
STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Affirmative Action Plan

August 2014 – August 2016

500 Lafayette Road
St. Paul, Minnesota 55155

This document can be made available upon request in alternative formats by contacting the Minnesota
DNR's Affirmative Action Office at 651-259-5016 or ADAdiversity.DNR@state.mn.us.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
AFFIRMATIVE ACTION PLAN 2014-2016

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I. EXECUTIVE SUMMARY

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Review revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

PROTECTED GROUPS			
Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators	XX	XX	
Professionals	XX	XX	XX
Protected Services: Sworn	XX	XX	XX
Office/Clerical/Paraprofessional			
Technicians	XX	XX	XX
Skilled Craft			XX
Service Maintenance	XX	XX	XX

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 all employees are aware of The Minnesota Department of Natural Resources' commitments to affirmative action and equal employment opportunity. This 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 requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.


 Vikki Getchell, Affirmative Action Officer

Date: 28 May 2015


 Denise Legato, Human Resources Director

Date: May 28, 2015


 Tom Landwehr, Commissioner

Date: May 28, 2015

II. STATEMENT OF COMMITMENT

As Commissioner and Deputy Commissioner of the Minnesota Department of Natural Resources (DNR), we reaffirm this Agency's commitment to Minnesota's statewide affirmative action efforts and to providing equal employment opportunity to applicants and employees in accordance with equal opportunity and affirmative action laws. The DNR values the diversity of its workforce and strives to provide a Culture of Respect for all DNR employees and others outside the organization.

We affirm our personal and official support of these policies which provide that:

- This Agency will not tolerate discrimination against an individual based on race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission in regard to terms and conditions of employment, personnel practices, or access to and participation in DNR programs, services, and activities.
- This Agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to: hiring, promotion, demotion, transfer, recruitment and recruitment advertising, layoff, disciplinary action, termination, rates of pay and other forms of compensation, and selection for training. We will provide reasonable accommodations to employees and applicants with disabilities.
- This Agency will continue to actively promote an affirmative action program wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and will work to recruit and retain qualified, talented employees including protected group employees.
- This Agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and in achieving affirmative action objectives contained within this plan. In addition, this Agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

We are committed to the implementation of this Affirmative Action Plan and to providing an employment environment free of discrimination and harassment as prohibited by federal and state human rights laws. We strongly encourage all DNR employees to join in this commitment as we continue our mission of working with Minnesota's citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources in a way that creates a sustainable quality of life.



Tom Landwehr, Commissioner



Dave Schad, Deputy Commissioner

Date: May 28, 2015

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

A. Commissioner

Tom Landwehr, Commissioner, Minnesota Department of Natural Resources

Responsibilities:

The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

Duties:

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

- Designate an Affirmative Action Officer and include accountability for the administration of the Agency's Affirmative Action Plan in his/her position description;
- Take action, as needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis by issuing a statement affirming the Agency's commitment to affirmative action and equal employment opportunity;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Report annually the Agency's progress in affirmative action to the Governor and the Legislature through the Commissioner of Minnesota Management & Budget (MMB);
- Actively promote equal opportunity employment;
- Require Agency directors, managers, and supervisors to include responsibility statements for supporting affirmative action, equal opportunity, and diversity in their position descriptions and performance objectives; and
- Notify contractors and sub-contractors with this Agency of their affirmative action responsibilities and equal employment opportunity responsibilities.

Accountability:

The Commissioner is accountable directly to the Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

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B. Affirmative Action Officer
Vikki Getchell, Affirmative Action Officer

Responsibilities:

The Affirmative Action Officer is responsible for implementation of the Agency's affirmative action and equal opportunity program, and oversight of the Agency's compliance with equal opportunity and affirmative action laws.

Duties:

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

- Prepare and oversee the Affirmative Action Plan, including development and setting of Agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the Agency's Deputy Commissioner and Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide an Agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the Agency's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes and revisions to equal employment opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance, and training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other aspects of equal employment opportunity; and
- Serve as the Agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and with other enforcement agencies.

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Accountability:

The Affirmative Action Officer is accountable directly to the Commissioner on affirmative action and equal employment opportunity policy issues and to the Deputy Commissioner on administrative and operational matters pertaining to affirmative action and equal employment opportunity. The Affirmative Action Officer is also accountable for coordinating policy, administrative and operational matters with the Human Resources Director.

C. Americans with Disabilities Act Coordinators

Vikki Getchell, Americans with Disabilities Act Coordinator Title I

Jason Peterson, Americans with Disabilities Act Coordinator Title II

Responsibilities:

The Americans with Disabilities Act Coordinators are responsible for the oversight of the Agency's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act, as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

Duties:

The duties of the Americans with Disabilities Act Coordinators include, but are not limited to, the following:

- Provide guidance, coordination, and direction to Agency management with regard to the Americans with Disabilities Act in the development and implementation of the Agency's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as reasonable modifications for members of the public accessing the Agency's services, and report reasonable accommodations and modifications annually to Minnesota Management and Budget.

Accountability:

The Americans with Disabilities Act Title I Coordinator is accountable directly to the Commissioner on Title I policy issues and to the Deputy Commissioner on Title I administrative and operational matters. The Americans with Disabilities Act Title II is accountable directly to the Commissioner and the Facility Manager.

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D. Human Resources Director

Denise Legato, Human Resources Director

Responsibilities:

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the Agency.

Duties:

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

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Review classifications, qualification requirements, and hiring processes to eliminate barriers and utilize hiring and selection criteria that are objective and job-related;
- Report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;
- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, and diversity in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinators all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

Accountability:

The Human Resources Director is directly accountable to Laurie Martinson, Operations Service Division Director.

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E. Directors, Managers, and Supervisors

Responsibilities:

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and compliance with the Agency's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties:

The duties of directors, managers, and supervisors include, but are not limited to, the following:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the Agency's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;
- Provide a positive and inclusive work environment; and
- To refer complaints of discrimination and harassment to the appropriate parties.

Accountability:

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the Commissioner.

F. All Employees

Responsibilities:

All employees are responsible for conducting themselves in accordance with the Agency's equal opportunity and Affirmative Action Plan and policies.

