmative Action Plan Policy and policies on discrimination and harassment.

B. External Dissemination

- 1. Information on vacancies and a letter encouraging referrals and applicants will be provided to protected class recruitment resources.
- 2. All advertisements for positions will include the statement "Affirmative Action/Equal Opportunity Employer."
- 3. A copy of the Affirmative Action Plan is available on request.

III. Recruitment

A.

In order to attract qualified applicants from protected class members for MLRSOS the following activities will be completed.

- The Human Resources Office will:
 - 1. Maintain a perpetual inventory of vacant positions.
 - 2. Provide information and applications regarding jobs to any person upon request.
 - 3. Announce vacancies to protected class recruitment resources.
 - 4. Work with AAO in establishing annual hiring goals and complete other tasks assigned in the annual Affirmative Action Plan.
- B. Community Relations and/or Human Resources staff willparticipate in/arrange for job fairs, career days, speakers, volunteer groups, etc. to provide information and contact and to assist with recruitment.
- C. AAO shall:
 - 1. Assist with above, especially as it relates to protected groups.
 - 2. Work with Human Resources Office in establishing annual hiring goals and complete other tasks assigned in the annual Affirmative Action Plan.
 - 3. Submit annual report.
 - In an effort to recruit persons with disabilities, DRS and the local job agency will be notified of all job vacancies.

IV. Selection

In order to ensure Affirmative Action hiring goals are considered whenever hiring decisions are made in a disparate goal unit, the following steps will be taken:

- A. Annually the AAO and Human Resources Director will identify goal units where disparities exist. Hiring goals will be established. This will be set forth in the Annual Affirmative Action Plan.
- **B.** Whenever a vacancy occurs in a goal unit where a disparity exists, and a qualified, available protected group candidate is certified on an eligible list or is referred for a routine service position, the protected group candidate will be offered an interview. This will be arranged by Human Resources in collaboration with the hiring manager or supervisor.
- C. A qualified protected class member who is available for employment must be offered the position unless there is a justifiable reason for a decision to hire another candidate. It is the Human Resources Officer's responsibility to notify the hiring supervisor of this.

Before an offer of employment is made to anyone other than a disparate group candidate, the supervisor must submit a written justification for non-selection of the disparate group candidate to the AAO, including the reasons to justify non-selection.

- D. The AAO will review and accept or reject the supervisor's request.
- E. The supervisor's manager may challenge the AAO's decision by appealing to the CEO.
- F. The CEO will make the final determination on selection decisions the AAO has submitted for review.
- **G.** The AAO will maintain documentation of the reasons for a non-selection of a disparate class member in goal units where disparities exist.
- H. The AAO in collaboration with the Human Resources Office will prepare required reports on achievement of hiring goals.

V. Retention

To improve retention of protected group members, the following will be done:

- A. The Human Resources Office will send an exit survey to all employees separating from service with MLRSOS.
- B. The AAO will review all surveys received and prepare semiannual reports for Executive Staff.
- C. The AAO in conjunction with the local Diversity Council will make recommendations for addressing problem areas identified in the exit surveys.

VI. Staff Reductions/ Pre-Layoff Review

A no layoff agreement has been negotiated between DHS facilities and the bargaining units. These agreements outline procedures for staff reductions. Specific details can be found in the various agreements. Any decision regarding abolition of positions will not be based on protected characteristics. In the event a reduction in the workforce is planned, the Human Resources staff will contact the AAO or designee. Together they will analyze the situation to determine if there will be negative impact on protected group members. They will determine if there is an alternative course of action and make recommendations to the CEO/ COO.

VI. Training and Development

- A. An overview of policies and procedures regarding Affirmative Action, Sexual Harassment, and Reasonable Accommodations shall be presented as part of general orientation for all new employees.
- B. The AAO shall review training modules to ensure courses are consistent with Equal Employment Opportunity policies.
- C. The AAO shall develop courses or arrange for necessary training to ensure supervisors and managers have adequate understanding of Affirmative Action.
- D. The AAO shall assist members of the protected groups in planning career development program upon request.

VII. Complaint Procedures

Any employee, applicant or eligible of the state operated services who believes that he/she has been discriminated against by reason of race, color, sex, age, national origin, religion, public assistance status, marital status, status, sexual orientation, membership or activity in a local (human rights) commission or disability may file a complaint. See Policy 21.13, Prohibition of Discrimination and Harassment.

Persons with disabilities needing special considerations to perform their job must submit a Reasonable Accommodation request to the Americans with Disabilities Act (ADA) Coordinator. Forms are available from the Human Resources Office. See Policy 21.17, Reasonable Accommodations.

PROHIBITION OF DISCRIMINATION AND HARASSMENT

POLICY:

It is the policy of Moose Lake Regional State Operated Services (MLRSOS) to provide a work environment free of discrimination.

Sexual harassment by any employee, manager, supervisor, or non-employee will not be tolerated. Anyone who violates this policy will be subject to appropriate disciplinary action up to and including discharge.

PURPOSE:

- 1. To establish guidelines for employee behaviors that may be perceived by others as discrimination and/or harassment.
- 2. To establish procedures for reporting and reviewing or investigating such complaints.
- To define criteria of harassment consistent with the U.S. Civil Rights Act, Title VII, Minnesota Human Rights Act, M.S. 363.03, Minnesota Department of Employee Relations Administrative Procedure 1.2, and DHS Prohibition of Sexual Harassment Policy 5060.

GENERAL STATEMENT:

This policy applies to employees as well as non-employees at the employer[]s work sites. These prohibitions also extend to any location, activity, or event associated with the organization or with its employees in their capacity as representatives of MLRSOS.

DEFINITIONS

General Harassment A verbal, psychological, social or physical action which results in feelings of intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or the effect of unreasonably and substantially jeopardizing an individual's employment; creating an intimidating, hostile or offensive employment environment between supervisors and subordinates or among peers or co-workers providing the harassment is not based on any protected characteristics.

Protected Characteristics: Includes race, color, creed, religion, gender, sexual orientation, membership or activity in a local (human rights) commission, age, national origin, marital status, disability or status with regard to public assistance.

Discrimination: Any unlawful employment practice based on race, color, creed, religion, gender, sexual or affectional preference, age, national origin, marital status, disability or reliance on public assistance.

Discriminatory Harassment: Behavior by one employee toward another which unreasonably interferes with an employee swork performance, or which creates an intimidating, hostile or offensive work environment and is based on one or more protected characteristics.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature which occurs between supervisors and subordinates, or among peers or co-workers when:

- Submission to that conduct or communication is made a term or condition, explicitly or implicitly of employment.
- Submission to or rejection of that conduct or communication 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 employment, or creating an intimidating, hostile, or offensive employment environment, and the employer knows or should know of the existence of the harassment, and fails to take timely and appropriate action.

Affirmative Action Officer (AAO): A person designated by the CEO of MLRSOS to oversee and implement the non-discrimination and Affirmative Action policies.

RESPONSIBILITIES

I. All Employees:

- A. Conduct themselves in a manner that does not violate this policy.
- **B.** Initiate and support programs and practices designed to develop understanding, acceptance, and commitment to affirmative action principles.
- C. Provide statements and documentation related to AA issues as requested.
- D. Report violations of this regulation to the immediate supervisor or AAO.
- E. Maintain confidentiality during complaint investigations and appeals.

II. Supervisors:

- A. Monitor and insure compliance with this policy. Assure all employees are informed that harassment will not be tolerated and that each employee is oriented to this policy.
- B. Notify the AAO of all complaints received.
- C. Process complaints as described in the Internal Complaint procedure.

III. Affirmative Action Officer:

- A. Keep MLRSOS Executive Staff apprized of any changes in the law or its interpretation regarding sexual harassment and discrimination.
- B. Notify the CEO and DHS Affirmative Action Officer of all Equal Employment Opportunity Commission, Human Rights and sexual harassment complaints received.
- C. Review all reports of discrimination and harassment.
- D. Investigate all complaints of illegal discrimination including sexual and general harassment as assigned by CEO/COO.
- E. Ensure related provisions of collective bargaining agreements are followed.
- F. Submit final report to CEO including recommendations.

IV. CEO:

- A. Implement the State's and MLRSOS's policy of zero tolerance for sexual harassment.
- **B.** Initiate and support programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy.
- C. Ensure systematic discussion, review and revision of this policy, procedures and practices.
- D. Notify the Central Office Equal Opportunity Director of all charges of alleged discrimination.
- E. Notify the Central Office Equal Opportunity Director of human rights charges by telephone, followed by written confirmation and a copy of the charge upon receipt of the charge.

PROCEDURE

- I. Internal Complaints of General Harassment
 - A. An employee may consult with his or her immediate supervisor for advice and/or to determine if the situation or complaint is related to discrimination or harassment.
 - B. If the complaint is determined to be general harassment as defined in this policy, and not related to either discrimination or harassment, the CEO or COO will assign the AAO or designee to investigate and recommend action within 30 days.
 - C. If there is a related investigation involving any of the parties, the investigation into the new complaint may be put on hold until the active investigation is completed.
- II. Internal Complaints of Discrimination of Discriminatory Harassment
- Employee: Complete the Complaint of discrimination or Harassment Form or request supervisor or AAO to help complete the form. If the complaint is against the AAO, present the complaint to the Chief Executive Officer or designee.
 - 1. Affirmative Action Officer:
 - Determine if the complaint is one based on protected characteristics within 7 days of receipt of the complaint.
 - Inform CEO or designee of complaint and await direction. Only the CEO or COO can order an investigation.
 - 3. Send a notice of complaint in progress to the DHS Affirmative Action office.
 - If the employee states he or she is unable to function in the work site from which the complaint arose:
 - 1. The AAO will conduct a preliminary investigation within two (2) days.
 - If the preliminary investigation establishes that a reasonable basis exists for the employee's concern about continuing in the work situation, the AAO shall recommend action to diffuse the situation until a full investigation is completed and final action is taken.
 - 3. Within sixty (60) days the AAO shall begin and complete a full investigation and submit a report to the CEO including recommendations of actions, if any, to take to address the complaint.

- Any recommendations must be approved by the CEO or designee before implementation.
- The CEO or designee will assign responsibility for implementation of any recommendations.
- 3. The results of the investigation (i.e. that the investigation was completed and that action, if any, was taken) will be communicated to the employee filing the complaint by the AAO. If someone other than the AAO is assigned to conduct the investigation, that person will inform the employee who filed the complaint of the results. Disposition of the complaint will be filed with the DOER Commissioner within 30 days in compliance with established rules and procedures.

III. Appeals:

- A. Appeals may be made by the complainant regarding findings, action or progress by filing:
 - With the AAO or next level supervisor for supervisor conducted investigation.
 - 2. With the CEO for AAO conducted investigation.
 - 3. As described below in External Procedures.
- B. The AAO or CEO may request reviews by the Department of Human Services or Human Rights or by the Equal Opportunity Commission of any complaints.
- IV. External Complaint Procedure

Employees are encouraged to use the internal complaint procedure prior to filing externally, although this is not required. If an employee chooses to file externally, he or she may file with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights. Addresses and telephone numbers can be obtained from the AAO, Human Resources office, or the Executive Secretary.

