

# **STATE OF MINNESOTA**

# **Department of Human Services**

## **Affirmative Action Plan**

**August 2016 – August 2018**

540 Cedar Street  
Saint Paul, Minnesota 55101-2208

This document can be made available upon request in alternative formats by contacting Lisa  
Duda at [dhs@equalopportunity.state.mn.us](mailto:dhs@equalopportunity.state.mn.us) or 651-431-3040

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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**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals With Disabilities</b>
Officials/Administrators	<b>XX</b>	<b>XX</b>	
Professionals		<b>XX</b>	<b>XX</b>
Protected Services: Non-sworn	<b>XX</b>	<b>XX</b>	<b>XX</b>
Office/Clerical		<b>XX</b>	<b>XX</b>
Paraprofessional/Technicians		<b>XX</b>	<b>XX</b>
Skilled Craft		<b>XX</b>	
Service Maintenance		<b>XX</b>	<b>XX</b>

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 Minnesota Department of Human Services' commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Office for Equity Performance and Development.

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.

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Affirmative Action Officer or Designee

Date Signed

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Human Resources Director or Designee

Date Signed

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Commissioner or Agency Head

Date Signed

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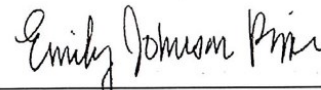
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Human Resources Director or Designee

  
Date Signed

  
Commissioner or Agency Head

August 1, 2016  
Date Signed

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## II. STATEMENT OF COMMITMENT

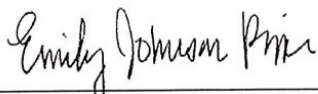
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This statement reaffirms the Minnesota Department of Human Services is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, status with regard to public assistance, or membership or activity in a local human rights commission.
- 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 the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all 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 achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency's policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.



Commissioner or Agency Head

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Commissioner or Agency Head

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

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#### **A. Commissioner or Agency Head** **Emily Johnson Piper, Commissioner**

##### **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 shall include, but are not limited to the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all agency directors, managers, and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

##### **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.

#### **B. Affirmative Action Officer or Designee**

**Constance Tuck, Chief Equity and Development Officer**  
**DHS Office for Equity, Performance, and Development ("OEPD")**

**Responsibilities:**

The Affirmative Action Officer or designee is responsible for implementation of the policy's contained in the agency's affirmative action plan, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

**Duties:**

The duties of the Affirmative Action Officer or designee shall 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 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 to equal opportunity and affirmative action laws and interpretation of the laws;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement;

- Review and decide all appeals of denials of justifications for non-affirmative hires; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

**Accountability:**

The Affirmative Action Officer is accountable directly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

**Affirmative Action Officer Designee:**

**Zecharias Hailu, OEPD, Director of Equal Opportunity and Access Division**

**Responsibilities:**

The Affirmative Action Officer designee is responsible for the daily implementation of the agency's affirmative action and equal opportunity programs.

**Duties:**

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

- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement;
- Assign and oversee investigations of allegations of discrimination;
- Develop and maintain policies and procedures that support affirmative action and equal opportunity; and
- Generate reports concerning hiring and affirmative action goals, and investigations.

**Accountability:**

The Affirmative Action Officer designee is accountable directly to the Affirmative Action Officer and indirectly to the Commissioner.

**C. Americans with Disabilities Act Coordinator or Designee**

**Eric Falk, Americans with Disabilities Act Coordinator**

**Responsibilities:**

The Americans with Disabilities Act Coordinator or designee is 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 Coordinator shall include, but not be 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 members of the public accessing the agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

**Accountability:**

The Americans with Disabilities Act Coordinator reports directly to the Director of Equal Opportunity and Access, DHS Office for Equity, Performance, and Development.

**D. Human Resources Director or Designee**

**Connie Jones, Director of Human Resources**

**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;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and 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, diversity, and/or cultural responsiveness 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 Coordinator or designee 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 the Commissioner.

**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;
- To 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 agency's 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 shall include, but are not limited to the following:

- 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, status with regard to public assistance, sexual orientation, gender

identity, gender expression, or membership or activity in a local human rights commission.

**Accountability:**

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner.

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#### IV. **COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

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The following information describes the methods that the agency 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 agency's Affirmative Action Plan is available to all employees on the agency's internal website at [internal website link](#) or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

**B. External Methods of Communication**

- The agency's Affirmative Action Plan is available on the agency's external website at [external website link](#) or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in 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.

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## V. STATEWIDE POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

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### Policy Prohibiting Discrimination, Harassment, and Retaliation

#### **Overview**

This policy prohibits workplace discrimination, harassment, and retaliation that is based upon: 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 (including transgender), age, political affiliation, and genetic information. This policy also prohibits retaliation against individuals who file a complaint of discrimination, request accommodations based upon disability or religious beliefs, oppose discriminatory behavior, or participate in investigations under this policy.

#### **Description:**

This policy establishes workplace expectations and procedures at the Minnesota Department of Human Services (DHS) to prevent and address discrimination, harassment, and retaliation against individuals because of their protected class(es): 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 (including transgender), age, political affiliation, and genetic information. This policy also prohibits retaliation against individuals who file a complaint of discrimination, request accommodations based upon disability or religious beliefs, oppose discriminatory behavior, or participate in investigations under this policy.

#### **Reason for Policy:**

Because of their protected class(es), some individuals may face discrimination and harassment in the workplace, or they may face retaliation for requesting accommodations because of disability or religious beliefs, or for filing a complaint of discrimination. This policy is enacted to protect the workplace rights of those individuals, and to encourage and protect from retaliation all others in the workplace who file discrimination complaints, oppose discriminatory behavior, or participate in investigations of complaints brought under this policy.

#### **Failure to Comply:**

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including discharge, the ending of contractor or volunteer relationship with DHS, or other appropriate remedies. DHS will evaluate each situation and determine an appropriate response based on the circumstances and severity of the policy violation.

## ***Policy***

### **I. Discrimination and Harassment based on Protected Class(es) Prohibited**

The Minnesota Department of Human Services (DHS) prohibits discrimination and harassment in the workplace that is based on protected class(es): 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 (including transgender), age, political affiliation, or genetic information. Discrimination occurs when, because they are a member of a protected class(es), an individual is treated unfavorably or denied benefits generally available to others, or experiences repeated and on-going unwelcome and offensive behavior that interferes with that individual's ability to perform his/her job.

### **II. Retaliation**

DHS prohibits retaliation against any individual for filing a complaint of discrimination or harassment, engaging in protected activities such as opposing discriminatory behavior or participating in an investigation of alleged discrimination or harassment, or requesting an accommodation based on disability or religious beliefs. Retaliation includes: threats; intimidation; coercion; adverse employment actions, or other negative treatment designed to discourage individuals from exercising their rights under this policy.

### **III. Right to File a Complaint**

All employees and non-employees may file a complaint under this policy if they believe that they have experienced or seen discrimination, harassment, or retaliation based upon 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 (including transgender), age, political affiliation, and genetic information; or if they have experienced retaliation for requesting accommodations because of disability or religious beliefs, for filing a complaint of discrimination, for opposing discriminatory behavior, or for participating in investigations of complaints brought under this policy.

## ***Procedure(s) that Apply:***

### **I. Informal Resolution**

Although you have the right to file a formal complaint about discrimination, harassment or retaliation, you are encouraged to attempt to resolve your concerns by any of the following informal methods:

1. You may speak with the person who you believe is responsible for the discrimination, harassment or retaliation, i.e., "the respondent," and ask him/her to stop the behavior.
2. If you are not comfortable confronting the respondent directly, or if the respondent continues the behavior after being asked to stop, you may complain to your supervisor.
3. If your supervisor is the respondent, you may complain to his/her manager, or the next person higher up in responsibility.

4. You may also request a facilitated conversation with the respondent through the Equal Opportunity and Access division of the Office for Equity, Performance, and Development ("OEPD Equal Opportunity and Access").

## II. Formal Complaint Procedure

If you are uncomfortable using an informal resolution process, or if that process did not resolve your concerns, you may contact the OEPD Equal Opportunity and Access and file a formal complaint.

Discrimination/ Harassment Complaint Form:

[http://infolink.dhs.int.state.mn.us/main/idcplg?IdcService=GET\\_FILE&RevisionSelectionMethod=LatestReleased&noSaveAs=1&Rendition=Primary&allowInterrupt=1&dDocName=id\\_053457](http://infolink.dhs.int.state.mn.us/main/idcplg?IdcService=GET_FILE&RevisionSelectionMethod=LatestReleased&noSaveAs=1&Rendition=Primary&allowInterrupt=1&dDocName=id_053457)

1. OEPD Equal Opportunity and Access will first determine if your complaint is based on one or more of the protected classes, i.e., race, religion, age, sex, etc.
2. If the complaint is not based on a protected class, OEPD Equal Opportunity and Access will confer with Human Resources for appropriate action.
3. OEPD Equal Opportunity and Access will notify you and your collective bargaining representative of its decision whether to investigate generally within 10 business days.
4. In some situations when OEPD Equal Opportunity and Access has notice of possible discrimination, it may begin an investigation even if a formal complaint has not been filed.
5. The investigation may include interviews with you, respondent(s) and witnesses. OEPD Equal Opportunity and Access may also request other information and documents that will help with the investigation of your complaint.
6. When the investigation is completed, OEPD Equal Opportunity and Access will give its findings to Human Resources, management, and other appropriate parties.
7. OEPD Equal Opportunity and Access will notify you, the respondent, and others who need to know when the investigation is concluded. This will generally happen within 60 days of the filing of the complaint. Sometimes investigations take longer than 60 days because of the number of witnesses and their availability, the complexity of the issues, or investigation resources.
8. Because of Minnesota data privacy laws, OEPD Equal Opportunity and Access cannot share the findings of the investigation with you, the complainant. You will, however, receive a notice telling you that the investigation has been concluded. Minnesota Statutes section 13.43.
9. If the investigation concludes that this policy has been violated, OEPD Equal Opportunity and Access will recommend that appropriate action be taken.

10. If the investigation concludes that there was no policy violation, OEPD Equal Opportunity and Access may make recommendations to Human Resources and management as to how to resolve any outstanding issues or concerns.

### III. Filing a Complaint Outside of DHS

Any person covered by this policy has the right to file a discrimination complaint with the [Minnesota Department of Human Rights](#), the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#), or through other legal channels. Complaints made to the above agencies or other legal channels must be filed within certain time limitations. Please contact the agencies listed above for further details about options for filing a complaint.

### IV. Responsibilities of Employees

All employees are expected to conduct themselves in a non-discriminatory manner when performing their job duties and when representing DHS. They should:

1. Promptly report to supervisor, or OEPD Equal Opportunity and Access any complaints regarding discrimination, harassment or retaliation.
2. Cooperate with investigations by providing truthful, accurate and complete information.

### V. Responsibilities of Non-employees

All non-employees are expected to conduct themselves in a non-discriminatory manner in the DHS workplace. They should:

1. Promptly report to DHS supervisor, Human Resources, or OEPD Equal Opportunity and Access any complaints regarding discrimination, harassment or retaliation.
2. Cooperate with investigations by providing truthful, accurate and complete information.

### VI. Responsibilities of Supervisors (all levels of management)

All supervisors are expected to conduct themselves in a non-discriminatory manner, and model appropriate behavior when performing their job duties and when representing DHS outside the workplace. They should:

1. Take prompt and appropriate action to protect persons covered by this policy from unlawful discrimination, harassment and/or retaliation in the workplace.
2. Receive reports of alleged discrimination, harassment or retaliation and promptly refer such matters to OEPD Equal Opportunity and Access. Any supervisor who receives a complaint but fails to report it to OEPD Equal Opportunity and Access may be subject to disciplinary action.
3. Consult with OEPD Equal Opportunity and Access to determine if the complaint is related to discrimination, harassment or retaliation and determine a plan of action.

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4. If an investigation finds that discrimination, harassment or retaliation has occurred, take prompt disciplinary and/or other remedial action as appropriate. Any supervisor who fails to take appropriate corrective action when OEPD Equal Opportunity and Access has substantiated that discrimination, harassment or retaliation has occurred may be subject to disciplinary action.
5. Cooperate with any investigation by providing truthful, accurate and complete information.

**VII. Responsibilities of Chief Equity Officer or designee**

1. Implements and promotes the letter and spirit of this policy.
2. Ensures that all persons covered are aware of this policy.

**VIII. Responsibilities of OEPD, Equal Opportunity and Access Division**

1. Implements and promotes the letter and spirit of this policy.
2. Counsels supervisors and persons covered by this policy regarding discrimination, harassment, and/or retaliation issues and complaints.
3. Receives and evaluates complaints of discrimination, harassment and retaliation.
4. Refers complaints to alternate resources for resolution of concerns as appropriate.
5. Consults with Chief Equity Officer and Legal Management Office, as needed.
6. Promptly, thoroughly and impartially investigates complaints when investigation is warranted.
7. Makes recommendations to management regarding appropriate actions to be taken in response to discrimination, harassment, or retaliation.

**IX. Responsibilities of Human Resources**

1. Refers complaints received regarding discriminatory, harassing or retaliatory behavior based on protected class to OEPD Equal Opportunity and Access.
2. As appropriate, meets with OEPD Equal Opportunity and Access to determine if immediate steps should be taken to address the complaint prior to the conclusion of the investigation.

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3. Reviews recommendations from OEPD Equal Opportunity and Access at the conclusion of the investigation, and ensures that appropriate action is taken in response to investigative findings.

***Forms that Apply:***

Employment Discrimination/Harassment Complaint Form

<http://workplace/fmo/eo/Forms%20Library/1.%20Discrimination%20and%20Harassment%20Complaint%20Form.doc>

Employee Request for Reasonable Accommodation

<http://workplace/fmo/eo/Forms%20Library/Reasonable%20Accommodation%20Request%20Form.doc>

***Related Policies and Reference(s):***

Sexual Harassment

[http://infolink.dhs.int.state.mn.us/InfoLink/Policies\\_Procedures/Equalopportunity/ID\\_042754](http://infolink.dhs.int.state.mn.us/InfoLink/Policies_Procedures/Equalopportunity/ID_042754)

Respectful Workplace Policy

[http://infolink.dhs.int.state.mn.us/InfoLink/Policies\\_Procedures/Equalopportunity/Generalharassmentpolicy/index.htm?ssSourceNodeId=159&ssSourceSiteId=InfoLink](http://infolink.dhs.int.state.mn.us/InfoLink/Policies_Procedures/Equalopportunity/Generalharassmentpolicy/index.htm?ssSourceNodeId=159&ssSourceSiteId=InfoLink)

Reasonable Accommodation

[http://infolink.dhs.int.state.mn.us/InfoLink/Employment\\_Resources/EqualOpportunity/Reasonableaccommodation/index.htm](http://infolink.dhs.int.state.mn.us/InfoLink/Employment_Resources/EqualOpportunity/Reasonableaccommodation/index.htm)

Affirmative Action

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4355-ENG>

***Training:***

OEPD Equal Opportunity and Access Training

[http://infolink.dhs.int.state.mn.us/InfoLink/Agencywide\\_Activities/Training/Newemployeeorientation/index.htm?ssSourceNodeId=784&ssSourceSiteId=InfoLink](http://infolink.dhs.int.state.mn.us/InfoLink/Agencywide_Activities/Training/Newemployeeorientation/index.htm?ssSourceNodeId=784&ssSourceSiteId=InfoLink)

***Legal Authority:***

Minn. Stat. §43A.01, Subd. 2 (nondiscrimination in state employment); Minnesota Human Rights Act, Minn. Stat. §363A.01 *et seq.*; Title VII of the Civil Rights Act of 1964 (Title VII); Equal Pay Act (EPA); Age Discrimination in Employment Act (ADEA); Americans with Disabilities Act (ADA); Genetic Information Nondiscrimination Act of 2008 (GINA); and all other relevant state and federal laws.

