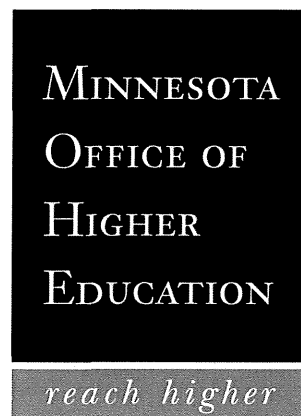

State of Minnesota

Office of Higher Education

Affirmative Action Plan

2012 – 2014



1450 Energy Park Drive, Suite 350
Saint Paul, Minnesota 55108

This document can be made available upon request in alternative formats
by contacting 651/259-3941.

Office of Higher Education
2012 – 2014 Affirmative Action Plan

Table of Contents:

I. EXECUTIVE SUMMARY3

II. STATEMENT OF COMMITMENT.....4

III. PERSONS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN .5

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN.....7

V. PROHIBITION OF HARASSMENT/DISCRIMINATION POLICY8

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED
HARASSMENT/DISCRIMINATION 10

VII. REASONABLE ACCOMMODATION POLICY..... 12

VIII. WEATHER EMERGENCIES AND EVACUATION PROCEDURES..... 15

IX. GOALS AND TIMETABLES..... 16

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES..... 19

XI. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS20

XII. RECRUITMENT PLAN 21

XIII. RETENTION PLAN 22

ATTACHMENT 1 25

A. Complaint Of Harassment/Discrimination..... 25

ATTACHMENT 2 27

B. Employee Request for Reasonable Accommodation Form 27

ATTACHMENT 3 28

C. What To Do In A Fire Emegency 28

ATTACHMENT 4 29

D. Time Off Due to Natural Disaster or Emergency..... 29

I. EXECUTIVE SUMMARY

Office of Higher Education Affirmative Action Plan 2012-2014


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

PROTECTED GROUPS

Goal Units	Women	Minorities	Disabilities
Officials/Administrators	--	--	1
Professionals	1	--	1
Technicians	--	--	--
Office/Clerical	--	1	1

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of the Office of Higher Education's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure.



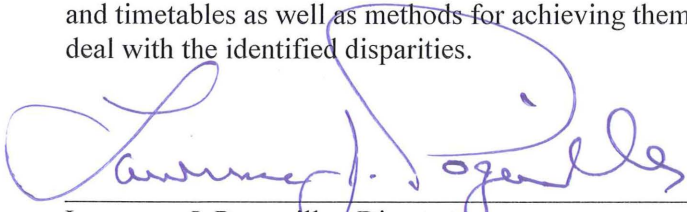
Lynne Richárd, Affirmative Action Officer 651-259-3941 7-30-12
(phone number) (date)

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



Diane O'Connor, Deputy Director 7-30-2012
(date)

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



Lawrence J. Pogemiller, Director 7-30-12
(date)

II. STATEMENT OF COMMITMENT

The Office of Higher Education (OHE) fully recognizes and supports the State of Minnesota's Equal Opportunity Policies and Statewide Affirmative Action efforts. The OHE is committed to the policy of implementing and maintaining an affirmative action program designed to identify and correct imbalances of protected groups in the agency's workforce and to foster correction of any imbalances which may exist.

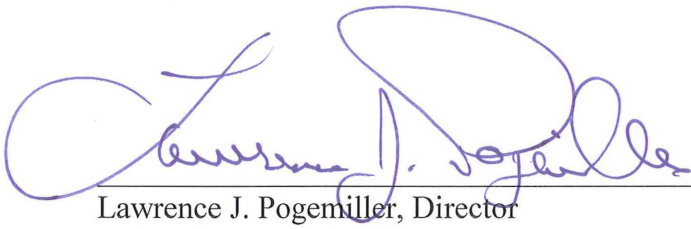
The OHE is supportive of efforts to provide equal opportunity to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, membership or activity in a local human rights commission, or status with regard to public assistance. To ensure equal opportunity of all protected groups, the OHE will ensure that all positions are accessible to all qualified persons and will make efforts to recruit, hire, retain and support qualified protected group members.

The OHE fully supports the non-discriminatory provision of all state and federal laws, rules, regulations, policies, and guidelines regarding non-discrimination and equal opportunity.

As Director of the Office of Higher Education, I am strongly committed to the principles and policies of effective affirmative action. All management and supervisory staff have responsibility for progressive affirmative action in the performance of their responsibilities and I enlist the assistance of all employees in the effort to achieve equal opportunity for all groups within this agency.