REASONABLE ACCOMMODATIONS

POLICY #21.16

POLICY:

It is the policy of the Moose Lake Regional State Operated Services (MLRSOS) to provide reasonable accommodations to qualified individuals with disabilities unless the accommodation would result in an undue hardship to MLRSOS, the work site, or would not enable the employee or applicant to perform essential functions of the job.

LEGAL BASIS:

The Americans with Disabilities Act (ADA) of 1992 requires that a reasonable accommodation be made to the employment needs of persons with disabilities. The Reasonable Accommodation requirement (45 CFP 84.12 states, A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of the program. Reasonable Accommodation is also required under M.S. Section 363 (The Minnesota State Human Rights Act) and M.S. 43A.191.

PURPOSE:

To establish procedures to return employees to work after injury or illness.

- To ensure reasonable accommodation will be made so qualified individuals with a disability will not be discriminated against in the area of employment at MLRSOS.
- To define procedures necessary to implement the requirements of the ADA.

DEFINITIONS:

Individual With a Disability:

Has a physical or mental impairment that substantially limits one or more of such person's major life activities;

Qualified individual with a disability:

An individual who meets the minimum job qualifications and must be able to perform the essential functions of the job, with or without reasonable accommodation.

Essential functions:

The fundamental duties of a position.

Reasonable accommodation:

Any modification or adjustment in the work environment or in how tasks are customarily done which enable an otherwise qualified individual to perform the essential functions of the position.

Undue hardship:

Accommodations may constitute undue hardship if they are unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the agency.

Disability Management Team (DMT):

A team appointed by the Chief Operating Officer (COO) responsible to write policies and procedures related to disability issues, reviews and takes action on employees' requests to return to work, and reviews and takes action on employees requests for reasonable accommodation.

PROCEDURE:

I. Job applicants must notify the Human Resources Office of their need for a reasonable accommodation prior to participating in the testing process.

- II. Employees or employees seeking promotion requesting a reasonable accommodation should submit A Request for Reasonable Accommodation Form to their supervisor. Forms available from ADA Coordinator or Human Resources Office.
- III. Supervisor must receive approval from DMT before allowing employee with any physical restrictions to return to work after an injury or medical leave. However, the supervisor can approve an employee's return to work when there are no physical restrictions.

NOTE: Human Resources must be notified. See Policy 21.2, Leave of Absence.

- IV. The DMT will determine if the reasonable accommodation request is valid and if it meets guidelines. In consultation with the Human Resources Director, the ADA Coordinator may request additional medical information or additional information from the employee to support the request.
- V. The DMT will confer with the supervisor regarding potential reasonable accommodations at their work site. The DMT will also consult with the HR Director as appropriate.
- VI. A member of the DMT will present the DMT's recommendation regarding an employee's request to the CEO or COO for approval/disapproval before any accommodations are implemented and determine which budget the funding will be drawn from.
- VII. Once a final decision is made, the DMT will notify the employee, supervisor, and Human Resources office.
- VIII. The same procedure will be used for requesting light duty or job modifications on a temporary basis. In some cases, light duty positions or job modifications may not be possible due to the nature of the job. Again, before any employee is allowed to return to work with restrictions to a light duty or modified job, there must be approval by the CEO or COO.
- IX. The ADA Coordinator will notify new employees regarding this policy during orientation. An updated packet of information regarding ADA is also available at each work site.
- X. An employee who is dissatisfied with a reasonable accommodation decision may use Affirmative Action complaint procedures as outlined in the MLRSOS Affirmative Action Policy 21.9 and/or file a complaint with the Minnesota Department of Human Rights, St. Paul, MN and/or the Office for Civil Rights, Department of Health and Human Services, Chicago, IL or other legal channels.
- XI. Employees are urged to use the internal complaint procedures before filing complaints with outside enforcement agencies.
- XII. MLRSOS employees assigned to the Minnesota Security Hospital in St. Peter should submit their ADA requests to the St. Peter ADA Coordinator. However, the Moose Lake DMT is to be consulted and give approval before any final decisions are implemented by the St. Peter facility.
- XIII. The ADA Coordinator for the MLRSOS is Amy Henry, (218) 485-5300, ext. 5535.

PROGRESS REPORT

During the reporting period 1998 to 2000 we accomplished the following:

- 1. Most current employees have been trained in the Diversity Core Curriculum. It is also now a part of General Orientation for new employees.
- 2. Some Local Diversity Council members and others have been trained as facilitators for The Color of Fear, which will be offered via the training calendar.
- Selected members of the Local Diversity Council received training in several culturally-specific areas and will serve as trainers.
- Implemented a targeted recruitment effort for a minority Chemical Dependency Counselor. Still in process at this time. Although there was no disparity in that job group, the hiring supervisor wanted a member of a minority group to fill the vacancy.
- We met some but not all of our hiring goals. See later report.

RECRUITMENT RESOURCES:

NAACP, Duluth Branch Lynda Zimmerman, DHS Aitkin Independent Age, Aitkin, MN Area Mesabi Daily News, Virginia, MN Arrowhead Leader, Moose Lake, MN The Cambridge Star, Cambridge, MN Duluth News-Tribune, Duluth, MN Eveleth Range Scene, Eveleth, MN Hinckley News, Inc., Hinckley, MN Minneapolis Star & Tribune, Minneapolis, MN Pine City Pioneer, Pine City, MN Pine County Courier, Sandstone, MN The Pine Knot Billboard, Cloquet, MN Post Review, North Branch, MN Princeton-Union Eagle, Princeton, MN Star-Gazette & Evergreen, Moose Lake Women's Coalition, Duluth Native American Press Access Press

PROJECTION OF POSITIONS TO FILL 7-1-00 TO 6-30-02: See table below.

ANTICIPATED HIRES AND GOALS:

JOB GROUP	Expected HIRES		GOALS	
		Female	Minority	Disabled
Craft(202)	1	0	0	0
Service(203)	1	ND	ND	0
Hospital(204)	20	ND	ND	1
Nurses(205)	2	ND	ND	0
Office(206)	- 1	ND	ND	ND
Professional(214)	2	ND	1	0
Supervisors(216)	0	0	0	0
Comm Plan(217)	0	ND	ND	ND

ADVERTISING: EXPENSES INCURRED AND RESULTS:

During the reporting period July, 1998 through June 30, 2000 \$56,300. was spent on advertising. As a result several minority professionals were interviewed. One was not hired; the other declined the position offered..

OTHER METHODS USED TO RECRUIT:

The Duluth branch of the NAACP is always sent a copy of all vacancy announcements. A member of the NAACP board also informed of vacancies and has been furnished a supply of application forms. Information on vacancies is also forwarded to Linda Zimmerman at DHS.

MLRSOS will contact our local Rehabilitation Services Office regarding any vacancies/job openings that occur.

MLRSOS will continue to look for more publications we can use as advertising sources to increase our applicant pools with individuals with disabilities.

JOB FAIRS ATTENDED:

Lake Superior College, Duluth Multi-Cultural Job Fair at University of Wisconsin, Superior University of Minnesota Duluth College of St. Scholastica, Duluth Cloquet Workforce Center, Cloquet

PROJECTED JOB FAIRS FOR 2000 - 2002:

We plan to attend the above noted job fairs. We will also access DOER's web site for information on additional job fairs as well.

RECRUITING AND HIRING INTERNS:

We participate in the Pathways Program. Although we were not successful this period in attracting a Pathways Intern, we did contact all the post-secondary schools in the area to make them aware of internship opportunities in the various programs within our organization.

Our chemical dependency program regularly has interns from Fond du Lac Tribal and Community College. The chairman of the Human Services Program at FDLTCC is a member of the CD advisory board and is a primary referral agent for interns to the CD program.

SUPPORTED EMPLOYMENT:

Currently there is limited potential to recruit and hire workers from the community at large. These jobs are given to patients/ clients/ consumers at the various sites as part of the Supported Employment Program or Patient Pay Program. These jobs are an important aspect of therapy and treatment, and it is unlikely that we would recruit and hire from the general population for them

AFFIRMATIVE ACTION PLAN ANNUAL GOALS July, 2000 - June, 2002

EDUCATION:

Objective: To provide mandatory diversity training to all employees, including managers and supervisors.

Action Steps	Responsible	Target Date
Continue to work with Core Group for Diversity and CHRD to develop and provide mandatory Diversity Core Curriculum modules.	Staff Development Department, local Diversity Council	Ongoing

RECRUITMENT:

Objective: To provide information to hiring supervisors and managers that will assist them in the recruitment and hiring of women, minorities and persons with disabilities so that disparities in protected groups are reduced or eliminated.

Action Steps	Responsible	Target Date
Continue to devise means and methods to access and provide recruitment information to protected groups so that hiring goals are met. Information will be given to area schools and colleges, protected group organizations, job fairs and DHS web page.	HRD, AAO, Diversity Council	Ongoing
See Annual Goal Sheet for hiring goals.	HRD, AAO, Managers and Supervisors	July, 2002
Hire at least one minority intern a year via the Pathways Program.	AAO, HRD, Pathways Coordinator	July, 2000 and July, 2001

RETENTION:

Objective: Improved retention of all talented employees, including protected class members.

Action Steps	Responsible	Target Date
AAO and ADA Coordinator will meet personally with all new managers and supervisors (hires and promotions) to orient re: related procedural issues as well as sensitivity. This will be documented in their training records.	AAO and ADA Coordinator	Ongoing
Review exit questionnaires semi-annually and monitor for retention issues related to diversity or protected characteristics. Develop plans to address any problems identified.	AAO to review semi- annually and inform Executive Staff of any problems identified. Retention sub- committee to develop related action plans.	Ongoing
AAO, HRD, and retention subcommittee of local Diversity Council will review DOER reports of separation and layoff patterns to identify areas in need of improvement.	AAO, HRD, Retention subcommittee of local Diversity Council	Ongoing
AAO and HRD or designees will meet with supervisors of new hired to develop individualized retention plans for new employees in protected classes if needed or requested. Depending on need, plan may include mentoring, training or other development, etc.	AAO and HRD	As needed or requested.

WEATHER EMERGENCIES AND EVACUATION

All buildings within the MLRSOS have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.