## Standards:

State of Minnesota Accessibility Standard [http://mn.gov/oet/images/TA\\_G\\_Accessibility\\_2011-04-29.pdf](http://mn.gov/oet/images/TA_G_Accessibility_2011-04-29.pdf)

## Definition(s):

**Adverse Employment Action:** An adverse employment action is an action directed toward an employee in which the employee suffers some significant workplace harm or loss, such as disciplinary action, discharge, less favorable working conditions or assignments, demotion, or other significant negative circumstances that can be directly linked to the filing of a complaint, participating in protected activity such as opposing discriminatory behavior or participating in a related investigation, or requesting a reasonable accommodation based on disability or religious beliefs. Such harm or loss must be more than a mere inconvenience or minor change in working conditions.

**Age Discrimination:** Age discrimination means treating an employee or an applicant less favorably because of age.

**Applicant:** An applicant is any person who applies for an employment, volunteer, internship, or contract position with DHS.

**Community Board Member:** A community board member is any person who serves on a board, commission, or committee operated by DHS.

**Complainant:** A complainant is any person who alleges discrimination, harassment or retaliation prohibited by this policy.

**Contractor:** A contractor is a subset of non-employees who performs services for DHS because of a contract, memorandum of understanding, or memorandum of agreement.

**Disability:** Disability means:

- a. a physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- b. a record of such impairment; or
- c. being regarded as having such an impairment.

**Discrimination:** Discrimination is treating someone unfavorably or denying them benefits generally available to others based on protected class(es). Discrimination may include an adverse employment action, discriminatory harassment, sexual harassment, or retaliation.

**Discriminatory harassment:** Discriminatory harassment is repeated or on-going offensive and unwelcome conduct based on a protected class where:

- a. enduring the conduct is a condition of continued employment; and/or

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- b. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, offensive objects or pictures, and interference with work performance. Petty slights, minor annoyances, and isolated incidents, unless severe, do not rise to the level of discriminatory harassment.

**Employee:** All persons, regardless of classification or status, appointed pursuant to Minnesota Statutes Chapter 43A whose work assignment is with the Minnesota Department of Human Services.

**Gender Expression:** Gender expression means external appearance, characteristics or behaviors typically associated with a specific gender.

**Gender Identity:** Gender identity means an innate sense of one's own gender.

**General Harassment:** General harassment is harassment that is not based on any protected class but which is an obviously offensive repeated or persistent pattern of verbal, psychological, social or physical action, which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or the effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment, or unreasonably creating an intimidating, hostile or offensive work environment.

**Genetic Information:** Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

**Marital Status:** Marital status means whether a person is married, single, remarried, divorced, separated or a surviving spouse, and includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

**National Origin:** National origin means the place of birth of an individual or of any of the individual's lineal ancestors, or culture or linguistic characteristics common to a specific ethnic group.

**Non-Employees:** Individuals, other than employees, who are stationed at DHS, routinely present, or assigned to conduct business with DHS in the workplace, such as: contractors; persons assigned from other government agencies; unpaid interns; community board members; applicants; or volunteers.

**Protected Activity:** A protected activity includes any of the following:

- a. opposing discrimination or harassment that a person reasonably believes is prohibited by this policy;

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- b. participating in a complaint process, whether internal or external, concerning discrimination or harassment, for example, filing a discrimination or harassment complaint, charge or lawsuit; serving as a witness regarding a complaint of discrimination or harassment; and/or otherwise cooperating with an investigation concerning discrimination or harassment; or
- c. requesting a reasonable accommodation based on disability or religious beliefs.

**Protected Class:** Protected class refers to the characteristics or identities that are protected under law. This policy covers the following protected classes: 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 (inclusive of being transgender), age, political affiliation, and genetic information.

**Public Service Environment:** A location that is not the official workplace location, but where DHS is conducting business or public service is being provided. Examples include off-site meetings, or places visited or contacted by employees or non-employees while conducting business on behalf of DHS.

**Reasonable Accommodation:**

- a. Disability. A reasonable accommodation with respect to disability is any change or adjustment to a job or job procedures or practices, or the work environment that makes it possible for a qualified individual with a disability to satisfactorily perform the essential functions of the job and to enjoy equal benefits and privileges of employment.
- b. Religious Beliefs and Practices. A reasonable accommodation with respect to religious beliefs and practices means reasonable adjustments to the work environment that will allow an employee to practice his or her religion, without causing too much of a burden for the employer.

**Respondent:** A respondent is a person whom a complainant alleges engaged in discrimination, harassment, or retaliation.

**Retaliation:** Retaliation is an adverse employment action or other negative action taken against an employee or non-employee because the person has engaged in a protected activity or because the person has associated with a person or persons of a different protected class engaged in protected activity. Retaliation includes: threats; intimidation; coercion; denial of benefits generally available to others; demotion; denial of hiring or promotion, tenure, compensation, terms, conditions, or privileges of employment; adverse employment actions; or other negative treatment designed to discourage individuals from exercising their rights under this policy. Retaliation includes the term “reprisal” within the meaning of the Minnesota Human Rights Act, Minn. Stat. §363A.15.

**Sex Discrimination:** Sex discrimination includes but is not limited to, sexual harassment, and/or adverse employment actions based on pregnancy, childbirth, or disabilities related to pregnancy and childbirth.

**Sexual Harassment:** Sexual harassment is a form of sex discrimination that includes unwelcome behavior of a sexual nature, requests for sexual favors or other verbal or physical conduct of a sexual nature where the following occurs:

- a. Submission to the unwelcome sexual conduct is explicitly or implicitly made a term or condition of employment;
- b. Submission to or rejection of the unwelcome sexual conduct is used as a factor in decisions affecting that individual's employment; or
- c. The unwelcome sexual conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, offensive, or hostile work environment.

**Sexual Orientation:** Sexual Orientation means whether a person is heterosexual ("straight"), homosexual ("gay" or "lesbian"), bisexual ("bi"), transgender, or the perception of any of the foregoing.

**Supervisors:** A subset of employees that includes all who have supervisory and managerial responsibilities.

**Transgender:** Transgender means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.

**Unpaid Intern:** An unpaid intern is any person who performs services or undertakes program activities for DHS without monetary compensation for educational course credit for the purpose of gaining practical work, professional or programmatic experience.

**Workplace:** The physical, electronic, or virtual environs in which DHS' business is conducted.

***Policy Contact(s):***

Name: Zecharias Hailu, Phone: 651-431-2134; Email: [zecharias.hailu@state.mn.us](mailto:zecharias.hailu@state.mn.us)

***Policy History:***

Issue Date: 03/16/2016

Effective Date: 03/16/2016

Version 3.0:

07/28/2014 (reaffirmed)

9/13/06 (reaffirmed)

01/01/2002 (Initial Release)

This policy and its procedures remain in effect until rescinded or updated.

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

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The Minnesota Department of Human Services (DHS) is committed to ensuring that investigations are conducted in a fair, impartial, thorough, and thoughtful manner in compliance with all applicable collective bargaining agreements and state and federal laws. Investigations should obtain facts in an objective, fair, thoroughly documented, and timely manner.

### I. INTAKE STAGE

All complaints that have been initiated by completing the Discrimination/Harassment Complaint Form come to the OEPD Equal Opportunity and Access Director for assignment. (See Appendix A) The investigator, in consultation with the Director, must determine whether the complaint is based on unlawful discrimination or general harassment. If the complaint is based on general harassment, the investigator prepares a memo and refers the file immediately to the appropriate director of human resources for further action and notice must be given to the Complainant of the transfer (See Appendix B). When HR simply forwards a complaint to OEPD Equal Opportunity and Access for an opinion on who has jurisdiction and has not so notified the complainant, OEPD Equal Opportunity and Access does not notify the complainant when HR retains jurisdiction. **PLEASE NOTE** for purposes of brevity that the appendices referenced in this complaint process are not included in this document. They may be obtained by contacting [dhs.Equalopportunity@state.mn.us](mailto:dhs.Equalopportunity@state.mn.us).

**All complaints of harassment and or discrimination must be logged into the DIGITS and Access complaint databases** which can be found at this location: EShare/Employment Investigation/Complaints&Charges/2012 Complaint Database.

OEPD Equal Opportunity and Access under normal circumstances does not accept complaints of general harassment for investigations. However, under the following limited situations, general harassment complaints may be investigated by OEPD Equal Opportunity and Access: (1) In a mixed case situation, i.e., where general harassment constitutes only one ground of the complaint, and the other grounds of the complaint is based on protected classification; (2) Where a conflict of interest exists for Human Resource division to conduct the investigation, and (3) Under some other special circumstances when the Director finds that it is to the best interest of DHS for OEPD Equal Opportunity and Access to conduct the investigation.

If the complaint is based on unlawful discrimination, the investigator should proceed to the next steps in the process which are outlined in Section III of this manual.

### II. INVESTIGATIONS OF INTERNAL COMPLAINTS

#### A. Opening an Investigation

Once it has been determined that OEPD Equal Opportunity and Access has jurisdiction over the complaint, the investigator sends letters to the complainant and respondent informing them that a complaint has been accepted. These letters also discuss the investigative process and the

expectations of complainant and respondent throughout that process. (See Appendix C and Appendix D). Copies of these letters should also be sent to the appropriate HR representative, the Director of Equal Opportunity and Access, and the respondent's immediate supervisor and his/her supervisor. For complaints of sexual harassment filed by a member of the MN Association of Professional Employees (MAPE), OEPD Equal Opportunity and Access must inform the complainant of his/her right to MAPE representation and any such complainant waiving this right must sign a Waiver of Union Representation form; MAPE should also be copied on the letter to complainant that the complaint has been accepted. Investigations of such MAPE sexual harassment complaints must be completed within 30 days and, if the complainant has not waived MAPE representation, a copy of the summary and recommendations must be sent to MAPE.

## **B. Preparing for the Investigation**

It is important to have an investigative plan before you begin to interview the complainant and witnesses. Utilizing the Investigative Plan Checklist and Investigative Plan (See Appendix E-F-) will assist you in preparing for the investigation.

### Step 1. Review the Complaint Procedure Manual & DHS Policy

Review the manual for guidelines as to the proper processing of the complaint. You should also review the policy upon which the complaint is based.

### Step 2. Review the Complaint

Ensure that the complaint has been completed properly. It should include proper contact information, work unit/area, and telephone numbers for complainant and respondent.

### Step 3. Create a Plan and Timeline Based on the Initial Complaint

The initial investigation plan should be completed before interviewing the complainant. This will outline the issues as presented in the complaint. The complaint is not always organized in a manner that clearly outlines each separate allegation. The plan is basically an outline of the parties, issues, witnesses and documents which is later edited as you proceed through the investigative process.

### Step 4. Create a case file

- Label a file folder as follows:  
Complainant's Last Name, First Name, File Number (from the database).
- Staple an Investigation Tracking and Routing Form (See Appendix G) on the inside of file folder cover.

## **C. Collect Supporting Data**

It is important early on to establish a list of any supporting documents that you will need. This list will change as the interviews progress. Create a list of documents and the person(s) that are

in possession of those documents. Request the information as you discover the need. Although you will create this list prior to the initial interview of the complainant, you will likely make additions to the list with each interview.

#### **D. Conducting Interviews**

##### **Step 1. Interviewing Complainant**

Using the investigative plan, develop a set of questions you have based on the reading of the initial complaint. These questions should seek information that specifically outlines each allegation (who, what, where, when, context of remark/action, reaction of complainant/others to remark/action), and any witnesses or documentation that may corroborate each allegation. It is helpful to create the questions in conjunction with the outline of the issues. Create general and specific questions leaving space for follow up questions during the interview process. Please see Appendix L for sample questions.

In general, select a neutral, safe place to conduct all interviews.

Provide the complainant with a copy of the Tennessee Warning and Pre-interview Checklist (Appendix H-J), which should be read to the complainant (and every other witness) and signed by the interviewees. The signature is not required to effectuate the warning. It is a good practice to bring an additional copy along to give to the witness.

At the close of the interview explain the timelines and confidentiality of the process. Advise Complainant not to discuss the complaint with anyone and to contact you with any additional relevant information.

##### **Step 2. Update the Investigative Plan**

Once the initial interview has been conducted you will have more information upon which to base your plan. This plan should contain:

- A clear outline of the issues and supporting allegations
- Witnesses to each allegation
- Supporting documents
- A timeline for interviewing witnesses and collecting data
- A timeline for completing the investigation

##### **Step 3. Interviewing Witnesses**

Prior to interviewing witnesses prepare a “boiler plate” set of instructions and a list of general questions to ask each witness. The boiler plate set of instructions should include the following:

- Explanation of what to expect during the interview

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- Explanation the process of the investigation
- Explaining confidentiality policy and how that may impact the statements of the witness
- Retaliation policy
- That you are not recording the interview or documenting it verbatim, but that you will be taking notes.

The general list of questions should include the following:

- Name
- Unit/Title/Responsibility
- Length of Employment
- Who they report to
- Relationship to Complainant or Respondent
- Whether witnesses has discussed this complaint with anyone prior to the date and time of the interview.
- What the work environment is like in their unit (to obtain an overview and context for the allegations investigated)
- A list of questions regarding knowledge of the general allegations of the complaint. (Do not provide information to witnesses that they don't already know.) See Appendix L for a list sample questions.

Step 4. Interviewing the Respondent

When setting up the interview be sure to inform respondent that he/she has the right to have a union representative present at the interview. Interviewing all witnesses prior to interviewing respondent gives you an opportunity to evaluate all of the information before developing questions for the respondent. The fact finding conducted prior to conducting the respondent's interview gives you the necessary information to fully develop the allegations, facts supporting each allegation, and witnesses that have corroborated or otherwise discounted the allegations.

The MMA must be informed of the "principal allegations being investigated and, if known, the alleged time and place of occurrence prior to questioning." Because of this requirement, employees represented by the Middle Management Association (MMA) should be interviewed last, in order to avoid tainting any testimony from witnesses or the respondent. To comply with this provision, OEPD Equal Opportunity and Access e-mails the specific allegations to the MMA representative on the day of the interview.

All other collective bargaining agreements require only that the employee be notified of the nature or topic of the allegations prior to questioning, notice of which is provided in the letter sent to the Respondent opening the investigation.

When interviewing the respondent, it is important to set out the issues completely. See Attachment J for a sample questions.

Tennessee Warning and Pre-interview Checklist: You must read to and have respondent sign these documents. (See Appendices H-J) If the respondent refuses to sign the documents, document the refusal in your notes. Provide Respondent with a copy.

Union Waiver - You must allow respondent to have union representation during the interview. If Respondent desires to have representation and did not bring someone with him/her you must reschedule the interview unless Respondent agrees to waive said representation. A Respondent who waives this right must sign the waiver prior to the interview (see Appendix K). A copy of the signed waiver must be sent to the union per union contract. Review the applicable union contract language for notice requirements.

## **E. Investigation Results**

### **1. Preparing the Investigation Report**

Once the investigation has been completed you must prepare a report to the OEPD Director of Equal Opportunity and Access, outlining the results of the investigation. An outline and example can be found in Appendix P. The Director will then notify you when the report has been approved.

### **2. Preparing the Investigation Summary**

Upon approval of the report, prepare an Investigation Summary, which is essentially the Report minus descriptions of the evidence (See Appendix Q).