Duties:

The duties of all employees include, but are not limited to, the following:

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- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and
- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable directly to their designated supervisor and indirectly to the Commissioner.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the methods the DNR takes to communicate the Affirmative Action Plan to employees and the general public:

A. Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the Agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The Affirmative Action Plan will be electronically available to all employees by accessing the Human Resources Diversity and Equal Opportunity page located on the DNR Intranet site at <http://intranet.dnr.state.mn.us/index.html>.
- Print copies will be available to employees at the Agency's Affirmative Action Office and Human Resources Offices or upon request by contacting the Affirmative Action Office. The Agency will also make the plan available in alternative formats for individuals with disabilities when requested.
- Nondiscrimination and equal employment opportunity statements and posters will be prominently displayed in areas frequented by and accessible to employees.
- During orientation, new employees will be informed of the Affirmative Action Plan and the name, telephone number and email address for the Affirmative Action Officer.

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B. External Methods of Communication

- The DNR Affirmative Action Plan will be available on the Agency's external website at [http://files.dnr.state.mn.us/aboutdnr/commissioner/affirmative action/aa plan.pdf](http://files.dnr.state.mn.us/aboutdnr/commissioner/affirmative%20action/aa_plan.pdf).
- Print copies will be available to anyone upon request by contacting the Affirmative Action Office. The Agency will also make the plan available in alternative formats for individuals with disabilities when requested.
- The Agency will include the following statement on its employment publications: "The Minnesota Department of Natural Resources (DNR) is an equal opportunity, affirmative action, and veteran-friendly employer, and encourages all qualified candidates to apply for job opportunities. Persons with disabilities who need assistance may contact the DNR ADA Title I Coordinator at ADAdiversity.DNR@state.mn.us or 651-259-5016."
- The Agency will include the following statement on its publications regarding public participation in DNR programs and services: "The Minnesota DNR prohibits discrimination in its programs and services based on race, color, creed, religion, national origin, sex, public assistance status, age, sexual orientation or disability. Persons with disabilities may request reasonable modifications to access or participate in DNR programs and services by contacting the DNR ADA Title II Coordinator at info.DNR@state.mn.us or 651-259-5488."
- The Agency's website homepage and all job postings will include the following phrase: "Equal Opportunity Employer."
- Nondiscrimination and equal opportunity statements and posters will be prominently displayed and available in various locations including areas frequented by and accessible to members of the public.

Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

V. POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

The Minnesota Department of Natural Resources is committed to providing an inclusive working environment where discrimination and harassment will not be tolerated. All DNR employees are expected to treat fellow employees, customers and individuals outside of the Agency with dignity and respect. Discrimination and harassment based on the protected classes of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age is illegal and prohibited.

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An employee who engages in, or causes others to engage in, discrimination or harassment is subject to serious disciplinary actions including but not limited to suspension, demotion, transfer, or termination. Additionally, an employee who retaliates against individuals who have reported discrimination or harassment or have participated as a witness in any investigation or proceeding involving discrimination or harassment will also be subjected to serious disciplinary actions.

Inappropriate behaviors, such as disrespectful or unprofessional behaviors that are **not** based on a protected class status but are nonetheless disruptive and unprofessional, violate the State's Respectful Workplace Policy and the DNR's Culture of Respect. An employee who participates in inappropriate behaviors in the workplace is also subject to disciplinary actions.

A. Applicability

This policy applies to all DNR employees and includes applicants, interns, student workers and volunteers.

B. Responsibilities

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 Agency managers and supervisors are responsible for the enforcement of this policy which includes taking timely and appropriate action to address allegations of discrimination, harassment and retaliation. Supervisors must educate and inform their employees that discrimination, harassment (including sexual harassment), and retaliation are unacceptable behaviors and will not be tolerated.

The Affirmative Action Officer is expected to keep the DNR and its employees apprised of any changes in the law or its interpretation regarding discrimination and harassment. The Affirmative Action Officer is also responsible for:

Notifying all employees and applicants of this policy; and

Informing all employees of the complaint procedure and ensuring that all complaints are addressed promptly and carefully through alternative dispute resolution or investigation.

C. Complaints

Any employee or applicant who believes that they have experienced discrimination or harassment may file a complaint of discrimination internally with any DNR supervisor, the Human Resources Director, a Human Resources Senior Investigator or the Affirmative Action Officer.

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If an employee or applicant chooses, a complaint may be filed externally with the Minnesota Department of Human Rights (MDHR), the Equal Employment Opportunity Commission (EEOC), or through other legal channels. These agencies have time limits for filing complaints so an employee or applicant should contact the Agency directly for specific filing information and requirements.

In extenuating circumstances, an employee may contact the State Affirmative Action Program Coordinator in the Office of Equal Opportunity and Diversity at Minnesota Management and Budget for information regarding the filing of a complaint.

D. Definitions:

Affirmative Action	A set of positive steps used by employers to promote equal employment opportunity and to eliminate discrimination. It includes expanded outreach, recruitment, mentoring, training, management development and other programs designed to help employers hire, retain and advance qualified workers from diverse backgrounds, including persons with disabilities. Affirmative action means goals and inclusion, not quotas or exclusion.
Affirmative Action Officer	The person designated by the Commissioner as having primary responsibility for developing, implementing and maintaining the Agency's Affirmative Action Plan.
Age	A protected class status under the Minnesota Human Rights Act that prohibits discrimination in employment against an individual if that person is the age of majority (18 years old) or older. Under federal law (ADEA), a person must be at least 40 years old to file a charge of age discrimination in employment.
Bona fide occupational qualifications (BFOQs)	Employment qualifications involving religion, sex, national origin and age that employers are allowed to consider when making decisions about hiring and retention of employees. An example of a bona fide occupational qualification is the mandatory retirement age for conservation officers.
Complainant	A person filing a complaint alleging discrimination or harassment pursuant to this policy.
Disability	"Disability" means any condition or characteristic that renders a person disabled. A person may be disabled if he or she: (1) has a physical or mental impairment which substantially limits one or more major life activities; or (2) has a record of such impairment; or (3) is regarded as having such impairment.