The designated OHE Affirmative Action Officer and ADA Coordinator is Lynne Richárd, Human Resources Manager.

The employees of the Office of Higher Education are encouraged to take an active role in the support of this policy as we continuously strive to improve service to our customers and to fulfill the mission of this agency.



Lawrence J. Pogemiller, Director
Office of Higher Education

7-30-12

Date

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

A. Director of the Office of Higher Education

Responsibilities:

The Director is responsible for the overall direction of the agency's Affirmative Action Plan in compliance with existing federal and state laws, rules and regulations. The Director will take the appropriate actions to remove all artificial barriers to equal opportunity within the agency. Final disposition of all such issues resides with the Director.

Duties:

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

1. To designate an Affirmative Action Officer (AAO).
2. To take action on complaints of alleged discrimination.
3. To issue a statement affirming support of the State's equal opportunity policy for the OHE and to ensure that such a statement is disseminated to all employees.
4. To make such decisions and changes in policy or procedure as may be needed to facilitate affirmative action goals and policies within the agency.
5. To ensure the submission of reports, as directed by the Commissioner of Minnesota Management and Budget, regarding the agency's efforts in meeting affirmative action goals and progress resulting from those efforts.

Accountability:

The Director of OHE is accountable to the Governor, the Legislature, and the Commissioner of Minnesota Management & Budget for the implementation and maintenance of the agency's Affirmative Action Plan.

B. Affirmative Action Officer

Responsibilities:

The Affirmative Action Officer (AAO) is responsible for the overall implementation, administration, and maintenance of the agency's Affirmative Action Plan.

Duties:

1. To write and update the agency's affirmative action plan.
2. To coordinate and monitor the plan.
3. To investigate or arrange for an investigation of complaints of discrimination and to ensure report findings with recommendations to the OHE Director.

4. To ensure that all affirmative action reporting requirements as prescribed and required by MMB are completed.
5. To ensure the communication and dissemination of the agency's Affirmative Action Plan.
6. To act as the liaison between the OHE and Minnesota Management & Budget, for purposes of affirmative action.
7. To review, respond to, and facilitate approved requests for reasonable accommodation from employees and prospective employees in a fair and equitable manner.
8. To determine the need for affirmative action training within the agency and to facilitate opportunities for such training with the assistance of Minnesota Management & Budget, the Office of the Attorney General, and outside resources, as necessary.
9. To review and recommend changes in policies, procedures, and programs to facilitate affirmative action and the achievement of affirmative action goals contained in this plan.
10. To support and participate in the recruitment, selection, retention and support of members of a protected class as employees with the OHE.
11. To maintain contact with protected group resources for recruitment purposes.

Accountability:

The Affirmative Action Officer is accountable directly to the OHE Director for all affirmative action matters, including directing and implementing the agency's affirmative action plan.

C. Human Resources Manager

Responsibilities:

Ensure that the recommendations of Director, Deputy Director, Managers and Supervisors involved in the hiring process are based on job-related criteria and are consistent with the Affirmative Action goals and objectives.

Duties:

Monitor the recruitment and selection process of all classified (such as AFSCME, MAPE, and MMA) positions at the OHE, in accordance with MN Statutes 34.18 and 179.74, Minnesota Management & Budget (MMB) Personnel Rules and applicable collective bargaining agreements.

Accountability:

The Human Resources Manager, Lynne Richard, is accountable to the Deputy Director, and Agency Director.

D. Deputy Director, Division Directors, Managers and Supervisors

Responsibilities:

Assure that all AA policies, plans and procedures are complied with and carried out in their respective work groups. Assure that all employees within their supervision are informed of the agency's AA policies, procedures, and practices.

Duties:

1. To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
2. To assist the agency's Affirmative Action Officer and agency human resources staff in recruiting, hiring, retaining and supporting members of a protected class.
3. To select candidates for positions or promotional opportunities on the basis of experience, skills, training/education, the agency's affirmative action goals, and in consultation with the Affirmative Action Officer as per the pre-employment review process.
4. To advise the Affirmative Action Officer of all requests for reasonable accommodation by employees and prospective employees under their supervision.
5. To ensure that the agency's Affirmative Action Plan is communicated to all OHE employees and that copies of the agency's Affirmative Action Plan are made available to employees under their supervision.
6. To assist the agency's Affirmative Action Officer by advising employees under their supervision of the availability of training and improvement opportunities, as appropriate.
7. In conjunction with the Affirmative Action Officer, acknowledge receipt of complaints related to discrimination and/or harassment within ten (10) working days, and to ensure that no reprisals are made against an employee for filing a discrimination complaint.