### **3. Preparing the Recommendations**

Also upon approval of the report, prepare Recommendations for management based on the Report's findings. These could include that discipline be imposed on certain parties (though not level of discipline), that certain training be required, and/or that certain consultative services be provided (See Appendix R).

### **4. Closing notifications**

Once you receive approval from the Director, prepare Notices to send to the Complainant and – two days later (to allow input from management) -- to the Respondent informing them of the conclusion of the investigation (See Appendices S-T). Copies of these notices should also be sent to the division director, direct supervisor of respondent and the OEPD Director of Equal Opportunity and Access and the appropriate HR Representative, along with the Investigation Summary and Recommendations. The full Investigation Report may be

provided to certain parties upon request and after approval by the OEPD Director of Equal Opportunity and Access.

#### **F. File Closing**

Once the investigation has been completed and the results forwarded to the Respondent's supervisor the file can be closed. The file will remain closed unless there is a grievance or outside law suit. Included in the file should be the following:

- The completed complaint form
- Notification letters
- Interview notes
- The full Investigation Report
- The Investigation Summary
- The Investigation Recommendations
- All documents collected during the investigation

E-mails exchanged in connection with completing the investigation need not be included in the file.

The investigator should update the DIGITS and Access databases with the closing information and report it within 30 days of closure to MMB at the following web

site: <https://mn.gov/mmb/employee-relations/equal-opportunity/equal-opportunity/internal-complaint-disposition.jsp>

#### **G. Timeliness**

As a general rule every investigation should be completed within 60 days of filing a complaint. However, this time may be extended in limited circumstances by the Director, among others in the following circumstances: (1) In complaints that Director determines "complex" which involve multiple allegations and witnesses, or where complex sets of facts and legal issues are involved; (2) when due to unavailability of key participants in the investigation it becomes impossible to conduct interviews or when other special circumstances makes the interview impossible; and (3) when obtaining essential evidence delays the process. In all these circumstances, the investigator should inform the OEPD Director of Equal Opportunity and Access and get authorization to extend the time.

## **H. Follow up**

Three (3) months after the file is closed, the investigator should follow up with HR and/or management and document in the case file what actions were taken in response to the Investigation Recommendations.

## **III. RESPONDING TO EXTERNAL DISCRIMINATION CHARGES**

Employees may decide to file a formal complaint (also known as a “charge”) with the Minnesota Department of Human Rights (“MDHR”) or the federal Equal Employment Opportunity Commission (“EEOC”). Normally charges filed with the MDHR are cross-filed with the EEOC but investigated only by MDHR.

All Fair Employment Practices Agency (“FEPA”) charges filed against DHS, such as those from Minnesota Department of Human Rights, and the Equal Employment Opportunity Commission (“EEOC”), require an agency response (also known as a “position statement”). Although the Minnesota Attorney General’s Office (“AGO”) is DHS’ designated representative and is, thereby, responsible for responding formally to FEPA and EEOC charges, OEPD Equal Opportunity and Access works in collaboration with the AGO to prepare DHS position statements. Accordingly, FEPA and EEOC charges against DHS should be forwarded to OEPD Equal Opportunity and Access. Notice of the filing of these charges will typically come to the attention of OEPD Equal Opportunity and Access in one of three ways: (1) OEPD Equal Opportunity and Access receives the charge in the mail addressed to our attention; (2) The charge is forwarded to OEPD Equal Opportunity and Access via interoffice mail by another office within DHS; or (3) OEPD Equal Opportunity and Access receives a copy of the charge from our internal legal officer or from the attorney general liaison.

Once a charge has been received, OEPD Equal Opportunity and Access will take the following immediate actions:

- Prepare an internal file;
- Input the required information into the database;
- Notify the AG of the charge by scanning and emailing the charge to the designated assistant (if the AG has not yet been notified);
- Notify the appropriate HR Director of the charge by providing a copy;
- Notify the DHS Legal Department of the need for a litigation hold and provide them with the names of DHS employees who may be custodians of relevant documents.

Once assigned, the OEPD Equal Opportunity and Access staff will take the following actions to prepare the position statement on behalf of DHS:

- Review the charge and prepare a timeline for collecting the data requested in the initial charge and responding to the charge, allowing adequate time (at least one week) for the AG to finalize the response in advance of the deadline imposed by the charging agency;

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- Send information requests to all relevant parties (for example, Complainant's supervisor, HR rep(s) handling data collection, ADA Coordinator, FMLA Coordinator);
  - Requested data could include, but is not limited to: personnel files; Family Medical Leave Act ("FMLA") files, if applicable; supervisory files, if applicable; and investigatory files, if applicable;
- Conduct interviews with DHS staff to obtain additional information, as necessary;
- Prepare DHS' written position statement in response to the charge and compile all requested data for submission to AG, using any applicable verbiage from the "Division, office description" folder found in the Employment Investigation Library on the OEPD Equal Opportunity and Access SharePoint page. If no applicable description is in the folder, place one there after drafting it.
- Submit position statement and requested data to AG.

After OEPD Equal Opportunity and Access has submitted the position statement and requested documents to the AG, the AG will review and finalize the position statement:

- This process does not preclude the AG from having direct contact with DHS staff, including those staff in OEPD Equal Opportunity and Access and HR, and/or their designees,
- When practicable, send a copy of the completed position statement to OEPD Equal Opportunity and Access staff for review and approval before the response is sent to the charging agency.
- OEPD Equal Opportunity and Access will determine whether the response accurately reflects the position of DHS.
- Upon approval, forward the response and documents to the charging agency.
- Send a copy of the final response to OEPD Equal Opportunity and Access staff for their file.

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## VII. **REASONABLE ACCOMMODATION POLICY**

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State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation 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, office sponsored events).

### ***Applicant***

A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

### ***Americans with Disabilities Act (ADA) Coordinator***

Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

### ***Direct Threat***

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

### ***Essential Functions***

Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

### ***Interactive Process***

A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

### ***Individual with a Disability***

An individual who:

- 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.

### ***Qualified Individual with a Disability***

An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

### ***Major Life Activities***

May 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.

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.

### ***Medical Documentation***

Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider.](#)

### ***Reasonable Accommodation***

An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or

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- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking; or
- Providing a reassignment to a vacant position.

### ***Reassignment***

Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

### ***Support Person***

Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

### ***Undue Hardship***

A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A

state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

### ***General Standards and Expectations***

#### ***Individuals who may request a reasonable accommodation include***

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

#### ***How to request a reasonable accommodation***

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

#### ***Timing of the request***

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

#### ***Form of the request***

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

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An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

***The interactive process entails***

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

***Agency responsibilities for processing the request***

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

- Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and
- Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

***Analysis for processing requests***

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
  - Enable a qualified applicant with a disability to be considered for the position the individual desires;
  - Enable a qualified employee with a disability to perform the essential functions of the position; or
  - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

***Obtaining medical documentation in connection with a request for reasonable accommodation***

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#).

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted.

**Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

***Confidentiality requirements***

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

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The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

***Approval of requests for reasonable accommodation***

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

***Funding for reasonable accommodations***

The agency must specify how the agency will pay for reasonable accommodations.

***Procedures for reassignment as a reasonable accommodation***

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

***Denial of requests for reasonable accommodation***

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

***Consideration of undue hardship***

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

***Determining direct threat***

The determination that an individual poses a “direct threat,” (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual’s disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

***Appeals process in the event of denial***

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

***Information tracking and records retention***

Agencies must track reasonable accommodations requested and report once a year by September 1<sup>st</sup> to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency’s document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

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## **VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES**

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The Department of Human Services’ facilities all have Emergency Operations Plans (EOPs) in place. Since each facility is different in size, scope, occupancy, location and risks, they all have individual plans in place to address the specific needs of their sites.

### NOTIFICATIONS:

Depending on the building, occupants are notified of the immediate threat to the building via the InformaCast System, building PA system, National Weather Radio Service, or municipal/county sirens.

### BUILDING SPECIFIC NOTIFICATIONS:

- InformaCast messages utilizing *voice over internet protocol* or 'VoIP' telephones can be generated for Central Office locations.
- The InformaCast system is also available at the Central Office location in Brainerd and some DCT facilities, which have Central Office installed VoIP phones. Alerts, however, are not generated by Management Services Division for those locations; there the alerts are locally generated.
- Building PA systems can also be utilized by DHS Management Services staff for central office locations managed by them. At other locations, the landlord operates the building wide PA system, and staff with hearing, visual, and/or mobility limitations will be assisted by staff who do not have such limitations.
- Due to the size, scope, occupancy, and location of Direct Care and Treatment facilities, the sites utilize a variety of systems to notify staff and patients of emergencies: PA systems, alarms, radios, phones, individual notifications, weather radios, and city/county sirens.

### EVACUATION OPTIONS:

1. Individuals with disabilities have four basic evacuation options:
  - **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
  - **Stairway evacuation:** Using steps to reach ground level exits from building;
  - **Shelter in place:** Unless danger is 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 may be more appropriate for an individual who is alone when the alarm sounds;
  - **Area of rescue assistance:** Identified areas (such as elevator lobbies in multistory sprinkled buildings) 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;
2. Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:
  - **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs are accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security 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 the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. 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 the 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.

#### **SEVERE WEATHER EVACUATION OPTIONS:**

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building or type of facility:

- **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 (away from windows) and remaining there until the all clear is used.

A copy of the DHS emergency evacuation plans can be found at:

<http://workplace/functions/HumanResources/HealthSafety/SitePages/Home.aspx>

Links to AMRTC/Forensic Emergency plans can be found at each individual Direct Care & Treatment (DCT) site.

DHS has also instituted the Employee Preparedness Campaign, a series of training modules aimed at helping employees take steps to prepare for and respond to emergencies at home. Further information on the DHS Employee Preparedness Campaign can be found at [http://infolink.dhs.int.state.mn.us/InfoLink/Agencywide\\_Activities/Allhazardsplanning/id\\_042372?ssSourceNodeId=8&ssSourceSiteId=InfoLink](http://infolink.dhs.int.state.mn.us/InfoLink/Agencywide_Activities/Allhazardsplanning/id_042372?ssSourceNodeId=8&ssSourceSiteId=InfoLink).

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## IX. GOALS AND TIMETABLES

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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).

**Table 2. Underutilization Analysis and Hiring Goals for 2016-2018**

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this agency. The fifth, sixth, and seventh columns show the agency's hiring goals for each group in each category.

**Greater MN Underutilization - # of Individuals**

**Hiring Goals for 2016-2018**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>
Officials/Admin	2	2	0	1	1	0
Professionals	0	41	18	0	20	9
Paraprofessionals	0	1	10	0	1	5
Protective Services	19	24	22	10	12	11
Office/Clerical	0	3	3	0	3	2
Skilled Craft	0	1	0	0	1	0
Service Maintenance	0	4	3	0	2	2

**Twin Cities Metro Area Underutilization - # of Individuals Hiring Goals for 2016-2018**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>
Officials/Admin	0	0	0	0	0	0
Professionals	0	0	0	0	0	0
Paraprofessionals	0	133	41	0	77	20
Office/Clerical	0	0	0	0	0	0
Skilled Craft	0	0	0	0	0	0
Service Maintenance	0	8	1	0	4	1

**Availability:**

Separate availability analyses were conducted for DHS facilities in the Minneapolis/Saint Paul Metropolitan Statistical Area (MSA) and for its facilities in greater Minnesota, which include those for the Minnesota Sex Offenders Program (MSOP) located in Moose Lake, and the Security Hospital (Forensics), located in St. Peter.

For both analyses, internal availability was a factor, with weights ranging from 22% to 88%. For the one analysis, the remaining weights were split evenly between the Minneapolis/Saint Paul MSA job group data and the Minneapolis/Saint Paul MSA minority population. For the other analysis, the remaining weights were split evenly between Statewide job group data and Greater Minnesota minority population.

In conducting its underutilization analysis, the agency used this multiple-factor analysis because it best reflected minority availabilities of the respective geographic areas.

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:**

At the agency, the population of women has improved in the following job categories: officials/administrators and skilled craft but has not improved in the following job categories: paraprofessional, protective services, office/clerical and service maintenance. The improvement in officials/administrators is due to an increase of women utilization from 155 to 161 and the improvement in skilled craft underutilization is due to a decrease in the total skilled craft workers from 58 to 51. The lack of improvement in the job groups listed is due to a decrease of women utilization of paraprofessionals from 1791 to 1680, of protective service workers from 239 to 230, of office/clerical workers from 314 to 276 and of service maintenance workers from 76 to 70.

**Minorities:**

At the agency, the population of minorities has improved in the all job categories. The improvement is due to an increase in the minority utilization of officials/administrators from 23 to 31, of professionals from 333 to 433, of paraprofessional/technicians from 296 to 373, of protective service workers from 51 to 65, of skilled craft workers from 1 to 3 and of service maintenance workers from 10 to 13. Minority office/clerical workers declined to 49 from 54 but their percentage increased because the total number of office/clerical workers declined to 310 from 348.

**Individuals with Disabilities:**

At the agency, the population of individuals with disabilities has improved in all job categories except skilled craft. The improvement is due to an increase in the disability utilization of officials/administrators from 19 to 23, of professionals from 167 to 213, of paraprofessional/technicians from 59 to 80, of protective service workers from 14 to 22, of office/clerical workers from 19 to 27, and of service maintenance workers from 3 to 4. There was no improvement in the skilled craft group because the number of individuals with disabilities remained at 3.

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## X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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In pursuing the agency's commitment to affirmative action, the agency has set the following Objectives, which will be addressed during the 2016-2018 Affirmative Action Plan. The planning, coordination, and implementation of these objectives will be carried out by the Team for Retention and Employee Engagement ("TREE"), described in detail in Section XII. Retention Plan, under the direction of the Affirmative Action Officer.

Objective #1: ***Survey candidates who were selected for interviews to determine if and how DHS needs to adjust its hiring process to increase affirmative hires***

Currently, the fact that under-represented candidates fail to respond to an interview request or withdraw from consideration are the second and third most common reasons given by hiring supervisors for justifying non-affirmative hires. By surveying candidates who were selected for interviews, DHS hopes to determine if it needs to adjust its recruitment efforts, position descriptions, or screening processes in order to increase the number of affirmative hires.

**Action Steps:**

- i. The Affirmative Action Officer will collaborate with the DHS Survey Coordinator and the Team for Retention and Employee Engagement ("TREE"), described in detail in Section XII. Retention Plan, to develop a survey for completion by candidates who were selected for interviews, to determine their perceptions of the objectivity and ease of the application and interview process. This group will include both those who withdrew or failed to respond to an interview request, and those who were interviewed.
  - a. This will involve developing 10 or fewer survey questions and determining the length, scope (e.g., will it go to all candidates in all positions, or just targeted ones during a set period of time, or focus on a smaller sample from all administrations or certain job classifications, what will be the duration, etc.).
  - b. DHS will have to find a way to capture demographic information that was earlier submitted by the candidates when they applied, or ask for this demographic information again as part of the survey.
- ii. The Affirmative Action Officer will ensure that the survey is launched to candidates in accordance with the agreed upon scope.
- iii. The Affirmative Action Officer, with the assistance and input from TREE (See Section XII), will be responsible for presenting survey results to the Commissioner, the Director of Human Resources, DHS Senior Management Team ('SMT') and others.
- iv. The Affirmative Action Officer, in collaboration with TREE, the Director of Human Resources and others, will be responsible for developing appropriate responses to survey results that indicate a negative impact on affirmative hiring.
  - a. Such responses could include changes in recruitment, job postings, applicant screening, or interview practices.