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<p>Disrespectful/ Unprofessional Behavior</p>	<p>Behavior that is not based on protected class status and may include, but is not limited to:</p> <ul style="list-style-type: none"> (1) Exhibiting aggressive behaviors including shouting, abusive language, threats of violence, the use of obscenities or other non-verbal expressions of aggression. (2) Behavior that a reasonable person would find to be demeaning, humiliating or bullying. (3) Deliberately destroying, damaging or obstructing someone's work performance, work product, tools or materials. (4) Knowingly making false complaints of disrespectful or unprofessional behavior. <p>Disrespectful or unprofessional behavior does not include the normal exercise of supervisory or managerial responsibilities such as performance reviews, work direction, performance management, and disciplinary action when they are conducted in a respectful, professional manner. Disagreements, misunderstandings, miscommunication or other conflict situations where the behavior remains professional and respectful are also not included.</p>
<p>Discrimination (Protected Class)</p>	<p>For purposes of this Affirmative Action Plan, discrimination is an act of treating an individual differently and unfairly in any term or condition of employment because of the individual's race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, familial status, status with regard to public assistance or membership or activity in a local human rights commission.</p> <p>Terms or conditions of employment include, but are not limited to, hiring, tenure, discharge, compensation, terms, upgrading, conditions, facilities, and privileges. This type of discrimination is illegal in the employment environment except when based on a bona fide occupational qualification.</p>
<p>Harassment (Protected Class)</p>	<p>Any unwelcomed behavior based on an individual's protected class status that is personally offensive, and therefore may adversely affect morale and interfere with the individual's ability to perform his or her job responsibilities. Harassment based on protected class status is a type of discrimination and is illegal in the employment environment.</p> <p>Harassment can include, for example, offensive remarks about a person's protected class. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or results in an adverse employment decision.</p> <p>Harassment based on an individual's protected class may occur: (1) among peers or coworkers, (2) between managers and subordinates, or (3) between employees and members of the public.</p>

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Protected Class	<p>A characteristic covered by state and/or federal anti-discrimination laws. For example, the Minnesota Human Rights Act (MHRA) includes race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, activity or membership in a local human rights commission, disability, sexual orientation and age as protected classes.</p> <p><i>Note:</i> See http://mn.gov/mdhr/glossary.html for detailed protected class definitions.</p>
Retaliation	<p>Includes, but is not limited to, any form of coercion, intimidation, harassment or reprisal against a person who files a charge of discrimination or harassment, participates in an investigation, or opposes an unlawful employment practice.</p>
Respondent	<p>A person against whom a complaint has been filed.</p>
Sex Discrimination	<p>Unfair treatment based on a person's sex. "Sex" includes, but is not limited to, pregnancy, childbirth or disabilities related to childbirth. An unequal payment of wages between women and men performing substantially equal work in the same establishment is a form of sex discrimination.</p>
Sexual Harassment	<p>A form of illegal harassment which 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:</p> <ol style="list-style-type: none"> (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. <p><i>Note:</i> Whether unwelcome attention of a sexual nature "substantially interferes" with a person's employment has been considered in hundreds of court decisions. Generally, isolated remarks, occasional profanity or crude language do not rise to the level of sexual harassment even though they are unpleasant. Behavior that is persistent and pervasive may alter the conditions of employment by creating a hostile environment. In addition, a single isolated incident, depending on its nature and severity, may constitute sexual harassment.</p>

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

The Department of Natural resources (DNR) has established the following internal complaint procedure for resolving violations of the department's policy prohibiting discrimination and harassment. Employees and applicants are encouraged to use this internal process.

Who May File:

Any DNR employee or applicant who believes, in good faith, that they have been discriminated against or harassed because of race, color, creed, religion, national origin, sex, marital status, familial 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.

If at any time during the complaint process, it is established that a complainant made a false report in bad faith, disciplinary actions may be taken against the complainant.

Employee Responsibility:

Employees must respond promptly to information requests from the Human Resources Director, a Human Resources Senior Investigator or the Affirmative Action Officer for the purpose of carrying out responsibilities under this complaint procedure.

Complaint Procedures:

1. DNR employees or applicants are encouraged to report discrimination or harassment complaints by completing the "Discrimination/Harassment Complaint Form" attached to this plan or located on the DNR Intranet Human Resources Forms site. The Affirmative Action Officer, if requested, may provide assistance in filling out the complaint form.
2. The complaint form may be submitted to any DNR supervisor, the Human Resources Director, a Human Resources Senior Investigator or the Affirmative Action Officer. The recipient of the complaint will notify the Human Resources Director that a complaint has been filed. If the complaint involves the Human Resources Director, a Human Resources Senior Investigator or the Affirmative Action Officer, the complaint may be submitted to the Division Director of Operations Support or the Deputy Commissioner. Requirements or procedures identified in applicable collective bargaining agreements will be addressed as part of the notification, investigation, findings and resolution process.
3. The Human Resources Director, in consultation with a Human Resources Senior Investigator or the Affirmative Action Officer, will determine if the complaint will proceed and the appropriate resolution process within ten (10) business days after the complaint was filed.
 - If the complaint does not involve protected class discrimination or harassment, the complainant will be notified within ten (10) business days after the complaint was filed so the complainant may pursue other resolution processes that address general harassment or other personnel concerns.

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- If the complaint involves protected class discrimination or harassment and an investigation is used to resolve the complaint, the Human Resources Director, a Human Resources Senior Investigator or the Affirmative Action Officer will conduct the investigation and will notify the complainant and the person against whom the complaint was filed (hereafter referred to as a respondent) in writing, within sixty (60) days after the complaint was filed, that the investigation is completed. A written report of investigation will be submitted to the Human Resources Director who will review the findings with the Affirmative Action Officer and other personnel who have a business need to know. After the report is reviewed, remedial, corrective or disciplinary action, if applicable, will be taken as provided for by this policy, by collective bargaining agreements and by other employment policies, procedures or guidelines.
 - If the complaint involves protected class discrimination or harassment and an alternative dispute resolution (ADR) process is used to address the complaint, there are two possible outcomes. If the ADR process results in a resolution agreement between the complainant and the respondent, the agreement will be provided to the parties, in writing, within sixty (60) days after the complaint was filed. If an agreement is not reached, a written response will be provided to the complainant within sixty (60) days after the complaint was filed documenting the use of alternative dispute resolution procedures so that the complainant may pursue other resolution processes.
4. If extenuating circumstances prevent completion of an investigation or alternative dispute resolution procedures within sixty (60) days after the complaint was filed, the complainant will be notified.
 5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.

Data Classification, Release and Retention:

All records associated with a complaint will be considered investigative data under the Minnesota Government Data Practices Act (MGDPA). The Department will maintain the privacy of information consistent with MGDPA requirements and will disseminate data only if, and as permitted by, the MGDPA.

When allegations of sexual or other types of harassment are made against an employee, the employee will not have access to the data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would: (1) threaten the personal safety of the complainant or a witness; or (2) subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or other witnesses will be available to the employee as may be necessary for the employee to prepare for the proceeding.

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The Department will retain complaint information and all related material in accordance with applicable Department record retention policies.