Accountability:

The Deputy Director and Division Directors are directly accountable to the OHE Director. Manager and supervisors are accountable to the Deputy Director or Division Directors.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The Office of Higher Education Affirmative Action Plan (AA Plan) will be distributed to all agency staff. Staff will be given an opportunity to have any questions answered. The copies of the Affirmative Action Plan will include a cover memo explaining the responsibility of all employees to read, understand, support and implement the Plan, and will also include an *Acknowledgement of Receipt* form that each employee is to sign and return to the Human Resource Manager once he/she has read the AA Plan and has had his/her questions answered. The AA Plan can be made in alternative formats such as large print, Braille, or on audio tape upon the request to the OHE Human Resources staff.

Internal Methods of Communication

1. Copies of this plan will be given to current agency staff and staff will be given an opportunity to have questions answered. New employees will receive copies of the AA Plan in their new employee orientation packet.
2. The AA Plan will be posted on the agency intranet.

3. All managers and supervisors will be responsible for assisting in the communication of the policy and spirit of the AA Plan to employees under their supervision.
4. All position announcements will contain material identifying the agency as an equal opportunity employer committed to affirmative action and workplace diversity.
5. The agency's commitment will be communicated in reports, employee orientation materials, agency policy manuals, job postings, and other such notices.
6. Revisions and updates to the AA Plan will be provided to all employees.

External Methods of Communication

1. All contracts and agreements will contain equal opportunity provisions, as appropriate.
2. A mailing list consisting of community groups and publications serving protected groups will be maintained and utilized to inform such entities of agency activities and employment/position opportunities.
3. All public relations and promotional materials will be reviewed for equal opportunity contents and contain statements identifying the agency as an equal opportunity employer. In addition, the agency's commitment will be communicated in newsletters, publications, and other appropriate published materials.

The agency's Affirmative Action Plan is posted on the agency intranet and external websites.

V. PROHIBITION OF HARASSMENT/DISCRIMINATION POLICY

It is the policy of the Office of Higher Education to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in local human rights commission, organization, commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint internally with the agency's Affirmative Action Officer. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the State Affirmative Action Program Coordinator at Minnesota Management & Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and

employees and applicants

2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

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

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

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

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

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are nonetheless disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

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

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in this affirmative action plan as Attachment 1.

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED HARASSMENT/DISCRIMINATION

The Office of Higher Education has established the following discrimination complaint procedure to be used by all employees and applicants. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

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

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Who May File

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

The Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of this agency's nondiscrimination policy within the agency. Employees and applicants are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer may contact the Office of Diversity and Equal Opportunity if s/he wants information about filing a complaint.

Filing Procedures

1. The employee or applicant (hereafter referred to as "complainant") completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer. The complainant shall meet with the Human Resource Manager/Affirmative Action Officer to describe the nature of the complaint, the facts upon which it is based and the relief requested. * The Affirmative Action Officer will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer shall also discuss other options for resolution, such as the workplace mediation.

- A. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer will inform the complainant, in writing, within ten (10) working days after the submission of the complaint.
 - B. If the complaint is related to discrimination, the Affirmative Action Officer will, within ten (10) working days after the submission of the complaint, contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The applicant, eligible candidate or employee is informed of other options for resolving the complaint. These options include: Minnesota Management & Budget, the Minnesota Department of Human Rights; or the civil court system.
4. The Affirmative Action Officer shall investigate, or make arrangements for an outside investigator to investigate the complaint. A report of findings and a recommendation for resolution is presented to the Agency Director.
5. The Affirmative Action Officer, or outside investigator, informs the complainant of the determination within sixty (60) calendar days after the formal complaint is filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
6. If the complainant remains dissatisfied, the complainant may file a complaint with the Equal Employment Opportunity Commission (EEOC), or the Minnesota Department of Human Rights within one (1) year of the incident.
7. A written answer will be provided to the parties within sixty (60) days after the complaints are filed.
8. Dispensation of the complaint will be filed with the Commissioner of Minnesota Management & Budget within thirty (30) days after the final determination.
9. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
10. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
 - A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
11. The Affirmative Action Officer shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

* If the Human Resources Manager is the alleged offending person, the employee may go directly to the Deputy Director or the Agency Director, who will make arrangements for an independent investigation.