### **Evaluation:**

DHS will know if this has been successful if exposes significant negative impacts on affirmative hiring, and if any subsequent changes in recruitment and hiring procedures show an increase in affirmative hiring. This was not an objective in the last Affirmative Action Plan.

### **Objective #2: Provide a concrete definition of “substantially more qualified” to set a higher bar for justifications of non-affirmative hires**

*At DHS the most commonly used justification for non-affirmative hires is that the desired candidate is ‘substantially more qualified’ than the candidate from the under-represented group. Currently there is no definition for ‘substantially more qualified,’ and this has led to confusion on the part of the hiring supervisor, as well as inconsistent approval of justifications for non-affirmative hires by staff who review them. DHS is hopeful that clarifying the definition will provide those who review justifications with more clear cut standards that must be met, give those hiring supervisors who are considering using ‘substantially more qualified’ clearer guidelines for when it may or may not be an appropriate justification for making a non-affirmative hire, and making appeals of the denial of this justification easier to review and decide. Ultimately, DHS hopes that taking these steps will lead to more affirmative hires.*

### **Action Steps:**

- i. The Affirmative Action Officer, in collaboration with the Team for Retention and Employee Engagement (“TREE”), described in detail in Section XII. Retention Plan, will develop the definition of ‘substantially more qualified.’
- ii. The Affirmative Action Officer, in collaboration with TREE and the Director of Human Resources will inform hiring supervisors of the definition and new standards for ‘substantially more qualified’ justifications.
- iii. OEPD Equal Opportunity and Access division staff will be responsible for applying this definition to non-affirmative hiring requests based upon the ‘substantially more qualified’ justification.
- iv. The Affirmative Action Officer will review and decide all appeals from denials of justifications for non-affirmative hires. Denials of these justifications will result in ‘missed opportunities’ for the agency.<sup>1</sup>
- v. The Affirmative Action Officer or designee will report all ‘missed opportunities’ to the Deputy Commissioner and/or Chief of Staff.
- vi. The Deputy Commissioner or Chief of Staff must review and approve all ‘missed opportunities’ before a hiring decision can be made and an offer extended. Only the Commissioner, Deputy Commissioner or Chief of Staff may approve a ‘missed opportunity.’
- vii. The Affirmative Action Officer, in collaboration with human resources representatives, will track the number of justifications based upon ‘substantially more qualified’ to determine if the number

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<sup>1</sup> A missed opportunity occurs when a hiring supervisor cannot justify why they failed to hire a qualified candidate from an under-represented group. Each agency is limited to no more than 25 percent of missed opportunities per quarter; DHS consistently has fewer than two (2) percent missed opportunities per quarter.

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has been impacted by the change in definition, and whether this ultimately leads to more affirmative hires.

**Evaluation:**

*DHS will know if this has been successful if it leads to an increase in affirmative hiring. This was not an objective in the last Affirmative Action Plan.*

**Objective #3: Re-evaluate when and how the use of ‘preferred qualifications’ is an appropriate option for ranking, interviewing, and hiring candidates**

Sometimes supervisors will use ‘preferred qualifications’ as a means to support their conclusion that a majority community candidate is ‘substantially more qualified’ than a candidate from an under-represented group who possesses all of the necessary knowledge, skills, and abilities listed in the job posting and required to do the job. Sometimes the ‘preferred qualifications’ may be so specific as to effectively eliminate candidates who lack state or county experience, and often these candidates are from under-represented communities. There is concern that this practice may eliminate some very well-qualified candidates from being hired, reduce the potential number of eligible candidates from under-represented communities and lessen DHS’ ability to increase its affirmative hires. This has been an anecdotally heard complaint from applicants from under-represented communities, human resources staff, and from OEPD Equal Opportunity employees who review justifications for non-affirmative hires.

**Action Steps**

- i. Human Resources staff will provide data to the Affirmative Action Officer and ‘TREE’ (a group described in detail in Section XII. Retention Plan) concerning hiring decisions in which ‘preferred qualifications’ were used to justify non-affirmative hires.
- ii. Human Resources, in collaboration with TREE, will develop criteria for when and how preferred qualifications should be used.

***Objective #4: Training of hiring supervisors to ensure that they understand how to write effective and accurate job descriptions and qualifications, and that they are aware of any unconscious biases that might be influencing their hiring decisions***

DHS has struggled with ensuring that job descriptions and postings accurately reflect the appropriate knowledge, skills, and abilities necessary to perform a given job. In some cases hiring supervisors may not accurately account for the skill set necessary to be successful, by asking for more specific qualifications than are necessary. They may also harbor some unconscious bias toward or against certain groups of individuals which work against hiring those who are different from themselves. By providing this training, DHS will offer practical tools to assist supervisors in developing accurate position descriptions that do not unnecessarily eliminate candidates from under-represented communities, and that ensure that hiring supervisors are aware of and work to alleviate unconscious biases that may cause them to eliminate candidates from under-represented communities.

**Action Steps:**

- i. DHS will continue to offer on-going training to hiring supervisors regarding unconscious bias, and will require this training as part of its mandatory supervisory/managerial core courses.
- ii. DHS will also provide training and tools to assist hiring supervisors in developing accurate job descriptions and qualifications.

**Evaluation:**

DHS will consider this objective to be successful if it sees an increase in the number of qualified candidates from under-represented groups, and an increase in affirmative hires. This was not an objective in the last DHS Affirmative Action Plan.

***Objective #5: Determine if there are significant disparities between the numbers of separations for majority group employees and employees from under-represented communities, and address them***

Currently there are disparities in the numbers of separations for majority group employees versus employees from under-represented communities. This discrepancy was first noted in the DHS 2014-2016 Affirmative Action Plan, and was noted as an objective there. DHS performed an adverse impact analysis at that time, which was somewhat unremarkable, but would like to continue to delve deeper.

**Action Steps:**

- i. DHS will use data obtained via OBIEE to evaluate separation data via adverse impact analysis, over three quarters beginning in state fiscal year 2017 (July 1, 2016).
- ii. DHS will focus on separations during probationary periods, involuntary separations, and separations not related to retirement.
- iii. The Team for Retention and Employee Engagement ("TREE"), described in detail in Section XIII. Retention Plan, will be responsible for determining if there are any disparities between separations of employees from majority group versus under-represented groups for each of the EEO job categories, and whether a disparity is significant and requires intervention.
- iv. DHS will use exit surveys to capture the reasons why employees leave DHS, asking for demographic data to compare answers based upon race/ethnicity.

**Evaluation:**

Because there was some ambiguity in the way in which the data was reported in 2014, DHS decided to gather additional clarifications about the data. Separation data was pulled by MMB from 2013 and 2014 and DHS performed an adverse impact analysis down to the administration/domain/division level for DHS. For 2013, the data showed disparities in separations for under-represented employees in DHS' Direct Care and Treatment ("DCT") administration. Within DCT, those disparities existed in Community Based Services, Forensics Services, Mental Health and Substance Abuse Treatment Services (MHSATS) and the Minnesota Sex Offender Program (MSOP). For the year 2014 the data showed disparities only in DCT Community Based Services, and these were relatively low. However, DHS is aware that more updated and readily available data is obtainable, DHS would like to continue to monitor separation data and address any adverse impacts that occur.

***Objective #6: Provide more visible reporting of hiring practices and progress in meeting affirmative action goals***

Currently DHS issues a quarterly Goal Achievement Report, which provides a breakdown of the numbers of hires in each EEO job category for each of the protected groups (women, individuals from minority communities, and individuals with disabilities). That report is shared with the Commissioner, the Director

of Human Resources, and others within OEPD Equal Opportunity and Access division. DHS believes that it will be helpful to share this information more widely, and provide a breakdown by administration and even division, if possible, so that our progress in affirmative hiring can be more widely known, and so those in senior management and hiring supervisors can be aware of the impact of their hiring decisions on DHS' hiring goals.

**Action Steps:**

- i. Revamp quarterly Goal Achievement report
- ii. Report out to senior management team and assistant commissioners on quarterly or bi-monthly basis concerning hiring practices in their respective administrations
- iii. Provide traveling, yearly award for most affirmative hires within division/administration, or some similar recognition

**Evaluation:**

This was only partially attempted in DHS' last affirmative action plan. DHS developed curricula for training supervisors and resources to assist them. Unfortunately DHS was not able to publicize tools or implement training because of personnel constraints and workload, and did not develop methods for more visible and understandable reporting of goals for the same reasons.

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

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

DHS notifies hiring supervisors (which includes all persons in supervisory or managerial positions) when there is an under-utilization of individuals with disabilities, women, or individuals from non-majority (minority) racial/ethnic communities in a particular job classification that is being filled. Supervisors are required to interview the top three candidates from the group in which an under-utilization exists.

The agency also trains its human resources staff concerning affirmative hiring requirements, and provides guidance to hiring supervisors regarding affirmative hiring processes. Human resources staff monitor hiring supervisors to ensure that they follow affirmative hiring policies and practices.

DHS periodically evaluates its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans (See Section IX: Affirmative Action Objectives). It uses the monitoring the hiring process form for every hire in which there is an under-utilization in order to track the number of women, minorities, individuals with disabilities, and veterans in each stage of the selection process.

Directors, managers, and supervisors work closely with human resources, under guidance of the Affirmative Action Officer and his/her designee(s), in reviewing the requirements for the

position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out.

Hiring supervisors are asked to justify all non-affirmative hires in an electronic document that is reviewed by designees of the Affirmative Action Officer (employees from the OEPD Equal Opportunity and Access division). Hiring supervisors are whether their non-affirmative hire was justified or not.

The Affirmative Action Officer will review and decide all appeals from denials of justifications for non-affirmative hires. Denials of these justifications will result in 'missed opportunities' for the agency. The Affirmative Action Officer or designee will report all 'missed opportunities' to the Deputy Commissioner and/or Chief of Staff, who must approve them before a hiring decision is made and an offer extended. Only the Commissioner, Deputy Commissioner or Chief of Staff may approve 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.

When candidates are offered interviews, they receive a notice with the name and contact information of an individual who can assist them if they require an accommodation to participate in the interview and selection process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

All personnel involved in the selection process will be trained and accountable for the agency's commitment to equal opportunity and the affirmative action program and its implementation.

## **B. Pre-Review Procedure for Layoff Decisions**

The Affirmative Action Officer, in conjunction with the agency's human resources office, shall be responsible for reviewing all pending layoffs to determine their effect 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 agency 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 agency also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

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## **XII. RECRUITMENT PLAN**

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

Recruitment costs incurred during the 2014-2016 plan year total: \$55,000.

Below is DHS' Diversity Recruitment and Retention Strategic Plan, which is targeted specifically at recruitment in under-utilized communities. Below are various recruitment methods or strategies that have and will be utilized by the agency during the past and present fiscal year.

## **Minnesota Department of Human Services**

# **Diversity Recruitment and Retention Strategic Plan**



Figure 1: picture of a diverse group of people meeting.

**FY 2015–2017**

***Building and retaining a diverse workforce respectful of  
individual differences***



Minnesota Department of **Human Services**

## **Diversity Recruiter: Lauren Hunter**

**December 2015**

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## Governor Mark Dayton's Executive Order 15-02

### STATE OF MINNESOTA EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

#### **Executive Order 15-02**

##### **Establishing the Diversity and Inclusion Council; Rescinding Executive Order 91-14**

**I, Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas**, the State of Minnesota must be a leader in its commitment to equal employment opportunities, equal contracting opportunities and full participation in civic life for all Minnesotans;

**Whereas**, the State of Minnesota has a responsibility to ensure that all Minnesotans have an opportunity to work for the State of Minnesota, to do business with the State of Minnesota and have the opportunity to fully participate in the development of policy within our vibrant democracy;

**Whereas**, diversity and inclusion are core values of the State of Minnesota and a priority of the Dayton Administration;

**Whereas**, the State of Minnesota can only fully recognize its potential when all of its citizens are provided the opportunity to realize their full potential; and

**Whereas**, the State of Minnesota is committed to being a leader across the United States on issues of diversity and inclusion.

**Now, Therefore, I order that:**

1. The Diversity and Inclusion Council ("Council") be established.
2. The Governor shall serve as the Chair of the Council.
3. The Governor's Director of Diversity will serve as the Chair of the Council on behalf of the Governor.

### **Background**

The need to develop and implement a diversity recruitment and retention plan is essential to fulfilling the mission of DHS. It also results from Executive Order 15-02, signed by Governor Mark Dayton on January 20, 2015, which commits to establishing the Diversity and Inclusion Council to improve the recruiting and retention of state employees from diverse backgrounds; improve the contracting process for businesses owned by Minnesotans from diverse backgrounds; and promote civic engagement in the State of Minnesota. Governor Mark Dayton stated, "A government that serves the people of Minnesota, should reflect the rich diversity of Minnesota. We must ensure that all Minnesotans have equitable opportunities to work for their state government, to do business with the state, and to participate fully in the development of policy within our democracy" (Retrieved from Executive Order 15-02).

### **Purpose**

The Minnesota Department of Human Services (DHS) provides effective services, programs and policies that are appropriate and accessible to diverse communities. Recognizing the diversity of its customers and employees, DHS is committed to creating a work environment that is reflective of the communities it serves and respectful of individual differences. DHS recognizes both the importance of a diverse and inclusive workforce and the benefits of maintaining this environment. DHS has also adopted a philosophy of embracing the opportunities and challenges a diverse workforce offers.

Through the use of strategic and targeted recruitment approaches, this plan seeks to identify areas of opportunities to further diversify and retain employees at DHS by implementing recruitment strategies and methods of sustainability. The current diversity statement reads:

Our mission as an employer is to actively recruit, welcome and support a workforce, which is diverse and inclusive of people who are underrepresented in the development of state policies, programs and practices, so that we can support the success and growth of all people who call Minnesota home.

In accordance with this statement, implementing a diversity recruitment and retention plan will enable DHS to accomplish the following:

- Attract and retain a diverse and talented workforce at DHS
- Position DHS as an "Employer of Choice" among diverse communities
- Reinforce DHS' commitment to the community

## **Introduction**

Fostering a diverse and inclusive environment is essential to fulfilling the directive set by Governor Mark Dayton. This order focuses on the need to put more "diverse faces" in state government. Diversity at DHS is paramount to achieving the agency's mission, which includes valuing diversity and the individual attributes that together help us meet our goals.

The success and longevity of DHS depends heavily on its ability to diversify the workforce by engaging and including people of all backgrounds and perspectives.

#### **DHS Diversity & Inclusion Statement**

Our mission as an employer is to actively recruit, welcome and support a workforce, which is diverse and inclusive of people who are underrepresented in the development of state policies, programs and practices, so that we can support the success and growth of all people who call Minnesota home.

#### **DHS Diversity and Inclusion Vision Statement**

Be a state recognized model of leveraging diversity and fostering inclusion to deliver the best public service.

### **Defining Diversity and Inclusion**

At DHS, workforce diversity is defined as a collection of individual attributes that together help agencies pursue organizational objectives efficiently and effectively. The concept also encompasses differences among people concerning where they are from, where they have lived, and differences of thought and life experiences. More specifically, this plan focuses on the following protected classes: women, minorities, veterans, and individuals with disabilities.

### **The Value of a Diverse & Inclusive Workforce**

There are a number of benefits associated with hiring and retaining a diverse workforce. When an employer and its leaderships are perceived as being committed to diversity and inclusivity, the following benefits follow:

- The employer becomes more attractive to external candidates
- Employees are more likely to stay with the company (less turnover)
- Employees are more likely to recommend the employer to friends and family
- Workforce is more engaged
- Better public image and relationship with the community

### **Minnesota's Diverse Candidate Communities at a Glance**



\* As shown, there is an overlapping relationship among each of the diverse communities.