VII. REASONABLE ACCOMMODATION POLICY

The Minnesota Department of Natural Resources is committed to the fair and equal employment of individuals with disabilities. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the reasonable accommodation process. In accordance with the Minnesota Human Rights Act and Title I of the Americans with Disabilities Act, the Minnesota Department of Natural Resources will provide reasonable accommodations to qualified applicants and employees unless doing so would cause an undue hardship or pose a direct threat. Reasonable accommodation will be provided when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee’s job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, services, Agency sponsored events).

A. Applicability

This policy applies to all DNR employees and includes applicants, interns and student workers.

B. Definitions

ADA Coordinator	The ADA Coordinator is responsible for directing, coordinating and ensuring the Agency’s compliance with Title I of the ADA.
Applicant	An individual who expresses interest in employment and satisfies the minimum qualifications and requirements for application established by the job posting.
Direct Threat	A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation. The determination of whether an individual poses a “direct threat” will be based on an assessment of the individual’s present ability to safely perform the essential functions of the job.

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Essential Functions	<p>The fundamental job duties of an employment position that an individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position. A function may be essential if:</p> <ul style="list-style-type: none"> • the job exists specifically to perform that function; • there are a limited number of other employees who could perform the function; or • the function is specialized and the individual is hired based on the employee’s expertise.
Interactive Process	<p>An informal discussion between an employer and an individual with a disability to identify the precise limitations resulting from the disability and potential reasonable accommodations that would overcome the identified limitations. To be interactive, both sides must communicate and exchange information.</p>
Individual with a Disability	<p>An individual who:</p> <ul style="list-style-type: none"> • has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or • has a record or history of such impairment; or • is regarded as having such impairment. <p><i>NOTE: For purposes of determining eligibility for reasonable accommodation, an individual with a disability does not include the “is regarded as having such an impairment” condition.</i></p>
Qualified Individual with a Disability	<p>An individual with a disability who:</p> <ul style="list-style-type: none"> • satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires; and • can perform the essential functions of the position with or without reasonable accommodation.. <p>The ADA prohibits discrimination against a qualified individual with a disability in terms, conditions and privileges of employment.</p>
Major Life Activities	<p>Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.</p> <p>Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p>

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<p>Reasonable Accommodation</p>	<p>A modification, alteration or adjustment to a job, an employment practice, or the work environment that enables a qualified individual with a disability to enjoy equal employment opportunity.</p> <p>Reasonable accommodation applies to three (3) aspects of employment:</p> <ul style="list-style-type: none"> • to assure equal opportunity in the application and employment process; • to enable a qualified individual with a disability to perform the essential functions of a job; and • to enable an employee with a disability to enjoy equal benefits and privileges of employment.
<p>Undue Hardship</p>	<p>An accommodation action that requires significant difficulty or expense or that would fundamentally alter the nature or operation of the Agency.</p>

Procedure for Employees Seeking Reasonable Accommodation:

1. The DNR will inform all employees that this accommodation policy may be made available in accessible formats.
2. An employee or a third party acting on the employee’s behalf, such as a family member or personal representative, may request a reasonable accommodation that enables the employee to perform the essential functions of his or her position.
3. The employee or the third party acting on the employee’s behalf will inform the ADA Coordinator or the employee’s supervisor of the need for a reasonable accommodation. The employee will be given the Agency’s ADA forms and assistance with completing the forms if needed.
4. The ADA Coordinator may request medical documentation of the employee’s functional limitations to support the accommodation request, and must obtain written authorization from the employee to receive such information. Medical information is confidential and must be collected on separate forms and maintained in separate files by the ADA Coordinator.

Supervisors and managers who have a specific need to know may be told about an employee’s general medical information and/or the accommodations needed to enable the employee to perform the essential functions of his or her position. Safety personnel may also be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation.

5. When a qualified individual with a disability has requested an accommodation, the ADA Coordinator will engage in an interactive process with the employee to:

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- Discuss the purpose and essential functions of the particular job involved. This discussion may also include input from the employee's supervisor and Human Resources. Completion of a step-by-step job analysis may be necessary;
 - Determine the precise job-related limitation;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of their job; and
 - Select and implement the accommodation that is the most appropriate for both the employee and the employer. While an employee's preference will be given consideration, the Agency is free to choose among equally effective accommodations and may choose one that is less expensive or easier to provide.
6. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
 7. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
 8. If an accommodation cannot overcome existing barriers or if the accommodation would cause an undue hardship to the operation of the Agency, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation. The Agency is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

Procedure for Job Applicants:

1. The job applicant may inform the ADA Coordinator, the hiring manager or the HR representative of the need for an accommodation. The hiring manager or HR representative will inform the ADA Coordinator who will then discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations:

Funding must be approved by the DNR for a reasonable accommodation that does not cause an undue hardship.

Procedure for Determining Undue Hardship:

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

- Overall size of the program (i.e., number and type of facilities, size of budget);

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- Type of the operation including the composition and structure of the work force;
- Nature and cost of the accommodation needed;
- Reasonable ability to finance the accommodation; and
- Documented good-faith efforts to explore less restrictive or less expensive alternatives including consultation with the individual with the disability or with knowledgeable individuals with disabilities or organizations.

The ADA Coordinator will provide a decision to the employee.

Appeals:

An employee or applicant, who is denied a request for reasonable accommodation, may file an appeal with the Commissioner, within a reasonable period of time, for a final decision.

If the individual believes the denial decision is based on discriminatory reasons, the individual may file a complaint internally through the DNR's internal complaint procedures as outlined in this plan or with the Minnesota Department of Human Rights. The time limit for filing a discrimination charge is one (1) year from the date of the discriminatory incident.

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 supported employment workers. If appropriate, the DNR will work with the ADA Coordinator and organizations that provide employment services to individuals with disabilities to recruit and hire individuals for supported employment if such opportunities exist.

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of the DNR's Central Office weather and emergency evacuation plans can be found at http://intranet.dnr.state.mn.us/central_office/emergency.html and emergency plans for other DNR sites can be found at <http://intranet.dnr.state.mn.us/safety/emp/plans.html>.

Knowledge and preparation by all employees is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan including individuals with disabilities or individuals with mobility impairments who will need assistance during an evacuation. The DNR Emergency Manager, the Safety Committee and the Americans with Disabilities Act Coordinator will continue to develop plans and consult appropriate building and safety personnel.