VII. REASONABLE ACCOMMODATION POLICY

POLICY

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

Definitions

Disability:

For purposes of determining eligibility for a reasonable accommodation, **a person with a disability** is one who has a physical or mental impairment that substantially limits one or more major life activities; or a record of such an impairment; or being regarded as having such an impairment.

Reasonable Accommodation:

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

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

Reasonable accommodation applies to three aspects of employment:

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

Procedure - Current Employees and Employees Seeking Accommodation

1. This agency will inform all employees that this accommodation policy can be made available in accessible formats.

2. The employee shall inform their supervisor or the ADA Coordinator of the need for an accommodation. The employee or the supervisor, if requested by the employee, will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan [See Attachment 2].
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told, or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Office of Higher Education is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The supervisor and/or employee may seek technical assistance from the agency's ADA Coordinator, as needed.
6. The supervisor, in consultation with the ADA Coordinator, will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation. Options to be considered include:
 - a. Look for vacant position that is equivalent to the one held by the employee.
 - b. If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case the agency is not required to maintain an employee's salary at the previous level.
 - c. Look for transfer, mobility, non-competitive and competitive opportunities.

Procedure for Requesting a Reasonable Accommodation -- Job Applicant

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator and the appropriate OHE supervisor/manager will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator and the OHE supervisor/manager will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided. If the request is not approved, the ADA Coordinator /Affirmative Action Officer will inform the applicant in writing within three (3) working days of receiving the written request.

Policy for Funding Accommodations

Funding must be approved by the Office of Higher Education for accommodations which do not cause an undue hardship (MN Statutes 43A.191). The supervisor, division director, Deputy Director and/or the agency CFO will determine the funding source at the time of the request.

Definition of Undue Hardship

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

Procedure for Determining Undue Hardship

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

Appeals relating to Accommodation Requests

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

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

Supported Work

This agency will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, the agency will work with the agency ADA Coordinator and organizations that provide employment services to persons with disabilities to recruit and hire individuals for supported employment if such a position is created.

VIII. WEATHER EMERGENCIES AND EVACUATION PROCEDURES

Weather Emergencies

Weather emergencies are declared by Minnesota Management & Budget (MMB). The communication from MMB relating to weather emergencies and will be followed by employees of the Office of Higher Education.

MMB may initiate the closing of state offices by officially declaring an emergency. Severe weather is the most-common situation that MMB declares to be an emergency requiring state office closings.

During severe weather, the MMB commissioner maintains direct contact with the Departments of Public Safety (which monitors the weather bureau, highway patrol, road crew operations, transit operations, and other emergency indicators) and Transportation. If the MMB commissioner decides that weather conditions are hazardous enough to declare an emergency, Agency heads or their designee will be notified when an emergency is declared and their office must be closed. Emergency leave will be authorized for those employees. A copy of the MMB's Administrative Procedure 5.4 regarding time off in emergencies can be found on their website at <http://www.beta.mmb.state.mn.us/doc/proc/05-4.pdf>

For a MMB-declared weather emergency:

- MMB updates its Be Ready MN website at <https://www.bereadymn.com> to inform employees and the public of weather related emergencies that result in closure of state government facilities.
- MMB provides an announcement to WCCO (830-AM) and WMNN (1330-AM) radio stations; KSTP, WCCO, and KARE television stations. Broadcasts are closed captioned. In addition, announcements will be on the Associated Press newswire.
- In addition, MMB will "tweet" information via www.twitter.com.

MMB monitors weather conditions throughout a poor-weather day and announces changes in the emergency designation if needed.

Evacuation Plan

If a fire or weather emergency occurs during normal work hours, OHE emergency monitors (Supervisors) are responsible for the safe evacuation of individuals with disabilities to a safe location. If necessary

emergency monitor will seek assistance from police or fire personnel in the evacuation of individuals with disabilities [See Attachment 3 for basic fire evacuation procedures for the OHE office].

Included in this Affirmative Action Plan is a copy the OHE Policy for Time Off due to Natural Disaster or Emergency [Attachment 4].

IX. GOALS AND TIMETABLES

Goals and timetables have been established as an integral part of affirmative action programs. The purpose behind goals and timetables is to eventually eliminate underutilization of protected group members in an employer's workforce.

This Plan is written to address disparity/underutilization among protected groups and within specific bargaining units. A disparity/underutilization exists when the agency's percentage of protected group persons within a bargaining unit is less than the percentage goals determined for the agency.