## **DHS Diversity Recruitment and Retention Framework**

This plan has been created to serve as a blueprint for DHS in diversifying the agency's workforce by implementing strategic recruiting and retention strategies and leveraging the skills and talents of current agency employees. The ultimate goal is to position DHS as an "Employer of Choice" among various diverse communities. As such, it provides innovative strategies designed to enhance the inclusiveness of our work environments and further broaden the reach of our recruitment efforts.

Diversifying the workforce at DHS is not just the job of the Diversity Recruiter; instead, every employee at DHS has accountability for this endeavor. The support and participation of everyone at DHS, including executive leadership, managers, supervisors, and employees, are critical for successful implementation of this plan. Responsibility for achieving the goals set forth in this plan resides with all of us. However, a great deal of the execution will come at the grass roots level, by the Diversity Recruiter.

## Goals, Strategies and Actions

The following three goals have been identified as absolutely necessary to diversify the agency and retain a workforce that is reflective of minorities, women, individuals with disabilities and veterans. These three goals are:

**Workforce Diversity:** Proactively recruit from a diverse, qualified group of potential applicants to secure a high-performing workforce at DHS drawn from all segments of society.

**Retention:** Increase retention rates among diverse staff at DHS by cultivating a culture that encourages inclusion, acceptance, collaboration, flexibility, and fairness, ultimately enabling individuals to contribute to their full potential.

**Measurement:** Develop and implement effective measurement structures and strategies to equip the agency to determine whether or not diversity recruitment and retention efforts are successful. This includes charging all DHS leaders across the agency to be accountable, measure results, and refine approaches on the basis of such data; thus institutionalizing a diverse and inclusive culture.

In support of these goals, the following eight agency-wide strategies have been identified for initial focus and attention as it relates to diversity recruitment and retention at DHS. In the following pages, each of these strategies as well as a number of possible action items will be further discussed.

## Strategies to Successfully Implement Diversity Recruiting and Retention at DHS

### **Goal 1: Diverse Workforce**

#### **Strategies:**

- Implement Strategic and Targeted Diversity Hiring Initiatives
- Implement Hiring Initiatives for Diverse High School and College Level Students
- Utilize Social Media to Re-brand DHS
- Enhance Visibility in the Communities DHS Serves

### **Goal 2: Retention**

#### **Strategies:**

- Develop “Diversity Friendly” Culture
- Engage and Partner with Agency Employee Resource Groups (ERGs) to Boost Recruiting Efforts
- Launch Diversity Recruiting Subcommittee
- Participation in the Statewide Make.IT.MSP Strategy Team

### **Goal 3: Measurement**

#### **Strategies:**

- Implement Diversity Recruitment and Retention Measurements to Sustain Efforts

## **GOAL 1: WORKFORCE DIVERSITY**

DHS shall proactively recruit from a diverse, qualified group of potential applicants to secure a diverse, high-performing workforce drawn from segments of the following communities: minorities, individuals with disabilities, women and veterans.

**Strategy 1:1: Implement strategic and targeted hiring initiatives for the following underrepresented groups: minorities, individuals with disabilities, women and veterans.**

#### **➤ Action Items:**

- a) Become a participating sponsor of the 2<sup>nd</sup> annual Mom’s Rock Expo (\$700, 5K in attendance).
- b) Develop strategic partnerships with local affinity organizations, professional associations, and educational institutions to build a diverse pool of applicants and perform recruitment outreach.
- c) Partner with MMB to launch KMOJ Radio initiative, a 12 month targeted recruitment campaign for the African American community that includes 115 recruitment radio spots targeted at their listener audience of 100K, and 2 in-studio interviews speaking about career opportunities at DHS/DOC (\$3,500/\$1,835 split between DHS and DOC).
- d) Partner with Hennepin County to launch Public Service Pathways Program, a training program in collaboration with Project for Pride and Living and MCTC school, aimed at training underrepresented candidates for entry-level positions at DHS (i.e., MN Health Insurance Program Rep 1).

- e) Partner with Northwest Indian OIC for the Minnesota Job Skills training Program, will recruit and train 48 low-income residents for highly targeted health care occupations. The partnership with Northwest Indiana OIC will be to place trainee participants into full time positions at DHS after they have complete the training.
- f) Sponsor the 27th annual Forum on Workplace Inclusion Career Fair.
- g) Speak twice a month to program participants at community based job training programs (i.e., Twin Cities Rise, RESOURCE and JFCS) about career opportunities at DHS; applying for jobs, resume writing tips, etc.
- h) Go beyond traditional recruiting efforts and seek opportunities to recruit at religious centers, local gathering spots and events that draw people from these targeted disparate groups.
- i) Continue to leverage DHS and MMB diversity email lists for advertising positions at DHS.
- j) Launch Sourcing Campaign for Veterans via Indeed
  - a. Indeed has a resume search functions with over 100K resumes. The company offers the ability to contact any veteran candidate for free via this function. The sourcing campaign will include ongoing sourcing of veteran candidates on Indeed for positions that have continuous recruitment, i.e., Human Service Technicians and Customer Service Reps.
- k) Sponsor 2-3 virtual career fairs per year for underrepresented minority groups (National Black MBA, Gettinghired, Veteran Recruiting, AbilityLinks etc.).

**Strategy 1:2: Implement diversity-focused recruitment initiatives targeted at diverse high school and college students, with the ultimate goal of positioning DHS as an “Employer of Choice” among this group:**

➤ Action Items:

- a) Become an Employer Sponsor of Jobs for America's Graduates (JAG) program
  - a. Jobs for America's Graduates is a new program in Minnesota that launched last year. This state-based program is committed to preventing high school dropouts among young people of color through innovative initiatives. There are 300 students in the program across 16 public schools in Minneapolis. 95% of the students are from diverse backgrounds.
    - i. As an employee sponsor, DHS will provide the following:
      - 1. Monthly guest speakers from DHS
      - 2. Internship opportunities to JAG students
      - 3. Mentor opportunities for DHS and JAG students
      - 4. Job shadowing at DHS
      - 5. Tours for students at DHS
      - 6. Resume writing workshops
      - 7. Interviews for JAG students that apply for entry level positions at DHS and meet minimum qualifications
- b) Enhance DHS' participation in the following programs: STEP UP, Right Track, Urban Scholars and Star of the North. This includes sponsoring at least 2-3 interns from each program annually and participating as a guest speaker in the annual career fairs at local high schools, sponsored by AchieveMpls.
- c) Attend job fairs and events geared toward high school and college students
  - a. i.e., HOSA, 5<sup>th</sup> Annual STEM & Career Exploration (Minneapolis Public School).
- d) Diversify the candidate pool for DHS' student hiring programs (Executive Pathways and Star of the North Fellowship) by establishing relationships with career development officers at Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs). This will be done by reaching out directly to make an introduction as the diversity recruiter; sending DHS career opportunities to career development officers; monthly check-ins to request alumni recommendations; and networking by visiting at least two HBCU or HSI campuses per year.
- e) Develop "Showcase Pages" on Linked In for the Executive Pathways and Star of the North internship and fellowship programs to highlight the program's diversity; showcase the unique skills and innovations that stem from having a wide range of nationalities and backgrounds among DHS; and enable former interns to share their experiences and connect with potential students/interns.

- f) Develop and implement Alma Mater Recruitment Initiative where DHS employees refer diverse candidates from their alma mater for positions at the agency. Those with the most referrals will be featured on DHS today in the Employee Spotlight section.

**Strategy 1:3: Utilize social media to brand DHS as a “Diversity Champion:”**

➤ Action Items:

- a) Create an editorial calendar that includes key dates and diverse holidays, and use this calendar for at least three diversity related social media postings per week via Linked In, Facebook, & Twitter.
- b) Include the following on the DHS recruitment website, social media pages and print material: diversity mission statement; diversity images, demographic stats on the diversity of the agency’s workforce, testimonials and videos interviewing minority employees from all levels, diversity awards/public recognition of D&I efforts.
- c) Create DHS Diversity Recruitment Video:
  - a. Include key leaders at DHS, ERG members, and “diversity champions” across the agency (Commissioner, Constance Tuck, Antonia Wilcoxon, David Everett, ERG’s, etc.) highlighting the importance of Diversity and Inclusion, strategic initiatives, etc. This video will be used for targeted diversity recruitment efforts. Ex: Dollar General- <https://youtu.be/VS96-J2cqfc>
- d) Build and brand the DHS Company page on Indeed to include pictures of diverse faces and diversify recruitment video:
  - a. While some diverse candidates visit niche diverse sites, the majority simply go to the where the most jobs are posted. It is important that DHS has a strong brand and presence on the largest job search site.

**Strategy 1:4: Increase visibility in the community through participation in community network affiliations:**

➤ Action Items:

- a) Diversity Recruiter to attend bi-monthly Twin Cities Diversity Roundtable and monthly Diversity Discussion Group meetings. Leverage these groups to advertise career opportunities at DHS.
  - a. Twin Cities Diversity Roundtable (TCDR) is an informal networking group in Minneapolis made up of 100 diversity practitioners from a variety of Twin Cities companies. The group meets six times per year to network and share best practices as it relates to diversity recruitment, retention, and inclusion.
  - b. Diversity Discussion Group meets the second Friday of the month to discuss and share diversity-related topics and resources as well as network with others who are interested in this important topic.
- b) Expand community presence by building relationships with the following diverse organizations. This includes scheduling an initial meet and greet with each organization's leader; timely follow-up after the meeting; monthly email check-ins with leaders; and quarterly face to face touchbase meetings.
  - a. Everybody IN
  - b. Latino Lead
  - c. African American Leadership Forum
  - d. MN Urban League
  - e. NAACP
  - f. Ramsey County (Anti-Racism Campaign)
  - g. Lifetrack
  - h. Coalition of Asian American Leaders
  - i. Congressman Ellison's Office (Erin May- Community Representative)
  - j. Ka Joog (largest Somali organization)
- c) Join the RESOURCE Business Partner Advisory Council

RESOURCE is an organization committed to empowering underrepresented individuals (minority, veterans, and those with disabilities) to achieve greater personal, social and economic success through employment services and training programs. The RESOURCE Business Partner Advisory Council is made up of over 70 local companies and there is one person from each company that serves on the Business Partner Advisory Council. This person contributes time, talent, expertise and other resources, to help RESOURCE participants begin and maintain a meaningful career path.

- d) Share and encourage the participation of diversity events with hiring leaders and department managers, as having leaders & managers participate in community events can build relationships and make connections to targeted groups, while enhancing DHS' image as an attractive employer.
- e) Expand volunteer efforts in the community by hosting at least two agency community service days per year with community based organizations (United Negro College Fund, United Way, Goodwill, Feed My Starving Children, Meals on Wheels, Habitat for Humanity, etc.).
- f) In partnership with the Community and Partner Relations Administration (CPR), develop activities and events for agency employees during National Volunteer Week (April), and encourage employees to give back to their communities by volunteering.
- g) Meet monthly with Antonia Wilcoxon and Constance Tuck to stay current on initiatives and partnership opportunities with the Cultural Ethnic Communities Leadership Council and Community (CECLC) and Community Partner Relations Administration (CPR).
- h) Expand participation in community diversity events, i.e., Human Rights Symposium, Overcoming Racism Conference, Rondo Days, Juneteenth Celebration, etc.

## **GOAL 2: RETENTION**

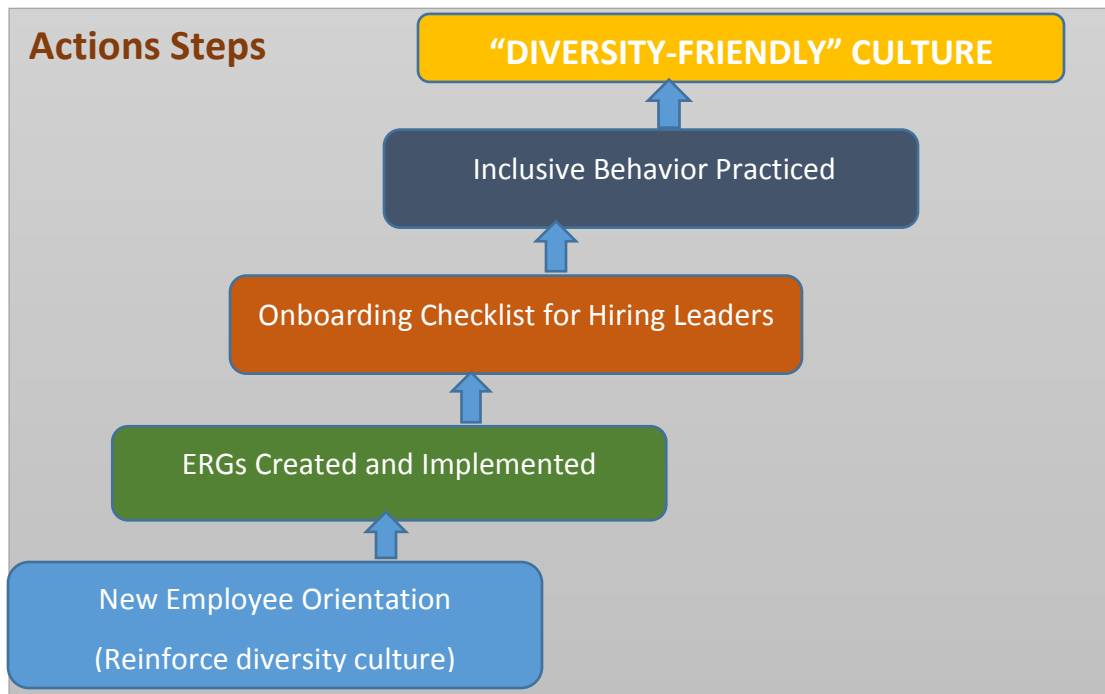
DHS shall increase retention rates among diverse staff by cultivating a work environment that encourages inclusion, acceptance, inclusivity, collaboration, flexibility, and fairness, ultimately enabling individuals to contribute to their full potential.

**Strategy 1:1: Create and implement a “diversity-friendly” (supportive, welcoming, inclusive and engaged) work environment across the agency, which includes the following elements (visual image below):**

### **➤ Action Items:**

- a) Develop hiring manager interview guide to ensure inclusive selection process.
- b) Onboarding checklist for hiring managers (30-60 days prior to employee's start and 30-60 days after employee starts).
- c) Create and implement Employee Resources Groups (ERG) agency-wide.
- d) Reinforce “diversity- friendly” culture during new employee orientation.

- e) Ensure leaders are practicing inclusive behavior by adding diverse hiring accountability on performance reviews for all leaders across the agency.
- f) Incorporate a diversity and inclusion curricula for all leaders during leadership orientation for new leaders.
- g) Implement required exit surveys for all diverse employees leaving the agency.



**Strategy 1:2: Partner with Employee Resource Groups (ERGs) to expand diversity recruiting efforts:**

➤ Action Items:

- a) Diversity Recruiter to give an introduction at each of the ERGs first initial meeting. This will reinforce DHS' commitment to diversity hiring and to encourage members to contact the Diversity Recruiter with referrals, contacts, and other opportunities.
- b) Stay in constant contact with ERG leaders to understand current priorities, initiatives and up to date about events and other partnership opportunities.
- c) Seek out community events, job fairs, mentoring and volunteer opportunities that ERG's might have an interest in and share with the ERG leaders.
- d) Solicit candidate referrals from ERG members on an ongoing basis.

- e) Inform ERG leaders of agency employment opportunities and encourage them to share with ERG members and their respective networks.
- f) Collaborate with ERG leaders to coordinate diversity-focused events.