SAINT PETER REGIONAL TREATMENT CENTER

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EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE, 30 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN FISCAL YEAR 2000-2002

St. Peter Regional Treatment Center, State Operated Services

	PROTECTED GROUPS						
OCCUPATIONAL CATEGORIES	MINORITIES	WOMEN					
202 Craft, Mntne, Labor	X (0.4)						
203 Service							
204 Health Care Non-Prof.	1510		*				
205 Health Care Prof.	X (0.6)		•				
206 Clerical		51					
207 Technical	X (0.3)		1				
213 Health Treat. Prof.							
214 General Professional		X (8.5)					
215 Prof. Resid. Instr.							
216 Supervisory	X (0.4)						
217 Commissioner's Plan							
220 Manager's Plan	X (0.1)						
Other (213, 217, 218, & 221)	9 1						

1. This biannual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

2. This biannual plan is posted at the following central location so that every employee may be aware of the agency commitments in affirmative action for this plan time-frame:

SPRTC Human Resources Bulletin Board

3. This plan contains an internal procedure for processing complaints of alleged discrimination and each employee has been apprized of this procedure as well as the affirmative action goals for this plan time - frame:

0

11-00 Date

Date

Date

Affirmative Action Officer - Charles Petry, CSP

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

Chief Executive Officer - William Pedersen

This biannual plan covers all elements of the institution's personnel policy and management practices as related to affirmative action and 5. has been reviewed by the Department of Human Services.

1 LIL 10

Director, Office for Equal Opportunity

6.

This biannual plan meets the 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.

Director, Office for Diversity and Equal Opportunity, Dept. Of Employee Relations

REAFFIRMATION OF EMPLOYMENT POLICY ST. PETER REGIONAL TREATMENT CENTER

It is the policy of the Department of Human Services to provide equal opportunities to all qualified people without regard to race, color, creed, national origin, religion, age, sex, sexual orientation, marital status, status with regard to public assistance, disability, membership or activity in a local (human rights) commission, political opinions or affiliations. This policy applies to and must be an integral part of every aspect of personnel policy and practice. This includes eligibility, recruitment, selection, hiring, benefits, promotion, transfer, layoffs, return from layoff, termination, compensation, equality of wages, education, tuition assistance, and employment compensation, and employment development programs, including apprenticeship and training programs and all other areas of personnel activities, in accordance with applicable federal, state and local laws and regulation.

It is realized that an effective affirmative action program involves more than a reaffirmation of our commitment to equal opportunity. Therefore, this Agency will continue to implement a progressive program of affirmative action to ensure that equal opportunity is provided on the basis of individual qualifications, to affirmatively retain protected group members, and to encourage all persons to seek employment and strive for advancement within the Department of Human Services.

Charles Petry, Affirmative Action Officer is delegated the responsibility and authority to implement and administer our equal opportunity/affirmative action plan and programs for the Department. The Affirmative Action Officer will report directly to the Chief Executive Officer on affirmative action matters as outlined in Minnesota Statues 43.19 as amended.

The community and the employees will be aware of St. Peter Regional Treatment Center's commitment to affirmative action through the posting of this Affirmative Action Plan on official bulletin boards for any interested person to inspect. The community will note the Equal Opportunity /Affirmative Action Employer declaration on all official letterhead, general job postings and specific job postings directed at protected groups.

It makes good management sense to have a strong Affirmative Action Plan and strong commitment is reaffirmed to its principles and policies. By implementing such a plan, we will ensure the maximum utilization of our human resources and the protection of equal rights for all our employees.

St. Peter Regional Treatment Center will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this organization, or subcontractor to this employer, who does not comply with Equal Employment Opportunity Policies and Procedures as set forth in this statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363 will be subject to appropriate legal sanctions.

It is my responsibility to maintain a working environment free of bias, and I will take reasonable measures to control or eliminate the overt expression of those prejudices in the employment setting. I encourage the assistance of all employees in our efforts to achieve and maintain this type of atmosphere so that this Agency may serve as an ideal model for Equal Employment Opportunity, reflecting the values of this society.

elersen

William L. Pedersen, CEO

7/18/00 Date

AFFIRMATIVE ACTION OFFICER RESPONSIBILITIES

Affirmative Action Officer: Charles Petry, CSP

PURPOSE:

To serve as Center Affirmative Action Officer so that equal employment opportunities are achieved in the work place.

TASKS:

- A. Receive, investigate, mediate and recommend resolution of discrimination complaints to the CEO.
- B. Maintain files of all complaints received.
- C. Monitor personnel practices for impact on protected groups prior to offer of employment.
- D. Review 504 requests for reasonable accommodations as required by state and federal regulations.
- E. Disseminate affirmative action policies and procedures internally through development and implementation of in services training programs.
- F. Disseminate affirmative action policies and procedures externally through participation on the diversity committee and postings in public areas.
- G. Update and monitor the Center's Affirmative Action Plan.
- H. Participate in active recruitment in conjunction with agencies of protected classes and DHS AA/EEO Officer.
- I. Conduct training and monitor issues related to harassment.

INTERNAL DISSEMINATION:

- 1. The Affirmative Action Plan will be posted on the bulletin board in the Human Resources Office.
- 2. Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities.
- 3. Employees will receive regular training on Affirmative Action and Diversity.
- 4. Employee orientation programs will have and Equal Opportunity/Affirmative Action Component.
- 5. SPRTC also has Equal Employment/Affirmative Action and Certification and Selection Policies.

EXTERNAL DISSEMINATION:

- 1. The phrase "An Equal Opportunity Employer" will be included in all advertisements for positions.
- 2. Positions will be advertised in appropriate protected group publications.
- 3. The phrase "Upon request, this information will be made available in an alternative format, such as Braille, large print or audio tape" will be included in any material that is released to the public.

HARASSMENT OF EMPLOYEES - DISCRIMINATORY AND SEXUAL

POLICY:

St. Peter Regional Treatment Center is committed to the goal of zero tolerance of violence which includes a work environment free of any form of discriminatory or sexual harassment. (M.S. Chapter 363, M.S. 43A.191)

DEFINITION:

A. Discriminatory harassment is any behavior that is unwelcome, offensive, or fails to respect the rights and dignity of others, where that behavior is based on any "protected characteristic" of race, sex (including sexual harassment), age, color, creed, national origin, religion, sexual orientation, disability, marital status, AIDS/HIV condition, status with respect to public assistance or political affiliation where that behavior unreasonably interferes with the employee's ability to perform their work by creating a hostile, intimidating and offensive working environment.

B. Sexual harassment is defined by state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct is used as a factor in decisions affecting that individual's employment; 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or Offensive employment environment.

Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment may include:

- Verbal; Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
- Non-Verbal: Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical: Unwelcome physical contact, including touching, pinching, brushing by the body coerced sexual intercourse, assault.

PROCEDURE:

A. Employees:

- Are expected to treat all other employees, eligibles and applicants with respect and to comply with this
 policy and the facility's philosophy statement. Any employee who is found to have violated this policy
 will be subject to appropriate disciplinary action up to and including discharge.
- Who believe themselves to be the victim of discriminatory or sexual harassment have one or more of the following options:
 - a. Employees are encouraged to tell the alleged harasser directly that his/her behavior isunwelcome and objectionable and ask that it stops.
 - B. Report the alleged harassment to his/her immediate supervisor or to the Affirmative Action Officer, via the form associated with Policy #73360.
 - c. If the complaint is related to an action of the immediate supervisor, report the harassment to the next higher-level supervisor or to the Affirmative Action Officer.
 - d. If the complaint is related to an employee's disability, report the action to the facility's ADA Coordinator.
 - e. Although employees are encouraged to first make use of the above internal resources of the facility, employees have the right to file a complaint with an outside resources.
- B. Supervisors and/or Managers:
 - 1. Are responsible for preventing and eliminating harassment in their respective departments andwork areas.
 - Must be prepared to respond appropriately to both complaints and confirmed incidents.
 - Are responsible for maintaining a work environment free of harassment and for ensuring compliance with this policy by treatment center employees.
 - 4. Are encouraged to attend Prevention of Harassment Training and to contact the Affirmative Action Officer and/or Human Resources Director regarding any actual or potential harassment concerns.

- C. Affirmative Action Officer:
 - 1. Investigates and recommends resolution of discriminatory and sexual harassment complaintsin accordance with the facility's discrimination complaint procedure.
 - Ensure that specific provisions concerning complaints of discriminatory harassment are followed accordance with collective bargaining agreements.
 - 3. Recommends appropriate resolution to the Chief Executive Officer.
- D. Chief Executive Officer:
 - 1. Makes final determinations to resolve complaints of all harassment.
 - 2. Includes prevention of discriminatory and sexual harassment courses in the facility's annual training plan.

DISCRIMINATION COMPLAINT - HANDLING

POLICY:

St. Peter Regional Treatment Center shall provide an internal avenue of recourse to any employee, applicant or eligible who believes s/he has been discriminated against because of race, sex (including sexual harassment), age, color, creed, national origin, religion, sexual orientation, disability, marital status, AIDS/HIV condition, status with respect to public assistance, political affiliation; or who believes s/he has been retaliated against because of participation in a previous discrimination complaint proceeding. Anyone bringing a complaint shall do so without fear of coercion, reprisal or intimidation.

PROCEDURE:

- A. Responsibility:
 - 1. Chief Executive Officer shall implement the provisions of this policy, by:
 - a. Ensuring employees are fully aware of this policy.
 - b. Making determinations to resolve SPRTC complaints of discrimination.
 - Requesting DHS Affirmative Action Director's review and recommendations for unresolved complaints of discrimination.
 - 1. Affirmative Action Officer shall:
 - Determine if it is a complaint appropriate for this procedure.
 - Investigate, mediate or recommend resolution of SPRTC complaints of discrimination, except for complaints related to conditions of disability.
 - Report findings and recommend resolution to the Chief Executive Officer.
 - d. Report the initiation and conclusion of an investigation to the appropriate union(s) and the Director of the Office for Equal Opportunity. Dispensation of the complaint will be filed with the commissioner within 30 days of final determination.
 - 3. ADA Coordinator shall:
 - Investigate, mediate and recommend resolution of SPRTC complaints of discrimination based on disability according to the ADA Accommodation Request Procedures.
 - b. Report findings and recommend resolutions to the Chief Executive Officer.
 - 4. Supervisors shall:
 - a. Investigate and, where possible, resolve informal complaints of discrimination.
 - b. Report such complaints to the Affirmative Action Officer.
 - 5. Employees shall:

Bring allegations of discrimination to the attention of their immediate supervisor or the Affirmative Action Officer, through this Discrimination Complaint Procedure.

- B. Complaints of discrimination alleging sexual harassment will be processed in accordance with applicable labor agreements.
- C. Complaints of discrimination that are filed as union grievances will be investigated by the Affirmative Action Officer in conjunction with the labor relations investigation.
- D. Before using the complaint procedure employees are (from Policy 73355) encouraged to first try to resolve complaints by discussing their concerns with the party whose behavior was responsible for the complaint, or with an immediate supervisor or the next level of supervision to try to resolve differences.

- E. Complaint Procedures If complaint is not resolved with the above recommended action, or if the employee wishes to bypass this action, the following procedure shall apply. This process is to be completed within 30 working days of Affirmative Action Officer's receipt of written complaint. The investigation may be terminated whenever a solution is found that is acceptable both to the person bringing the complaint and to the person against whom the allegations were made.
 - 1. Employee:

Completes a Complaint of Discrimination form available from the Human Resources Office, and presents it to the Affirmative Action Officer. If the complaint is against the Affirmative Action Officer, present the complaint to the Chief Executive Officer, who will designate an alternative Affirmative Action Officer.