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Directors, managers, and supervisors should review emergency evacuation procedures with staff. Although self-disclosure of a disability is strictly voluntary, individuals with disabilities or mobility impairments who may need additional assistance during an evacuation are encouraged to provide this information to any of the following staff members who will then coordinate the individual's request for assistance with a designated mobility attendant.

Melissa Warhol, Safety & Risk Management Supervisor, Email: Melissa.M.Warhol@state.mn.us
Joni-Lynn Akerson, Safety Administrator, Email: Joni-Lynn.Akerson@state.mn.us
John Peterson, Emergency Management Planner, Email: john.o.peterson@state.mn.us
Vikki Getchell, Affirmative Action Officer, Email: Vikki.getchell@state.mn.us

Individuals with disabilities or mobility impairments may also choose to implement their own "buddy system" to be used during an evacuation.

- A buddy system involves employees working in teams so they can locate and assist each other in an emergency. The individual with a disability or mobility impairment should identify two or more persons who would be available to provide assistance and explain to these "buddies" the specific type of assistance that may be needed during an evacuation. A trained buddy is then responsible for providing the appropriate level of assistance.
- During an actual evacuation, it is still important for the buddy to first ask the individual with a disability or mobility impairment what type of help they require before attempting any assistance.
- The buddy should also ask if there are any special considerations or if there are any special assistive devices that need to stay with the individual. Assistive devices such as orthotic devices, glasses and hearing aids should not be separated from the individual.
- The buddy should be cognizant that equipment used by an individual with a disability or mobility impairment may not be working after an emergency occurs or may have limited effectiveness in an emergency situation. This may alter the level of assistance required.
- Service animals may be temporarily confused in an emergency and may not be able to provide the level of assistance they would normally be able to, necessitating a greater level of assistance from the buddy.

By planning and providing assistance information to a mobility attendant or a buddy, individuals with disabilities and mobility impairments will help facilitate safe evacuation procedures in the event of an actual emergency situation.

Evacuation Options:

Individuals with disabilities or mobility impairments have four basic evacuation options (Note: Not all of the options may apply to your facility depending on the location, building type, and type of equipment available for evacuations):

- Horizontal evacuation: Using building exits to the outside ground level or to unaffected wings of multi-building complexes;
- Stairway evacuation: Using steps to reach ground level exits from building;

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- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- **Shelter in place:** *As a last resort and if danger is not imminent*, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It also may be more appropriate for an individual who is alone when an alarm sounds.

Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:

In addition to making requests for assistance during an evacuation, individuals with mobility, hearing and visual disabilities should follow the following procedures:

- **Mobility disabilities (Individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by a mobility attendant when an evacuation alarm sounds. The emergency coordination staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (Individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The Agency's buildings are equipped with fire alarm horns/strobes that sound an alarm and flash strobe lights. The strobe lights are for individuals who are deaf or have other hearing impairments. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The Agency's buildings are equipped with fire alarm horn/strobes that sound an alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

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Severe Weather Evacuation Options:

Individuals with disabilities or mobility impairments who are in need of assistance during a severe weather evacuation have three evacuation options based on their location in their building:

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

IX. GOALS AND TIMETABLES

The DNR continues to strive for increased diversity within its employee populations and will make good faith efforts to better reflect Minnesota's changing demographics and labor force availability.

The DNR's utilization analysis was conducted using 2010 Minnesota Statewide Labor Force Availability census data because DNR worksite locations are spread throughout the state and are located in 64 of Minnesota's 87 counties.

Other factors were then weighed to determine hiring goals and timeframes including the number of vacancies that could reasonably be expected based on the DNR's historical job posting data. According to Human Resources Employment Services, the DNR hired for approximately 904 positions in FY2013 and 824 positions in FY2014. Another factor taken into consideration was the Agency's anticipated expansion and growth.

Through the utilization analysis, the Agency has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the Agency and has set the following hiring goals for the next two years (Reference Table 2).

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Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

Job Categories	UNDERUTILIZATION - # OF INDIVIDUALS				HIRING GOALS FOR 2014-2016			
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Individuals With Disabilities	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Individuals With Disabilities
Officials/Administrators	1	1	-7	-7	1	1	0	0
Professionals	82	34	6	6	17	10	2	2
Protected Services: Sworn	9	10	9	9	2	3	2	2
Office/Clerical/ Paraprofessionals	-106	-6	-13	-13	0	0	0	0
Technicians	20	5	3	3	4	2	1	1
Skilled Craft	0	0	1	1	0	0	1	1
Service Maintenance	8	45	30	30	2	14	6	6

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Availability:

The DNR determined the recruitment area to be statewide for all job categories because the Agency's workforce is comprised of employees working in numerous worksite locations across the state. In conducting its underutilization analysis, the Agency used the two-factor analysis to better evaluate and establish more accurate hiring goals because the Agency uses both internal and external sources for hiring employees into designated job groups.

The two-factor analysis first uses the percentages of females, minorities and individuals with disabilities who were promoted, transferred or moved within the Agency. The second factor then looks at the percentages of women, minorities and individuals with disabilities who possess the requisite skills and reside in the statewide geographical area from which the DNR recruits.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Women:

The Agency's population of women has improved in the Officials and Administrators, Professionals, and Office Clerical/Paraprofessional job categories. Most notably, the DNR has improved its representation of women in the Officials and Administrators category by 9%. It has also improved its representation of women in the Professional category by 3%. The Professional category is the largest EEO-4 category at the DNR and represents 43% of the total employee population. These increases are due to improved hiring processes and women gaining experience within the Agency that has led to internal promotions. The Agency's population of women in Protective Services (Sworn) stayed the same. The population of women in Skilled Craft also stayed the same but the Skilled Craft category accounts for less than 1% of the total DNR employee population. Female representation in the Technician and Service Maintenance categories has not improved.

To meet its 2014-2016 goals, the Agency is developing and implementing additional targeted outreach and recruiting efforts to increase female candidates especially within the DNR's internship program.

Minorities:

The Agency's population of minorities has improved in the Professional, Office Clerical/Paraprofessional and Service Maintenance job categories but has not improved in the Officials and Administrators, Protected Services (Sworn), Technicians, and Skilled Craft categories. The Agency's total population of minority employees has not significantly increased since the last plan and this will be a major focus area for improvement.

To meet its 2014-2016 goals, the Agency is developing and implementing targeted outreach and recruiting efforts to increase minority candidates. As detailed in the program objectives, the DNR is developing innovative approaches to improve minority representation such as establishing partnerships with targeted high schools, community/technical colleges, and universities that have well-represented minority student populations

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Individuals with Disabilities:

The Agency's population of individuals with disabilities has significantly improved in all job categories except Office Clerical/Paraprofessional and Skilled Craft. This improvement was due to increased disability education and awareness, self-identification requests, and the establishment of partnerships and programs with organizations that serve individuals with disabilities.