**Strategy 1:3: Develop Statewide Diversity Recruiters Group; a subcommittee of the ACCESS Group:**

➤ Action Items:

- a) Work in partnership with Anika Ward, MMB Statewide Executive Recruiter, to launch and co-facilitate a Diversity Recruiters Group. The group will bring recruiters together across state agencies, either specializing in diversity recruitment or have passion around this area, to discuss diversity recruitment best practices, partnership opportunities, news, events, challenges, etc.
- b) The group will hold its first meeting in Q1 (January – April 2016) and the goal will be to stay abreast of what other agencies are doing from a diversity recruitment standpoint and to collaborate and discuss best practices.
- c) Survey Diversity Recruiters Groups on a quarterly basis to determine value add and level of engagement from group members.

**Strategy 1:4: Participation in the statewide retention effort led by the St. Paul Chamber of Commerce:**

➤ Action Items:

**Background:** Through extensive research, the Chamber of Commerce found the following:

- MSP leads the nation's top 25 metros at overall retention of professionals, but ranks just #14 of 25 at retaining professionals of color, the fastest growing populations in our workforce
- Young professionals of color indicate through surveys that they are less likely to be living in MSP in 3-5 years
- 85% of employers surveyed are willing to collaborate on new approaches to retain and attract professionals of color

As a result, **2016 Make It. MSP. Strategy Team**, was developed to identify ways to increase the retention among young professionals of color, encouraging them to stay in Minnesota and at their respective companies. The Diversity Recruiter will serve as a member of this 30 person strategy team. Following are the team logistics:

## TEAM LOGISTICS

- **Phase One** - the Strategy Team will meet three times to design a process that provides the region with the insight needed – from professionals of color – to develop and implement strategy to improve the region's retention rate.
- **Phase Two** - the team will help convene regional focus groups on issues and opportunities retaining professionals of color. Second, the team will distribute a large-scale regional survey using themes identified through focus groups. Third, the team will analyze the insights gathered during that process.
  - Additionally, a small working group of Make It. MSP. investors and professional affinity group leaders will meet regularly during Phase One to do the heavy lifting required to execute the aforementioned process, including:
    - **Focus group logistics** – Work with facilitator(s) to source and screen candidates for participation
    - **Survey development** – Work with statistician(s) to develop and distribute the regional survey
    - **Social events** – Work to plan opportunities to engage a broader network

The findings from this strategy team will be brought back to DHS for review and implementation of recommended retention strategies.

## GOAL 3: MEASUREMENT

DHS shall develop and implement sustainable and effective metrics to measure success and determine whether or not diversity recruitment and retention efforts are working. This includes charging all DHS leaders across the agency to be accountable for diversity hiring, measure results, and refine approaches on the basis of such data; thus institutionalizing a diverse, inclusive and engaged culture.

### **Strategy 1:1: Implement effective measurements to monitor diversity recruitment and retention efforts:**

- Action Items:
  - a) Track the number of diverse candidates within each slate for every position.
  - b) Track the number of diverse candidates moving throughout the stages of the hiring process, i.e., "Referred to Manager," "Interview," and "Hire."
  - c) Identify where each diverse candidate found out about the job (ex: Indeed, diversity job board, etc.).

- d) Implement candidate survey to be sent to all candidates who interview at DHS to evaluate the candidate's hiring experience (is the process fair and equitable, are diverse candidates having the same experience?)
- e) Track where diverse candidates are falling off in the hiring process (i.e., 1<sup>st</sup> interview, 2<sup>nd</sup> interview, background check, etc.)
- f) Track the number of diverse employees receiving promotions and transfers.
- g) Track retention rates among those with disabilities, minorities, veterans, and women.
- h) Determine where the lack of mobility is among diverse groups.
- i) Measure number of new initiatives implemented by employee resource groups.
- j) Track engagement of the Diversity Recruiters Group through quarterly surveys.
- k) Track the number of employees in the student hiring programs (executive pathways, etc.) retained at DHS after the program ends.
- l) Track the number of interview panels that have diverse panel members.
- m) Track the % of diverse candidates interviewed by hiring managers.
- n) Track number of new hires from referrals (ERGs, friends, family, etc.)
- o) Track the % turnover rate among diversity hires within a year. Based on results, develop mentoring program for the underrepresented group with the highest turnover and pair new employees from this group with an agency mentor.
- p) Track average diversity applicant satisfaction rate (from survey listed above).
- q) Track average hiring manager satisfaction score (from a survey) after a diverse hire.
- r) Track average job performance rating of diversity hires after one year.

## **Conclusion**

This Diversity Recruitment and Retention Plan provides suggestions and tools to build an increasingly diverse workforce broadly representative of the communities we serve. It also provides implementation strategies for retaining diverse talent. By formally integrating diverse and inclusive values and practices into existing processes, the diversity recruitment and retention plan enables progress and results to be measured agency-wide.

### Proposed Diversity Recruitment Budget

I am requesting an annual diversity budget of \$25,000, broken down by the following:

<b>Diversity Budget Breakdown - \$25, 000</b>	
Diversity Recruitment Job Fairs & Events	10,000
Diversity Workforce Initiatives (Pathways, etc)	3,000
Talent Management System	3,000
Diversity Marketing Campaign	3,000
Diversity Focused Internship	1,000
Misc. Diversity Recruitment Expenses	5,000

#### **A. Advertising Sources**

The following is a list of recruitment sources at DHS used to attract qualified candidates:

- Comunidades Latinas Unidas En Servicio (CLUES)
- MMB and DHS Diversity listserve
- Minnesota Job
- JobsinMinneapolis
- Indeed
- Access Press
- Hmong American Partnership
- Spokesman Recorder News
- American Indian OIC
- Summit Academy OIC
- MDE
- Alliance Housing Inc.
- Council on Asian Pacific Minnesotans
- MN Indian Affairs Council
- MN Best Enterprises
- US Veterans Affairs

- Chicano Latino Affairs Council
- MN House
- Century College
- Ramsey County
- Sabathani Community Center
- Higher Education Board
- Resources MN Inc.
- Minneapolis Urban League
- Goodwill Easter Seals
- African News Journal
- Asian American Press
- US Veterans Affairs
- Globe University
- American Indian Family Center
- Insight News
- Latino Midwestern News

These sources have yielded great results over the past year and we will continue using them.

#### **B. Job and Community Fairs**

A calendar of job fair events for fiscal year 2016 is attached in the Appendix. All of these sources have yield great results over the past year and we will continue to use them.

#### **C. College and University Recruitment Events**

A list of college events is attached in the Appendix. These events provide DHS with great exposure to students and give us a platform to educate students about DHS and all of the opportunities we have.

#### **D. Recruitment for Individuals with Disabilities**

DHS will continue to work with the Minnesota State Council on Disability (MSCOD), the Minneapolis Placement Partnership Network, the South Placement Partnership Network and other community organizations that serve individuals with disabilities. These partnerships will

help to promote the DHS as a viable employer for individuals with disabilities. DHS will also continue to look for marketing opportunities and other resources that will strengthen the number of individuals with disabilities in its applicant pool. DHS has also worked with, and will continue to work with, various employment counselors and plans to continue to develop those working relationships.

Last year, DHS attended three job fairs specifically for people with disabilities. DHS will continue to attend these job fairs in the future.

Job fair targeting people with disabilities:

- North Metro Placement Partnership Job Fair
- South Metro Placement Partnership Job Fair
- Transition Job Fair (for High School students)

Recruitment events for sourcing candidates with disabilities

- South Metro Placement Partnership (Burnsville)
- Transition Job fair (Phelps Community Center)
- MPP 3<sup>rd</sup> Annual Career Fair (Minneapolis Placement Partnership)
- Transition Resource Fair (Northwest Metro CTIC)
- Ability Links Virtual Job Fair (2 day online career fair )

**TAP Talent Acquisition Portal** <https://tapability.org/>

- TAP is an online system which includes both a national talent pool of Vocational Rehabilitation (VR) candidates looking for employment and a job posting section for businesses looking to hire individuals with disabilities.
- TAP was created to assist employers recruiting and individuals with disabilities in finding jobs. (Similar to Jobs in Minneapolis, but is specific to peoples with disabilities.
- DHS will partner with other state agencies for one price,\$7500 per year
- Benefits for DHS to utilize TAP
  - Post Jobs that will reach all 80 Agencies in all 50 States, Territories, and DC
  - Voluntary Self-Disclosure of Candidates
  - Resume searching and Geographic Availability of Candidates
  - Job Reporting Metrics
  - Compliance Reports
  - Preliminary Interview Capability
  - Online Job Fairs
  - Printable Transcripts

- Manual or Automated Job Postings

### **AbilityLinks.org**

- Ability Links is a nationwide, web-based community where qualified job seekers with disabilities and employers meet and gain access to valuable networking opportunities. Job seekers who want to connect to employers by voluntarily self-identifying having a [disability](#) use AbilityLinks to post resumes and apply for jobs. No information about disability type is asked.

### **EARN Employer Assistance and Resource Network**

DHS will post vacancies with (EARN), which is sponsored by the Department of Labor. EARN is a nationwide, cost-free employer referral and technical assistance service that connects employers with job vacancies to employment service providers who have direct access to job ready individuals with disabilities. DHS will utilize the following sites for sourcing candidates and posting our open positions.

- [Ability Jobs](#)
- [disABLED Person](#)
- [Getting Hired](#)
- [Hire Disability Solutions](#)
- [One More Way](#)
- [Recruit Disability](#)
- [Think Beyond the Label](#)
- [Lime Connect](#)
- [EnableAmerica](#)
- [OurAbility](#)

### **Veterans with Disabilities**

MMB promotes state employment to active military and National Guard transitioning to civilian life. DHS will continue to promote state employment to veterans, including disabled veterans.

DHS will also focus recruitment efforts on Veterans with Disabilities: utilizing the following sites to source candidates and post positions.

- [Job Opportunities for Disabled American Veterans](#)
- [Vet Success](#)
- [Recruit Military](#)
- [Hero 2 Hired](#)

## **E. Relationship Building and Outreach**

DHS is committed to strengthening and building diverse community relationships to help build awareness of our many career opportunities and provide education on the hiring process.

One way the Department of Human Services had reached its targeted candidate pool, is by forming working relationships and partnerships within the communities we serve. By working closely with the various community groups and agencies, DHS has gained a better understanding of needs and best practices of the various communities.

DHS will continue to be a member of the MnCARRS (Minnesota Community Advisors on Recruitment and Retentions Solutions) group and will also continue to attend job fairs and other community events sponsored by minority communities, as well as, continue to send out job notifications on DHS positions.

DHS will also continue to research and learn about the various community organizations within Minnesota (Metro and Greater Minnesota) and develop working relationships, as appropriate. DHS will provide organizations with DHS career opportunities and application process information, as well as, figure out best way to partner with the various organizations (email, community bulletin boards, info session, classroom presentation, mock interviews, etc.).

## **F. Internships**

### **Executive Pathways**

In addition to outreach into the community, DHS continues to sponsor the Executive Pathways internship program, which is a 400 hour paid internship designed to attract students from under-represented communities to work in the public sector. DHS has been operating this program for 19 years. It provides meaningful work opportunities for senior level undergraduates and graduate level students in public policy, public health, healthcare, law, social work, and related fields. Interns work alongside experienced DHS employees during the summer months, helping to research, shape and implement human services policies and practices. Each summer DHS hosts six Executive Pathways interns, and many have stayed on at DHS in paid positions after the internship has ended.

### **Star of the North Fellowships**

For the past two years DHS has hosted Star of the North Fellows. These fellows are recent undergraduate and graduate degree recipients who are interested in statewide public service. This year, DHS is hosting three fellows in areas of Healthcare, Office of Economic Opportunity, and Purchasing and Service Delivery.

### **Urban Scholars**

DHS is proud to participate in the Urban Scholars program for the first time. These interns are current undergraduate and graduate students who are interested in statewide public service careers. This year, DHS is hosting two Urban Scholar interns, both in areas of healthcare.

### **STEP-UP Achieve and Right Track Summer Youth Employment Programs**

For the past four summers (2013 to present), DHS has participated in the STEP-UP Achieve summer employment program for Minneapolis youth. DHS is currently hosting three interns from the STEP-UP Achieve program in the following divisions at DHS: Healthcare, Child Support, and Human Resources.

For the past three summers, DHS has continued its partnership with the Right Track program, a summer employment program for St. Paul youth. This summer DHS is hosting two interns from the Right Track Program in the following divisions: IT help desk and Human Resources.

Both programs provide youth with 6 to 10 weeks of valuable paid training and work experience and work recruit youth from low income households. In addition, these youth programs help us further our efforts in developing a pipeline of diverse talent to meet our future workforce needs. Youth employment will occur between mid-June and August 2016, and youth will work 20 to 40 hours a week.

DHS plans to continue working with these programs every summer.

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

The agency supports the employment of individuals with disabilities and employs individuals from sheltered workshops for repetitive, non-professional tasks, such as scanning of documents. DHS 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 individuals with disabilities to recruit for these positions.

DHS will also be working with Minnesota Management and Budget as it implements the Connect 700 Program across all state agencies. Connect 700 (formerly known as 700-Hour Program On-the-Job Demonstration and Appointment) is an alternative, non-competitive selection process available to hiring managers and individuals with disabilities seeking employment in state government who are unable to demonstrate their abilities through the standard selection process. Connect 700 is a pre-probationary program that provides eligible individuals a chance

to demonstrate their abilities on-the-job, and gives hiring managers the opportunity to more accurately determine if an applicant has the skills and abilities to be successful in the position through an on-the-job trial work experience of up to 700 hours.

To become eligible for this program, individuals with disabilities complete an Application for Eligibility through the Equal Opportunity, Diversity and Inclusion (EODI) Team at Minnesota Management and Budget (MMB). Eligible applicants receive a Proof of Eligibility notice that can be used to apply for state positions for up to four years. The State Director for Equal Opportunity, Diversity & Inclusion in MMB actively works with public and private agencies, educational institutions, and organizations to encourage eligible individuals with disabilities to apply for state employment and to inform them about Connect 700.

On August 4, 2014, Governor Mark Dayton signed Executive Order 14-14, Providing for Increased State Employment for Individuals with Disabilities. The first goal of Executive Order 14-14 is to increase employment for people with disabilities to at least seven percent by August 2018. To achieve this goal, the Executive Order specifically states that “Executive Branch Agencies, to the extent possible and permitted by law, should use an on-the-job demonstration process pursuant to Minnesota Statutes, section 43A.15, subdivision 14.” Connect 700 is a key mechanism for achieving this goal.

Connect 700 was originally launched in 1987 to increase fair and equal access to employment in state service for eligible individuals with severe disabilities. Endorsed by the Minnesota Legislature in Minnesota Statutes, section 43A.15, subdivision 14, the program provides an alternative, non-competitive selection process for eligible individuals whose disabilities significantly impede their ability to demonstrate their skills and abilities in the standard selection process.

#### **H. Additional Recruitment Activities**

Please review the DHS Recruitment and Retention Strategic Plan for details about any additional recruitment activities.

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### **XIII. RETENTION PLAN**

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The agency is committed to not only the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups. DHS’ formal retention plan is outlined in the Recruitment and Retention Strategic Plan, contained in Section XI. Recruitment. The agency’s retention plan, as well as implementation of the agency-wide Objectives noted in Section IX. Affirmative Action Objectives, is the responsibility of the individuals noted below. They are members of the DHS Team for Retention and Employee Engagement (‘TREE’).