- 2. Affirmative Action Officer:
 - a. The Affirmative Action Officer will determine within 7 days of the dated and signed complaint by Human Resources or the Affirmative Action Office, whether the complaint is properly a discrimination complaint and therefore, appropriate to be addressed by this complaint process.
 - b. Conducts an investigation when appropriate into the complaint and seeks to facilitate a prompt and equitable resolution of the complaint either by a mediated resolution acceptable to both parties or by preparation and delivery to the CEO investigations report of findings within 60 days.
- 3. Chief Executive Officer:

Reviews the Affirmative Action Officer's findings and recommendations; gives written notification of his/her decision to complainant, the Affirmative Action Officer, the employee's supervisor and the respondent(s).

- F. Appeal Stage If employee is not satisfied with the decision of the Chief Executive Officer, the employee may appeal to the Central Office for Equal Opportunity.
- G. Nothing in this procedure prevents any individual who believes they have been discriminated against from contacting the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, the U.S. Department of Justice, or any other legal channel.

ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES

POLICY:

Reasonable accommodation for impairment(s) that substantially limit the performance of a major life activity shall be provided for known disabilities of otherwise qualified employees, employees seeking promotions, or applicants for employment, unless the accommodation would result in a direct threat to self or others, or pose an undue hardship for the facility. The accommodation must be job-related and required for satisfactory performance of the essential job functions.

DEFINITIONS:

- B. Person with a disability A person who has a physical or mental impairment which substantially limits one or more of such person's major life activities.
- B. Otherwise Qualified Individual An "otherwise qualified individual", with respect to employment, is an individual with an impairment(s) who is able to perform the essential functions of the job with or without reasonable accommodations.
- C. Essential Functions Tasks which are necessary or fundamental to accomplish duties of the job. Essential job functions vary from individual job descriptions and would include those physical, mental and interpersonal activities necessary to effectively achieve adequate job performance.
- D. Reasonable Accommodations Those actions taken by the employer to enable an applicant or employee to satisfactorily perform the essential functions of the job. Methods include, but are not limited to:
 - Job restructuring (e.g., modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of applicable collective bargaining agreements, plans, rules, and laws);
 - Job site modifications (e.g., adjustment of equipment heights, accessibility to building and/or rearrangement of furniture);
 - Support services availability (e.g., interpreters for people with hearing impairments, readers for people who are blind or visually impaired, and/or transportation except from the employee's residence to the employee's permanent work station and from the employee's permanent work station to the employee's residence); and
 - Modification of equipment and/or provision of general assistive devices (e.g., special telephone equipment, "talking" calculators and/or TTY, not including personal devices, such as hearing aids).
- E. Undue Hardship The following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility:
 - 1. Size, type, and flexibility of program operation;
 - 2. Nature and significance of the accommodation related to the reason for the job;
 - 3. Budget resources available;
- F. 504/ADA Coordinator Charles Petry, CSP

PROCEDURE:

- A. Employee Responsibilities:
 - Communicate reasonable accommodation needs to their immediate supervisor orally or in writing. If writing is preferred, the employee may request assistance from the 504/ADA Coordinator.
 - 2. If dissatisfied with the supervisor's decision, contact the ADA Coordinator to acquire and process the ADA Accommodation Request form in a formal manner.
- **B. Supervisor Responsibilities:**
 - 1. Communicate with the employee or applicant who is disabled concerning the requested accommodation.
 - Determine if requested accommodation is job-related and required for satisfactory performance of essential job functions.
 - 3. If a non-ADA accommodation is appropriate, grant the request.
 - 4. If an ADA Accommodation is needed, process this employee request through the 504/ADA Coordinator.
 - 5. Grant or deny accommodation requests in a timely manner.
 - Obtain prior approval from the Division Director for all expenditures to be funded by the facility, which exceed your budget resources.
 - 7. Make all necessary arrangements to ensure approved accommodations are implemented.

- C. 504/ADA Coordinator Responsibilities:
 - 1. Ensure that employees and applicants are informed of this facility's reasonable accommodation policy.
 - Assist employees or applicants who are disabled in processing ADA Accommodation Requestforms and/or grievances.
 - 3. Assist supervisors in identifying types and costs of reasonable accommodations.
 - Obtain additional medical information, as necessary, to ensure the supervisor has a clear understanding of the limitations of the person who is disabled.
 - 5. Maintain a record of all reasonable accommodations and expenditures.
 - Monitor the compliance with the ADA Accommodation Request Procedure.
- D. Affirmative Action Officer Responsibilities:
 - 1. When requested, consult with ADA Coordinator or the employee who is disabled.
 - Advise employees who are disabled that they may appeal a denied internal accommodation request, an appeal or a complaint procedure:
 - a. To the State Department of Human Rights.
 - b. To the Federal EEOC Office.
 - c. To other legal channels
- E. Chief Executive Officer Responsibilities:
 - Develop procedures to implement the provisions of this policy and designate a staff person to act as the 504/ADA Coordinator.
 - Participate in the ADA Accommodation Request Procedures as required and respond to the ADA Coordinator with actions taken or proposed determinations on reasonable accommodations.

PROTECTED GROUP CANDIDATES

POLICY: When a hiring decision is to be made in an employment class for which a disparity exists, and a protected group candidate appears qualified and is available, the protected group candidate will be interviewed.

DEFINITION:

A. Protected Groups: women, minority persons, and persons with disabilities.

B. Disparate Goal Unit: an employee group in which the numerical representation is less than that group's estimated availability in the relevant geographic area and labor force.

PROCEDURE:

- A. Various staff shall have the following responsibilities:
 - 1. The Chief Executive Officer shall establish procedures to implement the provisions of this policy.
 - 2. The Human Resources Director shall inform those making hiring selections:
 - a. Whether or not a disparity exists for that position,
 - b. Whether a protected group candidate is available for the position, and
 - c. Of their obligation to consider affirmative hiring where a. and b. (above) exist.
 - Prior to an offer of employment, the Affirmative Action Officer shall review justifications for why the facility chose to hire the selected individual when this individual was selected over a qualified individual from a protected class.
 - 4. Supervisors shall:
 - a. Make a good faith effort to contact all qualified protected group candidates and offer an interview.
 - b. Provide written justification to the Affirmative Action Officer for selection of an individual when that individual was selected over a protected group candidate.
 - c. Extend an offer of employment only after the Affirmative Action Officer has reviewed thewritten justification and has advised the supervisor of the appropriateness of the hiring decision.
 - 5. When the Affirmative Action Officer is in disagreement with the adequacy of the supervisor'swritten justification for the candidate hire, both points of view shall be presented to the CEO who will make the final hiring decision.
- B. For all hiring decisions in disparate goal units in which one or more of the candidates are included in the appropriate protected group, a monitoring the hiring process form will be signed by the Affirmative Action Officer. A quarterly report will be sent to DHS Equal Opportunity Office.

C. Staff Reductions: A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. Any decision regarding abolition of positions will not be based on protected characteristics. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs or the Memorandum of Understandings will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternate course of action that would accomplish the supervisor's or administrator's goals without the negative impact.

BIANNUAL REPORT

St. Peter Regional Treatment Center has slowly expanding their work force with the majority of the permanent positions being filled through transfers. Our total number of employees increased from 748 to 761 during FY98. This increase continued into FY 99 when our employees increased from 761 to 819. During FY 98 we hired externally for 58 permanent positions. During FY 99 we hired for 79 external permanent. Most other hiring is temporary.

In the 1998-99 Affirmative Action Plan, SPRTC was under utilized in 14 protected group areas. With the affirmative action efforts of the supervisors and the human resources office we are currently under utilized in only 6 protected group areas (less disability) in the FY 00. Any adverse impact caused by St. Peter Regional Treatment Center's reinventing and restructuring of itself to meet the needs of our patients in the community, will be monitored by the supervisors, Human Resources and the Affirmative Action Officer. Actions will be taken to mitigate and eliminate adverse impacts.

Other activities taking place on campus:

- 1. All new employees participate in sexual harassment recognition and prevention training.
- Diversity Training is being conducted for all employees. The Diversity Committee sponsored a number of brown-bag lunch seminars, which included recognition, and appreciation of protected classes.
- The staff development department sponsored 50 class offerings related to diversity. In addition classes were offered regarding mental and physical illness.
- 4. Reasonable accommodation activity included:

Doors widened Work conditions modified (2) Auto door opener Pool lift

- Several cultural events were sponsored through the Diversity Committee.
- Developed and implemented a survey tool to improve retention of affirmative hires through assessing the satisfaction of the recent affirmative hires.

WORK PLAN

1. Provide in-service education relating to affirmative action, ADA, Violence in the workplace, and diversity issues including distribution of appropriate literature to staff and patients.

Responsible Person: Diversity Committee/Human Resources Target Date: Ongoing

2. Continue to participate in Pathways Program.

Responsible Person: Diversity Committee Target Date: Annual, Dec. 2000, and Dec. 2001

3. Review the Exit Interview form and continue using as a future retention tool.

Responsible Person: Human Resources Target Date: Dec. 2000, Dec. 2001

4. Review sexual harassment policy to ensure compliance with revised state policy.

Responsible Person: Human Resources Target Date: Annual, Dec. 2000, and Dec. 2001

5. Survey and review the Affirmative Hires Satisfaction Survey for retention actions.

Responsible Person: AAO/ADA Coordinator Target Date: Dec. 2000, Dec. 2001

7. Hiring Goals.

Unit	Protected Group	Hiring Goal
Security Counselor/204	Minority	1
Nurses/205	Minority	1
Professional/214	Women	2

Responsible Person: Personnel Target Date: July 2002

RECRUITMENT

Objective: To provide information to hiring authorities to assist them in the recruitment of women, minorities and persons with disabilities so that disparities in protected groups are reduced or eliminated.

Action Steps	Responsible	Target Date
Continue to refine methods to provide recruitment information to protected groups so that hiring goals are met. Information will be given to area schools and colleges and to protected group organizations.	HRD, AAO, Diversity Committee	FY 2002
Hire two minority/disabled interns through the Pathways Program.	Diversity Committee	FY 2002

Program:

Efforts to recruit minorities and people with disabilities will continue for possible vacancies by advertising in newspapers and by utilizing the EEO/AA statement in all Newspaper advertising for St. Peter Regional Treatment Center.

The following advertising services were used in 1998-00 and will continue to be used in the 2000-02 years:

- 1. The Mankato Free Press
- 2. The St. Peter Herald
- 3. The Minneapolis Tribune
- 4. The La Prenza
- 5. Minnesota Job Service
- 6. Southwest Regional Area Rehabilitation Services
- 7. Other selected sources when appropriate for the position
- 8. The Access Press
- 9. The internet web pages and net job announcements

The cost for these efforts is not known at this point. Depending on the sources utilized for advertising, the spending would be anticipated to be \$400 - \$500 for placements.