Historically, the Office of Higher Education (OHE) has had a relatively low turnover rate of its staff. Many employees have been with the agency for 10 years or more. There is a work unit within the agency that is funded primarily from a federal grant. Some positions within that work unit are entry level professional positions with limited opportunities for advancement within the agency. Subsequently, there has been some turnover in such entry level professional positions over the past several years. In determining the goals for 2012-2014, these factors have been taken into consideration along with the aging of the workforce and the underutilization in the three protected groups – women, persons of color and those with disabilities.

OHE staff are represented under the following bargaining units/compensation plans:

- OHE Unclassified Compensation Plan
- Managerial Plan
- Middle Management Association (MMA) / Supervisors
- MAPE/General Professional (Classified)
- AFSME/Clerical
- Commissioner's Plan

For purposes of this Affirmative Action Plan, OHE employees have been separated as follows into the following four job groups:

- **Officials and Administrators: Goals & Timetables**
Executive Management Group – (EEO Job Code: Officials and Administrators). This group is comprised of middle management level staff, senior level staff, division directors and the agency head. There are eighteen (18) individuals in the OHE Unclassified Plan and (1) employee in the Managerial Plan.
- **Professionals: Goals & Timetables**
For purposes of this Affirmative Action Plan, there are seven (7) MAPE employees (4 information technology specialists, a buyer, an auditor-senior, and a state program administrator-senior), one (1) MMA employee (auditor senior-principal/supervisor), one (1) Commissioner's Plan employee (personnel officer) and twenty three (23) employees covered under the OHE

Unclassified Compensation Plan who have various professional job responsibilities related to higher education policy, research, program oversight, and educational delivery.

- **Technicians: Goals & Timetables**

For purposes of this Affirmative Action Plan, there is one (1) AFSCME employee as Accounting Technician.

- **Office/Clerical: Goals & Timetables**

This EEO job group includes then (10) AFSCME administrative support staff .

When determining what our goals should be for the 2012-2014 Affirmative Action Plan, the following one factor analysis was done to determine our new underutilized goals. Due to the agency's staff size of under 70 employees, the two factor analysis was not able to be used.

PROTECTED GROUP: WOMEN									
A	B	C	D	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Total Number of WOMEN in Group	% WOMEN in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	19	14	73.7%	37.8%	7	0	0	Same	0
Professionals	35	18	51.4%	53.8%	19	1	0	Not Improved	1
Technicians	1	1	100.0%	63.1%	1	0	0	Same	0
Office/Clerical	10	8	80.0%	67.7%	7	0	0	Same	0

The above chart indicates that OHE is not underutilized for women in the Officials and Administrators, Technicians, or Office/Clerical Job Groups. An underutilization of one position for a woman is noted in the Professional Job Group. We have set a goal to recruit and hire one woman in the Professionals Job Group within the 2012-2014 timeframe.

PROTECTED GROUP: MINORITIES									
A	B	C	D	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Total Number of MINORITIES in Group	% MINORITIES in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	19	1	5.3%	5.1%	1	0	0	Same	0
Professionals	35	6	17.1%	8.0%	3	0	0	Same	0
Technicians	1	0	0.0%	6.8%	0	0	0	Same	0
Office/Clerical	10	0	0.0%	8.2%	1	1	1	Same	0

The above shows OHE is not underutilized for minorities in Officials and Administrators, Professionals, and Technicians Job Groups. An underutilization of one (1) position in the Office/Clerical Job Group

exists for a person of color. OHE goal is to recruit and hire one minority within 2012-2014 Affirmate Action Plan within the Office/Clerical Job Group.

PROTECTED GROUP: PERSONS with a DISABILITY									
A	B	C	D	E	F	G	H	I	J
EEO JOB GROUP	Total Number in Group	Total Number of DISABILITY in Group	% DISABILITY in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	19	0	0.0%	11.31%	2	2	0	Not Improved	2
Professionals	35	2	5.7%	10.88%	4	2	5	Improved	-3
Technicians	1	0	0.0%	11.52%	0	0	0	Same	0
Office/Clerical	10	0	0.0%	11.56%	1	1	1	Same	0

The above chart indicates that OHE is underutilized by two (2) positions in the Officials and Administrators Job Group; two (2) positions in the Professionals Job Group; and one (1) position in the Office/Clerical Job Group. OHE is not underutilized for persons with a disability in the Technician Job Group.

Based on our turnover and our past experience of not receiving applications from qualified individuals with disabilities, we will make a good faith effort to recruit and hire one (1) qualified individual with a disability in either the Professionals or Office/Clerical Job Groups.