To meet its 2014-2016 goals, the Agency will continue its outreach efforts to affirmatively hire individuals with disabilities. The Agency will also continue to provide reasonable accommodations for all qualified applicants and employees with disabilities when requested.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing the Agency's commitment to affirmative action, the DNR will take the following actions during 2014-2016:

1. Training
2. Recruiting and Hiring
3. Outreach and Community Partnerships

Objective #1: Develop and implement affirmative action and diversity TRAINING to foster a respectful and inclusive workplace environment.

Action Steps:

1. Work jointly with the Training Department to develop an online, interactive diversity training module for all DNR employees.
2. Work jointly with Human Resources to ensure affirmative action, equal employment opportunity and Americans with Disabilities Act (ADA) training is incorporated into employee training opportunities such as New Supervisor Orientation training and New Employee Orientation training.
3. Continue to train hiring managers and supervisors on affirmative action hiring practices and the pre-hire review process.
4. Develop and publish informational articles and distribute presentations on diversity-related topics.

Evaluation:

This objective was in the Agency's 2012-2014 AAP and was partially met with various diversity training presentations and guest speakers. Training is an on-going objective and will continue to be included in future AAPs.

Objective #2: RECRUIT and HIRE affirmatively to reflect the increasing diversity of Minnesota's Labor Force and the diversity of the communities served by the DNR.

Action Steps:

1. Continue to improve hiring process procedures to increase emphasis on affirmative action recruitment and hiring including the removal of process barriers that may inhibit protected group members from seeking employment with this Agency.
2. Analyze, update and report the Agency's underutilization hiring goals quarterly to senior management and Human Resources.
3. Pursue targeted recruitment opportunities at job and career fairs held for minorities and individuals with disabilities.
4. Support and promote the Agency's efforts to increase diversity by pursuing internship opportunities for protected group members including the development of formalized partnerships with targeted community colleges and universities.

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5. Collaborate and consolidate the Agency's recruiting efforts to develop a recruiting resource guide and to identify and target areas of opportunity such as high schools with highly diverse student populations.
6. Design and publish recruiting materials that highlight the DNR's commitment to equal employment opportunity and reflect the Agency's diversity.

Evaluation:

This objective was in the Agency's 2012-2014 AAP and was partially met through the increased recruitment and hiring of women at the DNR. Recruiting and hiring affirmatively is a top priority for the DNR and considerable resources and efforts will be devoted to accomplishing this objective. This is an area with considerable challenges because of the under-representation of diverse students enrolling in science courses or pursuing science degrees.

Objective #3: Increase OUTREACH and COMMUNITY PARTNERSHIPS to ensure a highly qualified, diverse DNR workforce.

Action Steps:

1. Partner with other state agencies to develop a network of resources for affirmative action and equal employment opportunity issues.
2. Regularly attend Alliance for Cooperation and Collaboration in Employment and State Service (ACCESS) meetings
3. Inform staff of diversity-related events in surrounding communities and encourage staff participation.
4. Partner with organizations serving individuals with disabilities, minorities and women to provide increased awareness of DNR employment opportunities.
5. Continue to improve the DNR's web accessibility on the public internet.
6. Continue to provide programming targeted to increase outdoor recreation participation by individuals with disabilities, minorities and women.

Evaluation:

This objective was in the Agency's 2012-2014 AAP and was partially met through a variety of programs and initiatives implemented by the DNR. Pursuing outreach opportunities and community partnerships is an on-going objective and will continue to be included in future AAPs.

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

The purpose of the pre-hire review process is to ensure hiring and selection, processes and decisions support the DNR's commitment to hire affirmatively in an effort to build a diverse and inclusive workforce:

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1. The Affirmative Action Officer and Human Resources will provide and update information about the Agency's Affirmative Action goals.
2. Human Resources will work with hiring managers and supervisors to ensure job postings clearly articulate minimum and preferred qualifications that accurately reflect the knowledge, skills and abilities needed to perform the job. Human Resources will assist hiring managers and supervisors in developing interview questions that are based on objective, job-related criteria.
3. Human Resources will refer candidates who meet the minimum qualifications as defined in the job posting to the hiring manager or supervisor. When an underutilization exists, hiring managers or supervisors will invite qualified protected group candidates to participate in the selection process (e.g., interview, phone screening, demonstration test, etc.) along with other qualified candidates.
4. After the selection process, if a protected group candidate is not selected for a position, the hiring manager or supervisor will complete the pre-hire review checklist and send the documentation explaining the reasons for the non-selection to the Affirmative Action Officer for review. No employment offer may be made to any candidate until the review is completed.
5. The Affirmative Action Officer will determine if the reasons for the non-selection of the protected group candidate adequately support the hiring manager's or supervisor's recommendation to hire a non-protected, preferred candidate. If it is concluded that the reasons for the non-selection do not justify the hiring recommendation and the Affirmative Action Officer is unable to resolve the matter, the Deputy Commissioner will make the final hiring decision.
6. Any time the Agency cannot justify a hire, the Agency takes a missed opportunity. The Agency will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.
7. When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidates and provide invitations to request reasonable accommodations for individuals with disabilities to allow them equal opportunity to participate in the interview process. For example, by informing all candidates that interview questions are offered ahead of time or that certain technology will be used during the interview process allows individuals with disabilities to determine if they may need a reasonable accommodation in advance of the interview.
8. Although hiring managers and supervisors are required to make good faith efforts toward meeting Affirmative Action goals, bargaining unit requirements (e.g., seniority, recall from layoff, internal transfer, etc.) take precedence over Affirmative Action procedures.
9. All personnel involved in the hiring and selection process will be accountable for the Agency's commitment to equal employment opportunity and to the Affirmative Action Program goals.

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B. Pre-Review Procedure for Layoff Decisions

The Agency will follow the layoff procedures specified in the applicable bargaining unit agreements. Prior to implementation, all layoff decisions will be reviewed by the Human Resources Director and the Affirmative Action Officer to assess the effects on the Agency's affirmative action goals and timetables.

If it is determined that there is an adverse impact on protected groups, the Agency will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The Agency will determine if other alternatives are available to minimize the impact on protected groups.

C. Other Methods of Program Evaluation

The Affirmative Action Officer submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the Agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (within 30 days of final disposition).