St. Peter Regional Treatment Center currently employs two service workers and one supported worker in our facility support department. SPRTC works with rehabilitation services to evaluate open positions suited for individuals with special needs.

Other recruitment methods include:

St. Peter Regional Treatment Center maintains contact with all local colleges and universities through the Office for Minority Affairs. We also stay in contact with local colleges and universities for placement of interns in our programs. We will utilize the Pathways program for assistance in this regard to actively recruit minorities.

RETENTION

Objective: Improve retention of protected class members.

Action Steps	Responsible	Target Date	
Continue to use exit questionnaire to assess whether employees are leaving employment with SPRTC for reasons based on diversity or protected characteristics.	Human Resources Director, Larry Nelson; Diversity Committee Chairs, Tom Fatticci and Shelly Hochstein; Affirmative Action Officer, Chuck Petry	Ongoing	
Review Affirmative Hire survey for retention issues related to diversity or protected characteristics. Develop plans to address any problems identified.	Human Resources Director, Larry Nelson; Affirmative Action Officer, Chuck Petry	1/1/02	
Review Affirmative Hire Satisfaction Survey for job adjustment and satisfaction	Human Resources Director, Larry Nelson; Affirmative Action Officer, Chuck Petry	1/01 1/02	
Review exit questionnaires for retention issues related to diversity or protected characteristics. Develop plans to address any problems identified.	Human Resources Director, Larry Nelson; Affirmative Action Officer, Chuck Petry	Ongoing	
AAO and/or HRD will meet with supervisors to develop individualized retention plans for new employees in protected classes. Depending on need, plan may include mentoring, training or other development, etc.	Human Resources Director, Larry Nelson; Tom Fatticci and Shelly Hochstein, Diversity Committee Chairs; Affirmative Action Officer, Chuck Petry	Ongoing	

Methods:

- 1. To provide education to employees of the St. Peter Regional Treatment Center in the area of affirmative action, sexual harassment, violence in the workplace, etc. by holding classes in these areas to enhance awareness.
- 2. To monitor the evaluation processes to support retention and recruitment.
- 3. Supervisors continually review and update job specifications so they accurately reflect on the requirements.
- 4. To provide opportunities for all staff by the use of employee development plans, training opportunities and networking to ensure open communications.
- 5. To sponsor cultural awareness brownbag workshops.

Job Group 2000-2002 Total Emplo yees				AVAILABILITY (%)		UNDERUTILIZED		ANTICIPATED NEW HIRES		HIRING GOALS		
	1.0	Female	Mino rity	Female	Minority	Female	Mi nor ity	Change	r	A l l H i r e s	e	Minor ity
Crafts 202	28.0	1	0	3.1	1.4		0.4					
Service 203	77	44	5	51.8	3.0				6			
Healthcare NP 204	319	176	12	0.0	3.0			<u>5</u> .	4			1
Healthcare P 205	83	76	1	0.0	2.0		0.6	Carro V. Sch. 200	4			1
Clerical 206	55	53	2	0.0	2.0							
Technical 207	11	11	0	51.3	2,5		0.3					
Professionals 214/5	118	59	11	57.2	2.0	8.5			1		2	
Supervisors 216	49	26	0	37.6	0.7		0.4					
Managers 220	8	3	0	37.6	0.7		0.1					
Other: 213/ 217/218/221	78	36	3	33.1	1.3			21	1			
								e.				
		Availa	bility perc	centages ref	flect our job c	atchment basi	n - Nico	pliet and Blue	e Earth Cou	nties		

St. Peter Regional Treatment Center Goals for 2002

WEATHER EMERGENCY RESPONSE AND EVACUATION

All buildings within the SPRTC have weather and emergency management evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

WILLMAR REGIONAL TREATMENT CENTER

J.

EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

JUNE, 30 2000-JULY 1, 2002

MINNESOTA DEPARTMENT OF HUMAN SERVICES TRANSMITTAL FORM AFFIRMATIVE ACTION PLAN 7/1/00-6/30/02

FOR_ Willmar Regional Treatment Center

 This biannual review revealed underutilization of the following protected group(s) in the following occupational categories: (Check (x) each category as appropriate).

Occupational Categories	Prote			
	Minorities	Women	Persons with Disabilities	
202 Craft, Mntnc, Labor	x	x	x	
203 Service	x	x		
204 Health Care Non-Prof.	х		х	
205 Health Care Prof.	Х		X	
206 Clerical	x		X	
207 Technical	x			
214 General Professional	x		X	
216 Supervisory	Х	x		
220 Manager's Plan	х		X	
Other	x	x	x	

This annual plan is posted at the following central location so that every employee may be aware of the institution's commitments in affirmative action for the year.

WRTC Personnel Department

 This annual plan contains an internal procedure for processing complaints of alleged discrimination and each employee/has been appraised of this procedure as well as the affirmative action goals for this year:

lisender/, AAO

JUL

Office for

Equal Opportuni

Affirmative Action Officer

4. This annual 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.

Chief Executive Officer

5. This annual plan covers all elements of the institution's personnel policy and management practices as related to affirmative action and has been reviewed by the Dept. of Human Services.

1 Ureala MILLON Director, Office for Equal Opportunity

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

VINTA

Director, Office for Diversity and Equal Opportunity Dept. Of Employee Relations

Date

3002.9

Subject: Equal Employment Opportunity/Affirmative Action Plan

WILLMAR REGIONAL TREATMENT CENTER EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PLAN

I have a commitment to the State's affirmative action efforts and am committed to the implementation of the Affirmative Action Plan. I am committed to equal opportunity in the employment policies of the Willmar Regional Treatment Center and in the delivery of services to patients, consumers, and the pubic. All facility activities will show commitment to creating and nurturing a diverse work force that represents and values the differences and similarities of all backgrounds, abilities, and cultures. No one is to be denied an opportunity for employment or promotion, or a chance to participate in a program because of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local human rights commission, disability, age, or political affiliation.

Willmar Regional Treatment Center will promote services and programs that are culturally appropriate and accessible to better serve our diverse communities. Awareness, sensitivity, and patience are essential to the achievement of that goal for patients and all staff. Thoughtless comments may contribute to an intimidating or hostile work environment and may be perceived by an individual, or group, as a form of harassment. I will not tolerate harassment of any kind at this facility.

I have delegated to the Affirmative Action Officer, Karen Ochsendorf, responsibility and authority to implement and monitor the Equal Employment Opportunity/Affirmative Action Program at Willmar Regional Treatment Center. All management and supervisory staff will play a key role in the program's success and have a commitment to retain protected group employees. All treatment center staff will assist in our efforts to achieve Equal Employment Opportunity. A copy of the Plan will be posted in the Human Resources Department.

Grégory G. Spartz Chief/Executive Officer

Date

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PLAN

PURPOSE:

To set forth Willmar Regional Treatment Center's Equal Employment Opportunity Policy and Affirmative Action Plan. To ensure organizational compliance with the letter and spirit of Affirmative Action and establish a uniform policy for employee complaints of employee discrimination. This plan also refers to policies 3020, 3021, and 3011.

DEFINITIONS:

Affirmative Action (AA): A management program designed to improve employment and advancement opportunities for disabled persons, minorities, and women.

Equal Employment Opportunity (EEO): The practice of basing all personnel activities on individual merit without regard to race, creed, religion, national origin, color, sex, age, marital status, disability, reliance on public assistance, membership or activity in a local human rights commission, or political affiliation.

<u>Affirmative Action Officer (AAO)</u>: The person designated by the Chief Executive Officer to chair the Affirmative Action/Diversity Committee and ensure that the treatment center's Affirmative Action/Equal Employment Opportunity Plan is carried out.

Complainant: Person filing a discrimination complaint.

Respondent: Person responding to the complaint.

ADA Coordinator: That person who is charged with monitoring compliance with the American with Disabilities Act, which refers to reasonable accommodations for people with disabilities.

POLICY: Willmar Regional Treatment Center shall provide equal opportunity without discrimination based on race, creed, religion, national origin, color, sex, age, marital status, disability, reliance on public assistance, membership or activity in a local human rights commission, or political affiliation.

Willmar Regional Treatment Center shall provide an internal process of recourse to all employees, eligibles, and applicants who believe they have been discriminated against.

Employees and applicants have the right to file discrimination complaints with the Minnesota Department of Human Rights or other enforcement agencies. Employees and applicants are encouraged to use the internal process first.

Anyone bringing a complaint shall do so without fear of coercion, reprisal, or intimidation.

Discrimination complaints, investigative data and findings shall be handled in accordance with provisions of the Minnesota Government Data Practices Act - Minn. Stat. 13.39 (1982), 1302 subd. 3 (1982), and Minn Stat. 1343 (1982).

RESPONSIBILITIES:

 Chief Executive Officer - accountable to Commissioner of the Department of Human Services (DHS).

- A. Direct and implement the provisions of DHS and Willmar Regional Treatment Center Affirmative Action/Equal Employment Opportunity plan and policy.
- B. Ensure that employees are fully aware of this policy.
- C. Appoint an AAO/ADA Coordinator for WRTC.
- D. Appoint members of the Affirmative Action/Diversity Committee.

- E. Issue a written statement affirming support of the Center's EEO/AA policy.
- F. Approve all changes in policy and procedures for effective Affirmative Action.
- G. Take final action on all formal complaints of discrimination at WRTC.
- H. Request DHS Affirmative Action Director's review and recommendations for unresolved complaints of discrimination.
- II. Affirmative Action Officer accountable to Chief Executive Officer
 - A. Develop and recommend affirmative action policy, procedure, or program changes to the CEO and inform the DHS Affirmative Action Director of changes made.
 - B. Ensure that the CEO and the Personnel Services Director are fully informed of the center's progress in Affirmative Action and Equal Employment Opportunity.
 - C. Ensure that the CEO's policies and directives regarding Affirmative Action/Equal Employment Opportunity are carried out.
 - D. Monitor AA activities to determine progress.
 - E. Identify and investigate complaints of discrimination, convene conciliatory meetings to resolve complaints, and make recommendations to the CEO.
 - F. Disseminate EEO/AA/Diversity information through e-mail and postings on bulletin boards, and via staff development information flyers.
 - G. Review exit interview forms to determine if turnover relates to discriminatory issues and develop practical solutions if necessary.
 - H. Work with the Personnel Office staff to develop and maintain contacts for recruitment purposes.
 - I. Work with the Staff Development Office staff to develop and implement affirmative action training for supervisors and employees.
 - J. Submit reports to the DHS and other state agencies as required.
 - K. Chair the center's Affirmative Action/Diversity Committee.
 - L. Serve as liaison to the DHS Affirmative Action Office.
- III. Affirmative Action/Diversity Committee accountable to the CEO
 - A. Responsible for monitoring Willmar Regional Treatment Center's progress in affirmative action. A quorum of 50% of members and the AAO is essential for actions by the committee.
 - B. Meet quarterly, or as necessary.
 - C. Each committee member shall serve on the committee for three years commencing July 1, of the appointment year.
 - D. At the request of the CEO, the committee shall serve as a hearing board for cases involving discrimination and make recommendations to the CEO.
 - E. Serve as a forum for transmitting employees' concerns regarding affirmative action to the Chief Executive Officer.
- IV. Managers and Supervisors
 - A. Responsible for communicating the center's EEO/AA policies to all employees in their jurisdiction and for ensuring compliance with Willmar Regional Treatment Center's EEO/AA plan.
 - B. Assist the agency's Affirmative Action Officer in identifying and resolving problems and in eliminating barriers to equal employment opportunity.
 - C. Recruit, select and promote qualified protected group members in accordance with the Center's goals, timetables, and Policy 3020. Review all proposed layoffs to determine the impact on the Center's Equal Employment Opportunity/Affirmative Action program goals.
 - D. Facilitate staff participation on the Center's Affirmative Action/Diversity Committee and in affirmative action and diversity training.