The following table is the OHE’s Affirmative Actions Goals and Timetables Chart which identifies OHE’s underutilization and our recruitment /hire goals will be in the 2012-2014 Affirmative Action Plan.

GOALS AND TIMETABLES CHART

EEO Job Group	Women			Minorities			People with a Disability		
	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
Officials & Administrators	0	0	2012-2014 AAP	0	0	---	2	1	2012-2014 AAP
Professionals	1	1	---	0	0	---	2	1	2012-2014 AAP
Technicians	0	0	---	0	0	---	0	0	---
Office/Clerical	0	0	---	1	1	2012-2014 AAP	1	1	2012-2014 AAP

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

Program: Affirmative Action Education

Objective: To encourage division directors, managers, supervisors, and employees to learn more about affirmative action issues including: prevention of various learn more about types of harassment and discrimination, cultural diversity, and other issues relating to affirmative action.

Responsibility: Affirmative Action Officer, other Human Resources staff, Deputy Director

Action Steps:

1. Work with Minnesota Management & Budget (MMB), The Office of the Attorney General and the Human Resource Directors Partnership (HRDP) to identify educational opportunities and resources that agency staff can access to learn more about topics and issues related to affirmative action.
2. Work with MMB and the Office of the Attorney General to facilitate on-going opportunities to learn about diversity related topics and issues.
3. Emphasize to supervisors and managers their role in implementing the Affirmative Action Plan, fostering diversity and respect in the workplace, and creating an atmosphere that contributes to retention of members of a protected class.
4. Include coverage of the agency Affirmative Action Plan as part of the agency orientation / information session with newly hired staff.

Completion Date: Ongoing

Program: Affirmative Action Hiring

Objective: To continue to include Affirmative Action considerations in the hiring process.

Responsibility: Affirmative Action Officer and Human Resources staff

Action Steps:

1. The Manager of Human Resources will collect, maintain and provide current information regarding disparities to division directors, managers, and supervisors.
2. Prior to assisting supervisors and managers with the hiring process, the Human Resources Manager will check Affirmative Action data, identify disparities that exist with the agency.
3. When a disparity exists, the Human Resources Manager will remind supervisors and managers that the pre-employment review procedure must be used prior to the interview activities. The Pre-employment Review Procedure is followed for recruitment and all hiring decisions especially for goal units with unmet affirmative action goals.

4. OHE Human Resource Manager will maintain files on hiring situations where a protected group candidate was not hired and disparity existed.

Completion Date: Ongoing

XI. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

Pre-Employment Review Procedure/Monitoring the Hiring Process

In order to meet the agency's affirmative action goals, the following actions will be taken:

A. Consultation with Managers

Managers will be advised of the goals and disparities for the various bargaining units by the Affirmative Action Officer whenever a vacancy occurs.

B. Selection Process

1. A vacancy position is created due to a resignation, promotion, transfer, leave of absence, termination, or establishment of a new position. The director or manager of the affected division/program may or may not request to fill the position.
2. If a decision is made to fill the vacancy, the Affirmative Action Officer will be notified. Based on the agency's affirmative action goals, the AAO will determine if a disparity exists in the bargaining unit that the vacancy occurs and will work closely with the director, manager and/or supervisor in each step of the hiring and/or promotional process.
3. Next, the Human Resources Manager and the hiring supervisor/manager will develop a position description and determine the necessary job-related criteria: knowledge, skills, and abilities.
4. The Human Resources staff will determine whether any bargaining unit employees are eligible to bid on the position and the position will be posted for the required length of time in accordance with the contract.
5. If a job announcement is necessary, management, with assistance from the Human Resources Manager, will recruit affirmatively for the position. The Human Resources Manager will maintain complete documentation of the recruiting to monitor the agency's progress.
6. The Human Resources Manager will ascertain whether the applicant pool contains candidates who will help the agency reduce any disparity and will insure that the selection procedures used will not result in discrimination against protected groups.
7. The hiring manager or supervisor will devise a list of job-related interview questions and provide a copy to the Human Resources Manager.
8. The résumés of all the applicants will be reviewed by the Human Resources Manager to ensure that minimal qualifications are met.