TREE was formed four years ago to help foster affirmative hiring at DHS. The TREE team is currently composed of the Affirmative Action Officer, representatives from Human Resources, including the Agency Recruiter and Diversity Recruiter, the Director of Agency-wide Development and Learning and the Employee Engagement Coordinator, the Director of OEPD Equal Opportunity and Access and staff responsible for ADA and affirmative action implementation, representatives from DHS' Direct Care and Treatment administration, and interested hiring supervisors.

For its 2016-2018 Affirmative Action Plan, DHS will be expanding its membership to specifically solicit participation by a representative from DHS' Chief Administrative Officers, who are responsible for daily operations within each of DHS' six administrations, a representative from the DHS Employee Resource Groups ('ERGs'), and a representative from the Cultural and Ethnic Community Leadership Council ("CECLC"). This team will be responsible for supporting the Affirmative Action Officer in the implementation of the agency's affirmative action plan objectives, and in supporting affirmative action and equal opportunity at DHS.

#### **A. Individual(s) Responsible for the Agency's Retention Program/Activities**

Constance Tuck,  
Chief Equity and Development Officer (Affirmative Action Officer)  
651-431-3037  
[constance.tuck@state.mn.us](mailto:constance.tuck@state.mn.us)

Lauren Hunter  
Diversity Recruiter  
651-431-3032  
[Lauren.hunter@state.mn.us](mailto:Lauren.hunter@state.mn.us)

Laura Sengil  
Workforce Planning Consultant  
651-431-4967  
[Laura.sengil@state.mn.us](mailto:Laura.sengil@state.mn.us)

#### **Team for Retention and Employee Engagement ("TREE")**

- Affirmative Action Officer (noted above)
- Diversity Recruiter (noted above)
- Workforce Planning Consultant (noted above)
- Mary Britt, OEPD Director of Agency-wide Development and Learning, 651-431-4002, [mary.britt@state.mn.us](mailto:mary.britt@state.mn.us)
- De Anna Conover, DHS Employee Engagement Coordinator, 651-431-2147, [deanna.conover@state.mn.us](mailto:deanna.conover@state.mn.us)

- Zecharias Hailu, OEPD Director of Equal Opportunity and Access, 651-431-2134, zecharias.hailu@state.mn.us
- Richard Nymoen, OEPD Equal Opportunity and Access Investigator and ADA designee, 651-431-2901, richard.nymoen@state.mn.us
- David Everett, OEPD Coordinator for Diversity and Inclusion, 651-431-3035, david.everett@state.mn.us
- Sean Tolefree, Deputy Director, Human Resources, 651-431-2291, sean.tolefree@state.mn.us
- A representative from the agency's Chief Administrative Officers (to be selected by the group)
- A representative from the Employee Resource Groups (to be selected by the groups)
- A representative from the Cultural and Ethnic Community Leadership Council (to be selected by the group)

## **B. Separation and Retention Analysis by Protected Groups**

In certain job groups – Professionals, Office/Clerical, and Paraprofessionals - it appears that the members of minority communities are separating at disproportionate rates. This requires delving deeper into separation data for majority group employees and employees from under-represented groups. DHS will use data obtained via OBIEE to evaluate separation data, via adverse impact analysis, for three quarters beginning in state fiscal year 2017 (July 1, 2016). DHS will focus on separations during probationary periods, involuntary separations, and separations not related to retirement. See DHS Affirmative Action Plan Objective # 5.

### **a. Women**

Women represent approximately 68% of the total agency workforce. The agency saw a total of 1904 separations in FY 2015 and FY 2016 combined. Women were 70% of all separations. This is slightly higher relative to their total agency workforce representation. Retirements, at 69%, remained in line with the proportion of women in the agency, however the percentage of women separating by resignations, at 72%, is higher than their proportion relative to their total agency workforce representation.

### **b. Minorities**

Minorities represent 15.5% of the total agency workforce. The agency saw a total of 1904 separations in FY 2015 and FY 2016 combined. Minorities make up 14.8% of all separations. As an aggregate total this is slightly lower than their total agency workforce representation. Retirements, at 5.6%, is lower than the proportion of minorities in the agency, however the percentage of minorities separating by resignations, 16.2%, is higher than their proportion relative to their total agency workforce representation.

**c. Individuals with Disabilities**

Individuals with disabilities represent 6.2% of the total agency workforce. The agency saw a total of 1904 separations in FY 2015 and FY 2016 combined. Individuals with disabilities make up 6.6 % of all separations. As an aggregate total this is slightly higher than their total agency workforce representation. Retirements, at 11.5%, is higher than the proportion of Individuals with disabilities in the agency, however the percentage of Individuals with disabilities separating by resignations, 4.6%, is lower than their proportion relative to their total agency workforce representation.

**Methods of Retention of Protected Groups**

DHS anticipates using the following methods to retain members of protected groups:

- Supporting newly formed employee resource groups (ERGs);
- Providing training opportunities for supervisors, managers and directors regarding unconscious bias, disability awareness, and inclusivity (see Section IX. Affirmative Action Objective #4, Training of Hiring Supervisors);
- Ensuring accessibility of electronic systems, physical office spaces, and other aspects of the employment experience;
- Expanding networking and mentoring opportunities through the recent revival of the DHS Mentoring Program.

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XIV. **APPENDIX**

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***Complaint of Discrimination/Harassment Form***

**THE MINNESOTA DEPARTMENT OF HUMAN SERVICES**

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

**Please Read Before Completion of Form**

TENNESSEN NOTICE: This form asks you to supply data concerning yourself that is considered private or confidential under the Minnesota Government Data Practices Act (Minn. Stat. § 13.01, et seq.). The reason this data is being collected is to help the Department of Human Services understand and investigate a complaint that you wish to file alleging discrimination or harassment. Although you are not legally required to supply the requested data, failure to do so may make it difficult for the department to investigate your complaint. Additionally, the consequences of not supplying the data could be that we do not have all of the information relevant to your complaint. If you supply this data, it may be used to take disciplinary or other remedial action, or you may be required to testify at subsequent hearings relating to the data you provide. The other persons or entities who, as authorized by law, may see the data at some point include supervisors and managers whose input is necessary in the decision making process; exclusive representatives of employees; staff of Minnesota Management and Budget (formerly Department of Employee Relations); persons and/or entities authorized by you to see the data; arbitrators, hearing examiners, and other judicial and/or quasi-judicial officials; and other entities involved in grievances, appeals, and litigation over the subject matter of this investigation. This list could include the Attorney General's Office, state and federal courts, state and federal human rights enforcement agencies, the Unemployment Insurance Division of the Minnesota Department of Employment and Economic Development, law enforcement agencies, counsel for and parties to litigation pursuant to court order, the Legislative Auditor's office, and the employee who is being investigated.

Complainant (You)		
Name		Job Title or Position Applied for
Work/Home Address	City, State, Zip Code	Telephone (    )
Work Unit/Area	Mail Code	Supervisor
Respondent (the person who you believe discriminated against or harassed you or another individual)		
Name		Job Title
Work Address	City, State, Zip Code	Telephone (    )
Agency	Division	Supervisor
The Complaint		
Check any of the following that you feel may be the basis for the complaint.		

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<input type="checkbox"/> Age <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> Disability <input type="checkbox"/> General Harassment <input type="checkbox"/> Marital Status	<input type="checkbox"/> Membership or activity in a local human rights commission <input type="checkbox"/> National Origin <input type="checkbox"/> Political Affiliation <input type="checkbox"/> Race <input type="checkbox"/> Reliance on Public Assistance	<input type="checkbox"/> Religion <input type="checkbox"/> Retaliation <input type="checkbox"/> Gender/Sexual Harassment <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Veterans Status
Date most recent act of harassment/discrimination took place:		If you filed this complaint with another agency, give the name of that agency:
Describe the situation(s) that makes you feel that you or another individual have been discriminated against or harassed. Be specific. Include the name(s) of the individual(s) who you feel have discriminated against or harassed you or another individual; a detailed description of the incident(s); the date and time of the incident(s); and names of any witnesses and the name(s) of anyone with whom you discussed the incident(s). Use additional paper if necessary.		

Give the following information on all witnesses. Use additional paper if necessary.		
Name	Address/Work Location	Telephone

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How do you think this situation can be resolved?

This complaint is being filed based on my honest belief that the named person(s) has discriminated against or harassed me or another individual. 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. I hereby affirm that I am not using this complaint procedure for reasons of personal malice or abuse towards another employee.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Please hand deliver, mail, email, or fax this completed form to the Minnesota Department of Human Services,

OEPD Equal Opportunity and Access, Mail Code 0997, P.O. Box 64997, St. Paul, MN, 55164-0997

Email: [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us)

Fax: (651) 431-7444

This information is available in other forms to persons with disabilities by contacting OEPA Equal Opportunity and Access via: Voice (651) 431-3040, TTY (866) 786-3945, Fax (651) 431-7444, or Speech-to-Speech Relay (877) 627-3848.

Employee/Applicant Request for ADA Reasonable Accommodation Form



**State of Minnesota – Department of Human Services**  
**Employee/Applicant Request for ADA Reasonable Accommodation Form**

The State of Minnesota 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 be 1) qualified to perform the essential functions of your position and 2) have a disability that 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.

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Employee Name

Job Title

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Work Location

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your 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, your agency may refuse to provide a reasonable accommodation.

**Questions to clarify accommodation requested.**

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
  - a. If yes, please explain.

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

1. What, if any job function are you having difficulty performing?
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. If you are requesting a specific accommodation, how will that accommodation 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 or designee in each agency 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.

**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.**

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Employee Signature

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Date

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## ***Agency Profile and Organizational Chart***

### **Minnesota Department of Human Services**

The Minnesota Department of Human Services (DHS) helps provide essential services to Minnesota's most vulnerable residents. Working with many others, including counties, tribes and non-profits, DHS helps ensure that Minnesota seniors, people with disabilities, children and others in need of human services assistance can meet their basic needs and have the opportunity to reach their full potential.

While the vast majority of human services in Minnesota are provided directly by the counties and DHS' other partners, DHS (at the direction of the Governor and Legislature) sets policies and directs the payments for many of the services delivered. As the largest state agency, DHS administers about one-third of the state budget. As a steward of a significant amount of public dollars, DHS takes very seriously its responsibility to provide Minnesotans with high value in terms of both the quality and cost of services. In carrying out this responsibility, DHS vigorously roots out those who attempt to fraudulently misuse public funds and services.

DHS' largest financial responsibility is to provide health care coverage for low-income Minnesotans. It is also responsible for securing economic assistance for struggling families, providing food support, overseeing child protection and child welfare services, enforcing child support, and providing services for people with mental illness, chemical dependency, or physical or neurocognitive disabilities.

Through its licensing services, DHS ensures that certain minimum standards of care are met in private and public settings for children and vulnerable adults. DHS also provides direct service through our regional offices for Minnesotans who are blind, deaf or hard of hearing, and deaf and blind; through its Direct Care and Treatment Administration which provides direct care to people with physical and mental disabilities and chemical dependencies, and through the Minnesota Sex Offender Program, which provides treatment to persons committed by the courts for treatment of sexually dangerous behavior.

Currently DHS has over 6,200 employees, about 2,500 of whom work in the Twin Cities metropolitan area, with the remainder working in greater Minnesota. The following is a very high-level view of DHS' managerial organization, including the Director of Human Resources, the Affirmative Action Officer, and employees providing functions in support of Affirmative Action, Equal Opportunity, and the Americans with Disabilities Act.

### **Commissioner**

#### **Emily Johnson Piper 651-431-2907**

- Assistant to the Commissioner, Joe Sathe 651-431-2917
- Executive Aide, Denise Flock 651-431-2923

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**Office for Equity, Performance, and Development**

**Chief Equity and Development Officer (Affirmative Action Officer), Constance Tuck 651-431-3037**

- Administrative Assistant, Priscilla Caldwell 651-431-3121
- Agency-Wide Development and Learning Director, Mary Britt 651-431-4002
  - Employee Engagement Coordinator, DeAnna Conover 651-431-2147
  - Development and Learning Coordinators:
    - Stephanie Propson 651-431-5837
    - Denyqua Rodriguez 651-431-6231
  - E-learning and Accessibility Coordinator, Mary Ruebel 651-41-3874
  - Video Production Manager, Julie Swinland 651-431-4602
- Agency and County Performance Director, Marisa Hinnenkamp 651-431-2935
- Equal Opportunity and Access Director and Affirmative Action Officer designee, Zecharias Hailu 651-431-2134
  - Americans with Disabilities Act Coordinator, Eric Falk 651-431-3039
  - Equal Opportunity Legal Assistant to ADA Coordinator, Lisa Duda 651-431-2344
  - Equal Opportunity Consultant, Florence Canada 651-431-3038
  - Equal Opportunity Investigator and Affirmative Action Reviewers:
    - Richard Nymoen 651-431-2901
    - Kha Yang 651-431-3038
    - Reginald Cook 651-431-3035
  - Diversity and Inclusion Consultant, David Everett 651-431-3035
  - Civil Rights Coordinator, Joann daSilva 651-431-3034
  - Limited English Proficiency Coordinator, Alejandro Maldonado 651-431-4018
  - Language Translation Coordinator, Heidi Oxford 651-431-4867

**Deputy Commissioner, Central Office**

**Charles E. Johnson 651-431-5672**

- Assistant Commissioner Health Care Administration, Nathan Moracco
- Assistant Commissioner Community Supports, Claire Wilson
- Assistant Commissioner Continuing Care for Older Adults, Loren Colman
- Assistant Commissioner Children and Family Services, Jim Koppel
- Chief Financial Officer, Alexandra Kotze

**Chief of Staff**

**(Vacant, Santo Cruz, Assistant Commissioner for External Relations, Acting 651-431-4388)**

- Chief Compliance Officer (vacant)
- Assistant Commissioner for External Relations, Santo Cruz
- Director Office of Inspector General, Jerry Kerber

**Human Resources and Management Services**

- Director, Connie L. Jones 651-431-4320
  - Diversity Recruiter, Lauren Hunter 651-431-3032
- Management Services, Linda M. Nelson 651-431-2205
- Agency-wide Functions, Sean Toefree 651-431-2291
- Minnesota Merit System Personnel Services, Betty Carlson 651-431-3025
- Direct Care and Treatment, Melissa Gresczyk 218-565-6016

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- Workforce Planning and Training, Laura Sengil
- Safety and Health, Susan Thibedeau-Coilan 651-431-4256
- Strategic Planning (including data collection and reporting), James Yates 651-431-2134

**Deputy Commissioner, Direct Care and Treatment**

**Nancy A. Johnston 651-431-4390**

- Health Systems Chief Executive Officer, Marshall Smith
- Forensics Executive Director, Carol J. Olson
- Mental Health and Substance Abuse Treatment Services Executive Director, Wade Brost
- Minnesota Sex Offender Program Executive Director, Shelby Richardson
- Community Based Services Executive Director, Donovan Chandler
- Support Services Director, Daniel R. Storkamp
- Medical Director, Steven E. Pratt, M.D.
- Office of Special Investigations Director, Ralph Schmidt

### ***Underutilization Analysis Worksheets***

#### **GREATER MN AFFIRMATIVE ACTION PLAN GOALS (1/31/16 data)**

<b>Job Group</b>	<b>Total Employees in Job</b>	<b>Individuals with Disabilities</b>							
		<b>Utilization</b>		<b>Availability</b>		<b>Number Under-</b>	<b>Plan Goal</b>	<b>Plan Goal</b>	<b>Plan Goal of Additional</b>
		<b>Num</b>	<b>%</b>	<b>%</b>	<b>Num</b>				
Officials and Managers	30	<10	10.0	8.60	<10	0	NA	NA	NA
Professionals	565	23	4.1	7.30	41	18	32	5.7%	9
Paraprof/Technicians	173	<10	0.0	5.90	10	10	5	2.9%	5
Protective Services	727	22	3.0	6.10	44	22	33	4.5%	11
Office/Clerical	71	<10	2.8	7.90	<10	3	4	5.6%	2
Skilled Craft	35	<10	5.7	7.10	<10	0	NA	NA	NA
Service Maintenance	81	<10	1.2	6.10	<10	3	2	2.4%	2
<b>Totals</b>	<b>1682</b>	<b>53</b>			<b>108</b>	<b>56</b>			