E. Communicate Willmar Regional Treatment Center's affirmative action policies to assigned staff.

V. Employees

A. Bring allegations of discrimination to the attention of their immediate supervisor, or the AAO, through the facility's Discrimination Complaint Procedure.

PROCEDURES:

I. Who May File

Any eligible, employee of the RTC, or applicant for a position or promotion opportunity, who believes that they have been discriminated against by reason of race, creed, color, sex, sexual orientation, membership or activity in a local (human rights) commission, age, national origin, religion, reliance on public assistance, marital status, disability, or political opinion or affiliation may file a complaint. Employees who are terminated must file their complaint prior to their actual separation. Eligibles, applicants, and employees are encouraged to use the internal complaint process first. They have the right to file with other enforcement agencies, also.

II. The Complaint Procedure

Employees, applicants, eligibles may file a complaint to their immediate supervisor or to the AAO. We encourage employees to submit complaints within 30 working days of the occurrence. The Affirmative Action Officer determines if the complaint is an affirmative action complaint rather than a general personnel concern within two working days. If determined by the AAO that it is not an affirmative action complaint, the individual will file the complaint to the appropriate person(s) defined by the agency's internal complaint procedure.

- A. If the complaint is not one of discrimination/harassment based on protected characteristics, the employee will be told within 10 working days.
 - If the complaint is one of discrimination, attempt to resolve the matter within 7 calendar days after receipt of the complaint.
 - If the complaint of discrimination is filed as a union grievance, the personnel director and a union representative shall consult with the AAO to determine if discrimination has occurred.
- B. If the complaint is one of discrimination/harassment for protected characteristics, the employee is encouraged to:
 - Complete a Discrimination Complaint Form (Appendix A), including remedies requested, and present to the AAO within 30 working days after the occurrence. If the complaint is against the AAO, present the complaint to the CEO, who will designate an alternative AAO.
- C. If complaint is an Affirmative Action complaint, the AAO will:
 - 1. Conduct a full investigation and prepare a finding of facts, including a determination that discrimination did or did not occur.
 - Submit findings and recommendations for resolution to the CEO and, if applicable, to any internal committee designated to review discrimination complaints.
 - 3. The AAO shall maintain records of all complaints and any pertinent information or data for no less than 3 years after the case is closed.
 - The entire complaint procedure should be completed within 60 working days of the filing of the complaint.
 - Dispensation of the complaint will be filed with the Department of Human Services Office of Diversity/Equal Opportunity within 30 days of final determination.

 All documentation associated with a complaint shall be considered confidential information during the course of an investigation. All documentation shall be designated in accordance with the Minnesota Government Data Practices Act.

- D. The Chief Executive Officer will:
 - Review the AAO's findings and recommendations and give written notification of his/her decision to the AAO, the employee, the employee's supervisor and the respondent(s).

III. Appeal Stage

A. Employee will:

- Make written request to the CEO for review of findings by the DHS AA Director within 10 days of learning results of investigation.
- B. DHS AA Director:
 - 1. Review AAO's findings, recommendations and other pertinent information.
 - Provide a written recommendation to the CEO for appropriate resolution of the complaint.
- C. Chief Executive Officer:
 - 1. Assess DHS AA Director's recommendation, render a final decision, and give written notification to AAO, employee, employee's supervisor and respondent(s).

AUDIT AND EVALUATION

- I. A. On a quarterly basis the DHS Affirmative Action Director and residential facility Affirmative Action Officers will:
 - 1. Review goal achievement and hiring opportunity reports.
 - Inform the Commissioner, supervisors and managers of progress or changes in goal achievement status.
 - Evaluate progress with action steps/efforts made during the previous quarter to address barriers.
- II. A. <u>Annually the residential facility affirmative action officers will send to the DHS AA Office</u> and end of the year summary of the following activities:
 - 1. Changes in internal AA/EEO procedure or policies.
 - 2. Training and information sessions conducted that are related to AA/EEO.
 - 3. Progress toward completion of action steps that were established for the year.
 - Recruitment sources identified or protected group Community organizations contacted.
 - Special projects undertaken, such as protected group pre-service training, work experience programs, or selection criteria revisions.
 - Number and type of discrimination complaints received, both informal and formal, and status of resolution (e.g., resolved internally, charge filed with enforcement agency, no discrimination occurred).
 - B. <u>Biennially</u>, the residential facility Affirmative Action Officer will forward to the AA Director:
 1. Completed and signed transmittal forms that identify facility disparities.
 - 2. Specific action steps for the next two fiscal years.
 - Recommendations for improvement in DHS AA/EEO policies or recommendations for necessary department-wide action steps.
 - 4. Biennial/interim hiring goals for the next fiscal year, based on current disparities.
 - 5. Number of reasonable accommodation requests received and approved or denied.

DISSEMINATION OF POLICY

- I. Internal Dissemination
 - Employee orientation programs will include exposure to equal employment opportunity/affirmative action policy.
 - B. The Affirmative Action Plan will be summarized in newsletters, brochures, handbooks and other appropriate publications, and the Plan in its entirety will be included in the WRTC Policy and Procedures Manual.
 - C. The RTC's position on EEO/AA will be included in all appropriate communication.
 - D. Staff Development programs will be presented to employees to inform them of affirmative action and diversity at Willmar Regional Treatment Center.
 - E. The required Federal and State equal employment opportunity posters and this Affirmative Action Plan will be displayed for employees in the Human Resources Department.
 - F. The policy will be made available in alternative formats, if requested.
- II. External Dissemination
 - A. The phrase "An Equal Opportunity/Affirmative Action Employer" will appear in all advertisements for positions.
 - B. Positions will be advertised in appropriate protected group publications.
 - C. Minority organizations, vendors, unions, etc., doing business with Willmar Regional Treatment Center will be notified of this plan and request that they adhere to it.
 - D. This policy will be made available in alternative formats, if requested.
 - E. The plan is available upon request.

HARASSMENT/DISCRIMINATION

PURPOSE:

To clarify the definition of harassment and establish procedures to resolve harassment complaints.

DEFINITIONS:

- A. Affirmative Action Officer: Individual appointed by the Chief Executive Officer who is responsible for implementation of the Affirmative Action/Equal Employment Opportunity (AA/EEO) program.
- B. Affirmative Action Plan: The Willmar Regional Treatment Center Plan that describes AA/EEO policy, procedures and responsibilities.
- C. Harassment: Repeated behavior by one employee toward another employee which interferes with the employee's work performance or which wrongfully creates an intimidating, hostile or offensive work environment.
- D. Protected Characteristics: Race, color, creed, religion, national origin, sex (including sexual harassment), sexual orientation, membership or activity in a local (human rights) commission, disability, age, marital status, status with regard to public assistance.

POLICY:

Willmar Regional Treatment Center shall provide a work environment free of employee harassment.

PROCEDURES:

I. Who May File

Any employee of the RTC, or applicant or eligible for a position or promotion opportunity, who believes that they have been discriminated against by reason of race, creed, color, sex, sexual orientation, membership in a local (human rights) commission, age, national origin, religion, status with regard to public assistance, marital status, disability, or political opinion or affiliation may file a complaint. Employees who are terminated must file their complaint prior to their actual separation. Eligibles, applicants and employees are encouraged to use the internal complaint process first. They have the right to file with other enforcement agencies, also.

II. The Complaint Procedure

Employees, applicants, or eligibles may file a complaint to their immediate supervisor or to the AAO. We encourage employees to submit complaints within 30 working days of the occurrence. The Affirmative Action Officer determines if the complaint is an affirmative action complaint rather than a general personnel concern within two working days. If determined by the AAO that it is not an affirmative action complaint, the individual will file the complaint to the appropriate person(s) defined by the agency's internal complaint procedure.

- A. If the complaint is not one of discrimination/harassment based on protected characteristics, the employee will be told within 10 working days.
 - 1. If the complaint is one of discrimination, attempt to resolve the matter within 7 calendar days after receipt of the complaint.
 - If the complaint of discrimination is filed as a union grievance, the personnel director and a union representative shall consult with the AAO to determine if discrimination has occurred.
- B. If the complaint is one of discrimination/harassment for protected characteristics, the employee is encouraged to:
 - Complete a Discrimination Complaint Form (see attachment), including remedies requested, and present to the AAO within 30 working days after the occurrence. If the complaint is against the AAO, present the complaint to the CEO, who will designate an alternative AAO.
- C. If complaint is an Affirmative Action complaint, the AAO will:
 - 1. Conduct a full investigation and prepare a finding of facts, including a determination that discrimination did or did not occur.
 - 2. Submit findings and recommendations for resolution to the CEO and, if applicable, to any internal committee designated to review discrimination complaints.

- The AAO shall maintain records of all complaints and any pertinent information or data for no less than 3 years after the case is closed.
- The entire complaint procedure should be completed within 60 working days of the filing of the complaint.
- Dispensation of the complaint will be filed with the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights within 30 days of final determination.
- All documentation associated with a complaint shall be considered confidential information during the course of an investigation. All documentation shall be designated in accordance with the Minnesota Government Data Practices Act.
- D. The Chief Executive Officer will:
 - Review the AAO's findings and recommendations and give written notification of his/her decision to the AAO, the employee, the employee's supervisor and the respondent(s).

III. Appeal Stage

- Make written request to the CEO for review of findings by the DHS AA Director within 10 days of learning results of investigation.
- B. DHS AA Director:
 - 1. Review AAO's findings, recommendations and other pertinent information.
 - Provide a written recommendation to the CEO for appropriate resolution of the complaint.
- C. Chief Executive Officer:
 - 1. Assess DHS AA Director's recommendation, render a final decision, and give written notification to AAO, employee, employee's supervisor and respondent(s).

A. Employee will:

SEXUAL HARASSMENT, PROHIBITION OF

- **PURPOSE:** To establish a means for maintaining a work environment free of sexual harassment at Willmar Regional Treatment Center.
- **DEFINITIONS:** Sexual Harassment is a form of sexual discrimination. It might consist of sexual advances, requests, contact or comments from one employee to another, when such behavior is unwelcome or when tolerating such behavior appears to be a condition of employment.