9. Prior to offering a position to a candidate, the top two candidates must meet the Agency Director. The hiring manager or supervisor will discuss how the anticipated selection will meet the agency's Affirmative Action Plan goals. The hiring manager/supervisor, Agency Director and Human Resources Manager will discuss which candidate to hire based on their knowledge, skills and abilities.
10. If the Affirmative Action Officer/Human Resource Manager is not satisfied with the manager's decision to reject the protected group member, the manager will explain in writing why the protected group candidate was not chosen.
11. The Human Resources Manager will keep documentation on the selection process for all appointments for one year. The quarterly Affirmative Action Report will contain documentation on every appointment, where there is a disparity, will indicate how much opportunity the agency had to act affirmatively and what was actually done.
12. Protected group status is not identified as public data according to the Minnesota Government Data Practices Act. Therefore, information pertaining to the protected group status of applicants and employees will not be disclosed.

Pre-Review Procedure for Layoff Decisions

An Appointing Authority may "layoff" an employee by reason of abolition of the position, shortage of work or funds, or other reasons outside the employee's control, which do not reflect discredit on the service of the employee. The OHE will follow the layoff procedures specified in the bargaining unit agreements under which OHE employees serve. The impact on agency affirmative action goals and timetables, due to layoffs, will be documented in writing by Human Resources staff. The Affirmative Action Officer, in conjunction with the OHE Director, will determine how the agency's affirmative action goals and timetables could be addressed under the current employment situation.

Other Methods of Program Evaluation

Data regarding hires is recorded on the Protected Group Report forms.

Evaluation documentation is maintained in the central files located in the OHE Human Resources work unit, including:

- Affirmative Action Plan and any related materials
- OHE Employment Form
- Records for recruitment fees paid and documentation on specific recruitment activities
- Affirmative Action complaints
- ADA complaints

XII. RECRUITMENT PLAN

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

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

- Ads are handled by *Graystone Group Advertising* which places the ads in *State Tribune* and minority newspapers and websites.
- The agency advertised using the State of Minnesota employment website, MN Job Bank, Startribune.com and our agency's *Jobs* web page. We also used MMB's Diversity Listserv to recruit for job openings.
- The agency recruits candidates using referrals from agency employees, e-mail or e-mail listserv.
- Ensure that all recruitment activities are in compliance with the Americans with Disabilities Act by making materials available in alternative formats (when requested) and meeting locations that are accessible.

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

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

XIII. RETENTION PLAN

Person Responsible for Agency's Retention Program/Activities

The Affirmative Action Officer/ Human Resource Manager, Lynne Richárd, is responsible for overseeing the retention activities for the Office of Higher Education.

The Human Resources Manager/Affirmative Action Officer will continue to conduct exit interviews of all staff leaving the agency. Information from the exit interviews, along with statistical data from SEMA4 system regarding turnover and retention will be compiled and analyzed to determine the impact on the protected group members.

Separation and Retention Analysis by Protected Groups

The OHE Human Resource Manager, Lynne Richárd, in conjunction with Minnesota Management & Budget through the use of SEMA4 system, will monitor and analyze separation and layoff patterns of all employees at the agency to determine the impact on protected group members.

Methods and Activities to Retain OHE Employees: both protected and non-protected

1. Document the reasons behind turnover among protected and non-protected employee to identify and understand relevant issues for further analysis.

Responsibility: Affirmative Action Officer / Human Resources Manager

2. Continue to create and maintain a respectful working environment for all OHE employees.
 - Encourage employees to assist in identifying opportunities for increasing staff knowledge and participation in events which celebrate the diversity of both internal and external customers.
 - Facilitate opportunities for managers and supervisors to learn more about their role and responsibilities in creating and maintaining a respectful work environment for all staff, and also to learn more about how their actions and behaviors contribute toward the retention of protected group members.
 - Inform and facilitate training/learning opportunities for staff to fulfill their training/development goals, and support such opportunities with a work-related training budget.

Responsibility: All OHE employees

3. Analyze separation and layoff patterns to determine the impact on protected group members.
 - Collect available separation and layoff data.
 - Determine impact on protected groups.
 - Ascertain whether any action is necessary and if so, develop recommendations.

Responsibility: Affirmative Action Officer / Human Resources Manager

4. Continue the agency's diversity education training opportunities for staff.
 - Work with agency Deputy Director and Agency Director in identifying , supporting and actively engaging in diversity training opportunities.
 - Work with Minnesota Management & Budget, the Office of the Attorney General, and outside consultants/organizations to address diversity related issues within the agency.
 - Communicate information about workshops, training, and events.

Responsibility: Affirmative Action Officer / Human Resources Manager

Analysis of Separation Patterns:

The following is an analysis of separation and layoff patterns for impact on protected class members for FY2010 and FY2011:

Note: There were no layoffs during FY 2010 or FY2011.