<b>Job Group</b>	<b>Total Employees in Job</b>	<b>Women</b>							
		<b>Utilization</b>		<b>Availability</b>		<b>Number Under-</b>	<b>Plan Goal</b>	<b>Plan Goal</b>	<b>Plan Goal of Additional</b>
		<b>Num</b>	<b>%</b>	<b>%</b>	<b>Num</b>				
Officials and Managers	30	15	50.0	57.10	17	2	16	53%	1
Professionals	565	380	67.3	65.30	368	0	NA	NA	NA
Paraprof/Technicians	173	146	84.4	62.90	108	0	NA	NA	NA
Protective Services	727	230	31.6	34.30	249	19	240	33%	10
Office/Clerical	71	61	85.9	77.50	55	0	NA	NA	NA
Skilled Craft	35	<10	2.9	4.02	<10	0	NA	NA	NA
Service Maintenance	81	37	45.7	44.70	36	0	NA	NA	NA
<b>Totals</b>	<b>1682</b>	<b>870</b>			<b>834</b>	<b>21</b>			

<b>Job Group</b>	<b>Total Employees in Job</b>	<b>Minorities</b>							
		<b>Utilization</b>		<b>Availability</b>		<b>Number Under-</b>	<b>Plan Goal</b>	<b>Plan Goal</b>	<b>Plan Goal of Additional</b>
		<b>Num</b>	<b>%</b>	<b>%</b>	<b>Num</b>				
Officials and Managers	30	<10	3.3	10.50	<10	2	2	6.7%	1
Professionals	565	35	6.2	13.60	76	41	55	9.7%	20
Paraprof/Technicians	173	20	11.6	12.70	21	1	21	12.1%	1
Protective Services	727	65	8.9	12.30	89	24	77	10.6%	12
Office/Clerical	71	<10	8.5	13.20	<10	3	9	12.7%	3
Skilled Craft	35	<10	2.9	7.80	<10	1	2	5.7%	1
Service Maintenance	81	<10	7.4	13.50	10	4	8	9.9%	2
<b>Totals</b>	<b>1682</b>	<b>134</b>			<b>210</b>	<b>76</b>			

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**METRO AFFIRMATIVE ACTION PLAN GOALS (1/31/16 data)**

Job Group	Total Employees in Job Group	Individuals with Disabilities							
		Utilization		Availability		Number Under-	Plan Goal	Plan Goal %	Plan Goal of Additional
		Num	%	%	Num				
Officials and Managers	235	20	8.5	8.60	20	0	NA	NA	NA
Professionals	2195	190	8.7	7.30	160	0	NA	NA	NA
Paraprof/Technicians	2060	80	3.9	5.90	121	41	100	4.9%	20
Office/Clerical	239	25	10.5	7.90	18	0	NA	NA	NA
Skilled Craft	16	<10	6.3	7.10	<10	0	NA	NA	NA
Service Maintenance	66	<10	4.5	6.10	<10	1	4	6%	1
<b>Totals</b>	<b>4811</b>	<b>319</b>			<b>324</b>	<b>42</b>			

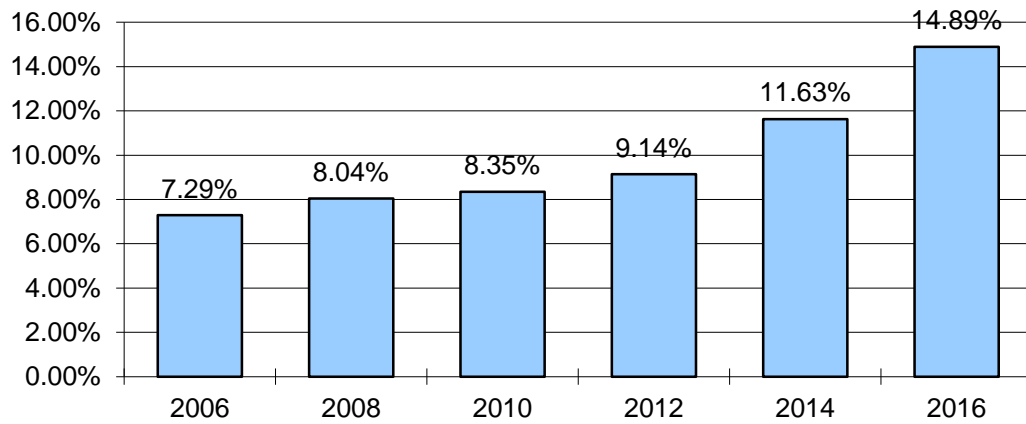
Job Group	Total Employees in Job Group	Women							
		Utilization		Availability		Number Under-	Plan Goal	Plan Goal %	Plan Goal of Additional
		Num	%	%	Num				
Officials and Managers	235	146	62.1	57.10	134	0	NA	NA	NA
Professionals	2195	1616	73.6	65.30	1433	0	NA	NA	NA
Paraprof/Technicians	2060	1534	74.5	62.90	1295	0	NA	NA	NA
Office/Clerical	239	215	90.0	77.50	185	0	NA	NA	NA
Skilled Craft	16	<10	0.0	4.02	<10	0	NA	NA	NA
Service Maintenance	66	33	50.0	44.70	29	0	NA	NA	NA
<b>Totals</b>	<b>4811</b>	<b>3544</b>			<b>3076</b>	<b>0</b>			

Job Group	Total Employees in Job Group	Minorities							
		Utilization		Availability		Number Under-	Plan Goal	Plan Goal %	Plan Goal of Additional
		Num	%	%	Num				
Officials and Managers	235	30	12.8	11.80	27	0	NA	NA	NA
Professionals	2195	398	18.1	17.20	377	0	NA	NA	NA
Paraprof/Technicians	2060	353	17.1	23.60	486	133	430	21%	77
Office/Clerical	239	43	18.0	16.90	40	0	NA	NA	NA
Skilled Craft	16	<10	12.5	11.90	<10	0	NA	NA	NA
Service Maintenance	66	<10	10.6	24.20	15	8	11	17%	4
<b>Totals</b>	<b>4811</b>	<b>833</b>			<b>946</b>	<b>141</b>			

## DHS WORKFORCE COMPARISON MINORITY GROUP 2006 THROUGH 2016

(EMPLOYEE DATA AS OF JULY 2016)

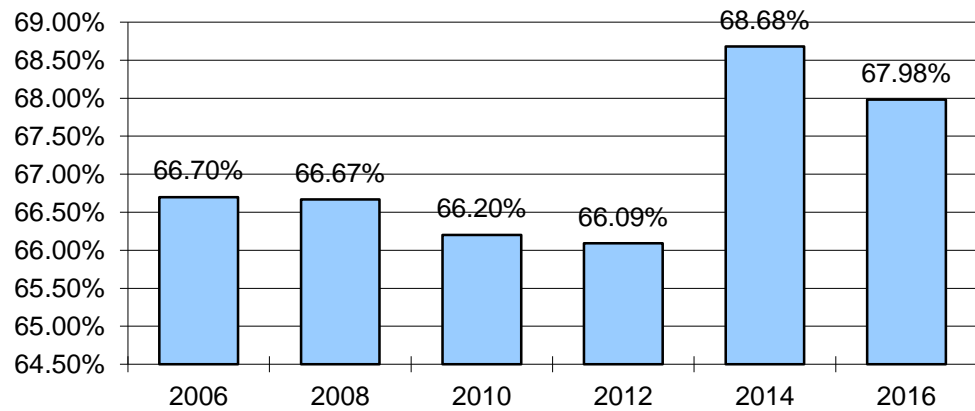
**Minority Employees at DHS**



YEAR	2006	2008	2010	2012	2014	2016
PERCENT	7.29 %	8.04 %	8.35 %	9.14 %	11.63%	14.89 %
MINORITY EMPLOYEES	531	607	577	605	768	967
TOTAL EMPLOYEES	7282	7548	6909	6618	6606	6493

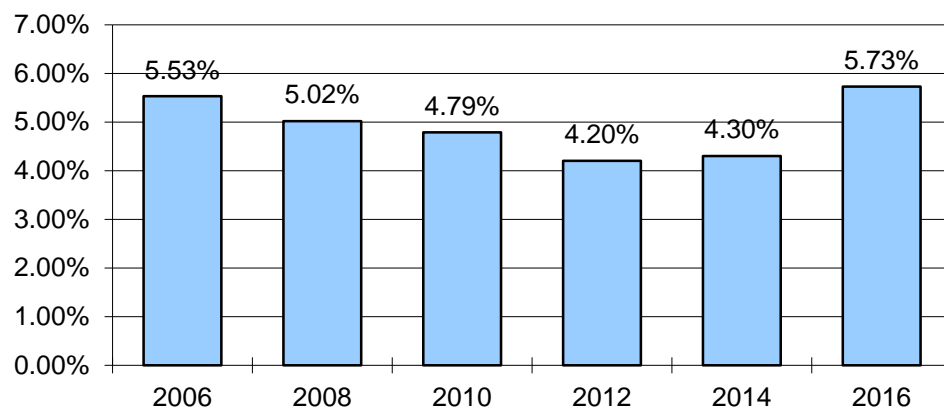
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**Women Employees at DHS**



YEAR	2006	2008	2010	2012	2014	2016
PERCENT	66.70%	66.67%	66.20%	66.09%	68.68%	67.98%
WOMEN EMPLOYEES	4857	5032	4574	4374	4537	4414
TOTAL EMPLOYEES	7282	7548	6909	6618	6606	6493

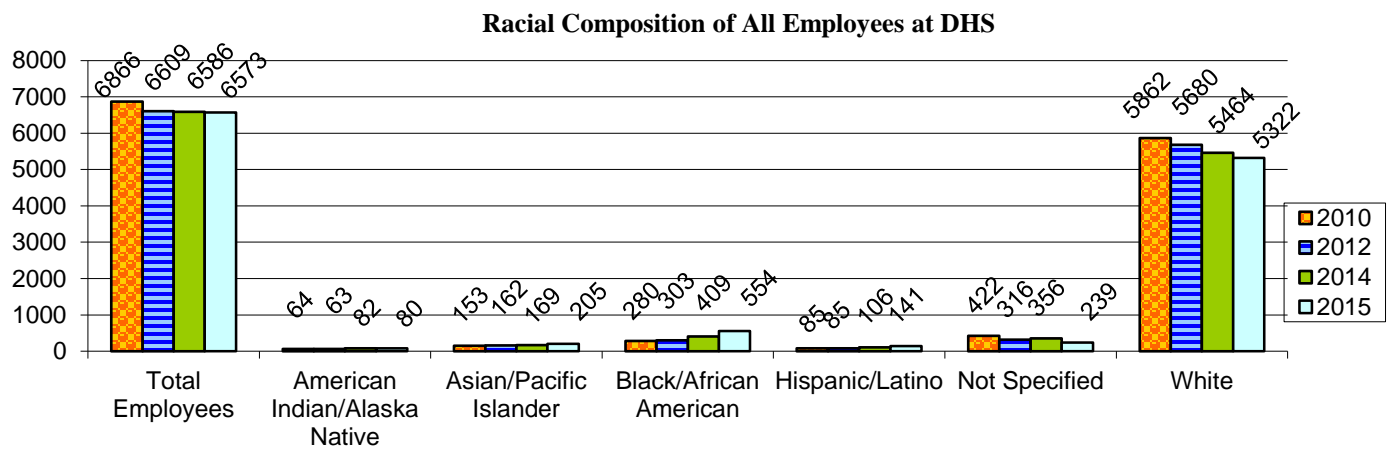
**Employees with Disabilities at DHS**



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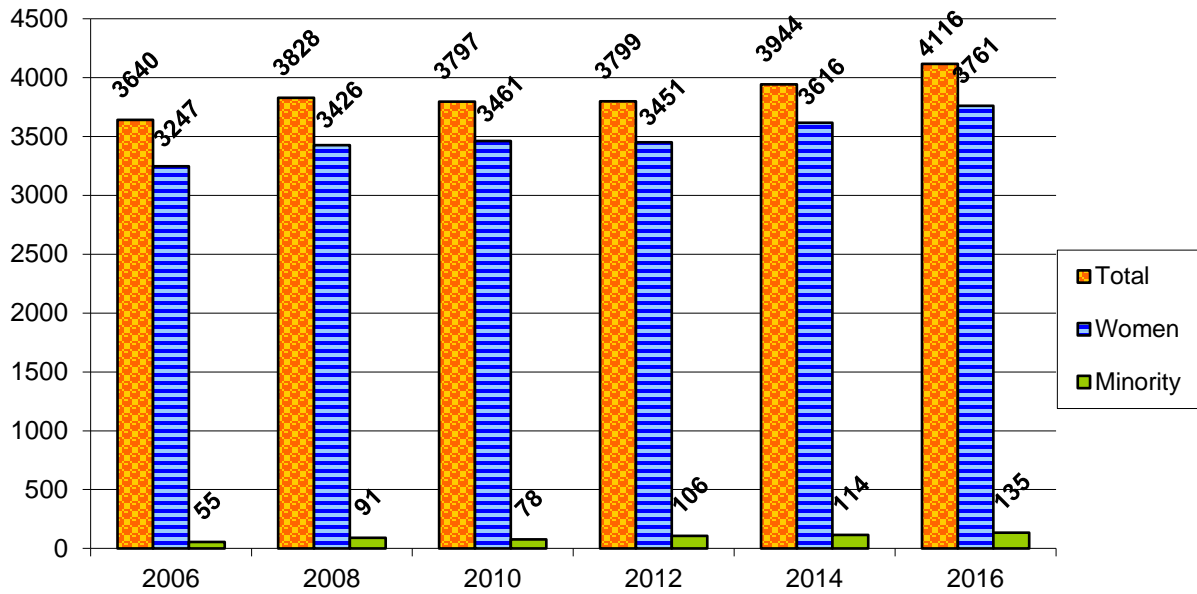
YEAR	2006	2008	2010	2012	2014	2016
PERCENT	5.53%	5.02%	4.79%	4.20%	4.30%	5.73%
EMPLOYEES WITH DISABILITIES	403	379	331	278	284	372
TOTAL EMPLOYEES	7282	7548	6909	6618	6606	6493

**DHS WORKFORCE REPRESENTATION BY RACIAL GROUP  
(EMPLOYEE DATA AS OF JULY 2015)**



\*2015 only racial data available

**MINNESOTA MERIT SYSTEM COMPARISON**  
**DISPARATE GROUP WORKFORCE REPRESENTATION 2006 – 2016**



	EMPLOYEES IN MERIT SYSTEM HUMAN SERVICES AGENCIES					
YEAR	2006	2008	2010	2012	2014	2016
PERCENT WOMEN	89.20%	89.50%	91.15%	90.84 %	91.68 %	91.38 %
WOMEN EMPLOYEES	3247	3426	3461	3451	3616	3761
PERCENT MINORITY	1.51%	2.38%	2.05%	2.79%	2.89 %	3.28 %
MINORITY EMPLOYEES	55	91	78	106	114	135
TOTAL EMPLOYEES	3640	3828	3797	3799	3944	4116