Sexual Harassment can occur between supervisors and subordinates or among coworkers. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment;
- B. Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; or
- C. 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.
- **POLICY:** Willmar Regional Treatment Center shall provide a work environment free of any form of sexual harassment.

RESPONSIBILITIES:

- A. Chief Executive Officer (CEO)
 - 1. Ensure that employees are fully aware of this policy.
 - 2. Include Prohibition of Sexual Harassment in the facility's annual training plan.
 - 3. Implement the provisions of this policy.
 - 4. Make final determinations to resolve complaints of sexual harassment.
- B. Affirmative Action Officer
 - 1. Receive, investigate and recommend resolution of sexual harassment complaints.
 - 2. Inform complaining party of the right for union participation, when indicated.
 - 3. Ensure the procedures are followed.
 - Inform DHS AAO and appropriate DOER ODEO staff of the nature and resolution of complaints.
- C. Supervisor
 - 1. Ensure that employees are fully aware of this policy.
 - Receive and consult with the Affirmative Action Officer regarding initial complaints of sexual harassment.
 - 3. Resolve complaints whenever possible.
- D. Employees
 - If subjected to sexual harassment, report the harassment to immediate supervisor or to the Affirmative Action Officer. The complainant is <u>not</u> required to confront the accused about the unwelcome conduct.
 - If the complaint is related to an action of the immediate supervisor, report the harassment to the next higher level supervisor or to the Affirmative Action Officer.
 - 3. The accused employee is prohibited from contacting the victim regarding the allegations after he/she has been notified of the unwelcome conduct.
 - Refrain from sexually harassing behavior in the work place and follow the provisions of this
 policy to prevent occurrence.

COMPLAINT PROCEDURES:

Α.

The Affirmative Action Officer shall:

- 1. Inform the employee that union participation is available at the request of the employees of Council 6 and MAPE.
- When a complaint of sexual harassment is initiated, notice of a complaint in progress will be sent to the Union/Association as referenced in the appropriate Labor Agreement.
- 3. Conduct a preliminary investigation within two (2) working days and determine if temporary reassignment of either party is necessary until the complaint is fully investigated.
- 4. Within twenty-one (21) calendar days conduct a full investigation and prepare a written summary of findings which shall be submitted to the Chief Executive Officer. These reports are private. (Refer to appropriate Labor Agreement for dissemination of additional copies of report.)
- 5. If the appointing authority fails to resolve the matter to the satisfaction of the appealing party, the complaint may be referred to the Office for Diversity and Equal Opportunity of DHS within 21 calendar days. They shall confer within 10 working days with the Appointing Authority to attempt resolution.
- 6. Any complaint may be filed with the Department of Human Rights, or other enforcement agencies, within one year of the occurrence of the alleged harassment.

REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES

PURPOSE:

To ensure that reasonable accommodations are made to the physical or mental limitations of a qualified applicant, a current employee, or employee seeking a promotion with a disability, unless the accommodation would impose an undue hardship on the agency.

DEFINITIONS:

- A. Person with a Disability Anyone who:
 - Has a physical or mental impairment which substantially limits one or more major life activities;
- B. Qualified Individual A qualified individual is someone who has the skills, experience, education and other qualifications required for the position, and who, with or without reasonable accommodation, can perform the essential functions of the job.
- C. Essential Functions Essential Functions are tasks which are necessary or fundamental to accomplish duties of the job. Essential job functions vary with individual job descriptions and would include those physical, mental and interpersonal activities necessary to effectively achieve satisfactory job performance.
- D. Reasonable Accommodation 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 equal employment opportunities.
 - Job restructuring (for instance, modifying work hours and/or job duties while retaining the basic functions of the job and following the requirements of Collective Bargaining Agreements, Plans, Rules and laws).
 - Job site modification (for instance, adjustment of equipment heights, accessibility to building and/or rearrangement of furniture).
 - Support Services (for instance, interpreters for individuals with hearing impairments, readers for individuals who are blind or visually impaired, and/or transportation, except from the employee's residence to the employee's permanent work station and from the employee's permanent work station to the employee's residence).
 - Modification of equipment and/or provision of assistance devices (for instance, special telephone equipment, "talking" calculators and/or TTY/TTD).

The accommodation must be job-related and required for satisfactory performance of the essential job functions.

- E. Undue Hardship the following criteria will be used to determine whether an accommodation would result in an undue hardship to the facility:
 - 1. Size, type, and flexibility of the program and operation.
 - 2. Nature and cost of the accommodation.
 - 3. Budget resources available to the facility.
 - 4. The facility's good faith effort to accommodate.
- **POLICY:** The Willmar Regional Treatment Center shall provide reasonable accommodation to the known physical or mental limitations of qualified employees or applicants with a disability for employment, unless they can show it would be unduly costly, extensive, substantial or disruptive, or that the accommodation would fundamentally alter the nature of their operation. A periodic review of an accommodation will be made to determine if the accommodation continues to be effective, necessary and reasonable.

PROCEDURES:

- A. Chief Executive Officer shall:
 - 1. Develop procedures to implement the provisions of this policy and designate staff to act as ADA coordinators.
 - Make final determinations on reasonable accommodation requests that are denied and appealed.

- B. ADA Coordinator shall:
 - Receive, and approve or deny written reasonable accommodation requests from employees or applicants.
 - 2. Inform employees of their right to appeal requests that have been denied through the facility's discrimination complaint procedure.
 - Inform applicants of their right to file a complaint with the State Human Rights Department or other enforcement agencies.
 - 4. Seek medical information when appropriate to determine if applicant can perform essential functions with or without reasonable accommodations.
 - Assist supervisors and employees or applicants with disabilities in identifying types and costs of reasonable accommodations.
 - 6. Maintain documentation of reasonable accommodations requested, approved, denied or appealed.
 - Keep the facility's Affirmative Action Designee (if other than the ADA Coordinator) informed of reasonable accommodation requests and decisions.
 - Ensure that employees and applicants are informed of the reasonable accommodation policy.
 - Approve accommodation up to \$200 and forward requests exceeding that amount to the facility CEO.
 - 10. Identify all possible sources of funding for the accommodation and determine whether the cost is within reason.
 - 11. Provide for an employee or applicant appeal process through the facility discrimination complaint procedure whenever a reasonable accommodation request has been denied.
- C. Supervisors shall:
 - Consult with the employee or applicant and the ADA Coordinator to determine the need for accommodation, to discuss options and if a minor accommodation is appropriate, grant the accommodation.
 - Ask the employee or applicant to complete a written request for reasonable accommodation, if it involves a major restructuring of the job, or an initial or on-going expenditure of funds.
 - 3. Inform assigned staff about WRTC's Reasonable Accommodation policy.
 - The supervisor <u>must</u> inform the ADA coordinator of the request and submit a request for accommodation form.
 - 5. Provide list of essential functions when requested.
- D. Current employees and employees seeking promotion shall:
 - 1. Notify supervisor and/or ADA Coordinator of need for reasonable accommodation.
 - 2. Complete necessary forms and send to ADA Coordinator.
- E. Request for Reasonable Accommodations for Job Applicants:
 - All initial communication between a job applicant and a supervisor or personnel office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
 - The supervisor or personnel office shall contact the ADA Coordinator immediately to indicate an accommodation is needed. In order to ensure the accommodation is provided at the interview, requests shall be handled in a timely manner.
 - The ADA Coordinator or personnel office shall contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
 - The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
 - If approved, the ADA coordinator or personnel office shall take the necessary steps to see the accommodation is provided.

AFFIRMATIVE ACTION REVIEW OF SELECTION DECISIONS

PURPOSE:

To ensure that Affirmative Action hiring goals are considered whenever hiring decisions are made and to ensure that retention procedures support the Department's commitment to hire affirmatively in a work environment free of discrimination.

DEFINITIONS:

Protected Groups: Women, minority persons, disabled persons.

Disparate Goal Unit: A goal unit in which the numerical representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force. Staff Reductions: A no layoff agreement has been negotiated between DHS facilities and the employee unions. This agreement outlines procedures for staff reductions; see labor agreements for specific details. Any decision regarding abolition of positions will not be based on protected group characteristics. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Affirmative Action Officer, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternate course of action that would accomplish the supervisor's goals without the negative impact.

POLICY:

Willmar Regional Treatment Center shall offer an interview to a protected group candidate whenever a vacancy occurs in a goal unit where a disparity exists and a qualified, available, protected group candidate is on the certified eligible register. Before an offer of employment to a non-protected group candidate is made, the supervisor will provide written justification for hiring the chosen applicant to the Affirmative Action Officer/Designee and will obtain the AA Designee's approval. Protected group members will not be identified to supervisor prior to the interviews.

PROCEDURES:

- A. Chief Executive Officer shall:
 - Review justification for non-selection of available protected group candidates upon request of the AA Designee.
 - 2. Approve selection decisions in these situations prior to an offer of employment.
- B. Affirmative Action Designee shall:
 - 1. Evaluate written justifications for hiring the chosen applicant.
 - 2. Approve or disapprove selection decision.
 - 3. If the selection decision is not approved, request CEO review and final determination.
 - 4. Review and sign the D.O.E.R. Monitoring the Hiring Process form.

C. Supervisor shall:

- Make a good faith effort to contact and offer an interview to all qualified and available protected group candidates.
- 2. Provide the Affirmative Action Designee with written justification for hiring the chosen applicant.
- 3. Provide documentation on the interview and selection process as requested by the Affirmative Action Designee.
- Delay employment decision until approval is obtained from the AA Designee or a final determination is made by the CEO.
- 5. When a protected group person is selected, do not disclose information that the selection was related to their "protected group" status. Under Minnesota Data Government Practices Act (Section 13.43) protected group status is not public data and disclosure is illegal.

- D. Human Resource Department shall:
 - 1. Prior to a job offer made, the Affirmative Action Officer and the Human Resource Department will review the criteria for the hiring decision using the D.O.E.R. Monitoring the Hiring Process form.
 - 2. Keep record of hires, turnover, protected group reports, purchase orders for recruitment fees paid, notes on specific recruitment activities.
 - 3. Review record with Affirmative Action Officer at least quarterly so an evaluation of Affirmative Action Program hires, recruitment, retention, turnover and complaints can be done.