Separations – Fiscal Year 2010

Type of Separation – FY 2010	Number	Percentage
Death	1	16.66%
Dismissal or non-certification	0	0
Layoff	0	0
Resignation	5	83.33%
Retirement	0	0
Termination	0	0
Total Separations	6	100%

Separations – Fiscal Year 2011

Type of Separation – FY 2011	Number	Percentage
Death	0	0
Dismissal or non-certification	0	0
Layoff	0	0
Resignation	7	63.63%
Retirement	3	27.27%
Termination	1	9.09%
Total Separations	11	100%

OHE's retirement rate was higher in fiscal year 2011 than fiscal year 2010. Retirements are anticipated to increase. In fiscal year 2011, resignations are the largest group of separations and primarily came from our Get Ready work unit which is federally funded. Since 2011 was the end of a grant cycle and several staff found new positions before the reinstatement of the six year Federal Gear Up Grant was announced.

Mobility and Career Advancement

Employees receive information regarding mobility and career advancement through the regular posting of vacancies and training opportunities (state and non-state programs), and ability to access the state opportunities via the Minnesota Management and Budget's website, and email posting career opportunities with other governmental and non-governmental entities.

ATTACHMENT 1

Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108
651-259-3941

COMPLAINT OF HARASSMENT/DISCRIMINATION**Please Read Before Completion of Form**

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

Complainant (You)

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

The Complaint

Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

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

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

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

Affirmative Action Officer Signature	Date
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ATTACHMENT 3

Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St Paul, MN 55108
651.642.0567

WHAT TO DO IN A FIRE EMERGENCY

1. If you discover a fire, hear an explosion, or see or smell smoke in the building, immediately telephone 9-911 and report the incident. Then, **SOUND THE ALARM – ACTIVATE THE CLOSEST MANUAL PULL ALARM**. These alarms are located by all stairwell exits in the building.
2. When a fire alarm sounds, **COMPLETE EVACUATION IS REQUIRED**. Agency emergency monitors (Supervisors) should begin checking their designated areas and instruct employees and visitors on evacuation procedures. When evacuating a room, employees should close doors behind them.
3. **DO NOT USE ELEVATORS DURING A FIRE EMERGENCY.**
4. Upon exiting the building, leave all walks and driveways open for arriving fire fighters. Do not return to the building until directed to do so by fire department personnel or a building authority. The silencing of the audible alarms or horns does not mean it is safe to enter the building.
5. Notify fire fighters on the scene if you suspect someone may be trapped inside the building.
6. Agency emergency monitors upon exiting the building should proceed to the West parking lot and notify the designated Agency staff that their assigned areas within the building have been cleared.

DO

- DO** immediately leave the building and close doors behind you.
- DO** use the stairwells to evacuate the building.

DON'T

- DO NOT** attempt to fight the fire.
- DO NOT** use the elevators.
- DO NOT** return to the building until told to do so.

ATTACHMENT 4

Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St Paul, MN 55108
651.642.0567

TIME OFF DUE TO NATURAL DISASTER OR EMERGENCY

In the event of a natural disaster or man-made emergency situation, the following provisions will be followed:

1. The emergency will be declared and verified by the Commissioner of Minnesota Management & Budget (MMB), after consultation with the Commissioner of Public Safety, as stated in MMB's Administrative Procedure 5.4
2. If an emergency is declared and it is determined that State of Minnesota agencies should be closed, the decision to close the Agency will be determined by the Agency Director (651/259-3900) or Deputy Director (651/259-3922). The decision to close the Agency will be relayed to each Division Director. The Division Director is responsible for notifying his/her staff.
3. When feasible, during an emergency situation, a recorded message will be made to respond to Agency telephone calls.
4. If the agency is closed due to an emergency during the normal working hours (8 a.m. – 4:30 p.m.), no staff member will be required to remain at their work stations.
5. Emergency payment of wages will be determined and authorized by the Commissioner of Minnesota Management and Budget in accordance with MMB's Administrative Procedure 5.4. (<http://www.beta.mmb.state.mn.us/doc/proc/05-4.pdf>)
6. The internal operating procedures during a natural disaster or man-made emergency that which require employees to remain in the Energy Technical Center building is coordinated with building management, the Deputy Director of the Minnesota Office of Higher Education, the Division Directors and Human Resources Manager.
7. The primary agency contact person responsible for implementing this Plan is the Agency Director (651/259-3900) and the Deputy Director is back up (651/259-3922).

Revised 07.31.12