The Affirmative Action Officer also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category and update Human Resources staff on a quarterly basis;
- Periodically analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Periodically reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and
- Briefs Agency leadership on progress toward affirmative action goals and other affirmative action and equal employment opportunity issues on a periodic basis. Discusses initiatives and make recommendations for improvement.

XII. RECRUITMENT PLAN

The objective of the DNR's recruitment plan is to recruit and hire a qualified workforce that is representative of Minnesota's diversity. To meet this objective, the Agency's recruitment programs will be marketed to: (1) attract and obtain qualified applicants, (2) enhance the image of state employment, and (3) assist in meeting the Agency's established affirmative action goals.

Below are various recruitment methods or strategies utilized by the DNR during the past year and plans for the upcoming plan years 2014-2016.

A. Advertising Sources

Websites:

State of Minnesota – <http://mn.gov/mmb/careers>

Minnesota Works – <https://www.minnesotaworks.net>

Career Builder Recruitment – <http://www.careerbuilder.com>

LinkedIn – <http://www.linkedin.com/jobs>

Wounded Warriors – <http://www.woundedwarriorproject.org>

DNR Internships - <http://www.dnr.state.mn.us/jobs/internships/index.html>

DNR Conservation Officers - <http://www.dnr.state.mn.us/enforcement/jobs/index.html>

Graystone Advertising – <http://www.graystoneadv.com>

Numerous college and university websites

Newspapers:

Minneapolis Star & Tribune

St. Paul Pioneer Press

Bemidji Pioneer

Brainerd Dispatch

Grand Rapids Herald Review

Duluth News Tribune

North Shore Journal

Two Harbors Chronicle

Rochester Post-Bulletin

Numerous professional journal publications

The advertising sources used by the DNR have been effective in attracting female candidates but not effective in attracting minority candidates as indicated by candidate pool statistics and the Agency's Workforce Summary reports. The DNR will identify additional recruitment sources for protected group individuals and will directly work with Vocational Rehabilitation Services at DEED and other community organizations representing individuals with disabilities.

B. Job and Community Fairs

The DNR participated in several job and community fairs and is reevaluating the effectiveness of these fairs in increasing the diversity of the Agency's candidate pools. For the upcoming plan

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years, the DNR is developing a more targeted recruitment plan to increase the number of minority candidates.

C. College and University Recruitment Events

The DNR participated in several college and university fairs including a few out-of-state college fairs and is reevaluating the effectiveness of these fairs in increasing the diversity of the Agency's candidate pool. For the upcoming plan years, the DNR is developing a more targeted recruitment plan to increase the number of minority candidates.

D. Recruitment for Individuals with Disabilities

The DNR has participated in targeted outreach to individuals with disabilities and will continue this type of recruitment in the upcoming plan years. The Agency will also continue to work directly with DEED's Vocational Rehabilitation Services and other organizations in recruiting and hiring individuals with disabilities. In addition to these methods, the DNR will utilize the following strategies:

- 1) Review job postings and position descriptions to eliminate barriers for individuals with disabilities
 - a. The DNR will review job postings for physical, mental and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessity. The Agency will also review position descriptions and determine if tasks pose unnecessary barriers for individuals with disabilities. The Agency will edit job postings and position descriptions to reflect more inclusive language for job qualifications and tasks.
- 2) Self-Identification
 - a. During training sessions and once a year through email notification, the DNR will communicate to employees that the Agency collects summary data related to the number of individuals with disabilities who are in our workforce. The Agency will inform employees that this data is collected to make determinations and decisions about where the Agency needs to improve in terms of recruitment, selection, and retention of individuals with disabilities. For DNR applicants, the Agency will notify applicants of the ability to self-identify at the time of application.
- 3) Supported Employment (M.S. 43A.191, Subd. 2(d))
 - a. The DNR supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by supported employment workers. The Agency will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.
- 4) 700-Hour Program
 - a. After additional guidance is published, the DNR will identify positions that may be suited for utilization of the 700-hour program which allows the Agency to employ an individual with a disability and provide them training. At the end of this period, the Agency may hire the individual.

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5) Accessibility

- a. The DNR is hiring an Accessibility Coordinator and will distribute informational material and resources to staff to remind them to create accessible electronic documents and systems so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.
- b. Employees will be informed that written materials and documents will be provided in alternative formats upon request.

6) Reasonable Accommodations

- a. The DNR provides website and verbal notification to applicants that reasonable accommodations will be provided to qualified individuals with disabilities who apply for positions with this Agency. Once hired, the Agency will educate employees, supervisors, and managers on accommodating employees in the workplace through orientation and training sessions, posted notices, periodic email notifications, and informational posters and presentations. The Agency will continue to use job coaches to assist individuals with disabilities when needed.

7) Strategic Partnerships

- a. The DNR will continue to build strategic partnerships with DEED - Vocational Rehabilitation Services ("VRS"), DEED - State Services for the Blind ("SSB"), Minnesota's Workforce Centers and other state agency partners to conduct job evaluations and to assist in recruitment or referral of candidates to open positions. The Agency will work to inform VRS or SSB when a position is posted. Additionally, the Agency will normally post positions for at least seven days to ensure equal opportunity. The Agency will also continue to partner with the Minnesota Community Advisors on Recruitment and Retention Solutions (MnCARRS) to build recruiting relationships and increase networking opportunities with educational institutions and community organizations dedicated to serving individuals with disabilities.

8) Self-Analysis

- a. The DNR will conduct periodic self-checks to determine if the Agency's systems or documents are accessible, language in job postings is inclusive, staff have been trained on how to process reasonable accommodation requests, and reasonable accommodations have been provided when there is no undue hardship for the agency.

9) Reporting

- a. The DNR will conduct a quarterly analysis of the number of individuals with disabilities who have been hired.

E. Internships

The DNR has a substantial internship program with more than 300 interns hired each fiscal year. Human Resources, hiring managers and supervisors use a variety of strategies to recruit for these positions including informational presentations at colleges and universities and direct email notifications of intern program postings. The DNR is in the process of evaluating the effectiveness of these strategies in the upcoming plan years and will make modifications, if necessary, to attract a more diverse candidate pool.

XIII. RETENTION PLAN

The DNR is committed to not just the recruitment of women, minorities, and individuals with disabilities, but also to the retention of these protected groups.

A. Individual(s) Responsible for the Agency’s Retention Program/Activities

The Human Resource Director and the Affirmative Action Officer have the overall authority or oversight of the Agency’s retention programs and activities.