PROGRAM OBJECTIVES

Objective Staff Development	Action Provide inservice training to all staff i.e., sexual harassment, Cultural Diversity.	Responsible AAO	Target Date Ongoing
ADA awareness for , ,	Provide inservice	ADA, Coordinator	Ongoing
Continue to review exit surveys and use as a record	Review all exit surveys	Personnel/AAO	Ongoing (At least keeping and tracking tool. quarterly)
Participate in Pathways program.	Inform local colleges and technical colleges of internship opportunities for students.	AAO	Ongoing
Review client concerns to see if diversity areas are identified.	Monthly review satisfaction surveys completed by various Departments.	Customer Concern Committee/AAO	Monthly

POTENTIAL JOB OPPORTUNITIES

WRTC hiring will be extremely limited in the next two years. There may be some turnover in highly specialized clinical areas such as Psychiatrists, RN. WRTC goals:

- 1 Child/Adolescent Psychiatrist, female, or minority
- 2 Registered Nurses, minority, or disabled
- 1 Social Worker for Mental Health Initiative

December2000 June 2001 June 2001

DISCRIMINATION/COMPLAINT ACTIVITY

Employees are made aware of the complaint process during orientation and also during inservices offered throughout the year. Union stewards are aware of the complaint process and many advise their members to contact the Affirmative Action Officer if they feel there is a problem.

TRAINING PROGRAMS

WRTC has begun the Diversity training program. Several staff have completed equivalency training and received full credit for classes attended. Staff Development gives inservice credit to staff who attend diversity happenings in the community. Twelve staff completed the 12 hour Diversity Training class offered by DHS trainers. WRTC staff have been trained to teach the class and schedules are being developed as needed.

RECRUITMENT REVIEW

In the past two years primary hiring has been done in highly specialized area such as Child Psychiatrist, Information Managers, and a CD counselor. WRTC has advertised in local papers in Willmar, Marshall, Sioux Falls, Worthington, Red Wood Falls and Minneapolis Star and Tribune. We have also used Psychiatric News, Psychiatric Times and Journal of Child and Adolescent Psychiatry, and APA job sources to recruit for child psychiatrists. We have received good results from local papers for our outreach mental health program and the individuals hired for child psychiatry have responded to the ads seen in the specialized journals.

The Medical Director has actively recruited at conferences attended and our local job service and civil service lists have been used to hire temporary employees as needed. We have actively recruited talented people from diverse backgrounds for all positions at the facility. We have had no missed opportunities during the past two years. There is a current need to reduce staff levels in many occupations and it is our intent to promote from among current employees whenever possible.

WRTC has attended no job fairs during the previous year and do not plan to attend any in the upcoming affirmative action plan period. We have notified DHS of current hiring needs and they have recruited at job fairs they have attended. We hope to hire a Child/Adolescent Psychiatrist, two Registered Nurses and 1 Social Worker in the next two years.

WRTC has been actively involved in the Pathways to Human Services Careers Internship program. We had 4 students during the 1997 fiscal year and have had 3 students this past year. We hope to continue with this program to introduce students to career opportunities at the Regional Treatment Centers.

We have had limited hiring in the past year. We currently have 4 service workers working in various areas of the treatment center. We share information with DRS on job opportunities and also the local job service. We have limited supported work opportunities. Potential jobs are reviewed and many of those opportunities go to patients/clients of the facilities as part of the Patient Pay program. In the future they may be reassessed as employment opportunities for individuals, but at the current time these jobs are an important aspect of client training and therapeutic intervention.

RECRUITMENT PLAN

Willmar Regional Treatment Center has actively recruited talented people from diverse backgrounds for all positions at the facility. However, because of the need to reduce staff levels in many occupations it is our intent to promote from among current employees whenever possible. Recruitment for facility positions is the responsibility of every manager and supervisor at the facility. The Human Resource Office staff provide managers and supervisors with recruitment guidance and assistance as requested.

1. ADVERTISING

Newspapers/Publications utilized for RN/LPN positions included:

West Central Tribune, Willmar, MN; Swift County Monitor, Benson, MN; Granite Falls, Granite Falls, MN; Meeker County Independent Review, Litchfield, MN; Redwood Falls

Paper, Redwood Falls, MN; Olivia Journal, Olivia, MN; Mankato Paper, Mankato, MN; Minneapolis Star and Tribune, Minneapolis, MN; Ridgewater College

Total Responses: 6

Total Cost: 1999-\$0, 2000-\$438.97

Newspapers/Publications utilized for CDC:

Minneapolis Star and Tribune, West Central Tribune, St. Cloud, Mankato, Howard Lake/Waverly, Granite Falls, Bemidji, Duluth, Albert Lea, Rochester, Minnesota Assn. Of Resources for Recovery and Chemical Health (MARRCH)

Total Responses: 13

Total Cost: 1999- \$0, 2000 - \$2698.27

Newspapers/Publications utilized for Psychologist:

Minneapolis Star and Tribune, West Central Tribune, American Psychological Association, Monitor,

Total Responses: 6 people called interview (3 interviewed, 1 declined job, 3 not interested) Total Cost: 1999 - \$0, 2000 - \$1014.24

Newspapers/Publications utilized for Social Worker: West Central Tribune, Minneapolis Star and Tribune, NEWS Advertising, Washington, D.C., MSSA Jobs Bulletin (Minn. Social Service Asso.) Total Responses: 8 (3 were interviewed, 1 said "no") Total Cost: 1999 - \$125.67, 2000 - \$681.60

Newspapers/Publications utilized for Child Psychiatrist and Medical Director: Psychiatric News, Washington, D.C., Psychiatric Times, Santa Ana, AACAP Newsletter, APA Job Bank

Medical Director Total Cost: 1999 - \$0, 2000 - \$6831.00

Child/Adolescent Psychiatrist Total Cost: 1999 - \$5546.10, 2000 - \$7397.80 Local Newspapers/Publications utilized for HST positions - part time.

During the 1998-2000 Willmar Regional Treatment Center utilized the above publications. Based on data collected from the response information we found no increase in our candidate pools for people of color and/or disability. We will continue to use the Minneapolis Star and Tribune and local papers since we found that those were the publications from which we received the greatest response. We are an outstate facility and have a difficulty recruiting anyone to come to our facility from the metro areas. We have received good results from local papers for our outreach mental health positions.

2. Other methods used during 1998-2000

WRTC has used the DOER bulletin during the reporting period. We have contacted the DHS Affirmative Action/Equal Opportunity Office to assist with recruitment for our professional positions. Ridgewater College has been a source of recruits for RN and LPN students. We provide an internship site for the nursing students at Ridgewater and some have applied for jobs at our facility.

Our Medical Director actively recruits at conventions and conferences he attends. He has attended conferences with the state Medical Director and actively recruited for child psychiatrists and a medical director to replace himself.

The local job service has been used to hire temporary employees as needed. We have actively recruited talented people from diverse backgrounds for all positions at the facility. We have had no missed opportunities during the past two years. There is a current need to reduce staff levels in many occupations and it is our intent to promote from among current employees whenever possible.

3. Job Fairs

WRTC has not attended any job fairs in 1998-2000. We anticipate that we will not participate in any job fairs in 2000-2002. We have found that job fairs are not a viable recruitment method for our agency. We have asked DHS to include our current employment needs to interested applicants when they attend job fairs.

4. Projected hiring opportunities and strategies

The department anticipates vacancies in the 2000-2002 reporting period. There are several vacancies that we carry over from the current reporting period. We anticipate vacancies in the following areas:

Child Psychiatrist Medical Director Social Worker Specialist Psychologist Chemical Dependency Counselor RN/LPN HST

WRTC will implement the following recruitment plan to fill these vacancies:

- Advertise positions in the Minneapolis Star Tribune, local newspapers, and appropriate trade journals
- Examination announcements will be published via public bulletin boards, Career Opportunities Bulletin, mailings, facility postings, and by fax to community agencies and educational institutions.
- The Department of Human Services Recruitment Team will be contacted for assistance whenever an external recruitment opportunity arises.
- We will seek out and foster partnerships in internship programs with educational institutions. Internship opportunities include Psychology, Social Work, Occupational Therapy, Recreation Therapy, Human Services Technician, Licensed Practical Nurse, and others.
- The Pathways internship program will be actively used whenever possible to provide paid internship opportunities to deserving students who meet the Pathways criteria.
- WRTC is an equal opportunity employer and will comply with the provisions of the Americans with Disabilities Act (ADA) in all recruitment activities by making recruitment materials available in alternative formats (as requested) and by ensuring that testing, interview, and other meeting locations are accessible.

5. Internships

WRTC currently has internship programs in Psychology, Social Work, Occupational Therapy, Recreation Therapy, Human Services Technician, Licensed Practical Nurse and others as needed. We have hired individuals from the LPN internship program to work at the facility.

The Pathways to Human Services Careers Internship program has provided assistance to minority students during the summer. The last two years we have had interns working in our Volunteer Services, Computer (IMS) Department and within our Rehab program.

6. Improve recruitment efforts for persons with disabilities

WRTC has contacted our local Job Service Office and informed them of positions available and the possibility of hiring disabled persons. We currently have 4 Service Worker positions at the facility. We share information with DRS on job opportunities and also the local job service.

7. Supported Work

WRTC currently does not have any supported workers. We have 4 Service Worker positions that are similar to the supported worker program. These workers are working in our General Maintenance areas.

We have limited supported work opportunities. Potential jobs are reviewed and many of those opportunities go to patients/clients of the facility as part of the Patient Pay program. In the future they may be reassessed as employment opportunities for individuals, but at the current time these jobs are an important aspect of client training and therapeutic intervention.

RETENTION PLAN

WRTC will establish a coordinated plan of activities to retain valuable and talented protected group employees. People responsible for implementation of the retention plan include Greg Spartz, CEO; Tom Venaas, Human Resource Director; and Karen Ochsendorf, Affirmative Action Officer/ADA Designee.

There have been approximately 86 people that have left WRTC since July 1, 1996. There have been three MOU's at the facility during this time period. Many individuals left voluntarily during the window of opportunity offered them. There have been 7 persons with disabilities that have left - 1 died, 2 took the MOU buy out, 1 retired, 3 left with a disability retirement. Three minorities have left our employment - 1 died, 1 retired, and 1 was dismissed. No women left the facility in areas we were disparate - they were primarily nurses and HST's retiring, taking the MOU buy out and those just leaving.

WRTC is also working in conjunction with DOER in the development of a computer program to analyze separation and MOU patterns. WRTC has been actively involved in Diversity Training opportunities to promote awareness, acceptance and appreciation for diversity and affirmative action. Employees who have left WRTC (Resigned/dismissed/retirements/transfers)

HST	23	(1 minority MOU'd)
LPN	10	(1 minority resigned for another job)
Service Wkr	1	(1 disabled - retired)
Clerical 2		
Chaplain	1	*
Dietary 8		
Carpenter	1	
GMW	3	
Painter 1		
MHPA 3		
Xray Tech	1	
RN	6	
Social Wkr	3	
Mason	1	
Doctor 1		
AGS	3	2
Sr. Manager	1	

WEATHER AND EMERGENCY EVACUATION

All buildings within the WRTC have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated to and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use, are included in the plans. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

All employees of State Operated Services are considered Essential Employees, therefore, they are required to report for work even in the eventuality of a weather emergency. In such an extraordinary event that employees must be notified not to report, alternative methods will be established for those employees who have disabilities that preclude them from accessing the standard methods of notification such as television or radio.

These plans may be incorporated into, consistent with, substituted by or equivalent to safety plans.