Denise Legato, Director of Human Resources
 Phone: 651-259-5317
denise.legato@state.mn.us

Vikki Getchell, Affirmative Action Officer
 Phone: 651-259-5016
vikki.getchell@state.mn.us

B. Separation Analysis by Protected Groups

In FY2013, the DNR had a total of 132 separations. The reasons for separation and the corresponding total number and total percentage of employees were as follows:

Type of Separation	Total Number	Total Percentage
Dismissal or Non-Cert	33	25.0%
Resignation	9	6.8%
Retirement	88	66.7%
Death	0	0.0%
Lay-off	2	1.5%
Total	132	100.0%

The 132 separations were from EEO-4 job categories as follows:

EEO-4 Job Category	Total Number of Separations
Officials & Administrators	12
Professionals	84
Technicians	12
Office/Clerical/Paraprofessional	14
Skilled Craft	2
Service Maintenance	8

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AFFIRMATIVE ACTION PLAN 2014-2016

The 132 separations were from protected and non-protected groups as follows:

Protected/Non-protected Group	Total Number	Total Percentage
Women/Men	42/90	31.8%/68.2%
Ethnic Minority/Non-Minority	10/122	7.6%/92.4%
Individuals with Disabilities/Individuals without Disabilities	6/126	4.5%/95.5%

In FY2014, the DNR had a total of 117 separations. The reasons for separation and the corresponding total number and total percentage of employees were as follows:

Type of Separation	Total Number	Total Percentage
Dismissal or Non-Cert	6	5.1%
Resignation	33	28.2%
Retirement	73	62.4%
Death	4	3.4%
Lay-off	1	0.9%
Total	117	100.0%

The 117 separations were from EEO-4 job categories as follows:

EEO-4 Job Category	Total Number of Separations
Officials & Administrators	9
Professionals	66
Technicians	15
Office/Clerical/Paraprofessional	18
Skilled Craft	1
Service Maintenance	8

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES
AFFIRMATIVE ACTION PLAN 2014-2016**

The 117 separations were from protected and non-protected groups as follows:

Protected/Non-protected Group	Total Number	Total Percentage
Women/Men	29/88	24.8%/75.2%
Ethnic Minority/Non-minority	4/113	3.4%/96.6%
Individuals with Disabilities/Individuals without Disabilities	5/112	4.3%/95.7%

Based on the total representation of protected and non-protected group employees within the DNR at the end of FY2013, ethnic minorities were leaving the Agency at higher rates than non-minorities while women and individuals with disabilities were leaving the Agency at a lower rate than men and individuals without disabilities. However, the percentage of professional women dismissed, non-certified or resigning in FY2013 was significantly higher than the percentage of men separating for those same reasons.

In FY2014, the DNR increased its retention rate for all three protected groups. Ethnic minorities separated from the Agency at the same rate as non-ethnic minorities while women and individuals with disabilities left the Agency at significantly lower rates than men and individuals without disabilities. In addition, the percentage rate of professional women separating from the agency decreased by more than 10% with a significant decrease in dismissals, non-certifications and resignations.

C. Methods of Retention of Protected Groups

To continue to increase retention of a highly qualified, diverse workforce, the DNR will:

- 1) Continue to promote the DNR’s Culture of Respect which supports a healthy and diverse workplace where DNR employees are respectful to one another and to the customers they serve.
- 2) Provide cultural competency and diversity training through guest speakers, ethnic observance presentations, community event notifications and other activities featuring women, minorities and individuals with disabilities.
- 3) Continue to monitor internal hire and promotion rates for protected group members and conduct rigorous pre-hire reviews to minimize missed opportunities within the Agency.

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- 4) Provide employees with the tools they need to respond to conflict in the workplace in a professional and respectful manner such as the online Self-Managing Conflict Training Module.
- 5) Conduct and analyze Climate Surveys to develop initiatives for improving employee satisfaction and workforce retention. These initiatives may include, but are not limited to, improved employee communications, wellness programs, and employee professional development opportunities.

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APPENDIX

- A. DNR Complaint of Discrimination/Harassment Form
- B. DNR Employee Request for ADA Reasonable Accommodation Form
- C. Agency Organizational Chart
- D. Underutilization Analysis Worksheets [\(On file\)](#)
- E. Separation Analysis by Protected Groups Worksheet [\(On file\)](#)





Minnesota Department of Natural Resources 500
 Lafayette Road
 St. Paul, MN 55155-4049
 651-259-5016

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 designee, the complainant, the respondent, and appropriate personnel.

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

The Complaint	
Basis of Complaint ("X" all that apply):	
<input type="checkbox"/> Race	<input type="checkbox"/> Color
<input type="checkbox"/> Sex	<input type="checkbox"/> Creed
<input type="checkbox"/> Age	<input type="checkbox"/> Religion
<input type="checkbox"/> Disability	<input type="checkbox"/> Marital
<input type="checkbox"/> National Origin	<input type="checkbox"/> Sexual Orientation
	<input type="checkbox"/> Familial Status
	<input type="checkbox"/> Status with Regard to Public Assistance
	<input type="checkbox"/> Membership/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



Minnesota Department of Natural Resources
Employee Request for Americans with Disabilities Act (ADA)
Reasonable Accommodation Request Form

The Minnesota Department of Natural Resources (MNDNR) is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must: (1) be qualified to perform the essential functions of your position, and (2) have a disability that substantially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee Name: _____ Job Title: _____

Work Location: _____

Work Phone: _____ Home or Cell Phone: _____

Supervisor: _____

Data Privacy Statement: This information may be used by the MNDNR ADA Coordinator/Designee, Human Resources representative, legal counsel or any other person who is authorized by the agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the MNDNR may refuse to provide reasonable accommodation.

Questions to clarify accommodation requested.

1. Please describe the nature of your physical or mental impairment(s).

2. What specific accommodation are you requesting?

3. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? If yes, please explain.

Questions to document the reason for the accommodation request. *(Please attach additional pages as necessary).*

1. What, if any, job function are you having difficulty performing?

**Minnesota Department of Natural Resources
Reasonable Accommodation Request Form**

2. What, if any, employment benefit are you having difficulty accessing?

3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

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

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator/Designee is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

Genetic Information Nondiscrimination Act of 2008 Disclosure: This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee Signature: _____

Date: _____



MN Department of Natural Resources
 Commissioner's Office
 January 2015
 Pat Schleichert

Legend
 Working Title
 Employee Name

